



- Funding Status for E-Rate and ECF
 - E-Rate for FY 2023
 - ECF for 2021-2023
- Updates and Reminders
 - Upcoming Dates
 - FCC Streamlined Decisions

Funding Status for E-Rate and ECF

E-Rate for FY 2023:

USAC issued Wave 24 for FY 2023 on Thursday, October 5th, for \$26.0 million, none for North Carolina. Total funding is now \$2.23 billion including \$81.2 million for North Carolina. At this point, USAC has funded 94.4% of the originally submitted applications representing 77.0% of the dollars requested.

ECF for 2021-2023:

Wave 35 for Window 3 was issued on Wednesday, October 4th, for \$37.0 million, including \$3.18 million for nine North Carolina applicants. Total commitments for all three ECF windows are at \$6.47 billion including 191 million for North Carolina. USAC has now funded 97.9% of submitted applications.

Updates and Reminders

Upcoming Dates:

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| October 12 | Due date for comments on the FCC's Draft Eligible Services List for FY 2024 (DA 23-819). Reply comments are due October 26 th . |
| October 12 | USAC Webinar - E-Rate Fall Training: Eligible Services 101 (register). |
| October 13 | USAC's one-day E-rate in-person training in Washington, DC. Limited space was fully subscribed as soon as the training was <u>announced</u> but training material should become publicly available shortly before the training date. |
| October 19 | FCC open Commission meeting to include consideration of a Declaratory Ruling to allow E-rate funding for Wi-Fi on school buses. |
| October 23 | Due date for reply comments on the FCC's Further Notice of Proposed Rulemaking portion of (FCC 23-56) regarding additional rule changes to simplify E-rate. |
| October 24 | Opening of the EPC administrative window to allow applicants to update entity profiles (including student counts and NSLP percentages) in advance |

of the FY 2024 application window. USAC will close the administrative window shortly before the Form 471 application window opens in mid-January at which point EPC entity profiles will be locked during the window.

- 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.) This is also the deadline for requesting an invoice deadline extension for the same FRNs.
- 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 First Form 486 deadline for FY 2023, for FCDLs issued on or before July 1st (i.e., Waves 1-9).

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. The Form 486 deadline for FCDL's issued in Wave 10 would normally have been November 3rd (now probably November 7th as result of the EPC shutdown through November 6th).
- October 30 – November 6 USAC [announced](#) that EPC will be unavailable to all users from October 30th at 11:59 p.m. through November 6th as the FCC transitions the BEAR invoice filing process from its old legacy system into EPC.

Reminder: Once this transition is complete, Account Administrators should review the BEAR filing permissions in EPC to make sure that the correct BEAR filer(s) is authorized. Last December, USAC carried legacy system permissions into EPC, but any new BEAR permissions established in the legacy system so far in 2023 will have to be reestablished in EPC.
- November 7 Second three-day E-rate “Boot Camp” run by NCDPI to be held in the Research Triangle ([registration](#)).
- November 10 Revised due date ([DA 23-852](#)) for reply comments on the FCC's Notice of Proposed Rulemaking ([FCC 23-65](#)) on cybersecurity labeling for internet devices (see our [newsletter of August 14th](#)).
- November 20 Nominations are due for a Tribal Board member on the USAC Board of Directors (see [DA 23-903](#)).

FCC Streamlined Decisions:

The FCC issued another set of “streamlined” precedent-based decisions ([DA 23-883](#)) 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/or 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 September's streamlined decisions, the FCC:

1. E-Rate Dismissed:
 - a. One Request for Review considered moot based on action already taken by USAC.
 - b. Two Requests for Review dismissed to permit filing with USAC.
 - c. Two filings for failure to comply with the FCC's general filing requirements.
 - d. Three Petitions for Reconsideration for failure to identify any material error, omission, or reason warranting reconsideration.
2. E-Rate Granted:
 - a. One Request for Review for a bid accepted "shortly after" filing of the Form 471.
 - b. Three Requests for Review based on showings that contracts were in place prior to filing Form 471s.
 - c. Four Requests for Waiver to allow the submission of discount calculation information.
 - d. One Request for Review remanding an application to USAC for review of discount rate data.
 - e. One Request for Review remanding an application to USAC for review of a finding of duplicative services.
 - f. One Request for Review and/or Waiver remanding an application to USAC for review of entity eligibility.
 - g. One Request for Review and/or Waiver regarding a rejected bid for equipment not meeting the "or equivalent" criteria (cables that were incompatible with existing patch panels and faceplates).
 - h. One Request for Review for the inadvertent cancellation of an FRN.
 - i. One Request for Waiver for an incorrect service start date on a Form 486.
 - j. One Request for Review remanding an application to USAC for review and explanation of service ineligibility.
 - k. Thirteen Requests for Review and/or Waiver for ministerial and/or clerical errors involving Form 471 applications or invoicing.
 - l. One Request for Waiver permitting a contract end date change.
 - m. Three Requests for Review and/or Waiver finding that price had been the primary factor considered during the bid evaluations.
 - n. Two Requests for Waiver of the appeal filing deadline.
 - o. One Request for Review remanding an application to USAC for review of a funding reduction.
 - p. Two Requests for Waiver of the appeal filing deadline for filings made "only a few days late."
 - q. Eight Requests for Waiver of the special construction service delivery deadline.
3. E-Rate Denied:
 - a. Two Requests for Review for requests of duplicative services.
 - b. One Request for Review for failure to file a Form 470 for the current year.

- c. Ten Requests for Waiver on late-filed Form 471 applications failing to present extraordinary circumstances justifying waivers.
 - d. Four Requests for Waiver for late-filed invoices or invoice deadline extension requests.
 - e. One Request for Waiver of a Red Light Rule violation.
 - f. Two Requests for Waiver for Form 470s that did not seek bids on the types of services later requested.
 - g. Seven Requests for Review and/or Waiver for untimely filed appeals or waiver requests.
 - h. Two Requests for Review of the 28-day competitive bidding rule.
4. ECF Dismissed:
 - a. Three Requests for Waiver deemed moot because of actions already taken.
 5. ECF Granted:
 - a. One Request for Waiver involving the early delivery of equipment.
 - b. Three Requests for Review and/or Waiver for ministerial and/or clerical errors.
 - c. Two Requests for Review and/or Waiver involving payment verification.
 6. ECF Denied:
 - a. One Request for Waiver for failure to satisfy the Debt/Red Light Rule.
 - b. Three Requests for Waiver for late-filed Form 471 applications failing to present extraordinary circumstances justifying waivers.

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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