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## Funding Status for E-Rate and ECF

### *E-Rate for FY 2022:*

Wave 15 for FY 2022 was issued on Thursday, July 28<sup>th</sup>, for \$37.1 million, none for North Carolina applicants. Cumulative commitments to date are \$2.13 billion including \$55.8 million for North Carolina. Nationwide, USAC has funded 93.3% of the FY 2022 applications representing 68.6% of the requested funding.

### *ECF for 2021-2023:*

Wave 19 for ECF-1/2 and Wave 4 for ECF-3 was issued July 27<sup>th</sup> for \$77.3 million, largely for ECF-3 applications, including \$432 thousand for three North Carolina applicants. Total commitments as of Wave 19 for ECF-1/2 and Wave 3 for ECF-3 are \$5.56 billion including \$155 million for North Carolina. Nationwide, USAC has funded 69.0% of applications filed in all three ECF windows. Authorized disbursements as of last Friday totaled \$1.47 billion.

## Updates and Reminders

### *Upcoming Dates:*

August 5	Form 486 deadline for FY 2021 covering funding committed in Wave 52. 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 53                      08/18/2022
	Wave 54                      09/06/2022
	Wave 55                      09/15/2022
	Wave 56                      09/26/2022

Note: The first Form 486 deadline for FY 2022 for Waves 1-11, committed before July 1<sup>st</sup>, will be Monday, October 31<sup>st</sup>.

- August 5 FCC [open meeting](#) to consider, among other topics, two outreach and pilot programs to increase awareness of the Affordable Connectivity Program (“ACP”). In anticipation of this agenda item, the FCC has released: (a) a Fact Sheet and draft Second Report and Order ([FCC-CIRC2208-01](#)) on an Outreach Grant Program; and (b), a Fact Sheet and draft Third Report and Order ([FCC-CIRC2208-02](#)) on the “Your Home, Your Internet Pilot Program” targeted at agencies involved with federal housing assistance programs (“FPHA”).
- August 26 ECF deadline for “Affected Applicants” to file requests with USAC asking to restore the voluntarily reduced months of service for their first or second window recurring service funding requests (see [DA 22-799](#) and article below).
- September 9 Last day of the “Summer Deferral” window giving applicants additional time to respond to PIA E-rate inquiries. No such deferral period is in effect for ECF inquiries.

#### *FCC Streamlined Decisions:*

The FCC issued another set of “streamlined” precedent-based decisions ([DA 22-785](#)) 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 July’s streamlined decisions, the FCC:

1. E-Rate Granted:
  - a. Three Requests for Review (from the same school) finding that the vendor evaluation process properly took place before the contract award date.
  - b. One Request for Review and/or Waiver finding that the applicant’s competitive bidding process made proper use of a state master contract.
  - c. Two Requests for Waiver finding that the applicants’ Form 471s were timely filed.
  - d. One Request for Review and/or Waiver granting additional time to reply to USAC’s request for information.
  - e. Twenty-nine Requests for Waiver for late filed Form 471 applications filed within 14 days of the deadline.
  - f. Fourteen Requests for Waiver for late filed Form 471 applications filed within 30 days of the deadline.
  - g. Twelve Requests for Waiver for late-filed Form 471 applications “due to circumstances beyond their control.”
  - h. One Request for Waiver for a late-filed Form 486.
  - i. Two Requests for Waiver and/or Review for ministerial and/or clerical errors.

- j. One Request for Review and/or Waiver for failure to have a signed contract in place but adhering to all state and local procurement rules.
  - k. One Request for Review and/or Waiver for a SPIN change where the service start date was delayed.
  - l. Five Requests for Waiver of the special construction delivery deadline when the applicants were unable to complete implementation for reasons beyond the service providers' control and when the petitioners had made good faith efforts to comply with the FCC's rules and procedures.
2. E-Rate Denied:
    - a. Two Requests for Waiver for failure to post RFPs for 28 days in violation of the competitive bidding rule.
    - b. Five Requests for Waiver for invoice deadline extensions.
    - c. Four Requests for Waiver for untimely appeals or waiver requests.
  3. ECF Decisions — None.

**Note:** As was the case in June, the Commission neither granted nor denied any waivers for late-filed ECF applications. Four such waivers had been denied in May on the basis that the “petitioners failed to present special circumstance justifying a waiver of the rule.” We interpret May’s denials and June and July’s inaction as an indication that the FCC does not plan to apply its flexible E-rate late-filing waiver policies for third window ECF applications (see our article entitled *Late-Filed ECF Applications – A Cautionary Tale* in our [newsletter of May 23<sup>rd</sup>](#).)

### *Special FCC ECF Waiver:*

In a separate order, [DA 22-799](#), the FCC granted two waivers and denied a third all dealing with requests to reinstate (approved) or extend (denied) recurring service deadlines for first or second ECF window applications. More importantly for certain other ECF applicants, the FCC gave USAC the authority to similarly reinstate funding for other applicants in the same situation without requiring separate FCC waivers.

The FCC’s action in this case stems from its earlier decision ([DA 22-176](#)) last February to extend the service delivery deadline for first or second ECF window applications from June 30, 2022, to June 30, 2023 (see our [newsletter of February 28<sup>th</sup>](#)). Recognizing that some applicants, originally funded for up to twelve months of recurring services, had already reduced their funding in line with the initial June 30, 2022, deadline, the FCC invited such applicants to seek FCC waivers to restore their initial funding.

Last week’s decision included two such waivers that the FCC approved. The third waiver request was made by an applicant, who had initially requested less than twelve months of service, and who was seeking additional funding to support a full twelve months of recurring service. This request was denied. Essentially, the FCC ruled that reinstatement of original funding was allowable; additional funding not initially requested was not.

To broaden the ability of other applicants to reinstate recurring funding initially reduced to meet the earlier deadline, the FCC granted a waiver to similarly situated applicants who modified a first or second window recurring service funding request before the FCC had extended the applicable service delivery date to June 30, 2023 (“Affected Applicants”). The FCC will provide 30 days from the release date of this Order (i.e., until August 26<sup>th</sup>) to these Affected Applicants to file requests with USAC asking to restore the voluntarily reduced months of service for their first or second window recurring service funding request(s).

## USAC ECF Newsletter Dated July 26 — New Monthly Schedule

[USAC’s Emergency Connectivity Fund Program Newsletter of July 26, 2022 \(released July 27<sup>th</sup>\)](#), repeats information from the previous week’s newsletter.

Going forward, USAC announced that the ECF Newsletter will be published once a month with special editions to provide important program announcements and reminders, as needed. USAC will also continue to update the [Frequently Asked Questions](#) on the FCC website and post information about trainings and program notifications on the [ECF website](#).

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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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