

May 29, 2020

By Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Promoting Telehealth In Rural America* – WC Docket No. 17-310

Dear Ms. Dortch:

Alaska Communications respectfully requests that this letter be incorporated in the record associated with the five pending Petitions for Reconsideration of the August 2019 Report and Order in the above-captioned proceeding.¹

As stated in Alaska Communications' Petition for Reconsideration,² USAC's processing of funding requests for the rural health care ("RHC") program has slowed to a snail's pace in recent years, with numerous funding requests tied up due to bureaucratic indecision and errors, leaving service providers as well as rural healthcare providers in an impossible position. To the detriment of effective tele-health services, USAC's processing of these vital requests is entirely opaque, with no deadlines for action, imposing untenable costs on participants in the RHC program, and resulting in many unnecessary appeals to the Commission.

Some of the sources of USAC's chronic delays would be easy to correct. For example, in its Petition for Reconsideration, Alaska Communications urged the Commission to instruct USAC that it can and should correct *service delivery dates* in the Funding Commitment Letter ("FCL") as a permissible "site or service substitution" that does not constitute a major change to the funding request.³ Correcting such administrative details will result in greater transparency, certainty, and fairness in the program, and thus serve the public interest – especially when the error is USAC's to begin with.

¹ *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335 (2019), reconsideration pending, 84 Fed. Reg. 69697 (Dec. 19, 2019) (the "RHC Report and Order").

² Petition for Reconsideration of Alaska Communications in WC Docket No. 17-310 (filed Nov. 12, 2019) at 21-25.

³ *Id.* at 21-22. See 47 C.F.R. §54.624(a).

A recent experience of Alaska Communications should be included in the record. On April 30, 2019, USAC issued a FCL for Funding Year 2019 (July 1, 2019 to June 30, 2020) based on a three-year contract running from July 1, 2019 through June 30, 2022, as stated in the application. In its April 30 FCL (delivered by e-mail), USAC incorrectly referred to the date the contract was *signed* rather than the service delivery dates set forth in the contract and correctly noted in the application on FCC Form 466. USAC stated that funding would expire on the “contract expiration date” of May 29, 2022, three years from the date the contract was signed, rather than the correct service expiration date of June 30, 2022. The applicant responded on May 26, 2020 (also by e-mail) with documentation of the correct service end date as set forth in the contract and the application on FCC Form 466, and asked USAC to correct the funding end date to match the service end date, as a purely administrative correction. USAC has not done so. Incredibly, USAC advised the applicant on May 27 that the best chance of ensuring this error in service end date could be corrected (so full funding would be available) – *an error of USAC’s own making*, not the applicant’s – would be to file an appeal with USAC, adding to the paperwork burden all around. The following is from USAC’s response to the applicant:

Your request has been received and forwarded to the appropriate team for consideration. Your request will be reviewed in the order it was received and you will be notified via email once the review is complete. **An exact timeframe of response is not available at this time.** It is very important to remember that if an administrative remedy does not solve your issue, appeals must be filed within 60 days of the original adverse decision. **Therefore, it may be in your best interest to submit the appeal while you wait for an administrative remedy decision.**⁴

In short, USAC refused either to admit error or to agree that the only change requested was an administrative one, thus forcing an otherwise unnecessary appeal so the participants might qualify for 32 days’ payment that is rightfully due them under the program, and is at risk of being denied only because *USAC* misread the application.

This type of USAC error concerning contract dates and service delivery dates is well known to RHC program applicants.⁵ This is a common reason why applicants are short-changed under the RHC program and service providers are reluctant to extend tele-health services to high-cost rural areas.

As stated in the Petition for Reconsideration, USAC’s internal processes should not be allowed to penalize program participants and discourage service providers from committing resources to tele-health services. USAC should be directed by the Commission to correct service

⁴ E-mail to D. Kettwich (consultant to the applicant) from Eric O., RHC-Assist Support Team, Rural Health Care Program, Universal Service Administrative Company (sent May 27, 2020, 11:25 a.m.).

⁵ See Petition for Reconsideration, *supra*, at 22-23 (USAC used the service contract execution date in the FCL rather than the actual service dates, and refused to make the administrative change when approached by applicants; and USAC used a prior funding year end date, rather than the actual service dates set forth in the contract, and has failed to act on aging appeals).

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dates as routine site and service substitutions, which are well within USAC's authority, and provide full funding for the dates when services are provided – and not to needlessly hold up FCL corrections or force parties to file unnecessary and uncertain appeals. It is critical that the Commission and USAC get RHC funding flowing, now even more than before, as our nation is grappling with the COVID-19 healthcare crisis and rural healthcare provider resources are especially strained.

Alaska Communications still believes that the benefits of the RHC program should outweigh its costs. In rural Alaska, tele-health services save lives, decrease treatment times, eliminate lengthy and costly travel, and reduce costs across a wide range of medical needs. RHC-supported broadband connections are essential for access to electronic health records, clinical consultations, remote imaging, and an ever-increasing array of tele-health uses.

Greater speed, transparency and predictability are needed in processing requests for support, however, if this program is to continue to serve the purpose for which it was established. Bureaucratic red tape must be eliminated. It is past time for the Commission to impose effective oversight on USAC to ensure that communications services *which are necessary* for the provision of healthcare services in rural America remain available and affordable. Failure to act will have direct consequences on rural tele-health.

Please direct any questions concerning this matter to me.

Respectfully submitted,



Karen Brinkmann

KAREN BRINKMANN PLLC

1800 M Street, N.W., Suite 800-North

Washington, D.C. 20036

(202) 365-0325

KB@KarenBrinkmann.com

Counsel to Alaska Communications

cc: Preston Wise
Travis Litman
Arielle Roth
Joseph Calascione
Austin Bonner
Kris Monteith
Adam Copeland
Ryan Palmer
Bryan Boyle
Johnnay Schreiber