

## Fall Training Questions and Answers transcript by session

### E-Rate Program Overview

#### **Are internet services that are used for remote learning eligible in E-Rate?**

In general, the E-Rate program does not provide support for off-campus services, and currently does not support services that are used off-campus for remote learning.

#### **Slide 38 of this presentation mentioned five eligible internal connections: cabling, firewalls, switches, and access points. Are caching servers, uninterruptible power supplies, and wireless controllers no longer eligible for category two funding?**

The five items listed are **examples of internal connections, and not a comprehensive list of all internal connections**. Caching servers, uninterrupted power supplies, and wireless controllers are eligible. For a comprehensive list, see the [Eligible Services List](#) on USAC's website.

#### **If I submit an FCC Form 470, and later decide I do not want to participate in E-Rate, what process do I follow?**

If you decide that you do not want to participate in E-Rate after conducting a competitive bidding process, you have the option to refrain from awarding a contract or filing an FCC Form 471 to request discounts. We encourage you to rename the FCC Form 470 to include the word "Canceled" to alert service providers that you are not requesting bids for the eligible services and equipment included on the form.

#### **For document retention, are we allowed to retain electronic copies?**

Documents can be retained in electronic format. Please make sure you save the electronic documents in a shared location, where someone will be able to locate this documentation during the full retention period, in the event you or someone else leaves the entity. FCC rules require that documentation be retained for a minimum of 10 years from the date of the end of the applicable funding year or the last date of service or delivery, whichever is later. All electronic documentation must be able to be located and provided as requested during this timeframe. An employee's departure and the entity's inability to provide this documentation is not a special circumstance that will be considered by the Commission for a waiver of this rule. For more information, please also see the [Document Retention](#) page and the [list](#).

#### **Which documents are we required to retain? We have heavy turnover and want to be sure we remain in compliance with E-Rate requirements.**

Applicants and service providers are required to retain documentation related to their E-Rate funding requests for at least 10 years. Documentation can be retained in paper or electronic format but must be able to be provided if requested during this applicable document retention period. Turnover in staff is not a special circumstance that will be considered by the Commission for a waiver of the document retention rules. Additional information on the documentation you must retain, is available at the [Document Retention](#) page and [Document Retention PDF](#).

**If we pay for the monthly internet service that connects our satellite campus, which includes an elementary school, to our internal network on the main campus, is that considered a Category 1 service?**

Yes. This scenario is discussed in the Eligible Services list under the "Eligibility Explanations for Certain Category One and Category Two Services" section and is considered a Category 1 service. See [Eligible Services List](#) at page 12.

**The FCC Form 470 has a minimum 28-day waiting period. Is there anything for service providers to do during that time?**

During this time, service providers can review posted FCC Form 470s and submit responsive bids to the applicants. Applicants can begin to review and evaluate bids, if allowed under state and local competitive bidding and procurement rules, during this period. On or after the 29<sup>th</sup> day of the date the FCC Form 470 was posted, the applicant may complete its evaluation and select a service provider, using price of the eligible equipment and services as the primary factor in its vendor selection process. All documentation regarding the applicant's competitive bid and vendor selection processes are required to be retained for at least 10 years and may be requested during USAC's review of applications or during other reviews or audits.

**When a new person joins an entity, are they able to access cases associated with the entity that preceded their access to EPC?**

Yes. The Account Administrator can assign your rights to the billed entity's account in EPC in such a way that you are able to view all E-Rate documentation related to that entity. The annual Administrative Window is a great time to review all users and ensure that their access permissions are accurate, and the Account Administrator is set for the upcoming funding year.

**Can an applicant request MIBS if the RFP mentions that the applicant is seeking fully managed category two services (MIBS), but they only specify internal connections or basic maintenance of internal connections on their FCC Form 470?**

No. Services must be properly bid in your FCC Form 470 and all USAC requirements must be met. See Question #4 under [Competitive Bidding & FCC Form 470 FAQs](#).

**Will we be able to use enrollment and NSLP data for any year from 2020 forward for the 2023/2024 funding year, as we've been able to do since COVID started?**

No. Applicants are no longer permitted to use prior year enrollment and NSLP data for their funding applications, including their FY 2023 applications. Instead, schools are required to use the latest NSLP data they have when filing their applications. Most school districts are collecting that data currently because the COVID-related waivers for the National School Lunch Program have expired. If your state is in a unique situation, please [contact our Customer Service Center](#) (CSC), as there could be special circumstances that are applicable to your state regarding the NSLP.

