

Letter of Appeal  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554  
CC Docket No. 02-6

Re: Request for Review of Recovery of Improperly Disbursed Funds Letter issued September 27, 2019.

Dear Marlene H. Dortch:

I am submitting this letter of appeal regarding a Recovery of Improperly Disbursed Funds Letter for E-Rate FY 2016 funding of E-Rate FY 2016 funding request 1699083171 on the grounds that, the denial (or recovery of funds) reasonings are not all accurate. There is no SPI disbursement related to this FRN, no disbursement for services delivered after June 30, 2017 related to this FRN, and finally no disbursement for ineligible late fees related to this FRN.

Appellant Name:	e2e Exchange, LLC
Applicant Name:	Vernon Parish School Board
471 Application Number:	161038692
Billed Entity Number:	139347
FRN:	1699083171
Service Provider:	BellSouth Telecommunications, LLC

SLD Explanation for denial: *"Services delivered outside of funding year or after contract expired and USAC invoiced via SPI Form; Funds disbursed for ineligible services and USAC invoiced via SPI Form.; Services delivered to entity that was not approved to receive the service."*

In addition to the below appeal, please also reference the RCFS Confirmation #2019032622880609699 which is a previously submitted FCC Appeal regarding a COMAD Red Light ruling regarding this same FRN 161038692. This FCC appeal was submitted on 3/26/2019.

Regarding the reasons for recovery:

1. FRN 1699083171 was processed as a BEAR reimbursement. There is no record, documentation or proof of FRN 1699083171 being filed as a SPI reimbursement. Furthermore, an FRN can only be processed via one method, BEAR or SPI. Therefore, if the service provider were to have accidentally filed a SPI it would have been immediately rejected for payment. Please see the documentation, provided during the PQA review, showing the BEAR check was received 7/20/2017.
2. FRN 1699083171 was processed as a BEAR reimbursement only for services and costs associated with the E-rate funding year July 1, 2017 to June 30, 2017.
3. FRN 1699083171 did not include any ineligible late fees. Please see the documentation, provided during the PQA review, where the invoices show no costs for late fees.
4. The only item we agree with is that Pitken High School (80961) was not listed on the FY2016 Form 471 at the time, as it was a new addition.

For the reasons cited above, and the apparent contradicting two COMADs issued for the same FRN, we disagree with the current determination of the amounts to be returned and request that this FRN is properly reexamined.

The underlying problem appears to trace back to USAC and the PQA review team. Mariam Laarsraoui, while very pleasant to work, was repeatedly missing information that was sent into her. We provided copies of all required documentation invoices, checks, web filtering appliance data, entity listing, as well as further detail to reconcile checks, and the three account numbers associated with FRN 1699083171.

The total payment made on these two accounts is \$924,709.73 which puts Vernon Parish clearly above the pre-discount amount of \$732,870.00. Please see the attached checks for account numbers 337 M31-9907 907 that were dually submitted during PQA review. The PQA review in her assessment verified \$720,427.79. She requested further detail on the checks totaling \$204,261.94 that make up the entire balance of the payment made. These payments were made on Acct# 318-N04-0010 010 and 318-N04-0136 136 the later of which was created by BellSouth but is representative of the entire scope of services billed and represented in the Form 471. This detail was provided on 5/11/18 three days before the due date 5/14/18

In May 2017, the FCC issued its *Jefferson-Madison* decision ([DA 17-526](#)) directing USAC to accept resubmitted invoices from certain applicants who had missed invoice deadlines. At the same time, the FCC instructed USAC to accept resubmitted invoices from other “similarly-situated” applicants. In August 2017, after investigating such similar cases, USAC reached out to applicants it so identified, invited them to resubmit invoices for specific FRNs, and gave them new invoice deadlines. Should USAC take issue with the Form 486 filing date, we request that the FCC impose the Jefferson-Madison ruling so that the 486 deadline is waived, and invoices dates before 2/23/18 are taken into full consideration. At no point during PQA review was this a point of contention, however this request should be clear as to allow the FCC to rule on a decision without further prejudice to this funding request.

Note that this is **not** a case of improperly committed funds. We request that the FCC also invoke the ruling relevant to the Bishop Order as 1.) The processing of this PQA is the result of a USAC clerical error and its inability to reconcile the massive amount of information requested and 2.) the PQA findings do not create a substantive violation. The FCC Order 06-54 waives the rules for procedural, not substantive violations. Furthermore the recovery of funds, properly committed, but paid under an erroneously applied invoice extension, “...may not be appropriate for violation of procedural rules codified to enhance operation of the E-Rate program as per [FCC 04-190](#), ¶19.. USAC’s assessment in incorrectly disbursed funds as these funds were not disbursed incorrectly, does not constitute a substantive violation on behalf to the applicant and as such should not apply.

We respectfully request that you overturn the denial and restore the eligible funding of these FRNs. Thank you for reviewing this appeal. Please use the contact information below.

Tiffany Bullion, E2e Exchange LLC, PO Box 451, Syracuse, NY 13206, Tel. 315.422.7608, Fax 866.283.9332, [trb@e2exchange.com](mailto:trb@e2exchange.com)

Sincerely,  
**E2e exchange, LLC**

Tiffany Bullion  
Director of Operations