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STREAMLINED RESOLUTION OF REQUESTS UNDER THE SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

WC Docket No. 18-89

By this Public Notice, the Wireline Competition Bureau (Bureau) grants, pursuant to delegated authority, the following petitions requesting to extend certain deadlines under the Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program).

As directed by the Secure and Trusted Communications Networks Act of 2019, as amended (Secure Networks Act), the Commission established the Reimbursement Program to reimburse providers of advanced communications service with ten million or fewer customers for reasonable costs incurred in the removal, replacement, and disposal of covered communications equipment or services from their networks that pose a national security risk, i.e., communications equipment or services produced or provided by Huawei Technologies Company (Huawei) or ZTE Corporation (ZTE), that were obtained by providers on or before June 30, 2020. The Reimbursement Program is funded by a \$1.9 billion congressional appropriation, which is less than the \$5.6 billion in collective funds requested by applicants to the program. Because demand exceeded available funding, the Secure Networks Act

¹ Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, § 4(a)-(c), 134 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601-1609). The Commission adopted rules implementing the Secure Networks Act on December 10, 2020. *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Second Report and Order, 35 FCC Rcd 14284 (2020) (2020 Supply Chain Order). On July 13, 2021, the Commission amended its rules, consistent with amendments to the Secure Networks Act included in the Consolidated Appropriations Act, 2021. *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Third Report and Order, 36 FCC Rcd 11958, 11959, para. 2 (2021) (2021 Supply Chain Order). The Commission later clarified that, for purposes of the Reimbursement Program, covered communications equipment or services are limited to the communications equipment or services produced or provided by Huawei or ZTE that were obtained by providers on or before June 30, 2020. See 2021 Supply Chain Order, 36 FCC Rcd at 11959, 11965, paras. 2 and 18; see also generally Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs – Huawei Designation, PS Docket No. 19-351, Order, 35 FCC Rcd 6604 (PSHSB 2020); Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs – ZTE Designation, PS Docket No. 19-352, Order, 35 FCC Rcd 6633 (PSHSB 2020).

² Consolidated Appropriations Act, 2021, Pub. L. No. 116–260, § 906, 134 Stat. 1182 (2020) (CAA). Section 906 provides that "[t]here is appropriated to the Federal Communications Commission, out of amounts in the Treasury not otherwise appropriated, for fiscal year 2021, to remain available until expended—...(2) \$1,900,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.), of which \$1,895,000,000 shall be used to carry out the program established under section 4 of that Act (47 U.S.C. 1603)."

³ See Wireline Competition Bureau Announces the Grant of Applications for the Secure and Trusted Communications Networks Reimbursement Program, WC Docket No. 18-89, Public Notice, DA 22-774, at 1-2 (WCB July 18, 2022) (SCRP Granted Applications Public Notice) (explaining that "[e]ach applicant was required to (continued....)

required the Bureau to implement a prioritization scheme where funding was allocated first to approved applicants with 2,000,000 or fewer customers (Priority 1 applicants).⁴ Because demand from Priority 1 applicants alone exceeded the congressional appropriation, Commission rules required that allocations to Priority 1 applicants be pro-rated on an equal basis.⁵ Consequently, recipients received funding allocations for approximately 39.5% of their reasonable and supported estimated costs for removing, replacing, and disposing of covered communications equipment and services.⁶

Reimbursement Program recipients must complete the removal, replacement, and disposal of covered communications equipment and services within one year from the initial disbursement of funds to the recipient. Pursuant to section 4(d)(6)(C) of the Secure Networks Act, the Commission may grant recipients extensions of this term on an individual basis.⁸ The Commission delegated authority to the Bureau to grant or deny individual petitions for an extension of a recipient's term.⁹ The Bureau "may grant an extension for up to six months after finding, that due to no fault of such recipient, such recipient is unable to complete the permanent removal, replacement, and disposal by the end of the term" and "may grant more than one extension request to a recipient if circumstances warrant." This can occur, for example, due to the lack of funding to fully reimburse recipients, which can require recipients to revise their plans in ways that cause them to need more time to remove, replace, and dispose of covered equipment, 11 in addition to delays in receiving the necessary equipment to replace their covered equipment, which likewise can require a recipient to need more time to meet its obligations under the Reimbursement Program.¹² The detailed rationales for these decisions are explained in the Bureau's prior orders.

(Continued from previous page) include in its application estimates for the costs that it will reasonably incur for the permanent removal, replacement, and disposal of covered communications equipment and services" and identifying that, across all filed applications, applicants sought a total of "approximately \$5.6 billion in gross program support").

