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Funding Status for E-Rate and ECF

E-Rate for FY 2023:

USAC issued Wave 19 for FY 2023 on Friday, September 1st, for \$129 million including \$1.96 million for four North Carolina applicants. Total funding is now \$2.14 billion including \$1.96 million for North Carolina. At this point, USAC has funded 93.0% of the originally submitted applications representing 73.5% of the dollars requested.

ECF for 2021-2023:

As is normal, USAC skipped a week of ECF funding last week. What was unexpected, and likely to benefit currently unfunded applicants, is that USAC appears to have processed \$550 million in post-commitment funding reductions. This reduction should permit funding of all remaining Window 3 applicants, regardless of discount rate. It will also permit the FCC, as it just did, to approve waivers for certain late-filed ECF applications (see last week's FCC streamlined decisions, discussed below).

Total commitments for all three ECF windows are now at \$6.38 billion, down from \$6.93 billion as was reported the previous week. Current ECF funding includes \$187 million for North Carolina.

Updates and Reminders

Upcoming Dates:

- September 7 [Tribal Library Pilot Program](#) launch webinar (see [DA 23-791](#)).
- September 8 End of the summer deferral period for FY 2023 PIA reviews.
- September 25 Due date for comments on the FCC's Further Notice of Proposed Rulemaking portion of [\(FCC 23-56\)](#) regarding additional rule changes to simplify E-rate (see the second half of the article in our [newsletter of July 3rd](#)). Reply comments are due October 23rd.

- September 25 Due date for comments on the FCC’s Notice of Proposed Rulemaking ([FCC 23-65](#)) on cybersecurity labeling for internet devices (see our [newsletter of August 14th](#)).
- September 26 First of two three-day E-Rate “Boot Camps” run by NCDPI in Lake Junaluska ([registration](#)). A second session will be held November 7-9 in the Research Triangle.
- October 2 Last day to receive service or to submit a Service Delivery Deadline request for FY 2022 non-recurring services. (Note: September 30th, the normal Service Delivery Deadline, falls on a Saturday this year.)
- October 24 Nominations are due for six positions, including one school representative, on the USAC Board of Directors (see [DA 23-753](#)).
- October 30 E-rate invoice deadline for FY 2022 recurring services. (Note: October 28th, the normal invoice deadline, falls on a Saturday this year.)
- October 30 ECF invoice deadline for most Window 1 and Window 2 committed FRNs with service delivery deadlines of June 30, 2023. For details on other upcoming invoice deadlines, see USAC’s [Emergency Connectivity Fund Invoice Deadline Tool](#).
- October 30 The first Form 486 deadline for FY 2023, for FCDLs issued on or before July 1st (i.e., Waves 1-9).

FCC Streamlined Decisions:

The FCC issued another set of “streamlined” precedent-based decisions ([DA 23-756](#)) 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).

The big news this month was the granting of late-filed ECF application waivers that, as discussed in the Funding Status section above, suggests that USAC and the FCC believe additional ECF funding is available to fund late- as well as all timely-filed Window 3 ECF applications.

In August’s streamlined decisions, the FCC:

1. E-Rate Dismissed:
 - a. Two Requests for Waiver for applications deemed to have been filed on time.
 - b. One Petition for Reconsideration filed late.
 - c. One Request for Review dismissed to permit filing with USAC.
 - d. Three filings for failure to comply with the FCC’s general filing requirements.
 - e. Twelve Petitions for Reconsideration for failure to identify any material error, omission, or reason warranting reconsideration.

2. E-Rate Granted:
 - a. Two Requests for Waiver to allow the submission of discount calculation information.
 - b. One Request for Review remanding a FY 2007 application back to USAC for review.
 - c. One Request for Waiver granting additional time to respond to a USAC PIA inquiry.
 - d. One Request for Waiver granting additional time to respond to a USAC invoicing inquiry.
 - e. Two Requests for Waiver for late-filed Form 471 applications due to serious illness.
 - f. Five Requests for Waiver for late-filed FY 2023 Form 471 applications filed within 14 days of the window close.
 - g. Thirteen Requests for Waiver for ministerial and/or clerical errors involving Form 471 applications or invoicing.
 - h. One Request for Review and/or Waiver for services delivered after the contract expiration date.
 - i. Two Requests for Waiver of the appeal filing deadline.
 - j. One Request for Waiver of the special construction service delivery deadline.
3. E-Rate Denied:
 - a. Three Requests for Review for failure to support requested discounts.
 - b. One Request for Review for failure to file a Form 470 for the current year.
 - c. Forty-three Requests for Waiver on FY 2023 Form 471 applications filed more than 14 days late and failing to present special circumstances justifying waivers.
 - d. Nine Requests for Waiver for late-filed invoices or invoice deadline extension requests.
 - e. One Request for Waiver and/or Review for ministerial and/or clerical errors.
 - f. One Request for Waiver for a Form 470 that did not seek bids on types of services later requested.
 - g. One Request for Waiver denying a service substitution request not meeting the requirement that the two services provide the same functionality.
 - h. Six Requests for Waiver for untimely filed appeals or waiver requests.
 - i. One Request for Waiver regarding an urban/rural classification.
4. ECF Dismissed:
 - a. One Petition for Reconsideration for failure to identify any material error, omission, or reason warranting reconsideration.
5. ECF Granted:
 - a. **BIG NEWS**: Forty-two Requests for Waiver for late-filed ECF applications — 28 filed within 14 days of the close of the window; 14 more filed “with cause” more than 30 days late. As indicated above, we believe these waivers indicate that sufficient funds will be available to fund all ECF applications filed in Window 3.
 - b. One Request for Waiver involving the early delivery of equipment.

- c. One Request for Waiver permitting additional time to respond to a USAC inquiry.
 - d. Three Requests for Review and/or Waiver involving payment verification.
 - e. One Request for Waiver of the \$400 “reasonable support cap” on ECF devices.
 - f. One Request for Review and/or Waiver for a timely appeal.
 - g. Two Requests for Waiver of the appeal filing deadline.
6. ECF Denied:
- a. One Request for Waiver for ineligible entities.
 - b. Seven Requests for Waiver for late-filed ECF applications.

USAC Emergency Connectivity Fund Program Newsletter of August 31 — Invoicing

[USAC’s ECF Program Newsletter Dated August 31, 2023](#), summarizes the mid-August FCC Order that extended the invoice deadline for most Window 1 & 2 FRNs from August 29, 2023, to October 30, 2023 (see [DA 23-669](#) and our [newsletter of August 21st](#)). USAC’s newsletter also provides a link to the new [Emergency Connectivity Fund Invoice Deadline Tool](#) (that properly reflects the new ECF invoice deadlines).

(Note: As of late last week, most, but not all, of the earlier August 29th invoice deadlines in USACs [Emergency Connectivity Fund Program Data Tool](#) have been updated to October 30th as well.)

Last week’s ECF newsletter also discusses:

- FCC Order [DA 23-723](#) regarding rule waivers for those affected by the Hawaii wildfires.
- “Friendly” reminders on ECF program compliance.
- Links to other ECF resources.

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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