

BEFORE THE  
FEDERAL COMMUNICATION COMMISSION  
Washington D.C. 20554

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In the Matter of Request for Review by Marshfield  
Clinic of the Decision of the Universal Service  
Administration Corporation-Rural Health Care  
Division (USAC)

Docket No. 02 -60

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**MARSHFIELD CLINIC REQUEST FOR REVIEW OF FUNDING FROM  
THE RURAL HEALTH CARE DIVISION**

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To: Marlene H. Dortch  
Federal Communication Commission  
Office of the Secretary  
445 12th Street, SW  
Room TW-A325  
Washington, DC 20554

Re: Universal Service Fund Appeal FY 2013  
Marshfield Clinic Funding Request Number  
(FRN) 1339701, 1339698, 1339680, 1340085, and 1340066

Submitted by: Michael O'Connor USF Consultants

## **I. Overview**

This appeal is to allow funding for the Caller Name ID Service associated with ISDN-PRI Service. For over a decade USAC fully supported funding of this service but suddenly and for no discernible reason stopped. USAC has determined the service is now optional and not eligible for support.

Therefore, USAC was wrong for over a decade and failed to provide adequate staff supervision, or USAC is suddenly changing the rules to fit their agenda, or lastly USAC just makes up the rules of the program rules as they go.

To help address this, I would kindly request the FCC please address the following:

- How is the decision made to select what is appropriate and eligible to be funded, what services are optional and are there exceptions
- How are the decisions memorialized and who makes the final determination
- Is the list of these decisions available to health care providers
- Is there a procedure to request input from health care providers as to their need for services to meet the overall goals of improved health outcomes for our citizens

An example of what is eligible or optional, let's consider Frame Relay. Frame Relay has a physical connection (ie 1.544M). A separate cost of the Committed Information Rate [CIR] and a separate cost for a Virtual Private Network (VPN) connection.. Are all of these costs eligible? Are some of the costs eligible? Are some eligible and some not, who knows?

## **II. Introduction**

Marshfield Clinic for over a decade was fully funded for the cost of ISDN-PRI Caller Name ID. Marshfield Clinic is requesting a continuation of that funding for FY2013 for the 5 (five) ISDN-PRI services noted in our appeal.

## **II Information on Request**

Marshfield Clinic received notification of the USAC denial dated October 29th, 2014. The service is for ISDN-PRI Caller Name ID. The USAC determination letter is attached.

Marshfield Clinic did receive support for the Direct Inward Dialing (DID) Service which was also billed separately on each of the Funding Requests. DID provides the ability to dial a 7 digit number and have it automatically connected to a station as part of a PBX Telephone System. The DID service was allowed full support, the Caller Name ID was not.

Health care providers must be provided the flexibility to select the services they need to provide the quality of service deserving of the rural population. The core principle of the Rural Health Program is to create a level playing field. Rural Hospitals should be able to benefit from the same technological services commonly available for Urban Hospitals. Urban Hospitals overwhelmingly utilize the Caller Name ID to assist in updating contact records for the majority of patients using mobile cellular technology.

The notion a service is optional without any additional review is ludicrous. The fact is Caller Name ID is provided at no additional cost to the majority of Urban Hospitals in the US. Therefore, Caller Name ID is not optional service but a mainstay and the benefits of this technology must be shared with Rural Hospitals. USAC should provide funding to maintain a level playing field and not unduly penalize Rural Hospitals.

### III Conclusion

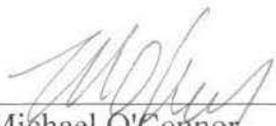
I urge you to level the playing field. My request is to have the FCC reverse the decision of USAC and to fund Marshfield Clinic for Funding Year 2013 for Funding Request Numbers 1339701, 1339698, 1339680, 1340085, and 1340066 for the additional cost of the Caller Name ID. In addition, I would request the FCC to create an accessible database for all health care providers to review services which are currently identified as eligible or optional.

Dated this 15th Day of December, 2014

Respectfully submitted,

USF Consultants, Inc

By:

  
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Michael O'Connor  
Corporate Secretary

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*Administrator's Decision on Rural Health Care Program Appeals*

Via Electronic and Certified Mail

October 29, 2014

Ms. Patsy J. Beining  
Marshfield Clinic  
1701 North Fig Avenue  
Marshfield, Wisconsin 54449

Re: Marshfield Clinic's Appeals of USAC's Decisions to Deny Rural Health Care Program FY 2013 FRNs 1339701, 1339698, 1339680, 1340085, and 1340066

Dear Ms. Beining:

The Universal Service Administrative Company (USAC) has completed its evaluation of the June 16, 2014 letters of appeal that you submitted on behalf of multiple health care providers (HCPs) under the umbrella of Marshfield Clinic (Marshfield) for Funding Year 2013.<sup>1</sup> Your appeals requested that USAC reconsider its funding decisions for Marshfield's FY 2013 FRNs referenced above, because the rural rate indicated on the FCC Forms 466<sup>2</sup> for the requested ISDN-PRI service included the costs of a caller-ID service which was not a component of the requested ISDN-PRI service, and therefore, was not eligible for support.<sup>3</sup>

Decision on Appeal and Explanation: Denied.

