

1305 W 18th Street  
PO Box 5039  
Sioux Falls, SD 57117-5039

**SANFORD**<sup>™</sup>  
HEALTH

Ph: (605) 333-1000  
sanfordhealth.org

September 16, 2013

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**WC Docket No. 02-60**

Dear Ms. Dortch:

This appeal is on behalf of HCP #27065, Sanford Worthington Orthopedics & Sports Medicine, 426 10<sup>th</sup> Street, Worthington, MN 56187. The appeal relates to the following:

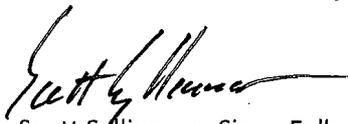
Billed Entity Name:	Sanford Worthington Orthopedics & Sports Medicine
HCP Number:	27065
Packet ID:	115233
Contact Name:	Scott Sylliaasen
Contact Phone Number:	605-326-7364
Contact E-mail:	<a href="mailto:Scott.Sylliaasen@SanfordHealth.org">Scott.Sylliaasen@SanfordHealth.org</a>

The reason given for the denial of appeal and explanation is "the appeal does not include the required documentation". In support of this appeal I have attached the following documentation:

- USAC Letter – "Administrator's Decision on Rural Health Care Program Appeal" dated August 5, 2013
- Sanford Appeal Letter to the Rural Health Care Division dated May 7, 2013
- Email dated January 8, 2013 to Catherine Chen
- Urban Rate Letter from Midcontinent dated December 13, 2012
- Urban Rate Letter from Midcontinent dated April 12, 2012

The urban rate letter dated December 13, 2012 inadvertently stated the incorrect funding year due to the request coming in the 2012 Funding Year. Attached is also the urban rate letter dated April 25, 2012. As you can see, the urban rates are exactly the same dollar amounts.

We are requesting a reconsideration of the denial for this HCP. The Rural Health Care program provides a measureable reimbursement to this rural clinic. Thank you for your attention and reconsideration to this RHC denial for Funding Year 2011.



Scott Sylliaasen, Sioux Falls Technology Director  
Sanford Health  
605-328-7364

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***Administrator's Decision on Rural Health Care Program Appeal***

*Via Electronic and Certified Mail*

5  
August XX, 2013

Mr. Scott Sylliaasen  
Sioux Falls Technology Director  
Sanford Health  
1305 West 18<sup>th</sup> Street  
P.O. Box 5039  
Sioux Falls, SD 57117-5039

Re: Appeal of Denial Due to Incomplete Packet; Sanford Worthington Orthopedics & Sports Medicine; HCP #27065, Packet ID 115233; Funding Year 2011

Dear Mr. Sylliaasen:

The Universal Service Administrative Company (USAC) has completed its evaluation of the letter of appeal, dated May 7, 2013, you submitted on behalf Sanford Worthington Orthopedics & Sports Medicine (Sanford, or Applicant) for Funding Year 2011. Your appeal requested that USAC reconsider its decision to deny Sanford funding based on an incomplete funding request. Upon review, USAC concludes that the funding request was correctly denied.

Decision on Appeal and Explanation: Denied

Sanford Worthington Orthopedics & Sports Medicine is located in Worthington, Minnesota. Sanford submitted its Funding Year 2011 *Funding Request and Certification Form* (FCC Form 466) on June 19, 2012. That same day, Sanford delivered by email urban and rural rates to support the funding request.<sup>1</sup> The urban rate documentation showed rates for South Dakota.<sup>2</sup> Because the urban rate must come from the state where the health care provider is located,<sup>3</sup> USAC's Rural Health Care Division (RHCD) emailed Sanford on December 5, 2012, asking for the correct rate information.<sup>4</sup> Sanford responded on December 13, 2012 with urban rate information for Minnesota for Funding Year 2012.

On December 31, 2012, RHCD responded to Sanford asking for an urban rate for Funding Year 2011.<sup>5</sup> Because Sanford did not respond, USAC sent an email on January 3, 2013, asking for the

<sup>1</sup> Email from Bonnie Overweg to USAC (June 19, 2012, 1:06 p. m.)

<sup>2</sup> *Id.*

<sup>3</sup> 47 C.F.R. §54.605(a).

<sup>4</sup> Email from USAC to Bonnie Overweg (Dec. 5, 2012, 1:42 p.m.).

<sup>5</sup> Email from USAC to Bonnie Overweg (Dec. 31, 2012, 9:47 p.m.)

