

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

In the Matter of)
Rural Health Care Support Mechanism) WC Docket No. 17-310
)
Petition for Waiver of)
ENA Healthcare Services, LLC)
)

ORDER

Adopted: February 4, 2026

Released: February 4, 2026

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we grant a petition for waiver of the Rural Health Care (RHC) Telecommunications (Telecom) Program invoice processing rules,¹ in order to facilitate reimbursement of ENA Healthcare Services, LLC (ENA) for service provided for the 23 RHC commitments listed in the Appendix. In these cases, certain Health Care Providers (HCPs) in Alabama, Mississippi, Montana, and New Mexico have proven unable or unwilling² to provide the normal service delivery certifications set out in section 54.627(c)(1)(i) of the Commission's rules for the invoicing process.³ We accordingly waive the invoice filing deadlines for these 23 funding requests and allow ENA to submit alternate documentation to establish that service was provided to the HCP and that the HCP is unable or unwilling to file the FCC Form 467.⁴

II. BACKGROUND

2. Under the RHC universal service support mechanism, eligible HCPs may apply for discounts for telecommunications and broadband services necessary for the provision of health care.⁵ The RHC Program has two component programs: (1) the Telecom Program, which permits eligible health care providers to apply for discounts to defray the cost of eligible telecommunications services in rural areas; and (2) the Healthcare Connect Fund (HCF Program), which supports the delivery of broadband services and development of state and regional healthcare networks.⁶

¹ Petition for Waiver of ENA Healthcare Services, LLC, WC Docket No. 17-310 (filed June 28, 2024), <https://www.fcc.gov/ecfs/document/121768040430/1> (Initial ENA Petition); Petition for Waiver of ENA Healthcare Services, LLC, WC Docket No. 17-310 (filed Dec. 17, 2024), <https://www.fcc.gov/ecfs/search/search-filings/filing/121768040430> (Updated ENA Petition).

² See Initial ENA Petition at 1.

³ 47 CFR § 54.627(c)(1).

⁴ Starting in funding year 2024, FCC Form 467 (Connection Certification) was discontinued and replaced with FCC Form 469, which serves a similar function. The 23 funding requests in the Appendix are for funding years 2017-2020, so the HCPs were required to submit FCC Form 467. See Universal Service Administrative Company, *Welcome to RHC Connect – FCC Form 469*, <https://www.usac.org/rural-health-care/telecommunications-program/step-5-invoice-usac/welcome-to-rhc-connect-fcc-form-469/> (last visited Feb. 4, 2026).

⁵ 47 CFR § 54.602(a)-(b).

⁶ 47 CFR §§ 54.602(a) and (b).

3. In the Telecom Program, a service provider that receives a bona fide request from an HCP is required to provide that HCP with the requested service at the relevant urban rate.⁷ The Commission will then reimburse the service provider for the difference between the corresponding urban rate and its rural rate.⁸ During the funding years in question, the RHC disbursement process was triggered when an HCP submitted FCC Form 467 (Connection Certification) to the Universal Service Administrative Company (USAC) to confirm that it had received the requested service from the service provider.⁹ Under standard operating procedures, submission of the FCC Form 467 was the only way to initiate the reimbursement process.

4. In 2019, a program-wide invoice submission deadline was instituted,¹⁰ taking effect in funding year 2020.¹¹ In an effort to improve program efficiency and financial management, a special deadline applying to earlier funding years was announced in December 2023. Specifically, invoices for Telecom Program reimbursement for funding years 2019 and earlier were due by July 1, 2024.¹²

5. ENA is a healthcare technology company that provides rural HCPs with eligible services and participates in the RHC Program. In its filings, ENA states that ENA or its predecessor company provided the services identified in the 23 funding requests from funding year 2017 to funding year 2020, but ENA has been unable to receive the associated reimbursements.¹³ According to ENA, it has made repeated requests to the relevant HCPs to file their Forms 467, but ENA believes the forms will never be filed because the HCPs have gone out of business or are no longer ENA customers and therefore have no incentive to cooperate.¹⁴

6. On June 28, 2024, ENA filed a request with 10 funding commitments, seeking to waive the Commission's rules regarding the processing of invoices for HCPs that have failed to file the FCC Form 467 and to waive the related invoice filing deadlines.¹⁵ ENA submitted an expanded list of RHC commitments, bringing the overall total to 23, in December 2024.¹⁶

⁷ 47 U.S.C. § 254(h)(1)(A) (“A telecommunications carrier shall, upon receiving a bona fide request, provide telecommunications services which are necessary for the provision of health care services in a State ... to any public or non-profit health care provider that serves persons who reside in rural areas ... at rates that are reasonably comparable to rates charged for similar services in urban areas in that State.”)

