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Funding Status

E-Rate for FY 2024:

Wave 7 for FY 2024 was released on Thursday, June 6th, for $60.5 million including $248 thousand for twelve North Carolina applicants. Total funding is now $1.39 billion including $52.7 million for North Carolina. At this early point, USAC has already funded 74.9% of the originally submitted applications representing 45.4% of the dollars requested.

E-Rate for FY 2023:

No additional funding wave for FY 2023 was issued last week. Total funding remains at $2.63 billion including $84.6 million for North Carolina. At this point, USAC has funded 98.3% of the originally submitted applications representing 96.4% of the dollars requested.

Updates and Reminders

Upcoming Dates:

June 14   Form 486 deadline for FY 2023 Wave 43. More generally, the Form 486 deadline is 120 days from the FCDL date or the service start date (typically July 1st), whichever is later. Upcoming Form 486 deadlines are:

Wave 44	06/21/2024
Wave 45	06/28/2024
Wave 46	07/05/2024

The first Form 486 deadline for FY 2024, for applicants funded on or before July 1st, will be October 29th. Applicants filing before July 1st should check the early filing certification box (see our newsletter of April 29th).

June 20   USAC's Beginning E-Rate Services webinar (register).

June 30	Last day to receive (or file service substitutions for) 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.
June 30	Last day for applicants to complete Funds For Learning's important annual E-rate survey (see our newsletter of May 6th).
August 29	Invoice deadline for ECF Window 3 applications.[1]

FCC Approves Cybersecurity Pilot Rules:

At its June Open Meeting last week, the FCC adopted a $200 million, three-year, Cybersecurity Pilot Program. Surprisingly, the two Republican Commissioners, who had originally expressed support for the program, dissented on the final vote citing concerns with the FCC's authority to implement the program. For a program designed to address such a serious issue as school and library cybersecurity, we would have expected a strong bipartisan, unanimous, vote of approval.

The final version of the Report and Order (FCC 24-63) could be released as early as this week. If so, it will likely track closely to the original draft Order discussed in our newsletter of May 20th. As discussed further in our newsletter of June 3rd, however, the draft version raised a series of questions that will need to be addressed, if not in the final Order, then in subsequent FCC or USAC clarifications. One key question will be the timing of the program's application process, the first stage of which we would hope would not commence until schools reopen in the fall.

Also approved in last week's FCC meeting, dealing with the cybersecurity of our national internet infrastructure, was a proposal to require the largest broadband providers to file confidential reports on the steps they have taken, and plan to undertake, to mitigate vulnerabilities in the Border Gateway Protocol (BGP), the technical protocol used to route information across the internet.

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).

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[1] The government funding bill passed in March 2024 rescinds $1.768 billion from the ECF program. As a result, the FCC and USAC are now prevented from: processing post-commitment requests to change service providers or invoicing methods; approving a commitment if an appeal or waiver is granted; or making upward commitment adjustments to resolve errors (see USAC's ECF Newsletter for June discussed in more detail below).

In May's streamlined decisions ([DA 24-482](#)), the FCC:

1. E-Rate Dismissed:
    a. One Petition for Reconsideration for failure to identify any material error, omission, or reason warranting reconsideration.
    b. Two Requests for Waiver to allow the appeals to be filed with USAC.

2. E-Rate Granted:
    a. One Request for Waiver affirming a timely filed Form 471.
    b. Two Requests for Review and/or Waiver finding that the applicants had submitted sufficient information to determine entity eligibility and remanding the applications back to USAC for review.
    c. Six Requests for Review granting the applicants additional time to respond to USAC inquiries.
    d. One Request for Waiver involving an inadvertent cancellation of a Form 471.
    e. A second large batch of Requests for Waiver of late-filed Form 471s certified within 14 days of the close of the window. In total, the FCC approved just over 140 waivers representing almost 350 applications.
    f. Five Requests for Waiver for Form 471s filed more than 14 days late due to unexpected or serious illnesses, or to a school reorganization.
    g. Five Requests for Waiver and/or Review involving ministerial and/or clerical errors.
    h. Four Requests for Waiver permitting Category Two Funding changes to bring districts within their Cat. Two budgets.
    i. Two Requests for Review and/or Waiver remanded to USAC to correct vague funding denials.
    j. Three Requests for Waiver of the appeal filing deadline.
    k. One Request for Waiver, granted in part, for late-filed Form 471s.

