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Funding Status for 2021-2022

E-Rate:

Wave 31 for FY 2021 was released on Thursday, November 11th, for a total of \$35.8 million, none for North Carolina. Cumulative commitments are now \$2.40 billion including \$84.1 million for North Carolina. Nationwide, USAC has now funded 99% of the FY 2021 applications representing 91% of the requested funding.

ECF:

Wave 4 of the Emergency Connectivity Fund (“ECF”) was released on Monday, November 8th, for a total of \$432 million (see [FCC News Release](#)) including \$5.34 million for thirty North Carolina applicants. Cumulative ECF funding is over \$3.05 billion including \$109 million for North Carolina. To date, all ECF funding waves have dealt only with applications filed during the first window.

ECF Invoice Deadlines – Blacked-Out Tuesday

Next week will be an exciting one for shoppers with attractive deals available in and around “Black Friday,” the day after Thanksgiving.

By way of contrast, next week is a potentially disturbing one for ECF applicants, funded in Wave 1, who may, or may not, be facing an invoice deadline on Tuesday, November 23rd. This is a day we have taken to calling “Blacked-Out Tuesday.” We consider the day “blacked-out” because there has been absolutely no news regarding the invoice deadline date from either the FCC or USAC. To the contrary, FAQ responses in USAC’s ECF newsletter or on the FCC’s ECF website, reference only the final ECF invoice deadline of August 29, 2022. Responses to questions raised about earlier invoice deadlines on USAC and FCC webinars have usually been “we’ll need to get back to you on that.” This has been a true news blackout.

And now, we’re one week away from “Blacked-Out Tuesday.”

The FCC's rules on ECF invoice deadlines are confusing (see our [newsletter of November 1st](#)). To review:

- The invoice deadline for all ECF FRNs is 60 days after the later of the FCDL date, other post-commitment changes, or the “service delivery date,” whichever is later. For most FRNs, the service delivery date will be the determining factor for invoicing purposes.
- As a clarification of the original ECF Order ([FCC 21-58](#)), the FCC issued a Public Notice ([DA 21-881](#)) indicating that “the service delivery date for equipment and other non-recurring services if the equipment or services have not been received or ordered when the applicant submits the request for funding is June 30, 2022.” The invoice deadline for equipment meeting this criteria would normally be 60 days later, i.e., August 29, 2022.
- Neither the ECF Order nor the subsequent Public Notice defined “service delivery date.” The presumption, however, is that the invoice deadline for equipment received or ordered before an applicant’s application had been filed, would be 60 days from the date of the FCDL. For those funded in Wave 1 (issued September 24th), this would be November 23rd.
- A subsequent FAQ released by the FCC, and repeated in USAC’s weekly ECF Newsletters, paraphrases the service delivery date language of DA 21-881, but instead of referencing equipment that was received or ordered by the application filing date, simply refers to equipment received by that date. The difference is significant. It is thought that many applicants ordered equipment before filing their ECF applications but were unlikely to have received the equipment until much later.
- Further confusing the situation, USAC’s ECF dataset currently shows all approved FRNs as having a service delivery date of June 30, 2022, and an invoice deadline of August 29, 2022. Those same dates are listed in every FCDL that has been released to date. On this basis, neither the November 23rd deadline — or any of the Wave 2-4 invoice deadlines shown below — would apply to any funding request.
- To complete the confusion, it should be noted that DA 21-881, which was intended to clarify the equipment “service delivery date,” applies specifically only to the “initial filing window.” No mention is made of the second ECF window.

Hopefully the FCC/USAC news blackout on ECF invoice deadlines will end this week and all will become clear. If not, Wave 1 applicants funded for equipment and other non-recurring services have a decision to make. Were this an E-rate invoicing issue, the path forward would be clear. An applicant could simply request and be granted a 120-day invoice deadline extension from USAC. But ECF does not support invoice deadline extension requests. An FCC waiver is the only option. Here, therefore, are our recommendations for applicants funded in Wave 1:

- If equipment was received before Window 1 applications were submitted, the associated invoice should be filed before 11:59 p.m. EST on November 23rd.
- If equipment was ordered, but not received, before Window 1 applications were submitted, the associated invoice, if at all feasible, should be filed within 60 days of receipt of the equipment.
- If for any reason and in either case, the filing of invoices is problematic — incomplete orders, damaged goods, inaccurate bills, etc. — carefully document the outstanding issue(s).

If the invoice deadline news blackout is not lifted by Thanksgiving, applicants funded in subsequent ECF waves should begin planning for similar invoicing strategies.

Editorial comment: This article is meant to highlight a problem, not to criticize either the FCC’s Wireline Competition Bureau (“WCB”) or USAC. For over twenty years, both have ardently supported the E-rate program. This year, the USAC and WCB staffs have worked long hours on an accelerated schedule to implement the new ECF program. That some details of the ECF program need to be tweaked should not come as a surprise. Public Notice DA 21-881 was a first step in this direction. An additional tweak is now needed, hopefully to extend the invoice deadline for all ECF FRNs, in both the first and second windows, to August 29, 2022. Such a solution may take a bit of time to formalize. In the interim, what’s needed this week is a temporary invoice deadline extension for any and all FRNs.

