



- Funding Status for E-Rate and ECF
 - E-Rate for FY 2022
 - ECF for 2021-2023
- Updates and Reminders
 - Upcoming Dates
 - FCC Streamlined Decisions
- USAC ECF Newsletter Issued November 2 — COMADs and FAQs

Funding Status for E-Rate and ECF

E-Rate for FY 2022:

Wave 29 for FY 2022 was issued on Thursday, November 3rd, for \$41.2 million including \$266 thousand for two North Carolina applicants. Cumulative commitments to date are \$2.66 billion including \$66.1 million for North Carolina. Nationwide, USAC has funded 96.8% of the FY 2022 applications representing 88.1% of the requested funding.

ECF for 2021-2023:

Wave 25 for Windows 1 and 2 and Wave 11 for Window 3 were [released](#) on Wednesday, November 2, for a total of \$183 million, almost entirely for Window 3 applicants. Funding in last week’s waves included \$1.47 million for four North Carolina applicants. Total commitments for all three ECF windows are \$6.28 billion including \$176 million for North Carolina. Total disbursements as of last Friday remain at \$2.07 billion.

Updates and Reminders

Upcoming Dates:

November 11	The Form 486 deadline for FY 2022 Wave 13. More generally, the Form 486 deadline is 120 days from the FCDL date or from the service start date (typically July 1 st), whichever is later. Upcoming Form 486 deadlines are:
	Wave 14 11/18/2022
	Wave 15 11/25/2022

FCC Streamlined Decisions:

The FCC issued another set of “streamlined” precedent-based decisions ([DA 22-1120](#)) 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 October's streamlined decisions, the FCC:

1. E-Rate Dismissed:
 - a. Three Petitions for Reconsideration dismissed for failing “to identify any material error, omission, or reason warranting reconsideration, and rely[ing] on arguments that have been fully considered and rejected by the Bureau within the same proceeding.”
2. E-Rate Granted:
 - a. One Request for Review and/or Waiver involving a bid evaluation not using price as the primary factor but for which “the applicant selected the lowest priced option and there was no evidence of waste, fraud or abuse.”
 - b. One Request for Review and/or Waiver regarding an entity's eligibility.
 - c. One Request for Waiver for a late-filed Form 471 application due to circumstances beyond the applicant's control.
 - d. Three Requests for Waiver for late-filed Form 486s showing “good cause for the late filing.”
 - e. Seven Requests for Review and/or Waiver for ministerial and/or clerical errors including one involving an FRN omitted from a Form 471 application.
 - f. One Request for Waiver for a service substitution.
 - g. Four Requests for Waiver for late-filed invoices as a result of USAC decisions issued after the invoice deadlines.
 - h. Three Requests for Waiver of the appeal filing deadline filed “within a reasonable period of time after receiving notice of USAC's adverse decision.”
3. E-Rate Denied:
 - a. Six Requests for Waiver for invoice deadline extensions.
 - b. Ten Requests for Waiver for late-filed Form 471s presenting no special circumstance justifying a waiver of FCC rules.
 - c. One Request for Waiver for ministerial and/or clerical errors.
 - d. One Request for Waiver for relying on a Form 470 that did not seek bids on the types of E-rate services later requested in a Form 471 application.
 - e. Ten Requests for Waiver for untimely appeals or waiver requests.
4. No ECF-related decisions.

USAC ECF Newsletter Issued November 2 — COMADs and FAQs

[USAC's Emergency Connectivity Fund Program Newsletter for October 2022](#), notes that USAC will be adding ECF system functionality later this year to be able to issue Commitment Adjustments (“COMADs”) and Recoveries of Improperly Disbursed Funds (“RIDFs”). We read this announcement to indicate that, having approved ECF applications based on estimates of unmet

needs, USAC will be taking a close look at the actual use of internet services and devices as they are, or have been, invoiced.

This cautionary view is further supported by the following two new FAQs contained in the Newsletter:

Q: If a service provider discovers that funded equipment and/or services are not being used, should they automatically allocate those costs from their requests for reimbursement and bill the applicant directly for this non-usage?

A: If a service provider determines that there is non-usage, we strongly encourage them to notify the school or library and provide a reasonable period of time (e.g., 30 days) to allow the school or library to reach out to the student, school staff member, or library patron to determine if the service is no longer needed. The ECF Program rules do not require the applicant and/or service provider to immediately remove the equipment/services provided to the student, school staff member, or library patron from their ECF requests for reimbursement, but do require that they take reasonable actions to monitor and track usage, which includes providing the school or library notice and time to first address the non-usage issue.

Q: Once a funding commitment decision letter has been issued, are there any additional steps that service providers using SPI invoicing should take before starting the services and/or submitting requests for reimbursement?

A: Given that only best estimates of the unmet needs were required at the application stage, service providers are reminded to work with the applicant once the funds have been committed to ensure that they are only seeking reimbursement for the actual number of students and school staff with unmet needs. While there is no requirement in the ECF Program to confirm the start of services before invoicing (like on the FCC Form 486 in the E-Rate program, for example), service providers and applicants should work together to ensure they are not requesting reimbursement for equipment and/or services that are not needed or not being used. We remind applicants and service providers that requesting extra equipment to account for anticipated damage or loss, or for warehousing, is not allowed under ECF Program rules. We also remind applicants and service providers of the one connected device and one hotspot device per student, school staff member, or library patron limit. Applicants and service providers will be responsible for returning funds if it is determined that they are not compliant with ECF Program rules.

The October ECF Newsletter also repeats two reimbursement reminders to:

- Review the invoicing checklists for [BEARs](#) and [SPIs](#).
- Make sure that the invoicing party's [SAM.gov](#) registration is complete and up to date.

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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