Mr. Scott Sylliaasen  
Sanford Health  
August XX, 2013  
Page 2 of 2

urban rate documentation within seven calendar days (by January 10, 2013).<sup>6</sup> Sanford responded to that email with urban rate documentation for South Dakota for Funding Year 2011.<sup>7</sup>

Because Sanford did not provide the information required to process the packet, RHCD denied the request for funding on April 9, 2013. On May 7, 2013, Sanford appealed the funding denial. The appeal does not include the required documentation.

The Form 466 states, "You must provide evidence of the urban rate if you have completed Block 6 and have not used the urban rates from the website."<sup>8</sup> The instructions to the Form 466, Line 41 state: "When an HCP submits its own urban rate documentation, the urban rate should price a circuit of the Standard Urban Distance (SUD) in the HCP's state."<sup>9</sup>

The administrative deadline by which applicants are required to submit supporting documentation for funding requests is June 30, which is the last day of each funding year (*see* Instruction to the FCC Form 466). As a courtesy, USAC typically provides applicants additional time, to August 31, following the end of the funding year to submit any missing documentation. For Funding Year 2011, USAC provided even more time – 14 days past the date that the packet was first reviewed – to submit any missing documentation. Extensive outreach was done regarding this deadline and the deadline is posted on the RHCD website (*see* [www.usac.org/rhc/health-care-providers/step04/](http://www.usac.org/rhc/health-care-providers/step04/).)

Sanford did not provide the documentation required to process the request for funding. Therefore, RHCD correctly denied funding, and this appeal is hereby denied.

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at

[www.usac.org/rhc/about/program-integrity/appeals.aspx](http://www.usac.org/rhc/about/program-integrity/appeals.aspx)

Sincerely,

/s/ USAC

<sup>6</sup> Email from USAC to Bonnie Overweg (Jan. 3, 2013, 1:55 p. m.)

<sup>7</sup> Email from USAC to Bonnie Overweg (Jan. 8, 2013, 9:13 a.m.)

<sup>8</sup> FCC Form 466, at 3.

<sup>9</sup> See FCC Form 466 Instructions at 8.

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Ph: (605) 333-1000  
sanfordhealth.org

**SANFORD™**  
HEALTH

May 7, 2013

Letter of Appeal  
Rural Health Care Division  
2000 L Street, Northwest, Suite 200  
Washington, DC 20036

RE: Funding Year 2011 Appeal for HCP #27065

To Whom It May Concern:

I am writing on behalf of HCP #27065, Sanford Worthington Orthopedics & Sports Medicine, 426 10<sup>th</sup> Street, Worthington, MN 56187. My appeal relates to the following:

Billed Entity Name: Sanford Worthington Orthopedics & Sports Medicine  
HCP Number: 27065  
Packet ID: 115233  
Contact Name: Scott Sylliaasen  
Contact Phone Number: 605-328-7364  
Contact E-mail: [Scott.Sylliaasen@SanfordHealth.org](mailto:Scott.Sylliaasen@SanfordHealth.org)

The reason given for the above denial is that "You were contacted several times by the Rural Health Care Division (RHCD) of USAC informing you that your application for Universal Service Support for the 2011 Funding Year (July 1, 2011 to June 30, 2012) required additional documentation in order to be processed. Because RHC has not received this information, we regret to inform you that we are unable to provide any support to you for Funding Year 2011".

In support of this appeal, I enclose the following:

Photocopy of the USAC denial letter dated April 9, 2013. On January 3, 2013, an email from Catherine Chen, USAC, Rural Health Care, was received requesting Urban rate documentation. The email from Ms. Chen requested the information within 7 calendar days. On January 8, 2013, the requested Urban rate documentation was emailed from Bonnie Overweg/Consultant, to Catherine at 9:13 AM. I have attached a copy of the email and attachment that was sent. Our reply was within the requested timeline and provided the necessary requested Urban rate information from the service provider, Midcontinent Communications, SPIN #143001179.

Thank you for your attention and reconsideration to this RHC denial for Funding Year 2011.