⁸ See 47 CFR § 54.606 (stating that providers in the RHC program are reimbursed for the difference “between the urban and the rural rate charged for the services”).

⁹ See USAC, *Step 5: Invoice USAC*, <https://www.usac.org/rural-health-care/telecommunications-program/step-5-invoice-usac/> (last visited Feb. 4, 2026).

¹⁰ See *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335, 7422-23, paras. 188-89 (2019).

¹¹ *Wireline Competition Bureau Provides Guidance on the Implementation Schedule for Reforms Adopted by the Rural Health Care Program Promoting Telehealth Report and Order*, WC Docket No. 17-310, Public Notice, 34 FCC Rcd 11983, 11984 (WCB 2019).

¹² *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 38 FCC Rcd 12476, 12489, para. 34 (2023).

¹³ See Initial ENA Petition at 4 (ENA has provided the specified services) and Updated ENA Petition at 4 (listing the 23 funding requests and associated HCPs).

¹⁴ See Initial ENA Petition at 1, 6.

¹⁵ See Initial ENA Petition at Exhibit 1.

¹⁶ See Updated ENA Petition at 4.

III. DISCUSSION

7. Generally, the Commission's rules may be waived for good cause shown.¹⁷ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹⁸ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁹ Waiver of the Commission's rules is appropriate if both special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.²⁰

8. We find that good cause exists to grant ENA's petition for waiver of the requirement that an HCP file the FCC Form 467 prior to USAC processing a provider's invoice for reimbursement. The FCC Form 467 was designed, in part, to notify USAC that the service provider had begun providing service to the HCP in accordance with the terms of the program participant's Funding Commitment Letter (FCL). This ensures that service providers are reimbursed only for eligible services that are actually delivered. But in this context, a sensible measure to protect program integrity has transformed into a choke point that blocks routine reimbursement for the service provider.²¹

9. We find that granting ENA's petition for waiver will advance the public interest. The FCC Form 467 requirement creates an impossible dilemma when the HCP dissolves or otherwise fails to file it after receiving services.²² The service provider has a statutory duty to provide service to the HCP, but without the FCC Form 467, it cannot be compensated for that same service. This is contrary to the intent and purposes of the Communications Act.²³ As such, waiver is appropriate and serves the public interest.

10. In conjunction with the service provider certifications required in section 54.627(c)(1)(ii) of the Commission's rules, we direct USAC to seek alternate documentation from ENA to verify its reimbursement claims. ENA must produce proof that it supplied the requested service to the HCP: proof of payment by the HCP, possibly to include invoices, bank statements, wire transaction statements, or similar documents; an affidavit signed by a service provider employee with direct knowledge or oversight of the HCP's account, including dates of service and types of services rendered; or any documentation containing information on network connectivity, network utilization, or similar technical evidence of provision or usage. For those situations where the HCP has ceased operation, ENA must produce documentation such as a certificate of corporate dissolution filed with a relevant secretary of state's office; a final declaration of a bankruptcy court; public-facing materials communicating the dissolution of the HCP, for example, a website, social media posts, or news articles; an affidavit from a service provider employee who had direct interaction with the HCP stating that the HCP is no longer in business, including the last date of interaction with the HCP; a notice of termination of a contract on the grounds of dissolution, originally provided by the HCP; or other credible documentation to show that the HCP has dissolved or ceased operation. For those situations where the HCP is non-responsive or refuses to submit the FCC Form 467, ENA must provide appropriate documentary evidence, which might include evidence of multiple attempts to communicate to the HCP that it must file the FCC Form 467 or an affidavit that describes the number of attempts, the time period over which the attempts occurred, and the communication methods utilized.

