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USAC News Brief Dated January 3 – Form 470 Reminders

## **Funding Status – FY 2019 and FY 2020**

### *FY 2019:*

USAC released Wave 40 for FY 2019 on Thursday, January 2<sup>nd</sup>. Funding totaled \$16.8 million, none for North Carolina. Cumulative commitments through January 2<sup>nd</sup> are \$2.08 billion including \$74.7 million for North Carolina.

### *FY 2020:*

The Form 471 application window will open at noon on Wednesday, January 15<sup>th</sup>, and will close at 11:59 p.m. EDT on Wednesday, March 25<sup>th</sup>.

The FY 2019 administrative window, which is currently open, will close shortly before the application window opens. At that point, EPC entity profiles will be locked for the duration of the Form 471 application.

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

Last week’s USAC News Brief, referenced and discussed below, also reviews several important EPC topics.

### *Pending Inquiries Grids:*

The new “Pending Inquiries” list on the EPC landing page permits applicants and consultants to review and sort pending USAC inquiries. State E-Rate Coordinators will have Pending Inquiries grids added to their landing pages sometime in the future.

USAC noted that some pending inquiry notices are showing up on landing pages after the response deadlines for those inquiries have passed — indeed, sometimes after applications have already been approved. USAC acknowledges that this is a known problem and is working to correct it. Users are encouraged to check the due date on pending inquiries before beginning work on them.

### *County Designations:*

When a user updates an entity address, or creates and/or updates an annex address, EPC will automatically populate the County field associated with that address. If the system-generated county name is wrong, the user now has the ability — as long as the administrative window is open (which will not be much longer) — to manually correct the field. County address changes after the administrative window closes may be made by filing a customer service case or calling the Client Service Bureau (“CSB”) at 888-203-8100.

### *Updating Account Administrators:*

Some applicants intending to update their EPC profiles before the administrative window closes are realizing that their listed account administrator designations are no longer current. The USAC News Brief referenced below contains instructions for updating an EPC account administrator position. Additional information is available in a “Modify Your Account Administrator” [video](#).

## **E-Rate Updates and Reminders**

### *Upcoming E-Rate Dates:*

- |                   |   |         |            |         |            |         |            |
|-------------------|---|---------|------------|---------|------------|---------|------------|
| January 10        | Form 486 deadline for FY 2019 funding committed in Wave 24. 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. Other upcoming Form 486 deadlines are:<br><table><tbody><tr><td>Wave 25</td><td>01/17/2020</td></tr><tr><td>Wave 26</td><td>01/24/2020</td></tr><tr><td>Wave 27</td><td>01/31/2020</td></tr></tbody></table> | Wave 25 | 01/17/2020 | Wave 26 | 01/24/2020 | Wave 27 | 01/31/2020 |
| Wave 25           | 01/17/2020  |         |            |         |            |         |            |
| Wave 26           | 01/24/2020  |         |            |         |            |         |            |
| Wave 27           | 01/31/2020  |         |            |         |            |         |            |
| January 10 (est.) | Close of the administrative window permitting applicants to update their EPC entity profiles.   |         |            |         |            |         |            |
| January 15        | Form 471 application window for FY 2019 opens at noon EST.  |         |            |         |            |         |            |
| January 21        | USAC webinar on <a href="#">Category 2 Budgets</a> .  |         |            |         |            |         |            |
| January 28        | Invoice deadline — or deadline for requesting a 120-day extension — for FY 2018 non-recurring services.   |         |            |         |            |         |            |
| February 3        | Due date for submitting comments to the FCC’s Notice of Proposed Rulemaking (“NPRM”) regarding national security threats ( <a href="#">FCC 19-121</a> ). Reply comments are due March 3 <sup>rd</sup> .   |         |            |         |            |         |            |
| February 25       | Extended invoice deadline for FY 2018 recurring services.   |         |            |         |            |         |            |

February 26	Last day to file a Form 470 to meet the minimum 28-day posting requirement prior to the close of the FY 2020 Form 471 application window.
March 25	Close of the Form 471 application window for FY 2020 at 11:59 p.m. EDT.

