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Funding Status – FY 2021

Wave 15 for FY 2021 was released on Thursday, July 23rd, for a total of $51.5 million including $1.96 million for 12 North Carolina applicants. Cumulative commitments are $1.67 billion including $61.2 million for North Carolina. Nationwide, USAC has now funded 86% of the FY 2021 applications representing 57% of the requested funding.

The 2021-2022 application window for the Emergency Connectivity Fund ("ECF") opened June 29th and will close August 13th.

ECF Updates and FAQs

FCC Service Delivery and Certification Changes:

Last Thursday, the FCC released a Public Notice (DA 21-881) modifying/clarifying two provisions of the original Emergency Connectivity Fund ("ECF") Order (FCC 21-58) that had been of concern to a number of applicants. Specifically:

- One original certification on the ECF application states that "[t]he applicant or the relevant student, school staff member, or library patron has received, or the applicant has ordered the equipment and services for which funding is sought." That certification is being modified to read that: "[t]he applicant or the relevant student, school staff member, or library patron has received, or the applicant has ordered ***or will order***, the equipment and services for which funding is sought." [*change emphasized*] This addition will permit applicants to file their ECF applications, and perhaps wait until their applications are approved, before actually placing their orders. Presumably, applicants filing their ECF applications now, before the online Form 471 is modified to reflect the change, will be covered under the revised certification.

- The original Order included an invoice filing deadline indicating that invoices must be filed "within 60 days from the date of the funding commitment decision letter; a revised funding

commitment decision letter approving a post-commitment change or a successful appeal of previously denied or reduced funding; or service delivery date, whichever is later." Recognizing that the delivery dates for non-recurring services and equipment may not be known at the time applicants submit their applications, the FCC established a default delivery date of June 30, 2022, for these services. At the earliest, therefore, the invoice deadline for non-recurring services and equipment will be August 29, 2022 — 60 days after the end of the 2021-2022 ECF funding year.

Both changes will make many applicants more comfortable with the ECF application and invoicing processes.

FCC FAQ Updates:

To assist applicants — not to mention USAC — in tracking additional ECF guidance, the FCC manages a master ECF FAQ list on its website. Updated FAQs are added periodically, marked with an asterisk, and are often subsequently repeated in USAC's weekly Emergency Connectivity Fund Program Newsletter.

Four of the more interesting new FAQs added by the FCC (as of July 16th) are:

*2.15 Q: What will be the duration of internet service reimbursement?

A: Internet service reimbursement will be for services delivered between July 1, 2021 and June 30, 2022. Services delivered after June 30, 2022 will not be covered by the initial filing window.

*2.16 Q: Will applicants be required to sustain the cost of the internet service until a Wi-Fi hotspot reaches the three-year mark?

A: No. For the initial application filing window, internet service will only be funded by the ECF Program through June 30, 2022, but there is no FCC requirement that an applicant must provide additional internet service for a hotspot device.

*8.1 Q: Do I need to modify my library inventory system to track all of the required recordkeeping data in a single report?

> A: No. While a library is responsible for retaining all of the information required by the Commission's rules, it does not need to be managed or maintained in a particular format. Libraries can determine how they format, extract and save the required data. For example, if a library separately tracks its inventory, circulation history and patron data, and collectively all required information is retained for the requisite period of time, no modifications to the library's recordkeeping system would be needed. In cases where the information is requested by the Commission or USAC, libraries will not be required to modify the information (e.g., connect separately tracked patron data to circulation data) prior to submission. In requiring libraries to collect and document this information, we commit to ensuring that if the Commission or USAC staff need to access this information (e.g., for audit purposes), they will request and safeguard the information in accordance with the applicable privacy laws and guidance, including using de-identified and anonymized information whenever possible.

*10.1 Q: Do the Children's Internet Protection Act (CIPA) requirements apply for all equipment that is eligible for ECF support?

> A: No. CIPA requirements apply only to school- or library-owned computers (e.g., tablet computers and laptop computers), and only when the school or library receives ECF or E-Rate support for internet access or internet services, or E-Rate support for internal connections—or network equipment for internet access, internet service, or internal connections.

> We correct an earlier version of this FAQ to make clear that while CIPA does not impose any requirements on Wi-Fi hotspot devices, the purchase through ECF of such Wi-Fi hotspots would qualify as network equipment and would require CIPA compliance for the school's or library's computers.

Different groups of FCC staff were active in several webinars last week and responded to questions that have not yet been published in the FCC's list of FAQs. Here are two questions and the FCC responses we heard (please treat these as informal guidance):

> Q: Must schools survey parents/families to determine unmet needs?

