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FY 2022 Application Window

The FY 2022 Form 471 Application Window will close on Tuesday, March 22, 2022, at 11:59 p.m. EDT. Form 470s must be filed no later than February 22nd to meet the 28-day posting requirement before the Form 471 window closes.

Funding Status for 2021-2022

E-Rate:

Wave 43 for FY 2021 was released on Thursday, February 3rd, for \$13.9 million none for North Carolina applicants. Cumulative commitments are now \$2.58 billion including \$84.5 million for North Carolina. Nationwide, USAC has now funded 98% of the FY 2021 applications representing 92% of the requested funding.

ECF:

Wave 8 was [released](#) back on January 25th for a total of \$241 million. Cumulative ECF commitments are \$4.42 billion including \$146 million for North Carolina. USAC has funded an estimated 83% of filed applications. Authorized disbursements as of last Friday totaled \$365 million.

Updates and Reminders

Upcoming Dates:

February 10 USAC E-Rate Invoice Training webinar ([register](#)).

- February 11 Form 486 deadline for FY 2021 covering funding committed in Wave 27. 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:
- | | |
|---------|------------|
| Wave 28 | 02/18/2022 |
| Wave 29 | 02/25/2022 |
| Wave 30 | 03/04/2022 |
- February 17 FCC comments due on the Future of the Universal Service Fund Notice of Inquiry ([FCC 21-127](#)) (see our [newsletter of December 20th](#)). Reply comments are due March 17th. Note: These are new comment deadlines based on the FCC extension order ([DA 22-6](#)).
- February 22 Last possible date to file a Form 470 in time to meet the 28-day posting requirement for the close of the FY 2022 Form 471 application window.
- February 25 Extended invoice filing deadline for FY 2020 recurring services.
- March 22 FY 2022 Form 471 Application Filing Window closes at 11:59 p.m. EDT.
- March 28 FCC comments due on the FCC’s proposal to create an E-rate competitive bidding portal ([FCC 21-124](#)). Reply comments are due April 27th.

FCC Releases Tribal Library Order:

As discussed in our [newsletter of January 31st](#), the FCC approved rule changes clarifying the eligibility requirements for Tribal libraries to receive E-rate support. The final Report and Order ([FCC 22-8](#)) was issued last Monday matching the pre-approval draft.

In related news, focusing on both E-rate and broader connectivity goals, the FCC [announced](#) that it was partnering with the Institute of Museum and Library Services (“IMLS”) to address digital divide issues on Tribal lands.

“Agreed Upon Procedures” Audits:

Certain applicants have begun receiving emails from USAC notifying them that they have been selected to be part of USAC’s “Agreed Upon Procedures FRN Balance Confirmation” audits. It is important to note that these are audits of USAC’s balances, not audits of the applicants’ E-rate processes.

The USAC audits are being conducted by PWC, an outside firm. Applicants and service providers will be asked to confirm that their records of selected FRN balances — i.e., paid and unpaid amounts — match the balances reported in USAC’s records as of October 31, 2021. Actual confirmation requests will be sent from confirmations@us.pwc.com. USAC asks notified recipients to “whitelist” this email address and to respond promptly to the PWC audit requests.

DOJ False Claims Act Recoveries for 2021:

The Department of Justice (“DOJ”) [announced](#) last week that it had obtained more than \$5.6 billion in civil False Claims Act settlements and judgements in FY 2021. One fortunately small E-rate settlement included in this total — another indication that the E-rate program is serious about its competitive bidding rules — was described by the DOJ as follows:

Concept Schools NFP, agreed to pay \$4.5 million for allegedly engaging in non-competitive bidding practices in connection with the Federal Communications Commission’s (FCC) E-Rate Program, which subsidizes eligible equipment and services to make internet access and internal networking more affordable for needy public schools and libraries. Concept Schools, a charter school management company, rigged the bidding for E-Rate contracts in favor of chosen technology vendors so that its network of charter schools could select those vendors without a meaningful, fair and open bidding process. Additionally, the government alleged that Concept Schools’ chosen vendors provided equipment at higher prices than other vendors approved by the FCC for equipment with the same functionality, and that Concept Schools failed to maintain sufficient control over equipment reimbursed by the FCC.

FCC Streamlined Decisions:

The FCC issued another set of “streamlined” precedent-based decisions ([DA 22-84](#)) last week. As with past streamlined decisions, applicants facing similar problems as those addressed in these decisions may garner useful information by carefully reading the additional FCC explanations found in the footnotes. The original appeal and waiver requests can be found online in the FCC’s [Search for Filings](#) under Docket 02-6 (E-rate) or Docket 21-93 (ECF).

In January’s streamlined decisions, the FCC:

1. Granted:
 - a. One Request for Review “granting a discount rate calculation appeal when there was no explanation in the record for why USAC did not update the discount calculation rate when requested during review.”
 - b. Four Requests for Waiver for ministerial and/or clerical errors involving incorrect discount rates or pre-discount prices.
 - c. One Request for Waiver reflecting a service implementation delay.
 - d. One Request for Waiver involving a contract signature contingent on board approval.
2. Denied:
 - a. One Request for Review for improper consultant and service provider involvement in the competitive bidding process in which the consultant had “a financial relationship with a service provider which it selects (or recommends) on behalf of the applicant.”
 - b. One Request for Waiver for invoice extensions filed by a service provider with respect to 33 applicant applications.
 - c. Seventeen Requests for Waiver for late-filed Form 471 applications for FY 2021.
 - d. Four Requests for Waiver for late-filed Form 486s.

3. Dismissed as Moot
 - a. One Request for Waiver of a late-filed application in ECF Window One that was subsequently accepted in ECF Window Two.

USAC ECF Newsletter dated February 1 – ECF Reimbursements

[USAC's Emergency Connectivity Fund Program Newsletter of February 1, 2022](#), includes reimbursement reminders to:

- Include service and delivery dates in the supporting invoice attachments.
- Check SAM.gov registration to ensure information is updated and active.

USAC will also be hosting the following webinars and “office hours” sessions this month:

- Tuesday, February 8 @ 3 p.m. ET: ECF Reimbursement Webinar for Applicants Using ECF Form 472 or BEAR Method ([register](#)).
- Wednesday, February 9 @ 3 p.m. ET: ECF Reimbursement Webinar for Service Providers Using ECF Form 474 or SPI Method ([register](#)).
- Wednesday, February 16 @ 3 p.m. ET: ECF Reimbursement Office Hours ([register](#)).
- Wednesday, February 23 @ 3 p.m. ET: ECF Reimbursement Office Hours ([register](#)).

For further information on ECF, the newsletter refers readers to the [Reminders and Tips](#) page of USAC's ECF website and to the [FAQs](#) page of the FCC's ECF website. Directing readers to these two sites comes as a welcome relief from USAC's past practice of reprinting pages of tips and FAQs from one weekly newsletter to the next rather than highlighting new information.

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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