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Funding Status for E-Rate and ECF

E-Rate for FY 2023:

USAC issued Wave 26 for FY 2023 on Thursday, October 19th, for \$42.2 million including \$59 thousand for three North Carolina applicants. Total funding is now \$2.29 billion including \$81.3 million for North Carolina. At this point, USAC has funded 95.0% of the originally submitted applications representing 79.5% of the dollars requested.

ECF for 2021-2023:

Wave 36 for Window 3 was [issued](#) on Wednesday, October 18th, for \$53.4 million, including \$335 thousand for four North Carolina applicants. Total commitments for all three ECF windows are at \$6.48 billion including \$191 million for North Carolina.

FCC Approves School Bus Wi-Fi Eligibility

At the Commission's Open Meeting last Thursday, the FCC voted 3:2 to adopt a Declaratory Ruling making Wi-Fi equipment and services eligible for E-rate funding. The actual Ruling is expected to be published early this week, tracking closely, if not exactly, with the [draft](#) that had been circulated earlier for consideration (see our [newsletter of October 2nd](#)).

The goal of the Declaratory Ruling is to make school bus Wi-Fi eligible for FY 2024. Exactly how eligibility will be defined and implemented is an open question. The next critical step in the process will be the release of a proposed supplement to the Eligible Services List ("ESL"). The ESL supplement will be subject to a brief public comment period to permit school bus Wi-Fi to be included in the full and final ESL for release prior to the opening the FY 2024 Form 471 application window.

Hopefully, the proposed ESL supplement will clear up the practical questions not addressed in the Declaratory Ruling. One list of questions, provided in an [ex parte filing](#) by the Schools, Health & Libraries Broadband ("SHLB") Coalition, after discussions with FCC staff earlier this month, included:

- Will equipment and services be classified as a Category One or Category Two expense?
- Will some type of user verification or authentication be required?
- Will the current E-rate application and follow-up processes (bidding, forms, etc.) be used?
- Will there be a new “bus” drop-down option on the Form 470?
- Will schools be required to issue an RFP for any or all segments of a bus Wi-Fi request?
- Will there be any usage limitations on funding?
- Will there be any discounts during the summer months when buses may be seldom used?
- Can buses be parked and still have an active Wi-Fi connection?
- Will applicants, who entered into multi-year contracts under ECF for Wi-Fi on buses, be grandfathered in and exempt from competitive bidding?
- Will third-party bus ownership be an issue? (Many districts lease buses from a commercial company.)
- Would the rules preclude applications by consortia?

To which we would add:

- Would each bus be considered an individual entity for E-rate purposes (like library book mobiles)? If so, would they be treated as schools, annexes, or a new type (possibly as a component of a “fleet”)?
- Would portable Wi-Fi equipment, transportable between buses, be eligible?
- Can Wi-Fi equipment be owned or leased (if, for example, if the equipment is owned by a commercial bus company)?
- Will internet services on buses require special filtering?
- How will bus Wi-Fi service contracts and/or maintenance be handled?
- What, if any, unique record retention rules will apply?

Fortunately, as a result of bus Wi-Fi eligibility under the ECF program, we have some experience to serve as a guide in these matters. But a number of decisions remain to be addressed in the bus Wi-Fi ESL supplement (or beyond). Stay tuned.

Updates and Reminders

Upcoming Dates:

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| 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 26 Due date for reply comments on the FCC’s proposed Eligible Services List for FY 2024 ([DA 23-819](#)).
- 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).
- November 3 – USAC [announced](#) that EPC will be unavailable to all users from November 3rd November 7 at 11:59 p.m. through November 7th at 9:00 a.m. 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](#)).

Senators Propose Social Media Limitations in Schools:

U.S. Senators Ted Cruz (R, TX), Ted Budd (R, NC), and Shelley Moore Capito (R, WV) have just introduced new legislation, [The Eyes on the Board Act](#), to limit children’s access to social media at school by requiring schools receiving federal broadband funding (including E-rate and ECF) to prohibit access to social media sites via subsidized networks and devices. The proposed Act would require schools to limit screen time and require the FCC to create a database of school internet safety policies.

The Senators' [press release](#) notes that while E-rate's CIPA rules require applicants "to certify that they are using technology protection software to block or filter access to obscenity, child pornography, and other harmful sexual content, there is currently no provision requiring schools to block access to distracting and addictive social media apps or websites."

SAM.gov Consultants:

ECF applicants, and E-rate applicants filing new or updated Form 498s, are required to have Unique Entity Identifiers ("UEIs") by registering on the SAM.gov website. Once registered on SAM.gov, these registrations must be renewed annually. Eventually, we expect all E-rate applicants will be required to register on SAM.gov and to obtain UEIs.

As many applicants have found, neither SAM.gov registrations nor renewals are an entirely intuitive process. While most applicants have managed the process themselves, there are a host of consultants capable of helping. While we use one ourselves, we have found that many such consultants aggressively seek new business, particularly when annual renewals are coming up within the next six months or so.

Those newly registered on SAM.gov can expect to see a flurry of spam warnings of impending doom if their registrations are not renewed on a timely basis, typically from firms with semi-official looking email addresses. Just within the last two months, we have received offers of help from firms with the following email domains:

administerforimplement.com
bettermentrequest.com
contractoregistrationscenter.com
email.samprocessingcenter.com
entityrenewal.com
federalresearchcenters.com
fedfiling.com
registrationplus.net
registrationscenter.com
samfiling.com
usfcr.com

We are not necessarily suggesting this is a bad thing, but for those not interested in SAM.gov assistance, you might take the time to block all or most of these addresses. These firms do not give up easily.

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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