**E-Rate Pre-Commitment Process**

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**Can a district add an additional internet circuit at a location that already has a circuit for load balancing purposes without going back out to bid for the additional circuit?**

No. All services must be competitively bid. If this is a new circuit that is being added to the school's application, it is considered a new service and must be competitively bid.

**Regarding the minimum 28-day waiting period for the FCC Form 470, is it business days?**

It is calendar days. You may select a service provider on or after the 29th calendar day from the date the FCC Form 470, and/or RFP, was posted. If the documents are not posted on the same date, it is the 29<sup>th</sup> calendar day after, based on whichever document has the latest posting date. If the FCC Form 470 was posted on November 1, and the RFP was posted on November 6, the ACD would be the 29<sup>th</sup> calendar day from November 6 for this procurement.

**If you already have a multi-year contract for Category 1 services, which forms are required in the following funding year?**

In the following funding years that are covered under this multi-year Category 1 services contract, all forms are required to be filed except for the FCC Form 470.

You should include the FCC Form 470 that was used to support the existing multi-year contract on your FCC Form 471 for this funding year and any other future funding years. If you do not have an FCC Form 470 that was used to support the existing multi-year contract (i.e., this contract was not established through the E-Rate competitive bidding process), you may use existing Category 1 services for a future funding year, but you are required to file a FCC Form 470 to request bids for these services that are covered by this contract. You are then required to wait at least 28 days, review all bids that were received, and conduct bid evaluation selecting the most cost-effective service offering using price of the eligible equipment and services as the primary factor. If your existing multi-year contract is the most cost-effective service offering, you need to document your bid evaluation process and memorialize the date you decided to continue with the existing contract for this FCC Form 470. (This date needs to be after the ACD included on your FCC Form 470.) If you have any questions about using an existing, multi-year contract for a future funding year, please contact CSC for additional help.

**I heard that price must be the most heavily weighted factor in the evaluation process. Can the aggregate of the other evaluation factors outweigh the factor or percentage assigned to price?**

Yes. The aggregate of the other factors can outweigh the price factor, but no single factor can be equal to or outweigh the price of eligible products and services.

**What is the best way to document if you receive no bids on your services and need to reach out to your current service provider?**

The best way to document this is through the retention of an email to your existing service provider requesting bids because you did not receive any. If the service provider will be providing different services than what was requested on your FCC Form 470, you will need to submit a new FCC Form 470 seeking bids on these different services to comply with the FCC competitive bidding rules. If you have any questions about what to do if you did not receive any responsive bids, please contact CSC for additional help.

**How do we verify the square footage of our entity? Would something from the state meet that requirement?**

In general, we are looking for a floor plan, video, or walkthrough. Something that would show how you calculated the total square footage of the space included on your funding application(s). If you have any questions, please contact CSC for additional help.

**How long after filing an application and receiving a commitment, does my school district have to complete the project?**

The calculated service delivery deadline (which will be included on your Funding Commitment Decision Letter (FCDL) that is issued for the funding request) is the date by which you need to complete the project and depends on whether the service is a recurring or non-recurring service. In addition, the FCC rules also may allow an applicant to request an extension of the service delivery deadline, if additional time is needed to complete the project. If you have any specific questions about what the service delivery deadline is for a particular funding request, you can also contact the CSC for additional information.

**As a service provider, what can I do if I have specific questions or concerns about the bid process or the bid evaluation?**

You can reach out to the applicant and ask your questions about the bid process. If you are concerned that the E-Rate rules may have been violated, you can also contact the whistleblower hotline at USAC to report that information and any additional information you may have received about the procurement process.

**Your FCC Form 470 and FCC Form 471 should match in terms of service type but what about the length of the term being requested? Some applications are not specific regarding terms.**

There is no requirement to indicate a requested term on the FCC Form 470. However, if you want to enter a multi-year contract, you should include that information on your FCC Form 470 or RFP, if you are using one.

**If you realize the FCC Form 470 does not include needed services, categories or service types after the bids have been received and awarded, can you make corrections?**

No, you cannot add or change services once the FCC Form 470 has been certified. If you need to request additional services or categories of service, you should file a new FCC Form 470. Look at our [Competitive Bidding Page](#) and our [Competitive Bidding FAQs](#).

