

June 1, 2016

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

RE: In the Matter of Request for Review by Lumos Networks of Decision of Universal Service Administrator (“USAC”), CC Docket No. 02-6

To Whom It May Concern:

The following information is provided to appeal the denial of Lumos Networks LLC’s (“Lumos” or “Company”) second Invoice Deadline Extension Request (IDER), which was rejected by USAC because the Company had already received one IDER for the funding period. However, through this letter, Lumos provides required and explanatory information to show good cause for granting an additional extension of the invoicing deadline.

Service Provider Contact Information:

Service Provider Name	Lumos Networks LLC dba FiberNet LLC
SPIN Number	143024848
Contact Person	Amanda Wedge, Accounting Supervisor
Contact Information	1200 Greenbrier Street Charleston, WV 25311 304-720-1695 wedgea@lumosnet.com
Affected Form 471 Application Numbers and FRN(s)	FY 2013: FRN 2496899, Form 471 # 886076

E-Rate Applicant Information:

Applicant Name	Lewis County School District
Billed Entity Number	126771
Contact Person	David Hirsch
Contact Information	Phone: 216-831-2626, E-Mail: david.hirsch@naa.com

Explanation and Good Cause for Granting the Request for an Appeal:

1. Attachment A, included herewith, reflects a timeline of the events that transpired around the above-listed FRN, leading to the rejection of the Form 474 Service Provider Invoice (SPI) Form issued originally on October 28, 2014 for \$30,661.08, and subsequently reissued for a corrected amount of \$46,897.09 on September 14, 2015. Further clarification of those events follows.

2. This is the first time that Lumos has requested an appeal from the FCC in its many years of participation in the E-rate program. Lumos works diligently to ensure compliance with all E-rate program rules and regulations, but due to an erroneous submission of a Form 472 (“BEAR”) form by LCSD, the E-rate process for LCSD was bungled. To better explain the original mishap, LCSD maintained two accounts with Lumos. One account was for a WAN Ethernet service, which was invoiced to USAC via the BEAR method. The other account was for voice services, which were discounted up front to the school, and invoiced to USAC via the SPI invoicing method. LCSD’s consultant inadvertently sent a BEAR invoice for the voice account, which Lumos staff inadvertently approved, mistaking it for the Ethernet WAN account. This inadvertently submitted and certified BEAR consequently set the invoice cycle for the voice services to BEAR instead of SPI, despite LCSD having received service provider-issued discounts on their bills.

Subsequently, the series of corrective actions required to correct the invoicing method to the intended SPI process were burdensome and time consuming, requiring collaboration between not only Lumos and LCSD, but also with the LCSD’s E-rate coordinator, David Hirsch, the LCSD school board and USAC. As the timeline reflects, once the error was realized, Lumos worked diligently with all parties to correct the invoice issues and ensure that the incorrect BEAR payment was returned to USAC.

3. Through its collaboration with Mr. Hirsch, it was discovered that Lumos had not provided the correct E-rate discounts to LCSD. LCSD immediately corrected this error, and issued credits to LCSD totaling an additional \$16,236.01, consistent with the guidance from the E-rate coordinator. This resulted in Lumos submitting a corrected SPI on September 14, 2015 for the new discount total of \$46,897.09.

4. It should be noted that during this process, Lumos requested and received an Invoice Deadline Extension Request (IDER) from USAC, which was granted. However, because an invoice mode change form had to be submitted to USAC and processed, and erroneously received BEAR funds had to be returned to USAC prior to the corrected SPI form being submitted, the 120-day extension was insufficient to accommodate all required activities. On advice from USAC, Lumos requested a second 120-day extension from USAC, which was denied due to one IDER already having been granted.

5. Lumos relies on E-rate funding to help provide telecommunications and internet access service to schools, libraries and consortia applicants in Lumos' service area. The total reimbursement request for Lumos' rejected SPI amounts to \$46,897.09. Losing this amount of E-rate funding is a serious issue for Lumos and is considered a significant revenue loss. This amount of E-rate funding was provided via discounts to the E-rate applicant, the Lewis County School District. Therefore, the Company has exclusively borne the consequences of the invoicing rejections.