> A: No. For application purposes, schools can rely on a variety of methods to estimate unmet needs. Parental surveys are <u>not mandatory</u>. Schools may rely on other publicly available data such as: (a) NSLP data to determine financial ability to afford internet services or connected devices; or (b) maps or other data on area connectivity and home computer penetration.

> Note that while estimates of unmet needs are fine for application purposes, schools must ultimately be able to document the need for services and devices provided to students.

> Q: Must all ECF applicants be registered with SAM?

A: To provide maximum invoicing flexibility, SAM registration is recommended for all applicants. SAM registration is not required to file an ECF Form 471 application but is required for BEAR invoicing. Applicants relying solely on SPI invoicing need not be registered in SAM (but, in that event, their service providers must be SAM registered).

Note: The SAM SPI-exception option may be of interest to private and parochial schools seeking to participate in ECF without being the direct recipients of federal funding. E-Rate Central is reporting this strategy but is not espousing an opinion on the legality of this framework.

E-Rate Updates and Reminders

Upcoming E-Rate Dates:

July 27	USAC webinar on E-rate equipment transfers (**2:00 p.m. ET**) (Register).
July 28	USAC's "Office Hours" ECF webinar at 3:00 p.m. EDT (Register). These webinars are held weekly to provide program updates and answer participant questions.
July 29	Form 486 deadline for FY 2020 covering funding committed in Wave 49. More generally, the Form 486 deadline is 120 days from the FCDL date or the service start date (typically July 1st), whichever is later. Upcoming Form 486 deadlines are:

Wave 50	08/06/2021
Wave 51	08/13/2021

August 13	Closing date for the initial Emergency Connectivity Fund ("ECF") window. The window will close at 11:59 p.m. EDT.

USAC ECF Newsletter Dated July 20 – Additional FAQs

USAC's Emergency Connectivity Fund Program Newsletter of July 20, 2021, provides answers to the following frequently asked questions:

- Do schools and libraries need to keep documentation of the specific students, school staff, or library patrons who receive Emergency Connectivity Fund-supported service or equipment? Short answer: Yes.

     Hint: See E-Rate Central's Inventory and Service Log Templates.
- What does it mean for a household to lack access to broadband? For example, what if the school paid for a student's broadband service using other sources of funding, including federal funding, last year? Short answer: Applicants must make a "reasonable" determination.

- Will USAC wait until the application filing window closes to approve applications? Short answer: Yes.

- Do schools need to identify the names of specific students who lack access to a connected device or broadband connectivity on the application? Short answer: Only a "best estimate" is required for application — but see ultimate documentation requirement noted above.

- Is there a minimum number of days that hotspots or connected devices must be in use – that is, loaned out to library patrons – to justify reimbursement for the services or equipment? Short answer: There is no "hard and fast test", but the goal is to avoid warehoused equipment.

The ECF Newsletter also notes: "Reimbursement request forms for the Emergency Connectivity Fund Program will be available in the ECF Portal. Applicants and service providers will use the ECF Portal to submit requests for reimbursement. Additional information regarding the invoicing process for the Emergency Connectivity Fund Program will be coming soon."

USAC E-Rate News Brief Dated July 23 – Summer E-Rate Activities

USAC's Schools and Libraries News Brief of July 23, 2021, summarizes the following activities that E-rate applicants may be involved with this summer:

- New applicants: Review the steps in the application process.
- FY 2020 invoicing: Collect your customer bills for reference and review your Form 498 if you intend to file BEAR Forms.
- FY 2021 PIA review: Check your EPC account for unanswered questions and provide the information requested.
- FY 2021 Form 486: Confirm your service start date and provide the status of your compliance with CIPA.
- FY 2022 Form 470: If you are ready to open your competitive bidding process, you can certify this form.
- ECF applicants: File the ECF Form 471 on or before the close of the initial application window on August 13th. Note the recent FCC Public Notice discussed above.

USAC also announced that, after 15 years of continuous publication of 49-50 weekly issues a year, the Schools and Libraries News Brief will be taking a break for the remainder of the summer and will resume this fall. We are particularly dismayed by this publication break because it is undoubtably related to the retirement — as of the date of this News Brief — of John Noran, the SLD's Senior Manager of Outreach and long-time News Brief author and editor. John has organized all of USAC's E-rate training and has been an effective and much loved personality across the entire E-rate community.

We will miss you John Noran. Go forth and prosper!