HCPs submit FCC Form 466 to request funding for eligible services through the RHC Program.<sup>4</sup> After USAC reviews and approves an HCP's funding request, USAC issues a

<sup>1</sup> See Letters from Patsy Beining, Marshfield, to USAC (June 16, 2014). Marshfield submitted separate appeals for each FRN referenced above based on the same facts. Accordingly, USAC has consolidated Marshfield's appeals and is issuing a single decision letter to address all of Marshfield's appeals for the above-referenced FRNs. (*Marshfield Appeals*).

<sup>2</sup> Health Care Provider Universal Service Funding Request and Certification Form, FCC Form 466 (OMB 3060-0804) (Nov. 2011) (*FCC Form 466*).

<sup>3</sup> 47 C.F.R. §§ 54.601(c)(1) (2012) ("Any telecommunications service that is the subject of a properly completed bona fide request by a rural health care provider shall be eligible for universal service support, subject to the limitations described in this paragraph."), 54.609(a) ("[A]ll reasonable charges that are incurred by taking such services, such as state and federal taxes shall be eligible for universal service support. Charges for termination liability, penalty surcharges, and other charges not included in the cost of taking such service shall not be covered by the universal service support mechanisms.").

<sup>4</sup> See e.g., FCC Form 466 Instructions (OMB 3060-0804), at 1 (Nov. 2011) ("Form 466 is the means by which an applicant identifies the telecommunications service, rates, carrier(s), and the date(s) of carrier selection.").

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funding commitment letter (FCL) to notify the HCP of the decision regarding committed funding for that FRN. Pursuant to FCC rules, affected parties that seek review of a USAC decision, including funding decisions, must submit their appeal within 60 days of the issuance of USAC's decision.<sup>5</sup>

On February 28, 2014, Marshfield submitted its FCC Forms 466 requesting funding for PRI-ISDN (1.544 Mbps) service for FY 2013 for the FRNs referenced above. As noted above, Marshfield included the costs of an optional feature caller-ID service in the monthly recurring rural rate of \$937.97 (Line 33). USAC determined that the caller-ID service was a separate service and was, therefore, ineligible for support. Accordingly, USAC adjusted the reported rural rate to exclude the costs of the caller-ID service which was used to determine the funding commitment amount for the requested FRNs.

On April 8, 2014, USAC issued funding commitment letters (FCLs) for FY 2013 to Marshfield for \$4,177.78 (\$711.60 monthly) for recurring ISDN-PRI service for the FRNs referenced above.<sup>6</sup> As noted above, these funding commitments excluded the costs of the caller-ID service that Marshfield originally included in the rural rate reported on its FCC Forms 466, because that service was an optional feature and not a component of the requested ISDN-PRI service.<sup>7</sup> The FCLs provided instructions for filing an appeal and

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<sup>5</sup> 47 C.F.R. § 54.720(a) and (b) (2012). *See also, e.g., In the Matter of Requests for Review of Decisions of the Universal Service Administrator by AGRA Public Schools I-134 et al.*, CC Docket No. 02-6, Order, DA 10-929, 25 FCC Rcd 5684, 5688, ¶ 6 (2010) (providing "[f]iling deadlines for appeals are needed to provide finality in the decision-making process" and upholding USAC's denials of appeals because the appeals were not filed with the Commission or USAC within 60 days of USAC's decisions), *In the Matter of Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District*, CC Docket No. 02-6, Order and Order on Reconsideration, DA 14-739, 29 FCC Rcd 5823, 5823, ¶ 1, (2014) (denying appeals that were not submitted to USAC or the FCC within 60 days of USAC's decision, and denying petition for reconsideration of denial of untimely filed appeal).

<sup>6</sup> Emails from USAC to Marshfield (Apr. 8, 2014) (providing funding commitment letters for the ISDN-PRI services requested for the FY 2013 FRNs referenced above that excluded the costs of the caller-ID service from the commitment amounts). FRN 1340085 was for \$2,827.46 (\$481.60 monthly) through December 27, 2013.

