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## Funding Status – FY 2021

Wave 26 for FY 2021 was released on Thursday, October 7<sup>th</sup>, for a total of \$22.5 million including \$15 thousand for three North Carolina applicants. Cumulative commitments are \$2.28 billion including \$83.3 million for North Carolina. Nationwide, USAC has now funded 95% of the FY 2021 applications representing 79% of the requested funding.

Wave 1 of the Emergency Connectivity Fund (“ECF”) was released on Friday, September 24<sup>th</sup>, for a total of over \$1.2 billion. We had hoped to see a second ECF wave last week but did not. A second two-week 2021-2022 ECF application window will close this Wednesday.

## Latest FCC Updates on ECF FAQs

The FCC continues to update its [master ECF FAQ](#) document to reflect new guidance. The most recent updates as of October 6<sup>th</sup> (marked with an asterisk) include the following questions and answers:

**\*7.2 Q: Can applicants change their service providers after they file their applications?**

A: Yes, applicants may change service providers. After a funding commitment decision letter (“FCDL”) has been issued, you will need to submit a request to change the service provider through a Post-Commitment Request Form in the ECF Portal.

**\*7.2.a Q: Can applicants change the make or model of their equipment after they file their applications?**

A: Yes, applicants may make service and equipment substitutions. After an FCDL has been issued, you will need to submit a request to change the equipment and/or service through a Post-Commitment Request Form in the ECF Portal. Please visit USAC’s Emergency Connectivity Fund website for additional information regarding the Post-Commitment Request process for applicants and service providers.

**\*7.12 Q: If I filed an application after the first application filing window deadline on August 13, 2021, should I cancel my application and reapply in the second window?**

A: No. In accordance with [DA 21-1182](#), USAC will review and process these late-filed applications during the second application filing window in accordance with Program rules and requirements. Applicants that certified and submitted their ECF Forms 471 after the close of the initial application filing window on August 13, 2021 will not be required to resubmit their applications during the second application filing window, nor will they need to file a request for waiver of the initial 45-day application filing deadline with the Commission.

**\*7.13 Q: What if I filed a waiver request for my late-filed application with the FCC already?**

A: You can file a request to withdraw the waiver request in the FCC's Electronic Comment Filing System ("ECFS") in WC Docket No. 21-93, referencing the original ECF Form 471 application number.

The FCC also noted that a number of its FAQs have been revised for clarity on the scope of CIPA requirements, most recently on September 24<sup>th</sup>. Applicants are advised to review the [CIPA compliance flowchart](#) for determining whether CIPA compliance is required for any school- or library-owned computers.

### **FCC Extends E-Rate Gift Rule Waiver**

The FCC released an Order ([DA 21-1257](#)) last week that partially granted a waiver request by Comcast and, more importantly, extended its E-rate gift rule waiver through June 30, 2022. The extension of the E-rate gift rule resolves any possible confusion with the ECF gift rule waiver already in place through next June. A little background:

- As a general provision, the ECF Order ([FCC 21-58](#)) enacted last May included basic gift restrictions similar to the traditional E-rate gift rules. "In light of the extraordinary needs of schools and libraries to meet the remote learning needs of students, school staff, and library patrons during the pandemic," however, the Order included a limited exception to allow "service providers to offer and provide, and applicants to solicit and accept, broadband connections, devices, networking equipment, or other things of value that are directly related to addressing the pandemic-related needs of students, school staff, and library patrons through June 30, 2022."
- At the time, the traditional E-rate program was operating under a gift rule waiver, initially established in March 2020 at the start of the pandemic and originally set to expire September 30, 2020. In several steps, the FCC extended the E-rate gift rule waiver, first to December 31, 2020, and then to June 30, 2021. Prior to last week's Order, this meant that the E-rate gift rule waiver would expire one year before the ECF gift rule waiver — an obvious source of potential confusion that is now resolved. The FCC also retroactively waived the gift rules from July 1, 2021 (the previous expiration of the gift rule waiver) through the release date of the new Order.

- Meanwhile, earlier this year, the FCC asked for comments on a specific gift rule waiver requested by Comcast (see our [newsletter of May 24, 2021](#)). The Comcast waiver was designed to avoid potential gift rule problems with respect to a proposed “Lift Zone” program to establish remote learning facilities in local community centers (including libraries).