(continued....)

⁴ See 47 U.S.C. § 1603(d)(5)(C); 47 CFR § 1.50004(f)(1); SCRP Granted Applications Public Notice at 2-3.

⁵ The Commission's rules provide that "[i]f there is insufficient funding to fully fund all requests in a particular prioritization category, then the [Bureau] will pro-rate the available funding among all eligible providers in that prioritization category." 47 CFR § 1.50004(f)(1); see also 47 U.S.C. § 1603(d)(5)(A) ("[T]he Commission shall make reasonable efforts to ensure that reimbursement funds are distributed equitably among all applicants for reimbursements under the Program according to the needs of the applicants, as identified by the applications of the applicants.").

⁶ See 47 CFR § 1.50004(f)(1); see also SCRP Granted Applications Public Notice at 2-3.

⁷ 47 U.S.C. § 1603(d)(6)(A); 47 CFR § 1.50004(h).

⁸ See 47 U.S.C. § 1603(d)(6)(C).

⁹ See 47 U.S.C. § 1603(d)(6)(C); 47 CFR § 1.50004(h)(2) ("Individual extensions. Prior to the expiration of the removal, replacement and disposal term, a Reimbursement Program recipient may petition the Wireline Competition Bureau for an extension of the term. The Wireline Competition Bureau may grant an extension for up to six months after finding, that due to no fault of such recipient, such recipient is unable to complete the permanent removal, replacement, and disposal by the end of the term. The Wireline Competition Bureau may grant more than one extension request to a recipient if circumstances warrant.").

¹⁰ 47 CFR § 1.50004(h)(2); see also 2020 Supply Chain Order, 35 FCC Rcd at 14354-56, paras. 171, 173 and n.501.

¹¹ Recipients should be aware of the lack of full funding will not necessarily be a sufficient showing for repetitive extension requests. See infra n.15.

¹² See, e.g., Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs, WC Docket No. 18-89, Order, DA 23-875, para. 7 (WCB Sept. 22, 2023) (Stealth Extension Order) (granting an extension based on supply chain issues); Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs, WC Docket No. 18-89, Order, DA 23-938, paras. 12-16 (WCB Oct. 10, 2023) (WorldCell et al. Extension Order) (granting extensions based in both funding issues and supply chain issues); Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs, WC Docket No. 18-89, Order, DA 23-1016, paras. 12-16 (WCB Oct. 27, 2023) (Point/SI Wireless

The Bureau strongly encourages recipients that intend to file a petition for an extension to do so as promptly as possible after determining that their circumstances meet the standard for an extension established in the statute and the Commission's implementing rules, and well in advance of the recipient's deadline, so the Bureau is able to fully consider and grant or deny the petition before the recipient's term expires.

Consistent with the Commission's goal of streamlining its internal review processes, ¹³ and further pursuant to our delegated authority, ¹⁴ we announced in our *January 2024 Streamlined Resolution Public Notice* that we would, with that Public Notice, begin issuing a Public Notice, as necessary but not more frequently than monthly, disposing of pending petitions which seek an extension of an applicants' removal, replacement, and disposal terms that do not involve complicated and/or controversial issues in a manner consistent with Commission and/or Bureau precedent. ¹⁵ Accordingly, we hereby grant the pending petitions listed below for an extension of a recipient's term to remove, replace, and dispose of its covered equipment. ¹⁶

Recipient – AST Telecom d/b/a Bluesky, SCRP0001027

(Continued from previous page) ————
Extension Order) (granting extensions based on both funding issues and supply chain issues); Protecting Against
National Security Threats to the Communications Supply Chain Through FCC Programs, WC Docket No. 18-89,
Order, DA 23-1110, paras. 8-11 (WCB Nov. 28, 2023) (Triangle Telephone/Triangle Communication Extension
Order) (granting extension of time requests by Triangle Telephone Cooperative Association Inc. and Triangle
Communication System, Inc. based on supply chain issues); Protecting Against National Security Threats to the
Communications Supply Chain Through FCC Programs, WC Docket No. 18-89, Order, DA 23-1196, para. 5 (WCB
Dec. 21, 2023) (GigSky, Inc. Extension Order) (granting extension of time request by GigSky, Inc. based on funding
issues).

¹³ See Report on FCC Process Reform, GN Docket No. 14-25 (Staff Working Group, Feb. 14, 2014) (Process Reform Report).

¹⁴ See 47 CFR §§ 0.91, 0.291, 1.50004(h)(2).

