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## Funding Status for E-Rate and ECF

### *E-Rate for FY 2023:*

USAC issued Wave 6 for FY 2023 on Thursday, June 1<sup>st</sup>, for \$60.3 million including \$1.00 million for ten North Carolina applicants. Total funding is now \$1.32 billion including 38.8 million for North Carolina. At this point, USAC has already funded 75.9% of the originally submitted applications representing 44.1% of the dollars requested.

### *ECF for 2021-2023:*

The best news this week was that the debt ceiling legislation, passed by both houses of Congress and signed by the President did **not** include any cuts to ECF funding as had been originally proposed.

Wave 34 for Window 1 and Wave 26 for Window 3 were [issued](#) on Wednesday, May 31<sup>st</sup>, for \$15.4 million including \$898 thousand for one North Carolina district. Total commitments for all three ECF windows are \$6.36 billion including \$191 million for North Carolina. Window 3 applications are now being funded down to the 60% urban band. As shown below, USAC has funded approximately 88.5% of the ECF applications representing 68.2% of the requested funding.

ECF Waves	Original Requests	Funded Requests	Authorized Disbursements	Application Count
W1 & W2 Totals	6,438,989,635	4,644,516,682	2,848,121,268	15,208
W3 Totals	2,885,465,183	1,713,714,710	445,596,656	8,271
<b>Grand Totals</b>	<b>9,324,454,818</b>	<b>6,358,231,392</b>	<b>3,293,717,924</b>	<b>23,479</b>
W1 & W2 Ratios	\$ Funded	72.10%	Applic. Funded	97.80%
W3 Ratios	\$ Funded	59.40%	Applic. Funded	71.30%
<b>Grand Total Ratios</b>	<b>\$ Funded</b>	<b>68.20%</b>	<b>Applic. Funded</b>	<b>88.50%</b>

## Updates and Reminders

### *Upcoming Dates:*

- June 9                    The Form 486 deadline for FY 2022 Wave 43. 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 44 | 06/16/2023 |
| Wave 45 | 06/23/2023 |
| Wave 46 | 06/30/2023 |
- June 30                    The last day to light fiber (or request an extension) for special construction projects from FY 2022. This is also the last day to receive all recurring services for FY 2022 (including BMIC maintenance services even if filed as one-time charges).

### *FCC Streamlined Decisions:*

The FCC issued another set of “streamlined” precedent-based decisions ([DA 23-433](#)) last week. This batch of decisions included a large number of approvals for waivers of the FY 2023 Form 471 deadline for those late-filed applications certified within 14 days of the close of the window. 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 May’s streamlined decisions, the FCC:

1. E-Rate Dismissed:
  - a. Six Requests for Waiver, essentially dismissed as moot, because: (a) the Form 471 had been timely filed; or (b), no adverse USAC decision had yet been issued.
  - b. One application for not complying with the FCC’s basic filing requirements.
  - c. One Petition for Reconsideration for failure to identify any material error, omission, or reason warranting reconsideration.
  - d. Two Petitions for Reconsideration that were untimely filed.
  - e. One Request for Waiver (deemed by the FCC to be an appeal) dismissed to allow an appeal to be filed with USAC.
2. E-Rate Granted:
  - a. One Request for Waiver requiring USAC to reevaluate an entity’s eligibility based on additional supporting evidence.
  - b. One Request for Waiver for an invoice deadline extension. The grant of an invoice waiver is a relatively rare event, justified in this case based upon extensive [documentation](#) of an apparent USAC system problem.
  - c. One Request for Waiver for invoice deemed to have been filed on time.

- d. One hundred and seventy-eight Requests for Waiver for late-filed Form 471 applications for FY 2023 filed within 14 days of the window close.
  - e. Five Requests for Waiver for late-filed Form 471 applications for FY 2023 due to “circumstances beyond their control.”
  - f. Seven Requests for Review or Waiver for ministerial and/or clerical errors involving wrong Form 470 numbers, a missing FRN, or incorrect or missing invoice data.
  - g. Two Requests for Waiver for permissible service implementation delays.
  - h. One Request for Review for a permissible SPIN change.
  - i. Two Requests for Waiver of the appeal filing deadline.
  - j. Five Requests for Waiver of the special construction service delivery deadline, four involving Navaho Nation consortium applications in Arizona and New Mexico.
3. E-Rate Denied:
- a. Eighty-two Requests for Waiver on Form 471 applications for FY 2023 filed more than 14 days late and failing to present special circumstance justifying waivers.  
Note: The FCC also partially approved and partially denied two Requests for Waiver for late-filed Form 471 applications for FY 2023, approving those filed within 14 days and denying those filed beyond 14 days.
  - b. Four Requests for Waiver for late-filed invoices or invoice deadline extension requests.
  - c. One Request for Waiver and/or Review involving a late filed Form 471 application for FY 2020 reportedly due to ministerial and/or clerical errors.
  - d. Five Requests for Waiver for untimely filed appeals or waiver requests.
4. ECF Dismissed:
- a. One Request for Waiver dismissed as insufficient.
5. ECF Granted:
- a. Four Requests for Waiver involving the early delivery of equipment.
  - b. One Request for Review and/or Waiver involving payment verification.
  - c. One Request for Waiver on a service delivery date.
6. ECF Denied:
- a. One Request for Waiver for a late-filed Window 3 application. This is the first denial of a late-filed ECF application we’ve seen indicating that the FCC does not intend to provide the same flexibility on ECF applications as it has applied on E-rate applications. The stricter adherence to ECF filing deadlines undoubtedly reflects the need to adhere to the priority funding scheme being employed for Window 3 applications.
  - b. Two Requests for Waiver and/or Review of untimely filed appeal or waiver requests (reminding applicants in a footnote that the ECF filing deadline for appeals and waivers is 30 days, not 60 days as in E-rate).

## ACP Program Updates

The Affordable Connectivity Program (“ACP”), which provides discounts of up to \$30 per month (\$75/mo. in Tribal areas) on home internet services for low-income households, is or will become important to schools and libraries not participating in ECF or concerned with providing home access when ECF funds are depleted. Interested parties should subscribe to USAC’s ACP newsletters ([subscribe](#)).

[USAC’s ACP – May 2023 Newsletter](#), released June 1<sup>st</sup>, includes the following two points of possible interest to schools and libraries encouraging ACP usage for their student and patron families:

1. The URL to access the ACP online application has been transitioned from [nv.fcc.gov](http://nv.fcc.gov) to [GetInternet.gov](http://GetInternet.gov) with a new landing page to make the application and enrollment process easier for consumers.
2. ACP Recertification, which is an annual requirement for ACP subscribers, will begin this month. USAC is hosting a recertification training session Tuesday, June 6<sup>th</sup>, at 3:00 p.m. EDT ([register](#)).

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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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