

E-Rate Central News for the Week of April 6, 2020

Please see the attached newsletter for articles on:

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Funding Status – FY 2019 and FY 2020

FY 2019:

USAC released Wave 53 for FY 2019 on Thursday, April 2nd. Funding totaled \$3.5 million, including \$3 million for Nevada. Cumulative commitments through April 2nd are \$2.25 billion including \$14 million for Nevada.

FY 2020:

The Form 471 application deadline for FY 2020 has been extended until 11:59 p.m. EDT on Wednesday, April 29th ([DA 20-273](#)). PIA reviews are currently underway. As of last Friday, over 12,000 applications — more than half the 22,000 Form 471s submitted to date — have already been designated as “Wave Ready.”

COVID-19 E-Rate Update

FCC Extends Key E-Rate Deadlines:

Paralleling the extension of the FY 2020 Form 471 deadline by a month, the FCC issued an order ([DA 20-364](#)) temporarily extending other key E-rate deadlines. Specifically, the Order:

1. Extends the FY 2019 service implementation deadline for nonrecurring services (predominately for the installation of Category 2 equipment) by one year from September 30, 2020 to September 30, 2021. The Order is silent on the treatment of service delivery deadlines for FY 2018 that had already been extended for one year. Presumably FY 2018 deadlines remain September 30, 2020.

2. Extends the FY 2019 deadline for special construction installations by one year from June 30, 2020 to June 30, 2021. Unlike the nonrecurring deadline extension decision above, the special construction extension also applies to FY 2018 projects that had already received a one-year extension.
3. Grants schools and libraries an automatic 60-day extension to file USAC and/or FCC appeals thereby extending the appeal window from 60 days to 120 days. This extension will apply for waivers and appeals of decisions dated from January 11 to August 1, 2020.
4. Provides applicants and service providers with current invoice deadlines from March 11 to October 28, 2020 (nominally the regular invoice deadline for FY 2019 recurring services) an automatic 120-day extension. Heretofore, these 120-day extensions had to be requested (i.e., were not automatic). Beyond the 120-days, the Order directs USAC to provide an additional 30-day extension upon request.
5. Extends the Form 486 filing deadline an additional 120 days for those applicants whose deadlines had previously been from March 11 to September 30, 2020. Applicants missing the extended Form 486 deadlines will presumably still receive Urgent Reminder Letters giving them an additional 15 days.
6. Provides all program participants with automatic 30-day extensions to respond to most information requests including inquiries on PIA application reviews, USAC appeals, invoice reviews, Form 500 changes, SPIN changes, FRN cancellations, and BCAP and PQA audits otherwise due between March 11 and May 22, 2020. Beyond May 22nd, inquiries would fall under the summer deferral period ending September 11th, the Friday after Labor Day.

Another positive development, unrelated to the extensions but appearing in the FCC's separate [notice of the Order](#), was a statement by FCC Chairman Pai that "I look forward to continue working with Congress to fund a Remote Learning Initiative so that every child can continue being educated during the pandemic." Hopefully that bodes well for at least a temporary solution to the "Homework Gap" in additional stimulus legislation. That support coincides nicely with a letter sent last week to congressional leaders by 35 senators calling for \$2 billion to be set aside for schools and libraries to provide Wi-Fi hotspots or other devices with Internet capability for students who have inadequate connectivity.

E-Rate Updates and Reminders

Upcoming E-Rate Dates:

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| April 8 | Deadline to file comments in "opposition" (or support) of the Petitions for Reconsideration filed by (a) the State E-Rate Coordinators' Alliance ("SECA) and (b) Infinity Communications & Consulting . As discussed in our newsletter of January 27th , the Petitions call for the FCC to amend its Category 2 Order (FCC 19-117) to (a) eliminate the requirement to allocate out of funding requests the use of any Category 2 equipment used by standalone NIFs, and (b) clarify its decision to base Category 2 student counts on "full time" students only. Reply comments on the Petitions are due April 20 th . |
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April 29 Extended closing date of the FY 2020 Form 471 application window (11:59 p.m. EDT). Note that with the new extended Form 471 deadline, the last possible date to file an effective Form 470 for FY 2020 was April 1st.

FCC Decision Watch:

The FCC issued another set of “streamlined” precedent-based decisions ([DA 20-339](#)) on March 31st. 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 March’s streamlined decisions, the FCC:

1. Dismissed:
 - a. Four Requests for Review and/or Waiver deemed moot where USAC or the FCC had already taken the actions requested by the petitioners.
2. Granted:
 - a. One Request for Review allowing additional time to submit discount rate documentation.
 - b. One Request for Review (on behalf of eight applicants) — from 2007! — finding no improper service provider involvement in the competitive bidding process for the mailing of applicant Form 470s. The finding was based in part upon sworn statements that the service provider played no other role with respect to the Form 470s.
 - c. Four Requests for Review and/or Waiver involving ministerial and/or clerical errors.
 - d. One Request for Review of a USAC appeal initially deemed to have been filed late.
 - e. Four Requests for late-filed Waivers submitted “only a few days late” or “within a reasonable period of time after receiving actual notice of USAC’s adverse decision.”
 - f. Two Requests for Waiver of the special construction service delivery deadline for reasons deemed beyond the applicants’ control.

For the first time in our memory, no E-rate Requests for Review and/or Waiver were denied in the FCC’s monthly streamlined E-rate decisions.

USAC News Brief Dated April 3 – Extensions and Expansions

[USAC’s Schools and Libraries News Brief of April 3, 2020](#), summarizes the extended E-rate deadlines discussed above and reports that the [online archive of USAC News Briefs](#) has been expanded to ten years.

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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