

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Rural Health Care Support Mechanism) WC Docket No. 02-60
)

**REQUEST FOR WAIVER OF
CONSORTIUM ANNUAL REPORT REQUIREMENT
KELLOGG & SOVEREIGN® CONSULTING, LLC.**

Kellogg & Sovereign® Consulting, LLC (KSLLC) on behalf of the consortium applicants and health care providers (HCPs) for which it consults files this request for waiver of the annual report requirement for consortium applicants participating in the Healthcare Connect Fund (HCF).¹

In establishing the Healthcare Connect Fund, the Federal Communication Commission (FCC) established an annual reporting requirement for consortium applicants.² The FCC states in the *Healthcare Connect Fund Order* that the consortium applicants will be required to...

Provide the information necessary to ensure the Commission can assess progress towards the performance goals and measures adopted in Section III. To track progress toward the first goal, increasing access to broadband, we require participants to report the characteristics, including bandwidth and price, of the connections supported by the Healthcare Connect Fund. To track progress toward the second goal, fostering broadband healthcare networks, we require participants to report the number and characteristics of the eligible and non-eligible sites connecting to the network. We also expect participants to report whether and to what extent the supported connections are being used for telemedicine, exchange of EHR's, participation in a health information exchange, remote training, and other telehealth applications. To track progress toward the third goal, maximizing the cost-effectiveness of the program, in addition to the reporting requirements under the first goal, we require that participants report the number and nature of all responsive bids received through the competitive bidding process as well as an explanation of how the winning

¹ 47 C.F.R. § 54.647(b) (2013)

² *In the Matter of Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, FCC 12-150, 27 FCC Rcd 16678 ¶ 316-322 (2012) (*Healthcare Connect Fund Order*).

bid was chosen, as discussed above in the section on competitive bid requirements.³

The first annual report for consortium applicants was due on September 30, 2014. On June 19, 2014 the FCC released an Order which waived the annual report requirement for all consortium and Pilot Program applicants.⁴ Simultaneously, the FCC also released a Public Notice seeking comments concerning the annual reporting requirement.⁵

The Public Notice states that the FCC is seeking comment “on how best to measure the performance goals identified in the HCF Order by optimizing the content and format of these consortium annual reports.”⁶ The Public Notice further states that the FCC is seeking comment on how to structure the reports for funding year 2014 and beyond.⁷

KSLLC submitted comments on October 27, 2014 on the record concerning the annual report requirement and the proposals outlined by the FCC in the Public Notice.⁸ KSLLC made a number of proposals in its comments, a few of which include:

- Data already collected on FCC forms should not be required to be reported by applicants once again on an annual report. If that data is required on the annual report, the existing data in USAC’s database should populate those required metrics for the annual report. We also proposed a number of reports that USAC could and should make available to applicants in *My Portal*.⁹
- Actual data points that will be collected on the annual report be clearly identified by the FCC. Once the data collection points have been clearly identified, the report itself should be made available for public comment so that consortium leaders and its participating HCPs can have an opportunity to inform the FCC as to the feasibility and administrative burden of producing the data requested on the annual report.¹⁰ (emphasis added)
- The annual report should utilize the data already being submitted by the applicants on FCC forms. The data points that would come directly from the existing data on the FCC forms should be clearly identified when the FCC submits the annual report for public comment. Consortium leaders and its

³ *Id.* ¶ 319.

⁴ *Rural Health Care Support Mechanism*, WC Docket 02-60, Order, DA 14-854 (Wireline Comp. Bur. rel. June 19, 2014).

⁵ *Wireline Competition Bureau Seeks Comment on Healthcare Connect Fund Annual Reports*, WC Docket 02-60, DA 14-853, (Wireline Comp. Bur. rel. June 19, 2014). (*Public Notice*)

⁶ *Id.* ¶ 1

⁷ *Id.* ¶ 1

⁸ *Rural Health Care Support Mechanism*, WC Docket 02-60, Comments of Kellogg & Sovereign Consulting, LLC (submitted October 27, 2014). (*KSLLC Comments*)

⁹ *Id.* Page 6-7, 10-15.

