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Before the Federal Communications Commission
Washington, DC 20554

Accepted/Files

MAY – 6 2016

Federal Communications Commission
Office of the Secretary

In the Matter of)
Request for Review by)
The Conference Group, LLC.)
Of a Decision of the Universal Service)
Administrator and Request for Waiver)
Of Deadline for Filing Revisions to FCC)
Form 499-A)

WC Docket 06-122

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DOCKET FILE COPY ORIGINAL

**THE CONFERENCE GROUP, LLC. REQUEST FOR REVIEW OF UNIVERSAL
SERVICE ADMINISTRATOR DECISION AND REQUEST FOR WAIVER OF
DEADLINE FOR FILING REVISIONS TO FCC FORM 499-A**

The Conference Group, LLC. (“TCG” or “Company”) (Filer ID: 8827275), through counsel, files this Request pursuant to Sections 1.3 and 54.719 of the Federal Communications Commission (“FCC” or “Commission”) Rules¹ to: (1) obtain review of the decision of the Universal Service Administrative Company (“USAC”) rejecting TCG’s revision to its 2013 and 2014 FCC Form 499-As (“499-A”); and (2) obtain a waiver of the FCC requirement that downward revisions to FCC Form 499-As must be filed within one year of the filing date.² TCG asks that the Commission require USAC to issue a credit to TCG for the resulting overpayments of Universal Service Fund (“USF”) assessments against TCG’s future payments into the federal USF.

TCG attaches hereto as *Exhibit A* copies of its 499-A forms for 2013 and 2014, as well as the revised 499-As that were rejected by USAC. TCG respectfully requests that *Exhibit A* is accorded confidential treatment pursuant to Section 0.459 of the Commission’s rules, because it

¹ 47 C.F.R. §§ 1.3, 54.719.

² See *Federal-State Joint Board on Universal Serv.*, CC Docket Nos. 96-45, *et al.*, Order, 20 FCC Rcd. 1012, 1015 ¶ 7 (2004), *pet. for recon. and applications for review pending*; Telecommunications Reporting Worksheet, FCC Form 499-A (2013 and 2014).

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contains sensitive, non-public financial information from TCG.³

TCG also attaches, as *Exhibit B*, the Declaration of Gary Greenhawk, Principal Partner, The Conference Group, LLC. (May 5, 2016).

I. QUESTION PRESENTED FOR REVIEW AND RELIEF REQUESTED

TCG requests that the FCC apply relevant Commission precedent to allow TCG to correct a ministerial error in its 499-A filings for 2013 and 2014 that resulted in a significant overpayment to the federal USF. TCG has paid [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] more into the federal USF than applicable rules require, which equates to an overpayment of [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION]. Accordingly, TCG requests that the Commission, pursuant to Section 54.719(c) of the Commission's Rules, reverse USAC's decision to reject TCG's 2013 and 2014 amended 499-As.⁴ TCG also seeks a waiver of the one-year downward revision deadline for Form 499-A, pursuant to Section 1.3 of the Commission's rules, in order that TCG may resubmit its 499-As for 2012 and 2013 with the corrected revenue amounts.⁵

II. FACTUAL BACKGROUND

The Conference Group, LLC. was formed in 1999, and is based in Newark, Delaware. The Company provides conference calling via audio-bridges, both in the United States and internationally, as well as other non-assessable collaborative tools such as web-based and video conferencing to its customers, which include many Fortune 100 companies. TCG provides its services to approximately [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END

³ 47 C.F.R. § 0.459.

⁴ *Id.* § 54.719(c).

⁵ *Id.* § 1.3.

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CONFIDENTIAL INFORMATION] customers. TCG currently employs [BEGIN
CONFIDENTIAL INFORMATION] [END CONFIDENTIAL INFORMATION] people.

