

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Request for Review and/or Waiver)	WC Docket No. 02-60
By Primary Healthcare Centers)	
Of Funding Decisions by the)	
Universal Service Administrative Company)	

**REQUEST FOR REVIEW AND/OR WAIVER
BY PRIMARY HEALTHCARE CENTERS
OF FUNDING DECISIONS BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719(b) and 54.722(a) of the Commission’s rules,¹ Primary Healthcare Centers (“PHC”) hereby respectfully requests a review of a Universal Service Administrative Company (“USAC”) decision to deny Funding Year 2016 applications² submitted by PHC under the Rural Health Care (“RHC”) telecommunications program.³

Contrary to USAC’s findings upon review of PHC’s application and upon appeal, PHC did not fail to provide adequate documentation of rural rates.⁴ Rather, PHC complied fully with the rules, responded to information requests in a timely manner, and provided documentation to support the rural rates that complied with USAC guidance. Furthermore, if USAC is now seeking documentation of how the rural rate was determined, PHC has determined that TeleQuality submitted the rural rates charged to PHC to the Georgia Public Service Commission.

¹ 47 C.F.R. § 54.719(b), (c); 47 C.F.R. § 54.722(a).

² Funding Request Numbers 1688421, 1688424, 1688419, 1688401, 1688431, 1688427, 1688417 and 1688429.

³ Letter from USAC, Rural Health Care Division, to Melanie Forsythe, PHC (September 13, 2018) (“USAC Appeal Denial”), Exhibit 1.

⁴ *See id.*

Therefore, PHC respectfully requests that the Commission reverse USAC's finding and remand the applications to USAC for commitment.

If the Commission believes there has been a violation of Commission rules, we respectfully request a waiver of those rules. It is not in the public interest to deny more than half a million dollars in funding due to a documentation error.

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I. BACKGROUND

Primary Healthcare Centers (PHC), headquartered in Summerville, Georgia, is a group of non-profit community health centers providing primary health care services, dental services, nutrition/dietician services, and case management services to everyone, without regard for their ability to pay. Services are provided in Catoosa, Chattooga, Dade, Polk, and Walker counties, all in Georgia.

PHC's Service Area is located in the extreme corner of northwest Georgia, in the southern portion of the Appalachian Mountains. Geographically, the mountains and the Tennessee River have isolated portions of the counties, with many narrow, winding two-lane highways crossing the mountains. Dade County is particularly unique in that the fastest road access from any other Georgia city takes a person driving first into Tennessee and then returning to Georgia to enter Dade County. The county is located geographically between two of the southern Appalachian mountain plateaus, Sand Mountain to the west and historic Lookout Mountain to the east near the Alabama border.

In calendar year 2017, PHC served 16,254 unique patients with 46,733 visits. Of those patients, 95.6 percent were at or below 200 percent of the Federal Poverty Level, while 72.97 percent were at or below 100 percent of the FPL. PHC is the only Federally Qualified Health Center with service sites in the entire five-county service area.

On May 5, 2016, PHC submitted an FCC Form 465 for funding year 2016 requesting service and initiating a 28-day competitive bidding process. After reviewing the bids it received, PHC selected TeleQuality Communications LLC (TeleQuality), a non-dominant competitive telecommunications carrier, to provide service. PHC submitted FCC Forms 466 on September 1, 2016.

On October 13, 2016, USAC sent information requests to PHC requesting, among other items, documentation demonstrating the rural rates listed on its Forms 466 were compliant with RHC program rules.⁵ In response to this information request, PHC provided a letter from TeleQuality detailing the type of service, dates of service, and cost of the services (“TeleQuality Rural Rate Letter”).⁶

On December 6, 2016, USAC denied the funding requests for three reasons, one of which was that the “HCP did not provide documentation to support the rural rate provided on FCC Form 466, Line 33, as required by the instructions to the form, and did not respond to requests from RHCD for the required documentation.”⁷

On January 17, 2017, PHC appealed the denials to USAC.⁸ In its appeal, PHC noted that USAC may have simply missed the documentation PHC had previously submitted in support of the rural rate.⁹ PHC requested USAC review the documentation it had provided as support for the rural rate.¹⁰

In its initial denial, USAC also claimed that PHC had not selected the most cost-effective method of providing the requested service.¹¹ In its appeal, PHC responded to this claim by demonstrating the robust competitive bidding process it conducted prior to selecting its service

⁵ See screen capture of the language of the support documentation request (“Information Request”), Exhibit 2. This screen capture also shows the written response of PHC, and which document was attached in support of PHC’s response to the information request.

⁶ See Exhibit 3, rural rate letter from TeleQuality detailing service, dates of service, and cost (October 20, 2016) (“TeleQuality Rural Rate Letter”).

⁷ See Funding Request Denial Letters (December 6, 2016), (“Denial Letters”) attached hereto as Exhibit 4.

⁸ See PHC Appeal, attached hereto as Exhibit 5.

⁹ PHC Appeal at p. 4.

¹⁰ See *id.*

¹¹ See Denial Letters.

provider, which it deemed to be the most cost-effective method of delivering the requested service after accounting for the features, quality, reliability, and other factors it deemed relevant to selecting adequate service.¹² PHC explained that it posted a request for proposal detailing the services sought, and discussed PHC's needs and challenges with multiple interested service providers.¹³ In addition to TeleQuality, PHC received bids from AT&T, CenturyLink, Windstream, and Parker FiberNet.

PHC detailed the reasons TeleQuality was selected over other vendors, including: 1) some vendors could not serve all of PHC's locations; 2) some vendors did not offer sufficient bandwidth to cover PHC's complete needs, and 3) some vendors proposed bandwidth lower than PHC's existing service levels.¹⁴

On September 13, 2018, USAC denied PHC's appeal.¹⁵ In its Appeal Denial, USAC agreed with PHC that its bid analysis "resulted in the selection method of providing the requested services 'that costs the least after consideration of the features, quality of transmission, reliability, and other factors that [PHC] deems relevant to choosing a method of providing the required health care services.'"¹⁶ USAC withdrew its original finding that PHC did not select the most cost-effective method of providing the service requested.¹⁷ While USAC also withdrew its original finding that PHC failed to respond to its request for the information, USAC continued to find that the rural rate documentation provided was not sufficient.¹⁸ In the appeal denial,

¹² PHC Appeal at pp. 2-4.

¹³ *Id.* at pp. 2-3.

¹⁴ *Id.* at pp. 3-4.

¹⁵ *See* USAC Appeal Denial.

¹⁶ USAC Appeal Denial at p. 5, *citing* 47 C.F.R. §§ 54.603(a), (b)(4), 54.615(a).

¹⁷ *Id.* at p. 5.

¹⁸ USAC Appeal Denial at p. 5.

USAC said that rural rate support provided by PHC did not demonstrate how the rate was determined.¹⁹

Appeals of USAC decisions must be submitted to the Commission within 60 days of the date of the adverse decision.²⁰ As such, this appeal is timely filed.

II. PHC’S RURAL RATE DOCUMENTATION SATISFIED USAC’S DEFINITION OF SUFFICIENT DOCUMENTATION IN FUNDING YEAR 2016

As described above, USAC found that PHC did not submit sufficient rural rate documentation.²¹ To the contrary, PHC provided the TeleQuality Rural Rate Letter on October 20, 2016, detailing the services, the cost of service, and the service start date. This document met the Commission and USAC guidance for acceptable rural rate documentation for funding year 2016.

The Commission’s instructions for FCC Form 466 indicates that RHC applicants must submit documentation to support the rural rate. Specifically, the form stated that “[t]he applicant must submit to RHCD a bill, contract, service offer or letter from the service provider, from which [the rural rate] was taken.”²²

¹⁹ Specifically, USAC said the documentation did not prove the rate was (1) the average of the rates being charged by the service provider to non-health care provider customers; (2) the average of tariffed or other publicly available rates charged by other carriers serving that rural area; or (3) submitted to the relevant state commission or the Commission for approval.

²⁰ The deadline was Monday, November 12, but the Commission was closed due to the federal holiday.

²¹ *Id.*

²² <https://www.fcc.gov/document/fcc-form-466-instructions> (issued Sept. 9, 2014). This was the form in effect in 2016.

Consistent with the form’s instructions, USAC had posted on its website acceptable types of various pieces of documentation required to support an HCPs funding request.²³ One section lists acceptable rural rate documentation:

“The rural rate must be supported by a monthly bill or invoice for the service for which funding is requested. The bill must show the name of the service and the cost. If a monthly bill is not available, **the HCP can submit a statement from the service provider detailing the service, dates of service, and cost**”²⁴ (emphasis added).

Furthermore, as recently as January 1, 2017, the USAC.org Forms Page²⁵ provided instructions and guidance to HCPs on how to properly complete and submit the FCC Form 466, the application form for funding for the Telecommunications Program. With respect to the rural rate, this guidance stated:

“Line 33 requires entering the amount the HCP pays per month, or the amount the HCP expects to pay per month for the service. This information should be taken from the service provider’s bill, or from the new service offer or contract received from the service provider. The applicant must submit to RHCD a bill, contract, service offer **or letter from the service provider, from which this information was taken**”²⁶ (emphasis added).

In fact, the “RHC glossary of terms” still listed this month on USAC’s website provides a definition for “evidence for rural rate,” which states as follows:²⁷

²³ While USAC guidance has recently changed and the website has been updated to reflect those changes, the guidance discussed here was provided as recently as October 16, 2017, well after the 2016 funding year closed.

²⁴ <https://web.archive.org/web/20171016133648/http://www.usac.org:80/rhc/telecommunications/health-care-providers/documentation.aspx>

²⁵ <https://web.archive.org/web/20170101122030/http://www.usac.org/rhc/telecommunications/tools/forms/default.aspx>

²⁶ https://web.archive.org/web/20160327073316/http://usac.org/_res/documents/rhc/pdf/forms/FCC-Form-466-Form-and-Instructions.pdf (Page 6, Paragraph 2).

²⁷ <https://www.usac.org/rhc/telecommunications/default.aspx>

“For FCC Form 466, the telecommunications carrier or the HCP must provide supporting evidence for the rural rate (see definition below). Evidence may include telephone bills, **signed and dated statements on letterhead from an eligible telecommunications carrier**, invoices, or contracts **that show services and charges for the rural rate**. Include summary pages where possible, and textual explanations as necessary for USAC to substantiate the claimed rural rate. Always include the HCP number and name”²⁸ (emphasis added).

During FY2016, PHC followed these form instructions and USAC guidance for documentation of the rural rate. Pursuant to the form instructions and USAC’s guidance, PHC provided a letter to USAC from TeleQuality that detailed the services and charges for the rural rate. This documentation meets the requirements that the Commission and USAC had articulated at the time the funding year 2016 request was submitted.

Recently, however, USAC posted new guidance revising what would be considered acceptable documentation for the rural rate.²⁹ USAC is now requiring applicants to demonstrate how the rural rate was *calculated* as opposed to demonstrating evidence of the rural rate.³⁰ That requirement for documentation did not exist in funding year 2016. USAC’s appeal denial letter apparently claims this is what PHC should have known to provide in 2016, even though USAC did not require this documentation until 2018.³¹

²⁸ See RHC Glossary, attached hereto as Exhibit 6.

²⁹ See https://www.usac.org/_res/documents/rhc/pdf/handouts/TelecomRuralUrbanRateInfo.pdf. It appears that the new guidance was released in February 2018.

³⁰ *Id.*

³¹ In fact, consistent with the standard USAC articulated in funding year 2016, USAC stated in its initial denial to PHC dated December 6, 2016 that PHC did not provide the documentation “as required by the instructions to the form.” See Exhibit 4. In its more recent appeal denial issued in September 2018, USAC did not refer to the documentation required by the Form 466, but instead referenced its guidance from 2018 requiring documentation showing how the rural rate was calculated.

It is fundamentally unfair and violates principles of due process to hold an applicant to a standard that did not exist when it filed its application. The standard in effect at the time the application was submitted must be applied when making decisions about the sufficiency of the documentation provided.³² This is especially true when the issue is not a substantive violation, but a procedural one.

III. PHC'S RURAL RATES WERE FILED BY TELEQUALITY WITH THE GEORGIA STATE COMMISSION IN FUNDING YEAR 2016

USAC now asserts in its appeal denial that PHC should provide rural rate documentation that details how the rural rate was determined, instead of documentation supporting the rate. USAC noted in its letter denying PHC's appeal that "there is no evidence that TeleQuality submitted its rural rates to the state commission (for intrastate rates)" for approval.³³ That is because USAC did not ask PHC for such documentation. PHC is informed that TeleQuality used a cost-based method to determine the rural rates and filed those rates with the Georgia Public Service Commission. We have included the tariff filing made with the Georgia PSC during funding year 2016, showing that TeleQuality submitted the rural rates to the state commission for these funding requests updating its tariffs on file.³⁴

IV. IN THE ALTERNATIVE, THE COMMISSION SHOULD WAIVE THE COMMISSION'S RULES TO GRANT THE REQUESTED RELIEF

As explained above, PHC provided the rural rate documentation that USAC required in funding year 2016 and has now provided the documentation that the rural rate was submitted by

³² *City of Anaheim v. FERC*, 723 F.2d 656, 659 (9th Cir. 1984) (noting that, in an adjudication, "agencies may not impose undue hardship by suddenly changing direction, to the detriment of those who have relied on past policy").

³³ 47 C.F.R. § 54.607(b).

³⁴ Exhibit 7. The Commission's rules detailing how the rural rate should be determined does not establish a deadline for submitting the rates to the state commissions. *Id.*

TeleQuality to the relevant state commission. If the Commission believes that PHC did not meet a program rule, however, PHC respectfully requests a waiver of the Commission's rules to the extent necessary to grant the requested relief.