¹⁷ 47 CFR § 1.3.

¹⁸ See *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

¹⁹ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

²⁰ See *Northeast Cellular*, 897 F.2d at 1166.

²¹ See Initial ENA Petition at 2-4.

²² Initial ENA Petition at 6.

²³ Initial ENA Petition at 5. See also 47 U.S.C. §§ 254(b) and (h).

11. ENA’s request pertains to funding requests from funding years 2017-2020, and all are well past the deadline for submitting invoices.²⁴ We grant ENA’s request to waive the invoice deadline for the 23 funding requests listed in the Appendix and direct USAC to reinstate any funding that may have been deobligated. The new deadline for resolution of these reimbursement claims is 120 days from the release of this Order.

12. Finally, we remind RHC Program participants of their general obligations to comply with the invoice filing requirements set forth in our rules.²⁵ This waiver is based on the unique circumstances involving HCPs that are unwilling or unable to file the FCC Form 467, applies only to the requests listed in the Appendix, and does not impact the obligation of all HCPs to timely file the FCC Form 467 or successor form. In granting this waiver, we take no position on the merits of any future requests for waiver of our standard protocols for reimbursement. Accordingly, we direct USAC to accept invoices from ENA associated with the FRNs listed in the Appendix, even in the absence of a corresponding FCC Form 467 when ENA is able to submit documentation that the requisite service was provided but that the HCP is unable or unwilling to file the FCC Form 467.

IV. ORDERING CLAUSES

13. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission’s rules, 47 CFR §§ 0.91, 0.291, and 1.3, the Petitions for Waiver filed by ENA on June 28, 2024, and December 17, 2024, are GRANTED.

14. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.719(c) of the Commission’s rules, 47 CFR §§ 0.91, 0.291, 1.3 and 54.719(c), that section 54.627(c)(1)(i) of the Commission’s rules, 47 CFR § 54.627(c)(1)(i), is WAIVED to the limited extent provided herein.

15. IT IS FURTHER ORDERED, that pursuant to section 1.102(b)(1) of the Commission’s rules, 47 CFR § 1.102(b)(1), this ORDER SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Joseph S. Calascione
Chief
Wireline Competition Bureau

²⁴ See Initial ENA Petition for Waiver, Exhibit 1, and Updated ENA Petition at 4 (containing the full list of 23 RHC funding requests).

²⁵ See 47 CFR §§ 54.600-633.

Appendix**ENA Funding Requests**

Funding Year	FRN	HCP Name	HCP Number
2017	1711462	Ruby Valley Hospital	11410
2017	1720389	Jefferson Comprehensive Health Center	26182
2017	1723834	Tri-County Community Services, Inc. – Raton	35581
2017	1723839	Valle del Sol – Clayton	35582
2018	1838605	Twin Bridges Medical Center	44195
2018	1838609	Ruby Valley Hospital	11410
2018	1845665	Ruby Valley Medical Center	60452
2018	1846432	Southwest Alabama Health Services	11787
2018	1846434	Southwest Alabama Health Services	11787
2019	1965870	Ruby Valley Medical Center	60452
2020	2085656	Claiborne County Family Health Center	17033
2020	2085818	Claiborne County Family Health Center	26996
2020	2086375	Southwest Mississippi Mental Health Complex	26935
2020	2086403	Southwest Mississippi Mental Health Complex	26935
2020	2086411	Southwest Mississippi Mental Health Complex	26935
2020	2086414	Southwest Mississippi Mental Health Complex	26935
2020	2086422	Southwest Mississippi Mental Health Complex	26935
2020	2086428	Southwest Mississippi Mental Health Complex	26935
2020	2086440	Southwest Mississippi Mental Health Complex	26935
2020	2086442	Southwest Mississippi Mental Health Complex	26935
2020	2086450	Southwest Mississippi Mental Health Complex	26935
2020	2086454	Southwest Mississippi Mental Health Complex	26935
2020	2086457	Southwest Mississippi Mental Health Complex	26935