

USF Tracker - August 31, 2021

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Recent News

General (Including Non-USF Programs)

- On August 20, the FCC's Wireline Competition Bureau (WCB) issued a [Public Notice](#) (DA 21-1027) seeking nominations for six board member positions on Universal Service Administrative Company's (USAC) Board of Directors. Nominations are due **October 20, 2021**.
- On August 20, the WCB and FCC's Office of Managing Director (OMD) issued a [Public Notice](#) (DA 21-1018) clarifying that Emergency Broadband Benefit Program (EBB Program) providers must apply the EBB discount to a customer's account before claiming reimbursement in order to comply with Commission rules designed to protect against waste, fraud, and abuse in the EBB Program.
- On August 12, the WCB released an [Order](#) (DA 21-986) addressing the contributor audit appeal filed by CenturyLink Public Communications, Inc. (CenturyLink) seeking review of a contributor audit decision by USAC. The WCB denied CenturyLink's claim that it was not the service provider for certain services also involving ICSolutions but affirmed Commission rules that prohibit USAC from seeking double collection of USF contributions. The WCB remanded to USAC for further reconsideration whether both CenturyLink and ICSolutions contributed to the Fund based on the same revenues.
- On August 3, the WCB issued a [Public Notice](#) (DA 21-947) finalizing the Secure and Trusted Communications Networks Reimbursement Program Procedures, Cost Catalog, and Replacement List (informally known as the "Rip and Replace" Program). The Procedures become effective on October 22, 2021. Previously, Acting Chairwoman Rosenworcel announced a target date of October 29, 2021 for the program applications to begin. The WCB will issue an announcement of the exact date when applications will be accepted.
- On July 21, United States Senators Roger Wicker (R-MS) ranking member of the Senate Committee on Commerce, Science, and Transportation, Shelley Moore Capito (R-WV) and Todd Young (R-IN) [introduced](#) the Funding Affordable Internet with Reliable (FAIR) Contributions Act.

The legislation would direct the FCC to conduct a study into the feasibility of collecting USF contributions from internet edge providers such as YouTube, Netflix, and Google.

- On July 15, the WCB released an [Order](#) (DA 21-840) addressing several petitions seeking a limited waiver of the EBB Program reimbursement rules. The WCB granted the petitions of Cellular South Licenses, LLC d/b/a C Spire, WideOpenWest Finance, LLC (WOW), and AT&T, grant-in-part and deny-in-part Radiate Holdings L.P.'s petition, and deny Point Broadband Fiber Holding, LLC's petition. The Order grants the affected parties additional time to submit initial claims for newly enrolled subscribers. However, the Order denied a request to enable reimbursement for discounts provided to subscribers before they enrolled in the EBB.
- On July 14, the FCC released a [Third Report and Order](#) (FCC 21-86) modifying its rules to incorporate the Consolidated Appropriations Act amendments to the Secure and Trusted Communications Networks Act of 2019 Reimbursement Program. The final rules make minor modifications to the reimbursement program (aka the "Rip and Replace" program) to conform to the federal stimulus legislation. The principal changes were to expand the universe of carriers eligible for reimbursement from those with 2 million or fewer customers to those carriers with 10 million or fewer customers. Minor changes were also made to the FCC's prioritization rules in the event that the available money is not sufficient to cover all requests.
- On July 7, the WCB released an [Order](#) (DA 21-802) denying the petition of SPITwSPOTS, Inc. which sought an expedited grant of a limited waiver of the EBB Program rules as they apply to service offerings participating providers may claim for reimbursement. The WCB concluded that the service offering in question was not offered on December 1, 2020 and that the Bureau could not waive the statutory requirement that eligible services have been available as of that date.
- On July 1, the WCB issued a [Public Notice](#) (DA 21-785) seeking comment on proposed changes to the 2022 FCC Form 499-A, FCC Form 499-Q, and accompanying instructions. Comments were due August 2, 2021. INCOMPAS, ITI and the VON Coalition filed oppositions to proposed changes that would require systems integrators to file FCC Forms 499-A and 499-Q.

Lifeline

- On July 30, the WCB announced via [Public Notice](#) (DA 21-930) updated minimum service standards for Lifeline-supported services and the budget for the Lifeline program for calendar year 2022. Unless modified by the Commission, minimum service standard for mobile broadband data capacity will increase to 18 GB per month.
- On June 28, the WCB released an [Order](#) (DA 21-760) extending prior COVID-19 Lifeline Program waivers through September 30, 2021.

