



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU ANNOUNCES THE MAXIMUM PARTIAL REIMBURSEMENT AMOUNTS FOR MAY 2024 AFFORDABLE CONNECTIVITY PROGRAM BENEFITS

WC Docket No. 21-450

In this Public Notice, the Wireline Competition Bureau (Bureau) announces the maximum partial reimbursement amounts for the Affordable Connectivity Program (ACP) benefits passed through to ACP households by providers who elect to claim reimbursement for the May 2024 service month. Absent additional funding from Congress, April 2024 will be the last month for which ACP households can receive the full ACP benefit. The remaining ACP funds will not be able to reimburse providers for the full statutory benefit amount for service and device benefits applied to ACP service bills in May 2024.<sup>1</sup> Below, we list the May 2024 maximum partial reimbursement amount for each benefit type.

Benefit Type	Statutory Maximum	Maximum Reimbursement Amount for May 2024
Non-Tribal Service Benefit	\$30 per month <sup>2</sup>	\$14
Tribal Lands Service Benefit	\$75 per month <sup>3</sup>	\$35
ACP Connected Device Benefit	\$100 per device <sup>4</sup>	\$47

These maximum benefit amounts for May were calculated by comparing the estimated funding needs for May to the total non-obligated funds available in April 2024. The funding needs for the May service month are based on the total non-Tribal and Tribal subscribers in the National Lifeline Accountability Database (NLAD), as well as the total number of devices claimed since the enrollment freeze. Additionally, these amounts take into account claims made to date, including claims for the

<sup>1</sup> *Wireline Competition Bureau Announces the Final Month of the Affordable Connectivity Program*, WC Docket No. 21-450, Public Notice, DA 24-195, at 1-2 (WCB Mar. 4, 2024) (*March 4th Public Notice*) (explaining that April 2024 would be the last fully funded month for the ACP benefit and that May 2024 would only be a partially funded month for the ACP benefit).

<sup>2</sup> 47 U.S.C. § 1752(a)(7)(A).

<sup>3</sup> *Id.*

<sup>4</sup> 47 U.S.C. § 1752(b)(5). Providers seeking to claim reimbursement for ACP devices provided to ACP households in May 2024 shall satisfy all Commission requirements related to device reimbursement, including that the provider “shall charge and collect from the eligible household more than \$10.00 but less than \$50.00 for such connected device.” 47 CFR § 54.1803(b).

September 2023-January 2024 service months, which were due April 1, 2024.<sup>5</sup> With the claims data for these five months now finalized, the Bureau, in conjunction with the Office of Economics and Analytics and the Office of the Managing Director, have determined the maximum partial reimbursement amounts for the May 2024 service month and these amounts are not expected to change.<sup>6</sup>

We encourage providers to take efforts to keep consumers connected at this crucial time. As set forth in the *ACP Wind-Down Order*, we are dedicated to providing ACP households an orderly transition out of the program and to keeping as many ACP households as possible connected to broadband service after the end of the program.<sup>7</sup> In addition, providers may, but are not required to, offer a discount larger than the maximum May partial reimbursement amount announced by the Bureau to help defray the change in benefit. Providers can also help consumers stay connected and mitigate their financial burden by offering to move consumers to low-cost internet service plans that the providers already offer or that they newly adopt as an offering to low-income consumers.<sup>8</sup>

We remind providers that they are prohibited from billing ACP households for more than what the household would pay had the full ACP benefit been applied to the bill if the household has not affirmatively opted in to paying a higher amount.<sup>9</sup> Moreover, providers offering ACP-supported service and devices in May 2024 are expected to fully comply with the ACP rules. Providers offering ACP-supported service in May 2024 must provide service to ACP households subject to the same terms as non-ACP households,<sup>10</sup> and they may claim only those households to which they provided service at the time of the snapshot date.<sup>11</sup>

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<sup>5</sup> *Wireline Competition Bureau Announces Reimbursement Rate Estimates for May 2024 Affordable Connectivity Program Benefits*, WC Docket No. 21-450, Public Notice, DA 24-274 at 3 (WCB Mar. 19, 2024) (*March 19th Public Notice*) (reminding providers that May 2024 will be the last month for which providers will be able to seek reimbursement for the ACP and providing the estimated reimbursement range for each benefit type which the partial reimbursement amount may fall).

<sup>6</sup> The Antideficiency Act precludes an agency from making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation. See 31 U.S.C. § 1341(a)(1)(A). If paying out the maximum reimbursement amount per benefit type would result in an expenditure or obligation in excess of the amount available in the appropriation, the Commission will reduce the reimbursements across each benefit type in order to protect against a violation of the Antideficiency Act.

<sup>7</sup> *Affordable Connectivity Program*, WC Docket No. 21-450, Order, DA 24-23, at 1, para. 1 (WCB Jan. 11, 2024) (*ACP Wind-Down Order*).

<sup>8</sup> See *March 4th Public Notice*, at 3, paras. 6,8. Providers that intend to claim and pass through a partial benefit to ACP households for May 2024, where the household has opted in to continue to receive and pay for broadband service after the full ACP benefit is no longer applied, must provide written notice to those households that the benefit amount applied to the May bill may be less than the full ACP benefit the household has been receiving.

<sup>9</sup> See *ACP Wind-Down Order* at 6-8, paras. 15-19. There are two elements to establish that a household has affirmatively opted in to continue receiving broadband service after the end of the ACP. The first element is established by the household's acknowledgment of having reviewed the required disclosures when enrolling in the EBB Program or the ACP, which include a statement informing the household that it will be subject to the provider's undiscounted rates and general terms and conditions if the program ends. The second element is establishing the household's willingness and ability to pay for broadband service after the end of the ACP. Households are considered to have demonstrated a willingness and ability if they: (1) have informed their provider, either orally or in writing, that they want to continue receiving broadband service after the end of the ACP and are willing to pay a higher rate than the discounted rate they received under the ACP; (2) were existing paying internet service customers with their current broadband provider at the time they enrolled in the EBB Program or the ACP; or (3) currently pay a fee for their ACP-supported broadband service.

<sup>10</sup> 47 U.S.C. § 1752(b)(7).

<sup>11</sup> 47 CFR § 54.1808(a).

For further information about the Public Notice, contact Sherry Ross, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau by email at [Sherry.Ross@fcc.gov](mailto:Sherry.Ross@fcc.gov).

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