At the end of 2008, in accordance with the Commission's *InterCall Order*, TCG began to file FCC Form 499-As and FCC Form 499-Qs, and began to directly pay into the federal USF.⁶ At that time, TCG began assessing federal USF charges to its customers on assessable services as provided under Rule 54.712(a).⁷ TCG has routinely filed the 499-As and FCC Form 499-Qs as required for the last eight years, and has paid all associated invoices from USAC in a timely manner. TCG is not subject to any investigation or inquiry by the Commission nor has it received any notices of deficiency as to any matter or filing.

In order to comply with the *InterCall Order*, TCG was required to change its method for tracking its revenues.⁸ TCG developed software that tied into its billing system to ensure that assessable revenues were tracked to be reported on the FCC Form 499s.⁹ Among the revisions to TCG's billing software was a function that calculated revenues received from TCG end users via the permissible pass-through of federal USF contributions for inclusion on Line 403 of the 499-A. However, because of a ministerial mistake in the coding of the software that customer pass-through revenue was incorrectly included in the USF assessable revenue and listed on Line 417 of the 499-A.¹⁰ The amount of assessable revenue was thus inflated, resulting in USF overpayments. This error was discovered during an internal audit in 2015.

The software coding issue meant that TCG ultimately was assessed twice on the federal

⁶ *Request for Review by InterCall, Inc. of Decision of Universal Serv. Adm'r*, CC Docket No. 96-45, Order, FCC 08-160 (rel. June 30, 2008) ("*InterCall Order*").

⁷ 47 C.F.R. §54.712(a).

⁸ Greenhawk Decl. ¶ 5.

⁹ *Id.*

¹⁰ *Id.* ¶ 6.

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USF pass-through charges it assessed customers.¹¹ TCG was assessed an additional [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] of assessable revenue in 2013, and [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] of assessable revenue in 2014 over and above TCG's required contributions. As a result, TCG was required to pay an additional [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] in federal USF assessments for 2013, and [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] in federal USF assessments for 2014, for a total overpayment of [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [REDACTED] more than what TCG should have been assessed [END CONFIDENTIAL INFORMATION].

Upon discovering the coding issue, TCG promptly amended its 2013, 2014 (*Exhibit A*), and 2015 499-A (*Exhibit C*).¹² USAC accepted the 2015 499-A for filing. This resulted in a credit of approximately [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION]. TCG's 2013 and 2014 amended 499-As were rejected by USAC on August 17, 2015. TCG filed its appeal of the decision initially with USAC which USAC formally rejected on March 7, 2016 (*Exhibit D*). It is this rejection that is the subject of this Request for Waiver.

TCG shows good cause for the Commission to waive the revision deadline. The FCC has granted similar waiver requests in substantially similar circumstances to those presented by TCG. Granting TCG's waiver request will be consistent with Commission precedent and the

¹¹ *Id.* TCG has assessed the correct amount of federal USF to its customers, so the extra amounts of federal USF billed to the Company by USAC are an unreimbursed loss to the Company.

¹² TCG requests that these forms be accorded confidential treatment, pursuant to Section 0.459 of the Commission's Rules. 47 C.F.R. § 0.459.

goals of the federal USF. A waiver also will alleviate any financial hardship imposed on TCG because of its inadvertent software error, while not affecting the funding of USF.

II. THE COMMISSION HAS BOTH THE AUTHORITY AND GOOD CAUSE TO GRANT TCG A WAIVER

The Commission has the duty and the authority to administer and govern the USF under Section 254 of the Act.¹³ The FCC's own rules specifically provide that the Commission will oversee USAC decisions: “[b]ecause USAC is administering the universal service support mechanisms for the Commission, subject to Commission rules and oversight.”¹⁴

