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Funding Status for E-Rate and ECF

E-Rate for FY 2023:

USAC issued Wave 41 for FY 2023 on Thursday, February 1st, for \$6.0 million, none for Carolina. Total funding is now \$2.57 billion including \$84.3 million for North Carolina. At this point, USAC has funded 97.4% of the originally submitted applications representing 91.4% 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 opened on January 17th and will close on Wednesday, March 27th, at 11:59 p.m. EDT. We are already seeing applications marked as “Wave Ready” that are likely to be included in the first funding wave expected in late April.

FCC Hotspot and Cybersecurity Comments

Last Monday was the reply comment deadline on the FCC’s hotspot NPRM ([FCC 23-91](#)) and the initial comment deadline on the cybersecurity pilot NPRM ([FCC 23-92](#)).

Hotspot Reply Comments:

The hotspot reply comments, in the main, predictably followed the initial comments (see our [newsletter of January 22nd](#)). Applicants and educational organizations roundly supported the need to provide E-rate support for off-campus hotspots; a few internet providers objected. Links to the more important reply comments are provided below.

- Pro: [CTIA](#)
[Education Reform Now et al](#)
[Electronic Privacy Information Center \(“EPIC”\)](#)
[E-Rate Central](#)
[Kajeet](#)
[Laurel-Jones County Library System](#)
[Lower Yukon School District](#)
[New York State Library](#)
[North American Catholic Educational Programming Foundation](#)
[Texoma Communications d.b.a. TekWav](#)
- Con: [Cox Communications](#)
[NTCA - The Rural Broadband Association](#)
[WISPA – Broadband Without Boundaries](#)

Reply comments of note include:

- Kajeet’s comments, neatly summarizing two recommendations expressed by others that hotspots be funded as Category 1 and that one dedicated hotspot be assigned per student.
- E-Rate Central’s own comments suggesting that, if funding is limited, allocation be done, not by discount rate, but in a manner assuring funding for all applicants, both initially and in each ensuing year.
- Laurel-Jones Library’s comments summarizing lessons learned from ECF hotspot loans.

One other important read is last Friday’s [letter](#) to FCC Chairwoman Rosenworcel from 67 U.S. senators and representatives supporting the FCC’s hotspot proposal as being critical to the academic success of low-income students.

Cybersecurity Pilot Comments:

It has been clear for many years, expressed in numerous comments filed in response to the FCC’s proposed Eligible Services Lists, that there is a need for E-rate funding for cybersecurity equipment and services. It is not surprising, therefore, that comments on the FCC’s proposed pilot program all expressed support and urged early implementation. More aggressively, many comments urged the FCC to, not only shorten the pilot program so as to reach resulting conclusions earlier, but to move forward, in parallel, to make cybersecurity eligible within the existing E-rate program for FY 2025 (if not earlier).

One concern, highlighted in several responses, urged the FCC to carefully limit the amount of information made publicly available concerning cyber defenses being employed by pilot participants in their periodic reports. The concern, obviously, is that such information could be used by hackers to attack those systems.

One concern not well-addressed in the initial comments, but one we expect will be addressed in reply comments (due February 27th), is the selection process for pilot participants. It is only within the last week or so that parties have seen indications of the information requirements planned for the FCC Form 484, a new form to be used to apply for entry into the pilot (see our [newsletter of January 29th](#)). The 38 “Project Information” fields of the Form 484 suggest that the FCC will be seeking applicants that are well along in their cyber protection planning, know what additional equipment and services they need, and how much funding will be required. It appears that smaller and less technically-savvy applicants — those who need the most cyber assistance — will be at a real disadvantage in applying for the pilot.

Links to many of the cybersecurity pilot comments are provided below. Note that our own E-Rate Central comments include the list of “Project Information” fields in the appendix together with a few suggestions to address the concerns expressed above.

[Alliance for Digital Innovation](#)

[American Library Association \(“ALA”\)](#)

[Center for Internet Security](#)

[Cisco Systems](#)

[Clark County School District](#)

[Consortium for School Networking \(“CoSN”\) et al](#)

[Council of the Great City Schools](#)

[Crown Castle Fiber](#)

[Cybersecurity Coalition and the Information Technology Industry Council](#)

[Dallas Independent School District](#)

[E-Rate Central](#)

[Funds For Learning](#)

[Friday Institute for Educational Innovation](#)

[Illinois Office of Broadband](#)

[Juniper Networks](#)

[Michigan Statewide Education Network \(“MISEN”\)](#)

[Microsoft Corporation](#)

[NCTA – The Internet & Television Association](#)

