



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU SETS SERVICE DELIVERY DATE FOR EMERGENCY CONNECTIVITY FUND PROGRAM INITIAL APPLICATION FILING WINDOW AND MODIFIES FUNDING APPLICATION CERTIFICATION LANGUAGE

### WC Docket No. 21-93

By this Public Notice, the Wireline Competition Bureau (Bureau) establishes a June 30, 2022 service delivery date for equipment and other non-recurring services funding requests filed during the initial application filing window of the Emergency Connectivity Fund Program, if the equipment or services have not been received at the time the funding request is made. We also modify the certification language for section 54.1710(a)(1)(x) of the Commission's rules to clarify that applicants may request funding for eligible equipment and services that have not yet been ordered for the upcoming school year (i.e., July 1, 2021 through June 30, 2022).

As part of the American Rescue Plan Act of 2021, Congress appropriated \$7.171 billion to the Federal Communications Commission (Commission) to promulgate rules providing for the distribution of funding from the Emergency Connectivity Fund to eligible schools and libraries for the purchase of eligible equipment and/or advanced telecommunications and information services for use by students, school staff, and library patrons at locations that include locations other than a school or library.<sup>1</sup> On May 10, 2021, the Commission issued a *Report and Order* establishing the Emergency Connectivity Fund Program to administer the \$7.171 billion in congressionally appropriated funding.<sup>2</sup> The Commission and the Universal Service Administrative Company (USAC) opened a 45-day Emergency Connectivity Fund application filing window on June 29, 2021, and will close the application filing window on August 13, 2021.<sup>3</sup> During this initial filing window, applicants may request funding for eligible equipment and services that will be received or delivered between July 1, 2021 and June 30, 2022.<sup>4</sup>

*Service Delivery Date.* The Commission established an invoice filing deadline rule for the Emergency Connectivity Fund Program in the *Report and Order*.<sup>5</sup> Section 54.1711(d) provides that “[i]nvoices must be submitted to the Administrator within 60 days from the date of the funding

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<sup>1</sup> American Rescue Plan Act, 2021, H.R. 1319, Pub. L. No. 117-2, 117<sup>th</sup> Cong., tit. VII, § 7402(a)(1)-(2) (2021) (enacted), available at <https://www.congress.gov/bill/117th-congress/house-bill/1319/text> (American Rescue Plan Act) (enrolled bill).

<sup>2</sup> See *Establishing the Emergency Connectivity Fund to Close the Homework Gap*; WC Docket No. 21-93, Report and Order, FCC 21-58, 2021 WL 1921632 (May 11, 2021) (*Emergency Connectivity Fund Report and Order*).

<sup>3</sup> See Press Release, FCC, *FCC Announces Emergency Connectivity Fund Application Window Will Open on June 29* (June 15, 2021), <https://www.fcc.gov/document/emergency-connectivity-fund-application-window-opens-june-29>.

<sup>4</sup> *Emergency Connectivity Fund Report and Order*, 2021 WL 1921632 at \*27, \*29, paras. 78, 83.

<sup>5</sup> *Id.* at \*33, para. 98.

commitment decision letter; a revised funding commitment decision letter approving a post-commitment change or a successful appeal of previously denied or reduced funding; or service delivery date, whichever is later.”<sup>6</sup> However, for non-recurring services or equipment to be funded through the initial window of the Emergency Connectivity Fund Program, the service delivery date may not be known at the time the applicant submits the funding request. In order to streamline and simplify the application and invoicing processes, and pursuant to the Bureau’s authority to provide additional detail and specificity to the requirements of the Emergency Connectivity Fund Program in consultation with the Office of the Managing Director,<sup>7</sup> and for purposes of establishing the deadline for the submission of invoices, we establish June 30, 2022 as the service delivery date for equipment and other non-recurring services funding requests if the equipment or services have not been ordered or received when the applicant submits the funding request. As such, applicants may use June 30, 2022, as the “service end date” in the funding request where indicated in the Emergency Connectivity Fund Program application portal, and the invoicing deadline for these non-recurring services and equipment will be 60 days from the date of the funding commitment decision letter; a revised funding commitment decision letter approving a post-commitment change or a successful appeal of previously denied or reduced funding; or August 29, 2022 (i.e., 60 days after June 30, 2022), whichever is later.<sup>8</sup> Adopting a uniform service delivery date for equipment and other non-recurring services will provide certainty for these applicants and allow USAC to provide an invoice filing deadline to applicants at the time it provides the funding commitment letter.

