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USAC News Brief Dated December 1 – FRN Extension Table Reminders

## **Funding Status – FY 2017**

Wave 27 for FY 2017 was released Wednesday, December 1st, for a total of \$89.58 million. There were no Nevada applications processed in this wave.

Cumulative national funding through Wave 27 is \$1.92 billion, including \$7.3 million for Nevada. Wave 28 is scheduled to be released on Thursday, December 7<sup>th</sup>.

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

### *Documenting Form 486 Certifications:*

Applicants wishing to print and save a copy of their Form 486s — particularly important for all those with Form 486s currently under review — should note that the certification boxes shown as checked in EPC’s PRINT PREVIEW mode may show up as unchecked in the actual printed copies. The circled certification boxes in the two examples on the following page show the PRINT PREVIEW image and the resulting printed version.

Applicants encountering this problem may want to take screen shots of their EPC certifications and append them to their printed Form 486 copies.

- The Funding Requests listed in this FCC Form 486 have been approved by USAC as shown in my Funding Commitment Decision Letter (FCDL). I have confirmed with the service provider(s) featured in those Funding Requests that these services will start on or before July 31 of the Funding Year.
- I am providing notification that, as of the date of the start of discounted services, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the schools or libraries represented in the Funding Request Number(s) on this FCC Form 486 will be brought into compliance with the CIPA requirements before the start of the Third Funding Year in which they apply for discounts.
- I certify that the services listed on this FCC Form 486 have been, are planned to be, or are being provided to all or some of the eligible entities identified in the FCC Form 471 application(s) cited above. I certify that there are signed contracts covering all of the services listed on this FCC Form 486 except for those services provided under tariff or on a month-to-month basis. I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity; that I have examined this request; and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
- I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services. I recognize that I may be audited pursuant to this application and will retain for at least ten years (or whatever retention period is required by the rules in effect at the time of this certification) after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request any and all records, including FCC Forms 479 where required, and, if audited, will make such records available to the Administrator.
- I certify that as of the date of the start of discounted services: a. the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 has (have) complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).
- I certify that as of the date of the start of discounted services: Pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service represented in the Funding Request Number(s) on this Form 486: (FOR SCHOOLS and FOR LIBRARIES IN THE FIRST FUNDING YEAR FOR PURPOSES OF CIPA) is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.
- I certify that as of the date of the start of discounted services: The Children's Internet Protection Act does not apply because the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 is (are) receiving discount services only for telecommunications services.
- I certify as the Billed Entity for the consortium that the only services that have been approved for discounts under the universal service support mechanism on behalf of eligible members of the consortium are telecommunications services, and therefore the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), do not apply.
- I certify as the Billed Entity for the consortium that I have collected duly completed and signed FCC Forms 479 from all eligible members of the consortium.
- I certify that some or all of the eligible consortium members checked FCC Form 479 Item 6d to seek a CIPA Waiver, and upon request from the Administrator I can provide this information.
- I certify that no eligible consortium members checked FCC Form 479 Item 6d to seek a CIPA Waiver.

- The Funding Requests listed in this FCC Form 486 have been approved by USAC as shown in my Funding Commitment Decision Letter (FCDL). I have confirmed with the service provider(s) featured in those Funding Requests that these services will start on or before July 31 of the Funding Year.
- I am providing notification that, as of the date of the start of discounted services, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the schools or libraries represented in the Funding Request Number(s) on this FCC Form 486 will be brought into compliance with the CIPA requirements before the start of the Third Funding Year in which they apply for discounts.
- I certify that the services listed on this FCC Form 486 have been, are planned to be, or are being provided to all or some of the eligible entities identified in the FCC Form 471 application(s) cited above. I certify that there are signed contracts covering all of the services listed on this FCC Form 486 except for those services provided under tariff or on a month-to-month basis. I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity; that I have examined this request; and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
- I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services. I recognize that I may be audited pursuant to this application and will retain for at least ten years (or whatever retention period is required by the rules in effect at the time of this certification) after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request any and all records, including FCC Forms 479 where required, and, if audited, will make such records available to the Administrator.
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- I certify that as of the date of the start of discounted services: Pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service represented in the Funding Request Number(s) on this Form 486: (FOR SCHOOLS and FOR LIBRARIES IN THE FIRST FUNDING YEAR FOR PURPOSES OF CIPA) is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.
- I certify that as of the date of the start of discounted services: The Children's Internet Protection Act does not apply because the recipient(s) of service represented in the Funding Request Number(s) on this FCC Form 486 is (are) receiving discount services only for telecommunications services.
- I certify as the Billed Entity for the consortium that the only services that have been approved for discounts under the universal service support mechanism on behalf of eligible members of the consortium are telecommunications services, and therefore the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), do not apply.
- I certify as the Billed Entity for the consortium that I have collected duly completed and signed FCC Forms 479 from all eligible members of the consortium.
- I certify that some or all of the eligible consortium members checked FCC Form 479 Item 6d to seek a CIPA Waiver, and upon request from the Administrator I can provide this information.
- I certify that no eligible consortium members checked FCC Form 479 Item 6d to seek a CIPA Waiver.

Applicants encountering this problem may want to take screen shots of their EPC certifications and append them to their printed Form 486 copies.

## E-Rate Updates and Reminders

### *FY 2018 Filing Window:*

The Form 471 Filing Window for FY 2018 has not yet been announced. For planning purposes, a workable assumption is that the Filing Window will open in mid-January and close in late-March.

