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Funding Status for E-Rate and ECF

E-Rate for FY 2023:

USAC issued Wave 11 for FY 2023 on Thursday, July 6th, for \$38.4 million including \$3.73 million for eight North Carolina applicants. Total funding is now \$1.58 billion including \$55.5 million for North Carolina. At this point, USAC has already funded 84.7% the originally submitted applications representing 53.2% of the dollars requested.

ECF for 2021-2023:

Total commitments for all three ECF windows are \$6.75 billion including 191 million for North Carolina. USAC has funded approximately 89% of the ECF applications representing 69% of the requested funding.

Window 3 applications are being funded down to the 50% urban band but could go lower if more funding becomes available. We encourage all applicants, which have been funded beyond their actual needs, to file Post-Commitment Requests (“PCRs”) to reduce their funding commitments and free up dollars for other needy ECF applicants.

Updates and Reminders

Upcoming Dates:

July 14	The Form 486 deadline for FY 2022 Wave 48. 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 49 07/21/2023
	Wave 50 07/28/2023

The first Form 486 deadline for FY 2023, for FCDLs issued on or before July 1st — normally October 29th (which is a Sunday this year) — will be Monday, October 30, 2023.

July 20

The FCC’s monthly open meeting includes a vote on changes to the E-rate rules to make it easier for tribal libraries to apply. It also seeks further comment on ways to simplify the application process for all E-rate applicants (see [draft order](#) and our [newsletter of July 3rd](#)). A [live webcast](#) of the meeting will be available.

Thumbs-Up for a Legally Binding Agreement — Maybe Not:

As discussed in [last week’s newsletter](#), the FCC is scheduled to adopt a new Report and Order and Further Notice of Proposed Rulemaking at its July 20th open meeting. Based on the [draft](#) that has been circulated, one issue presented for comment in the Further Notice (see ¶ 57) is a clearer definition of a “legally binding agreement.”



One direction that we suspect that the FCC will not follow is a recent court decision¹ by a Canadian judge who ruled that a texted reply of a “thumbs up” emoji constituted a legal affirmation of a contract. The case involved two parties with a longstanding business relationship who had previously consummated agreements with succinct texts of “looks good,” “ok” or “yup.” The judge noted that both parties clearly understood that these terse replies were meant to convey an acceptance of the proposed contracts. In this particular case, the only response had been the emoji in question that the judge deemed equivalent.

When it comes to E-rate in the United States, the FCC will likely continue to demand somewhat greater formality.

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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¹ Reported in the *New York Times* of July 8, 2023.