



Final Rules for New FCC Emergency Connectivity Fund Program

Overview: The Federal Communications Commission (FCC) now has adopted final rules for the new \$7.171 billion Emergency Connectivity Fund Program (“Program”)

- The purpose of the Program is to give students, school staff, and library patrons access to connected devices and broadband connectivity during the COVID-19 emergency period
- The FCC will reimburse 100% of the costs associated with the purchase of eligible equipment and/or service, subject to a reasonable support standard (discussed in more detail below)

Administration of the Program

- The Universal Service Administrative Company (USAC) – the FCC’s current Administrator of the FCC’s Universal Service Fund – will be the permanent Administrator of the Emergency Connectivity Fund. USAC will review and approve applications for funding, recommend funding commitments, issue funding commitment decision letters, review requests for reimbursement and invoices and recommend payment of funds, as well as other administration-related duties.
- USAC will leverage forms and processes currently used in the E-rate program.

Who is an eligible applicant?

Schools and public libraries or those that are part of a consortium that are eligible for support under the FCC’s E-Rate Program are also eligible to request and receive support through the Emergency Connectivity Fund Program. However, entities eligible for this new program are not required to be a current E-Rate participant to apply.

Eligible Equipment

- Wi-Fi hotspots, modems (including air cards), routers, devices that combine a modem and router, and connected devices (laptop computers and tablet computers)
 - The FCC excluded desktop computers and mobile phones (including smartphones) from the definition of “connected devices”
 - The Program will reimburse cost of components necessary for the equipment to operate, such as cords and chargers

Eligible Services

- With a limited exception, schools and libraries will only be reimbursed for purchasing a commercially available service providing a fixed or mobile broadband connection for off-campus use by students, school staff, or library patrons
 - The FCC excluded from eligibility funding for dark fiber and the construction of new networks, including the construction of self-provisioned networks
 - To the extent schools and libraries expanded their networks or built new networks to serve their students or library patrons over the last year, such equipment is ineligible for reimbursement through the Program, except for the portions of the network that fit into the enumerated list of eligible equipment (i.e., Wi-Fi hotspots, modems, routers, or devices that combine a modem and router)
 - The FCC will not allow reimbursement for antennas, cell towers, Citizens Band Radio Service, television white space base stations, or drone-powered Internet, and other such wireless network equipment
- No minimum service standard for what qualifies as broadband service eligible for reimbursement
- Limited exception for network construction and/or datacasting where there is no commercially available service option
 - These applicants must demonstrate that there were no commercially available service options sufficient to support remote learning from one or a combination of providers
 - For networks already constructed during the pandemic, the applicants must show services were provided to students, school staff, or library patrons during the funding period supported by the E-rate second filing window
 - For future construction, construction must be completed and services provided within one year of a funding commitment decision
- Schools and libraries not required to engage in competitive bidding, so long as they comply with applicable state, local or Tribal procurement requirements
 - Schools and libraries may use existing bulk purchase programs or sponsored service agreements to purchase connectivity that will be reimbursed through the Program

Limits on Reimbursement

- Support amounts are limited up to \$400 for connected devices and up to \$250 for Wi-Fi hotspots
- For other types of eligible equipment (modems, routers, and devices that combine modems and routers), the FCC directs USAC to carefully review the requests and identify applications that are out of line with the funding requests of other applicants

Eligible Locations

- Schools and libraries may not seek and receive reimbursement for eligible equipment and services purchased for use solely at the school or library (i.e., on-campus use) during the COVID-19 emergency period
- Per-Location/Per-User Limitations – the FCC will not reimburse an eligible school or library for more than one fixed broadband connection per location, and one connected device and one Wi-Fi hotspot per student, school staff member, or library patron during the COVID-19 emergency period
 - Each unit in a multi-tenant environment (e.g., apartment buildings) is considered a separate location

Application Windows

- USAC will open an initial filing window from June 29, 2021 to August 13, 2021
 - Eligible equipment and services purchased between July 1, 2021 and June 30, 2022 and provided during that time period
- If the demand for reimbursement from the first window does not exceed available funds, USAC will open a second filing window for purchases made between March 1, 2020 and June 30, 2021
- If demand does not exceed available funds after the close of the second filing window, the FCC has discretion to open additional funding windows

Prioritization of Requests

- If demand exceeds available funds during any Program application filing window, the FCC will prioritize requests based on applicants' E-Rate Program discount rate for category one services, with an additional 5% adjustment for rural schools and libraries, beginning with the most economically disadvantaged schools and libraries
 - In the event there is insufficient funding to meet the needs at a particular discount rate, the FCC will prioritize within the discount rate based on the percentage of students eligible for the National School Lunch Program consistent with the rules of the E-Rate Program

Process for Reimbursement

- Applicants (i.e. schools and libraries) will indicate whether the applicant or the service provider will be submitting invoices; service providers allowed but not required to perform this function
- Applicants (and service providers, if accepting that role) are required to submit, along with their reimbursement requests, invoices detailing the items purchased
- USAC to start accepting requests for reimbursement within 15 days of the first wave of commitments in the first application filing window. Reimbursement requests and invoices for prior and prospective purchases must be submitted within 60 days from the date of the funding commitment decision letter, revised commitment letter, successful appeal of a denied/reduced funding decision, or the service delivery date, whichever is later