

E-Rate Central News for the Week of October 1, 2018

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Funding Status – FY 2018

USAC issued Wave 25 on Sunday, September 30th for \$21.4 million which included \$109.4 thousand for Nevada. Cumulative funding as of Wave 24 was \$1.79 billion including \$3.43 million for Nevada.

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

Administrative Window and New IDER Tool:

As discussed in our [newsletter of September 24th](#), and further explained in [USAC’s Schools and Libraries News Brief of September 28, 2018](#):

- The administrative window opens today, October 1st, giving applicants approximately three months to update their EPC entity profiles (including NSLP information for schools and school districts) in preparation for FY 2019 applications. Changes to these profiles must be made before USAC opens the Form 471 application window in early January at which time entity profiles will be locked until the application window is closed later in March.
- USAC has implemented a new Invoice Deadline Extension Request (“IDER”) tool by which applicants and service providers can request automatic 120-day extensions. The tool is available within EPC to extend invoice deadlines for FRNs from FY 2016 forward. Invoice extensions for earlier funding years may be requested, as before, through the legacy BEAR system. Please remember that IDERs must be filed on or before the original invoice deadlines. The next key invoice deadline is October 29th for FY 2017 recurring service FRNs.

E-Rate Updates and Reminders

Upcoming E-Rate Dates:

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| October 1 | Opening of the “Administrative Window” for the FY 2019 application cycle (see EPC School Entity Profile Updates article above). The EPC update window is expected to close January 7 th , a few days before the Form 471 application window opens. |
| October 8 | Deadline for submitting nominations to the FCC for the USAC Board of Directors (DA 18-921).

Editorial Note: The State E-Rate Coordinators’ Alliance (“SECA”) has nominated Julie Tritt Schell , the Pennsylvania State E-rate Coordinator, to serve as a school representative on the Board. E-Rate Central has witnessed firsthand the proactive expertise and passion Ms. Schell has brought to the E-rate program when she was a member of the USAC Board (and Chair of the Board’s Schools and Libraries Committee) three years ago. E-Rate Central has enthusiastically endorsed her reappointment and encourages other interested parties to do so as well. Supporting comments under Docket Nos. 96-45 and 97-21 may be filed online with the FCC via the Submit a Filing site or the less formal ECFS Express filing mechanism. |
| October 26 | FY 2017 Form 486 deadline for funding committed in Wave 56. |
| October 29 | FY 2018 Form 486 deadline for funding committed in Waves 1–12 (all issued before July 1 st).

Note: Applicants missing any Form 486 deadline should watch carefully for “Form 486 Urgent Reminder Letters” in EPC. These Reminder Letters afford applicants 15-day extensions to submit their Form 486s without penalty. |
| October 29 | Invoice deadline for FY 2017 recurring services. Note: For applicants and service providers unable to submit invoices by this date, October 29 th is also the deadline for filing 120-day Invoice Deadline Extension Requests (“IDERS”). |

E-Rate Contracts and Tariff-Related Price Increases:

New or proposed tariffs, particularly on telecommunications and networking equipment from China (or on components embedded in US-manufactured equipment), could easily raise prices 10-25%. In the E-rate world, with applicants bidding for and signing contracts well in advance of actual purchases, this could mean that service providers might either (a) balk at supplying equipment at contracted rates, or (b) seek higher prices not covered by existing E-rate funding.¹

¹ Reminder: USAC will fund only up to the approved dollar amount of a given FRN and will not cover any increased expenses, e.g., due to tariff increases. This is a consideration for funding already approved for FY 2018 and for prospective funding to be requested for FY 2019.

The applicants most at risk in this new tariff environment are those operating under less than formal purchase contracts. Even those with more detailed contract provisions covering each party's responsibility for unanticipated costs — including *force majeure* clauses excusing certain parties from contractual duties in the face of extraordinary events — may wish to ask their attorneys to review their standard contract language with respect to tariff-related risks.

FCC Decision Watch:

The FCC has issued another set of “streamlined,” precedent-based decisions ([DA 18-991](#)). 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](#).

In last week's decisions, the FCC:

1. Dismissed:

- a. Three Requests for Review and/or Waiver deemed moot for which USAC had already taken the actions requested or for which the applicants had already been fully compensated.
- b. One request failing to comply with the FCC's basic filing requirements.
- c. Eight Petitions for Reconsideration, generally for failure to identify reasons warranting review or failing to “demonstrate why we should consider new information they provide now for the first time.” One Petition was dismissed as untimely (i.e., missing the 30-day window).

2. Granted:

- a. Four Requests for Review and/or Waiver (by one applicant) seeking relief from the 28-day competitive bidding rule which was missed by 1-3 days. Note: Applicants should make every attempt to allow at least 28 days between the posting of a Form 470 (and RFP) and bidder selection. Relying on an FCC waiver is a risky and time-consuming alternative.
- b. One Request for Waiver for an incorrect Service Start Date on a Form 486.
- c. Four Requests for Waiver for ministerial and/or clerical errors on Form 471 applications or in responses to PIA questions.
- d. Four Requests for Review and/or Waiver of the 60-day appeal- or waiver-filing deadline, three filed “only a few days late” and one deemed to have been timely-filed with USAC.

3. Denied:

- a. Seven Requests for Waiver of invoice deadline extensions.
- b. Twenty-six Requests for Waiver for applications filed more than two weeks after the close of the FY 2018 window and/or failing to provide “special circumstances” justifying waivers.

- c. One Request for Review and/or Waiver for service not covered by the competitive bidding process as indicated in the applicant's Form 470.
- d. Ten Requests for Review and/or Waiver for untimely-filed waivers or appeals.

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