

E-Rate Central News for the Week of May 6, 2019

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Funding Status – FY 2019

USAC released the second funding wave for FY 2019 on Thursday, May 2nd. Funding totaled \$53 million including \$527.8 thousand for Nevada. Cumulative funding as of Wave 2 is \$600 million including \$1.6 million for Nevada.

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


RAL Modifications and FCDLs:

Applicants who have made RAL (Receipt Acknowledgement Letter) modifications or who have otherwise worked with PIA reviewers to make changes in their applications leading to additional funding should carefully review their Funding Commitment Decision Letters (“FCDLs”) to make sure that the changes have been reflected in the commitment amounts. Although such errors are infrequent, changes, even those shown in the FCDL comments, do not automatically carry through to the reported commitments.

The following is an example of one such error found in Wave 1. In this case the applicant requested a RAL correction to add a small one-time charge not included in the original application as filed. The FCDL explains the approval of the RAL modification, but the one-time charge does not appear in the FCDL section showing the dollars committed despite the aforementioned approval. In examples like this, applicants will want to file an appeal with USAC.

We saw a similar problem with one Revised Commitment Decision Letter (RFCDL), where the appeal approved funding but the RFCDL showed no approved funding. To its credit, USAC corrected the error within a week of being notified.

Application Comments for FCC Form 471: #191

The One-Time Unit Costs of the FCC Form 471 was modified in accordance with the applicant's request. From \$0.00 to \$150.00. 

Funding Commitment Decision Overview

Funding Request Number (FRN)	Service Provider Name	Amount Requested	Amount Committed	Status
1999C		\$2,332.80	\$2,332.80	Funded

FRN	Service Type	Status
1999C	Data Transmission and/or Internet Access	Funded

Dollars Committed			
Monthly Cost		One-time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$2,916.00	Total Eligible One Time Charges	\$0.00
Total Pre-discount Charges		\$2,916.00	
Discount Rate		80.00%	
Committed Amount		\$2,332.80	

E-Rate Updates and Reminders

Upcoming E-Rate Dates:

May 13 Form 486 deadline for FY 2018 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 1st), whichever is later. Other upcoming Form 486 deadlines are:

- Wave 41 05/16/2019
- Wave 42 05/27/2019
- Wave 43 05/31/2019

Note: Applicants missing any Form 486 deadline should watch carefully for “Form 486 Urgent Reminder Letters” in their EPC News Feed. These Reminder Letters afford applicants 15-day extensions to submit their Form 486s without penalty.

May 15 USAC webinar on [Starting Services: The Form 486](#).

FCC Decision Watch:

The FCC issued another set of “streamlined” precedent-based decisions ([DA 19-326](#)) on April 30th. 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 appeal and waiver requests can be found online in the FCC's [Search for Filings](#) under Docket 02-6.

In last week's decisions, the FCC:

1. Dismissed:
 - a. Two Requests for Review and/or Waiver deemed moot on which USAC had already taken the requested action.
 - b. One Request for Review that failed to comply with the FCC's basic filing requirements.
 - c. One Petition for Reconsideration that failed to identify any factors not already fully considered by the Wireline Competition Bureau.
2. Granted:
 - a. One Request for Review of the 28-day Form 470 posting requirement which was only missed by 1-3 days.
 - b. One Request for Review finding that USAC incorrectly changed the requested category of service during PIA review.
 - c. One Request for Review involving an applicant's submission of documentation to show it has the necessary resources to support a funding request.
 - d. One Request for Review and/or Waiver approving the extension of an existing contract in violation of E-rate rules but in compliance with state laws. Interestingly, and with little precedent, the FCC noted that without its waiver grant "hundreds of schools would lose E-Rate support or would pay more than the most cost-effective option, when there is no evidence of waste, fraud, or abuse, and all other E-Rate requirements are satisfied."
 - e. Three sets of Requests for Review and/or Waiver granting applicants additional time to respond to USAC's requests for information.
 - f. Two Requests for Waiver, one by the applicant and the other by the service provider, granting a service delivery extension.
 - g. One Request for Review confirming the applicant's installation of E-rate supported equipment in compliance with E-rate rules.
 - h. One Request for Review and/or Waiver granting waivers of service implementation and invoicing deadlines when the applicant had received notifications from USAC with the incorrect service implementation deadline.
 - i. One Request for Review allowing an applicant to resubmit an invoice originally filed on time, but subsequently rejected by USAC.
 - j. One hundred twenty-seven (!) Requests for Waiver of the FY 2019 application window for Form 471s filed within 14 days of the deadline.
 - k. One Request for Review and/or Waiver granting relief from the Form 486 deadline in a case in which the Form 486 was filed within 120 days of the last day to receive service and "the applicant demonstrated good cause for the late filing."
 - l. One Request for Review reversing a USAC decision to deny funding because consultant services were rendered before a letter of agency was executed.

- m. One Request for Waiver involving confusion on the need for a technology plan for a specific service in FY 2006.
 - n. One Request for Review of a USAC appeal deadline. At issue was the definition of an appeal. The FCC found that “the information submitted as part of the PIA process six days after the adverse funding commitment decision was issued should [have been] considered by USAC as information responsive to the rejection of funding and...more properly treated as an appeal.”
3. Granted in Part/Denied in Part:
- a. Two Requests for Review directing USAC to help the applicants remove ineligible costs from FRNs and process the eligible portions of the requests.
 - b. Two Requests for Review and/or Waiver permitting the applicants to correct a portion, but not all, of their funding requests based on clerical and/or ministerial errors.
4. Denied:
- a. One Request for Review finding that the applicant failed to submit any evidence to support a discount rate necessary to receive funding on voice services.
 - b. One Request for Review for failure to consider price as the primary factor in a bid selection.
 - c. One Request for Review for failure to pay the applicant’s non-discount share. In this instance, the documentation indicated that the applicant had paid only one-third of its non-discount share and only paid that amount nine months after the dated invoices.
 - d. One Request for Review denying an applicant’s request for a waiver of the red light rule that resulted in a denial of the applicant’s FY 2010 application. The FCC rejected the applicant’s justification for untimely payment of the debt because USAC had sent the COMAD letter to a retired employee.
 - e. Eleven Requests for Waiver of invoice deadlines.
 - f. Three Requests for Review and/or Waiver seeking support for services not covered in the applicants’ Form 470s.
 - g. Five Requests for Review and/or Waiver of late-filed appeals or waivers.
 - h. One Request for Waiver for an untimely operational SPIN change request (which must be filed no later than the last date to invoice).
 - i. One Request for Waiver for an implementation delay request.

One Request for Waiver for a late-filed Form 471.

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