Any of the Commission's rules may be waived if good cause is shown.³⁵ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.³⁶ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.³⁷

As demonstrated above, PHC provided the documentation that USAC required in funding year 2016. In addition, PHC has now provided documentation showing that TeleQuality had filed its rural rates with the Georgia Public Service Commission in funding year 2016. If the Commission disagrees, however, PHC respectfully requests a waiver of those rules.

A waiver in this case would be in the public interest. Failure to reverse USAC's erroneous decision to deny funding for necessary telecommunication services would have a terrible and adverse impact on PHC. The budgetary ramifications of PHC being denied appropriate and proper funding would be great, and could force PHC to make difficult choices, such as whether to scale back the care provided at remote rural facilities, or possibly cut staffing levels, in order to offset the cost of lost RHC program funding.

Updated guidance can only be the standard for the documentation from the time it was issued going forward. RHC program compliance is already a complex and confusing matter for

³⁵ 47 C.F.R. § 1.3.

³⁶ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

³⁷ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

program applicants, even when guidance offered by USAC is followed. PHC followed the program rules and USAC guidance and should not be penalized for doing so based on USAC having decided to change those rules in the middle of the game. The Commission should uphold the spirit and purpose of the RHC program, assisting healthcare providers in rural communities to receive support for the often costly but critical telecommunications services required to provide quality healthcare, by reversing the USAC Appeal Denial and granting the appropriately-requested funding. As such, granting the requested waiver also advances the goals of the Rural Health Care program.

Finally, there was no harm to the Rural Health Care program. In its appeal to USAC, PHC demonstrated to USAC that a robust competitive bidding process was undertaken and that PHC was deliberate in analyzing the responses it received from five vendors.³⁸ PHC further demonstrated to USAC that it selected the most cost-effective method of providing the requested service.³⁹ Accordingly, USAC found that PHC had selected the most cost-effective solution. Here, the Commission should be able to rely on the competitive bidding process required by its rules to ensure that the PHC has adequate options from which to select the most cost-effective solution for its telecommunications needs. A documentation error should not result in the denial of all funding for an entire year for all PHC's funding requests.

For all of these reasons, it is in the public interest for the Commission to grant the requested relief.

³⁸ See USAC Appeal Denial.

³⁹ *Id.*

V. CONCLUSION

For the reasons discussed above, PHC respectfully asks the Commission to grant this appeal, or in the alternative to waive the Commission's rules to the extent necessary to grant the requested relief.

Respectfully submitted,

/s/ Diana Allen

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November 13, 2018

EXHIBIT 1

Administrator's Decision on Rural Health Care Program Appeals

Via Electronic Mail

September 13, 2018

Ms. Melanie Forsythe
Primary Healthcare Centers
11638 Hwy 27 Suite 8
Summerville, GA 30747

Re: Primary Healthcare Centers – Appeal of USAC Decisions for
Funding Request Numbers Listed in Appendix A

Dear Ms. Forsythe:

The Universal Service Administrative Company (USAC) has completed its evaluation of the December 21, 2016 letter of appeal (Appeal) submitted by you on behalf of Primary Healthcare Centers (PHC), health care provider number 45935.¹ On December 6, 2016, USAC denied PHC's funding requests for support in the federal Universal Service Rural Health Care Telecommunications Program (Telecom Program) because: (1) PHC did not provide documentation to support the rural rate provided on its FCC Forms 466, as required by the instructions for the form, and did not respond to requests from USAC for the required documentation, and (2) PHC did not select the most cost-effective method of providing the requested service.² The Appeal requests that USAC reverse its denials for the funding request numbers (FRNs) listed in Appendix A and permit PHC to receive support under the Telecom Program for funding year (FY) 2016.³

USAC has reviewed the Appeal and the facts related to this matter and has determined that Federal Communications Commission (FCC or Commission) rules and requirements support the denial of the FRNs listed in Appendix A. Specifically, USAC finds that PHC has not submitted documentation sufficient to demonstrate that the rural rates for the funding requests comply with Telecom Program rules governing rural rates. Because USAC is not authorized to waive FCC rules, it is unable to grant the Appeal.⁴

¹ See Letter from Melanie Forsythe, COO, PHC to Rural Health Care Division, USAC (Dec. 21, 2016) (Appeal). USAC notes that while the letter of appeal is dated December 21, 2016, PHC's appeal was submitted to USAC on January 17, 2017. See Email from Melanie Forsythe, COO, PHC to Rural Health Care Division, USAC (Jan. 17, 2017).

² See Emails from Rural Health Care Division, USAC to PHC (Dec. 6, 2016) (Administrator's Denials).

³ See Appeal.

⁴ See generally 47 C.F.R. § 54.702(c) (2015) ("[USAC] may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress."); 47 C.F.R. § 1.3 (2015) ("The provisions of this chapter may be

The Telecom Program provides eligible health care providers (HCPs) with support for the difference between urban and rural rates for eligible telecommunications services, subject to limitations set forth in the Commission's rules.⁵ FCC rules require HCPs to competitively bid the requested services and select the most cost-effective method of providing the requested service, which the FCC defines as "the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services."⁶ Equipment, services, and other items that are not eligible telecommunications services are ineligible for support under the Telecom Program.⁷

HCPs request funding through the Telecom Program by submitting an FCC Form 466 (Funding Request and Certification Form) on which they provide the monthly urban and rural rate for the requested service to receive base rate support (i.e., the difference between the urban and rural rates), or mileage charges for funding requests for mileage-based support.⁸ HCPs that request base rate support are also required to submit supporting documentation for the applicable urban and rural rates.⁹ HCPs must submit the FCC Form 466 and all supporting documentation prior to the end of the relevant funding year.¹⁰

FCC rules provide that the rural rate "shall be the average of the rates actually being charged to commercial customers, other than health care providers, for identical or similar services

suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedures Act and the provisions of this chapter."); *see also* 47 C.F.R. § 54.719(c) ("Parties seeking waivers of the Commission's rules shall seek relief directly from the Commission.").

⁵ *See* 47 C.F.R. §§ 54.602(a), 54.604(b).

⁶ *See* 47 C.F.R. §§ 54.603(a), (b)(4), 54.615(a).

⁷ 47 C.F.R. § 54.602(a); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9105, para. 627 (1997) (concluding that only telecommunications services should be designated for support under the Telecom Program); *see also Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16750, para. 156 (2012) (*Healthcare Connect Fund Order*) ("Prior to the Pilot Program, the RHC support mechanism did not provide support for *any* form of equipment.") (emphasis added); FCC Form 466 (OMB 3060-0804) at 6, Line 33 (July 2014) (instructing HCPs to exclude "equipment charges, or other non-eligible charges that may be on the bill" from the monthly rural rate reported on the FCC Form 466).

⁸ *See* Health Care Providers Universal Service, Funding Request and Certification Form, OMB 3060-0804 (July 2014) (FCC Form 466); Form 466 Instructions, Rural Health Care Universal Service Mechanism, OMB 3060-0804 at 1, 3-6 (July 2014) (FCC Form 466 Instructions).

⁹ *See* 47 C.F.R. § 54.609(a)(2).

¹⁰ *See* 47 C.F.R. § 54.675(b); FCC Form 466 at 1; USAC, Rural Health Care Telecommunications Program: Submit Funding Requests, <http://www.usac.org/rhc/telecommunications/health-care-providers/step04/> (last visited Jun. 5, 2018); USAC, Rural Health Care Telecommunications Program: Supporting Documentation, <http://www.usac.org/rhc/telecommunications/health-care-providers/documentation.aspx> (last visited Jun. 5, 2018). Supporting documentation includes proof of the rural and urban rate, cost of service, copy of the signed contract (if applicable), and copies of bids received. *Id.* FCC rules also require both applicants and service providers to maintain records to document compliance with program rules and orders for at least five years after the last day of service delivered in a particular funding year. *See* 47 C.F.R. § 54.619(a)(1), (d).

provided by the telecommunications carrier providing the service in the rural area in which the health care provider is located.”¹¹ If the telecommunications carrier does not provide similar or identical service in the rural area where the HCP is located, “the rural rate shall be the average of the tariffed and other publicly available rates, not including any rates reduced by universal service programs, charged for the same or similar services in that rural area, over the same distance as the eligible service by other carriers.”¹² If there are no such tariffed or publicly available rates or the carrier “reasonably determines that this method for calculating the rural rate is unfair,” the carrier must submit its rural rates to the state commission (for intrastate rates) or the FCC (for interstate rates) for approval.¹³

On May 5, 2016, PHC submitted an FCC Form 465 (Description of Services Requested), which initiated a 28 day competitive bid process for services, and subsequently resulted in the selection of TeleQuality Communications, Inc. (TeleQuality) to provide telecommunications services to PHC for FY 2016.¹⁴ On September 1, 2016, PHC submitted FCC Forms 466 requesting support for the FRNs listed in Appendix A.¹⁵ On its FCC Forms 466, PHC indicated that it received multiple bids in response to its FCC Form 465.¹⁶

On October 13, 2016, USAC sent information requests to PHC requesting, among other items, documentation demonstrating that the rural rates for the FRNs listed in Appendix A complied with FCC rules governing the Telecom Program, as well as documentation related to the competitive bidding process that led to the selection of TeleQuality as the service provider for these funding requests.¹⁷ In response to USAC’s requests for documentation related to its competitive bidding process, PHC submitted its vendor matrix, request for proposals, and bids submitted by TeleQuality, AT&T Corporation, CenturyLink Inc., Windstream Holdings Inc., and Parker FiberNet, LLC.¹⁸ In response to USAC’s request for documentation to support the rural rates listed on its FCC Forms 466, PHC provided a letter from TeleQuality listing the estimated installation date, type of service, and service cost for each of the FRNs listed in Appendix A.¹⁹

On December 6, 2016, USAC denied the funding requests because (1) PHC did not provide documentation to support the rural rate provided on its FCC Forms 466, as required by the instructions for the form, and did not respond to requests from the USAC for the required

¹¹ 47 C.F.R. § 54.607(a).

¹² 47 C.F.R. § 54.607(b).

¹³ 47 C.F.R. § 54.607(b), (b)(1), (b)(2).

¹⁴ See FCC Form 465 No. 43164180 (May 5, 2016).

¹⁵ See FY 2016 FCC Forms 466 for FRNs 1688401, 1688417, 1688419, 1688421, 1688424, 1688427, 1688429, and 1688431 (Sept. 1, 2016).

¹⁶ See *id.*

¹⁷ See Emails from Rural Health Care Division, USAC to PHC (Oct. 13, 2016).

¹⁸ See Email from PHC to Rural Health Care Division, USAC (Oct. 20, 2016).

¹⁹ See Letter from Lauren Anderson, Finance Manager, TeleQuality to Rural Health Care Division, USAC (Oct. 20, 2016).

documentation and (2) PHC did not select the most cost-effective method of providing the requested service.²⁰ PHC appealed USAC's denials of the FRNs on January 17, 2017.²¹

In the Appeal, PHC argues that (1) the rates offered by TeleQuality for the requested services did not include ineligible construction costs, as evidenced by the original bid information submitted with the Appeal,²² (2) the TeleQuality letter submitted by PHC demonstrates that the rural rates for the FRNs listed in Appendix A comply with FCC rules governing the Telecom Program,²³ and (3) PHC selected the most cost effective method of providing the requested services.²⁴

Administrator's Decision on Appeal

As detailed below, USAC has determined that, while PHC has demonstrated that it selected the most cost-effective method of providing the requested services, USAC is nevertheless unable to grant the Appeal because PHC has not submitted documentation sufficient to demonstrate that the rural rates for the FRNs listed in Appendix A comply with FCC rules governing rural rates in the Telecom Program.²⁵

Ineligible Costs.

Although construction costs are ineligible for support under the Telecom Program,²⁶ this issue was not included as a basis for the denial of PHC's funding requests.²⁷ Therefore, we do not address PHC's claim that TeleQuality's rates did not include ineligible construction costs. However, USAC may conduct additional inquiry into this issue, and address it in future decisions if necessary, with respect to the FRNs listed in Appendix A.

Rural Rates.

USAC finds that, contrary to PHC's claim in the Appeal, the TeleQuality letter PHC submitted does not demonstrate that the rural rates for the FRNs listed in Appendix A comply with FCC rules governing rural rates in the Telecom Program.

First, the TeleQuality letter does not demonstrate that the rural rates reported on PHC's FCC Forms 466 represent the "average of the rates actually being charged to commercial customers, other than health care providers, for identical or similar services provided by the telecommunications carrier providing the service in the rural area in which the health care

²⁰ See Administrator's Denials.

²¹ See Appeal.

²² See *id.* at 1-2, Exhibit C.

²³ See *id.* at 4.

²⁴ See *id.* at 2-4.

²⁵ See *infra* p. 5

²⁶ See *supra* note 7.

²⁷ See Administrator's Denials.

provider is located.”²⁸ Specifically, the rates in TeleQuality’s letter are for services offered to PHC and, therefore, do not represent rates “charged to commercial customers, *other than health care providers* [emphasis added].”²⁹

Second, the TeleQuality letter does not demonstrate that the rural rates reported in PHC’s FCC Forms 466 represent “the average of the tariffed and other publicly available rates, not including any rates reduced by universal service programs, charged for the same or similar services in that rural area, over the same distance as the eligible service by other carriers.”³⁰ Specifically, the rates in the letter are for services offered by TeleQuality and, therefore, are not rates charged “by other carriers” (i.e. by carriers other than TeleQuality).³¹ In addition, there is no indication that the rates in the letters are “tariffed” or “publicly available.”³²

Finally, there is no evidence that TeleQuality submitted its rural rates to the state commission (for intrastate rates) or the FCC (for interstate rates) for approval.³³

Accordingly, the documentation provided does not demonstrate that the rural rates for the FRNs listed in Appendix A comply with FCC rules governing rural rates in the Telecom Program. Without adequate support for the rural rates reported on PHC’s FCC Forms 466, USAC is unable to grant the Appeal.

