

E-Rate Central News for the Week of May 1, 2017

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Funding Status – FY 2016

Wave 44 for FY 2016 was released last Thursday, April 27th for a total of \$47.9 million. There was one applicant in North Carolina funded for \$200 thousand in this wave. Cumulative national funding through Wave 44 is \$2.50 billion, including \$98.3 million for North Carolina. Wave 45 is scheduled to be released on Thursday, May 4th.

Special Construction Inquisition, cont.

Last week’s [newsletter of April 24th](#) and the [newsletter of April 17th](#), discussed a series of questions sent to applicants who filed for special construction of lit, dark, or self-provisioned fiber. The initial deadline to submit responses to these questions is Monday, May 1, 2017.

If you are unable to respond to the inquiry by Monday May 1, 2017, submit a request for an extension to SL-SETeam@usac.org. In submitting a request for an extension you should indicate why an extension is needed, such as waiting for information from the vendor. USAC should automatically grant a seven day extension, but other extensions will be harder to get. However, we suspect USAC will grant additional extensions as long as the applicant is working in good faith to respond to the inquiries. If a second extension is needed we strongly encourage you to provide a partial response to the questions to demonstrate your good faith effort. As with any extension request, you should ask for confirmation that the extension has been granted by USAC.

We have heard of several instances where applicants have requested extensions from USAC, but have not received confirmation that the extension has been granted. With the deadline on Monday this is very disconcerting for these applicants. We are hopeful USAC will announce that any requested extensions will be granted, especially with less than two weeks to go in the FY 2017 filing window.

Finally, we have heard that some applicants receiving lit fiber through regulated companies are unable to provide some of the information requested in the inquiry because their service providers claim the customer information would violate the FCC’s own requirements regarding sharing Customer Proprietary Network Information (CPNI). These regulated carriers are also concerned that the inquiries are asking for confidential pricing and costing information that, understandably, they are hesitant to share with applicants. One low cost solution to this problem is for the FCC or USAC, as the regulatory agency over these service providers, to work directly with the service providers to get the information they believe they need. This would work better than forcing applicants into the uncomfortable position of trying to get sensitive information from their service providers.

Updates on USAC’s E-Rate Productivity Center and Legacy System

Pro-active USAC Outreach for “Stuck” Applications:

A variety of EPC issues are currently preventing under 400 applications from being processed. USAC has issued the following letter to those affected applicants:


**Universal Service
Administrative Co.**

**Schools and Libraries (E-rate)
Program**

usac.org/sl

Update on Your Fund Year 2016 E-rate Application

Dear Applicant:

We’d like to provide an update on your Fund Year (FY) 2016 E-rate application. As you know, FY2016 has been an extremely difficult year for the E-rate community as a result of the challenges USAC has experienced implementing the E-rate Productivity Center (EPC). While we have worked through the majority of the issues, the system is still impeding our ability to process and make commitments on certain applications, including yours.

We sincerely apologize for these issues and are doing all we can to resolve them as quickly as possible. We understand how critical E-rate funds are to program participants and are committed to full transparency and support as we complete our review process for your application.

More specifically, we are working to resolve a technical issue that prevents further processing of your application. The issue is in not indicative of any substantive challenges with this application, which would be identified and communicated upon completion of the review process or any actions taken by you when filing this application.

It is anticipated that we will resolve the technical issue(s) in mid-May 2017 and then your application will be available to our review team to complete processing.

We understand delays may result in unforeseen difficult situations. Please communicate with us electronically by sending an e-mail to SL-SETeam@usac.org. Include your FY2016 FCC Form 471 number and a summary of your situation. We’ll confirm receipt and follow-up with you regarding any possible next steps.

Again, we apologize for the delays and assure you we are working diligently to resolve the issue. Thank you for your patience and understanding.

Sincerely,

The Schools and Libraries (E-rate) Program
Universal Service Administrative Company

FCC Form 471 Application Number	
%%Additional_%%	

We hope that USAC will provide additional information on those applications for which review is completed and whose decision is pending only the release into a funding wave.

Foreshadowing the FCDL with an email stating the decision would further USAC’s commitment to transparency. We recognize this could pose some additional challenges such as whether or not an applicant can appeal an adverse decision prior to the release of the FCDL but at this late stage in the year, with close of the FY 2017 window and June 30th rapidly approaching, any additional information that can be shared by USAC is valuable.

RFCDLs and Other EPC Updates:

Our [newsletter of April 17th](#) discussed the first release of the Revised Funding Commitment Decision Letters (“RFCDLs”) for FY 2016. This past week, USAC has updated the FRN Status Tool (“FST”) to include the date, the “Appeal Wave Number”, and the “Revised FCDL Date”.