**After funds are committed, how can I update my FCC Form 471 to include needed services, categories or service types?**

Once an application has been committed, it can only be altered via a post-commitment action or appeal. You should also confirm that the additional services are in the scope of the associated FCC Form 470.

**How does an entity know the funds they have available for each category?**

Equipment and services eligible for E-Rate program discounts are divided into [Category One and Category Two](#). Each independent school, school district, library or library system receiving Category Two

funding has a five-year, pre-discount budget for those products and services based on the number of students in the school district or the number of square feet in the library system. You can reach out to your billed entity contact for additional information about the funds remaining in your Category 2 budget. If you are the billed entity, additional information about your Category 2 budget is available in the [E-Rate C2 Budget Tool FY2021+](#) . **There is no budget for Category 1 services.**

**If the service provider lacks a SPIN, can they use USAC’s provisional SPIN?**

Yes, you can use USAC’s provisional SPIN for this service provider on the FCC Form 471 application. During the application filing window, the service provider should actively work on obtaining a SPIN, by submitting and certifying the FCC Form 498. You will also need to update the SPIN for your FRN, if approved, and before any requests for reimbursement are submitted.

**If there is a new school that will open in for the 2023-2024 school year, but it does not yet have an official name, can the name be added when the admin window opens or what would you advise?**

If you don’t know the name of the school by the time you submit your application, you can work with CSC to create the entity for the new construction school and enter “new construction” or “new entity” in the name field on the entity profile. During PIA review, the reviewer will reach out to you for additional documentation about this school to update the name.

**Can a service provider assist the applicant in filling out the FCC Form 470?**

No. Service providers may NOT assist the applicant in filling out the FCC Form 470. However, they are allowed to help with answering questions about the FCC Form 471, if they are selected as the service provider.

**If an applicant only receives one bid in response to their FCC Form 470, and the pricing is high, is the applicant required to move forward with the vendor’s bid?**

No. The applicant can solicit more bids. If you received only one bid, the bid must still comply with the cost-effective requirement. If you receive only one bid and determine that it is cost-effective, you should memorialize that fact with a memo or email for your records.

**Does the FCC Form 470 and the RFP attached to the Form 470 must match exactly in reference to the equipment requested?**

The RFPs may contain additional and more detailed information, but it should still match the services requested on the FCC Form 470.

**I understand that there is a new option for tribal libraries to apply as a tribal library consortium. Can you speak briefly to that?**

You’re correct. In January 2022, the Commission [clarified that tribal libraries are eligible for E-Rate](#) and that a Tribal library can be established by their tribal government. Any entity that is eligible in E-Rate can form a [consortium](#) and can also join an existing consortium.

**If an applicant does not wish to request a replacement budget, do they still have to update the student count in their update each year?**

You should update the student count in the discount portion of your profile each year, but you do not need to update numbers related to your Category 2 budget unless you wish to [request a replacement budget](#).

**Does the restriction that large districts 10+ or more can't include buildings that are under construction for student counts apply to library systems as well in terms of square footage?**

No. Libraries under construction can enter square footage.

**We are a library system and have a library that was originally open to patrons, but it has now become a Non-Instructional Facility (NIF). Do we need to update the square footage entity listing in EPC and then request a replacement budget or is there something else we need to do?**

You would need to close the library entity in EPC by logging a case and/or contacting CSC. You also would need to request a new entity be created as a non-instructional facility in EPC. You are not required to request a Category 2 replacement budget for the 5-year period, unless you want to. If you do decide to request a replacement budget, the square footage for the library system should be updated accordingly to account for the closed library becoming a non-instructional facility which does not count as a child entity towards the library system's Category 2 budget.

**Can a replacement budget be requested multiple times within the same 5 year cycle?**

Yes, although it is not required.

**If profile changes were made prior to the start of the Administrative Window, will those be overwritten and need to be redone?**

No. Changes made to the entity profile before the start of the EPC Administrative Window should not be overwritten. However, we encourage you to double check any changes made to your profile to make sure the information is correct.