*FCC Decision Watch:*

The FCC issued another set of “streamlined” precedent-based decisions ([DA 19-1279](#)) on December 30<sup>th</sup>. 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 waiver requests can be found online in the FCC’s [Search for Filings](#) under Docket 02-6.

In December’s streamlined decisions, the FCC:

1. Dismissed:
  - a. One Request for Waiver and/or Review deemed moot because the FCC was denying a separate appeal on the same application.
  - b. One Request for Waiver for non-compliance with the FCC’s basic filing requirements.
  - c. Two Petitions for Reconsideration deemed untimely or not to have provided any additional information wasn’t already considered by the FCC.
2. Granted:
  - a. One Request for Review involving an incorrect Service Start Date on a Form 486.
  - b. One Request for Waiver for a late-filed Form 471 “filed within a reasonable period after the close of the filing window despite delays beyond its control.”
  - c. Eight Requests for Review and/or Waiver involving ministerial and/or clerical errors including two involving FRNs omitted from Form 471s.
  - d. One Request for Waiver and/or Review when the actual contract was signed after the submission of the Form 471 (in place of a previous-signed legally binding agreement).
  - e. One Order on Reconsideration reassigning the responsible party for the recovery of improperly disbursed funds from the applicant to the service provider.
  - f. Four Requests for Waiver of late-filed waiver requests filed within “a reasonable time.”
3. Denied:
  - a. One Request for Review for the failure to respond to multiple PIA requests to adequately provide documents.
  - b. Two Requests for Waiver for the failure to file Form 470s for the correct funding year.
  - c. Sixteen Requests for Review (for eight applicants) for failure to file RFPs for the required 28-day minimum even if the associated Form 470s were properly posted.
  - d. One Request for Waiver for a late-filed Form 486.

- e. Two Requests for Review and/or Waiver, one from the applicant and one from the service provider, for improper service provider involvement in the district's technology plan (FY 2012 application).
- f. One Request for Review and/or Waiver concerning intentionally canceled funding.
- g. Nine Request for Waivers for invoice deadline extension requests.
- h. One Request for Waiver for a late-filed Form 471.
- i. Five Requests for Waiver and/or Review for ministerial and/or clerical errors.
- j. Seven Requests for Waiver and/or Review for relying on Form 470s that did not seek bids on the types of services that were later requested.
- k. Five Requests for Waiver of late-filed appeals or waivers.

### *Comment Period Set for FCC's National Security Threats NPRM:*

The FCC's Report and Order and Further Notice of Proposed Rulemaking ([FCC 19-121](#)) entitled "Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs" was published in the *Federal Register* last Friday. Publication of the [NPRM portion](#) established a due date for comments of February 3<sup>rd</sup>; reply comments are due March 3<sup>rd</sup>.

As discussed in our [newsletter of December 2<sup>nd</sup>](#), the Report and Order portion of FCC 19-121 specifically prohibits E-rate funding for Huawei and ZTE equipment and services as of FY 2020. The NPRM portion, dealing primarily with additional requirements by Eligible Telecommunications Carriers ("ETCs") to remove and replace existing Huawei and ZTE equipment, proposes to exempt schools and libraries from any requirement to remove such equipment.

Applicants who have yet to file Form 470s and RFPs for FY 2020 may want to include language in their bid packages disqualifying any bidders not willing to certify compliance with the new rules. Contracts for equipment and services should likewise specify compliance.

### **USAC News Brief Dated January 3 – Form 470 Reminders**

[USAC's Schools and Libraries News Brief of January 3, 2020](#) briefly discusses the following Form 470 reminders:

- Applicants must certify a Form 470 to open their competitive bidding process.
- The Form 470 must be filed online in EPC.
- Some information must be completed in the organization's EPC profile before a program form can be filed.
- If Request for Proposal ("RFP") and/or other RFP documents are issued, they must be uploaded to the Form 470 in EPC.
- Form 470 filers will receive Receipt Notification Letters ("RNLs") in their EPC News feed shortly after their forms are certified, and service providers will be able to review those forms and upload attachments.

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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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