Cost-Effectiveness.

Notwithstanding its conclusion that the Appeal must be denied for the reasons stated above, USAC withdraws its previous finding that PHC failed to select the most cost-effective method of providing the requested services. Although TeleQuality’s rates were higher than those offered by the other bidders, the competitive bidding information and documentation submitted by PHC demonstrates that its selection of TeleQuality as its service provider was based on cost as well as other factors PHC deemed relevant, including bandwidth, security, and connectivity.³⁴ USAC finds that this analysis resulted in the selection method of providing the requested services “that costs the least after consideration of the features, quality of transmission, reliability, and other factors that [PHC] deems relevant to choosing a method of providing the required health care services.”³⁵ Therefore, USAC withdraws its previous finding that PHC failed to select the most cost-effective method of providing the requested service.

²⁸ See 47 C.F.R. § 54.607(a).

²⁹ See *id.*

³⁰ See 47 C.F.R. § 54.607(b).

³¹ See *id.*

³² See *id.*

³³ See *id.*

³⁴ See *id.* at 3; Exhibit D.

³⁵ See 47 C.F.R. §§ 54.603(a), (b)(4), 54.615(a).

Ms. Melanie Forsythe
Primary Healthcare Centers
September 13, 2018
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Conclusion

USAC finds that PHC has not submitted documentation sufficient to demonstrate that the rural rates for the FRNs listed in Appendix A comply with FCC rules governing rural rates in the Telecom Program. USAC is not authorized to waive FCC rules and requirements.³⁶ Therefore, USAC is unable to grant the Appeal.

If you wish to appeal this decision to the FCC or request a waiver, you should follow the instructions set forth 47 C.F.R. Part 54, Subpart I (47 C.F.R. §§ 54.719 to 725). Further instructions for filing appeals or requesting waivers are available at:

<http://www.usac.org/about/about/program-integrity/appeals.aspx>.

Sincerely,

/s/ Universal Service Administrative Company

³⁶ See *supra* note 4.

Appendix A

Appealed Funding Requests

FUND YEAR	HCP NUMBER	HCP NAME	FRN	SP NAME
2016	45935	Primary Healthcare Centers	1688401	TeleQuality Communications, Inc.
2016	45935	Primary Healthcare Centers	1688417	TeleQuality Communications, Inc.
2016	45935	Primary Healthcare Centers	1688419	TeleQuality Communications, Inc.
2016	45935	Primary Healthcare Centers	1688421	TeleQuality Communications, Inc.
2016	45935	Primary Healthcare Centers	1688424	TeleQuality Communications, Inc.
2016	45935	Primary Healthcare Centers	1688427	TeleQuality Communications, Inc.
2016	45935	Primary Healthcare Centers	1688429	TeleQuality Communications, Inc.
2016	45935	Primary Healthcare Centers	1688431	TeleQuality Communications, Inc.

EXHIBIT 2

Support Documentation

Request Type

Rural Rate Documentation

Carrier

TeleQuality Communications, Inc.

Deadline

10/28/2016

Requested information.

FRN: 1688431 The HCP is required to submit documentation that supports the rural rate entered on Line 33 of the FCC Form 466. Acceptable documentation includes a monthly bill or invoice that shows the name of the service and the cost. The documentation submitted by the HCP is not acceptable. The funding request cannot be processed without adequate documentation. Please respond to this Information Request as soon as possible with acceptable documentation to support the rural rate. A response is required. Responses not received within 14 calendar days may result in a denial of this funding request. For questions or assistance about this information request, contact Jeremy Matkovich at 202-772-6290.

Response

Please see the documents to support the cost of service which is included in the Installation date letter.

Uploaded Documents

Installation Dates- Primary Health Care Centers.pdf

EXHIBIT 3



October 20th, 2016

USAC
Rural Health Care Program
Telecommunications Program
2000 L Street NW
Suite 200
Washington, DC 20036

To Whom It May Concern:

The purpose of this letter is to inform the Universal Service Administration Company of the estimated installation date, type of service and cost for contracted services between TeleQuality Communications and Primary Health Care Centers. Please see below for detailed information regarding this request:

Site ID and Bandwidth	Billing Acct #	Cost of Service	HCP #	FRN	Estimated Install
Summerville 500 MB Ethernet #1	PHC.GA.0002	\$8,730.00	45935	1688401	12/1/2016
Summerville 500 MB Ethernet #2	PHC.GA.0003	\$8,463.00	45935	1688417	12/1/2016
Cedartown 100 MB Ethernet	PHC.GA.0004	\$2,941.00	45935	1688431	12/1/2016
Admin Office 100 MB Ethernet	PHC.GA.0005	\$4,505.00	45935	1688429	12/1/2016
Trenton 100 MB Ethernet	PHC.GA.0006	\$26,259.00	45935	1688427	12/1/2016
Rossville 100 MB Ethernet	PHC.GA.0007	\$3,403.00	45935	1688424	12/1/2016
Tiger Creek Elementary 100 MB Ethernet	PHC.GA.0008	\$38,450.00	45935	1688419	12/1/2016
Lafayette/Gilbert 100 MB Ethernet	PHC.GA.0009	\$4,505.00	45935	1688421	12/1/2016

Please let us know if any further information is needed.

Kind Regards,

21202 Gathering Oak

San Antonio, TX 78260

210.408.0388

Lauren Anderson
Finance Manager
TeleQuality Communications, Inc.
210-408-0388 Ext. 303
Lauren@telequality.com

EXHIBIT 4

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Primary Healthcare Centers
HCP Number: 45935
Funding Request Number (FRN): 1688421
FCC Form 465 Application Number: 43164180

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program reviewed the FCC Form 466 (Funding Request and Certification Form) and supporting documentation submitted by the HCP referenced above. Based on the information provided, USAC is unable to provide support for the following reason(s):

1. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
2. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
3. The HCP did not provide documentation to support the rural rate provided on FCC Form 466, Line 33, as required by the instructions to the form, and did not respond to requests from RHCD for the required documentation.

Service Provider Name: TeleQuality Communications, Inc.

Service Provider Identification Number (SPIN): 143031579

Next Steps

To appeal this decision, deliver a letter of appeal to USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available at:
<http://www.usac.org/about/about/program-integrity/appeals.aspx>.

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Primary Healthcare Centers
HCP Number: 45935
Funding Request Number (FRN): 1688424
FCC Form 465 Application Number: 43164180

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program reviewed the FCC Form 466 (Funding Request and Certification Form) and supporting documentation submitted by the HCP referenced above. Based on the information provided, USAC is unable to provide support for the following reason(s):

1. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
2. The HCP did not provide documentation to support the rural rate provided on FCC Form 466, Line 33, as required by the instructions to the form, and did not respond to requests from RHCD for the required documentation.
3. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).

Service Provider Name: TeleQuality Communications, Inc.
Service Provider Identification Number (SPIN): 143031579

Next Steps

To appeal this decision, deliver a letter of appeal to USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available at:
<http://www.usac.org/about/about/program-integrity/appeals.aspx>.

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Primary Healthcare Centers
HCP Number: 45935
Funding Request Number (FRN): 1688419
FCC Form 465 Application Number: 43164180

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program reviewed the FCC Form 466 (Funding Request and Certification Form) and supporting documentation submitted by the HCP referenced above. Based on the information provided, USAC is unable to provide support for the following reason(s):

1. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
2. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
3. The HCP did not provide documentation to support the rural rate provided on FCC Form 466, Line 33, as required by the instructions to the form, and did not respond to requests from RHCD for the required documentation.

Service Provider Name: TeleQuality Communications, Inc.
Service Provider Identification Number (SPIN): 143031579

Next Steps

To appeal this decision, deliver a letter of appeal to USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available at:
<http://www.usac.org/about/about/program-integrity/appeals.aspx>.

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Primary Healthcare Centers
HCP Number: 45935
Funding Request Number (FRN): 1688401
FCC Form 465 Application Number: 43164180

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program reviewed the FCC Form 466 (Funding Request and Certification Form) and supporting documentation submitted by the HCP referenced above. Based on the information provided, USAC is unable to provide support for the following reason(s):

1. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
2. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
3. The HCP did not provide documentation to support the rural rate provided on FCC Form 466, Line 33, as required by the instructions to the form, and did not respond to requests from RHCD for the required documentation.

Service Provider Name: TeleQuality Communications, Inc.
Service Provider Identification Number (SPIN): 143031579

Next Steps

To appeal this decision, deliver a letter of appeal to USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available at:
<http://www.usac.org/about/about/program-integrity/appeals.aspx>.

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Primary Healthcare Centers
HCP Number: 45935
Funding Request Number (FRN): 1688431
FCC Form 465 Application Number: 43164180

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program reviewed the FCC Form 466 (Funding Request and Certification Form) and supporting documentation submitted by the HCP referenced above. Based on the information provided, USAC is unable to provide support for the following reason(s):

1. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
2. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
3. The HCP did not provide documentation to support the rural rate provided on FCC Form 466, Line 33, as required by the instructions to the form, and did not respond to requests from RHCD for the required documentation.

Service Provider Name: TeleQuality Communications, Inc.
Service Provider Identification Number (SPIN): 143031579

Next Steps

To appeal this decision, deliver a letter of appeal to USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available at:
<http://www.usac.org/about/about/program-integrity/appeals.aspx>.

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Primary Healthcare Centers
HCP Number: 45935
Funding Request Number (FRN): 1688427
FCC Form 465 Application Number: 43164180

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program reviewed the FCC Form 466 (Funding Request and Certification Form) and supporting documentation submitted by the HCP referenced above. Based on the information provided, USAC is unable to provide support for the following reason(s):

1. The HCP did not provide documentation to support the rural rate provided on FCC Form 466, Line 33, as required by the instructions to the form, and did not respond to requests from RHCD for the required documentation.
2. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
3. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).

Service Provider Name: TeleQuality Communications, Inc.
Service Provider Identification Number (SPIN): 143031579

Next Steps

To appeal this decision, deliver a letter of appeal to USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available at:
<http://www.usac.org/about/about/program-integrity/appeals.aspx>.

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Primary Healthcare Centers
HCP Number: 45935
Funding Request Number (FRN): 1688417
FCC Form 465 Application Number: 43164180

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program reviewed the FCC Form 466 (Funding Request and Certification Form) and supporting documentation submitted by the HCP referenced above. Based on the information provided, USAC is unable to provide support for the following reason(s):

1. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
2. The HCP did not provide documentation to support the rural rate provided on FCC Form 466, Line 33, as required by the instructions to the form, and did not respond to requests from RHCD for the required documentation.
3. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).

Service Provider Name: TeleQuality Communications, Inc.
Service Provider Identification Number (SPIN): 143031579

Next Steps

To appeal this decision, deliver a letter of appeal to USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available at:
<http://www.usac.org/about/about/program-integrity/appeals.aspx>.

Date: 06-Dec-2016
Program: Telecommunications Program
Funding Year: 2016
Health Care Provider (HCP) Name: Primary Healthcare Centers
HCP Number: 45935
Funding Request Number (FRN): 1688429
FCC Form 465 Application Number: 43164180

The Universal Service Administrative Company (USAC)'s Rural Health Care (RHC) Program reviewed the FCC Form 466 (Funding Request and Certification Form) and supporting documentation submitted by the HCP referenced above. Based on the information provided, USAC is unable to provide support for the following reason(s):

1. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).
2. The HCP did not provide documentation to support the rural rate provided on FCC Form 466, Line 33, as required by the instructions to the form, and did not respond to requests from RHCD for the required documentation.
3. The HCP has not selected the most cost effective method of providing the requested service, where cost effective is defined as the method that costs the least after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems relevant to choosing a method of providing the required health care services. See 47 C.F.R. Section 54.603(b)(4).

Service Provider Name: TeleQuality Communications, Inc.
Service Provider Identification Number (SPIN): 143031579

Next Steps

To appeal this decision, deliver a letter of appeal to USAC within 60 days of the date of this letter. Detailed instructions for filing appeals are available at:
<http://www.usac.org/about/about/program-integrity/appeals.aspx>

EXHIBIT 5

December 21, 2016
Universal Service Administrative Co.
Rural Health Care
Attn: Letter of Appeal
700 12th Street, NW, Suite 900
Washington, DC 20005

To Whom It May Concern,

Entity	Primary Healthcare Centers HCP Number 45935
Contact Person	Melanie Forsythe, COO
Contact Information	
Mailing Address	106 E. Withers Street, Lafayette, Georgia 30728
Phone Number	(706) 620-4494
Email	forsythem@primaryhealthcarecenter.org
Service Provider	Telequality Communications, Inc. (SPIN 143031579)
Funding Year	2016
Application Type & Number	Form 465 Application #43164180
FRNs	1688421,1688424,1688419,1688401,1688431,1688427, 1688417,1688429

On December 6, 2016, Primary Healthcare Centers (PHC) received 8 denial letters from USAC in reference to the funding request numbers listed above. PHC immediately contacted USAC to seek clarification on the denials.

In speaking with Matthew Squire at USAC on December 7th, it was made clear that one of the issues was the relative cost of the chosen provider in relation to the next highest bidder.

Subsequently, in speaking with Blythe Albert at USAC on December 9th, it was further indicated that PHC's application was denied partially on the basis of "construction costs" being included in the chosen service provider's bid and that PHC had failed to provide documentation related to the rural rate.

PHC is hereby formally appealing the 8 denials received on 6 December and we are providing herein documentation of said appeal in accordance with the following guidelines from <http://www.usac.org/about/about/program-integrity/appeals.aspx>.

PHC respectfully requests in this APPEAL LETTER that our corrections and clarifications for application 431641 be reviewed and that approval for funding is granted based on the enclosed proof of PHC's compliance with all applicable requirements.