**What is the [Category Two Budget "multiplier"](#) for libraries?**

The multiplier is \$4.50 per square foot for the FY 2021-FY 2025 cycle. Applicants are eligible for the \$25,000 funding floor when the Category 2 budget calculation for an entity results in an amount below \$25,000. You can find additional information about the Category 2 budget multiplier on our [Category Two Budgets](#) page.

**Is a NIF eligible for C2 services?**

The eligibility of internal connections provided to on-site NIFs continues to be limited by FCC rules as follows: support is not available for internal connections in non-instructional buildings of a school or school district or in separate administrative buildings of a library, unless those internal connections are essential for the effective transport of information to an instructional building of a school or to a non-administrative building of a library, or the use of the services meets the definition of educational purpose.

Because NIFs do not have [Category Two budgets](#), the eligible costs must be allocated to the budgets of the eligible schools and/or libraries sharing the services. For more information, please see the [Non-Instructional Facilities](#) page.

## **E-Rate EPC Administrative Window**

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### **How do you change an Account Administrator when they are no longer employed by the entity?**

It is always better to have the current Account Administrator transfer authorization to the new Account Administrator prior to leaving the organization. To update the Account Administrator **after** the person has left the organization, you can contact CSC for additional information.

### **What if a bookmobile or kiosk has no square footage?**

A bookmobile or kiosk should be listed with **some** positive square footage in EPC. If not, they will not be eligible for Category 2 support.

### **We're planning to move in April to a new physical location. Should I update the profile now?**

If you know the new address already, you can update during the EPC Administrative Window.

### **My school participates in the USDA Community Eligibility Provision (CEP). Can we use that info in place of the NSLP?**

Yes, if you are a CEP participant, you should use the CEP percentage. You will enter that percentage in the entity profile and that will determine the discount percentage.

### **If a new school will be built and opened during the year to replace an existing school, will a new entity need to be created? The new school will have the same name as the old school.**

Most likely you will be requesting funding for both the existing and new school. You will need a new entity number for the new school and once the new school is open and the students move from the old school to the new school, we can close the old school's entity number in EPC.

### **When do you request a C2 replacement budget?**

As mentioned in the presentation, it is **optional** to request a replacement budget. Your C2 budget is set the first year you request C2 funding in the five-year C2 budget cycle, and you may use that budget for the rest of the five-year cycle or request a [replacement budget](#), if, for example, you have updated student count or square footage numbers.

### **Who do we contact to add a new child entity?**

It depends on the time of year. During the EPC Administrative Window, you can contact CSC or create a customer service case in EPC. CSC can provide you with a new entity number to be added to your school district or library system. During PIA review, you can also submit a RAL request to add the new entity to your district or library.

**Should entity eligibility verification from the state library or Department of Education be submitted with the request for a new child entity number or should we wait and submit that during the PIA review?**

Unfortunately, we do not have the option for applicants to be proactive and provide the documentation during the EPC Administrative Window or to upload it to their entity profile. It is a great idea and maybe something we can do in the future. but for now, you'll have to wait for a PIA inquiry to provide documentation which we may or may not need depending on if we already received the information from the state verifier in which case we wouldn't have to reach out.

**I have never requested a Category 2 budget. Do I need to use the RAL modification to request one?**

No. If this is the first year that you want to request a Category 2 funding, the only thing you need to do is enter your Category 2 student enrollment number and request Category 2 funding on your FCC Form 471. The system will start the process of validating your Category 2 budget.

**Q12 - How do I find out what my current Category 2 budget is?**

To see what's currently available, check out the **E-Rate C2 Budget Tool FY2021+ in the E-Rate Data Tools section of Open Data.**

**If some schools in a district have an enrollment increase while other schools in the district did not have an enrollment increase, can the Category 2 enrollment just be changed for the schools with the increased enrollment? In other words, do the Category 2 enrollments for each school in the district need to be from the same year?**

All the enrollment numbers need to be from the same year. When you request a C2 budget replacement, you will be requesting it for the whole district. We'll review the whole district to determine the new Category 2 budget even if the enrollment numbers changed for only a few schools.

**If my library is adding a book mobile but it is not online yet, can I add it now if it will be online before the funding year starts?**

Yes, the applicant can add the book mobile to their application. PIA reviewers will request the information needed to validate the book mobile. Once the book mobile is open, you'll be able to submit your FCC Form 486 notifying USAC that services have started, and you will be able to begin invoicing for approved eligible equipment and services that have been delivered and received.

