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## Funding Status – FY 2016

Wave 36 for FY 2016 was released last Thursday, March 2nd, for a total of \$81.3 million which was almost double Wave 35. Roughly 485 FCDLs were issued in Wave 36. Funding for North Carolina was \$216 thousand for four applicants. Cumulative national funding through Wave 36 is \$2.3 billion. Wave 37 is scheduled to be released on Thursday, March 9th.

## Form 471 Filing Window Open

Last week we reported that the Form 471 Application Filing Window opened on Monday, February 27<sup>th</sup>. The Form 471 filing window is scheduled to close on Thursday, May 11<sup>th</sup>.

The last day to file a Form 470 while fulfilling the required 28 day waiting period prior to submitting the Form 471 is April 13<sup>th</sup>.

## Form 486 Urgent Reminder Letters Update

Last week in our [newsletter of February 27th](#), we reported that USAC is beginning to issue Form 486 Urgent Reminder Letters. The first batches of Urgent Reminder Letters were issued on Sunday, February 26<sup>th</sup>. There are multiple reports of erroneous Urgent Reminder Letters having been issued when certified Form 486s are on file with USAC. We are aware of two specific scenarios in which applicants have received unnecessary Urgent Reminder Letters and they are:

1. The Form 486 was certified 120 days after the date of the FCDL
2. A Form 486 was refiled to correct an error, such as correcting the CIPA compliance selection

USAC was notified of these occurrences and has since stopped issuing Urgent Reminder Letters until a fix is implemented.

## E-Rate Updates and Reminders

### *Upcoming 2017 E-Rate Deadlines:*

March 7 Form 486 deadline for FY 2016 funding committed in Wave 20. More generally, the Form 486 deadline is 120 days from the FCDL date or the service start date (often July 1<sup>st</sup>), whichever is later. This means that Form 486 deadlines for funding commitments received in later waves will follow at roughly one week intervals, including the following March-April deadlines:

Wave 21	03/17/2017
Wave 22	03/21/2017
Wave 23	03/28/2017
Wave 24	04/04/2017

Applicants missing these (or earlier) deadlines should watch carefully for “Form 486 Urgent Reminder Letters” (actually emails directing the applicants to EPC News Feed items). The Reminders will afford applicants with 15-day extensions from the date of the emails to submit their Form 486s without penalty (see [USAC News Brief of November 4<sup>th</sup>](#) and our summary above).

## FCC Decision Watch

The FCC issued its latest monthly set of “streamlined,” precedent-based decisions in Public Notice [DA 17-198](#). In summary, the FCC:

1. Dismissed:
  - a. Four Requests for Waiver, which the FCC treated as appeals, but which should have been filed first with USAC.
  - b. Eight Petitions for Reconsideration for failing to identify any material error, omission or reason warranting reconsideration, and relying on arguments that have been fully considered and rejected by the Bureau.
  - c. One Petition for Reconsideration for filing more than 30 days after the Bureau’s decision.
2. Granted:
  - a. One Request for Reconsideration waiving the price as the primary factor requirement when the lowest cost solution was selected.
  - b. One Request for Review where the applicant filed a single FCC Form 470 which established the competitive bidding for multiple FRNs and multiple service providers. It was discovered that one vendor had improper involvement during the competitive bidding process. USAC denied all of the FRNs whose contracts or legally binding agreements referenced the Form 470. The applicant successfully made the case that one service provider’s wrongdoing did not invalidate other bona fide requests resulting from the same Form 470.

- c. One Request for Waiver for filing an appeal only a few days late.
  - d. Two Requests for Review and/or Waiver where it could not be determined that price was the primary factor but the applicant selected the lowest priced option and there was no evidence of waste, fraud or abuse.
3. Denied:
- a. Two Requests for Review and/or Waiver for failing to conduct a fair and open competitive bidding process. The applicant provided detailed information to a service provider and worked with the service provider prior to the start of the competitive bidding process.
  - b. One Request for Waiver for violating the 28-day competitive bidding rule.
  - c. Nine Requests for Waiver of the invoice deadline extension request rule.
  - d. Four Requests for Waiver of the Form 471 filing deadline.
  - e. Eight Requests for Review and/or Waiver which were filed untimely (within 60-day of the decision).

In addition, the FCC voted to [protect small businesses from needless regulation](#). While this is not an E-rate related decision, it is worthwhile to note that it appears the Commission is taking steps to simplify reporting requirements. This specific decision is aimed to help out “mom and pop” Internet Service Providers (“ISPs”) with less than 250,000 broadband connections from being unduly burdened with reports. The Office of Management and Budget (“OMB”) calculated this reporting to take approximately 64 hours annually. This was issued despite a [dissent](#) from Democratic Commissioner Mignon Clyburn citing that this Order will protect billion dollar companies. She claimed that some of these billion dollar companies are structured as holding companies comprised of smaller subsidiaries which are now exempt from the reporting requirements.

### **USAC News Brief Dated March 3 – Preliminary FY 2017 Application Window Tips**

USAC’s [Schools and Libraries News Brief of February 24, 2017](#), provides the following application filing tips and reminders for FY 2017:

- Reminders for Submitting Fiber Requests on the FCC Form 470
  - See our [newsletter of February 13<sup>th</sup>](#) for our comments on USAC’s guidance.
- Form 471 Application Window Filing Reminders
- Update on Post-commitment Review Processes
  - Reviews are underway for Appeals, Service Substitutions and SPIN Changes.

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*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.*

*For further information, follow E-Rate Central on Twitter, Facebook, and LinkedIn.*   

*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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