  
Scott Sylliaasen, Sioux Falls Technology Director  
Sanford Health  
605-328-7364

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## Bonnie Overweg

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**From:** Bonnie Overweg <bonnie@dakotaacademic.com>  
**Sent:** Tuesday, January 08, 2013 9:13 AM  
**To:** 'cchen'  
**Subject:** RE: Last Chance to Submit Required RHC Documentation for FY 2011: HCP 27065  
**Attachments:** Midco Urban Rate, 2011.pdf

Catherine, attached is the urban rate documentation for 2011. Thanks! Bonnie

*Bonnie Overweg*  
Dakota Academic Consulting, Inc.  
[bonnie@dakotaacademic.com](mailto:bonnie@dakotaacademic.com)  
[www.dakotaacademicconsulting.com](http://www.dakotaacademicconsulting.com)

Office-605-977-4648  
Fax-605-221-0960  
Cell-605-359-1213

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**From:** cchen [<mailto:cchen@rhc.universalservice.org>]  
**Sent:** Thursday, January 03, 2013 1:55 PM  
**To:** 'Bonnie Overweg'  
**Subject:** FW: Last Chance to Submit Required RHC Documentation for FY 2011: HCP 27065

Bonnie,

Please provide the requested information within 7 calendar days.  
I need an Urban rate documentation for packet 115223.

Due Date: 01/10/13

Thank you,

Catherine Chen  
USAC, Rural Health Care  
Phone: 973-581-5012  
Fax: 973-599-6514  
E-mail: [cchen@rhc.universalservice.org](mailto:cchen@rhc.universalservice.org)

**Note: USAC RHC mailing address has changed. Effective immediately, mailed items should be sent to:**

**Rural Health Care Division  
30 Lanidex Plaza West  
Parsippany, NJ 07054**

**From:** cchen [<mailto:cchen@rhc.universalservice.org>]  
**Sent:** Monday, December 31, 2012 9:47 PM  
**To:** 'Bonnie Overweg'  
**Subject:** RE: Last Chance to Submit Required RHC Documentation for FY 2011: HCP 27065

Bonnie,

The rate you sent me is not for FY2011.

Please provide it again.

Thank you,

Catherine Chen  
USAC, Rural Health Care  
Phone: 973-581-5012  
Fax: 973-599-6514  
E-mail: [cchen@rhc.universalservice.org](mailto:cchen@rhc.universalservice.org)

**Note:** USAC RHC mailing address has changed. Effective immediately, mailed items should be sent to:  
**Rural Health Care Division**  
**30 Lanidex Plaza West**  
**Parsippany, NJ 07054**

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**From:** Bonnie Overweg [<mailto:bonnie@dakotaacademic.com>]  
**Sent:** Friday, December 14, 2012 9:58 AM  
**To:** 'cchen'  
**Subject:** RE: Last Chance to Submit Required RHC Documentation for FY 2011: HCP 27065

Catherine, please let me know if you need anything else. Thanks! Bonnie

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**From:** cchen [<mailto:cchen@rhc.universalservice.org>]  
**Sent:** Thursday, December 13, 2012 11:29 AM  
**To:** 'Bonnie Overweg'  
**Subject:** RE: Last Chance to Submit Required RHC Documentation for FY 2011: HCP 27065

Hi Bonnie,

Please provide us with a valid Urban Rate documentation for the state of MN for packet 115223

Thank you,

Catherine Chen  
USAC, Rural Health Care  
Phone: 973-581-5012  
Fax: 973-599-6514  
E-mail: [cchen@rhc.universalservice.org](mailto:cchen@rhc.universalservice.org)

**Note:** USAC RHC mailing address has changed. Effective immediately, mailed items should be sent to:  
**Rural Health Care Division**  
**30 Lanidex Plaza West**

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**From:** Bonnie Overweg [<mailto:bonnie@dakotaacademic.com>]  
**Sent:** Thursday, December 13, 2012 10:31 AM  
**To:** 'cchen'  
**Subject:** Last Chance to Submit Required RHC Documentation for FY 2011: HCP 27065

Catherine, please see the email below from Midcontinent. Please let me know if you need anything else. Thanks! Bonnie

*Bonnie Overweg*  
Dakota Academic Consulting, Inc.  
[bonnie@dakotaacademic.com](mailto:bonnie@dakotaacademic.com)  
[www.dakotaacademicconsulting.com](http://www.dakotaacademicconsulting.com)

Office-605-977-4648  
Fax-605-221-0960  
Cell-605-359-1213

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**From:** Brad Husman [[mailto:brad\\_husman@mmi.net](mailto:brad_husman@mmi.net)]  
**Sent:** Wednesday, December 12, 2012 4:58 PM  
**To:** 'Bonnie Overweg'  
**Cc:** Rod Woods  
**Subject:** Sanford Worthington

Bonnie,

This is to confirm that HCP 27065, packet 115223 was receiving a 60 month term rate during Funding Year 2011.