The U.S. Court of Appeals for the D.C. Circuit has held that “[f]or ‘good cause,’ the Commission may waive ‘[a]ny provision of the rules.’”¹⁵ That court also has held that the FCC may consider issues of hardship, equity, or more effective implementation of an overall policy on an individual basis.¹⁶ In addition, the Commission itself has routinely held that it “generally finds good cause to grant a waiver of its rules where the particular facts make strict compliance inconsistent with the public interest if applied to the petitioner and when the relief requested would not undermine the policy objective of the rule in question.”¹⁷ Requests for waiver will be granted where:

¹³ 47 U.S.C. § 254(a)(2) (“The Commission shall initiate a single proceeding to implement the recommendations from the Joint Board required by paragraph (1) ... Thereafter, the Commission shall complete any proceeding to implement subsequent recommendations from any Joint Board on universal service within one year ...”).

¹⁴ *Changes to the Bd. of Directors of the Nat'l Exch. Carrier Ass'n*, amended on other grounds, 15 FCC Rcd. 4840 (2000); Federal-State Joint Board on Univ. Service, Report and Order, 13 FCC Rcd 25058, 25095 ¶ 72 (1998).

¹⁵ See *AT & T Corp. v. FCC*, 448 F.3d 426, 433 (D.C. Cir. 2006), citing *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1165-66 (D.C. Cir. 1990) (affirming FCC waiver for Verizon and BellSouth to use their 1996 tariff filings to remedy the consequences of an erroneous order from the Common Carrier Bureau to remove certain retirement benefit costs from their Price Cap Index calculations, and allowing Verizon to treat those costs as “exogenous” and beyond Verizon’s control); see also, 47 C.F.R. § 1.3, The Commission may waive a rule where the circumstances of the case render strict compliance to the rule is inconsistent with the public interest.

¹⁶ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); see also *Federal-State Joint Board on Universal Serv., Universal Serv. Contribution Methodology, Aventure Commc'ns Tech. LLC*, WC Docket No. 06-122, Order, DA 08-1514, 23 FCC Rcd. 10096, 10097 n.10 (2008) (“*Aventure Order*”).

¹⁷ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Sys.; E911 Phase II Compliance with Deadlines for Tier III Carriers*, CC Docket No. 94-102, Order, 20 FCC Rcd. 7709, 7714-15 (2005).

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(i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.¹⁸

The Bureau and the Commission have, on a number of occasions, reversed a decision by USAC and granted a waiver for filing deadlines in instances where a filer has made a ministerial error resulting in overpayment to the USF. Indeed, TCG's circumstances are substantially similar to that of Ascent Media Group, Inc. ("Ascent"),¹⁹ American Broadband & Telecommunications, ("American Broadband"),²⁰ Aventure Communications Technology LLC ("Aventure"), and Peak Communications, Inc. ("Peak"),²¹ all of which were granted a waiver of the deadline for filing revisions.

The Commission concluded in the *American Broadband Order* that

strict enforcement of the revision filing deadline and the resulting interest and penalties would disproportionately penalize American Broadband. Given the clerical nature and magnitude of the error, we find that good cause exists to waive the filing deadline We direct USAC to accept the revised filing as if timely filed and to process it accordingly.²²

In the *Aventure Order*, the Bureau waived the 45-day deadline for revisions, and directed USAC to accept Aventure's corrected form outside of the 45-day revision period. Because of an inadvertent reporting error, which was made by virtue of a typographical error often called a

¹⁸ 47 C.F.R. § 1.925(b)(3)(i), (ii).

¹⁹ See *Universal Serv. Contribution Methodology, Petition for Reconsideration by Ascent Media Group, Inc.*, WC Docket No. 06-122, Order on Reconsideration, DA 13-966, 28 FCC Rcd. 6150, 6150 ¶ 1 (2013) ("*Ascent Recon. Order*").

²⁰ *Universal Serv. Contributions Methodology, Request for Review of a Decision of the Universal Serv. Admin. & Request for Waiver by American Broadband & Telecommunications*, WC Docket No. 06-122, Order, DA 13-1608, 28 FCC Rcd. 10358 ¶ 1 (2013) ("*American Broadband Order*").

