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## Funding Status for 2021-2022

### *E-Rate:*

Wave 28 for FY 2021 was released on Thursday, October 21<sup>st</sup>, for a total of \$21.6 million including \$512 thousand for four North Carolina applicants. . Cumulative commitments are \$2.32 billion including \$83.8 million for North Carolina. \$21.4 million for New Mexico. \$93.5 million for New York. \$238 million for Texas. \$88.7 million for E-Rate Central clients. Nationwide, USAC has now funded 96% of the FY 2021 applications representing 81% of the requested funding.

### *ECF:*

Wave 2 of the Emergency Connectivity Fund (“ECF”) was previously released on Tuesday, October 12<sup>th</sup>, for a total of \$1.16 billion (see [FCC News Release](#)). Cumulative ECF funding is now \$2.36 billion. Second wave and cumulative funding for North Carolina are \$51.6 million and \$93.6 million, respectively.

The second shorter ECF application window closed on Wednesday, October 13<sup>th</sup>. USAC is still indicating that the [ECF dataset](#) will be updated to show Window 2 funding requests “soon.” This update is expected to include late-filed first window applications that, as per FCC Order [DA 21-1182](#), are to be treated as timely-filed second window applications.

## Updates and Reminders

### *Upcoming Dates:*

- October 26      Opening of the administrative window during which applicants can update their EPC entity profile information including enrollment and NSLP eligibility data. The administrative window is expected to close — and entity profiles lock — shortly before the Form 471 application window opens for FY 2022. See discussion in last Friday’s News Brief referenced below.
- October 27      FCC “listening session” for Tribal leaders and interested parties on expanding Tribal library participation in the E-Rate Program (see [Public Notice](#) and the related Notice of Proposed Rulemaking ([FCC 21-107](#)) comment period referenced below).
- October 28      Invoice deadline for FY 2020 recurring services and/or for requesting a 120-day invoice deadline extension for the same services.
- 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 |
- November 9      USAC supply chain audit webinar ([registration](#)).
- November 15      Deadline to submit comments on the FCC’s Notice of Proposed Rulemaking ([FCC 21-107](#)) to update the E-rate rules defining the eligibility of Tribal libraries (see our [newsletter of October 4<sup>th</sup>](#)). Reply comments will be due by November 29<sup>th</sup>.

### *FFATA Guidance:*

Without any useful guidance, USAC’s ECF Funding Commitment Decision Letters have included two pages of legalistic reporting requirements entitled “Appendix A to Part 170—Award Term” and “I. Reporting Subawards and Executive Compensation.” Under certain conditions, the Appendix appears to require schools and libraries receiving ECF funding to “...report total compensation for each of your most highly compensated executives for the preceding” fiscal year. The reporting requirements are associated with the Federal Funding Accountability and Transparency Act (“FFATA”) of 2006 intended “to empower every American with the ability to hold the government accountable for each spending decision.”

As a practical matter, it is hard to see that the FFATA reporting requirements would apply to many schools and libraries. Specifically, and as indicated in section 1.ii of Appendix A, reporting is only required if an ECF applicant received:

- (A) 80 percent of its annual gross revenues from Federal procurement contracts; and
- (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts.

Given that schools and libraries are largely funded from state and local sources, few if any are likely to reach the Federal 80% gross revenue reporting threshold. Still, we believe that ECF applicants would feel more comfortable if they heard this directly from USAC or the FCC — and their own attorneys or accountants.

#### *SAM.GOV Registration Consultants:*

ECF applicants and/or service providers seeking to invoice USAC for reimbursement payments must be currently registered on SAM.gov. Registrations must be renewed annually. SAM.gov registrations or renewals can be processed via the SAM.gov [entity registration site](#) at no charge.

Although SAM.gov registrations and renewals are free, assistance is available from a number of commercial providers, often with official-looking dot-com email addresses (see [APTAC](#)). Some consultants are particularly proactive in reaching out to existing registrants in the months leading up to their required renewal dates.

This is not to suggest that registration consultants should not be used — we have successfully used one ourselves — but only to note that their use is optional and their proactive marketing can be misleading.

#### **USAC ECF Newsletter Dated October 19 – Little New Information**

[USAC’s Emergency Connectivity Fund Program Newsletter of October 19, 2021](#), essentially repeats: (a) the information on Request for Reimbursement Submission; and (b) the FAQs from the October 12<sup>th</sup> ECF newsletter.

The only minor FAQ change concerned the availability of second window application data. The answer had been “after the close of the filing window on October 13, 2021.” The current answer is “soon.”

