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## Funding Status

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

Wave 28 for FY 2024 was released on Thursday, October 31<sup>st</sup>, for \$21.9 million including \$206 thousand for one North Carolina applicant. Total funding is now \$2.34 billion including \$66.8 million for North Carolina. Currently, USAC has funded 96.0% of the originally submitted applications, representing 78.8% of the dollars requested.

## Cybersecurity Form 484 Part 1 Application Window Closed

The Form 484 Part 1 application window closed last Friday night at 11:59 p.m. EDT. Based on these applications, the FCC will decide which applicants will be selected as full participants in the FCC's three-year, \$200 million Cybersecurity Pilot Program. We expect that this selection process will take at least two months after which the FCC will issue a Public Notice announcing the ongoing Pilot participants. As an initial step, USAC appears to be conducting a review of submitted forms for completion and internal consistency. The status of many certified Form 484 Part 1 applications, some shown earlier as "Review Complete," have reverted to "In Review."

Looking at Form 484 Part 1 applications numbers, that appeared to have been assigned sequentially, we estimate that almost 4,750 applications were initiated during the open window period. Because of applications "Canceled" or marked "Incomplete" when the window closed, this number overestimates the number of certified Form 484 Part 1 applications received. Whether or not the FCC will waive the filing deadline for applicants missing the November 1<sup>st</sup> deadline due to "extraordinary circumstances" is unknown at this time.

Applicants reviewing their certified applications online should note that PDF copies do not show attachments, if any. Note also that, unlike E-Rate, there does not appear to be anyway to submit RAL corrections pending PIA review. At best, the only way to provide additional application

information to USAC through the EPC portal is to submit a Customer Service Request through the Contact Us feature on the EPC Landing Page. There is no Contact Us access from the CBR Dashboard.

## Updates and Reminders

### *Upcoming Dates:*

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|------------|--|
| November 4 | Due date for reply comments on the Further Notice of Proposed Rulemaking (“FNPRM”) on the FCC’s recent hotspot order ( <a href="#">FCC 24-76</a> ).  |
| November 7 | Form 486 deadline for FY 2023 Wave 58. More generally, the Form 486 deadline is 120 days from the FCDL date, or the service start date (typically July 1 <sup>st</sup> ), whichever is later. The next Form 486 deadlines for FY 2023 are:<br>Wave 59                      11/14/2024<br>Wave 60                      11/21/2024 |
| November 8 | Form 486 deadline for FY 2024 Wave 12. Upcoming Form 486 deadlines for FY 2024 are:<br>Wave 13                      11/15/2024<br>Wave 14                      11/22/2024  |

### *FCC Tribal Library E-Rate Advocacy Program:*

Last week, the FCC [announced](#) the creation of the Tribal Library E-Rate Advocacy Program (T-LEAP) as a follow-up to its earlier Tribal Libraries Pilot Program. The earlier program had targeted E-Rate assistance for Tribal libraries during funding years 2023 and 2024. The new program will give interested Tribal libraries the opportunity to sign up for one-on-one assistance on the E-Rate application process beginning with FY 2025. Interested Tribal libraries can sign up for T-LEAP now [online](#).

### *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 to 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 ([DA 24-1108](#)), the FCC:

1. E-Rate Dismissed:
  - a. One Request for Review dismissed for failure to comply with the FCC’s basic filing requirements.
  - b. One Petition for Reconsideration for failure “to identify any material error, omission, or reason warranting reconsideration”.
  - c. Three Requests for Review to allow appeals to be filed with USAC.
2. E-Rate Granted:

- a. Three Requests for Waiver remanding applications to USAC permitting the submission of discount rate information.
  - b. One Request for Waiver remanded to USAC for a determination of eligibility based on “new evidence provided on appeal.”
  - c. One Request for Waiver granting a Tribal library additional time to file a Petition for Reconsideration.
  - d. One Request for Review involving the timely filing of an invoice deadline extension request.
  - e. One Request for Waiver for a late-filed Form 486 “where the applicant demonstrated good cause for the late filing.”
  - f. One Request for Review and/or Waiver when the applicant was able to demonstrate that price was a primary factor in a vendor’s selection.
  - g. Four Requests for Waiver involving ministerial and/or clerical errors resulting in incorrect or missing Form 471 information.
  - h. Three Requests for Waiver on service substitutions including one case denying a request for additional funding.
  - i. Three Requests for Waiver involving USAC decisions released after invoice deadlines.
  - j. One Request for Waiver for appeals and waivers filed “only a few days late.”
  - k. One Request for Waiver of the special construction service delivery deadline.
3. E-Rate Denied:
- a. One Request for Waiver on competitive bidding when no Form 470 was filed on an eligible service.
  - b. Five Requests for Waiver for late-filed Form 471 applications where the applicants failed to present special circumstances justifying a waiver.
  - c. Eighteen Requests for Review or Waiver for late-filed invoice or invoice deadline extension requests.
  - d. One Request for Waiver for ministerial and clerical errors not supported by the source documentation.
  - e. Twenty Requests for Review or Waiver for untimely filed appeals or waivers.

### **USAC E-Rate News Brief Dated October 29 – Administrative Window Tips**

[USAC’s E-Rate News Brief dated October 29, 2024](#), provides several tips on actions to take while the administrative window is open, most importantly how to add a new entity. It also reviews the key aspects to check on existing entities.

The News Brief also covers:

- Relief provided for program participants located in disaster areas affected by Hurricanes Helene and Milton.
- How to update EPC Account Administrators.
- Upcoming training and outreach resources.

## USAC Emergency Connectivity Fund Program Newsletter Dated October 31

[USAC's ECF Program Newsletter dated October 31, 2024](#), provides the following three FAQs on the congressional ECF funding recession that, while partially resolved, continues to impact what USAC can and cannot do on pending ECF issues:

**Q: What is the status of the rescission following the August 29, 2024 invoice filing deadline?**

A: The FCC satisfied the rescission in mid-September by returning the full \$1.768 billion to the U.S. Treasury. The FCC and USAC were then able to proceed with resolving appeals, requests for waivers, and other post-commitment transactions.

**Q: What impact does the continuing resolution (CR) have on the ECF program?**

A: The continuing resolution (CR) that went into effect on October 1, 2024, means the FCC cannot make any new commitments from ECF funding until Congress adopts a government funding bill for fiscal year 2025. This again restricts the FCC's ability to make certain changes to existing funding commitments and in obligating any new funds, including to resolve an appeal, waiver request, or other post-commitment transaction. The CR has the effect of extending the fiscal year 2024 funding levels put in place by the government funding bill passed in March 2024, and also extends the rescission of \$1.768 billion from the ECF program. Even though the FCC has returned the full rescinded amount, without a new funding bill for fiscal year 2025, the FCC remains constrained by the ECF rescission and is prohibited from making any new commitments from the ECF funding while the CR is in effect.

**Q: When can ECF appeals and post-commitment requests be processed?**

A: The restrictions on making new commitments from ECF funding should be lifted if Congress passes a government funding bill for fiscal year 2025. It is expected that the FCC and USAC will be able to resume processing appeals, requests for waivers, and other post-commitment transactions for the ECF program at that time.

The News Brief also covers:

- Reminders for applicants and service providers with pending reimbursement requests.
- Applicant verification of service provider payments.
- ECF program compliance.

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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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