**We split five K through 12 schools over the summer and we need to add our newly created elementary schools. Who do I contact at USAC to add those additional campuses?**

You should contact CSC or create a customer service case in EPC to request school entity numbers for these newly created elementary schools.

**E-Rate Post-Commitment Process**

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**As a service provider, we have a school that has received their FCDL. They filed their FCC Form 486 in early October. Their status in EPC is still “under review”. What should the school do to follow up with USAC and is there a delay in confirming their FCC Form 486?**

Generally, if you feel that you did not receive a timely response, you can submit a customer service case in EPC. Include the number of the post-commitment request to request a status update and ask if there are any delays. Typically while reviewing the cases, the reviewer reaches out to the contact person listed on the FCC Form 486, if there are questions about the form.

**How does one file an appeal with the FCC after a denied appeal from USAC?**

Once an appeal decision has been issued by USAC, you have 60 days from the date of the decision to [file an appeal with the FCC](#). You should include all relevant details about the decisions made by USAC, USAC’s appeal decision, and any other information or documentation that supports your appeal to the FCC.

**Is a public notice required every year? (CIPA?)**

You only need to hold a public hearing once. You do not need to have a public hearing each year. You also don’t need to hold a public hearing just for your internet safety policy. If you already hold regular monthly or quarterly meetings, you can add the CIPA discussion to the agenda for one of the scheduled meetings. Once you’ve held a public meeting or hearing, you need to retain documentation to show a meeting was held and demonstrate compliance with the CIPA requirements.

**How long is the CIPA public notice good for? Is there a specific number of years?**

Indefinitely. You only need to hold **one** public hearing or meeting regarding your internet safety policy. Once the meeting is held, you should retain documentation regarding the meeting/hearing. If you do not have documentation from your first public meeting or hearing, you may want to consider holding another one, to demonstrate a public hearing/meeting was held as required by CIPA.

**Due to supply chain issues, the service provider is unable to provide a valid delivery date. There is a recent model with the previous specifications, but with upgrades a model step up from the original model is available but it costs more. Will a service substitution be allowed for a more expedited purchase of the needed equipment knowing that E-Rate will only fund the original awarded price?**

Generally, we do allow for these changes. If you submit a service substitution request, so long as you can certify that it meets local and state procurement laws, we will review the new item, equipment, or service and make a decision on eligibility. In the event that the service/equipment substitution results in a change in the pre-discount price, support shall be based on the lower of either the pre-discount price of the originally requested service/equipment or the pre-discount price of the new, substituted service/equipment.

**We file for 35 separate libraries, does each library have to have its own internet safety policy and hold a public meeting?**

Yes, each library should have its own public hearing about its internet safety policy.

**Did you say that if you install your own filter for CIPA you must keep your own monthly log?**

While we don't specifically dictate what you need to do, you will need to be able to show compliance during an audit or other review. It doesn't matter if the school installs the filter or if you have it installed or managed from another organization. You still must show that the filter was in place as described in your internet safety policy that was presented at the public meeting. A monthly log may be one way to demonstrate that a filter was in place.

## **Eligible Services List**

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### **Is VOIP an eligible service?**

No. As of FY 2019, all voice services are ineligible for E-Rate support.

### **Are firewalls eligible for Category Two funding?**

Yes. A separately-priced basic firewall is eligible as a Category 2 service. If basic firewall service is included as part of the vendor's Internet Access service, it is eligible as Category 1 service.

### **"UPS battery backup" appears on the Eligible Services List. Are replacement batteries also eligible?**

Generally, no. However, if a battery is part of an eligible internal connections component and is malfunctioning, a replacement battery may be covered under the applicant's Basic Maintenance of Internal Connections service.

### **What is the difference between Managed Internal Broadband Services (MIBS) and Basic Maintenance of Internal Connections (BMIC)?**

The two categories of service should be treated separately. MIBS provides the day-to-day operations of a network (e.g., monitoring the utilization of a network). If something is discovered to not be working properly, the service should be requested under Basic Maintenance of Internal Connections category of service.

### **Can C2 equipment be moved to an ineligible building after five years?**

Yes. After five years, equipment is considered obsolete and may be sold or transferred for consideration of money or any other thing of value, disposed of, donated, or traded.