



# PUBLIC NOTICE

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## THE OFFICE OF MANAGING DIRECTOR AND WIRELINE COMPETITION BUREAU SUSPEND THE RED LIGHT RULE FOR THE COVID-19 TELEHEALTH PROGRAM

### WC Docket No. 20-89

The coronavirus COVID-19 pandemic is an outbreak of a respiratory illness that has spread across the United States and has produced unprecedented strain on the nation's health care systems. On April 2, 2020, to help combat the pandemic, the Federal Communications Commission (Commission) released a *Report and Order* establishing the COVID-19 Telehealth Program to provide \$200 million in funding, appropriated by Congress as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, to help health care providers provide connected care services to patients at their homes or mobile locations in response to the novel pandemic.<sup>1</sup> The COVID-19 Telehealth Program will provide immediate support to eligible health care providers responding to the COVID-19 pandemic by fully funding telecommunications services, information services, and devices necessary to provide critical connected care services.

On April 13, the Wireline Competition Bureau started accepting applications for the COVID-19 Telehealth Program on the Commission's COVID-19 Telehealth Program page.<sup>2</sup> This Public Notice notifies applicants that the Commission is suspending its "red light" rule for the COVID-19 Telehealth Program funds.

The collections and disbursement rules associated with the Debt Collection Improvement Act,<sup>3</sup> stated in Part 1 of the Commission's rules, describe specific provisions which include a rule commonly referred to as the "red light" rule.<sup>4</sup> Pursuant to the Commission's rules, action on applications and requests by any entity found to be delinquent in its debt to the Commission may be withheld under the Commission's "red light" rule, until full payment or resolution of such debt.<sup>5</sup>

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<sup>1</sup> *Promoting Telehealth for Low-Income Consumers; COVID-19 Telehealth Program*, WC Docket Nos. 18-213 and 20-89, Report and Order, FCC 20-44, paras. 15-36 (2020) (*Report and Order*). See CARES Act, Pub. L. No 116-136, 134 Stat. 281 (2020).

<sup>2</sup> *Wireline Competition Bureau Announces COVID-19 Telehealth Program Application Portal Will Open Monday*, WC Docket No. 20-89, Public Notice, DA 20-403 (WCB Apr. 10, 2020).

<sup>3</sup> Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (1996).

<sup>4</sup> *Amendment of Parts 0 and 1 of the Commission's Rules/Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Requests for Benefits by Delinquent Debtors*, Report and Order, 19 FCC Rcd 6540 (2004).

<sup>5</sup> 47 CFR § 1.1910(b)(2).

Generally, the Commission’s rules may be waived for good cause shown.<sup>6</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>7</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an overall basis.<sup>8</sup>

The Office of Managing Director and Wireline Competition Bureau find that the disruption caused by the COVID-19 pandemic along with the tremendous efforts by health care providers to identify and treat patients with the virus constitutes extremely unusual circumstances. As such, in order to facilitate prompt review and processing of the maximum number of applications to the COVID-19 Telehealth Program, we find that it is in the public interest and good cause exists to waive the Commission’s “red light” rule with respect to such applications.

We do not expect there to be a large number of applicants to the COVID-19 Telehealth Program who are delinquent in their debt to the Commission, and who would therefore benefit from the waiver of the “red light” rule. Nonetheless, the Office of the Managing Director and the Wireline Competition Bureau issue this waiver to ensure that otherwise worthy telehealth projects are not unnecessarily turned away due to the “red light” rule during this health crisis. To be clear, this waiver is limited only to the COVID-19 Telehealth Program. Furthermore, this waiver does not affect the Commission’s right or obligation to collect any debt owed by an applicant by any other means available to the Commission, including by referral to the U.S. Treasury for collection.

*Additional Information.* For further information regarding this Public Notice, please contact Daniel Daly, Counsel, Office of Managing Director, [Daniel.Daly@fcc.gov](mailto:Daniel.Daly@fcc.gov) or (202) 418-1832. For more information about the COVID-19 Telehealth Program, refer to the Commission’s website at [www.fcc.gov/covid19telehealth](http://www.fcc.gov/covid19telehealth).

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<sup>6</sup> 47 CFR § 1.3.

<sup>7</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>8</sup> *Id.*