¹⁵ Streamlined Resolution of Requests Under the Secure and Trusted Communications Networks Reimbursement Program, WC Docket No. 18-89, Public Notice, DA 24-88, at 3 (WCB Jan. 31, 2024) (January 2024 Streamlined Resolution Public Notice). This approach further speeds the disposition of petitions seeking extension of the removal, replacement, and disposal term and to ensure the continued efficient administration of the Reimbursement Program, while at the same time fulfilling our obligation to thoroughly review the record before us. Id. Prior to issuance of the January 2024 Streamlined Resolution Public Notice, we had resolved petitions for extensions of recipients' removal, replacement, and disposal terms in stand-alone orders addressing each petition. The Bureau routinely resolves other matters in the manner of the January 2024 Streamlined Resolution Public Notice, as appropriate. See, e.g., Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Red 11094 (WCB 2014) (stating that the Bureau will resolve certain Universal Service Fund matters in a streamlined public notice).

¹⁶ To the extent the requests cited in this Public Notice seek extensions of time based on grounds other than funding issues and supply chain issues, this Public Notice does not address those grounds. In addition, we expressly reject any suggestion in the requests that a recipient is required to meet its statutorily mandated removal, replacement, and disposal obligations only if full funding is made available by Congress. Recipients should be aware of the lack of full funding will not necessarily be a sufficient showing for repetitive extension requests, as recipients should continually be making progress toward completing their projects by the end of their removal, replacement, and disposal term. The Bureau will evaluate the sufficiency of each individual extension request at the time it is filed in determining whether to grant or deny it. A recipient's obligation to complete the permanent removal, replacement, and disposal of covered communications equipment or services exists regardless of the amount of funding it may receive through the Reimbursement Program pursuant to the Secure Networks Act. Within 10 days following the expiration of the removal, replacement, and disposal term, a recipient must file a final certification with the Commission indicating whether it has fully complied with all terms and conditions of the Reimbursement Program. 47 U.S.C. § 1603(e)(4)(A); 47 CFR § 1.50004(m)(1).

Grounds for individual term extension – AST Telecom d/b/a Bluesky (Bluesky) requests a sixmonth extension of its deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2). Bluesky contends that its ability to complete the removal, replacement, and disposal of covered equipment and services by its current deadline has, through no fault of its own, been materially affected by supply chain issues, namely by unusually long delays for the delivery of necessary equipment. Among other things, Bluesky originally expected to receive all new equipment and materials at once, but instead has experienced long manufacturing and shipment lead times so that equipment and materials have arrived in multiple shipments over a longer period than expected. Further delays have been caused by coordination and clearance issues and missing components in shipments.¹⁷ In addition, Bluesky states that the lack of full funding for the required work has resulted in uncertainty and prevented it from using more effective methods of project implementation and transportation for equipment.¹⁸ As a result of these factors, Bluesky contends that it will need additional time to complete its work. The Bureau finds Bluesky's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues and lack of full funding, ¹⁹ and accordingly grants the requested extension.

New removal, replacement, and disposal term (RRD term) expiration date – Bluesky's deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from April 18, 2024 to October 18, 2024.

Recipient – Gallatin Wireless Internet, LLC, SCRP0001039

Grounds for individual term extension – Gallatin Wireless Internet, LLC (Gallatin) requests a six-month extension of its deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2).²⁰ Gallatin contends that its ability to complete the removal, replacement, and disposal of covered equipment and services by its current deadline has, through no fault of its own, been materially affected by supply chain issues. In particular, Gallatin states that it has experienced unexpected performance issues with new customer premises equipment (CPE), resulting in a drawn-out testing period and extra time needed for its vendor to fix the issues.²¹ These problems have led to unexpected delays, since CPE replacement cannot commence until the performance of the replacement equipment is optimal. The Bureau finds Gallatin's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds,²² and accordingly grants the requested extension.

¹⁹ See WorldCell et al. Extension Order at 5-7, paras. 11-15; Point/SI Wireless Extension Order at 5-6, paras. 12-14; GigSky Extension Order at 2, paras. 4-5; January 2024 Streamlined Resolution Public Notice at 5 (as to the lack of full funding); see Stealth Extension Order at 3-5, paras. 6-11; WorldCell et al. Extension Order at 7-8, paras. 16-19; Point/SI Wireless Extension Order at 6-7, paras. 15-18; Triangle Extension Order at 4-5, paras. 8-11; January 2024 Streamlined Resolution Public Notice at 4-5 (as to supply chain issues).

