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Funding Status – FY 2020 and FY 2021

FY 2020:

Wave 44 for FY 2020 was released on Thursday, February 25th, for a total of \$9.65 million, none for North Carolina. Cumulative commitments are \$2.25 billion including \$72.6 million for North Carolina. Nationwide, USAC has now funded 97% of the FY 2020 applications representing 82% of the requested funding.

FY 2021:

USAC opened the FY 2021 Form 471 application window on Friday, January 15th. The window will close on Thursday, March 25th, at 11:59 p.m. EDT. February 25th was the last possible day to file a Form 470 for FY 2021 and still meet the required 28-day posting requirement. Applicants who missed the Form 470 deadline (or the invoice deadline on the same day) should read last Friday’s USAC News Brief referenced below.

FCC Adopts Emergency Broadband Benefit Order

The FCC issued its Emergency Broadband Benefit (“EBB”) Order ([FCC 21-29](#)) last Friday with the plan to have the program up and running in less than 60 days. The EBB program (a \$3.2 billion component of the Consolidated Appropriations Act, 2021) will provide discounts¹ on internet service of up to \$50/month (\$75/month in Tribal areas) for low-income households (see our [newsletter of December 28th](#)).²

¹ Discounts will be available for six months following the “emergency period,” as determined by the Secretary of Health and Human Services, or until the EBB funding is depleted.

² Discounts up to \$100 per family are also available on connecting devices subject to certain conditions that may require further clarification.

Although EBB is not an E-rate program, the FCC strongly encourages schools and libraries to play a major role in the promotion of EBB on behalf of their low-income students and patrons. There are several possible levels of participation.

- At the simplest level, schools and libraries can reach out to low-income families — particularly those with students requiring internet access for remote learning — to alert them to the availability of EBB internet discounts. Eligible families already subscribing to internet services need to make sure that their internet provider will be participating in EBB. Families without internet should be encouraged to subscribe to discounted internet services.
- Schools, in particular, can work with local internet providers to: (a) encourage the providers' election to participate in the EBB program; (b) identify needy students; and (c) help EBB providers in validating family eligibility. Validation will be important to participating providers, who have access to a Lifeline National Verifier database, but who can also rely on schools to verify NSLP (or CEP) eligibility.

Most importantly, schools (or libraries) that are already paying for home internet access for eligible student (or staff) families — or that are prepared to do so — can lower the cost of those services and/or increase bandwidth by taking advantage of the EBB discounts. The key provision of the EBB Order dealing with “bulk” billing arrangements is addressed in Para. 45. Note that an EBB provider in these cases is required to obtain (and retain) documentation from the families, either directly or more likely through the bulk purchaser (school or library), consenting to the use of those families' EBB discounts in this manner.

As discussed in recent newsletters dealing with EBB comments to the FCC, we considered the provision of EBB rules permitting discounts on bulk internet subscriptions by schools and libraries to be of great importance. We appreciate all the comments submitted by schools, libraries, and educational organizations to make this point clear to the FCC. Congratulations to all! Let's hope we can do equally as well in the E-rate remote learning docket discussed below.

E-Rate Remote Learning Reply Comments

Last Tuesday, February 23rd, was the FCC deadline for submitting reply comments on Docket 21-31, “Addressing the Homework Gap through the E-Rate Program.” As with the initial comments, virtually all the reply comments supported the underlying [SHLB petition](#) to include remote learning as an “educational purpose” for E-rate funding, to open a second application window this Spring, and to eliminate the current cost-allocation requirement for off-campus internet services. In addition, and in line with a subsequently-filed [CoSN petition](#), some reply comment filers urged the FCC to extend E-rate funding to cybersecurity equipment and services.

Here are web links to some of the more important and/or interesting³ reply comments:

- [Council of the Great City Schools](#)

³ As one indication of the breadth of comments filed re. E-rate and remote learning, see the reply comments of the [National Football League](#) in support of the earlier initial comments by the [Players Coalition](#).

- [Education and Civil Rights Organizations](#)
- [EducationSuperHighway](#)
- [National School Boards Association \(“NSBA”\)](#)
- [Public Interest Organizations](#)
- [State Attorney Generals](#) (30 states and territories including North Carolina)
- [State of Nevada](#)

As we indicated in last week’s newsletter, we believe the FCC’s leadership intends to provide some E-rate support for remote learning. How much support would depend largely upon how much additional E-rate funding can be made available over the next year. At the upper end, funding may depend upon Congress and additional COVID relief funding. The proposed new COVID-19 Reconciliation package in the House includes \$7.6 billion (non-USF funding) for the E-rate program. Without non-USF appropriations, the additional E-rate funding for remote learning and/or cybersecurity, if approved, may be no more than \$1-3 billion.

