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## Funding Status for E-Rate and ECF

### *E-Rate for FY 2023:*

USAC issued Wave 28 for FY 2023 on Thursday, November 2<sup>nd</sup>, for \$15.4 million including \$5.69 million for two North Carolina applicants. Total funding is now \$2.32 billion including \$87.0 million for North Carolina. At this point, USAC has funded 95.6% of the originally submitted applications representing 80.7% of the dollars requested.

### *ECF for 2021-2023:*

Wave 37 for Window 3 was [issued](#) on Wednesday, November 1<sup>st</sup>, for \$5.19 million, none for North Carolina applicants. Total commitments for all three ECF windows are at \$6.46 billion including \$191 million for North Carolina.

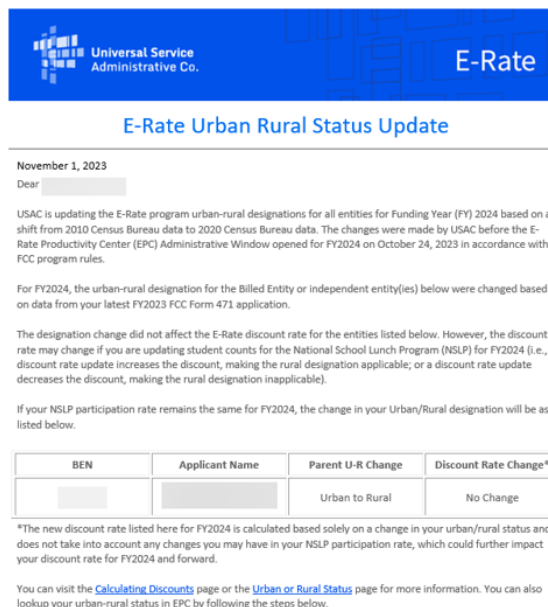
### *E-Rate for FY 2024:*

The EPC administrative window opened on October 24<sup>th</sup>. 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 they 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 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.

Applicants affected by these changes are being notified by USAC with messages beginning as follows:



## Updates and Reminders

### Upcoming Dates:

- November 3 – November 7 USAC [announced](#) that EPC will be unavailable to all users from November 3<sup>rd</sup> at 11:59 p.m. through November 7<sup>th</sup> 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 31<sup>st</sup> and November 7<sup>th</sup> to November 8<sup>th</sup>.
 

**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 14<sup>th</sup>](#)).
- 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.

### *FCC Streamlined Decisions:*

The FCC issued another set of “streamlined” precedent-based ([DA 23-1007](#)) 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 October’s streamlined decisions, the FCC:

1. E-Rate Dismissed:
  - a. One filing for failure to comply with the FCC’s general filing requirements.
  - b. 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 in which the FCC disagreed with USAC’s discount rate calculation.
  - b. Four Requests for Review remanded to USAC for discount, duplicative services, or entity validation issues.
  - c. One Petition for Reconsideration for late-filed Form 471 applications.
  - d. One Petition for Reconsideration for a waiver of the appeal filing deadline.
  - e. One Request for Review for an incorrect Form 486 service start date.
  - f. One Request for Review for a late-filed Form 486.
  - g. Thirteen Requests for Review and/or Waiver for ministerial and/or clerical errors involving Form 471 applications or invoicing.
  - h. One Request for Waiver of the Red Light Rule “given the grossly disproportion penalty of funding loss.”
  - i. One Request for Waiver of the special construction service delivery deadline.
3. E-Rate Denied:
  - a. One Request for Review on a discount rate calculation.
  - b. One Request for Review for duplicative services.
  - c. One Request for Review for failure to file a form 470 for the current funding year.
  - d. Two Requests for Review on ineligible services.
  - e. Twelve Requests for Waiver on late-filed Form 471 applications failing to present extraordinary circumstances justifying waivers.
  - f. Two Requests for Waiver for late-filed invoices or invoice deadline extension requests.
  - g. One Request for Waiver for ministerial and/or clerical errors.
  - h. Two Review and/or Waiver for Form 470s that did not seek bids on the types of services later requested.
  - i. Nine Requests for Waiver for untimely filed appeals or waiver requests.
4. ECF Granted:
  - a. Two Requests for Waiver involving the early delivery of equipment.

- b. One Request for Review and/or Waiver granting extra time to respond to USAC’s request for information.
  - c. One Request for Review and/or Waiver for ministerial and/or clerical errors.
  - d. One Request for Review and/or Waiver involving payment verification.
  - e. Two Requests for Waiver of the service delivery date.
5. ECF Denied:
- a. One Request for Waiver and/or Review for untimely filed appeals or waiver requests.

*Electronic Cybersecurity Label Update:*

As discussed in our [newsletter of September 25<sup>th</sup>](#), the FCC is proposing to institute a “U.S. Cyber Trust Mark” program to help consumers identify trustworthy internet devices such as laptops and cellphones that meet certain cybersecurity standards. The program, as proposed, would identify such devices only with printed labels that would be useful, in our view, only at the point of purchase.

E-Rate Central filed [initial comments](#) in this proceeding encouraging the FCC to extend its labeling proposal beyond printed labels to incorporate electronic device “labels” that could be “read” by the systems to which these devices seek to be connected. We believe that adding this capacity would enhance cybersecurity protections for schools and libraries with BYOD (Bring Your Own Devices) policies whose systems are open to student- or patron-owned devices. Two other parties — the [Information Technology Industry Council \(“ITI”\)](#) and the [National Electrical Manufacturers Association \(“NEMA”\)](#) — made similar suggestions.

Last week, E-Rate Central filed [reply comments](#) referencing the ITI and NEMA comments. We again argued that, if the FCC is going to spend significant time and resources to develop a printed cyber-labeling system for devices, the program could be dramatically enhanced by adding an electronic labeling component.

The deadline for filing cyber-labeling reply comments is this Friday, November 10<sup>th</sup>. We would hope that schools and libraries supporting an expanded electronic labeling option join us in submitting comments. Even simple FCC express comments supporting the ITI, NEMA, and E-Rate Central positions would be helpful.

Express “REPLY TO COMMENTS,” if only a sentence or two, can be filed in this proceeding by completing a simple form with text boxes on the FCC’s “[Submit a FILING](#)” site, specifying “23-239” as the proceeding number on the first line.

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*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](mailto:join-ncerate@lists.dpi.state.nc.us). Please include your name, organization, telephone, and e-mail address.*

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