Let me know if you have any questions

Thanks!

Brad Husman  
Account Relationship Manager  
Midcontinent Communications  
3901 N Louise Ave  
Sioux Falls, SD 57107  
Phone: (605) 274-3014  
After Hours Emergency: (888)-247-8390  
Email: [brad\\_husman@mmi.net](mailto:brad_husman@mmi.net)

April 25, 2012

Daryl Bouma, Information Technology Director, CTO  
5300 S. Broadband Lane  
Sioux Falls, SD 57106

RE: Urban Rates for Sanford Health

Dear Daryl,

The urban rates for Sanford Health in Sioux Falls, South Dakota are as follows:

1.54Mbps Data T1 Private Line: \$395 (Circuit is mileage insensitive)

3Mbps Ethernet Private Line: \$250 (Circuit is mileage insensitive)

5Mbps Ethernet Private Line: \$350 (Circuit is mileage insensitive)

20Mbps Ethernet Private Line: \$1250 (Circuit is mileage insensitive)

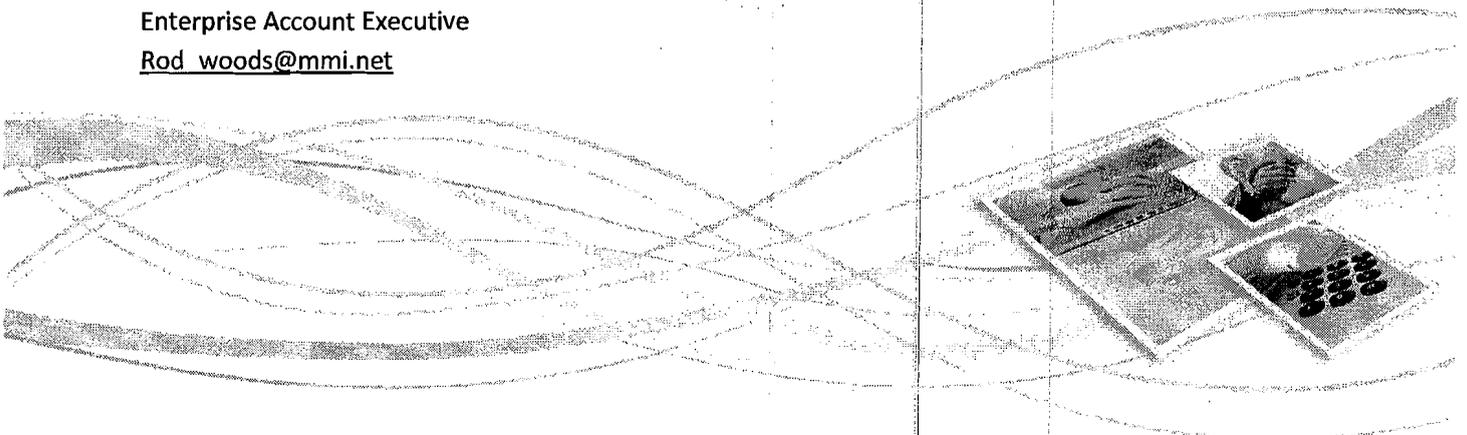
For 2011 Funding Year (July 1, 2011 - June 30, 2012)

Contract Term: Urban and Rural Rates for Sanford Health are based off of 60 month pricing.

Sincerely,



Rod Woods  
Midcontinent Communications  
Enterprise Account Executive  
[Rod\\_woods@mmi.net](mailto:Rod_woods@mmi.net)



December 13, 2012

Daryl Bouma, Information Technology Director  
5300 S. Broadband Lane  
Sioux Falls, SD 57106

RE: Urban Rates for Sanford Health

Dear Daryl,

The urban rates for Sanford Health in Duluth, Minnesota are as follows:

1.54Mbps Data T1 Private Line: \$395 (Circuit is mileage insensitive)

3Mbps Ethernet Private Line: \$250 (Circuit is mileage insensitive)

5Mbps Ethernet Private Line: \$350 (Circuit is mileage insensitive)

20Mbps Ethernet Private Line: \$1250 (Circuit is mileage insensitive)

For 2012 Funding Year (July 1, 2012 - June 30, 2013)

Contract Term: Urban and Rural Rates for Sanford Health are based off of 60 month pricing.

Sincerely,



Rod Woods  
Midcontinent Communications  
Enterprise Account Executive  
[Rod\\_woods@mml.net](mailto:Rod_woods@mml.net)

