



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 22-16

Released: January 6, 2022

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

WC Docket Nos. 20-445, 21-450

On November 18, 2021, the Wireline Competition Bureau (Bureau) released a Public Notice¹ seeking comment on the rules and administration of the Affordable Connectivity Program, which was established by Congress in the Infrastructure Investment and Jobs Act (Infrastructure Act),² as the \$14.2 billion successor program to the Emergency Broadband Benefit Program (EBB Program). The Infrastructure Act modifies and extends the EBB Program to a long-term broadband affordability program called the Affordable Connectivity Program. Consistent with congressional directive, the Bureau sought comment on a range of issues related to modifications and changes in transitioning the EBB Program to the Affordable Connectivity Program. To create a record that would allow the Commission to promulgate rules by the statutory deadline of January 14, 2022, and consistent with congressional directive, the Bureau established a “permit-but-disclose” proceeding with comments due December 8, 2021, and reply comments due December 28, 2021.

In light of the approaching statutory deadline and the Commission’s desire to receive targeted and timely input from a broad cross-section of the affected public, Chairwoman Rosenworcel announces that extraordinary circumstances exist to warrant the discretionary release of a draft Report and Order and Further Notice of Proposed Rulemaking, including draft rules, which will be available to the public soon. Accordingly, the Bureau makes the following modifications to how the *ex parte* rules will apply to this proceeding given the forthcoming public release of the draft Report and Order and Further Notice of Proposed Rulemaking. The public may make *ex parte* presentations consistent with our “permit-but-disclose” rules through Tuesday, January 11, 2022 at 5:00 p.m. EST. 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 Tuesday, January 11, 2022 at 5:00 p.m. EST. Summaries of any oral *ex parte* presentations made on January 10-11, 2022, must be filed no later than 12:00 p.m. EST on January 12, 2022. Excluded from this prohibition on *ex parte* presentations after January 11, 2022 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 the Implementation of the Affordable Connectivity Program*, WC Docket No. 21-450, Public Notice, DA 21-1453 (WCB Nov. 18, 2021) (*Affordable Connectivity Program Public Notice*).

² Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021), available at <https://www.govinfo.gov/content/pkg/BILLS-117hr3684enr/pdf/BILLS-117hr3684enr.pdf> (Infrastructure Act or Act).

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

Consistent with the Commission’s rules, any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in WC Docket No. 21-450, which may be accessed via the Electronic Comment Filing System (ECFS) (<https://www.fcc.gov/ecfs/>). In addition to electronic filings, to ensure timely consideration of all *ex parte* presentations, courtesy copies should also be submitted to Christian Hoefly, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, via email at Christian.Hoefly@fcc.gov.

For further information, please contact Christian Hoefly, at (202) 418-1469 or by email at Christian.Hoefly@fcc.gov.

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⁵ See 47 CFR § 1.1206(b)(3).