²¹ *Emergency Request for Review by Peak Comm'ns, Inc. of a Decision of the Universal Serv. Adm'r & Request for Waiver of Deadline for Filing Revisions to FCC Form 499-Q*, 29 FCC Rcd. 9668 (2014) ("*Peak Order*").

²² *American Broadband Order*, 28 FCC Rcd. at 10364 ¶ 15.

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“fat-finger”, Aventure made an overpayment exceeding \$250,000.²³ Aventure’s request for waiver was granted.²⁴

Finally, in the *Peak Order*, the Commission found that a waiver of the deadline for revisions was warranted, because “Peak...mistakenly reported on Line 120 of its Form 499-Q its total projected revenue, including non-assessable intrastate and non-telecommunications revenue, instead of its projected end-user interstate and international telecommunications revenue.”²⁵ This misstatement, which, as in the *Aventure Order*, was a “fat-finger” mistake, resulted in higher USAC assessments of Peak which were reversed by the Bureau by grant of a waiver.

The Commission has also allowed the late-filing of 499-As when “good cause” exists.²⁶ For example, the Commission found good cause to allow CTE Telecom, Inc. (“CTE”) to file a late revision to a 499-A when CTE demonstrated that it had overpaid into the USF.²⁷ The FCC also has allowed companies to amend 499-A filings Here, TCG miscalculated, due to a software coding error, its assessable revenue which resulted in a significant overpayment to USF.

Good cause is apparent in TCG’s case here. The circumstances in TCG’s current situation are similar in that the errors made on the FCC Form 499-A were of a clerical nature due

²³ *Aventure Order*, 23 FCC Rcd. at 10097 ¶ 5. As a separate matter, the Commission also allowed the revision of Aventure’s 499-Q, because of the long period that would elapse between the 499-Q filing and the 499-A filing that would true-up the overpayments. TCG is requesting the approval of the Commission to amend its 499-A filings for 2013 and 2014, and credit its overpayments to its account with USAC.

²⁴ *Aventure Order*, 23 FCC Rcd. at 1098-99 ¶ 7.

²⁵ *Peak Order*, 29 FCC Rcd. at 9668 n. 6.

²⁶ See *Universal Serv. Contribution Methodology, Petition for Declaratory Ruling by the Rural Independent Competitive Alliance, Request for Review of a Decision of the Universal Serv. Admin. Co. by Blackfoot Commc’ns, Inc.*, WC Docket No. 06-122, Report and Order, 28 FCC Rcd. 16037, 16043 ¶ 15 n. 49 (2013) (ordering USAC to accept amended 499-A filings from the Members of the Rural Independent Competitive Alliance (RICA) as a result of Declaratory Ruling that changed how fixed local service revenues are assessed.); *Universal Serv. Contribution Methodology, Petition for Declaratory Ruling by the Rural Independent Competitive Alliance Petition for Limited Waiver & Request for Review of Decision of the Universal Serv. Adm’r by ComSouth Telenet*, 29 FCC Rcd. 9316, 9318 ¶¶ 3-5 (2014) (ordering USAC to accept amended 499-A filings of ComSouth Telenet).

²⁷ *Universal Serv. Contribution Methodology, Request for Review of a Decision of the Universal Serv. Adm’r by CTE Telecom, LLC*, 27 FCC Rcd. 15242, 15246 ¶ 11 (2012) (“*CTE Decision*”).

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to coding of the software utilized by the Company, and not intentional nor deliberate; and the magnitude of the fees assessed will disproportionately penalize TCG, with the federal USF realizing a windfall of [BEGIN CONFIDENTIAL INFORMATION] ██████████ [END CONFIDENTIAL INFORMATION]. Further, TCG brought the error to the attention of USAC shortly after its discovery, and has implanted further controls to ensure that such a mistake does not happen in the future.²⁸ Basic equitable standards require that TCG realize those monies back in the form of credits on its USF invoices.