[Ohio Information Technology Centers](#)

[Palo Alto Networks](#)

[Rubrik](#)

[Tribal Ready](#)

Updates and Reminders

Upcoming Dates:

- February 9 Form 486 deadline for FY 2023 Wave 25. 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 26 | 02/16/2024 |
| Wave 27 | 02/23/2024 |
- Applicants missing their Form 486 deadlines should, within a week, receive Urgent Reminder Letters from USAC providing a 15-day grace period.
- February 27 Extended invoice deadline for FY 2022 recurring service FRNs.
- February 27 Due date for reply comments on the FCC’s cybersecurity pilot NPRM ([FCC 23-92](#)).
- 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 “In Window,” Form 471s must be filed and certified by 11:59 p.m. EDT.

ACP Wind-Down Status:

One reason that the hotspot program is important for schools and libraries is that the Affordable Connectivity Program (“ACP”), that has been providing discounted internet services for low-income households, is projected to run out of money early this spring. The Emergency Connectivity Fund (“ECF”), providing free internet service for schools and libraries, is also winding down. Although legislation — the Affordable Connectivity Program Extension Act — has been introduced in Congress to provide additional ACP funding through the end of 2024, efforts for passage appear to have stalled. Meanwhile, the FCC and USAC are already operating under a schedule to shut down ACP. Last Tuesday, USAC issued its [January ACP Newsletter](#) discussing the ACP wind-down. Already, participating internet service providers have been instructed to send the first of three notices to their ACP customers alerting them to the likely program termination. Those first notices were to have been sent by January 25th. The next deadline will be this Friday, February 7th, at which point (6:00 p.m. EST) new enrollments in ACP will no longer be permitted.

We are quickly reaching the stage that passage of the Extension Act, should it even occur, would likely cause more problems than it would solve. All the more reason to get the hotspot program up and running in time for the 2024-2025 school year.

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 January’s streamlined decisions ([DA 24-85](#)), the FCC:

1. E-Rate Dismissed:
 - a. Two requests not meeting basic filing requirements.
 - b. Two Petitions for Reconsideration for failure to identify any material error, omission, or reason warranting reconsideration.
 - c. One Request for Waiver to allow the applicant to file an appeal with USAC.
2. E-Rate Granted:
 - a. One Request for Waiver granting additional time to respond to USAC invoice inquiries.
 - b. Two Requests for Waiver involving ministerial and/or clerical errors on applications and invoices.
 - c. Two Requests for Waiver for permissible service implementation delays.
 - d. Two Requests for Waiver of the appeal filing deadline.
 - e. One Request for Waiver of the special construction service delivery deadline.
3. E-Rate Denied:
 - a. Four Requests for Waiver on late-filed Form 471 applications failing to present special circumstances.
 - b. One Request for Waiver for late-filed invoices or invoice deadline extension requests failing to demonstrate extraordinary circumstances.
 - c. Two Requests for Waiver for Red Light Rule violations.
 - d. One Request for Waiver for untimely filed appeals or waiver requests for failing to demonstrate special circumstances.
4. ECF Dismissed:
 - a. One Request for Waiver deemed insufficient.
 - b. Three Requests for Waiver dismissed as moot.
 - c. One Petition for Reconsideration for failure to identify any material error, omission, or reason warranting reconsideration.
5. ECF Granted:
 - a. Two Requests for Review and/or Waiver for which a USAC error resulted in a late-filed appeal.
 - b. One Request for Waiver of the service delivery date.

USAC Emergency Connectivity Fund Newsletter for January — Program Guidance

[USAC's ECF Newsletter for January](#) (dated February 1, 2024) references recent updates to the FCC's [Emergency Connectivity Fund FAQs](#) highlighting the questions listed below. Normally, when we discuss program FAQs, we try to provide a brief summary answer. If these questions apply to your situation, we recommend reading the full answer(s) completely.

End of Program Questions:

- Q: Can a school keep connected devices and/or hotspots at the school if school is no longer remote?
- 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? (Note different answers for schools and libraries.)
- Q: Will program rules regarding limitations on the use of ECF-funded equipment continue to apply after the conclusion of the program?

Non-Usage Certifications:

- Q: What must applicants or service providers who agree to invoice on behalf of applicants do to be compliant with the non-usage certification?
- Q: If a service provider discovers that funded equipment and/or services are not being used, should they automatically allocate those costs from their requests for reimbursement and bill the applicant directly for this non-usage?
- Q: Once a funding commitment decision letter has been issued, are there any additional steps that service providers using SPI invoicing should take before starting the services and/or submitting requests for reimbursement?

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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