Sincerely,

Melanie Forsythe, COO
Primary Healthcare Centers

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SUMMARY

Primary Healthcare Centers (“PHC”) asks that USAC reverse the decision to deny funding for HCP Number 45935 with regard to Application Number 43164180 covering Funding Request Numbers (“FRNs”) 1688421,1688424,1688419,1688401,1688431,1688427,1688417, and 1688429.

In accordance with the instructions found on the USAC website¹ PHC contacted USAC via telephone and spoke on two separate occasions with a USAC representative. These two consultations clarified the following for PHC regarding the 8 denial letters² sent to PHC for the FRNs listed above—

- 1) Despite the ordering of paragraphs not being identical on each denial letter, the reasons for denial are the same across all FRNs.
- 2) The underlying problem for the two paragraphs on each denial letter which cite 47 C.F.R. Section 54.603(b)(4) are related to construction costs being included in PHC’s chosen service provider’s bid and the issue of the chosen service provider’s bid being 3.5 times higher than the next highest bid.
- 3) There was an issue with “proof of rural rate” cited on all 8 denials.

PHC intends to show, in the following pages of this appeal letter, explanations, and corrections which we believe will definitively clear up miscommunication related to the “construction costs” and “proof of rural rate” issues. Furthermore, PHC will better state and explain its rationale for deeming its chosen service provider as the most cost-effective option among the bids received. Based on feedback received from USAC personnel prior to this appeal letter, and based on the correction of some obvious typos and mislabeled documents, PHC strongly believes that USAC will find PHC’s application to be compliant and fundable.

¹ <http://www.usac.org/about/about/program-integrity/appeals.aspx>

² Exhibit A

I. CONSTRUCTION COSTS ERRONEOUSLY INDICATED IN BID

Problem: Erroneous Information Uploaded To MYPORTAL

Primary Healthcare Centers' original application to USAC contained erroneous information which incorrectly suggested that the selected service provider's bid contained "construction costs". In fact, the selected service provider's bid DID NOT CONTAIN any "construction costs".

The document containing the error was not the selected service provider's bid, but rather was in internal worksheet used to evaluate the selected service provider's bid alongside the other bids received. The internal worksheet was created by Primary Healthcare Centers' outsourced IT provider during the bid collection and evaluation process. During the process of placing service provider data into a common format, a typo was introduced into the worksheet. The worksheet in question was thus contaminated with erroneous information which then became replicated multiple times across the data packet submitted to the USAC portal in support of 8 separate FRNs.

The selected service provider's bid packet, in its original form as received from the service provider, should have been submitted by Primary Healthcare Center instead of the internal worksheet with the typo/erroneous information.

The erroneous information was submitted in a document entitled "Bids for USAC Project.pdf"³ which was uploaded multiple times to the portal in relation to 8 separate FRNs.

³Exhibit G

The error is on page one of the above document. The page in question is titled "ISP #5"⁴.

Corrective Action: Replace Document with Correct Version

The selected service provider's original bid⁵, without the erroneous reference to "construction costs", is included with this appeal.

Relief Sought: Reevaluation of Selected Provider's Bid

Primary Healthcare Centers respectfully requests that USAC reevaluates the selected service provider's bid using the service provider's original unedited bid information in place of the erroneously submitted internal working document. The original bid will show that there are no "CONSTRUCTION COSTS" associated with the bid.

II. COST-EFFECTIVENESS OF SELECTED SERVICE PROVIDER

Problem: Selected Service Provider Not Proven to Be Most Cost-Effective

USAC states that PHC did not select the most cost-effective service provider from among the bidders responding to PHC's request for proposal ("RFP"). USAC states that PHC chose a service provider, TeleQuality Communications, Inc. ("TQ"), whose bid was 3.5 times "higher" than the next highest bidder.

Explanation: Selected Service Provider is the Most Cost-Effective on Several Grounds

PHC posted for vendor analysis and review an RFP for increased internet bandwidth at a single site and/or a 7-site MPLS network capable of supporting, in the aggregate, the voice, data, and telemedicine bandwidth required to support both the healthcare provider's business operations and delivery of patient care.

⁴ Exhibit B

⁵ Exhibit C

PHC received multiple responses⁶ from service providers and interacted with each individually to further explain geographical locations, current bandwidth utilization, current problems, and required solutions.

During our interaction with vendors all but one elected to provide a bid for a complete 7 site network solution as described in PHC's RFP.

In receiving bids and proposals subsequent to the above interactions with vendors, the results were as follows-

- A. One service provider offered connectivity at only 1 of PHC's 7 sites.
- B. Several service providers offered sufficient bandwidth site to site for all 7 locations but offered insufficient aggregate bandwidth, to the internet.
- C. The service provider selected as most cost-effective was TeleQuality. The cost-effectiveness of TeleQuality is based on the following factors-
 - i. TeleQuality was the only service provider to provide the amount of internet bandwidth needed to support the type, amount, and quality of traffic sufficient to solve PHC's current problems related to bandwidth and to allow PHC to fully implement its telemedicine program, while simultaneously illuminating the currently separate voice network. Additionally, the Telequality proposal also provides enhanced security by providing a firewalled connection to the Internet that is centrally located and managed.
 - ii. In order to be cost-effective, any proposed solution must provide sufficient bandwidth between sites as well as to the internet. These dual connectivity requirements have a direct impact on telephone communications, telemedicine, practice management, and electronic medical records.
 - iii. Additionally, other than TeleQuality's bid, in all the bids received from service providers, the amount of proposed internet bandwidth was less than the bandwidth already in place at 5 of the 7 locations. Since the

⁶ Exhibit E

current bandwidth at the 7 sites has already been proven to be insufficient, the proposed lower bandwidth would not be cost-effective since it would lead to additional problems with both business operations and delivery of patient care.

III. PROOF OF RURAL RATE

Problem: USAC Requires Proof of Rural Rate

USAC's 8 denial letters all state that PHC did not provide "proof of rural rate".

Explanation: Improperly Labeled Document Obscured Data Provided to USAC

PHC uploaded a document to the MYPORTAL as required to show proof of rural rate⁷.

However, the document was not "named" in an intuitive manner. The document's name was "Installation Dates – Primary Health Care Centers.pdf"⁸. The document should have been labeled "Rural Rate Documentation". PHC understands that such a poorly named document, can and did lead to the USAC reviewer not finding the required information.

Relief Sought: Reevaluation of Rural Rate Documentation

The requested information, i.e. "proof of rural rate" exists on the MYPORTAL site as originally uploaded and is included in this appeal letter, therefore PHC requests that USAC examines the document as part of this appeal and consider this requirement satisfied and thus not grounds for denying application number 43164180.

IV. CONCLUSION

PHC's daily operations and delivery of patient care are being impacted by a complete lack of adequate bandwidth at 2 of its sites. These sites are not able to perform basic administrative and clinical data functions in a timely manner. These locations literally subsist on 4G "hotspots"

⁷ Exhibit H

⁸ Exhibit F

currently due to complications that PHC encountered with regard to securing adequate bandwidth from available providers in these rural locations. Furthermore, PHC could greatly benefit from the establishment and funding of the network being provided by TeleQuality because it would allow a costly MPLS voice-related network to be eliminated and the voice services to be merged onto the new data network. Also, the struggles PHC currently faces with regard to implementing telemedicine are also overcome by TeleQuality's solution.

Given that TeleQuality's solution covers all 7 of PHC's sites, provides bandwidth which no other provider offered, complies with USAC's regulations and requirements in relation to construction costs and enhances the security, manageability, and performance of PHC's information technology infrastructure PHC believes that they truly represent the most cost-effective solution to PHC's telecommunication and data network needs.

Conversely, the amount of internet bandwidth proposed by all the other bidders who were able to offer service at all 7 PHC sites, was definitively insufficient to service all of PHC's needs. Based on PHC's experience with a variety of connection types and speeds, we feel confident that the internet bandwidth proposed by all the non-selected service providers would not consistently accommodate cloud based application access, telemedicine consultations, VOIP conversations and general line of business application use which requires internet access. Therefore, choosing any of the non-selected providers would not result in a cost-effective network.

Additionally, although all the non-selected providers indicated the letters "N/A" in front of the words "construction" costs, each had subsequent information in their bids which suggested a delineation between "regular construction costs" and "standard construction costs." Even after seeking clarification from the non-selected service providers, regarding construction costs not being included in their bids, it was not completely clear what the final disposition of "special construction"

would be. One of the non-selected vendor's bids explicitly states that their "special construction" costs would be amortized into the monthly service cost which PHC understands to be out of compliance with FCC requirements.

For these reasons, PHC is of the opinion that a one-to-one comparison cannot easily be made between TeleQuality's bid and the bids of the non-selected providers. PHC asks that USAC factor in the totality of PHC's network needs vis-à-vis' the solutions offered by all the service providers who responded to PHC's RFP. The robust and well-designed solution offered by Telequality solves problems that would not be sufficiently addressed by the solutions provided by the non-selected bidders. Therefore, Telequality is the best and most cost-effective solution for PHC.

Given that there are reasonable explanations for 2 of the issues used as grounds for PHC's funding denial, i.e. "construction costs" typos and "rural rate documentation" clarifications, and given that PHC has better explained its rationale for stating that its selected service provider was the most cost-effective, PHC respectfully requests that all 8 FRNs be approved for funding. Please note, as show in Appendix A, all the circuits related to this appeal are now installed.

Respectfully submitted,
Melanie Forsythe, Chief Operations Officer
Primary Healthcare Centers
106 E. Withers Street
Lafayette, GA 30728
(706) 620-4494
forsythem@primaryhealthcarecenter.org

December 22, 2016

EXHIBIT 6

The Term	Our Definition
28-Day Posting Period	The time period an applicant is required to wait after posting the FCC Form 465 or FCC Form 461 (RHC) or FCC Form 470 (SL) before entering into any contract with a service provider. The purpose is to ensure a fair and open competitive bidding process for service providers.
498 Company Officer	The officer of a service provider company who is authorized to certify that data set forth in the FCC Form 498 is true, accurate, and complete. The 498 Company Officer has access to certify forms through the E-File system and occupies a position specified in the corporate by-laws (or partnership agreement), and would typically be president, vice president of operations, vice president of finance, comptroller, treasurer, or a comparable position. If the reporting entity is a sole proprietorship, the owner must sign the certification.
499 Company Officer	A person who occupies a position specified in the corporate by-laws (or partnership agreement), and would typically be president, vice president for operations, vice president for finance, comptroller, treasurer, or a comparable position. If the reporting entity is a sole proprietorship, the owner must sign the certification. This person must review and certify the information reported on the FCC Forms 499-A/Q. The latest 499 Company Officer on file has access to certify forms through the E-File system.
appeal	An appeal is a request to reconsider a USAC decision. Appeals can be made to either USAC or the FCC. Appeals must be filed within 60 days of the original USAC decision. Requests for waivers of rules must be filed directly with the FCC.
applicant	The entity applying for universal service support. In the Schools and Libraries Program the entity is a school, library, consortium, or other eligible entity that files program forms. In the Rural Health Care Program the entity is a health care provider or consortium.
audit	A review of documentation and resources that verify the state of compliance with program rules.
Automated Clearing House (ACH)	An electronic clearing house and settlement system for exchanging electronic transactions among banking institutions.
Beneficiary and Contributor Audit Program (BCAP)	Run by USAC, and carried out by auditors trained in universal service and program audit requirements, these audits of beneficiaries and contributors serve to identify noncompliance with program rules and amounts of recoverable funds.
bid	A response from a service provider (bidder) to a request for services.
Billed Entity	The entity that receives the bill and pays for the supported service. A Billed Entity may be different from the physical location being supported.
Billing Account Number	Telephone number or customer account code associated with the service supported by USAC (each Billing Account Number is attached to a customer/billed entity).
Board of Directors	USAC Board of Directors
Chief Financial Officer (CFO)	Corporate officer responsible for financial operations.
Commission	The short name for the Federal Communications Commission (FCC). See “FCC.”
common carrier	An organization recognized by a regulatory authority (such as a state public utility commission) to provide telecommunications services to all requesting parties, or an organization that holds itself out to provide such services generally to the public for a fee.
competitive bidding process	A requirement for applicants participating in the Rural Health Care or Schools and Libraries programs. The applicant conducts the process to select a service provider and order products and/or services. This process must be a fair and open competitive procurement.
consortium	A consortium (plural consortia) is a group of entities that apply together for funding.
consultant	A company or individual (non-employee of the entity) selected to perform certain activities related to the application process on behalf of the applicant or service provider for a fee. A Letter of Agency (LOA) or consultant agreement must be in place before the consultant undertakes these activities.
contract award date (CAD)	The date the contract is awarded to the service provider and signed by the applicant. Program rules state that this must be at least 28 days after an applicant posts FCC Form 465 or FCC Form 461 (RHC) or FCC Form 470 (SL).
Contract Expiration Date (CED)	The date the contract between the applicant and service provider ends.
contributor	A company that, based on the revenue reported on the FCC Forms 499-A/Q, is required to pay contributions directly to the universal service fund.
CORES ID	A 10-digit number that the FCC assigns to a business or individual that registers with the FCC. It is associated with an entity's Taxpayer Identification Number (TIN) and is required before filing FCC Forms 499-A/Q.
Data Collection Agent (DCA)	USAC is the FCC's agent responsible for the administration, processing, filing and distribution of carrier revenue data for the Telecommunications Relay Services Fund — the cost recovery mechanisms for numbering administration and local number portability, and the universal service programs.
Debt Collection Improvement Act (DCIA)	A law that requires federal agencies to transfer delinquent debts or claims to the Secretary of Treasury (Treasury) for further collection action. Unpaid obligations to the universal service fund are subject to the DCIA. In the event that a balance becomes over 120 days past due, (or 90 days past due for service providers), USAC will transfer the debt to the Treasury for further collection and enforcement actions.
delegated users	The employee(s) of a service provider company authorized to enter and modify company information on FCC Forms 498 and 499 through the E-File application. Also known as “authorized users,” these individuals are established by the Company Officer or General Contact.
demarcation or demarc	A demarcation refers to the point where a service provider's network ends and where an applicant's local area network (LAN) begins.

