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Funding Status for E-Rate and ECF

E-Rate for FY 2023:

USAC issued Wave 27 for FY 2023 on Thursday, October 26th, for $15.1 million including $13 thousand for one North Carolina applicant. Total funding is now $2.31 billion including $81.3 million for North Carolina. At this point, USAC has funded 95.3% of the originally submitted applications representing 80.1% of the dollars requested.

ECF for 2021-2023:

Total commitments for all three ECF windows are at $6.48 billion including $191 million for North Carolina.

E-Rate for FY 2024:

The EPC administrative window opened on October 24th. Applicants can now update their 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.

All applicants should review their entity profiles to make sure that their EPC information is correct. Please note:

- Earlier updates that applicants made to their entity profiles may have been overwritten by USAC as a result of the PIA reviews of their FY 2023 applications.

- Rural/urban status as of FY 2024 will now be determined based on the 2020 census. USAC is currently updating discount rates in EPC — up or down by 5-10% — for approximately 500 school and district applicants. Any such changes will also affect the discount rates of associated libraries and consortia.

FCC Releases School Bus Wi-Fi ESL for Comment

As discussed in our newsletter of October 23rd, the FCC has approved the eligibility of school bus Wi-Fi equipment and services for E-rate funding. Last week the FCC took the first steps to define the details of school bus Wi-Fi by releasing the final version of the implementing Declaratory Ruling and the proposed revision of the Eligible Services List ("ESL") for FY 2024.

The final version of the Declaratory Ruling (FCC 23-84) differed from the original draft (see our newsletter of October 2nd) in the following two ways, designed in part to address the concerns of Commissioner Simington's dissenting opinion:

- Adding language in Para. 9 (and an extensive footnote) citing 47 U.S.C. § 254(h)(1)(B) as the legal basis supporting the eligibility of school bus Wi-Fi; and

- Adding Para. 14 to "emphasize the limited nature of this Declaratory Ruling and limit our clarification to the use of Wi-Fi, or other similar access point technologies, and the necessary equipment for use on school buses only."

The request for comments to the revised ESL (DA 23-1011) is more interesting in two respects. The first is that it raises and seeks comment on a few — but certainly not all — of the questions surrounding school bus Wi-Fi. The specific questions raised by the FCC are:

- What equipment would be needed to provide Wi-Fi on buses?

- Should the equipment be Category 1 or Category 2?

- What restrictions or limitations should be imposed to ensure use consistent with E-rate rules?

- How accurate are the FCC's estimated costs of $1,840 per year per bus?

- What changes may be needed in the ESL's "Eligibility Explanations for Certain Category One and Category Two Services?"

The second interesting aspect of the revised ESL notice is the ESL itself. Typically, when the FCC releases either a draft or the final ESL order, it comes in two parts. In the first part, the FCC explains what is new, if anything, in the ESL. The second part, included as an attachment, is the formal ESL itself. In last week's request for comments, the attached ESL included only one change. The FCC has simply added "mobile" to the parenthetical description of eligible wireless services in the "Data Transmission and/or Internet Access" section for Category One services. It now reads:

- Wireless (e.g., fixed wireless, microwave, or mobile)

What this means is that, unless the FCC makes further changes to the ESL, as the result of the comments received, the FY 2024 ESL is ready to go. Release of the final FY 2024 ESL in

December — a precondition for opening the application window — would mean that USAC could open the FY 2024 window at the normal time in early January. Any outstanding bus Wi-Fi questions could — and may have to — be addressed in future FAQs (as was done with ECF).

The FCC's rush to make school bus Wi-Fi eligible for E-rate funding — a move we applaud — will make for an exciting 2024.

FCC Reply Comments on E-Rate Program Simplifications

Last Monday was the deadline for submitting reply comments to the FCC's Further Notice of Proposed Rulemaking ("FNPRM") (FCC 23-56) to consider a wide range of proposals to simplify the E-rate process for applicants and, by the same token, to reduce administrative burdens for USAC. The following is a hyperlinked list of the major filers.