6. Attachment B included herein contains an affidavit from Ms. Amanda Wedge, Lumos' Accounting Supervisor, attesting to the accuracy of the statements contained herein.

7. This request to the FCC is timely filed, within 60 days of USAC's Administrator's Decision on Appeal dated April 4, 2016.

Relief Being Sought Through this Appeal:

Through this request, Lumos Networks has demonstrated that due to the myriad time-consuming steps in the corrective actions surrounding the invoice change, it was unable to meet the extended E-rate invoicing deadline for the affected 2013 invoice. Lumos respectfully requests that the FCC issue an additional extension for Lumos' 2013 invoice to allow its funding request to be honored by USAC. The Company has worked tirelessly to ensure that the problems with this particular FRN were resolved via appropriate methods and through appropriate channels. Lumos' hard work should be rewarded with the ability to recover the E-rate discounts they provided to LCSD.

Your prompt and thorough attention to this request is greatly appreciated. Should you have any questions related to this appeal, please contact the undersigned via the above-listed contact information.

Sincerely,



Amanda Wedge, Accounting Supervisor

Enclosures

cc: USAC – Schools and Libraries – Correspondence Unit
via Fax at (973) 599-6526

ATTACHMENT A
TIMELINE OF EVENTS AND EXHIBITS

Date	Activity and explanation	Exhibit Number
4/29/2014	Lumos received Incorrect BEAR for Lewis Co Schools	
5/2/2014	Lumos inadvertently returned certified/signed incorrect BEAR	
6/30/2014	2013 E-rate Funding Year Ends	
10/28/2014	Lumos filed original service provider invoice (SPI) for Lewis Co.'s FY 2013 services.	
10/28/2014	Deadline to invoice USAC for FY 2013 services	
10/28/2014 - 12/7/2014	Lumos waited for response from USAC on issued SPI invoice	
12/8/2014	Lumos received USAC notice that SPI was denied because reimbursement mode was set as BEAR	1
12/9/2014- 4/29/2015	Lumos conducting year-end accounting internal audits and book closures, and realized that the SPI invoice had been denied and not paid.	
4/30/2015	Lumos filed invoice deadline extension request ("IDER") - this was the first request that Lumos had submitted of this nature	
5/14/2015	USAC Approves IDER and grants 120-day deadline extension, making new invoice deadline 9/11/2015	
5/18/2015	Lumos contacted Mr. David Hirsch, E-rate coordinator for Lewis County Schools to notify him of the mode change issue, denied SPI and deadline extension. E-rate coordinator requested bill copies for the funding year.	
5/22/2015	Lumos accountant sent all invoices to E-rate coordinator	
6/24/2015	Lumos accountant had call with E-rate coordinator to review invoices, etc. E-rate coordinator determined that Lumos actually hadn't invoiced all E-rate discounts properly on bills to schools. Lumos requested to credit Lewis' account with additional E-rate credits to reconcile the account with the E-rate coordinator's findings. E-rate coordinator agreed with Lumos that the BEAR funding needed to be returned to USAC and invoice mode change form submitted. E-rate coordinator initiated work with school to complete both tasks.	
8/21/2015	Lumos followed-up with E-rate coordinator to remind him about the approaching invoice deadline and to check on the status of the returned BEAR funds and Mode Change request form. Coordinator indicated he had thought the deadline was 9/30, not 9/11 and he would try to rush the completion of both tasks.	
8/27/2015	E-rate coordinator sent Invoice Mode Change form to Lumos for execution. Lumos immediately signed and returned the form to Coordinator.	2
8/31/2015	E-rate coordinator informed Lumos accountant that USAC required Mode Change form to be sent via postal mail (they had originally submitted via email on the 27th), and that E-rate coordinator had overnighted the form to USAC.	
9/3/2015	Lewis County School Board Meeting was held to approve refund of erroneous BEAR payment back to USAC	

