

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Protecting against National Security Threats to the
Communications Supply Chain Through FCC
Programs
Motion for Extension of Time of the Rural Wireless
Association, Inc. and NTCA – The Rural
Broadband Association
WC Docket No. 18-89

ORDER

Adopted: December 29, 2021

Released: December 29, 2021

New Reimbursement Program Filing Window Closing Date—January 28, 2022

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, the Wireline Competition Bureau (Bureau) grants an extension of 14 days in response to the Motion filed by the Rural Wireless Association, Inc. (RWA) and NTCA – The Rural Broadband Association (NTCA) (collectively, Petitioners) for an extension of the deadline to file FCC Form 5640 related to the Secure and Trusted Communications Networks Reimbursement Program (SCRIP).1 As a result, the filing window will now close on January 28, 2022 at 11:59 PM Eastern Standard Time.

II. BACKGROUND

2. As directed by the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act), as amended, the Federal Communications Commission established the \$1.9 billion Reimbursement Program to reimburse providers of advanced communications services with ten million or fewer customers for reasonable costs incurred in the removal, replacement, and disposal of covered communications equipment or services from their networks that pose a national security risk.2 The window to file applications to participate in the Reimbursement Program opened on Friday, October 29, 2021 and is currently scheduled to close on Friday, January 14, 2022 at 11:59 PM Eastern Standard

1 See Motion for Extension of Time of the Rural Wireless Association, Inc. and NTCA – The Rural Broadband Association, WC Docket No. 18-89 (filed Dec. 21, 2021) (RWA-NTCA Petition).

2 Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, § 4(a)-(c), 134 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601–1609) (Secure Networks Act). The Commission implemented the Secure Networks Act on December 10, 2020. Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs, WC Docket No. 18-89, Second Report and Order, 35 FCC Rcd 7821 (2020). On July 13, 2021, the Commission amended its rules, consistent with amendments to the Secure Networks Act included in the Consolidated Appropriations Act, 2021. Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs, WC Docket No. 18-89, Third Report and Order, FCC 21-86, 2021 WL 3024271, at 49-51, Appx. A (Jul. 13, 2021) (2021 Supply Chain Order).

Time.³ To participate in the Reimbursement Program, eligible providers must file an FCC Form 5640 Application Request for Funding Allocation,⁴ using the Bureau’s dedicated online application filing portal.⁵ Once the application filing window opens, and until the filing window closes, applicants can initiate, save, submit, and make changes to their applications.⁶ Once the filing window closes, all applications will be evaluated by the Reimbursement Program Fund Administrator.⁷

3. The Commission delegated authority to the Bureau to adopt the necessary policies and procedures relating to, among other things, setting filing deadlines for SCRP Form 5640.⁸ Consistent with the *2021 Supply Chain Order*, the Bureau also has discretion to set the length of the initial filing window.⁹ The Bureau may implement additional filing windows as necessary¹⁰ and the Commission may consider motions for extension, although it is the Commission’s policy that extensions of time shall not be routinely granted.¹¹

4. On December 21, 2021, the Petitioners filed a Motion for Extension of Time seeking a one-month extension of the SCRP filing deadline.¹² Petitioners claim that many of their members “have concluded that the current filing deadline of January 14, 2022, at 11:59 p.m. EST does not provide enough time to sufficiently complete gathering and uploading the data required by the FCC Form 5640.”¹³ Petitioners argue that “collecting the necessary cell site data, filling out the numerous entries in the location, equipment, and cost estimate excel sheets, and attaching necessary documentation is a massive undertaking that requires substantial work.”¹⁴ Petitioners assert that the amount of work required will particularly impact “small rural providers” whose “limited financial and workforce resources” limit their ability to complete the FCC Form 5640 in a timely manner.¹⁵ Petitioners also contend that “the upcoming holiday season,” imposes additional time constraints that are compounded by the “quickly spreading COVID-19 Omicron variant.”¹⁶ Petitioners state that an extension of the filing deadline would benefit the public interest “by allowing small carriers sufficient time to apply for SCRP reimbursement funds”

³ See *Wireline Competition Bureau Announces Application Filing Window for the Secure and Trusted Communications Networks Reimbursement Program – Filing Window Opens October 29, 2021*, DA 21-1207 (WCB rel. Sept. 27, 2021) (*Filing Window Public Notice*).

⁴ 47 CFR § 1.50004(c).

⁵ FCC, *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, <https://www.fcc.gov/supplychain> (last visited Dec. 23, 2021).

⁶ *Wireline Competition Bureau Finalizes Application Filings, Procedures, Cost Catalog, and Replacement list for the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket 18-89, Public Notice, DA 21-947, 2021 WL 3466248 at *7 (WCB Aug. 3, 2021).

⁷ *Filing Window Public Notice* at 2.

⁸ 47 CFR § 1.50004(p).

⁹ *2021 Supply Chain Order* at 39, para. 95.

¹⁰ 47 CFR § 1.50004(b).

¹¹ 47 CFR § 1.46.

¹² RWA-NTCA Petition at 1.

¹³ *Id.*

¹⁴ RWA-NTCA Petition at 1-2. Petitioners note that there was a typo in the Final Catalog of Eligible Expense and Estimated Costs. *Id.* at n.1. The Commission was made aware of the typo and the Final Catalog of Eligible Expense and Estimated Costs was corrected on December 21, 2022.

¹⁵ RWA-NTCA Petition at 2.

¹⁶ *Id.*

thereby avoiding the risk of “undermining the purpose of the SCRP” due to “inaccurate applications.”¹⁷ Petitioners claim that the extension will “not negatively impact the transition process timing nor disadvantage other applicants to the SCRP.”¹⁸ On December 23, 2021, the Competitive Carriers Association submitted a letter supporting Petitioners’ Motion.¹⁹ No party has filed an opposition to Petitioners’ Motion.

III. DISCUSSION

5. We agree with Petitioners that an extension of the filing deadline would benefit the public interest. As set forth in section 1.46 of the Commission’s rules, it is the Commission’s policy that extensions of time shall not be routinely granted. In this case, however, the Petitioners demonstrate that a limited extension of time is warranted to allow interested parties to accomplish the necessary labor required to accurately complete the FCC Form 5640. We agree that giving interested parties, especially small rural carriers, additional time to compile their location, equipment, and cost estimates, as well as necessary supporting documentation, and to file a completed FCC Form 5640 will benefit the purpose of the SCRP by allowing for more accurate funding allocation.

6. We therefore find that there is good cause for extension of the filing deadline for FCC Form 5640. However, the 30-day extension Petitioners requested could unduly delay the implementation of the Reimbursement Program and also the removal, replacement and disposal of covered equipment and services that pose a national security risk. Instead, we conclude that an extension of 14 days appropriately balances providing interested parties adequate time to prepare their FCC Form 5640 filings with allowing the Reimbursement Program to advance expeditiously.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 0.204, 0.291, 1.50004(b), 1.50004(p), and 1.46 of the Commission’s rules, 47 §§ 0.204, 0.291, 1.50004(b), 1.50004(p), and 1.46, the Motion for Extension of Time filed by RWA and NCTA is granted to the extent described herein.

8. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau

¹⁷ RWA-NTCA Petition at 2-3.

¹⁸ RWA-NTCA Petition at 3.

¹⁹ Letter from Alexi Maltas, SVP & General Counsel, Competitive Carriers Association, to Marlene H. Dortch, Secretary, FCC, WC Docket 18-89 (filed Dec. 23, 2021).