As an important first step, USAC [announced](#) that it has completed the updates on applicant profiles based on PIA review of FY 2017 applications. Applicants can now review and update

their entity profiles in EPC. This is the beginning of what in the past has been known as the “Administrative Window.” Once USAC begins accepting FY 2018 applications, entity profiles will be locked for the duration of the Filing Window.

*Upcoming 2017 E-Rate Dates:*

December 4 Form 486 deadline for FY 2017 funding committed in Wave 10. Upcoming FY 2017 Form 486 deadlines include:

Wave 11	12/11/2017
Wave 12	12/18/2017
Wave 13	12/26/2017
Wave 14	01/02/2018

Applicants missing these (or earlier) deadlines should watch carefully for “Form 486 Urgent Reminder Letters” in EPC. The Reminders will afford applicants with 15-day extensions to submit their Form 486s without penalty.

December 13 USAC [webinar](#) reviewing this fall’s training sessions (see below).

December 13 Second FY 2017 Emergency Hurricane Application Window (opened November 13<sup>th</sup>) closes. For additional information, see USAC’s [Summary of the Orders and Important Deadlines](#).

*FCC Decision Watch:*

The FCC issued another set of “streamlined,” precedent-based decisions ([DA 17-1130](#)) last week. Applicants facing similar problems as addressed in these decisions may garner useful information by carefully reading the additional FCC explanations found in the footnotes. The original appeals and waiver requests can be found online in the FCC’s [Search for Filings](#).

In summary, last week’s FCC decisions:

1. Dismissed:
  - a. Two Requests for Waiver deemed moot because the invoicing records indicated that the applicants had been fully compensated.
  - b. Four Petitions for Reconsideration (a) failing to provide any arguments not already fully considered by the FCC, or (b) not submitted within the 30-day Reconsideration filing window.
2. Granted:
  - a. One Grant of Reconsideration for a late-filed Form 471 as the result of an unexpected serious illness and resulting medical leave.
  - b. Three Requests for Waivers for invoice deadline extensions based on delays induced by USAC procedures.
  - c. Four Requests for Waiver for applications involving ministerial and/or clerical errors.

- d. One Request for Review on a long-standing (FY 2002) issue involving alleged improper service provider involvement in the competitive bidding process which was finally resolved based on a sworn statement by the applicant.
  - e. One Request for Waiver concerning missing the 28-day bidding period by only 1-3 days.
3. Denied:
- a. One longstanding (dating to 2009) Request for Review and Waiver of improper service provider involvement in the competitive bidding process. The FCC also again rejected an argument that USAC had not pursued the action within five years.
  - b. Thirty Requests for Waiver for invoice deadline extensions — the first of a number of similar waiver requests received or expected following the October 30<sup>th</sup> invoice deadline for FY 2016 recurring service invoices.
  - c. Three Requests for Waiver for late-filed Form 471 applications filed more than two weeks late.
  - d. One Request for Waiver of a denial for services requested not covered by the applicant's competitive bidding process.
  - e. Three Requests for Waiver not filed within the 60-day appeal window.

*Awaiting Formal Guidance on Form 470 Internet Options:*

Status: Ridiculous.

As discussed in our [newsletter of November 6<sup>th</sup>](#), USAC continues to avoid the release of written guidance on the proper use of the Form 470 menu options when applying for fiber-based Internet services — an avoidance strategy probably reflecting the lack of guidance from the FCC itself. Until long-promised clarifications are provided — perhaps in USAC's December 13<sup>th</sup> webinar noted below — our best advice is as follows:

- Always include the “Leased Lit Fiber” option, whether or not transport is required.
- Use either the “Internet Access & Transport Bundled” or the “Internet Access: ISP Service Only” option, as appropriate (the only two options that mention “Internet”).
- Use the “Narrative” section to fully describe what is required and upload a detailed RFP.

*USAC Fall E-Rate Training:*

USAC's annual fall training sessions were held this year in Charlotte, Minneapolis, Portland, and Washington DC. Presentation slides for the most recent training are available [online](#). Other useful instructional videos and webinar recordings may be found in USAC's [Online Learning Library](#).

USAC will hold a live webinar at 3:00 p.m. EST on Wednesday, December 13<sup>th</sup>, to review the highlights of this fall's four training sessions. Advanced [registration](#) is recommended.

## USAC News Brief Dated December 1 – FRN Extension Table Reminders

[USAC's Schools and Libraries News Brief of December 1, 2017](#), focuses on extended service delivery and invoice deadlines posted in USAC's [FRN Extension Table](#). Specifically, the News Brief discusses:

- Automatic service delivery deadline extensions for non-recurring services. For FY 2016, deadlines are extended one year to September 30, 2018, for FRNs approved or modified (by appeals, SPIN changes, or service substitutions) on or after March 1, 2017.
- Invoice deadlines for FRNs associated with Form 486 Notification Letters dated after service end dates.
- One-time invoice deadlines extended upon request by applicants or service providers.
- Deadline extensions due to the recent FCC hurricane relief orders.

Note that the News Brief indicates that USAC is “now adding” these extensions to the FRN Extension Table, not that all have been added. Applicants or service providers believing that deadlines for one or more of their FRNs should be extended, but not seeing those extensions reflected in the Table, should contact USAC via Customer Service requests (or calling CSB at 888-203-8100).

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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 the SLD, FCC, or OSIT.*

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