

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Rural Health Care Support Mechanism) WC Docket No. 02-60

ORDER

Adopted: January 20, 2015

Released: January 20, 2015

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this Order, we clarify the treatment of supporting documentation to applications for support (FCC Form 466) under the Telecommunications Program of the rural health care universal service support mechanism (also known as the Rural Health Care (RHC) program). Beginning in funding year 2015,¹ we require applicants to file the FCC Form 466 and all supporting documentation by the end of the relevant funding year, but direct the Universal Service Administrative Company (USAC) to provide applicants with 14 calendar days from receipt of notice by USAC to submit any missing supporting documentation.

2. *Background.* Under the RHC program, eligible rural health care providers and consortia that include eligible rural health care providers may apply for discounts for eligible telecommunications services and Internet access.² Under the Telecommunications Program, after an applicant has selected a service provider and entered into a service contract, the applicant must submit its request for discounts to USAC by filing an FCC Form 466.³ The applicant uses the FCC Form 466 to specify the type of services ordered, cost, name of service providers, terms of the service agreements, and to certify that the applicant has selected the most cost-effective method for providing the requested services.⁴ Pursuant to program procedures, applicants must submit the FCC Form 466 and all supporting documentation prior to the end of the relevant funding year.⁵ Supporting documentation includes proof of the rural and urban rate, cost of service, copy of the signed contract (if applicable), and copies of bids (if more than one bid is received).⁶ Although USAC has accepted FCC Forms 466 and accompanying documentation at any time during the funding year, it has urged applicants to submit their applications and supporting documentation during the initial funding request filing period.⁷ Similar to missing required fields on the form, FCC

¹ Funding year 2015 starts on July 1, 2015 and ends on June 30, 2016. *See* 47 C.F.R. § 54.675(b).

² *See* 47 C.F.R. §§ 54.600, 54.601.

³ *See* Health Care Providers Universal Service, Funding Request and Certification Form, OMB 3060-0804 (July 2014) (FCC Form 466); Form 466 Instructions, Rural Health Care Universal Service Mechanism, OMB 3060-0804 (July 2014) (FCC Form 466 Instructions).

⁴ *See* FCC Form 466; USAC, Rural Health Care, Telecommunications Program, Submit Funding Requests, <http://www.usac.org/rhc/telecommunications/health-care-providers/step04/> (last visited Jan. 8, 2015) (Funding Request Guidance).

⁵ *See supra* note 1; FCC Form 466 at 1; Funding Request Guidance.

⁶ USAC, Rural Health Care, Telecommunications Program, Supporting Documentation, <http://www.usac.org/rhc/telecommunications/health-care-providers/documentation.aspx> (last visited Jan. 8, 2015) (Documentation Guidance).

⁷ *See* FCC Form 466 at 1. The initial filing period is the period during which all FCC Forms 466 received by USAC will be treated as if they had arrived on the first day for purposes of funding priority. *Id.* The opening and closing dates of the initial filing period are announced each year on USAC's website. *Id.* FCC Forms 466 received after the

Forms 466 with missing or incomplete information or documentation will delay processing of the form and funds will not be committed until USAC receives a completed form and all required supporting documentation.⁸ After reviewing the funding requests, USAC issues funding decisions in accordance with the Commission's rules.⁹

3. *Discussion.* We now clarify that applicants must submit *all* supporting documentation with their FCC Forms 466 prior to the end of the funding year.¹⁰ FCC Forms 466 will not be deemed complete absent the receipt of all supporting documentation and associated certifications. We find that allowing applicants to submit supporting documentation after the funding year or inadequate supporting documentation compromises the efficiency and effectiveness of the RHC program.¹¹ USAC is often required to reprocess applications and reduplicate work after receipt of the supporting documentation or reach out to the applicant to seek additional information, thus further delaying the review and commitment process. When USAC must seek submission of supporting documentation or direction on locating the relevant information to support an applicant's FCC Form 466, the efficiency of USAC's review process suffers, administrative costs increase, and funding commitments are delayed. Therefore, beginning with funding year 2015, when USAC determines that an applicant lacks all supporting documentation accompanying its FCC Form 466 or the supporting documentation is inadequate, USAC shall inform the applicant promptly in writing of the omission or inadequacy and give the applicant 14 calendar days from receipt of that notice to submit the missing or relevant supporting documentation.¹² We believe that a 14-day period is limited enough to ensure that funding decisions are not unreasonably delayed, is sufficient time for applicants to file all relevant supporting documentation, and ultimately should decrease administrative costs associated with interrupted reviews. We also clarify that if applicants do not provide timely responses to USAC requests for omitted or adequate supporting

close of the initial filing period will be processed and prioritized according to the date received by USAC. *Id.* USAC will continue to accept and process FCC Forms 466 throughout the funding year, until USAC reaches the annual funding cap established by the Federal Communications Commission. *Id.*

⁸ See FCC Form 466 at 1; Funding Request Guidance; Documentation Guidance.

⁹ See USAC, Rural Health Care, Telecommunications Program, Review, Approve, Submit, <http://www.usac.org/rhc/telecommunications/health-care-providers/step05/> (last visited Jan. 8, 2015). As part of a funding commitment decision, USAC also indicates whether a contract is given evergreen status. See USAC, Rural Health Care, Telecommunications Program, Health Care Providers, Evergreen Status, <http://www.usac.org/rhc/telecommunications/health-care-providers/evergreen-contracts.aspx> (last visited Jan. 8, 2015).

¹⁰ 47 C.F.R. § 54.675(c)(4); see *supra* note 6 (providing examples of supporting documentation).

¹¹ An example of inadequate documentation includes the submission of a voluminous customer service report which requires USAC to contact the applicant for instructions on locating the relevant information to support an applicant's FCC Form 466.

¹² See *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16803, para. 300 (2012) (giving applicants under the Healthcare Connect Fund 14 calendar days from the date of receipt of USAC written notice to amend or re-file their applications for support to correct deficiencies identified by USAC); *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 354, 355, para. 5 (Wireline Comp. Bur. 2011) (giving applicants under the Schools and Libraries Program 15 calendar days from receipt of notice from USAC to submit missing Item 21 attachments to their applications for support). See also *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Support Mechanism, et al.*, CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5326-27, para. 23 (2006). All notices will be transmitted electronically and receipt of notice will be presumed to be the following business day after notice is transmitted by USAC. For example, if notice is transmitted by USAC on February 2, 2015, then receipt of notice will be presumed to be on February 3, 2015.

documentation, USAC shall deny the associated funding request/s.¹³

4. ACCORDINGLY, IT IS ORDERED, that pursuant to the authority contained in sections 1-4, 254, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 254, and 403, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that this Order IS ADOPTED.

5. IT IS FURTHER ORDERED, pursuant to section 1.103(a) of the Commission’s rules, 47 C.F.R. § 1.103(a), that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Ryan B. Palmer
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

¹³ Thus, contracts that are not submitted as part of an applicant’s funding request/s or subsequent request by USAC for omitted supporting documentation will not be reviewed by USAC for evergreen status for the relevant funding year, but may be considered for evergreen status with subsequent funding request/s. *See supra* note 9.