#### **USAC E-Rate News Brief Dated October 22 – New Monthly Schedule**

[USAC’s Schools and Libraries News Brief of October 22, 2021](#), is the first of a new monthly series. It replaces the weekly News Briefs that were that were placed on hold earlier this summer. This month’s News Brief — somewhat of a “catch-up” — covers a variety of subjects summarized below.

#### *Invoicing Reminders:*

October 28<sup>th</sup> is the deadline to file invoices — **or** request 120-day invoice deadline extensions — for FY 2020 recurring services. The News Brief includes both applicant and service providers instructions for filing Invoice Deadline Extensions Requests (“IDERS”).

### *Form 486 Deadline Reminder:*

October 29<sup>th</sup> is the first deadline to file Form 486s for FY 2021 funding requests that were approved in funding waves issued on or before July 1<sup>st</sup> (Waves 1-12) and had service start dates of July 1<sup>st</sup>. Other upcoming Form 486 deadlines are shown above.

To provide some flexibility to those applicants who appear to have missed their deadlines, USAC will send Form 486 Urgent Reminder Letters automatically granting additional 15-day deadline extensions. Non-News Brief note: USAC does not proactively provide similar reminders and extensions for other E-rate form deadlines.

### *Deadline Relief for Mississippi and Louisiana:*

Deadlines for appeals, waiver requests, Form 486s, and Form 472 (“BEARs”), otherwise due after September 3, 2021, were extended to January 31, 2022, for applicants (and their service providers) located in Hurricane Ida’s designated “Affected Disaster Areas.”

Additionally, for affected applicants:

- The service implementation deadline for FY 2020 non-recurring services was extended one year to September 30, 2022.
- Document retention rules were waived with respect to records destroyed by Ida.
- Additional flexibility was provided for service substitutions.

### *Special Construction Deadline Extension:*

The special construction service delivery deadline for FY 2019 and FY 2020 applicants, whose deadlines would have otherwise expired in 2021, were extended to June 30, 2022.

### *Confirming Invoicing and Service Delivery Deadlines:*

Applicants and service providers can confirm E-rate invoicing and service delivery deadlines using USAC’s [FRN Status Tool](#).

Non-News Brief note: ECF applicants and service providers should be aware that the invoice deadlines shown in Col. BG of the [ECF dataset](#) are either set as August 29, 2022, or are blank. Although the August 29<sup>th</sup> date applies to many requests, current ECF rules require that invoices for equipment and other non-recurring services received before applicants filed their applications must be filed within 60 days of the receipt of the Funding Commitment Decision Letters (“FCDLs”). Invoice deadlines covering pre-filing equipment deliveries are not shown in the ECF dataset and are likely to become a source of confusion. Our hope is that the FCC will revise its ECF rules to standardize the invoice deadline for all as August 29, 2022.

### *FY 2022 Student Enrollment Numbers:*

Historically, applicants have used student enrollment and NSLP data as of October 1<sup>st</sup> (or equivalent) prior to the filing of the next year’s applications. The pandemic has disrupted this

process. The FCC and USAC recognize that student data reporting may again be a challenge for FY 2022 applications. The News Brief recommends the use of full-time enrollment numbers validated by USAC from an applicant's most recently approved Form 471. We expect additional guidance to be forthcoming.

#### *EPC Administrative Window:*

The EPC administrative window opens Tuesday, October 26<sup>th</sup>. While the window is open, applicants can update their EPC entity profiles (including enrollment data). The administrative window will remain active until shortly before USAC opens the FY 2022 Form 471 application window (probably in the second week of January). Once the administrative window closes, USAC will lock all applicant entity profiles until shortly after the application window closes (probably later in March).

Non-News Brief note: The primary reason that entity profiles are locked during the application window is to avoid changes being made by an applicant that might affect the discounts of related consortium or library applications.

#### *New Supply Chain Guidance:*

On November 9<sup>th</sup>, USAC will host a supply chain webinar ([registration](#)) to discuss the audits it will begin conducting in 2022 to evaluate whether program participants (possibly including E-rate applicants) have used USF funds and federal subsidies to purchase, obtain, maintain, improve, modify, or otherwise support, rent, lease or obtain any equipment or services provided or manufactured by Huawei, ZTE, or other "covered companies" deemed to be national security risks.

#### *Request for IT Enhancement Feedback:*

USAC continues to encourage users to "[Share Your E-rate User- Experience-Related System Ideas](#)" for IT enhancements.

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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.*