The Term	Our Definition
Detailed Audit Finding Worksheet (DAF)	A worksheet that contains background information and notes the basis of an exception during an audit.
e-certification (E-Cert)	Process that allows applicants to certify and submit forms online, eliminating the need for a paper form with an original signature.
E-File	USAC's online forms submission tool, available at https://forms.universalservice.org .
eligible entity	An entity, in the Rural Health Care Program or Schools and Libraries Program, that meets the requirements for eligibility to participate in the program.
eligible health care provider	A health care provider (HCP) that meets the requirements for eligibility to participate in the Rural Health Care Program.
eligible services	Products and services that are eligible for universal service support.
eligible telecommunications carrier (ETC)	A designation given to telecommunications service providers by their state public utility commissions or the FCC, enabling them to participate in universal service programs.
ETC	See "eligible telecommunications carrier."
evergreen contract	A contract is considered evergreen if both parties to the contract have signed and dated the agreement, the type, terms of service and duration are specified. Having evergreen status means that for the life of the contract (without any optional extension), they need not re-compete the service (by posting an FCC Form 465 or FCC Form 461), and may annually apply for support of the contracted service (by filing the FCC Form 466, FCC Form 466-A, and/or FCC Form 462). If an HCP submits a contract that does not meet these FCC requirements, it is considered to have month-to-month status and must post an FCC Form 465 or FCC Form 461 and select the most cost-effective service and service provider each year.
evidence for rural rate	For FCC Form 466, the telecommunications carrier or the HCP must provide supporting evidence for the rural rate (see definition below). Evidence may include telephone bills, signed and dated statements on letterhead from an eligible telecommunications carrier, invoices, or contracts that show services and charges for the rural rate. Include summary pages where possible, and textual explanations as necessary for USAC to substantiate the claimed rural rate. Always include the HCP number and name.
FCC Form 460	The Eligibility and Registration Form is an FCC form used to obtain an eligibility determination for an applicant of the HCF Program. This form must be completed by an individual HCP applicant for their physical location and by a consortium applicant for the physical location of each entity and for the consortium leader.
FCC Form 461	The Request for Services Form is an FCC form that health care providers complete to request services in the HCF Program. This form initiates the competitive bidding process and must be posted to USAC's website for no fewer than 28 days.
FCC Form 462	The Funding Request Form is an FCC form that health care providers complete to identify the selected service and service provider in the HCF Program. This form provides USAC with information necessary to evaluate an applicant's funding request.
FCC Form 463	The Invoice and Request for Disbursement Form is an FCC form that serves as the request to USAC for disbursement of funding from the HCF Program for the services, equipment, and/or facilities set forth in the applicant's funding commitment letter.
FCC Form 465	The Description of Services Requested and Certification Form is an FCC form that health care providers complete to request services and establish program eligibility for the Telecom Program. This form initiates the competitive bidding process and must be posted to USAC's website for no fewer than 28 days.
FCC Form 466	The Funding Request and Certification Form is an FCC form that health care providers complete to identify the selected telecommunications service and service provider in the Telecom Program. This form provides USAC with information necessary to evaluate an applicant's funding request.
FCC Form 466-A	The Internet Service Funding Request and Certification Form is an FCC form that health care providers complete to request support for reduced Internet service rates in the Telecom Program. This form provides USAC with information necessary to evaluate an applicant's funding request.
FCC Form 467	The Connection Certification Form is an FCC form that serves as the request to USAC for disbursement of funding from the Telecom Program for the services, equipment, and/or facilities set forth in the applicant's funding commitment letter.
FCC Form 498	The Service Provider Identification Number and Contact Information Form is an FCC form that service providers must fill out in order to participate in any of the universal service programs. The form is used to collect contact, remittance, and payment information for service providers that receive universal service support.
FCC Form 498 Company Officer	See "498 Company Officer."
FCC Form 498 delegated users	See "delegated users."
FCC Form 498 General Contact	See "General Contact."
FCC Registration Number	See "CORES ID."
Federal Communications Commission (FCC)	The U.S. government agency that regulates interstate and international communications and oversees the universal service fund. In 1997, the FCC designated USAC to be the independent not-for-profit corporation to administer the universal service fund in accordance with its rules.

The Term	Our Definition
Federal Financial Management Improvement Act 1996 (FFMIA)	This act defines the financial operations requirements for government entities and this act would apply to the universal service fund as a result of the FCC Government Accounting Order.
Federal Generally Accepted Accounting Principles (Federal GAAP)	The standards for government agencies that will apply to the fund effective with the Government Accounting Order.
Freedom of Information Act (FOIA)	The federal statute requiring access to information. Through the FCC, USAC is often called upon to respond to Freedom of Information Act requests.
Funding Commitment Letter (FCL)	Letter sent to the HCP (with a copy to the service provider) after USAC approves an FCC Form 466-A, notifying the HCP that the service will be supported contingent upon the completion of an FCC Form 467. The letter also estimates the support amount for the funding year based on the number of months the service is expected to be in place.
Funding Request Number (FRN)	A unique number that USAC assigns to each funding request in a completed FCC Form 466 (RHC), FCC Form 462 (RHC), or FCC Form 471 (SL) application. This number can be found in an applicant's FCDL or FCL.
funding year (FY)	In the Rural Health Care and Schools and Libraries programs, the funding year is a time during which program support is being provided. The FY begins July 1 and ends June 30 of the following calendar year.
General Accounting Office (GAO)	An agency that reports to Congress, who asks the GAO to study the programs and expenditures of the federal government. It studies how the federal government spends taxpayer dollars, evaluates federal programs, audits expenditures and issues legal opinions.
General Contact	The employee of a service provider company who filled out the FCC Form 498. This individual is listed on Line 8. The latest General Contact on file has access to submit and modify data in the E-file system, and to create delegated or authorized users.
Generally Accepted Accounting Principles (GAPP)	Uniform minimum standards of and guidelines to financial accounting and reporting. The Financial Accounting Standards Board and the Governmental Accounting Standards Board are authorized to establish these principles.
Generally Accepted Auditing Standards (GAAS)	Standards promulgated by the Auditing Standards Board (ASB) of the American Institute of Certified Public Accountants (AICPA) These standards are recognized by state boards of accountancy and the SEC. GAAS consists primarily of 10 standards and accompanying statements on auditing standards or "SAS."
Generally Accepted Government Auditing Standards (GAGAS)	The standards that apply to all government audits and will apply to audits of the fund and fund recipients effective with the Government Accounting Order.
HCP Support Schedule (HSS)	Schedule of support by month for the funding year provided to service providers and HCPs after an FCC Form 467 is approved, signaling the service provider to begin providing support.
health care provider (HCP)	Entity seeking support for telecommunications and/or Internet services under the Rural Health Care Program.
Improper Payments Elimination and Recovery Act (IPERA)	A law passed in 2010 to amend IPIA and enhance the federal government's practices to measure and recover improper payments.
Improper Payments Information Act (IPIA)	A 2002 law that requires USAC to provide the FCC with accurate, timely information about improper payments to program beneficiaries. To comply, USAC created its Payment Quality Assurance (PQA) Program, which assesses specific payments made to beneficiaries in all four programs to determine if these payments were made in accordance with FCC rules. Using results of these assessments, USAC calculates estimates of improper payment rates and provides this information to the FCC.
Information Request	A request sent by the Rural Health Care Program through MyPortal that asks account holders to clarify information submitted on an application form or to provide missing supporting documentation.
Internet service provider (ISP)	A company that provides Internet access service (also referred to as a service provider).
invoice	A statement or document that service providers submit to USAC after they have provided or completed service to the applicant. Invoices are submitted using FCC Form 474 (SL) or an FCC Form 463 invoice template (RHC).
invoice status report	A USAC-generated report sent to service providers upon receipt of the service provider's invoices. The report breaks out which invoice line items were accepted and denied.

The Term	Our Definition
Letter of Agency (LOA)	A Letter of Agency (LOA) authorizes a consortium leader to apply for program support on behalf of each consortium member or a consultant to conduct specified activities on behalf of an applicant or service provider.
maximum allowable distance (MAD)	The distance from the HCP, in whole miles, to the far side of the largest city in the HCP's state. The MAD is the maximum distance for which USAC will support a telecommunications service. The MAD is listed on the FCC Form 465 posted on the USAC website.
Memorandum Opinion and Order (MO&O)	Order issued by the Commission to deny a petition for rulemaking, modify a decision, grant or deny a petition for reconsideration, or grant or deny an application for review of a decision. A second or third Memorandum Opinion and Order (2 nd MO&O/3 rd MO&O) may be issued.
mileage-based charges (also called distance-sensitive charges or monthly mileage charges)	The charges for a telecommunications service that are based on the circuit distance for interoffice channels, and in some cases for local channels. If there are no mileage-based charges (such as for ISDN), this number is zero. Mileage-based charges should include any taxes that are applied as a percentage of the per-mile charge, but should not include taxes, surcharges, non-recurring (set-up) charges, or other fixed charges such as channel terminations, that are not mileage sensitive. If carriers use banded mileage rates (where the rate varies by circuit length, for example \$50 for the first half mile and \$20 for subsequent miles), the entire mileage-based charge should be recorded in FCC Form 466, Block 5, and divided by the circuit mileage to yield the average per-mile rate.
multiple-bill circuit	If more than one telecommunications carrier is required to complete a health care provider's circuit, and each bills separately for their share of the circuit, it is a multiple-bill (multi-bill) circuit.
National Exchange Carrier Association (NECA)	Parent company of USAC. Formed by the FCC as a not-for-profit corporation, NECA plays an important role in administering the FCC's access charge plan, which helps ensure telephone service remains available and affordable in all parts of the country.
National Telecommunications and Information Administration (NTIA)	Part of the Department of Commerce, NTIA is responsible for telecommunications policy and provides telecommunications grants to various entities.
non-recurring support (NRS)	One-time support for installation of service under the Rural Health Care Program.
Notice of Apparent Liability (NAL)	An order issued by the FCC that provides a penalty will be imposed on a carrier for violating an FCC rule or procedure.
Notice of Inquiry (NOI)	Adopted by the Commissioners primarily for fact-gathering; which is a way to seek comments from the public or industry on a specific issue.
Notice of Proposed Rulemaking (NPRM)	An announcement issued by the FCC to detail proposed changes to FCC rules and policies and seek public comment on the changes.
Office of Inspector General (OIG)	A division of the FCC that provides independent and objective audits and investigations relating to agency programs and operations.
Office of Management and Budget (OMB)	Part of the Executive Office of the President, OMB reviews and approves FCC forms that are used by universal service contributors and universal service program participants, contributors and service providers.
Payment Quality Assurance (PQA) Program	USAC's own program, created to comply with IPPIA, which assesses specific payments made to beneficiaries in all four programs to determine if these payments were made in accordance with FCC rules. Using results of these assessments, USAC calculates estimates of improper payment rates and provides this information to the FCC.
Preparer	The employee of company that filed an FCC Form 499-A/Q. This individual is listed on the FCC Form 499-Q Line 108 and FCC Form 499-A Line 203. The latest preparer on file has access to submit and modify data in the E-File system.
Public Notice (PN)	A notice issued by the FCC to notify the public of an action taken, a change made, or an upcoming event.
Red Light Rule	A requirement that the FCC withholds action on an application, payment, and/or other requests for benefits when the universal service program participant is delinquent in non-tax debts owed to the FCC or other federal governmental agencies. This rule extends to applications for support and disbursements from the universal service fund, and requires that USAC suspend support to any company that shares a Tax Identification Number with a company that has a delinquent debt.
Red Light status	An entity is considered in Red Light status when the Red Light Rule goes into effect (the entity is delinquent). See "Red Light Rule." USAC will not make any disbursements until the delinquency has been satisfied or payment arrangements are made. USAC takes into consideration the Red Light status of each entity at the FCC and will hold disbursements until the Red Light status is resolved.
Request for Proposal (RFP)	A form of solicitation for products or services that provides detailed information regarding those products or services and any additional details necessary for potential bidders to respond. Program applicants may incorporate RFPs in addition to the FCC Form 465 (RHC) or FCC Form 470 (SL).
Rural Health Care Program (RHC)	One of the four universal service programs administered by USAC. This program provides reduced rates for telecommunications services and broadband to eligible health care providers.
rural rate	The rate charged by a telecommunications carrier for services in the rural area where the HCP is located.
Service End Date	The date that services will end for an FRN. USAC may adjust this date if a program violation is identified or a deadline is missed.

