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Funding Status for E-Rate and ECF

E-Rate for FY 2022:

Wave 33 for FY 2022 was issued on Thursday, December 1st, for $15.2 million, none for North Carolina. Cumulative commitments to date are $2.74 billion including $66.1 million for North Carolina. Nationwide, USAC has funded 97.8% of the FY 2022 applications representing 90.8% of the requested funding.

ECF for 2021-2023:

Total commitments for all three ECF windows are $6.35 billion including 179 million for North Carolina. Nationwide, USAC has funded 78.8% of the ECF applications representing 64.9% of the requested funding. Total disbursements as of last Friday were $2.39 billion.

Updates and Reminders

Upcoming Dates:

December 9	The Form 486 deadline for FY 2022 Wave 17. 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 18	12/16/2022
Wave 19	12/23/2022
Wave 20	12/30/2022

January 9	ACP application window deadline (DA 22-1213) for the FCC's outreach pilot programs for potential participation by schools, libraries, and others (see our newsletter of August 15th). See also the FCC and USAC announcements of the opening of the ACP application window last Monday.

FCC Streamlined Decisions:

The FCC issued another set of "streamlined" precedent-based decisions (DA 22-1239) 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 November's streamlined decisions, the FCC:

1. E-Rate Dismissed:
   a. Four 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."
   b. One Petition for Reconsideration dismissed as untimely (i.e., filed more than 30 days after the Bureau's appeal or waiver decision).

2. E-Rate Granted:
   a. One Request for Review finding that a USAC Category 2 budget calculation failed to account for a later funding commitment correction.
   b. One Request for Review and/or Waiver permitting an applicant to correct certain ministerial and/or clerical errors in a bid that did "not constitute violations of the competitive bidding rules."
   c. One Request for Review and/or Waiver involving a bid for leased dark fiber without soliciting a bid for leased lit fiber.
   d. One Request for Review and/or Waiver (for 24 applications) directing USAC to reevaluate entity eligibility based on additional information provided.
   e. One Request for Review correcting a Form 486 service start date.
   f. Four Requests for Waiver for late-filed Form 471s.
   g. Two Requests for Waiver and/or Review for ministerial and/or clerical errors.
   h. Two Requests for Waiver for special construction service delivery deadlines.
   i. Two 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. Three Requests for Waiver of the red light rule.
   b. Three Requests for Waiver for ministerial and/or clerical errors finding that the petitioners "did not demonstrate good cause."
   c. One Request for Waiver for untimely filed appeals or waivers for which the petitioner "did not demonstrate special circumstances."

4. ECF Dismissed as Moot:
   a. Two Requests for Waiver for which the applicants had already been fully compensated.

5. ECF Granted:

a. One Request for Waiver permitting the delivery of equipment before the start of the approved funding year.

   b. Three Requests for Waiver of the appeal filing deadline, noting in two cases that the applicants could have just as well submitted new requests for reimbursements or post-commitment changes before the invoice deadline date.

6. ECF Denied:

   a. One Request for Waiver for a late-filed ECF application.

   b. Two Requests for Waiver for untimely filed waivers.

SHLB Seeks Congressional Support for Cybersecurity Funding:

As discussed in last week's newsletter, we are seeing an outpouring of industry support for making advanced firewalls and other cybersecurity equipment and services eligible for E-rate funding. With comments having already been received on the FCC's draft Eligible Services List ("ESL") for FY 2023 (see our newsletter of October 10th), and the FCC set to release the final ESL within weeks, this is clearly a last ditch effort for FY 2023 — but one clearly worth making.

Most recently last week, the Schools, Health & Libraries Broadband ("SHLB") Coalition wrote to its broad membership and others to encourage seeking outreach to Congress. As indicated by SHLB: "We have a small window of opportunity in the next two weeks to convince the FCC to update the Eligible Services List to include advanced firewalls. The FCC needs to see some Congressional support for this change, so we are asking schools and libraries and others to send letters to their US Congressional leaders (Senate and House) asking them to send a message to the FCC."

SHLB's message to schools, libraries, and related organizations includes a draft template letter that can be customized for submission. E-Rate Central encourages your participation. SHLB asks that it be copied — to shlb_erate@shlb.og — on all Congressional outreach so that it can follow up with those offices.

Benton Institute Report on Connecting Tribal Communities:

The Benton Institute released a comprehensive report entitled *A Year One Update on the Infrastructure Investment and Jobs Act: Connecting Tribal Communities* discussing:

- Recent NTIA Tribal Broadband Connectivity Program awards totaling $1.5 billion to 112 Tribal entities in 11 different states across the U.S. — Alaska, Arizona, California, Iowa, Minnesota, Montana, New Mexico, Nevada, New York, South Dakota, and Virginia.

- Recent NTIA Connecting Minority Communities Pilot Program grants to Tribal colleges and universities.

- In coordination with the U.S. Treasury, NTIA has allocated about $167,500 in Capital Projects Fund support for Tribal entities.

- FCC support for broadband on Tribal lands includes higher discounts through the Affordable Connectivity Program ("ACP") and the initiation of an E-rate based Tribal Libraries Pilot Program (see our newsletter of October 24th).

- Specific guidelines of the U.S. Department of Agriculture's ("USDA's") ReConnect Program designed to ensure equitable funding on Tribal lands and in Indigenous communities.

Perspectives on LEO Satellites:

The Gigabit Libraries Network held a webinar last Friday in which Dan York of the Internet Society presented an interesting paper entitled *Perspective on LEO Satellites: Using Low Earth Orbit Satellites for Internet Access*. With the FCC's emphasis on technology neutrality for E-rate services, the use of LEO-based internet services may become a viable option for schools and libraries — not to mention student and patron households — particularly in rural areas and/or for mobile applications such as book mobiles (or, prospectively, for school buses). The Internet Society's LEO report on developments in the field is recommended reading for technology directors.