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Funding Status for E-Rate and ECF

E-Rate for FY 2023:

USAC issued Wave 37 for FY 2023 on Thursday, January 4th, for \$15.0 million, none for North Carolina. Total funding is now \$2.49 billion including \$84.3 million for North Carolina. At this point, USAC has funded 97.0% of the originally submitted applications representing 88.2% of the dollars requested.

ECF for 2021-2023:

Total commitments for all three ECF windows are \$6.45 billion including \$192 million for North Carolina.

E-Rate for FY 2024:

The Form 471 filing window for FY 2024 opens on Wednesday, January 17th, at noon EST and will close on Wednesday, March 27th, at 11:59 p.m. EDT. The EPC administrative window, which is currently open to allow applicants to update their entity profiles, will close on January 12th, at 11:59 p.m. EST. At that point, entity profiles will be locked while the application window is open.

End of Emergency ECF Equipment Usage

With the ECF emergency period ending June 30, 2024, questions are arising about what rules apply to equipment that is no longer required to meet current unmet needs or will no longer be covered by ECF after June. The FCC's list of [ECF FAQs](#) cover both situations and is reprinted below.

4.6 Q: If a school or library's ECF-funded device or hotspot has been provided to a student or school staff member with an unmet need and for remote learning but is later returned during the relevant funding period, is the school or library required to redistribute the device or hotspot to another student, school staff member, or library patron with an unmet need and for remote learning? In what other ways may ECF-funded equipment be utilized after it has been returned by its originally intended user ?

A: Schools: If a school initially distributes ECF-funded equipment in accordance with ECF program rules (i.e., to fulfill an unmet need and for remote learning), and the item is later returned during the relevant funding period, the school is not required to redistribute the equipment to satisfy an unmet need and for remote learning purposes. For example, after initially distributing the equipment in accordance with the rules, the school may use the equipment in classrooms, provide the equipment to a student or staff member who does not have an unmet need, or keep the equipment on the school campus while identifying a new unmet need without violating the rules.

Libraries: Unlike schools, if a library purchases and distributes ECF-funded equipment in accordance with ECF program rules (i.e., to fulfill an unmet need and for remote learning), and a library patron returns the item during the relevant funding period and before the end of the three-year period after which the item is considered obsolete, the library must continue to check out or redistribute the equipment to another library patron for whom it would satisfy an unmet need and for remote learning purposes. After the emergency period ends on June 30, 2024, the library is allowed to use the equipment as it deems appropriate, provided it is used for educational purposes. We note that other relevant program rules continue to apply, including the requirement that the library provide each patron with a copy of an eligible use policy explaining that the equipment is intended for library patrons who do not otherwise have access to equipment sufficient to meet the patron's educational needs, and the requirement that the patron sign and return a statement that they would otherwise lack access to equipment sufficient to meet their educational needs if not for the use of the equipment being provided by the library.

Additional requirements for both schools and libraries: We caution schools and libraries that even after equipment is returned, any monthly recurring service costs associated with such returned equipment would no longer be supported by program funds unless the equipment is redistributed to satisfy an unmet need and is for remote learning purposes. The ECF program will not reimburse monthly recurring services associated with returned equipment that is no longer being used for remote learning and to satisfy an unmet need. Applicants must work with their service providers to terminate unused monthly recurring services and are not allowed to seek ECF reimbursement for such unused services. In addition, we remind schools and libraries that all other applicable program rules and requirements still apply, including, for example, continuing to comply with the requirement to maintain an asset inventory for each returned item; the requirement that the equipment be provided to a student, school staff member, or library patron; and the requirement that the equipment be used for educational purposes as defined by the rules. Moreover, until the equipment is considered obsolete by program rules, it may not be resold or transferred in consideration of money or any other thing of value, disposed of, donated, or traded.

4.7 Q: Will program rules regarding limitations on the use of ECF-funded equipment continue to apply after the conclusion of the program?

A: After the emergency period ends on June 30, 2024, schools and libraries have the discretion to use eligible equipment as they deem appropriate so long as it is used for educational purposes, remains subject to the three-year prohibition on resale set out in section 54.1713(b), and the school or library complies with the asset inventory requirements set out in section 54.1715 of the Commission's rules.