The Term	Our Definition
service provider	A company that participates in one of four universal service programs and provides telecommunications or Internet services, equipment, hardware, or software. Types of companies include but are not limited to: competitive access/competitive local exchange carriers (cellular, personal communications, or specialized mobile radio providers), incumbent local exchange carriers, interexchange carriers, Internet service providers, interconnected VoIP, local resellers (coaxial cable, non-traditional, operator, paging, messaging, payphone, prepaid card, private and satellite service providers), shared-tenant service providers or building local exchange carriers, SMR (dispatch), toll resellers, or wireless data providers.
Service Provider Identification Number (SPIN)	A unique number that USAC assigns to each service provider once that service provider has submitted the FCC Form 498 to USAC. Every service provider is required to have a SPIN in order to participate in any universal service programs and to receive payments from USAC.
Service Start Date	The date that services will start for an FRN. USAC may adjust this date if a program violation is identified or a deadline is missed.
service substitution	A change in the products and/or services originally requested in an FRN for the HCF or Pilot programs.
Study Area Code (SAC)	A unique number that USAC assigns to ETCs that uniquely identifies that company based on its service area. Companies must have at least one SAC per state in which they operate, but can have more than one SAC within a state if they have more than one service area.
support months	Number of months the service is supported during the funding year (Note: support during the first and last month is calculated by pro-rating the amount of support based on the number of days the service was in place during the month—e.g., five days of service in a month with 31 days will be equal to 5/31 or 0.16 months).
telecommunications	The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
telecommunications carrier	Common carrier, as defined by the FCC, is an entity that provides telecommunications service including interexchange carriers, wireless carriers, and competitive local exchange carriers (also referred to as service provider).
universal service	Under the authority of the 1996 Telecom Act, the FCC created universal service as well as the Universal Service Administrative Company (USAC), the organization charged with administering universal service. Companies make contributions based on revenues from providing international and interstate telecommunications services.
Universal Service Administrative Company (USAC)	An independent, not-for-profit corporation created by the FCC in 1997 to administer the four universal service programs which help provide communities across the country with access to affordable telecommunications services.
universal service fund (USF)	Money collected from telecommunications companies and dedicated to fulfilling the goals of universal service. Under the authority of the 1996 Telecom Act, the FCC created the USF as well as the Universal Service Administrative Company (USAC), the organization charged with administering universal service. Companies make contributions to universal service based on revenues from providing international and interstate telecommunications services.
urban rate	The rate charged by a telecommunications carrier for the same or similar service in a city within the state with a population of 50,000 or more. The urban rate should be for the same or similar terms and conditions as the rural rate.
Voice over Internet Protocol (VoIP)	A technology that allows users to make phone calls using the same line as an Internet connection.
Whistleblower Alert/ "Code 9 Call"	This hotline allows members of the public to report suspected violations of program rules to USAC. These reports can be made anonymously and toll free by calling (888) 203-8100.

EXHIBIT 7

TeleQuality Communications, Inc.

This tariff applies to the Telecommunications Services furnished by TeleQuality Communications, Inc. (“Company”) between one or more points in the State of Georgia. This tariff is on file with the Georgia Public Service Commission, and copies may be inspected, during normal business hours, at Company’s principal place of business, 21202 Gathering Oak, San Antonio, TX 78260.

Filed with the
Georgia Public Service Commission

Issued: January 9, 2017

Issued by:

Director of Regulatory Affairs
21202 Gathering Oak
San Antonio, TX 78260
(210) 408-0388

Effective: February 9, 2017

CHECK SHEET

The sheets of this tariff are effective as of the date shown at the bottom of the respective sheets. Original and revised sheets as named below comprise all changes from the original tariff that are currently in effect as of the date at the bottom of this sheet.

Sheet	Revision	Sheet	Revision
1	Original *	27	Original *
2	Original *	28	Original *
3	Original *	29	Original *
4	Original *	30	Original *
5	Original *	31	Original *
6	Original *	32	Original *
7	Original *	33	Original *
8	Original *	34	Original *
9	Original *	35	Original *
10	Original *	36	Original *
11	Original *	37	Original *
12	Original *		
13	Original *		
14	Original *		
15	Original *		
16	Original *		
17	Original *		
18	Original *		
19	Original *		
20	Original *		
21	Original *		
22	Original *		
23	Original *		
24	Original *		
25	Original *		
26	Original *		

* Indicates new or revised sheet submitted with this filing.

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TARIFF FORMAT

Sheet Numbering. Sheet numbers appear in the upper right hand corner of the sheets. Sheets are numbered sequentially. From time to time new sheets may be added to the tariff. When a new sheet is added between existing sheets, a decimal is added to the preceding sheet number. For example, a new sheet added between sheets 5 and 6 would be numbered 5.1.

Sheet Revision Numbers. Revision numbers also appear in the upper right corner of sheets. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th Revised Sheet No. 24 cancels the 3rd Revised Sheet No. 24.

Paragraph Numbering Sequence. There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level, as shown by the following example:

2
2.1
2.1.1
2.1.1.A
2.1.1.A.1
2.1.1.A.1.(a)
2.1.1.A.1.(a).I
2.1.1.A.1.(a).I.(i)
2.1.1.A.1.(a).I.(i).(1)

Check Sheets. When a tariff filing is made with the Commission, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross-reference to the current revision number. When new sheets are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current one on file with the Commission.

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TARIFF FORMAT (Cont'd)

Explanation of Symbols. When changes are made in any tariff sheet, a revised sheet will be issued replacing the tariff sheet affected. Changes will be identified on the revised sheet through the use of the following symbols:

- (C) - Identifies a changed regulation.
- (D) - Identifies a discontinued rate or regulation.
- (I) - Identifies an increase in rate.
- (M) - Identifies material moved from one tariff location to another.
- (N) - Identifies a new rate or regulation.
- (R) - Identifies a reduction in rate.
- (T) - Identifies a change in text only.

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Effective: February 9, 2017

1.0 DEFINITIONS

Access Line

A circuit providing Exchange Service between a Customer's standard network interface and a serving switching center.

Authorized User

A person, firm, corporation or other entity that either is authorized by the Customer to use Service or is placed in a position by the Customer, either through acts or omissions, to use Service.

Calling Card

A billing arrangement by which the charge for a call may be charged to an authorized calling card account.

Central Office

A switching unit that provides service to the general public and has the necessary equipment and operating arrangements for terminating and interconnecting Customer lines and trunks or trunks only. More than one (1) central office may occupy a building.

Charges

Monthly recurring and nonrecurring amounts billed to Customers for services.

Claims

Any and all claims or demand made against Company or Customer by the other or by any other person or entity, including, but not limited to claims or demands:

For losses, damages, expenditures, loss of use, loss of profits, liability, judgments or costs (including attorney's fees, if awarded),

For any personal injury, death or damage to tangible or intangible property or rights, arising directly or indirectly out of any acts, omissions, mistakes of Company, its employees, agents, officers or directors, or caused by any interruptions, delays, errors or defects, or the condition, operation or failure of equipment, used to provide Service or Company Facilities hereunder, regardless of whether the claim or demand is asserted in an arbitration, suit, action, administrative proceeding or any other dispute resolution proceeding, or on any appeal there from.

Commission

Georgia Public Service Commission.

Company

TeleQuality Communications, Inc., the issuer of this Tariff.

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1.0 DEFINITIONS (Continued)

Conversion Date

The date the Company commences supplying telecommunication services to the Customer.

Customer

Any person, firm, association, corporation, agency of the federal, state, or local government, or legal entity responsible for payment of rates and charges and for compliance with the conditions of this Tariff.

Delinquent or Delinquency

An account for which an uncontested bill or payment agreement for regulated services has not been paid in full on or before the last day for timely payment. This term may also apply to a contested bill for which the Commission finds the Customer's complaint to be without merit.

Facilities

Includes, in the aggregate or otherwise, but is not limited to, the following: Channels, Lines, Apparatus, Devices, Equipment, Accessories, Communications paths and Systems, which are provided by Company and utilized by it in the furnishing of telecommunications Services or which are provided by a Customer and used for telecommunications purposes.

Individual Case Basis

A rate, charge, or condition of the tariff as determined by individual circumstances.

Message

A telephone call made by a Customer.

Monthly Recurring Charge (MRC)

The monthly charge to the Customer for the Service, facilities and equipment which continue for the agreed upon duration of the service.

Network Elements

Elements of the incumbent carrier network leased by Company pursuant to an interconnection agreement or approved wholesale tariffs. In the pricing tables, service identified as being provided via Network Elements is provided using a combination of network elements.

Nonrecurring Charge (NRC)

A one-time charge made under certain conditions to recover all or a portion of the cost of providing Service(s) or features or installing facilities.

Premises

The space occupied by a Customer in a building or buildings and the land upon which such building(s) sit.

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1.0 DEFINITIONS (Continued)

Recurring Charge

The monthly charge to the Customer for Service, facilities and equipment, which continue for the agreed upon duration of the Service.

Service

Any or all service(s) provided by Company pursuant to this tariff or a Customer contract.

Service Order

The written request for Services executed by the Customer and Company in the format designated by Company. The signing of a Service Order by the Customer and acceptance by Company initiates the respective obligations of the parties as set forth herein and pursuant to the tariffs of Company.

State

The state of Georgia.

Trunk

A communications path connecting two switching systems in a network used in the establishment of an end-to-end connection.

User

A Customer, or any other person authorized by a Customer to use Service provided under this Tariff.

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Issued by:

Director of Regulatory Affairs
21202 Gathering Oak
San Antonio, TX 78260
(210) 408-0388

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2.0 RULES AND REGULATIONS

2.1 Undertaking of Company

- A. Company undertakes to furnish telecommunications Service under this Tariff in connection with the transmission of one-way and/or two-way communications which originate and/or terminate within the State.
- B. Company's service offerings consist of any of the Services offered pursuant to this Tariff, either individually or in combination. Each Service is offered independent of the others, unless otherwise noted. Service is offered via Company Facilities, via resold services, or via facilities provided by other communications providers or any combination thereof.
- C. Company is responsible only for the Services and Company Facilities it provides under this Tariff, and it assumes no responsibility for any service provided by any other entity that provides access to Company Services or Facilities in order to originate and/or terminate its own services
- D. Company may undertake to use reasonable efforts to make Services available to a Customer on or before a particular date, subject to the provisions of this Tariff, and also subject to Customer compliance with the provisions of this Tariff. Company does not guarantee availability by any such date and shall not be liable for any delays in commencing Service to any Customer.
- E. Company will not unjustly discriminate among and between consumers in the provision of local exchange telecommunications services within its operating area.

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2.0 RULES AND REGULATIONS (continued)

2.2 Limitations of Service

- A. Service is offered subject to the availability of necessary facilities and subject to the provisions of this Tariff
- B. Company reserves the right at its sole discretion to discontinue Service, or to limit the use of Service when necessitated by conditions beyond its control, when the Customer is using the Service in violation of the law or the provisions of this Tariff, or for nonpayment by the Customer.
- C. All Company Facilities provided under this Tariff are directly controlled by Company and the Customer may not assign or transfer the use of the Services or Company Facilities to another, except with the prior consent of Company.
- D. Company Service may not be used for any unlawful purpose.
- E. Company reserves the right to block traffic to or from certain countries, NPAs, cities or NXX exchanges.
- F. Company Services may be restricted from originating calls to other telephone companies' caller-paid information services (e.g., 900, 976). Calls to those numbers and other numbers may be blocked by Company at Company's sole discretion without prior notice.

2.3 Application for and Establishment of Service and Credit

- A. Application for Service may be made verbally or in writing. The following Customer information will be required at the time of application:
 - i. The name of the party responsible for payment for the Service provided;
 - ii. The billing address and the Service address(es) of the Customer and Customer's location(s);
 - iii. Information and authorization for the Company to properly determine creditworthiness.

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2.0 RULES AND REGULATIONS (continued)

2.3 Application for and Establishment of Service and Credit (continued)

- B. The Customer shall notify TeleQuality of a pending transfer of Service to a new party that will become responsible for payment of the Service provided. The new Customer will be required to complete a transfer of Service application. However, failure of the new Customer to comply with this requirement shall not prevent liability for charges, including termination charges, if the new Customer has accepted use of the Service and/or made payments. The original Customer shall also remain liable for all charges, including early termination charges, if the Service is transferred without notice to, and approval by, the Company. In no event shall TeleQuality collect more than total charges owed.
- C. Company may conduct a credit investigation of each new Customer prior to accepting a written application or oral request for Service. Company reserves the right to reject a written application or oral request for Service if its investigation reveals that the applicant is a poor credit risk.
- D. A Customer whose Service from Company was discontinued for nonpayment of bills will not be entitled to restoration of Service or new Service until all past due amounts have been paid, or satisfactory payment arrangements have been agreed upon and made in a timely manner.
- E. Deposits. The Company does not require customers to pay deposits.

2.4 Credit Limit

Company may, at any time and at its sole discretion, set a credit limit for any Customer's consumption of Services for any period.

2.0 RULES AND REGULATIONS (continued)

2.5 Notice

Notice shall be deemed properly given:

- A. upon delivery, if delivered in person;
- B. on the third day after depositing the notice or communication, prepaid and properly addressed, with a private delivery service or in the U.S. mail, unless deposited in the U.S. mail on a Sunday or holiday in which case notice is deemed to be given on the third day from the next business day; or
- C. upon actual receipt or when refused by the addressee, whichever of the above occurs first.

2.6 Payment and Service Cancellation

2.6.1 Billing and Payment of Charges

- A. Unless otherwise indicated in this Tariff, Service is billed on a monthly basis. The Customer is responsible for the payment of all charges for Service furnished by the Company. Customer shall pay the amounts as specified in the Tariff for the Services. Toll charges and one-time charges are billed in arrears, and fixed monthly and recurring charges are billed one month in advance.
- B. Unless otherwise indicated in this Tariff, bills are due and payable seventeen (17) days from the date of mailing by Company, or later if required by law. Balances that remain unpaid after the due date will be charged a late fee of one and one-half percent (1.5%) per month of the unpaid balance, or the maximum fee allowed by law, whichever is less.
- C. A charge in an amount of \$25 will apply whenever a check or draft presented for payment of Services is not accepted by the institution on which it is written.