> American Library Association ("ALA")
> AT&T Services
> CSM Consulting
> E-Rate Central
> Funds For Learning
> INCOMPASS
> NCTA – The Internet & Television Association
> School, Health & Libraries Broadband ("SHLB") Coalition
> State E-Rate Coordinators' Alliance ("SECA")
> USTelecom – The Broadband Association
> Wisconsin Department of Public Instruction

For the most part, the reply comments echoed and supported the simplification measures discussed in the original comments. With the exception of a position taken by AT&T and NCTA on SPI billing, there was broad support for the proposals that the FCC is considering to simplify the E-rate program. As summarized in the SECA filing, there was no opposition to the following six measures:

1. Eliminate the Form 486 and include CIPA compliance certifications on the Form 471.
2. Allow mid-year bandwidth increases.
3. Permit the purchase of internet from two different vendors that will be used during the funding year.
4. Clarify the definition of cardinal changes to bidding documents.
5. Establish procedures for the delayed transition of services within the funding year.
6. Make all multi-year licenses, including technical support and software updates, fully eligible for funding in the year of purchase.

One change that would help small applicants in particular would be to extend the competitive bidding exemption for Category 1 services of less than $3,600, already provided to libraries in the initial Tribal order, to Category 2 as well, and, equally importantly, to schools. Even better, as proposed by several parties, would be to increase the competitive bidding exemption to $10,000.

Another change that would benefit both USAC reviewers and applicants would be to fix discount rates for a five-year period like Category 2 budgets are now set (but can be adjusted upward) based on student enrollment. SECA's comments help bolster this recommendation by showing that over 75% of school district applicants had no change in discount rates over the five-year period FY 2019 to FY 2023, and that there are more discount rate increases than decreases for the remainder. Our own E-Rate Central comments noted that, with the lower ISP threshold for CEP elections, the majority of school district applicants now already have the option, via CEP election, to lock in their discount rates for five years, arguing that all applicants should have this choice.

Given the near universal support for all the E-rate program changes under consideration, we anticipate an FCC order shortly, effective for FY 2025 (if not partially for FY 2024), that could dramatically simplify many of the aspects of E-rate administration for applicants and USAC alike.

Updates and Reminders

Upcoming Dates:

October 30	E-rate invoice deadline for FY 2022 recurring services. (Note: October 28th, the normal invoice deadline, fell 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 – November 7	USAC announced that EPC will be unavailable to all users from November 3rd 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. The FCC has extended any EPC deadlines between October 31st and November 7th to November 8th.
	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](#)).
November 24	Due date for additional comments on the proposed Eligible Services List ("ESL") ([DA 23-1011](#)) for FY 2024 regarding the eligibility of Wi-Fi on school buses. There is no provision for additional reply comments.

USAC E-Rate News Brief Dated October 25 – Three Topics

[USAC's E-Rate News Brief dated October 25, 2023,](#) covers the following three subjects:

1. Upcoming training webinars for November cover the [E-Rate Post Commitment Process](#) (Nov. 7) and [Invoicing](#) (Nov. 9). Recordings and slides for October's webinars are also available.

2. A reminder that FY 2022 non-recurring service delivery deadlines were extended one year to September 30, 2024, for E-rate applicants in Florida and South Carolina affected by Hurricane Idalia.

3. Tips for the FY 2024 EPC administrative window:
   - Updating student counts.
   - Adding new entities.
   - Submitting FY 2023 RAL modifications or appeals before updating EPC profiles.
   - Recognizing urban/rural designation changes, if any, based on the 2020 Census Bureau data.

USAC Emergency Connectivity Fund Program Newsletter of October 26 — Invoice Reminders

[USAC's ECF Program Newsletter Dated October 26, 2023,](#) touches briefly on the following topics:

- Today, October 30th, is the invoice deadline for many ECF Window 1 and 2 funding requests.

- The [ECF Invoice Deadline Tool](#) can be used to determine the amount of funds remaining on approved ECF funding requests.

- Appeals of denied ECF invoices must filed within <u>30</u> days (not within the 60 days allowed for E-rate appeals).

- Continue to check the ECF Portal and emails for USAC communications.

- To change or update your ECF Account Administrator, call the ECF Customer Support Center ("CSC") at (800) 234-9781.