

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
Colorado Telehealth Network (CTN)**

Colorado Telehealth Network (CTN) on behalf of the Colorado Telehealth Network (CTN) 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 bid was chosen, as discussed above in the section on competitive bid requirements.³

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*).

³ *Id.* ¶ 319.

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

Kellogg & Sovereign® Consulting, LLC (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 also submitted a Request for Waiver of the Consortium Annual Report Requirement on July 30, 2015.⁹ The KSLLC comments made several proposals which to date have not been addressed by the FCC. Colorado Telehealth Network (CTN) supports the request for waiver for the reasons outlined in the *KSLLC Waiver*, that:

- Consortium applicants currently have no reporting capability or other data retrieval tools that it can avail itself of within *My Portal*, the Universal Service Administrative Company online application system.
- The FCC has not released the form that consortium applicants will use to submit the annual report.
- It is unduly administratively burdensome for the FCC to require that applicants collect and submit still-unidentified-data on an annual report for a 12 month period which has already passed.
- Prior to making the annual report a requirement to participate in the program the FCC should create the form, and its instructions, and allow consortium applicants to publicly comment on the same. Applicants must be given an opportunity to comment on the data that the FCC proposes to collect prior to being required to produce the data.

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 *Rural Health Care Support Mechanism*, WC Docket 02-60, Request for Waiver of Consortium Annual Report Requirement (submitted July 30, 2015). (*KSLLC Waiver*).

- Only once the annual report has been approved by the Office of Management and Budget (OMB) for data collection purposes should the FCC enforce the annual report requirement. 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.
- The annual report requirement should not be retroactive; meaning, if the form is approved for use in June of 2016, the reporting 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.
- The FCC should reconsider 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. The data should be from processed forms, not submitted forms to the extent possible.¹⁰
- 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.

For the reasons stated above, Colorado Telehealth Network (CTN) requests a waiver of the funding year 2014 annual report requirement.

Respectfully submitted by,



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¹⁰ KSLLC Comments, page 13.