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2.0 RULES AND REGULATIONS (continued)

2.6 Payment and Service Cancellation (continued)

2.6.1 Billing and Payment of Charges (continued)

- D. Customer is responsible for reviewing each invoice promptly, and notifying Company promptly of any discrepancies. If Company receives no notice within ninety (90) days after a bill has been rendered to the Customer, the billing will be considered correct and binding. Bills disputed by a Customer shall be handled as set out in Section 2.11.
- E. Company is responsible for rendering each invoice promptly, and notifying Customer promptly of any discrepancies. If Customer receives no notice within ninety (90) days after a bill has been rendered by the Company, the billing will be considered correct and binding.
- F. Initial billing for set-up and installation charges or monthly Service fees will not commence for any new Customer until the Customer has actually been placed in service.
- G. If the Customer disconnects Services without providing proper notice to the Company, or is disconnected for violation of the terms and conditions of this tariff (e.g., disconnection for non-payment), the Customer shall be responsible for all charges for the remainder of the bill cycle in which the disconnection occurs.
- H. The Company will bill monthly for services rendered and each bill will include total amounts due, broken out by local service, long distance and data service charges, and a tax summary. Call detail will be available via the Internet to all Customers. The Company will provide printed detailed bills at the request of the Customer.

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2.0 RULES AND REGULATIONS (continued)

2.6 Payment and Service Cancellation (continued)

2.6.2 Taxes

The Customer is responsible for payment of all federal, state and local taxes, franchise, excise and other fees applicable to the Services, including, but not limited to: sales, use, excise, franchise, subscriber line, low income, universal service, access, 911 service, relay service, and handicapped service.

2.6.3 Cancellation of Service by Customer

- A. The Customer may cancel Service prior to commencement by giving notice to Company up to the day prior to the day Service is scheduled to commence.
- B. The Customer may cancel Service at any time after Service commences by giving Company five (5) days' prior notice. A Reconnection Fee will apply if the Customer requests that Service be temporarily discontinued.
- C. If Customer fails to notify Company and fails to cancel Service on the day prior to the day Service is scheduled to commence, Customer may be responsible for paying the appropriate installation charge, basic local Service charges and all applicable taxes and fees.

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2.0 RULES AND REGULATIONS (continued)

2.6 Payment and Service Cancellation (continued)

2.6.4 Cancellation or Discontinuance of Service by Company

A. Discontinuance Without Notice

Company reserves the right to immediately and without notice discontinue furnishing Service to Customers without incurring liability in any of the following circumstances:

- i. In the event of a condition determined to be hazardous to the Customer, to other Customers of Company, to Company Facilities, the public, or to employees of Company; or
- ii. When necessary for Company to comply with any order or request of any governmental authority having jurisdiction; or
- iii. If Company deems such refusal necessary to protect itself or third parties against fraud or to otherwise protect its personnel, agents, Facilities or Services; or
- iv. For unlawful use of the Service or use of the Service for unlawful purposes; or
- v. If the Customer provides false information to Company regarding the Customer's identity, address, credit-worthiness, past, current or planned use of Company's Services; or
- vi. Upon proper verification of the Customer having vacated or abandoned the Premises; or
- vii. Any other reason for which discontinuation of Service without notice is justified under existing Commission rules and regulations.

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2.0 RULES AND REGULATIONS (continued)

2.6 Payment and Service Cancellation (continued)

2.6.4 Cancellation or Discontinuance of Service by Company (continued)

B. Discontinuance With Notice

Company may discontinue Service for the following reasons upon five (5) days' advance written notice (or the longer period of time that is required by law, if any):

- i. For violation of Company's filed Tariffs; or
- ii. For the non-payment of any proper charge when due; or
- iii. Failure to meet or maintain Company's credit requirements; or
- iv. For Customer's breach of the contract for Service between Company and Customer; or
- v. Unauthorized resale of equipment or Service; or
- vi. Any other reason for which discontinuation of Service with notice is justified under existing Commission rules and regulations.

C. If all or any significant portion of Company Facilities or associated equipment used to provide Service to Customer shall be taken for any public or quasi-public purpose by any lawful power or authority by the exercise of the right of condemnation or eminent domain, Company shall be entitled to elect to terminate Service upon written notice to Customer and without incurring any liability therefore.

D. Upon the Customer filing for bankruptcy or reorganization or failing to discharge an involuntary petition therefore within the time permitted by law, Company may immediately discontinue or suspend service under this tariff without incurring any liability.

2.6.5 Reconnection Fee

A Reconnection Fee of \$30 will apply whenever a Customer requests to be reconnected to the Services after Company has temporarily or permanently suspended or discontinued Services to Customer for any reason allowed by this Tariff.

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2.0 RULES AND REGULATIONS (continued)

2.7 Liability

- A. In no event shall Company or the Customer, including any subscribers to or users of any Services provided to or resold by the Customer, be liable to each other in connection with the provision and use of Company Services for indirect, incidental, consequential, reliance or special damages, including without limitation damages for lost profits, regardless of the form of action whether in contract, indemnity warranty, strict liability or tort, including without limitation negligence of any kind whether active or passive.
- B. Except as provided otherwise in this Tariff, the Company shall not be liable to the Customer, including any subscribers to or users of any Services provided to or resold by the Customer, or any other person, firm or entity for any failure or performance hereunder unless such failure is due to the gross negligence or willful act of Company. In no event shall Company be liable to the Customer, including any subscribers to or users of any Services provided to or resold by the Customer, or any other person, firm or entity for any failure or performance hereunder if such failure is due to any cause or causes beyond the reasonable control of the Company. Such causes shall include, without limitation, acts of God, fire, explosion, vandalism, cable cut, storm or other similar occurrence, any law, order, regulation, direction, action or request of the United States government or of any other government or of any civil or military authority, national emergencies, insurrections, riots, wars, strikes, lockouts or work stoppages or other labor difficulties, supplier failures, shortages breaches or delays, or preemption of existing services to restore service in compliance with the Commission's rules and regulations.
- C. With respect to any claim or suit, the Company's liability, if any, shall not exceed an amount equal to the charge applicable under this Tariff to the period during which services were affected. For those services with monthly recurring charges, the Company's liability is limited to an amount equal to the proportionate monthly recurring charges for the period during which service was affected.
- D. The Company is not liable for any act or omission of any other Company or Companies furnishing a portion of the service, facilities or equipment associated with such service.
- E. The Customer is responsible for taking all necessary legal steps for interconnecting the customer-provided terminal equipment with the Company facilities. The Customer is responsible for securing all licenses, permits, rights of way, and other arrangements necessary for such interconnection.

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2.0 RULES AND REGULATIONS (continued)

2.7 Liability (continued)

- E. All or a portion of the service may be provided over facilities of third parties, and the Company shall not be liable to the Customer or any other person, firm or entity in any respect whatsoever arising out of defects caused by such third parties.
- F. The Company shall not be liable for any direct, indirect, consequential, special, actual, or punitive damages, or for any lost profits of any kind or nature whatsoever arising out of any defects or any other cause. This warranty and these remedies are exclusive and in lieu of all other warranties or remedies, whether express, implied or statutory, including without limitation implied warranties of merchantability and fitness for a particular purpose.
- G. With respect to the routing of calls by the Company to public safety answering points or municipal Emergency Service providers, the Company's liability, if any, will be limited to the lesser of: (a) the actual monetary damages incurred and proved by the Customer as the direct results of the Company's action, or failure to act, in routing the Call, or (b) the sum of \$50.00.
- H. In the event parties other than the Customer (e.g., Customer's customers) shall have use of the service directly or indirectly through the Customer, then the Customer agrees to forever indemnify and hold the Company harmless from and against any and all claims, demands, suits, actions, losses, damages, assessments or payments which may be asserted by said parties arising out of or relating to any defects.
- I. Company is not liable for damages caused by service, channels, or equipment which it does not furnish.
- J. Company is not liable for damages to a premises resulting from the furnishing of Services, including the installation and removal of equipment and associated wiring, unless the damage is caused by Company's gross negligence or willful misconduct. Except that upon termination or expiration of Services, and upon request by the Customer, Company will remove, at its own expense, any property which Company has installed in the provision of Service on the Customer's premises within a reasonable time. Company will use reasonable care in removing such property and will return the Customer's premises to their original condition, wear and tear excepted.

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2.0 RULES AND REGULATIONS (continued)

2.7 Liability (continued)

- K. Subject to the provisions of paragraphs A through K preceding, Company and the Customer shall indemnify each other against all liability, loss, damage, and expense resulting from injury to or death of any person (including injury to or death of their employees) or loss of or damage to tangible real or tangible personal property (including damage to their property) or the environment, to the extent that such liability, loss, damage or expense was proximately caused by any negligent act or omission on the part of the party from whom indemnity is sought, its agents, employees, subcontractors or assignees, in connection with its use of service.
- L. Company's failure to provide or maintain service to the Customer, including any subscribers to or users of any Services provided to or resold by the Customer, and the Customer's obligations under this Tariff shall be excused by labor difficulties, governmental orders, civil commotion, preemption of existing services to restore service in compliance with part 64, Subpart D, of the FCC's Rules and Regulation, acts of God, Commission rules, and other circumstances beyond Company's or the Customer's reasonable control, subject to the credit allowances for interruptions provisions of this Tariff. Company and the Customer may also agree on other measures to mitigate the consequences of circumstances beyond the Customer or Company's control. If required, such agreements will be filed in this Tariff.

2.7.1 Company Liability With Respect to Caller ID Blocking

The Company shall have no liability for monetary damages (including without limitation claims for direct, indirect, special, incidental or consequential damages, whether or not the Company has been advised of the possibility of such damages), arising from any failures, errors, malfunctions or omission of Caller ID Blocking, whether or not arising from or relating to any ordinary negligence by the Company.

2.8 Full Force and Effect

Should any provision or portion of this Tariff be held by a court or administrative agency of competent jurisdiction to be illegal, invalid or unenforceable, the remaining provisions of this Tariff will remain in full force and effect.

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2.0 RULES AND REGULATIONS (continued)

2.9 Interruptions in Service

- A. Interruptions in Service will be credited to Customer for the part of the Service that the interruption affects, provided that no credit is allowed for the following:
- i. Any continuous period of less than four (4) hours, provided that two (2) or more Service interruptions of the same type to the same line/equipment of four (4) hours or more during any one twenty-four (24) hour period shall be considered as one (1) interruption;
 - ii. Interruptions caused by Customer;
 - iii. Interruptions due to failure of power, equipment or facilities provided by the Customer or persons or entities other than Company;
 - iv. Any period in which Company is not given access to the Service Premises;
 - v. Any period of scheduled maintenance and repair, tests, adjustments and inspections as may be necessary to maintain Company's equipment and Facilities in satisfactory operating condition;
 - vi. Interruptions due to the non-compliance by the Customer with the provisions of this Tariff or the tariff of any other common carrier providing Service connected to the Service of Company; and
 - vii. Interruptions caused by any failure of performance or equipment due to causes beyond Company's control, including but not limited to: acts of God, fire, flood or other catastrophes; any law, order, regulation, direction, action or request of any governmental entity claiming jurisdiction over Company, or of any department, agency, commission, bureau, corporation, or other instrumentality of any one or more of the federal, state or local governments, or any civil or military authority; national emergencies; insurrections; riots; wars; unavailability of rights-of-way or materials; or strikes, lock-outs, work stoppages or other labor difficulties.
- B. Every month shall be considered to have thirty (30) days for the purposes of computing a credit for a Service interruption to which the Customer is entitled under this Tariff.

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2.0 RULES AND REGULATIONS (continued)

2.9 Interruptions in Service (continued)

- C. A Customer is entitled to an interruption in Service credit upon request for any period during which any line subscribed to by the Customer hereunder and/or, if applicable, Company-provided station equipment attached thereto is out of Service, except as specified in this section. Out of Service conditions are defined as complete loss of call origination and/or receipt capability. Credit allowances, if any, shall be deducted from the charges payable by the Customer hereunder and shall be expressly indicated on the next bill to the Customer. An interruption period begins when the Customer reports a malfunction in Service to Company. The malfunction period ends when the affected line and/or equipment is fully operative. In the event of a major service disruption, the Company shall make every effort to credit all affected customers.
- D. The customer shall be credited for an interruption at the rate of 1/30th of the monthly charge for the Services affected for each day or part of a day computed as follows:

Credit formula:

$$\text{Credit} = \frac{A \times B}{30}$$

"A" = Outage time in days (any part of a day equals one day)

"B" = Total Monthly charges for affected Service.

- E. In the event of prior knowledge of an interruption of Service for a period exceeding one (1) day, Company will, if feasible, notify the Customer at least one (1) week in advance.

2.10 Emergency Restoration of Service

The use and restoration of Service in emergencies shall be in accordance with Part 64, Subpart D of the Federal Communications Commission's rules and regulations and the regulations of the Commission, which specify the priority system for such activities.

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2.0 RULES AND REGULATIONS (continued)

2.11 Disputed Bills

- A. The Customer shall promptly notify Company of any disputed items on a bill. If no notice is received within ninety (90) days of receipt of the bill, the bill shall be considered correct and binding.
- B. The date of the dispute shall be the date Company receives sufficient documentation to enable it to investigate the dispute.
- C. The date of the resolution is the date Company completes its investigation and attempts to notify the Customer of the disposition of the dispute.
- D. Company will promptly investigate any complaint or dispute received by a Customer and will report the result of that investigation to the Customer. When circumstances indicate the need for corrective action, Company will take such action as soon as possible.
- E. Company shall ensure that personnel engaged in initial contact with a dissatisfied Customer shall inform the Customer that if dissatisfied with the decision or the explanation provided, the Customer may have the problem considered and acted upon by supervisory personnel.
- F. Company shall ensure that supervisory personnel contacted by a dissatisfied Customer shall inform a still-dissatisfied Customer of the option to bring the matter before Commission for further review of any complaint or dispute.

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Atlanta, GA 30334
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Toll Free: 1-800-282-5813
gapscc@psc.state.ga.us

2.12 Temporary Service

Conditions precedent to rendering temporary Service, special arrangements, unique relationships or Service to speculative projects will be developed on an Individual Case Basis. Company will not provide temporary Service or Service to speculative projects unless in its judgment such Service provision is consistent with the best interests of Company and its Customers.

