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Funding Status – FY 2021

Wave 6 for FY 2021 was released on Thursday, May 20th, for a total of \$115 million including \$1.21 million for 26 North Carolina applicants. Cumulative commitments are \$1.13 billion including \$36.3 million for North Carolina. Nationwide, USAC has now funded 68% of the FY 2021 applications representing 38% of the requested funding.

ECF Form 471 Certifications

When completing forms, there is often a tendency to pay little attention to the required certifications at the end. This may be particularly true for long-time E-rate applicants who have been filing many forms, with essentially unchanged certifications, through many E-rate cycles.

The new Emergency Connectivity Fund (“ECF”) forms, nominally identified by historic E-rate form numbers — Form 471, Form 472, and Form 474 — will be different in several important ways including an expanded number of ECF-specific certifications. Although the ECF versions of these forms have not yet been formally approved, they have been submitted to the Office of Management and Budget (“OMB”) for approval with descriptions of the data fields and certifications. Current links to the forms pending OMB approval are:

[Emergency Connectivity Fund FCC Form 471](#)

[Emergency Connectivity Fund Request for Reimbursement \(FCC Forms 472 and 474\)](#)

[Emergency Connectivity Fund Post Commitment Change Request \(quasi Form 500\)](#)

In this article, we’ll focus on the new — and extensive — applicant certifications. These are particularly important because, in an effort to accelerate the distribution of ECF pandemic funds, we expect that the FCC and USAC will rely heavily on certifications during the application review process with comprehensive post-commitment reviews and audits. As a result, applicants need to focus on what they will be certifying. Here are the major changes from the traditional Form 471 certifications.

- The first overarching certification states:

[T]his applicant is in compliance with the rules and orders governing the Emergency Connectivity Fund Program, and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of funding, cancellation of funding commitments, and/or recoupment of past disbursements. I acknowledge that failure to comply with the rules and orders governing the Emergency Connectivity Fund Program could result in civil or criminal prosecution by law enforcement authorities.
- ECF applicants are not required to follow most of the FCC’s E-rate competitive bidding rules but still must abide by all state and local procurement practices. As a result, the ECF Form 471 eliminates the standard Form 470 certification and substitutes:

The school, library, or consortia listed on the FCC Form 471 application has complied with all applicable state, local, or Tribal local laws regarding procurement of services for which support is being sought.
- Two certifications attest to the unmet needs of school students and staff and of library patrons (note the need for patron statements of need).

The school or school consortium listed on the FCC Form 471 application is only seeking support for eligible equipment and/or services provided to students and school staff who would otherwise lack connected devices and/or broadband services sufficient to engage in remote learning.

The library or library consortium listed on the FCC Form 471 application is only seeking support for eligible equipment and/or services provided to library patrons who have signed and returned a statement that the library patron would otherwise lack access to equipment or services sufficient to meet the patron’s educational needs if not for the use of the equipment or service being provided by the library.
- On a related note regarding unmet needs — although not a certification — the main body of the ECF Form 471 will include a set of questions regarding the unmet needs of an applicant’s students, school staff, and library patrons. Applicants will also be asked to upload a narrative as to how “they obtained the data to answer these questions and the timing of the data collections or needs assessments.” This is a process that applicants may want to initiate immediately.
- ECF rules require a “Duplicate Funding Certification” to avoid double dipping on COVID-relief funding that reads:

The school, library, or consortia is not seeking Emergency Connectivity Fund support or reimbursement for eligible equipment or services that have been purchased and reimbursed in full with other federal pandemic-relief funding, targeted state funding, other external sources of targeted funding or targeted gifts, or eligible for discounts from the schools and libraries universal service support mechanism or other universal service support mechanism.
- For the first time in an E-rate program, ECF funding for most services tracks to individuals rather than school or library entities. As a result, there is a certification stating:

The applicant or the relevant student, school staff member, or library patron has received the equipment and services for which funding is sought.