¹⁰ *Id.* Page 14

participating HCPs should only be required to annually provide data that is not already collected on existing forms.¹¹

- Data entry of required information within the system to be made available to applicants at least 90 days prior to the report due date. Data available from existing forms should also be populated and available for review by applicants during this period.¹²

Consortium applicants still have no ability within *My Portal*, the Universal Service Administrative Company online application system, to create reports or otherwise see all of the data in the USAC database about the consortium. Applicants cannot even see funding commitment letters within *My Portal*. There are **no reports** available within the system for any applicant to get a complete listing of all of its funding commitments and disbursement for any funding request number, participating HCP, expense, or time period. Applicants do not even have the ability to download basic data from USAC's database to use for project management purposes. The lack of this ability is stark compared to the E-rate program, which has made data available to applicants for many years.¹³

To date, the FCC has not released the form that consortium applicants will use to submit the annual report. This unknown form is therefore also not available to applicants in *My Portal* to begin populating the required data. The reporting period is from July 1, 2014 through June 30, 2015, a period of time which has already passed and for which collecting unknown data at this time would be an excessive administrative burden which more than outweighs any benefit to the FCC. We therefore seek a waiver of the funding year 2014 annual report requirement.

We respectfully request that the FCC establish an annual report form, which will be used to collect the required data. That form should then be made available, along with instructions on how to complete the form, to consortium applicants for public comment. Once the annual report has been approved by the Office of Management and Budget (OMB) for data collection purposes, the annual report requirement should then be enforced by the FCC. The annual report requirement should be waived for all consortium applicants until such time as the annual report requirements have been clearly identified by the FCC and the form that will be used to collect the same has been approved for use by OMB.

We also respectfully request that the FCC provide sufficient time for consortium applicants to collect the required data. The annual report requirement should not be retroactive; meaning, if the form is approved for use in June of 2016, the reporting

¹¹ *Id.* Page 14-15

¹² *Id.* Page 12

¹³ See USAC Data Retrieval Tool which provides data from 1998 through the latest wave for 2015.

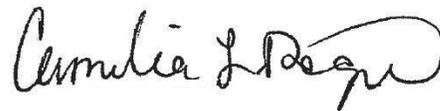
<http://www.siforms.universalservice.org/DRT/Default.aspx> (Last visited July 29, 2015). The data retrieval tool provides information for all applicants to the program, including the type of services funded and pricing for any applicant or other interested party to access.

requirement should be enforced for funding year 2016 (July 1, 2016 through 2017). The report, in that instance, should not be retroactive for the prior funding year 2015 (July 1, 2015 through June 30, 2016) solely because the form was approved prior to the September 30th filing deadline for funding year 2014. Requiring applicants to collect data a year, or more, after the start of the funding year is an excessive administrative burden which will be harmful to consortium applicants and its participating HCPs.

In addition, we respectfully request that the FCC re-consider the deadline for the annual report. As noted in the KSLLC comments, the FCC form 462 can be submitted to USAC as late as June 30th of the funding year. If the program administrator is not yet finished processing all consortium submitted form 462's for that funding year, the data populating the annual report based on FCC forms would be derived from the submitted form, not the processed form. As a result, the data may not be accurate, and thus not meaningful to the FCC for use. Annual reports with all, or some, data coming from "submitted" forms instead of "processed" forms could taint the data analysis performed by the FCC because the data is not in its final form.

Finally, we ask that the FCC require that the cumulative data submitted by all consortium applicants be made publicly available, through excel spreadsheets where applicable, on USAC's website to increase transparency of the program.

Respectfully submitted by,



Camelia L. Rogers, MPP
Program Director Rural Health Care

Kellogg & Sovereign® Consulting, LLC
1101 Stadium Drive
Ada, OK 74820-8459
Phone: 580-332-1444
Fax: 580-332-2532