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2.0 RULES AND REGULATIONS (continued)

2.13 Service Connection and Facilities

2.13.1 Provision of Equipment and Facilities

- A. Title to all Company Facilities provided in accordance with this Tariff remains in Company, its agents or contractors. The Customer shall not have, nor shall it assert any right, title or interest in any Company Facilities and associated equipment provided by Company hereunder.
- B. Company undertakes to use reasonable efforts to maintain only Company Facilities and equipment that it furnishes to the Customer. The Customer may not, nor may the Customer permit others to, rearrange, disconnect, remove, attempt to repair or otherwise tamper with any Company Facilities or equipment installed by Company, except upon the written consent of Company or as allowed by law.
- C. Any Equipment Company provides or installs at the Customer's Premises for use in connection with the Company's Services shall not be used for any purpose other than that for which Company provided the equipment.
- D. Company shall not be responsible for the installation, operation, repair or maintenance of any Customer-provided communications equipment. Customer may connect such equipment to Company Facilities or equipment furnished pursuant to this Tariff as provided in this Tariff, as allowed by law, or with Company's consent. Unless otherwise specified in this Tariff, Company will not be responsible for the maintenance, repair and operation of such Customer-provided equipment, and Company will not be responsible for:
 - i. The transmission of signals by Customer-provided equipment or for the quality of, or defects in, such transmission; or
 - ii. The reception of signals by Customer-provided equipment.

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2.0 RULES AND REGULATIONS (continued)

2.13 Service Connection and Facilities (continued)2.13.1 Provision of Equipment and Facilities (continued)

- E. The Customer is responsible for ensuring that Customer-provided equipment and facilities connected to Company equipment and Facilities are compatible with such Company equipment and Facilities. The magnitude and character of the voltages and currents impressed on Company-provided Facilities and equipment by the connection, operation or maintenance of such equipment and facilities shall be such as not to cause damage to the Company-provided equipment and Facilities or injury to the Company's employees or to other persons. Customer will submit to Company, upon request, a complete manufacturer's specification sheet for each item of equipment that is not provided by Company and which shall be attached to Company's equipment or Facilities. Company shall approve the use of such item(s) of equipment unless such item is technically incompatible with Company's equipment or Facilities. Any additional protective equipment required to prevent such damage or injury shall be provided by the Company at the Customer's expense.
- F. Any special interface equipment necessary to achieve compatibility between Company Facilities and equipment used for furnishing Service and the channels, facilities or equipment of others shall be provided at the Customer's expense.

2.13.2 Customer Premises

Customer shall provide, without cost to Company, all equipment, space, conduit and electric power required to terminate the Services at the Customer's Premises. The Customer shall arrange for the Company, or other carriers as required, to have access to the Customer's Premises at all reasonable times for purposes of Service installation, termination, inspection and repair. Customer shall be solely responsible for any damage to, or loss of, Company Facilities or equipment, including inside wire, while on the Premises of Customer, unless such damage is caused by the negligence or willful misconduct of the Company, its employees, subcontractors or agents.

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2.0 RULES AND REGULATIONS (continued)

2.13 Service Connection and Facilities (continued)2.13.3 Shortage of Equipment or Facilities

- A. Company's acceptance of orders for Service is subject to the availability of adequate Company Facilities and equipment to provide the Service as ordered. Company reserves the right to reject an order or cancel an accepted order for Service without liability if there are inadequate Company Facilities or equipment available to provide the Service.
- B. Company reserves the right to limit or to allocate the use of existing Company Facilities, or of additional facilities offered by Company, when necessary, because of a lack of Company Facilities, or due to any other cause beyond Company's control
- C. The furnishing of Service under this Tariff is subject to the availability on a continuing basis of all the necessary Company Facilities and is limited to the capacity of Company Facilities, as well as facilities Company may obtain from other carriers to furnish Service.

2.13.4 Special Construction and Special Arrangements

Subject to the agreement of Company and to all of the regulations contained in the tariffs of Company, special construction and special arrangements may be undertaken on a reasonable efforts basis at the request of the Customer. Special arrangements include any service or facility relating to a regulated telecommunications service not otherwise specified under tariff, or for the provision of service on an expedited basis or in some other manner different from the normal tariff conditions. Special construction is that construction undertaken:

- A. where facilities are not presently available, and there are no other requirements for the facilities so constructed;
- B. of a type other than that which Company would normally utilize in the furnishing of its services;
- C. over a route other than that which Company would normally utilize in the furnishing of its services;
- D. in a quantity greater than that which Company would normally construct;

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2.0 RULES AND REGULATIONS (continued)

2.13 Service Connection and Facilities (continued)2.13.4 Special Construction and Special Arrangements (continued)

- E. on an expedited basis;
- F. on a temporary basis until permanent facilities are available;
- G. involving abnormal costs; or
- H. in advance of its normal construction.

Where Company furnishes a facility or service on a special construction basis, or any service for which a rate or charge is not specified in Company's tariffs, charges will be based on the costs incurred by Company and may include: (1) non-recurring type charges; (2) recurring type charges; (3) termination liabilities; or (4) combinations thereof. The agreement for special construction will ordinarily include a minimum service commitment based upon the estimated service life of the facilities provided.

Basis for Cost Computation

The costs referred to in 2.13.4 above may include one or more of the following items to the extent they are applicable:

- A. Installation cost of the facilities to be provided including estimated costs for the rearrangements of existing facilities. Installation cost includes the cost of:
 - 1. equipment and materials provided/installed or used,
 - 2. design, engineering, project management, labor, and supervision,
 - 3. transportation,
 - 4. obtaining all necessary rights of way, attachments, and leases, and
 - 5. any other item chargeable to the capital account.

2.0 RULES AND REGULATIONS (continued)

2.13 Service Connection and Facilities (continued)

2.13.4 Special Construction and Special Arrangements (continued)

B. Annual charges including the following:

1. cost of maintenance and operation,
2. depreciation on the estimated cost installed of any facilities provided, based on the anticipated useful service life of the facilities with an appropriate allowance for the estimated net salvage,
3. administration, taxes and uncollectible revenue on the basis of reasonable average costs for these items,
4. any other identifiable costs related to the facilities provided, and
5. an amount for return and contingencies.

2.13.5 Interconnection

- A. Service furnished by Company may be interconnected with services or facilities of other authorized communications common carriers and with private systems, subject to the technical limitations established by Company. Any special interface equipment or facilities necessary to achieve compatibility between the Company Facilities and other carriers shall be provided at the Customer's expense. However, Service furnished by Company is not part of a joint undertaking with any other provider.
- B. Interconnection with the facilities or services of other carriers shall be subject to the applicable terms and conditions of the other carriers' tariffs, if any. The Customer shall be solely responsible for satisfying all legal requirements for interconnecting Customer-provided terminal equipment or communications systems with the other companies' facilities, including, without limitation, all licenses, permits, right-of-way and other arrangements necessary for such interconnection.

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2.0 RULES AND REGULATIONS (continued)

2.13 Service Connection and Facilities (continued)

2.13.6 Prohibited Uses

- A. The Services Company offers shall not be used for any unlawful purpose or for any use as to which the Customer has not obtained all governmental approvals, authorizations, licenses, consents and permits required to be obtained by the Customer with respect thereto.
- B. Company may, without obtaining any further consent from the Customer, assign any rights, privileges or obligations under this Tariff. The Customer shall not, without prior written consent of Company, which consent shall not be unreasonably withheld, assign, transfer or in any other manner dispose of, any of its rights, privileges or obligations under this Tariff, and any attempt to make such an assignment, transfer, disposition without consent shall be null and void.
- C. Company may require a Customer to immediately shut down its transmission of signals if said transmission is causing interference to others.
- D. A Customer may not use the Services so as to interfere with or impair Service over any Company Facilities and associated equipment, or so as to impair the privacy of any communications over such Company Facilities and associated equipment.
- E. Customer use of any resold Service obtained from other communications providers shall also be subject to any applicable restrictions in the underlying providers' publicly available tariffs or price lists.

2.13.7 Non-Standard Situations

At the Customer's request and the acceptance by Company, installation and/or maintenance may be performed outside Company's regular business hours, on an expedited basis, in hazardous locations, or in other non-standard situations. In such cases, charges will be arranged on an individual case basis ("ICB"). If installation is started during regular business hours but, at the Customer's request and Company's acceptance, extends beyond regular business hours into time periods including, but not limited to, weekends, holidays and/or night hours, additional charges may apply.

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2.0 RULES AND REGULATIONS (continued)

2.14 Services Provided by Other Communications Providers

Company shall have no responsibility with respect to billings, charges or disputes related to services used by Customers which are not included in the Services herein. Customers receiving services from other communications providers shall be fully responsible for the payment of any bills for such services and for the resolution of any disputes or discrepancies relating to such services with the other provider.

2.15 Governmental Authorizations

The provision of Company's Services is subject to, and contingent upon, Company obtaining and retaining such approvals, consents, governmental authorizations, licenses and permits, as may be required or be deemed necessary by the Company. Company shall use reasonable efforts to obtain and keep in effect all such approvals, consents, authorizations, licenses and permits that may be required to be obtained by it. Company shall be entitled to take, and shall have no liability whatsoever for, any action necessary to bring the Services into conformance with any rules, regulations, orders, decisions or directives imposed by the Federal Communications Commission or other applicable agency, and the Customer shall fully cooperate in and take such action as may be requested by Company to comply with any such rules, regulations, orders, decisions or directives. Company's obligation to provide Service hereunder will terminate if any required governmental authorization or grant is withdrawn, revoked or otherwise terminated.

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2.0 RULES AND REGULATIONS (continued)

2.16 Promotions

Company may, from time to time, engage in special promotions of new or existing Service offerings of limited duration designed to attract new Customers or to increase existing Customer awareness of a particular offering. The promotional offerings are subject to the availability of the Services and may be limited to a specific geographical area, to a subset of a specific market group or to customers who sign up for such Service on or after a particular date. Prior approval for promotional offerings will be obtained from the appropriate regulatory authority when required.

2.17 Effective Date

The terms and conditions of this Tariff will apply to Customers whose service commences on or after the Effective date of this Tariff. Customers whose Service commenced before the Effective date of this Tariff may choose to receive Service under the Rates and Charges in this Tariff upon request through Company's customer care representatives. All other terms and conditions of this Tariff will apply to all Customers for all Service provided by Company on and after the Effective date of this Tariff, regardless of when Service commenced.

2.18 Term and Termination

- A. The term commences on the Conversion Date.
- B. If the Customer terminates Service, or if the Company terminates Service for cause under this tariff, prior to the Customer's fulfillment of the term commitment, Customer shall pay termination charges equal to the amount of the monthly term discount times the number of months served under the contract (or fraction thereof) plus any termination charges paid to Customer's previous carrier by TeleQuality. The amount of the monthly term discount is defined as the difference between billed charges the customer would have paid in the absence of a term commitment (e.g., month-to-month service) less billed charges the customer actually paid under the term commitment. Such termination charges are in addition to any due but unpaid recurring and all unpaid nonrecurring charges, including any installation charges waived by TeleQuality. If termination is prior to installation of Service, termination charges shall be those reasonable costs incurred by TeleQuality through the date of termination.

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2.0 RULES AND REGULATIONS (continued)

2.19 Individual Case Basis (ICB) Arrangements

Due to the unique circumstances both in terms of location and organization, in lieu of the rates otherwise set forth in this Tariff, rates and charges, including installation, special construction, and recurring charges, may be established at negotiated rates on an Individual Case Basis (ICB), taking into account such factors as the nature of the facilities and services, the costs of construction and operation, and the length of service commitment by the Customer. Such arrangements shall be made available to similarly situated Customers on comparable terms and conditions.

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3.0 LOCAL SERVICES [Reserved for Future Use.]

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4.0 LONG DISTANCE SERVICES [Reserved for Future Use.]

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5.0 PRIVATE LINE DATA SERVICES RATES

5.1 Private Line Data Services

Private Line Data Services provides a point-to-point, point-to-multipoint and multi-point-to-multipoint dedicated connection between one or more customer-designated locations and/or the Company. The service may utilize Ethernet interfaces, optical fiber and/or coaxial cable facilities, is scalable from 1 Mbps to 10 Gbps and will be designed and provisioned on an Individual Case Basis (ICB) pursuant to contracts with Customers. All requesting Customers shall have nondiscriminatory access to ICB Services and facilities at nondiscriminatory rates, terms and conditions.

Service is offered at the standard rates listed below and on an ICB basis and is dependent on capital investment requirements associated with the service:

Bandwidth	Recurring Monthly Minimum	Recurring Monthly Maximum
1.5 Mbps	\$500	\$3,100
5 Mbps	\$600	\$12,300
10 Mbps	\$700	\$15,400
50 Mbps	\$2,700	\$38,000
100 Mbps	\$1,200	\$46,100
500 Mbps	\$7,000	\$32,200
1 Gbps	\$2,500	\$27,700

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5.0 PRIVATE LINE DATA SERVICES RATES

5.2 Service Connection and Related Charges

Nonrecurring charges may apply to Customer requests for connecting, moving, or changing Service. These charges will be determined on an Individual Case Basis (ICB) and will apply in addition to any other scheduled rates and charges that otherwise apply under this Tariff.

5.2.1 Charges for the connection, move, or change of Service may apply for work being performed during the Company's normal business hours. If the Customer requests that overtime labor be performed at a premises on the day or days of the week other than normal work hours or on holidays, or interrupts work once it has begun, an additional charge may apply based on the additional costs involved.

5.2.2 Changes in location of Customer's Service from one premise to another may be treated as new Service connections with the appropriate Service Charges applying.

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6.0 PRICE LIST

6.1 Private Line Data Services

Service is offered on an ICB basis and is dependent on the capital investment requirement associated with the service. All requesting Customers shall have nondiscriminatory access to ICB Services and facilities at nondiscriminatory rates, terms and conditions.

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