¹⁷ Request of AST Telecom for Extension of Time, WC Docket No. 18-89 (filed March 1, 2024).

¹⁸ *Id* at 3

²⁰ Request of Gallatin Wireless Internet, LLC for Extension of Time, WC Docket No. 18-89 (filed March 11, 2024).

²¹ *Id*. at 1.

²² See Stealth Extension Order at 3-5, paras. 6-11; WorldCell et al. Extension Order at 7-8, paras. 16-19; Point/SI Wireless Extension Order at 6-7, paras. 15-18; Triangle Extension Order at 4-5, paras. 8-11; January 2024 Streamlined Resolution Public Notice at 4-5.

New RRD term expiration date – Gallatin's deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from March 23, 2024 to September 23, 2024.

Recipient – Gogo Business Aviation LLC, SCRP0001134

Grounds for individual term extension – Gogo Business Aviation LLC (Gogo) requests a sixmonth extension of its deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2).²³ Gogo states that it has encountered ongoing supply chain issues arising from high demand, material scarcity, and labor shortages, particularly in machine manufacturing, which continue to cause a lack of availability of necessary equipment and extended lead times. Gogo states that these disruptions are particularly significant because it has aviation operations, which call for custom radio equipment, rather than off-theshelf solutions, for both its ground infrastructure and its airborne components.²⁴ This fact also makes Gogo reliant on a network of highly specialized suppliers which, mirroring the aviation market more broadly, have continued to experience supply chain constraints and labor shortages, leading to longer lead times and delays for Gogo when seeking to replace its covered equipment.²⁵ Gogo further notes that replacing its covered equipment will require the use of newly developed software and hardware that will require lab testing and equipment authorization, rather than commercial off-the-shelf parts and equipment, but that its ground-based equipment vendor is experiencing delays in lead times from its component manufacturer.²⁶ Regarding the lack of full funding, Gogo states that the lack of full funding causes it to order only the minimum number of replacement components it needs at a given time, which in turn leads to delays, and that at least one of its suppliers has stated that it will not provide certain systems Gogo needs unless Gogo is able to place larger orders (at the scale Gogo would need to fully replace its covered equipment).²⁷ As a result of these factors, Gogo contends that it will need additional time to complete its work. The Bureau finds Gogo's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues and lack of full funding, 28 and accordingly grants the requested extension.

New RRD term expiration date – Gogo's deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from July 21, 2024 to January 21, 2025.

Recipient – Mediacom Communications Corporation, SCRP0001140

Grounds for individual term extension – Mediacom Communications Corporation (Mediacom) requests a third three-month extension of its deadline to remove, replace, and dispose of covered

²³ Request of Gogo Business Aviation LLC for Extension of Time, WC Docket No. 18-89 (filed March 22, 2024).

²⁴ *Id*. at 1.

²⁵ *Id.* at 1-2.

²⁶ *Id*. at 2.

²⁷ *Id*. at 3.

²⁸ See WorldCell et al. Extension Order at 5-7, paras. 11-15; Point/SI Wireless Extension Order at 5-6, paras. 12-14; GigSky Extension Order at 2, paras. 4-5; January 2024 Streamlined Resolution Public Notice at 5 (as to the lack of full funding); see Stealth Extension Order at 3-5, paras. 6-11; WorldCell et al. Extension Order at 7-8, paras. 16-19; Point/SI Wireless Extension Order at 6-7, paras. 15-18; Triangle Extension Order at 4-5, paras. 8-11; January 2024 Streamlined Resolution Public Notice at 4-5 (as to supply chain issues).

equipment and services in its network under 47 CFR § 1.50004(h)(2).²⁹ Mediacom contends that its ability to complete the removal, replacement, and disposal of covered equipment and services by its current deadline has, through no fault of its own, been materially affected by supply chain issues and the lack of full funding. In particular, Mediacom states that delivery delays for equipment have been material enough to have on overall impact that cannot be overcome within the period allowed by the last three-month extension Mediacom received. Mediacom also states that the lack of full funding for the required work has created uncertainty that contributes to the delays it has experienced, including in migrating its services as required before any removal or destruction work can commence.³⁰ The Bureau finds Mediacom's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds,³¹ and accordingly grants the requested extension.

New RRD term expiration date – Mediacom's deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from April 15, 2024 to July 15, 2024.