<sup>7</sup> 47 C.F.R. §§ 54.601(c)(1), 54.609(a) (2012). *See also* Information Requests from USAC to Marshfield (Apr. 1, 2014) (explaining that Marshfield's rural rate calculation included the charge for the caller-ID service, which "is considered an optional feature and is not fundable" and as a result, USAC would adjust the reported rural rate from \$937.97 to \$887.10); Excerpt of Frontier invoice (Nov. 2013) (indicating separate monthly charge of \$101.74 for caller-ID service). On April 4, 2014, Marshfield challenged this adjustment and explained the caller-ID service was eligible as a telephone feature because it was a component part of the requested ISDN-PRI service. Marshfield's response to USAC Information Request (Apr. 4, 2014). However, as noted above, the rural rate documentation listed the caller-ID as a separate charge, therefore the caller-ID service was determined not to be a component of the requested ISDN-PRI service and was ineligible for support. Although, Marshfield responded to USAC's April 1, 2014 request for information and disagreed with the proposed reduction in funding requested, Marshfield did not appeal USAC's April 8, 2014 funding decisions that approved funding for the reduced amount by the appeal deadline.

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stated that the deadline for filing the appeal was 60 days from the date of USAC's letters.<sup>8</sup>

On June 16, 2014, Marshfield appealed USAC's funding decisions for the above-referenced FY 2013 FRNs. Marshfield submitted its appeals to USAC via email with copies also received via regular mail.

In its appeals, Marshfield explained that ISDN-PRI caller-ID service provides the ability "to have digital display phones provide the number and/or the calling name of the source of the call on the local telephone company database."<sup>9</sup> Marshfield further asserted that USAC's exclusion of the costs of the caller-ID service from the FCLs for the requested ISDN-PRI service was a policy determination that USAC was not authorized to make. Marshfield requests that USAC revise the funding commitments for the above-referenced FY 2013 FRNs and include the costs of caller-ID service based on this additional information. As explained above, USAC's funding commitments for Marshfield's FY 2013 FRNs requesting ISDN-PRI service excluded the costs of caller-ID service because the rural rate documentation listed that service as a separate charge, therefore, it was not a component of the requested ISDN-PRI service.

Marshfield's appeals were not timely filed in compliance with Section 54.720 of the FCC's rules because they were submitted *after* the FCC's 60-day deadline for appealing a USAC decision.<sup>10</sup> Specifically, Marshfield submitted its appeals to USAC on June 16, 2014, which is *after* the 60-day appeal deadline of June 9, 2014 for USAC's April 8, 2014 funding decisions.<sup>11</sup> Because Marshfield submitted its appeals after the FCC's 60-day deadline for appealing a USAC decision, USAC hereby denies Marshfield's appeals as untimely.

In addition, if Marshfield had submitted its appeals by the FCC's 60-day deadline USAC would have found that the costs of the caller-ID service were correctly excluded from the funding commitments issued for Marshfield's FY 2013 FRNs 1339701, 1339698, 1339680, 1340085, and 1340066. As discussed above, the provided rate documentation listed the caller-ID service as a separate line-item charge and the service was not included

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<sup>8</sup> Emails from USAC to Marshfield (Apr. 8, 2014) (committing funding for the above referenced FY 2013 FRNs and providing that "[a]ppeals must be electronically date-stamped or postmarked within 60 days of the date of this letter").

<sup>9</sup> Marshfield appeals, at 2.

<sup>10</sup> See *supra* n.5.

<sup>11</sup> See 47 C.F.R. § 54.720(e) (2012) (providing "[i]n all cases of requests for review filed under §54.719, the request for review shall be deemed filed on the postmark date"). Although USAC issued RHC support schedules on May 6, 2014 for the FRNs referenced above, those letters were issued *after* the FCLs were issued and provided the months in which the support that was committed in the FCL would be available. See Letters from USAC to Marshfield (May 6, 2014) (providing detailed monthly support schedule for the total \$4,177.78 committed in the FCLs for the requested ISDN-PRI services). Because the FCL is USAC's funding decision, the April 8, 2014 date of the FCLs governs for determining whether the appeals were filed within the 60-day deadline required under FCC rules.

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as a component of the requested ISDN-PRI service.<sup>12</sup> Therefore, the separate costs associated with the optional caller-ID service are not eligible for RHC Program support. Section 54.602(d) provides that “[s]ervices for which eligible health care providers receive support from the Telecommunications Program or the Healthcare Connect Fund must be reasonably related to the provision of health care services or instruction . . . .” Because the requested caller-ID service was an optional service, it is not a service that is reasonably related to the provision of health care services or instruction as required by the rules. Marshfield is able to receive the requested ISDN-PRI service without receiving the optional caller-ID service.

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I (47 C.F.R. §§ 54.719 to 725). Detailed instructions for filing appeals are available at:

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

Sincerely,

/s/ USAC

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<sup>12</sup> See Information Requests from USAC to Marshfield (Apr. 1, 2014) (explaining that Marshfield’s rural rate calculation included the charge for the caller-ID service, which “is considered an optional feature and is not fundable” and as a result, USAC would adjust the reported rural rate from \$937.97 to \$887.10); Excerpt of Frontier invoice (Nov. 2013) (indicating separate monthly charge of \$101.74 for caller-ID service).