9/8/2015	E-rate coordinator let accountant at Lumos know that USAC received the Mode Change form on 8/31/15 based on package tracking information	
9/11/2015	Invoice Extension due date for corrected SPI invoice. However, Mode Change form had not been approved yet.	
9/14/2015	Lumos filed the new SPI with the updated amount of funding that had given the school despite no evidence that the Mode Change form had been approved.	
9/15/2015	Lumos contacted USAC's Schools and Libraries Division to discuss options since SPI was late and Change Mode form had not been approved. USAC informed Lumos that they should file another extension request.	
9/15/2015	Lumos filed another extension request per USAC advice.	
9/17/2015	Lumos received notice that SPI had been denied because filing date was past due date of 9/11, and the invoice mode was still set as BEAR.	3
9/21/2015	Lumos received notice that the Change Mode Form had been approved by USAC	4
9/22/15- 11/29/15	Lumos Accountant responsible for E-rate program tasks on maternity leave	
10/23/2015	Lumos received notice from USAC dismissing extension request - notice indicated Lumos could appeal the decision within 60 days.	5
12/21/2015	Lumos submitted Appeal to 2nd Invoice Extension Request which had been denied USAC. Submission was timely filed, within 60 days of the 10/23/2015 USAC dismissal letter.	
4/4/2016	Lumos received USAC's Administrator's Decision on Appeal, denying the extension request since one extension had already been granted.	6
6/3/2016	Deadline to file an appeal with the FCC	

EXHIBITS TO TIMELINE

143024848|Lumos Networks

LLC|wedgea@lumonet.com|usacstatement@universalservice.org|C000637441|1|0
.00|12/8/2014|N

143024848|2496899|LEW2013|0.00|"SLD Invoice Number:2101270;Line Item
Detail Number:7035911;Amount Requested:30661.08;Combination of FRN [
2496899] and SPIN [143024848] may be invoiced only through BEAR.;83;"

8/27/2015

Change of Invoice Mode
 Schools and Libraries Division - Correspondence Unit
 30 Lanidex Plaza West
 P.O. Box 685
 Parsippany, NJ 07054-0685

Change of Invoice Mode Request is for FY2013 / YR16

1.	Billed Entity:	126771
2.	Applicant Name:	Lewis County School District
3.	Funding Request Number:	2496899
4.	Form 471 Application Number:	886076
5.	Applicant Contact:	David Hirsch
6.	Applicant Phone:	216-831-2626
7.	Applicant Email Address:	david.hirsch@naa.com
8.	SPIN:	143024848
9.	Service Provider:	Lumos Networks LLC (dba FiberNet LLC)
10.	Service Provider Contact:	Amanda J Wedge
11.	Service Provider Phone:	304-720-1695
12.	Service Provider E-Mail Address:	wedgea@lumosnet.com
13.	Preferred Invoice Mode	Service Provider Invoice (SPI)
REASON FOR REQUEST		
14.	<p>In anticipation of submitting a Form 473 SPI invoice, Lumos Networks LLC (dba FiberNet LLC) billed Lewis County SD only for the discounted portion of its bill. However, in error, a Form 472 BEAR was submitted by Lewis. This BEAR was wrongly certified by Lumos and \$4,800.00 was disbursed by USAC and transmitted to Lewis.</p> <p>Lewis and Lumos are jointly requesting a change of invoice mode from Form 472 BEAR to Form 473 SPI so that Lumos may submit its invoice for proper reimbursement. Lewis will send the \$4,800.00 refund to USAC after board approval on 9/3/2015.</p> <p>A Letter of Authorization for the applicant is also enclosed.</p>	

Signatures:

Applicant:



David Hirsch, Account Manager

Service Provider:



Amanda J. Wedge, Lumos Networks LLC

143024848|Lumos Networks
LLC|wedgea@lumosnet.com|usacstatement@universalservice.org|C000667888|1|0
.00|9/17/2015|N
143024848|2496899|LEW 2013|0.00|"SLD Invoice Number:2242797;Line Item
Detail Number:7560627;Amount Requested:46897.09;Invoice Received Date
[09/14/2015] Later Than FCC Extension Date [09/11/2015];80;Combination of
FRN [2496899] and SPIN [143024848] may be invoiced only through
BEAR.;83;"