Appeal Wave Number	Revised FCDL Date
3	4/18/2017
3	4/18/2017
3	4/18/2017
3	4/18/2017
4	4/25/2017

The column heading “Appeal Wave Number” is consistent with past Data Retrieval Tool (“DRT”) headings despite the RFCDL now encompassing decisions on non-appeal events like service substitutions and SPIN changes. In fact, the first four “Appeal Waves” have had no appeal decisions rendered. We are very happy to report that USAC will be adding two more columns to the FST. While the exact column headings are not known, the two additional data points are the RFCDL comments and rationale. This resolves E-Rate Central’s concern cited in our [newsletter of April 17th](#).

In addition, USAC has updated the Form 471 Download Tool and Search Commitments Tool. Both tools now feature “current data” which reflects RFCDL decisions on appeals, service substitutions and SPIN changes. Note: this update does not apply to legacy tools such as the DRT which does not contain FY 2016 data.

E-Rate Updates and Reminders

Upcoming 2017 E-Rate Deadlines:

- May 1 Deadline for 2016 applicants, who received questions from USAC regarding extra fiber strands, to respond to USAC. Those who need more time should request an extension as described above.

- May 4 Form 486 deadline for FY 2016 funding committed in Wave 28. More generally, the Form 486 deadline is 120 days from the FCDL date or the service start date (often July 1st), 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 deadlines:

Wave 29	05/09/2017
Wave 30	05/19/2017
Wave 31	05/30/2017
Wave 32	06/02/2017

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.

- May 11 Last day of the Form 471 filing window for FY 2017. The window closes at 11:59 p.m. EDT.
- June 30 Last day to file for a [Special Construction Deadline Extension Request](#) and last day to receive FY 2016 recurring services.

FCC Decision Watch:

The FCC issued another set of “streamlined,” precedent-based decisions in Public Notice [DA 17-385](#). In summary, the FCC:

1. Dismissed:
 - a. Five Requests for Review that, as appeals, should have been filed first with USAC.
 - b. Five Requests for Waiver related to difficulties filing BEAR forms appearing to be moot following USAC’s FY 2015 Invoice deadline Extension Notifications in late March 2017 (see our [newsletter of April 3rd](#)).
 - c. Three Requests for Waiver deemed as moot for fully-disbursed FRN invoices.
 - d. Four Petitions for Reconsideration deemed to rely on arguments already fully considered and rejected by the FCC.
2. Granted:
 - a. Two Requests for Review and/or Waiver involving one district’s competitive bidding practices practically, but not technically, evaluating only the price of eligible services as the primary bid selection criteria.
 - b. Three Requests for Waiver requesting the correction of typographical errors.
 - c. Four additional Requests for Waiver for applicants who had been unable to file timely invoices for FY 2015.
 - d. One Request for Waiver providing a Service Delivery Extension.
3. Partially denied:
 - a. One Request for Review involving the selection of some equipment that had not been competitively bid.

4. Denied:
 - a. Eighteen more Requests for Waiver for invoice deadline extensions.
 - b. Eight late-filed Requests for Waiver.

USAC News Brief Dated April 28 – FY 2017 Application Filing Window Reminders

[USAC's Schools and Libraries News Brief of April 28, 2017](#), provides the following application filing window reminders for FY 2017.

- FCC Form 470 and competitive bidding
 - What is the 28-day waiting period?
 - Is a Request for Proposal (RFP) required?
 - What if I missed the April 13 deadline?
 - I'm not getting any bids. Can I solicit bids?
 - I am a service provider. How do I respond to FCC Forms 470/RFPs that I'm interested in?
- Contracts
 - Am I required to have a contract?
 - How do I enter my contract details in my FCC Form 471?
 - I exercised a voluntary extension to my existing contract for service through June 30, 2018. Do I have to create a new contract record?
- EPC access
 - I am a new user and I have not received my email to log in to EPC. What do I do?
 - Can I update the answers to my connectivity questions even though EPC profiles are locked?
- FCC Form 471
 - My urban/rural status is incorrect. How do I fix it?
 - I can't change my student counts in my profile. What should I do?
 - I exited my FCC Form 471 without completing it. How do I get back to my form?
 - Why can't I certify my FCC Form 471?
 - How do I correct information on my FCC Form 471 after it is certified?
 - What if I miss the May 11 deadline?
- Document retention
 - What competitive bidding documents do I need to keep?
 - What documents related to my FCC Form 471 do I need to keep?
 - How long do I need to keep documents?

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 the SLD, 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.

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. Please include your name, organization, telephone, and e-mail address.

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