

Letter of Appeal Regarding USAC Appeal Denial Dated 9-26-2018 - RECOVERY OF IMPROPERLY DISBURSED FUNDS

November 26, 2018

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Applicant/Appellant Name:	Richard Senturia, Consultant for Applicant/Appellant
Applicant/Appellant:	Memphis University
FCC Registration Number:	0021467840
Billed Entity Number (BEN)	42323
Form 471 Application Number:	892129
Funding Request Number(s):	2424724
Funding Year:	2013
SLD Invoice Number(s):	2083468, 2661045
USAC Appeal Denial Date:	September 26, 2018
Total Amount to be Recovered:	\$7329.84

To whom it may concern:

We hereby appeal Administrator's Decision on Appeal – Funding Year 2013-2014, dated September 26, 2018, regarding a Recovery of Improperly Disbursed Funds ("RIDF") in the amount of \$7329.84. The applicant twice timely and properly filed its BEAR Invoice(s) in full compliance with USAC/FCC requirements, once before the original invoice deadline of April 22, 2015, and again prior to the extended deadline mandated by the FCC's *Jefferson-Madison* decision. USAC disbursed the requested funds in response to those timely-filed BEAR Invoices. The applicant then received the RIDF Letter in an apparent error by USAC.

The applicant properly and timely filed BEAR Invoice Number 2083468 on October 8, 2014, prior to the original invoice deadline of April 22, 2015. The service provider did not acknowledge that filing. USAC's rules for the BEAR process at that time required acknowledgment of the BEAR Invoice by the service provider. In the FCC's *Jefferson-Madison* decision (DA 17-526), the FCC mandated BEAR Invoice extension(s) for applicants in that situation, which included this applicant. In that decision, the FCC provided applicants relief for timely-submitted, but unacknowledged, BEARs.

Per the Administrator's Decision on FCC Remand, the applicant received a letter from USAC stating:

You are receiving this Administrator's Decision Letter because USAC has identified you as qualifying for relief provided for in FCC Order DA 17-526 released on May 30, 2017.

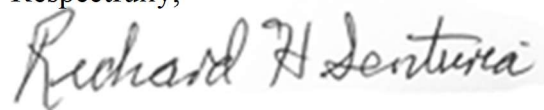
In DA 17-526, the FCC directed USAC to allow applicants to resubmit invoices, or Billed Entity Applicant Reimbursement (BEAR) forms, which had been timely filed between August 2014 and July 2016 and that were rejected "based on a lack of timely service provider certification before the invoice filing deadline." The FCC directed USAC to allow for resubmission of these BEARs and processing within the next 90 days.

On August 11, 2017, the applicant for a second time timely and properly filed its BEAR Invoice by the extended deadline mandated by the *Jefferson-Madison* decision and granted by USAC (BEAR Invoice Number 2661045). USAC then disbursed the funds in response to the applicant's timely filed BEAR(s), but nevertheless issued its RIDF letter. USAC apparently issued the RIDF letter in error, and USAC should withdraw the RIDF request and allow the applicant to retain the funds USAC properly disbursed.

The applicant filed its original BEAR Invoice(s) on October 8, 2014 (BEAR Invoice Number 2083468), and the service provider did not acknowledge the request. Therefore, FRN 2424724 falls within the scope and mandate of the *Jefferson-Madison* Decision, and USAC properly allowed the applicant an extension to file its BEAR Invoice. The applicant timely filed the BEAR Invoice a second time (BEAR Invoice Number 2661045, filed on August 11, 2017). The FCC should order disbursement of the relevant funds and withdraw its RIDF letter.

Thank you for your consideration of this matter. Please let us know if you require any additional documentation or materials.

Respectfully,

A handwritten signature in black ink that reads "Richard H. Senturia". The signature is written in a cursive, flowing style.

Richard Senturia

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