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Schools and Libraries News Brief

May 26, 2006

Commitments for Funding Year 2006

Funding Year 2006. USAC will release FY2006 Wave 6 funding commitment decision letters (FCDLs) May 31. As of May 26, FY2006 commitments total just under \$284 million for approved Priority 1 requests (Telecommunications Services and Internet Access).

USAC will continue to issue weekly funding commitment waves. After noon on the date that the FCDLs are mailed, you can check to see if you have a commitment by using USAC's [Automated Search of Commitments](#) tool.

Update on USAC Implementation of FCC Appeals Orders

On May 19, 2006, the FCC issued two appeals orders affecting hundreds of schools, libraries and consortia, and remanding their applications to USAC for further consideration. The first Order ([FCC 06-54](#) PDF) grants appeals of decisions by USAC that had funding denied for certain clerical or ministerial errors in the application such as missing deadlines or leaving portions of a form blank. The second Order ([FCC 06-55](#) PDF) addresses USAC's pattern analysis procedure and requires USAC to conduct further review to determine whether competitive bidding violations have occurred.

While the implementation of these two orders will have some impact on USAC's short term operations, we are encouraged that the FCC has taken this action so that these applicants will have decisions on their appeals quickly. USAC is still working on some aspects of this implementation but we can provide some guidance now.

In most cases, USAC will need to ask for additional information from the affected applicants in order to finish the processing of their remanded appeals. The timeline for USAC to complete its work is short — 60 days for applicants listed in the first Order and 120 days for applicants listed in the second Order. Therefore:

- If you did not submit the missing or other relevant information in your letter of appeal, please gather that information now.
- We strongly encourage you to respond promptly to our requests for information.
- Check the contact information on the form(s) associated with your appeal. If it is outdated, you can follow the guidance on [Contact Information Changes](#) to correct it.
- Remember that, beginning today and continuing through September 8, USAC is starting the Summer Contact procedure, and must make a successful two-way contact before it can enforce its [Deadlines for Information Requests](#). If you are not available and have not updated your information, USAC will have to temporarily stop working on your application during this period.

Specific information about FCC 06-54

Notifications. USAC will issue a [Remand Acknowledgment Letter](#) to each applicant that has an appeal listed in the appendix of this Order. Most of these letters have already been mailed; the remainder will be mailed next week. A service provider that is interested in one or more of these letters should contact the affected applicant, as USAC will not issue separate copies to service providers. USAC also will post a list of these applicants on the USAC website next week.

Processing clerical and ministerial errors. For reference, USAC will soon post to its website a list of the form errors considered clerical or ministerial. This list will help applicants not listed in the appendix to determine if they may receive relief under this Order.

Note that this relief does not address applicants that have missed the filing window entirely. In other words, if you did not submit your Form 470 or 471 within the filing window, this additional

relief does not apply. Those applicants will need to file a request for waiver of the deadline with the FCC.

Applications and appeals that are currently with USAC (those for which no Funding Commitment Decision Letter or Administrator's Decision Letter has yet been issued) for all funding years will be considered in light of the guidance in this Order.

Remember that the deadline for filing appeals is 60 days after the date of the USAC decision.

Limited nature of decision. Program rules, Minimum Processing Standards, and deadlines continue to apply. Following is a quote from the first Order:

We emphasize the limited nature of this decision. [W]e recognize that filing deadlines and minimum processing standards are necessary for the efficient administration of the E-rate program. [O]ur action here does not eliminate the minimum processing standards, or the deadlines for filing the FCC Form 470 and FCC Form 471, or certifications to the FCC Form 470 or 471. We continue to require E-rate applicants to submit complete and accurate information to USAC as part of the application review process. The direction we provide USAC will not lessen or preclude any application review procedures of USAC. All existing E-rate program rules and requirements will continue to apply, including USAC's minimum processing standards, the existing forms and documentation with the associated certifications, USAC's Program Integrity Assurance review procedures, and other processes designed to ensure applicants meet the applicable program requirements.

Please continue to watch the website and the News Briefs for additional guidance.

Specific information about FCC 06-55

USAC will issue a notification letter to each applicant that has an appeal listed in the appendix of this Order. USAC plans to issue these letters next week. Again, a service provider that is interested in one or more of these letters should contact the affected applicant, as USAC will not issue separate copies to service providers. USAC also will post a list of these applicants on the USAC website in the near future.

Tip: File Any Missing Item 21 Attachments

The Item 21 attachment is an integral part of the Form 471 application. Program Integrity Assurance (PIA) Review continues to find that Item 21 attachments are missing from some applications. Once PIA requests an Item 21 attachment, it becomes subject to the [Deadline for Information Requests](#) – that is, if PIA does not receive it within the time allotted, your application will be processed with the information on hand, which could result in a denial or a reduction in funding.

If you have not yet submitted your Item 21 attachment and you still have your Form 471 application number and security code, you can [file online](#). If not, and you are filing by e-mail, fax, or on paper, remember to include your Form 471 application number for reference.

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