3. E-Rate Denied:
    a. One Request for Waiver for ineligible services.
    b. Seventy-eight Requests for Waiver (for a total of 82 applications) of late-filed Form 471s filed more than 14 days late and failing to present special circumstances justifying a waiver.
    c. Four Requests for Waiver for untimely filed appeals or waivers.

4. ECF Dismissed:
    a. One Request for Waiver dismissed as moot for which USAC had already taken the action requested.

5. ECF Granted:
    a. Four Requests for Waiver for eligible equipment delivered before the start of the approved funding period.
    b. One Request for Waiver of the ECF special construction service delivery date.

School Bus Wi-Fi Panel at STN EXPO:

The STN EXPO, sponsored by School Transportation News, held in Indianapolis last week, featured a panel with Jim Ellis, Director of Transportation for Henrico County Public Schools in Virginia, and William Huish, Transportation Supervisor for Farmington Municipal Public Schools in New Mexico, both speaking of their positive experiences with school bus Wi-Fi. A brief summary of their remarks is available online. (Please note that one comment by Mr. Huish about the ineligibility of the service for sports and activity trips refers to the situation before bus Wi-Fi became E-rate eligible in FY 2024.) A second STN EXPO, scheduled for Reno next month, is expected to feature bus Wi-Fi remarks in the keynote remarks by Keith Krueger, CEO of the Consortium for School Networking ("CoSN"). Quite correctly, in our view, the new E-rate eligibility of Wi-Fi equipment and services on school buses is generating considerable interest among school transportation officials.

USAC Emergency Connectivity Fund Newsletter for June — ECF Funding Rescission

USAC's ECF Newsletter for June highlights an important update to the FCC's list of Emergency Connectivity Fund FAQs regarding the impact of last March's General Appropriation Act, 2024, that included a rescission of ECF funding. "Because of this rescission, the FCC is constrained in its ability to make changes to existing funding commitments and obligate any new funds for any reason, including to resolve an appeal." For ECF applicants with pending (or yet to be submitted) post-commitment changes, this may become a limiting factor. Specifically:

- USAC and the FCC will be prevented from:
    - Processing post-commitment requests to change service providers.
    - Processing post-commitment requests to change invoicing modes.
    - Approving funding requiring an appeal or waiver.
    - Adjusting funding upwards to resolve errors.

- Conversely, USAC and the FCC will still be able to process post-commitment requests that do not involve increases in committed amounts such as:
    - Changes in service start and end dates.
    - Changes in UEI and TIN identification numbers.
    - Service/equipment substitutions.
    - Commitment reductions and cancellations (recommended if not needed).
    - Recovery of funds.

Related FAQs discussing the impact of the rescission include:

Q: Will I need to return ECF disbursements I have already received?
Short answer: No.

Q: If I already have a funding commitment, can I continue to submit invoices?
Short answer: Yes.

Q: Are there any pending applications that will be affected?

Short answer: No (all ECF applications have been processed).

Q: What happens if I have to file an appeal or waiver request?
Short answer: OK to file but new commitments cannot be made.

Q: Do any of the deadlines associated with the sunset of the ECF program change?
Short answer: No.

June's ECF Newsletter also discusses:

- Returning Funds.
  - Cancelling or reducing a commitment.
  - Voluntarily returning disbursed funds.
- Inappropriate Service Provider Solicitations.
- Invoice Reminders.
  - Invoice filing deadline.
  - Reimbursement reminders.
  - Payment verification.
- Program Compliance and Other Friendly Reminders.