In addition, grant of this request is in the public interest. TCG is a small company that provides conference calling products and other innovative products that allow its customers to collaborate both domestically and internationally. Over the course of its operations, TCG has never had a financial issue of this magnitude.²⁹ Reimbursement of these overpayments is an equitable, fair, and appropriate response, and is TCG's only remedy to rectify its losses.

III. THE UNIVERSAL SERVICE FUND WILL NOT BE ADVERSELY IMPACTED

The relief which TCG requests will not impact the USF negatively. The Wireline Competition Bureau ("Bureau") has concluded that adherence to the revision filing deadline is required "in order to eliminate incentives for carriers to revise their revenue projections after the announcement of the contribution factor for the upcoming quarter in order to reduce their contribution obligations and to otherwise reduce the likelihood of a shortfall in universal service funding in a given calendar quarter."³⁰ To that end, waiver of the one-year revision deadline for FCC Form 499-A for TCG for 2013 and 2014 will not negatively impact the federal USF either fiscally or administratively to any significant extent.

²⁸ Greenhawk Decl. ¶ 15.

²⁹ *Id.*

³⁰ *Federal-State Joint Board on Universal Service, Request for Review by ABS-CBN Telecom N. Am., Inc. of a Decision of Universal Serv. Adm'r*, CC Docket No. 96-45, Order, DA 07-1276, 22 FCC Rcd. 4965, 4967 ¶ 8 (2007).

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Further, waiver of the one-year revision limitation on the 2013 and 2014 499-A will not result in harm to the Universal Service Fund and will not prejudice USAC. By way of example, the projected second quarter 2016 contribution base is \$2,211,390,000.³¹ The overpayment at issue totals [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION], which is less than 0.002% of the projected contribution amount for 2Q16. In addition, the amount of TCG's overpayment is well below the anticipated 1% uncollectible amount established by the Commission when it calculates the contribution factor. Therefore, granting the waiver in this case will not adversely impact the Fund, while ensuring that the error in question here does not impose a disproportional burden on TCG.

IV. CONCLUSION

TCG will continue to pay USF contributions in full and timely file all forms as required. In addition, TCG has updated its software to ensure that no further calculation errors occur in the future, and has adopted additional internal controls to this end as well. The relief requested herein is aligned with and supported by Commission precedent, and its current situation is consistent with those circumstances. Accordingly, TCG requests that the Commission apply the same reasoning as it did in the *Ascent Media Order*, *American Broadband Order*, *Adventure Order*, and the *Peak Order*, and grant the requested relief. The one-time, ministerial nature of TCG's error and the magnitude of the financial harm to TCG constitute good cause and are special circumstances that justify the requested relief.

For all these reasons, TCG respectfully requests that the Commission:

1. Waive the one-year revision deadline and direct USAC to accept TCG's amended 499-As for 2013 and 2014;

³¹ *Proposed Second Quarter 2016 Universal Service Contribution Factor*, CC Docket No. 96-45, Public Notice, DA 16-266 at 2 (rel. Mar. 10, 2016).

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2. Order USAC to issue a credit in the amount of [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] to TCG against its future assessments of federal USF.

Respectfully Submitted,

THE CONFERENCE GROUP, LLC.

By: s/Stephanie A. Joyce
Stephanie A. Joyce
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ARENT FOX LLP
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Washington, DC 20006
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E-mail: katherine.marshall@arentfox.com

Its Counsel

Dated: May 6, 2016

EXHIBIT A

THE CONFERENCE GROUP, LLC.'S FCC FORM 499-AS

2013 499-A – ACCEPTED FILING

2013 499-A – REJECTED FILING

2014 499-A – ACCEPTED FILING

2014 499-A – REJECTED FILING

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FILED UNDER SEAL PURSUANT TO 47 C.F.R § 0.459**