- Funding to construct new networks to provide internet services off-campus is strictly limited to areas in which commercial internet services are not available (with the burden of proof on the applicant). The corresponding certification states:

The applicant sought service from existing service providers in the relevant area and that such service providers were unable or unwilling to provide services sufficient to meet the remote learning needs of their students, school staff, or library patrons.
- For the first time in the E-rate rules, the FCC has confirmed that CIPA applies to school- and library-supplied devices if the applicant is applying for ECF and/or E-rate internet or Category 2 funding. To avoid dual CIPA certifications, however, the additional ECF CIPA certifications are not required if an applicant has already certified CIPA compliance for the same funding window. Practically, for the purposes of this first ECF funding window for FY 2021, the majority of ECF applicants will have already had their regular FY 2021 applications approved, and most will have already filed their corresponding Form 486 CIPA certifications. To eliminate the need for an ECF Form 486, therefore, the ECF Form 471 includes standard CIPA certifications that can be used if necessary.

When actually completing an ECF Form 471 this coming summer, we encourage applicants to review the new certifications carefully before certifying their forms.

E-Rate Updates and Reminders

Upcoming E-Rate Dates:

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|---------|--|---------|------------|---------|------------|---------|------------|
| May 26 | USAC webinar for beginner applicants on PIA and Selective Reviews . | | | | | | |
| May 28 | Form 486 deadline for FY 2020 covering funding committed in Wave 40. 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: <table border="0" style="margin-left: 40px;"> <tr> <td>Wave 41</td> <td>06/04/2021</td> </tr> <tr> <td>Wave 42</td> <td>06/11/2021</td> </tr> <tr> <td>Wave 43</td> <td>06/18/2021</td> </tr> </table> | Wave 41 | 06/04/2021 | Wave 42 | 06/11/2021 | Wave 43 | 06/18/2021 |
| Wave 41 | 06/04/2021 | | | | | | |
| Wave 42 | 06/11/2021 | | | | | | |
| Wave 43 | 06/18/2021 | | | | | | |
| June 21 | Due date for comments on Comcast’s FCC gift rule waiver request to provide Lift Zone to establish remote learning centers in seven selected library systems (see Comcast waiver request and FCC comment notice DA 21-597). Reply comments are due July 6 th . | | | | | | |

EBB Post-Launch Update:

The FCC [announced](#) last week that the Emergency Broadband Benefit (“EBB”) program, which had begun accepting consumer applications only a week earlier, had already enrolled more than one million households with more than 900 broadband providers.

Schools and libraries interested in encouraging families to take advantage of the EBB internet discounts can utilize the extensive [Outreach Toolkit](#) developed by the FCC in both English and Spanish.

FCC Request for Comments on Comcast's Lift Zone Initiative:

Last fall, Comcast [announced](#) a multiyear effort to establish over 1,000 WiFi-connected “Lift Zones” in local community centers nationwide. Working with non-profit partners, the goal is to provide safe places for low-income students to participate in distance learning and after-school care. To avoid potential E-rate gift rule problems, with respect to seven selected library systems planning to participate in the Lift Zone Initiative, Comcast filed an FCC [waiver request](#). That request was filed two weeks ago and the FCC has already released a request for comments ([DA 21-597](#)). Interestingly, Comcast’s waiver was filed one day after the FCC released its final Emergency Connectivity Fund (“ECF”) rules that, in part, extended its gift rule waiver for pandemic-related needs through June 30, 2022 — arguably covering Comcast’s waiver needs for another year. However, the FCC’s grant of a waiver would resolve any ambiguity, perhaps for a longer time.

Initial comments on the Comcast waiver request are due June 21st; reply comments are due July 6th.

USAC News Brief Dated May 21 – Responding to PIA Inquiries in EPC

[USAC's Schools and Libraries News Brief of May 21, 2021](#), provides an overview of the PIA review process. It covers the following topics:

- Receiving your PIA questions
 - An email from PIA will alert you to questions available through the EPC News tab. The News hyperlink will take you to the complete list of questions.
 - Alternatively, links to individual questions can be found under the My Tasks tab.
- Using the “Respond to Inquiries” button to see:
 - “Pending” inquiries from PIA
 - “Submitted” responses to PIA
- Requesting an extension of time to respond
- Submitting a request to modify Form 471 information

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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