From: Carnevale, Tammy <Tammy.CARNEVALE@sl.universalservice.org>
Sent: Monday, September 21, 2015 11:17 AM
To: 'erate@naa.com'
Cc: 'david.Hirsch@naa.com'; Wedge, Amanda J.
Subject: Mode Change Request FRN 2496899

September 21, 2015

Re: Lewis County Schools

FCC Form 471 Application
Number
Funding Request Number(s):
Funding Year 2013

This letter is your notification that the Schools and Libraries Division (SLD) has reviewed your request for an Invoicing Mode Change and has approved the change to the following Invoicing Mode:

FCC Form 474 (SPI)

This Invoicing Mode Change is applicable only to the above captioned FCC Form 471 Application(s) and Funding Request Number(s).

You may request a one-time extension to submit invoices if your invoice filing deadline has not expired more than 12 months from the last date to Invoice. FCC rules require that Invoice Deadline Extension requests for this FRN Fund Year be filed within 12 months of the Last Date to Invoice.

Thank you for your interest in the Schools and Libraries Universal Service Program.

Schools and Libraries Division
Universal Service Administrative Company

Cc: Amanda Wedge, Lumos Networks LLC

Tammy Carnevale
Associate Manager, SLD Invoicing
30 Lanidex Plaza West | Parsippany, NJ 07054
T: 973-581-5155 | F: 973.599.6550
tcarnev@sl.universalservice.org

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From: deadline@sl.universalservice.org
Sent: Friday, October 23, 2015 9:06 AM
To: Wedge, Amanda J.
Subject: Administrator's Decision on Invoice Deadline Extension Request

This serves as acknowledgement and dismissal of your request for a deadline extension for the following FRNs:

2496899

Current deadline extension rules and procedures do not allow approval for the reason submitted.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Administrative Decision you are appealing. Indicate the relevant funding year and the date of this letter. Your letter of appeal must also include the Billed Entity Name, the Form 471 Application Number, and the SLD Invoice Number from the top of your letter.
3. When explaining your appeal, copy the language or text from this letter that is at the heart of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, 30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

Schools and Libraries Division
Universal Service Administrative Company

This e-mail has been generated programmatically. Please do not respond to this e-mail.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

April 04, 2016

Amanda Wedge
Lumos Networks
1200 Greenbrier Street
Charleston, WV 25311

Re: Applicant Name: LEWIS COUNTY SCHOOL DISTRICT
Billed Entity Number: 126771
Form 471 Application Number: 886076
Funding Request Number(s): 2496899
Your Correspondence Received: December 21, 2015

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 2013 Administrator's Decision on Invoice Deadline Extension Request 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): 2496899
Decision on Appeal: **Denied**
Explanation:

- FCC rules stipulate that service providers or billed entities may request a one-time extension of the invoicing deadline for a Funding Request (FRN). USAC denied your request for Invoice Deadline Extension since this was a second or subsequent extension of invoicing deadline for FRN 2496899. Since USAC's decision was consistent with the FCC rules, your appeal is dismissed.

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

cc: Paul Karas

ATTACHMENT B

AFFIDAVIT OF MS. AMANDA WEDGE

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA

BEFORE ME, the undersigned authority on this 1st day of June, 2016, personally appeared Amanda Wedge, who being by me duly sworn on oath deposed and said:

1. My name is Amanda Wedge. My position with Lumos Networks, LLC (“the Company”) is Accounting Supervisor. In my position, I am responsible for certifying Billed Entity Applicant Reimbursement (“BEAR”) forms and submitting Service Provider Invoice (“SPI”) forms for school and library customers that participate in the federal E-rate program.
2. I am of lawful age, am authorized to make the statements herein, and have personal knowledge of the facts stated herein.
3. In connection with the Request for Review by Lumos Networks of Decision of Universal Service Administrator (“USAC”), CC Docket No. 02-6, I swear and affirm that the statements shown in the request are true and correct.

FURTHER AFFIANT SAYETH NOT.

Amanda Wedge

Amanda Wedge, Accounting Supervisor

SUBSCRIBED AND SWORN TO BEFORE ME on this 1st day of June, 2016, to certify which witness my hand and seal of office.



Darrel Fleming

Notary Public in and for
the State of West Virginia