High Cost/Connect America Fund (CAF)

- On July 14, the WCB, Rural Broadband Auctions Task Force, and the OEA announced via [Public Notice](#) (DA 21-826) the opening of the window for competitive eligible telecommunications carriers (ETCs) that receive legacy high-cost support for mobile services to file an optional certification about their use of such support. Competitive ETCs that choose to file this certification must have completed the form provided in the Attachment and submit by August 16, 2021.
- On July 6, the WCB issued a [Public Notice](#) (DA 21-794) seeking comment on a potential extension of the waiver of letter of credit rules for CAF Phase II auction (auction 903) and rural broadband experiments support recipients. Comments were due August 6, 2021 and reply comments were due August 23, 2021.
- On June 3, the FCC released an [Order](#) (FCC 21-67) waiving the application of the current budget control mechanism for rate-of-return carriers that receive high-cost universal service support from legacy mechanisms. The FCC instead adopted a budget constraint of 0%.

Schools and Libraries (E-Rate)

- On August 27, 2021, the WCB released a [Public Notice](#) (DA 21-1063) announcing that sufficient funds exist to fund all FY 2021 funding requests for Category 1 and Category 2 services. The WCB directed USAC to fund all eligible requests submitted for FY 2021.
- On August 27, 2021, the Federal Communications Commission (FCC) released a [Public Notice](#) (DA 21-1062) establishing the comment period for the Funding Year (FY) 2022 Eligible Services List (ESL). Comments on the draft ESL are due to the FCC on or before September 27, 2021. Reply comments are due to the FCC on or before October 12, 2021.
- On August 25, 2021, the FCC released a [Public Notice](#) announcing that a second filing window for the Emergency Connectivity Fund (ECF) will open on September 28, 2021 and close on October 13, 2021. During this second filing window, eligible schools, libraries, and consortia of eligible schools and libraries can submit requests for funding to purchase eligible equipment and services between July 1, 2021 and June 30, 2022. The initial ECF Program application filing window opened on June 29 and closed on August 13.
- On June 21, 2021, the WCB released an [Order](#) (DA21-726) waiving and extending the special construction service delivery deadline to June 30, 2022 for all FY 2019 and 2020 for all applicants whose deadline was otherwise scheduled to expire on June 30, 2021 or during calendar year 2021.

Rural Health Care

- On August 26, the FCC released a [Public Notice](#) announcing approval of an initial set of 62 applications, totaling \$42 million, in Round 2 of its COVID-19 Telehealth Program. On the same day, the WCB and the Office of Managing Director issued [guidance](#) on the invoicing process for these applicants.
- On August 16, the WCB sent a [letter](#) (DA 21-1005) to USAC approving the RHC Program Funding Year 2021 Funding Request Review Procedures for the Telecommunications Program, subject to further modifications and/or instruction from the Commission.
- On August 13, the WCB released an [Order](#) (DA 21-998) upholding a prior denial of a request for review concerning the application of our competitive bidding requirements to seven Utah Education and Telehealth Network (UETN) Healthcare Connect Fund Program funding requests for funding year 2017. However, the WCB did grant UETN a waiver of the competitive bidding requirements as they apply to the funding requests at issue.
- On July 14, the WCB announced via [Public Notice](#) (DA 21-827) key deadlines for the Connected Care Pilot Program. The deadlines are applicable to all projects announced in January and June 2021. The deadline for participants to provide updated contact information to the USAC was August 27, 2021. The last day to post initial FCC Form 461 (Request for Services Form) to the USAC website is **January 17, 2022**.
- On July 12, the Office of Economics and Analytics (OEA) and WCB, initiated via [Public Notice](#) (DA 21-821) the urban rate survey for 2022. Completed surveys were due on August 20, 2021.
- On June 29, the WCB released an [Order](#) (DA 21-771) granting a waiver of the COVID-19 Telehealth Program round 2 application filing deadline for certain potential applicants.

USAC Board Meeting Materials

Each quarter, we provide selected highlights from USAC's quarterly board and committee meetings. This quarter, we provide materials presented to the full USAC Board at its July 27, 2021 meeting. These updates provide overviews of several key programs, including the Connected Care Pilot, Audit Committee, and the E-Rate program. Click [HERE](#) to view materials from the meeting. If you have any questions about the materials, please contact us.