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EXHIBIT B

DECLARATION OF GARY GREENHAWK

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FILED UNDER SEAL PURSUANT TO 47 C.F.R § 0.459

**Before the Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	WC Docket 06-122
Request for Review by)	
The Conference Group, LLC.)	
Of a Decision of the Universal Service)	PUBLIC VERSION –
Administrator and Request for Waiver)	CONFIDENTIAL INFORMATION
Of Deadline for Filing Revisions to FCC)	EXCLUDED
Form 499-A)	

Declaration of Gary Greenhawk

I, Gary Greenhawk, hereby declare the following:

1. I am over the age of 18 and am competent to testify to the matters herein.
2. The statements in this declaration are of my personal knowledge and/or are true to the best of my knowledge and belief.
3. I am the Principal Partner of The Conference Group, LLC. (“TCG” or “Company”). I co-founded TCG in 1999. The Company provides conferencing services via audio-bridges, as well as other non-telecommunications collaboration products. TCG is a small limited liability company based in Newark, Delaware.
4. As part of my responsibilities, I oversee the operations of TCG, and review the accountings prepared for and by the Company, as well as the required regulatory filings for the Company for our domestic services as well as our foreign services. I review and approve the FCC Form 499-As (“499-As”) and 499-Qs (“499-Qs”) of the Company, as well as the invoices rendered by the Universal Service Administrative Company (“USAC”) to TCG.
5. We hired a software engineer to develop a program by which the Company could track its billings and use those revenues to populate the 499-A and 499-Q in the wake of the FCC’s *InterCall Order* which required TCG to directly contribute to the federal Universal Service Fund (“USF”) for the first time.
6. The engineer made a ministerial error in coding the software. Instead of subtracting the pass-through revenue collected from our end users, his program added it.
7. The software coding issue resulted in TCG putting its Universal Service Fund (“USF”) pass-through charges to customers on both Lines 403 and 417, when these amounts should have only been included on Line 403.

8. Accordingly, TCG inadvertently made double USF contributions on the revenue assessed through permissible, end-user USF pass-through.

9. This error was discovered by TCG during an internal audit in 2015.

10. The issue impacted our 2012, 2013, 2014, and 2015 499-A filings.

11. TCG immediately sought to amend its 2013, 2014, and 2015 499-A filings. USAC accepted the amendment to the 2015 499-A, and rejected the 2013 and 2014 499-A amendments on August 17, 2015.

12. TCG contacted USAC to revise its 2012 499-A, but the online system would not allow changes beyond 2013. I was advised by USAC Staff that they would not accept changes to the 2012 499-A.

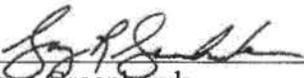
13. As a result of the software coding issue, TCG was assessed an additional [BEGIN CONFIDENTIAL INFORMATION] [REDACTED], or [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] % over what TCG should have paid into the federal USF.

14. Our customers were assessed the correct amount of federal USF pass-through, without any mark-up, so the loss of revenue outlined herein is born only by TCG.

15. TCG has never had an issue of this magnitude, and has put additional protocols in place to ensure it does not happen again in the future.

16. TCG has timely filed all forms and fees required by USAC and the FCC and is not subject to any investigation or notice of deficiency from either entity.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Gary Greenhawk
Principal Partner
The Conference Group, LLC.

05/05/2016
DATE

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EXHIBIT C

THE CONFERENCE GROUP, LLC.'S FCC FORM 499-AS

2015 499-A – ORIGINAL FILING

2015 499-A – REVISED FILING

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EXHIBIT D

APPEAL TO USAC, DATED AUGUST 20, 2015

RESPONSE FROM USAC, DATED MARCH 7, 2016

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APPEAL TO USAC, DATED AUGUST 20, 2015

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FILED UNDER SEAL PURSUANT TO 47 C.F.R § 0.459



August 20, 2015

ATTN: Letter of Appeal
USAC
2000 L Street NW, Suite 200
Washington, DC 20036

PN
RECEIVED AUG 26 2015

Letter of Appeal to USAC,

The Conference Group disagrees with the Form 499-A rejection letter, sent 08/17/2015.
The outcome we request is: The 2014 FCC Form 499-A revision to 2013 data should be accepted and the overpayment of [REDACTED] should be refunded in addition to the 2012 Data over payment of [REDACTED]. A total of [REDACTED] should be refunded.

