

September 26, 2015

Attn: Marlene H. Dorch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

RE: CC Docket No. 02-6

RE: Appeal to FCC of "USAC Administrator's Decision on Appeal

To Whom it may concern:

This is an appeal of the denial issues in the USAC Administrator's Decision on Appeal – Funding Year 2014-2015 issued on July 28, 2015. This appeal was concerning the denial of the referenced FRN's listed below for Heartland Community Action Agency, Inc.

- Billed Entity Number: 16056957
- Form 471 Application Number: 786774
- Funding Request Numbers: 2591437, 2591441, 2591446, 2591447, 2591452

As referenced by email sent February 26, 2015 and later re-affirmed on June 15, 2015, it was stated that the "bills submitted" were 100% eligible for E Rate funding as only bills that were 100% E Rate eligible were submitted. Reviewer was provided a list of service providers per location supported by bills to validate the claim that the services were not duplicative services. In addition, reviewer did not respond with questions concerning the June 15, 2015 response until June 24, 2015 which was after the school year ended. Had the reviewer provided a timely response to the information provided on June 15, 2015 the applicant would have been able to clear up any confusion/concerns before school ended and summer break period began.

We hereby petition the FCC to instruct USAC to approve the referenced FRN's or allow the applicant the ability to address concerns/required clarifications as the school should not be penalized for not being available during the entire Summer Deferral period.

Sincerely,

*Katherine Weiss*

E Rate Solutions Group  
PO Box 460  
Colts Neck, NJ 07722

732 946 8300

[kweiss@erateroup.com](mailto:kweiss@erateroup.com)

ATTACHMENTS



**Administrator's Decision on Appeal – Funding Year 2014-2015**

July 28, 2015

Katherine Weiss  
E Rate Solutions Group Inc  
P.O. Box 460  
Colts Neck, NJ 07722

Re: Applicant Name: HEARTLAND COMMUNITY ACTION  
AGENCY, INC  
Billed Entity Number: 16056957  
Form 471 Application Number: 953523  
Funding Request Number(s): 2591439, 2591450, 2591454, 2591455, 2591434,  
2591443, 2591437, 2591441, 2591446, 2591447,  
2591452, 2649035  
Your Correspondence Dated: December 30, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2591434, 2591443  
Decision on Appeal: **Approved, Funding Reduced**  
Explanation:

- Your appeal is approved, however the funding is reduced for reasons cited below:

FRN 2591434 was modified from \$525.00 per month to \$240.17 per month to agree with the applicant documentation.

FRN 2591443 was modified from \$750.00 per month to \$538.03 per month to agree with the applicant documentation.

Funding Request Number(s): 2591439, 2591450, 2591454, 2591455

Decision on Appeal: **Canceled**

Explanation:

- The appeal of the funding requests cited above was canceled at your request during review of the appeal.

Funding Request Number(s): 2591437, 2591441, 2591446, 2591447, 2591452, 2649035

Decision on Appeal: **Denied**

Explanation:

- USAC has determined that the Cost Effective Review Team made contact with Katherine Weiss, via E-mail asking for the percentage for FRNs 2591446, 2649035, 2591441, and 2591447 used for E-rate eligible services. In addition, the applicant was requested to provide receipts of service and use for FRN 2591437 and FRN 2591452. The applicant was instructed that the request was time sensitive and that a response was expected within fifteen calendar days. The record shows that on March 26, 2015 the Cost Effective Review Team contacted and requested applicant to provide the missing documentation/information and reminded them on April 10, 2015 that the requested documentation due date was April 17, 2015. The information that Katherine Weiss provided in their response on June 15, 2015 for FRNs 2591446, 2649035, 2591441, and 2591447 did not provide the breakdown of eligible charges contradicting the previous response from February 12, 2015 that only a percentage of the invoices were eligible for E-rate services. In addition, for FRN 2591437 and FRN 2591452, the applicant was asked to explain why they have Local/Long Distance Service requests from multiple providers. The applicant had previously indicated each office uses a different service provider, but did not provide receipts of services therefore it could not be determined if the FRNs were requesting duplicative services with other FRNs. Since the requested information was not forthcoming, USAC was unable to determine if your funding requests were in compliance with program rules. Therefore, the funding requests were denied.
- USAC Schools and Libraries Division oversees the administration of the E-rate Program and has the authority to make decisions concerning the administration of the application process, including activities to ensure compliance with Federal Communications Commission rules and regulations. *See* 47 C.F.R. sec. 54.705(a)(1)(iii). To conduct these reviews, USAC has put in place administrative measures to ensure the prompt resolution of applications. If applicants do not respond within the designated time period, USAC reviews the application based on the information available. *See* Request for Review of the Decision of the Universal Service Administrator by Marshall County School District, Moundsville, West Virginia. Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File No. SLD-220105, et al., CC Docket Nos. 96-45 and 97-21, 18 FCC Red 4520, 4522, Order, DA 03-764 para. 6 (rel. Mar. 13, 2003). Typically, applicants are required to respond to USAC's requests for additional information necessary to complete their application within 15 days of being contacted. *See* Request for Review of the Decision of the Universal Service

Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (rel. May 19, 2006) (Bishop Perry Order). *See also* Application Review posted in the SLD section of the USAC website. For those instances where USAC contacts the applicant in reference to a Selective Review Information Request, the applicant may be provided 30 days to comply with the request. This procedure is necessary to prevent undue delays during the application review process.

Since the Administrator's Decision on Appeal modifies funding for your application, USAC will issue a Revised Funding Commitment Decision Letter (RFCDL) to you and to each service provider that will provide the services approved for discounts in this letter. USAC will issue the RFCDL to you as soon as possible. The RFCDL will inform you of the precise dollar value of your approved funding request(s). As you await the RFCDL, you may share this Administrator's Decision on Appeal with the relevant service provider(s).

If the original FCDL approved funding in part for the services covered by this appeal, the 120 day deadline for filing FCC Forms 486 is determined based on the date of the original FCDL that approved funding for the request(s). However, if the original FCDL denied funding for the services covered by this appeal, FCC Forms 486 cannot be filed until you have received your RFCDL.

Since your appeal has been approved, but funding has been reduced, you may appeal the decision to USAC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal with USAC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

**From:** Katherine M. Weiss <kweiss@erategroup.com>  
**To:** "Rivera, Nancy" <Nancy.Rivera@sl.universalservice.org>  
**Cc:** "lorena.mclean@sl.universalservice.org" <lorena.mclean@sl.universalservice.org>  
**Sent:** Thursday, February 26, 2015 8:05 AM  
**Subject:** Re: FY2014 Erate Apps for BEN 16056957 - HEARTLAND COMMUNITY ACTION AGENCY, INC

ANSWERS BELOW

- I. Based on documentation that you have provided during the review of your Funding Year 2014 FCC Form 471 application 953523, only a percentage of the invoices for FRN(s) 2591446, 2649035, 2591441, 2591447 represent Erate eligible services. For each FRN, please indicate the percentage which is used for eligible Erate purposes.

FRN 2591446 (Frontier): 100

FRN 2649035 (Charter): 100

FRN 2591441 (CenturyLink): 100

FRN 2591447 (CenturyLink): 100

- I. Based on documentation that you have provided during the review of your Funding Year 2014 FCC Form 471 application 953523, the CenturyLink invoices for Account #'s 320 523-1842 169, 612 E13-0232 027 and 313872207 all support FRN 2591447. Please provide full vendor bills supporting the monthly requested amount for FRN 2591441. If, for any reason, you do not have the documentation, you MUST provide a complete explanation for why it is missing.

**Please reduce the FRN to agree with the bills submitted**

**From:** Katherine M. Weiss <kweiss@erategroup.com>  
**To:** "Rivera, Nancy" <Nancy.Rivera@sl.universalservice.org>  
**Sent:** Monday, June 15, 2015 2:42 PM  
**Subject:** Re: FY2014 Erate Apps for BEN 16056957 - HEARTLAND COMMUNITY ACTION AGENCY, INC

ANSWERS BELOW

- I. Based on documentation that you have provided during the review of your Funding Year 2014 FCC Form 471 application 953523, only a percentage of the invoices for FRN(s) 2591446, 2649035, 2591441, 2591447 represent Erate eligible services. For each FRN, please indicate the percentage which is used for eligible Erate purposes.

FRN 2591446 (Frontier): **100%**

FRN 2649035 (Charter): **100%**

FRN 2591441 (CenturyLink): **100%**

FRN 2591447 (CenturyLink): **100%**