

Federal Communications Commission

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

In the Matter of)
Schools and Libraries Universal Service Support) CC Docket No. 02-6
Mechanism)

ERRATUM

Released: April 13, 2020

By the Chief, Wireline Competition Bureau:

On April 1, 2020, the Wireline Competition Bureau released an Order, DA 20-364, in the above-captioned proceeding. This Erratum amends the Order, to account for those situations in which an applicant from a funding year prior to funding year 2019 already received an extension of the service implementation deadline for non-recurring services or special construction, and that deadline falls in 2020, by correcting paragraphs 5 and 6 to read as follows:

“5. Based on the unprecedented circumstances before us, we find that good cause exists to waive several E-Rate program rules and extend procedural deadlines to mitigate the impact of the COVID-19 outbreak on E-Rate program participants. In particular, we find that the mass disruption to daily life, including the closure of schools and libraries for an extended period of time, the transition to remote learning and working for students, teachers and staff, and the adverse impact to service providers and manufacturers caused by COVID-19 present compelling and unique circumstances that merit a waiver of our rules. Accordingly, we waive the following: (1) the service implementation deadline for non-recurring services for all funding year 2019 applicants, as well as for applicants from prior funding years that already received an extension of the deadline to September 30, 2020; (2) the deadline for the installation of special construction equipment for all funding year 2019 applicants, as well as for applicants from prior funding years that already received an extension of the deadline to 2020; (3) deadlines for requests for review or waiver of decisions by USAC, whether directed to USAC or the Commission; (4) the invoice filing deadline; and (5) the deadline for filing the FCC Form 486 (Receipt of Service Confirmation and Children’s Internet Protection Act (CIPA) Certification Form).1 Recognizing that program participants may not be able to respond to USAC inquiries in a timely manner, we further direct USAC to give all program participants an additional 30 days to respond to information requests related to pending USAC appeals, FCC Form 500 (Funding Commitment Adjustment Request Form) requests, invoices, and all audits, including Beneficiary and Contributor Audit Program (BCAP) and Payment Quality Assurance (PQA) audits. We note that

1 See 47 CFR § 54.514(a) (codifying the invoicing deadline); 47 CFR § 1.106, 47 CFR § 54.720 (codifying the appeal and waiver rules and related deadlines); 47 CFR § 54.507(d)(4) (establishing the implementation deadline for non-recurring services, other than special construction); Modernizing the E-Rate Program for Schools and Libraries; Connect America Fund, WC Docket Nos. 13-184, 10-90, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538, 15550, 15558, paras. 37, 49 (2014) (Second 2014 E-Rate Order) (setting the deadline for completing special construction); Federal-State Joint Board on Universal Service, Children’s Internet Protection Act, CC Docket No. 96-45, Order, 17 FCC Rcd 12443, 12445, para. 5 (2002) (CIPA II Order) (setting the deadline for filing the FCC Form 486).

the Bureau has already directed USAC to extend the E-Rate application filing window for funding year 2020 due to disruptions caused by COVID-19.²

6. *Waiver of the Service Delivery Deadlines for Non-recurring Services and Special Construction.* First, we waive the service delivery deadline for non-recurring services for all funding year 2019 applicants, as well as for applicants from prior funding years that already received an extension of the deadline to September 30, 2020, and we extend the deadline an additional year from September 30, 2020 to September 30, 2021.³ E-Rate program rules require non-recurring services to be delivered by September 30 of the funding year for which services were sought.⁴ Given the impact the pandemic has had on manufacturers worldwide and the potential disruption to global supply chains, which may reduce the availability of the equipment and materials needed to satisfy funding requests, as well as the extended closure of schools and libraries across the country, we find an automatic, one-year extension of the deadline for non-recurring services for these applicants is appropriate. For the same reasons, we waive the service delivery deadline for special construction charges.⁵ As SHLB explains, with schools and municipalities closed for lengthy periods of time, “service providers may not be allowed on the premises and may experience significant challenges in meeting this deadline.”⁶ Under Commission rules, special construction, i.e., the upfront, non-recurring costs of deploying fiber or upgraded facilities, must be delivered and the network must be lit or in use by June 30 of the applicable funding year.⁷ To mitigate the disruptions caused by COVID-19, we provide a one-year extension of the special construction deadline for all funding year 2019 applicants, as well as for applicants from prior funding years that already received an extension to 2020, and we extend the deadline to June 30, 2021.”

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau

² See *Wireline Competition Bureau Directs USAC to Extend E-Rate Application Window for Funding Year 2020 Due to Potential Coronavirus Disruptions*, CC Docket No. 02-6, Public Notice, DA 20-273 (WCB rel. Mar. 13, 2020) (*Funding Year 2020 Filing Window Extension Public Notice*).

³ 47 CFR § 54.507(d)(4) (requiring the delivery and installation of non-recurring services by September 30 following the close of the funding year).

⁴ *Id.*

⁵ See Letter from John Windhausen, Jr., Executive Director, Schools, Health & Libraries Broadband (SHLB) Coalition, to Chairman Pai and Commissioners, FCC, at 3 (Mar. 17, 2020) (requesting an extension of the service delivery deadline for special construction for funding year 2019).

⁶ *Id.*

⁷ 2014 *Second E-Rate Order*, 29 FCC Red at 15552-53, 15558, paras. 37, 49.