



- Funding Status
 - E-Rate for FY 2024
 - E-Rate for FY 2023
- Updates and Reminders
 - Upcoming Dates
 - FCC Streamlined Decisions
 - Funds For Learning’s 14th Annual E-Rate Survey

Funding Status

E-Rate for FY 2024:

Wave 2 for FY 2024 was released on Thursday, May 2nd, for \$158 million. FY 2024 funding waves have now apparently taken over the Thursday release day previously used for FY 2023 funding waves. Funding in Wave 2 included \$2.07 million for nineteen North Carolina applicants. Total funding, as of Wave 2, is \$1.13 billion including \$15.5 million for North Carolina. At this early point, USAC has already funded 63.1% of the originally submitted applications representing 36.2% of the dollars requested.

As expected, and as we indicated in last week’s newsletter, the FCC released its monthly “streamlined” appeal and waiver order for the month of April (see article below) including almost four hundred waiver decisions on late-filed applications for FY 2024.

E-Rate for FY 2023:

No funding wave was issued last week for FY 2023. Total funding remains \$2.59 billion including \$84.6 million for North Carolina. At this point, USAC has funded 98.1% of the originally submitted applications representing 94.5% of the dollars requested.

Updates and Reminders

Upcoming Dates:

- | | |
|---------|--|
| May 10 | Form 486 deadline for FY 2023 Wave 38. More generally, the Form 486 deadline is 120 days from the FCDL date or from the service start date (typically July 1 st), whichever is later. Upcoming Form 486 deadlines are: |
| | Wave 39 05/17/2024 |
| | Wave 40 05/24/2024 |
| May 28 | Extended invoice deadline for FY 2022 non-recurring service FRNs. |
| June 30 | Last day to receive FY 2023 recurring services. |

June 30	Last day to light fiber (or request an extension) for special construction projects from FY 2023.
June 30	Last day to receive ECF Window 3 services; all equipment must be received by this date.
August 29	Invoice deadline for ECF Window 3 applications.

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).

The majority of April’s streamlined decisions ([DA 24-362](#)), were devoted to the FCC’s approval of recently filed waivers for “Out of Window” Form 471s filed within two weeks of the close of the FY 2024 application window. In total, the FCC approved just over 300 waivers representing over 375 applications. By our count, that represents approximately 45% of the late applications filed by April 10th.

The FCC also granted two waivers for applications filed more than two weeks late, but within a “reasonable period,” given, in one case, a school reorganization and, in another, a documented technical problem interfacing with USAC’s online system. On the other hand, consistent with precedent, the FCC denied nine waiver requests for applications filed after April 10th. Finally, in one split decision, the FCC approved a waiver for two late-filed applications certified by April 10th but denied one filed still later.

Other streamlined decisions for April included the following:

1. E-Rate Dismissed:
 - a. Two Requests for Waiver dismissed as moot due to actions already taken by USAC.
 - b. One Request for Waiver for not meeting the FCC’s basic appeal filing requirements.
 - c. One Petition for Reconsideration for failure to identify any material error, omission, or reason warranting reconsideration.
2. E-Rate Granted:
 - a. One Request for Waiver for bidding in which the FCC determined that price had been the primary factor.
 - b. Two Requests for Waiver granting additional time to respond to USAC inquiries.
 - c. Two Requests for Review and Petitions for Waiver, submitted by both the applicant and the supplier, overturning a USAC finding of improper service provider involvement in the competitive bidding process. The issue involved a FY 2016 situation when the district, attempting to answer a question on its 470, obtained and shared an answer from its incumbent supplier. The district had argued that it did not have the technical expertise to answer the question themselves. USAC had ruled that

- this action represented improper involvement by the incumbent supplier in the competitive bidding process. The FCC, however, found “no violation of the competitive bidding rules where applicants provided evidence of no improper service provider involvement, including sworn statements under penalty of perjury that the service provider did not improperly assist with the preparation.”
- d. Five Requests for Waiver involving ministerial and/or clerical errors on applications or invoices.
 - e. One Request for Review, reversing a decision from the previous month in which the FCC had upheld a USAC decision to deny reimbursing the applicant for higher internet charges incurred for a partial month in which the applicant had increased its bandwidth. USAC had denied the higher partial month charge because such an increase could not be managed by its invoicing system. In reconsidering this invoicing decision, the FCC noted that the increased internet charge was a result of the second funding window established during COVID and directed USAC to process the partial month increase – even if USAC had to process it by hand.
3. E-Rate Denied:
- a. One Request for Waiver for failure to change an application without demonstrating “good cause.”
 - b. One Request for Review to provide funding for ineligible “extraneous equipment.”
 - c. Two Requests for Waiver for ineligible services.
 - d. Thirteen Requests for Waiver for late-filed invoices or invoice deadline extension requests.
 - e. Three Requests for Waiver for untimely filed appeals or waiver requests for failing to demonstrate special circumstances.

Funds For Learning’s 14th Annual E-Rate Survey:

For fourteen years, Funds For Learning (“FFL”) has been conducting an annual nationwide survey asking schools and libraries to contribute their opinions and experiences regarding the E-rate program. These surveys have proved to be an increasingly important source of information for Congress, the FCC, and USAC to help them evaluate the E-rate program. E-Rate Central believes that FFL’s survey is an extremely important vehicle, particularly for policymakers, to understand the needs of the E-rate community. (See our [newsletter of October 16, 2023](#).)

Here is what you need to know about the [2024 survey](#):

- It should take less than 10 minutes to complete the thirty-three questions.
- Survey results are completely confidential. Only aggregate data is reported.
- Funds For Learning, which like E-Rate Central is an E-rate consultant, does not use survey responses as a marketing tool. We are confident in the integrity of FFL’s survey process and encourage you to participate.

Last year, responses were received from approximately 10% of the E-rate applicant base. Given the importance of this survey to the entire E-rate community — applicants, service providers, administrators, and policymakers — we would like to see even greater participation this year.

Most specifically, in light of pending FCC decisions on critical E-rate issues, we urge responders to pay particular attention to:

- Question 9 on hotspot service; and
- Questions 10 and 11 on the FCC’s proposed cybersecurity pilot program.

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.

In compliance with federal law, the NC Department of Public Instruction administers all state-operated educational programs, employment activities and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability, or gender, except where exemption is appropriate and allowed by law.