

Wave 39 06/08/2018
Wave 40 06/11/2018

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.

The first Form 486 deadline for FY 2018 is not until October 29, 2018.

- May 23 USAC webinar on [Filing FCC Form 486](#).
- June 1 Deadline for submitting comments to the FCC re. the NPRM on *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs* (see our [newsletter of April 2nd](#)). Reply comments are due by July 2nd.
- June 20 USAC webinar on [Understanding Post-Commitment Actions](#).

FCC Decision Watch:

The FCC broke from their schedule of issuing end-of-the-month set of “streamlined,” precedent based decisions and issued May’s decisions ([DA 18-491](#)) mid-month. 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. Granted:
 - a. Two hundred and nineteen late-filed 471 applications filed within 14 days of the close of the window.
 - b. Three late-filed 471s filed within 30 days of the close of the window due to an unexpected serious illness or death.
2. Denied:
 - a. Forty-five late-filed 471s for failing to present special circumstances to justify waiver of FCC rules.
3. Partially Granted:
 - a. One request seeking two waivers of the price as the primary factor competitive bidding requirement when the lowest price option was ultimately selected and there was no evidence of waste, fraud or abuse.

The partially granted decision was filed by an individual school which received approval for one FRN and denial for a second FRN. The approved request for waiver of the price as the primary factor competitive bidding requirement was for telephone service where it was clear that the lowest-priced option won. The denied request for waiver is far more interesting and cited a prior

appeal decision where the applicant failed to consider price as the primary factor. It was not clear from the record that the applicant had selected the lowest-cost provider.

The school received three bids for Internet access pursuant to a Form 470 which did not specify bandwidth ranges:

1. 20 Mbps Internet and telephone service bundled for \$800/month.
2. 500 Mbps fiber Internet service for \$4,200/month.
3. 500 Mbps fiber Internet service for \$6,123/month.

This school served 295 students and determined that the 20 Mbps service was not sufficient to support their student population. The school ultimately chose the 500 Mbps service costing \$4,200 per month. It seems reasonable that the school would want more than .06 Mbps per student and the school did select the lowest cost provider of the 500 Mbps service. Absent non-public information evidencing waste, fraud or abuse, this decision appears to deviate from the Commission's general sentiment that applicants are in the best position to determine the needs of their students.

Net Neutrality Update:

On Wednesday, the Senate approved a resolution to nullify the FCC's net neutrality rollback which is set to take effect on June 11th. The passing of this Senate resolution required votes from every Democrat and included three Republican votes. While this action is being welcomed by many, the reality is that this resolution faces a tough battle ahead. The next step is a vote in the House of Representatives where the resolution will need a simple majority vote to pass. In this Republican controlled House, every Democrat and at minimum 20 Republicans would have to vote in favor of reversing the rollback. If the resolution succeeds, the decision would then be in the hands of the President to determine its fate.

USAC News Brief Dated May 18 – Form 486 Tip and Webinar Reminder

[USAC's Schools and Libraries News Brief of May 18, 2018](#), reminds applicants that the "Early Filing" box on the FCC Form 486 can be utilized if they have been issued their FCDL, if services will start in the month of July, and if they are able to accurately make the certifications on the form.

The News Brief also reminds applicants of the Form 486 webinar taking place at 3:00 p.m. EDT on Wednesday, May 23rd.

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