Under last week’s Order, the FCC’s gift rules are now waived until June 30, 2022, for both the E-rate and ECF programs. The gift rule exemption is also made explicitly applicable to Comcast’s Lift Zone program, but only through the same date.

Two additional points should be noted:

- The gift rule exception in the ECF Order was provided “with the hope that by the end of this coming school year, the pandemic-related needs of schools and libraries for broadband connections, devices and networking equipment will have, for the most part, been met.” However, the Order goes on to state: “Should that not be the case, affected parties will be able to seek a waiver of the gift rules, following the sunset of this exception.” Should the ECF waiver be expanded, which we hope COVID circumstances will not necessitate, we would expect similar action on the E-rate rules.
- Last week’s Order reminds applicants of: (a) their requirement to pay the non-discounted share of E-rate-funded equipment and services (i.e., which cannot be “gifted”); (b) the necessity of complying with state and local procurement laws; and (c) the ongoing program rules “requiring a fair and open competitive bidding process for funding years 2021 and 2022.”

## Updates and Reminders

### *Upcoming Dates:*

October 12	Reply comment deadline for the FCC’s draft Eligible Services List for FY 2022 ( <a href="#">DA 21-1062</a> ).
October 13	Close of the second ECF application window for 2021-2022.
October 20	Nomination deadline for six USAC Board members including one school representative. The FCC subsequently added a request for board member nominations representing commercial mobile radio service providers (due November 8 <sup>th</sup> ).
October 29	First Form 486 deadline for FY 2021 covering funding committed in Waves 1-12. More generally, the Form 486 deadline is 120 days from the FCDL date or from the service start date (typically July 1 <sup>st</sup> ), whichever is later. Upcoming Form 486 deadlines are:
	Wave 13                      11/05/2021
	Wave 14                      11/12/2021
	Wave 15                      11/19/2021

## USAC ECF Newsletter Dated October 5 – Reimbursements and FAQs

[USAC’s Emergency Connectivity Fund Program Newsletter of October 5, 2021](#), notes that invoicing is now available through the ECF Portal. Most importantly, the newsletter stresses the need for every invoice filer to have completed the SAM.gov registration.

Service providers seeking access to the ECF Portal for invoicing purposes must first file a Form 498. Service providers should be aware that although the Form 498 asks for banking information, ECF disbursements will rely on the banking information stored in SAM.gov. Once a service provider’s Form 498 is processed, a nine-digit 498 ID number will be assigned and access will automatically be granted into the ECF Portal. Once logged into ECF, and having agreed to the terms and conditions, access into the ECF portal should be granted within 10 minutes.

The ECF newsletter repeated some of the FAQs from earlier newsletters but added the following:

**A service provider told us that 1:1 device initiatives are eligible for ECF Program support. Is this true? Can an applicant request funding for connected devices or Wi-Fi hotspots for all of its students as part of a 1:1 device initiative?**

Short answer: No. Funding is available only to meet unmet needs.

**How do I edit an incomplete application?**

Short answer: Use the “My Pending Tasks” tab in the ECF dashboard.

**Will I have visibility in the ECF Portal for the committed version of my application?**

Short answer: Yes.

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*Newsletter information and disclaimer: This newsletter may contain unofficial information on prospective E-rate developments and/or may reflect E-Rate Central’s own interpretations of E-rate practices and regulations. Such information is provided for planning and guidance purposes only. It is not meant, in any way, to supplant official announcements and instructions provided by USAC, the FCC, or NCDPI.*

*Additional North Carolina specific E-rate information is available through our Web site — <http://www.e-ratecentral.com/us/stateInformation.asp?state=NC>. Note that this site provides easy access to formatted North Carolina applicant E-rate histories via the Billed Entity Number (“BEN”) search mechanism in the upper left-hand corner. Detailed information can be obtained by “drilling down” using the links for specific funding years and individual FRNs.*

*If you have received this newsletter from a colleague and you would like to receive your own copy of the North Carolina E-Rate Forum, send an email to [join-ncerate@lists.dpi.state.nc.us](mailto:join-ncerate@lists.dpi.state.nc.us). Please include your name, organization, telephone, and e-mail address.*

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