E-Rate Updates and Reminders

Upcoming E-Rate Dates:

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| March 5 | Form 486 deadline for FY 2020 covering funding committed in Wave 28. More generally, the Form 486 deadline is 120 days from the FCDL date or the service start date (typically July 1 st), whichever is later. Upcoming Form 486 deadlines are: |
| | Wave 29 03/12/2021 |
| | Wave 30 03/19/2021 |
| March 25 | The FY 2021 Form 471 application window will close at 11:59 p.m. EDT. |

House Passes COVID “American Rescue Plan:”

Late Friday, the U.S. House of Representatives passed the \$1.9 trillion “American Rescue Plan Act of 2021” COVID relief bill ([H.R. 1319](#)) containing FCC funding to expand the E-rate program to support off-campus remote learning. Sec. 3312 of the bill, as written, would:

- Establish a \$7.599 billion Emergency Connectivity Fund, available through September 30, 2030, independent of the Universal Service Fund (“USF”).
- Cover 100% of the cost of advanced telecommunications services and eligible equipment (WiFi hotspots, routers and modems, and connected devices) in amounts to be determined by the FCC for use by school or library students, patrons, and staff “at locations other than” the school or library (i.e., off-campus).

Recognizing that such legislation would still have to be approved in the Senate and signed by the President — this is not the first time that the House has proposed additional E-rate funding during the pandemic — the House bill, at the very least, may spur FCC action on the use of existing E-rate funding to support remote learning.

FCC Streamlined Decisions:

The FCC issued another set of “streamlined” precedent-based decisions ([DA 21-215](#)) 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 waiver requests can be found online in the FCC’s [Search for Filings](#) under Docket 02-6.

In February’s streamlined decisions, the FCC:

1. Dismissed:
 - a. Two Requests for Review and/or Waiver deemed moot after USAC had taken the actions requested by the petitioners.
 - b. Two Petitions for Reconsideration relying “on arguments that have been fully considered and rejected by the Bureau within the same proceeding.”
2. Granted:
 - a. Two related Requests for Review and Waiver (one by the service provider and one by the applicant) finding that “minimal” gifts, “provided over the course of several years,” or “given to employees with no authority to bind the district to a contract” did not compromise the competitive bidding process.
 - b. Six Requests for Review and/or Waiver for ministerial and/or clerical errors involving incorrect discount rates.
 - c. Seven Requests for Waiver for late-filed FY 2020 Form 471 applications filed less than the standard 14 days after the close of the window.
 - d. One Request for Waiver for a late-filed Form 486 wherein “the applicant demonstrated good cause for the late filing.”
 - e. One Request for Waiver for an agreed upon, but unsigned, contract when the Form 471 was certified.
 - f. One Request for Waiver to file an invoice for a USAC decision rendered after the invoice deadline.
 - g. One Request for Waiver of the special construction service delivery deadline for an applicant “unable to complete implementation for reasons beyond its control.”
3. Denied:
 - a. One Request for Review and/or Waiver for failure to file a Form 470 to conduct a competitive bidding process.
 - b. Four Requests for Review for failure to satisfy the red light rule, even in cases involving the subsequent repayment of delinquent debt.
 - c. Five Requests for Waiver for an invoice deadline extension.
 - d. Eight Requests for Waiver for late-filed Form 471s “where petitioners failed to present special circumstances.”
 - e. Three Requests for Waiver for untimely filed appeals or waivers.

USAC News Brief Dated February 26 – Missed Deadlines and Documentation Requirements

[USAC's Schools and Libraries News Brief of February 26, 2021](#), notes that last Thursday, February 25th, was a major deadline date for filing invoices (or requests for invoice deadline extensions) for most FY 2019 recurring service FRNs and for filing Form 470s for FY 2021 in time to meet the Form 471 deadline of March 25th. The News Brief summarizes the FCC waiver requests that will need to be filed as a result of the missed deadlines.

Last Friday's News Brief also reviews a list of documents that should be collected and retained to demonstrate compliance with the competitive bidding rules as a part of the FY 2021 application process.

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

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