Recipient – NE Colorado Cellular, Inc., dba Viaero Wireless, SCRP0001110; SCRP0001113; SCRP0001114; SCRP0001115; SCRP0001118; and SCRP0001119, SCRP0001120; SCRP0001122; SCRP0001123; SCRP0001124; SCRP0001125; SCRP0001126; and SCRP0001135, SCRP0001141

Grounds for individual term extension – NE Colorado Cellular, Inc., dba Viaero Wireless (NE Colorado) requests a six-month extension of its deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) as to each of the above-identified applications. NE Colorado contends that its ability to complete the removal, replacement, and disposal of covered equipment and services by its current deadline has, through no fault of its own, been materially affected by the lack of full funding for the required work, including undertaking necessary activities to install a replacement network, and that it will need additional time to complete its work.³² It also states that some Reimbursement Program participants use the same vendors in the marketplace for removal and disposal work, which can cause delays.³³ The Bureau finds NE Colorado's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds,³⁴ and accordingly grants the requested extension.

New RRD term expiration dates – NE Colorado's deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED as follows:

- For File No. SCRP0001110, from May 3, 2024 to November 3, 2024;
- For File No. SCRP0001113, from June 3, 2024 to December 3, 2024;
- For File No. SCRP0001114, from June 3, 2024 to December 3, 2024;

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²⁹ Request of Mediacom Communications Corporation for Extension of Time, WC Docket No. 18-89 (filed March 18, 2024).

³⁰ *Id*. at 3.

³¹ See WorldCell et al. Extension Order at 5-7, paras. 11-15; Point/SI Wireless Extension Order at 5-6, paras. 12-14; GigSky Extension Order at 2, paras. 4-5; January 2024 Streamlined Resolution Public Notice at 5.

³² Requests of NE Colorado Cellular Inc. for Extension of Time, WC Docket No. 18-89, at 3 (filed for each of the listed Applications on March 15, 2024).

³³ *Id.* at 3-4.

³⁴ See WorldCell et al. Extension Order at 5-7, paras. 11-15; Point/SI Wireless Extension Order at 5-6, paras. 12-14; GigSky Extension Order at 2, paras. 4-5; January 2024 Streamlined Resolution Public Notice at 5.

- For File No. SCRP0001115, from June 10, 2024 to December 10, 2024;
- For File No. SCRP0001118, from June 6, 2024 to December 6, 2024;
- For File No. SCRP0001119, from June 7, 2024 to December 7, 2024;
- For File No. SCRP0001120, from June 15, 2024 to December 15, 2024;
- For File No. SCRP0001122, from June 10, 2024 to December 10, 2024;
- For File No. SCRP0001123, from June 7, 2024 to December 7, 2024;
- For File No. SCRP0001124, from June 13, 2024 to December 13, 2024;
- For File No. SCRP0001125, from June 10, 2024 to December 10, 2024;
- For File No. SCRP0001126, from June 3, 2024 to December 3, 2024;
- For File No. SCRP0001135, from June 7, 2024 to December 7, 2024; and
- For File No. SCRP0001141, from May 18, 2024 to November 18, 2024.

Recipient – WorldCell Solutions, LLC, SCRP0001137

Grounds for individual term extension – WorldCell Solutions, LLC (WorldCell) requests a second extension of its deadline, by approximately four months, to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2).³⁵ WorldCell contends that its ability to complete the removal, replacement, and disposal of covered equipment and services by its current deadline has, through no fault of its own, been materially affected by supply chain issues, namely unanticipated delays in delivery of necessary equipment that have extended into April 2024, impacting other deadlines, and that it will need additional time to complete its work.³⁶ The Bureau finds WorldCell's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds,³⁷ and accordingly grants the requested extension.

New RRD term expiration date — WorldCell's deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from May 20, 2024 to September 30, 2024.

For additional information concerning this Public Notice, please contact Ty Covey in the Competition Policy Division, Wireline Competition Bureau, at ty.covey@fcc.gov or (202) 418-1372.

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³⁵ Request of WorldCell, Inc. for Extension of Time, WC Docket 18-89 (filed Jan. 23, 2024), https://www.fcc.gov/ecfs/document/102291886526004/3. WorldCell previously requested, and we granted, an approximate six-month extension of its deadline on grounds of delays related to a lack of full funding for the required work and supply chain issues. *See WorldCell et al. Extension Order*.

³⁶ Request of WorldCell. Inc. for Extension of Time at 1-3.

³⁷ See Stealth Extension Order at 3-5, paras. 6-11; WorldCell et al. Extension Order at 7-8, paras. 16-19; Point/SI Wireless Extension Order at 6-7, paras. 15-18; Triangle Extension Order at 4-5, paras. 8-11; January 2024 Streamlined Resolution Public Notice at 4-5.