Updates and Reminders

Upcoming Dates:

January 8 Last day of the winter PIA deferral period.

- January 12 Form 486 deadline for FY 2023 Wave 21. 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. Upcoming Form 486 deadlines are:
- | | |
|---------|------------|
| Wave 22 | 01/19/2024 |
| Wave 23 | 01/26/2024 |
| Wave 24 | 02/02/2024 |
- Applicants missing their Form 486s deadlines should, within the week, receive Urgent Reminder Letters from USAC providing a 15-day grace period.
- January 12 Close of the EPC administrative window.
- January 16 New, and slightly extended, due date for comments on the FCC’s hotspot eligibility NPRM ([FCC 23-91](#)) (see our [newsletter November 13th](#)). Reply comments will now be due January 29th.
- January 17 Form 471 filing window for FY 2024 opens at noon EST.
- January 29 Due date for comments on the FCC’s cybersecurity pilot NPRM ([FCC 23-92](#)). Reply comments are due February 27th.
- January 29 Invoice (or invoice deadline extension request) deadline for FY 2022 non-recurring service FRNs.
- February 28 Last day to file a Form 470 for FY 2024 so as to allow its posting for at least 28 days before the close of the Form 471 application window.
- Please note that any applicant waiting until February 28th to file a Form 470 would have to review all bids, select vendors, sign contracts and upload them into EPC, create and file their Form 471, all on March 27th when the EPC is likely to be at its busiest. This is **NOT** a recommended course of action!
- March 27 Close of the Form 471 application window for FY 2024. To be considered as having been filed “in window,” Form 471s must be filed and certified by 11:59 p.m. EDT.

FCC Streamlined Decisions:

The FCC issued another set of “streamlined,” precedent-based, appeals and waivers 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 December’s streamlined decisions ([DA 24-1](#)), the FCC:

1. E-Rate Dismissed:
 - a. One Petition for Reconsideration for failure to identify any material error, omission, or reason warranting reconsideration.
 - b. One Request for Waiver to allow the applicant to file an appeal with USAC.

2. E-Rate Granted:
 - a. One Request for Waiver determining that the applicant had a valid, signed contract in place at the time it submitted its Form 471.
 - b. Two Requests for Waiver granting additional time to respond to USAC invoice inquiries.
 - c. One Request for Waiver involving a misunderstanding on an invoice certification.
 - d. Four Requests for Waiver and/or Review involving ministerial and/or clerical errors on applications and invoices.
 - e. One Request for Waiver for a permissible service implementation delay.
 - f. Four Requests for Waiver and an Appeal confirming that price was the primary factor in vendor selections.
 - g. One Request for Waiver finding that a service provider, not in good standing at the time of invoicing, had been in good standing at the time services were delivered.
 - h. One Request for Review finding that a signed contract had been in place when the Form 471 was filed.
 - i. Two Requests for Waiver and/or Review supporting SPIN changes.
 - j. Two Requests for Waiver of the appeal filing deadline.
 - k. One Request for Waiver of the Form 471 filing deadline due to a natural disaster.
 - l. One Request for Waiver of the 28-day bidding rule missed by one to three days.
3. E-Rate Denied:
 - a. One Request for Review for using discount rate data which was more than two years old.
 - b. Two Requests for Waiver for Form 470s filed too late to allow time for the 28-day bidding period.
 - c. Three Requests for Waiver on late-filed Form 471 applications failing to present special circumstances.
 - d. Six Requests for Waiver for late-filed invoices or invoice deadline extension requests failing to demonstrate extraordinary circumstances.
 - e. Seven Requests for Waiver for untimely filed appeals or waiver requests for failing to demonstrate special circumstances.
4. ECF Dismissed:
 - a. One Request for Waiver deemed moot as USAC had taken the action requested.
5. ECF Granted:
 - a. Three Requests for Waiver permitting early delivery of equipment.
 - b. One Request for Waiver granting additional time to respond to a USAC request for information.
 - c. One Request for Waiver of the service delivery date.
6. ECF Denied:
 - a. One Request for Waiver for a service substitution.

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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