



PUBLIC NOTICE

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DA 23-166

Released: March 1, 2023

WIRELINE COMPETITION BUREAU REMINDS EMERGENCY CONNECTIVITY FUND PARTICIPANTS OF THEIR ONGOING COMPLIANCE OBLIGATIONS

WC Docket No. 21-93

In this Public Notice, the Wireline Competition Bureau (Bureau) reminds Emergency Connectivity Fund (ECF) Program participants about their ongoing obligations to comply with the Program rules, including the document retention and production requirements. The Program's requirements are discussed in the *Emergency Connectivity Fund Report and Order* and in the Commission's ECF rules.¹ In the event that Commission or Universal Service Administrative Company (USAC) staff or auditors request such records for audit and other post-commitment reviews, ECF participants should be prepared to provide this information in a timely manner.²

Inventories of ECF-Funded Equipment and Service. As part of the record retention requirements established in the Order, we require applicants to keep equipment inventories for each connected device or other piece of equipment provided to an individual student, school staff member, or library patron.³ The equipment inventory must identify:

- 1) the device or equipment type (i.e., laptop, tablet, mobile hotspot, modem, router);
- 2) the device or equipment make/model;
- 3) the device or equipment serial number;
- 4) the full name of the person to whom the device or other piece of equipment was provided; and
- 5) the dates the device or other piece of equipment was distributed (or loaned out) and returned, or the date the school or library was notified that the device or other piece of equipment was missing, lost, or damaged.⁴

Applicants must also keep inventories of eligible services purchased with ECF support. The service inventories must include the following information:

¹ *Establishing the Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Report and Order, 36 FCC Rcd 8696 (2021) (*Emergency Connectivity Fund Report and Order*); see also 47 CFR §§ 54.1700-1718. The Commission and USAC have also provided information on these requirements through the Commission's ECF Frequently Asked Questions website and USAC's ECF website and Newsletters. See, e.g., Federal Communications Commission, *Emergency Connectivity Fund FAQs*, <https://www.fcc.gov/emergency-connectivity-fund-faqs> (last visited Mar. 1, 2023); USAC, *Stay Informed: Program Newsletters*, <https://www.emergencyconnectivityfund.org/stay-informed/> (last visited Mar. 1, 2023).

² 47 CFR §§ 54.1714, 54.1715(c).

³ 47 CFR § 54.1715(b).

⁴ 47 CFR § 54.1715(a)(1).

- (a) type of service provided (i.e., DSL, cable, fiber, fixed wireless, satellite, mobile wireless);
- (b) broadband plan details, including: upload and download speeds and monthly data cap;
- (c) the name(s) of the person(s) to whom the service was provided;
- (d) the service address (for fixed broadband service only); and
- (e) the installation date of service (for fixed broadband service only); and
- (f) the last date of service, as applicable, (for fixed broadband service only).⁵

For eligible ECF equipment and services that are not provided to an individual student, school staff member, or library patron, but are used to provide service to multiple eligible users, please refer to sections 54.1715(a)(2) and (a)(4) of the ECF Program rules.⁶

We also note that these equipment and service inventory requirements do not require libraries to modify their library recordkeeping or circulation systems. While a library is responsible for retaining all of the information required by the Commission's rules, it does not need to be managed or maintained in a particular format. Libraries can determine how they format, extract and save the required data. For example, if a library separately tracks its inventory, circulation history and patron data, and collectively all required information is retained for the required 10 year period of time, the library does not need to modify its inventory or circulation system, and is not required to modify the information (e.g., connect separately tracked library patron data to circulation data) before providing the requested records.

Documentation of Unmet Need Determination. Applicants are also required to maintain documentation supporting their compliance with ECF Program rules and certifications,⁷ including how they determined their unmet need.⁸ When schools file a request for reimbursement, they should only request reimbursement for eligible equipment and services provided to students or staff who would otherwise lack broadband services and/or devices sufficient to engage in remote learning. This means that the applicant may request reimbursement for less than the estimated unmet need numbers used in their ECF FCC Form 471 funding application. For example, if a school requested and was approved ECF funding to support the broadband services for 100 students based on an estimate of the students that lacked services, but it determines that only 90 students have unmet need, the school or the service provider, who agreed to invoice on behalf of the school, should only seek reimbursement for the services provided to those 90 students and not the 100 students for which funding was committed. In the event of an audit, schools should expect to be asked for documentation to support the actual costs of assigned equipment and/or services after funds have been committed or disbursed, and how they determined their unmet need.

To ensure libraries are providing eligible equipment and services to patrons with unmet needs, ECF rules require libraries to provide patrons with a copy of an eligible use policy, which explains that the equipment or service is intended for library patrons who do not otherwise have access to equipment or services sufficient to meet the patrons' educational needs, and patrons must sign and return a statement saying they would otherwise lack such access.⁹ Documentation supporting these certification statements may be requested to show compliance with ECF rules.

⁵ 47 CFR § 54.1715(a)(3).

⁶ 47 CFR § 54.1715(a)(2), (4).

⁷ 47 CFR § 54.1715(b).

⁸ 47 CFR § 54.1708(b) (directing the Administrator to open application filing windows for eligible equipment and services provided to students, school staff, and library patrons who would otherwise lack connected devices and/or broadband Internet access services sufficient to engage in remote learning).

⁹ See *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at para. 82.

We remind applicants and service providers that they are required to retain all documentation demonstrating compliance with the ECF Program rules, including the certifications provided on the application and invoicing forms (ECF FCC Forms 470, 471, 472, and/or 474).¹⁰ Applicants and service providers are also subject to audits and other investigations to evaluate their compliance with the ECF Program rules, including requirements regarding what equipment and services are purchased; what equipment and services are delivered; and how equipment and services are being used.¹¹ Applicants and service providers are reminded that they must provide such records upon request of any representative (including any auditor) appointed by a state education department, USAC, the Commission and its Office of Inspector General, or any local, state, or Federal agency with jurisdiction over the entity.¹² All ECF participants are required to retain records related to their participation in the Program sufficient to demonstrate compliance with all Program rules for at least 10 years from the last date of service or delivery of equipment.¹³

For further information, please contact Kate Dumouchel of the Wireline Competition Bureau's Telecommunication Access Policy Division at 202-418-1839 or kate.dumouchel@fcc.gov.

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¹⁰ See 47 CFR § 54.1715(b); see also *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at paras. 123-31.

¹¹ 47 CFR § 54.1714(a).

¹² 47 CFR § 54.1715(c).

¹³ 47 CFR § 54.1715(b).