

## FCC Order 20-345 – How to Extend Your FY2019 Evergreen Contract

On March 26, 2020, the Federal Communications Commission (FCC), released [FCC Order DA 20-345](#), waiving two requirements regarding the [voluntary extension of evergreen contract](#) terms. The waivers allow for the following:

1. Health care providers (HCPs) and service providers with evergreen contracts that expire in FY2019 may continue with the service in the evergreen contract through FY2020 even if their contracts do not include an option for voluntary extensions.
2. HCPs and service providers with evergreen contracts that reach the five-year voluntary extension limit during FY2019 may extend their contract terms for one additional year for FY2020.

HCPs are required to memorialize the extension with the service provider and to retain any documentation associated with the extension when they submit their FCC Form 462 or Form 466 for FY2020.

### Who Can Use this Waiver

This order allows Healthcare Connect Fund (HCF) and Telecom Program applicants to use evergreen contracts that expire **prior to June 30, 2020 for FY2020 (one additional year)**. For FY2020, you can file your FCC Form 462 or Form 466 using the current evergreen contract for one more year if you are:

- An HCP with an approved multi-year funding commitment prior to FY2020 that used a qualifying evergreen contract
- An HCP with an approved FY2019 funding commitment that used a qualifying evergreen contract
- An HCP with a prior year commitment using voluntary extensions in an evergreen contract that reached the five year limit before June 30, 2020
  - You can use this waiver even if there are no voluntary extensions in the contract
  - You can use this waiver even if there are no voluntary extensions mentioned in your evergreen determination
- An HCP with a submitted FY2019 funding request using a contract that expires before June 30, 2020:
  - If the FY2019 funding request was submitted as an evergreen exemption using a contract that was endorsed as evergreen in a prior year, the existing evergreen contract qualifies for the waiver.
  - If the FY2019 funding request was submitted with a contract that has not yet received an evergreen determination, it will only qualify for the waiver if the FY2019 funding request is approved.

### Next Steps

If you decide to take advantage of this waiver for FY2020, submit your FCC Form 462 or 466 using the evergreen contract exemption, provide a cover letter to USAC with an explanation, and include any documents memorializing the agreement with your service provider to continue services under the existing evergreen contract. Upload the cover letter and any additional documents as supporting documentation when you file your FY2020 FCC Form 462 or Form 466.

Not sure if your contract has been deemed evergreen? Evergreen contract determination will be found in your funding commitment letter (FCL). In the HCF Program, contract information also appears in the Network Cost Worksheet (NCW) located in My Portal.

Please keep in mind that the filing window to submit funding request forms (FCC Forms 462 and 466) takes place from February 1, 2020 to June 30, 2020 at 11:59 EST. **All applicants interested in applying for FY2020 funding should submit their funding requests by June 30, regardless of their FY2019 pending form status.**

**Important Note:** All applicants who decide to take advantage of this waiver will need to go out to bid to request services using the FCC Form 461 or Form 465 for FY2021. Competitive bidding for FY2021 begins on July 1, 2020.