



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU ANNOUNCES MODIFICATIONS TO *EX PARTE* RULES IN EMERGENCY CONNECTIVITY FUND PROCEEDING

WC Docket No. 21-93

On March 16, 2021, the Wireline Competition Bureau (Bureau) released a Public Notice¹ seeking comment on how to most efficiently and effectively administer the \$7.171 billion Emergency Connectivity Fund established by Congress as part of the American Rescue Plan of 2021² to provide much-needed relief during the coronavirus (COVID-19) pandemic. Specifically, the Bureau sought comment on a range of issues related to the provision of support to reimburse eligible schools and libraries for the purchase of eligible equipment and advanced telecommunications and information services to enable and support remote learning by students, school staff, and library patrons during the pandemic. To create a record that would allow the Commission to promulgate rules by the statutory deadline of May 10, 2021, the Bureau established a “permit-but-disclose” proceeding with comments due April 5, 2021, and reply comments due April 23, 2021.

In light of the approaching statutory deadline, the urgency surrounding pandemic relief, and the Commission’s desire to receive targeted and timely input from a broad cross-section of the affected public, Acting Chairwoman Rosenworcel announced today that extraordinary circumstances exist to warrant the discretionary release of a draft Report and Order, including draft rules, to the public (<https://docs.fcc.gov/public/attachments/DOC-372066A1.pdf>). Accordingly, the Bureau makes the following modifications to how the *ex parte* rules will apply to this proceeding given the public release of the draft Report and Order. The public may make *ex parte* presentations consistent with our “permit-but-disclose” rules through Wednesday, May 5, 2021 at 6:00 p.m. EDT. After that time, given the statutory deadline, the Bureau finds that it is in the public interest to modify the “permit-but-disclose” rules that apply to this proceeding. Specifically, pursuant to section 1.1200(a) of the Commission’s rules,³ except as noted below, the Bureau prohibits any presentations, whether *ex parte* or not, after Wednesday, May 5, 2021 at 6:00 p.m. EDT. Summaries of any oral *ex parte* presentations made on May 4-5, 2021, must be filed no later than 2:00 p.m. EDT on May 6, 2021. Excluded from this prohibition on *ex parte* presentations after May 5, 2021 are presentations that are exempt under section 1.1204(a) of the Commission’s rules⁴ and presentations by Members of Congress or their staffs or by other agencies or

¹ *Wireline Competition Bureau Seeks Comment on Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic*, Public Notice, DA 21-317 (WCB Mar. 16, 2021).

² American Rescue Plan Act, 2021, H.R. 1319, 117th Cong., tit. VII, § 7402 (2021) (enacted), available at <https://www.congress.gov/bills/117/congress/house-bill/1319/text> (enrolled bill).

³ 47 CFR § 1.1200(a).

⁴ 47 CFR § 1.1204(a).

branches of the Federal government, which will be subject to “permit-but-disclose” procedures only if the presentation is of substantial significance and clearly intended to affect the ultimate decision.⁵

For further information, please contact Molly M. O’Conor, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-0578 or by email at Molly.OConor@fcc.gov.

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⁵ See 47 CFR § 1.1206(b)(3).