Reference: WC Docket No. 06-122
From: The Conference Group, LLC.
Filer ID: 827275
Contact: Gary Greenhawk,
Address: 254 Chapman Rd., Topkis Building, Suite 200 Newark, DE 19702
Telephone: 302-224-8255
Fax: 302-709-8242
E-mail: gary.greenhawk@conferencegroup.com

Explanation: During a self-audit we discovered a programming error embedded in the code we use to calculate our USAC "projected" numbers and the 499A. That error resulted in a considerable True-up overpayment 2012, 2013 and 2014. The error occurred in the 499A, line 417 (A, C and D). Instead of subtracting the USF collected, our program added it. We have corrected the error and filled a revision for 2013 and 2014, since the online site only allowed revisions for these years. We were unable to revise 2012 via the web site.

We are writing this appeal in response to the USAC "Rejection" letter sent on 08/17/2015. We have been advised by USAC that our 2014 revision was approved but the 2013 revision was denied "Not Approved-Out Of Period". The amount overpaid for 2012 was [REDACTED] and the overpayment for 2013 was [REDACTED] for a total of \$[REDACTED]. This is a significant amount of money to our small company and we feel it is unfair to refuse a refund especially since the FCC/USAC system of "predicting" future revenues is unreasonable and VERY complicated.

Respectfully,

Gary R. Greenhawk
Principal Partner
The Conference Group

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RESPONSE FROM USAC, DATED MARCH 7, 2016

From: Mona Castleton [mailto:MCastleton@usac.org]
Sent: Monday, March 07, 2016 2:14 PM
To: Gary R. Greenhawk
Subject: Notice of Dismissal – The Conference Group, LLC (Filer ID 827275)

Dear Mr. Greenhawk,

The Universal Service Administrative Company (USAC) has completed its evaluation of the appeal you submitted on behalf of The Conference Group, LLC (Filer ID 827275) (CG), dated August 20, 2015 (attached). In the appeal, you state that a programming error embedded in a code used to calculate “USAC ‘projected’ numbers and the 499A” resulted in “a considerable True-up overpayment [in] 2012, 2013, and 2014.” As such, you request that USAC accept CG’s “2014 FCC Form 499-A revision to the 2013 data” and refund the company “the overpayment of [REDACTED]...in addition to the 2012 Data over payment of [REDACTED].” Based on your appeal and the facts related to this matter, we consider your request to be a request that USAC accept both the revised 2014 FCC Form 499-A and the revised 2013 FCC Form 499-A.

USAC has reviewed your appeal and the facts related to this matter and determined that CG filed both the revised 2013 FCC Form 499-A and the revised 2014 FCC Form 499-A after the Federal Communications Commission (FCC or Commission)-mandated 12-month downward revision deadline. Therefore, USAC properly rejected the revised forms as outside the revision deadline. Because your appeal seeks a waiver of the FCC-mandated 12-month downward revision deadline, pursuant to FCC rules, CG must seek relief directly from the Commission, not USAC. Therefore, USAC hereby dismisses your appeal.

USAC will consider this matter closed unless you notify us within 30 days from the date of this email and provide a detailed explanation of any issues you believe remain outstanding. If you wish to appeal this decision to the FCC, you may file an appeal pursuant to the requirements of 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:

<http://www.usac.org/cont/payers/billing-disputes/appeals.aspx>

Please let us know should you have any additional questions and/or concerns.

Regards,

USAC

Mona Castleton
Manager of Financial Operations | Finance
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