*Clarification to Section 54.1710(a)(1)(x).* In the *Report and Order*, the Commission adopted, and codified at section 54.1710(a)(1), the certifications that applicants must include on their funding applications. Section 54.1710(a)(1)(x) requires applicants to certify that “[t]he applicant or the relevant student, school staff member, or library patron has received, or the applicant has ordered the equipment and services for which funding is sought.”<sup>9</sup> As explained above, the current Emergency Connectivity Fund Program application filing window is for prospective purchases of eligible equipment and services made between July 1, 2021 and June 30, 2022. Therefore, it is possible that applicants may not have ordered the requested equipment and services at the time they are submitting their applications for funding through the Emergency Connectivity Fund Program. To address this circumstance, we modify section 54.1710(a)(1)(x) to require applicants to certify that: “[t]he applicant or the relevant student, school staff member, or library patron has received, or the applicant has ordered or will order, the equipment and services for which funding is sought.” This clarification conforms the certification to the requirement set forth in the *Report and Order* that eligible equipment and services funded through the initial application filing window must be provided or delivered between July 1, 2021 and June 30, 2022, and permits the certification required by the applicant or service provider at the invoicing stage that the equipment and services have been received or ordered.<sup>10</sup>

Appendix A attached to this Public Notice reflects these two procedural rule changes for the Emergency Connectivity Fund Program, and the updated rules will become effective upon publication in the Federal Register.

*Additional Information.* For further information regarding this Public Notice, please contact Johnnay Schrieber, Deputy Division Chief, Telecommunications Access Policy Division, Wireline

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<sup>6</sup> 47 CFR § 54.1711(d).

<sup>7</sup> *Emergency Connectivity Fund Report and Order*, 2021 WL 1921632 at \*48-49, paras. 141, 144.

<sup>8</sup> See 47 CFR § 54.1711(d).

<sup>9</sup> See 47 CFR § 54.1710(a)(1)(x); see also *Establishing the Emergency Connectivity Fund to Close the Homework Gap*, WC Docket 21-93, Second Erratum, FCC 21-58 (WCB rel. June 23, 2021) (modifying section 54.1710(a)(1)(x) to clarify applicants may not have received or ordered the eligible equipment or services at the time of applying for funding).

<sup>10</sup> 47 CFR § 54.1711(a)(1)(iv).

Competition Bureau, [Johnnay.Schrieber@fcc.gov](mailto:Johnnay.Schrieber@fcc.gov) or (202) 418-1986. For more information about the Emergency Connectivity Fund Program, please refer to the Commission's website at <https://www.fcc.gov/emergency-connectivity-fund>.

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**APPENDIX A****Final Rules**

For the reasons set forth above, section 54.1710(a)(1)(x) is amended and section 54.1711(e) is added as indicated below.

1. Section 54.1710(a)(1)(x) is amended to read as follows: The applicant or the relevant student, school staff member, or library patron has received, or the applicant has ordered or will order, the equipment and services for which funding is sought.
2. Section 54.1711 is amended to add subsection (e) and reads as follows:

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Section 54.1711(e) *Service Delivery Date*. For the initial filing window set forth in § 54.1708(b), the service delivery date for equipment and other non-recurring services if the equipment or services have not been received or ordered when the applicant submits the request for funding is June 30, 2022.