

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

In the Matter of
Promoting Fair and Open Competitive Bidding in
the E-Rate Program
WC Docket No. 21-455

ORDER GRANTING EXTENSION OF TIME

Adopted: March 16, 2022

Released: March 16, 2022

New Deadline for Filing Comments: April 27, 2022
New Deadline for Filing Reply Comments: May 27, 2022

By the Chief, Wireline Competition Bureau:

1. By this Order, the Wireline Competition Bureau grants a Motion for Extension of Time requesting 30 additional days to file comments and reply comments in the above-captioned proceeding. For the reasons stated below, we find that the requested extension of time is warranted, and we extend the comment and reply comment dates to April 27, 2022 and May 27, 2022, respectively.

2. On December 16, 2021, the Commission released a Notice of Proposed Rulemaking seeking comment on proposals, including establishing a centralized bidding portal, to increase transparency and efficiency of the competitive bidding process for the E-Rate program. The E-Rate Bidding Portal Notice was published in the Federal Register on January 27, 2022, and established March 28, 2022, and April 27, 2022, as the dates for filing comments and reply comments, respectively.

3. On March 4, 2022, a coalition of 27 E-Rate stakeholder organizations led by the State E-Rate Coordinators' Alliance (collectively, the "Joint E-Rate Stakeholders") filed a motion to extend the comment and reply comment deadlines by 30 days. The Joint E-Rate Stakeholders argue that the

1 Motion of the State E-Rate Coordinators' Alliance et al. for Extension of Time, WC Docket No. 21-455 (filed Mar. 4, 2022), https://www.fcc.gov/ecfs/filing/1030406514110 (Motion).

2 Promoting Fair and Open Competitive Bidding in the E-Rate Program, WC Docket No. 21-455, Notice of Proposed Rulemaking, FCC 21-124 (rel. Dec. 16, 2021) (E-Rate Bidding Portal Notice).

3 Federal Communications Commission, Promoting Fair and Open Competitive Bidding in the E-Rate Program, Proposed Rule, 18 Fed. Reg. 4182 (Jan. 27, 2022).

4 See Motion at 1. The E-Rate Joint Stakeholders includes the following organizations: State E-Rate Coordinators' Alliance (SECA); Schools, Health & Libraries Broadband Coalition (SHLB); Funds for Learning, LLC (FFL); COSN - Consortium for School Networking; Chief Officers of State Library Agencies (COSLA); American Library Association (ALA); National Consumer Law Center; Council of Great City Schools; State Educational Technology Directors Association (SEDTA); University System of Georgia; Wisconsin Department of Public Instruction; Nebraska Office of the CIO; California K-12 High Speed Network; Kentucky Department of Education; E-Rate Management Professional Association (E-mpa); CSM Consulting, Inc.; E-Rate Central, Inc., Kellogg & Sovereign Consulting; Epic Communications, Inc., KB & Associates LLC; Infinity Communications and Consulting Inc.; EdTechnologyFunds, Inc.; Sound E-Rate; Educational Professional Services; E-Rate Online, Inc.; E-Rate & Educational Services; and VST Consulting, LP.

requested extension of time is necessary because the comment and reply comment deadlines for responding to the E-Rate Bidding Portal Notice overlap significantly with the Funding Year (FY) 2022 E-Rate application filing window, which opened on January 12, 2022 and will close on March 22, 2022 at 11:59 p.m.⁵ The Joint E-Rate Stakeholders explain that all E-Rate stakeholders devote considerable time and resources to helping applicants conduct their competitive bidding processes, select vendors, and prepare and file E-Rate funding applications during this period, and therefore, extending the comment filing deadline will reduce the overlap and provide E-Rate stakeholders the “opportunity to fully participate and develop well-reasoned and factually supported positions in response to the NPRM questions.”⁶ The Joint E-Rate Stakeholders further explain that the existing E-Rate competitive bidding rules, including applicable local and state procurement requirements, are in effect during the pendency of this rulemaking, and thus, there is no urgent need to adhere to the current comment and reply comment deadlines.⁷

4. As set forth in section 1.46 of the Commission’s rules,⁸ the Commission does not routinely grant extensions of time for filing comments. In this instance, however, we find there is good cause to grant the requested 30-day extension of the comment and reply comment dates given the importance of developing a robust record for this proceeding. In particular, we agree that there is substantial overlap between the timing of the FY 2022 application filing window and the initial 60 day comment period as both cover the January 2022 through March 2022 timeframe. We also find that the record in this proceeding will greatly benefit by allowing commenters, including the Joint E-Rate Stakeholders, additional time to fully respond to the proposals and questions asked in the E-Rate Bidding Portal Notice. We therefore grant the Joint E-Rate Stakeholders’ Motion and extend the comment and reply comment deadlines by 30 days, to April 27, 2022 and May 27, 2022, respectively.

5. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 303(r), and sections 0.91, 0.131, 0.291, 0.331, 1.2, and 1.46 of the Commission’s rules, 47 CFR §§ 0.91, 0.131, 0.291, 0.331, 1.2, and 1.46, that the Motion for Extension of Time filed by the Joint E-Rate Stakeholders is GRANTED.

6. IT IS FURTHER ORDERED that the date for filing initial comments IS EXTENDED to April 27, 2022, and that the date for filing reply comments IS EXTENDED to May 27, 2022.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Wireline Competition Bureau

⁵ *Id.* at 2.

⁶ *Id.*

⁷ *Id.* at 2-3.

⁸ 47 CFR § 1.46.