Updates and Reminders

Upcoming Dates:

- 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 4th](#)). Reply comments will be due by November 29th.
- November 16-18 USAC [fall training webinar series](#).
- November 19 Form 486 deadline for FY 2021 covering funding committed in Wave 15. More generally, the Form 486 deadline is 120 days from the FCDL date or from the service start date (typically July 1st), whichever is later. Upcoming Form 486 deadlines are:
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|---------|------------|
| Wave 16 | 11/26/2021 |
| Wave 17 | 12/03/2021 |
| Wave 18 | 12/10/2021 |
- November 23 Presumptive first invoice deadline for ECF applicants funded in Wave 1 who had received or ordered approved equipment before they filed their first window applications (see our [newsletter of November 1st](#)). Similar upcoming ECF invoicing deadlines are:
- | | |
|--------|------------|
| Wave 2 | 12/13/2021 |
| Wave 3 | 12/24/2021 |
| Wave 4 | 01/07/2022 |
- November 29 Effective date of FCC Report and Order ([FCC 21-79](#)) requiring holders of FCC Registration Numbers (“FRNs”) to update their CORES registration information (if necessary) to include email addresses (see [our newsletter of November 8th](#)).

USAC ECF Newsletter Dated November 9 – Reimbursements and New FAQs

[USAC’s Emergency Connectivity Fund Program Newsletter of November 9, 2021](#), discusses a number of aspects regarding invoice filings requesting reimbursements. It makes the following points:

- Invoicing is available through the ECF Portal (not the separate BEAR Portal used for E-rate invoices).
- Applicants, and service providers who agree to invoice on behalf of applicants, will not be able to receive program funding until they have completed their SAM.gov registrations.
- The TIN/EIN associated with the DUNS number used for SAM.gov registration and with the FCC Registration Number must match to ensure that banking information is accurate and can be validated.
- Service providers seeking access to the ECF Portal must file a Form 498. Filing of the Form 498 will give service providers automatic access to the E-rate EPC Portal. Ten minutes after signing the EPC terms and conditions, access will be granted to the ECF Portal.
- Once USAC has completed its review of a reimbursement request, email notifications will be sent to all authorized users. Approved payments are then sent to the FCC for confirmation and for processing by the U.S. Treasury. Funds will be disbursed into the bank account on file with SAM.gov.

The following reimbursement reminders and tips are also provided:

- BEARs or SPIs must include the associated invoice as an attachment. Quotes and orders are not acceptable substitutes.
- Invoices may not be filed for equipment or services that have not yet been received.
- Invoices for equipment and services must match what was listed on the ECF Form 471.
- Only taxes on eligible equipment and services can be invoiced.

Rather than just repeating FAQs from the last few newsletters, this week's Newsletter adds:

What should an applicant or service provider submit along with a request for reimbursement (ECF FCC Form 472/474)?

Short answer: Invoice with date of service or bill date.

What should I do if the vendor invoice that I am submitting with a request for reimbursement does not contain a delivery/shipped date?

Short answer: Provide other supporting documentation (e.g., packing slip).

Are taxes included as part of the \$250 maximum for Wi-Fi hotspots?

Short answer: No.

How can I change the service provider or the make or model of equipment after I've received a funding commitment decision letter (FCDL)?

Short answer: File a Post-Commitment Request Form through the ECF Portal.

Can I submit an invoice for a partial FRN and a partial Line Item within one FRN?

Short answer: Yes.

USAC E-Rate News Brief Dated November 12 – PQAs, Form 486s, and Entity Searches

[USAC's Schools and Libraries News Brief of November 12, 2021](#), addresses the following topics:

- PQAs: The 2021 Payment Quality Assurance (PQA) assessment program is underway. PQA is a program that assesses E-rate payments based on invoices submitted during the past 12 months to verify that the E-rate payments were properly made. Applicants selected for PQA reviews are asked to provide documentation (e.g., customer bills) supporting invoices that have been filed.
- Form 486 Deadlines: Applicants missing FY 2020 deadlines are instructed to file FCC waivers. Applicants missing FY 2021 deadlines — see dates above for the next few upcoming deadlines — will receive FCC Form 486 Urgent Reminder Letters. USAC has implemented a new Form 486 submission process for FY 2015 and earlier.
- Entity Searches: USAC has launched a new [Entity Search Tool](#) to find basic information on E-rate entities. The search filters resemble those used in the FY 2021+ Category Two Budget Tool. USAC's legacy [Entity Search Tool](#) is still available (and a little easier to use) but does not provide as much entity information and may not provide access to more recently assigned entity numbers.
- Fall Training: See USAC [fall training webinar series](#).

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. Please include your name, organization, telephone, and e-mail address.

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