



# PUBLIC NOTICE

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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 services 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.<sup>1</sup> The Reimbursement Program is funded by a \$1.9 billion congressional appropriation,<sup>2</sup> which is less than the \$5.6 billion in collective funds requested by applicants to the program.<sup>3</sup> Because demand exceeded available funding, the Secure Networks Act

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<sup>1</sup> 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).

<sup>2</sup> 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).”

<sup>3</sup> 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) (*SCRIP 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).<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup> The Commission delegated authority to the Bureau to grant or deny individual petitions for an extension of a recipient's term.<sup>9</sup> 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."<sup>10</sup> 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 our internal review processes,<sup>11</sup> and pursuant to our delegated authority,<sup>12</sup> we have until now resolved petitions for extensions of recipients' removal, replacement, and disposal terms in stand-alone orders addressing each petition. For petitions that are consistent with Commission or Bureau precedent, we typically have issued brief orders to accelerate their disposition. Specifically, the Commission has granted individual term extensions to recipients based on issues that, through no fault of the recipients, have prevented them from completing

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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").

<sup>4</sup> See 47 U.S.C. § 1603(d)(5)(C); 47 CFR § 1.50004(f)(1); *SCRIP Granted Applications Public Notice* at 2-3.

<sup>5</sup> 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.").

<sup>6</sup> See 47 CFR § 1.50004(f)(1); see also *SCRIP Granted Applications Public Notice* at 2-3.

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

<sup>8</sup> See 47 U.S.C. § 1603(d)(6)(C).

<sup>9</sup> 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.").

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

<sup>11</sup> See *Report on FCC Process Reform*, GN Docket No. 14-25 (Staff Working Group, Feb. 14, 2014) (*Process Reform Report*).

<sup>12</sup> See 47 CFR §§ 0.91, 0.291, 1.50004(h)(2).

the removal, replacement, and disposal of covered communications equipment and services within one year of receiving their initial reimbursement. This can occur, for example, due to the lack of funding to fully reimburse recipients, which can require revising their plans in ways that cause them to need more time to remove, replace, and dispose of covered equipment, 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.<sup>13</sup> The detailed rationales for these decisions are explained in the Bureau's prior orders.

We encourage Program recipients to submit petitions as soon as they become aware of the need for the extension. Recipients should fully explain and support their assertions with specific facts showing why they cannot meet their existing removal, replacement, and disposal term, so that the Bureau can review the sufficiency of the request. In order to further speed 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, we will issue a Public Notice, as necessary but not more frequently than monthly, disposing of pending petitions that do not involve complicated and/or controversial issues, in a manner consistent with Commission and/or Bureau precedent.<sup>14</sup> 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:<sup>15</sup>

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<sup>13</sup> 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 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 23-1110, 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).

<sup>14</sup> The Bureau routinely resolves other matters in this manner 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 Rcd 11094 (WCB 2014) (stating that the Bureau will resolve certain Universal Service Fund matters in a streamlined public notice).

<sup>15</sup> 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).

**Recipient** – Mediacom Communications Corporation, SCRP0001140

**Grounds for individual term extension** – Mediacom requests a second three-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). 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, namely unanticipated delays in delivery of necessary equipment, and that it will need additional time to complete its work.<sup>16</sup> 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,<sup>17</sup> 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 January 15, 2024 to April 15, 2024.

**Recipient** – NfinityLink Communications, Inc. dba InfinityLink Communications, SCRP0001173

**Grounds for individual term extension** – NfinityLink Communications, Inc. (InfinityLink) 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). InfinityLink 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 due to low inventory and extended lead times by suppliers, and that it will need additional time to complete its work.<sup>18</sup> The Bureau finds InfinityLink’s showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds,<sup>19</sup> and accordingly grants the requested extension.

**New RRD term expiration date** – InfinityLink’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 February 15, 2024 to August 15, 2024.

**Recipient** – Vitelcom Cellular, Inc. d/b/a Viya Wireless, SCRP0001020

**Grounds for individual term extension** – Vitelcom Cellular, Inc. d/b/a Viya Wireless (Viya Wireless) 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). Viya Wireless contends that its ability to complete the removal, replacement, and disposal of covered equipment

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<sup>16</sup> Request of Mediacom for Extension of Time, WC Docket No. 18-89 (filed Dec. 5, 2023), <https://www.fcc.gov/ecfs/document/1205916330084/1>

<sup>17</sup> 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.

<sup>18</sup> Request of NfinityLink for Extension of Time, WC Docket No. 18-89 (filed Dec. 21, 2023), <https://www.fcc.gov/ecfs/document/1221307724730/1>

<sup>19</sup> See *supra*, n.17.

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, and that it will need additional time to complete its work.<sup>20</sup> The Bureau finds Viya Wireless's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds,<sup>21</sup> and accordingly grants the requested extension.

**New RRD term expiration date** – Viya Wireless'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 January 11, 2024 to July 11, 2024.

**Recipient** – Country Wireless LLC, SCRP0001017

**Grounds for individual term extension** – Country Wireless 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). Country Wireless 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, coupled with its status as a small rural provider with limited financial resources to spare for this work, and that it will need additional time to complete its work.<sup>22</sup> The Bureau finds Country Wireless's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds,<sup>23</sup> and accordingly grants the requested extension.

**New RRD term expiration date** – Country Wireless'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 February 24, 2024 to August 23, 2024.

The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these extension requests is 30 days from the release date of this Public Notice.<sup>24</sup>

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

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<sup>20</sup> Request of Vitelcom Cellular, Inc. d/b/a Viya Wireless for Extension of Time, WC Docket No. 18-89 (filed Jan. 4, 2024), <https://www.fcc.gov/ecfs/document/1010496842214/1>

<sup>21</sup> *See supra*, n.17.

<sup>22</sup> Request of Country Wireless LLC for Extension of Time, WC Docket No. 18-89 (filed Jan. 4, 2024), <https://www.fcc.gov/ecfs/document/101030669915800/1>

<sup>23</sup> *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.

<sup>24</sup> *See* 47 CFR §§ 1.106(f), 1.115(d); *see also* 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).