

Schools and Libraries

NEWS BRIEF

August 2, 2013

TIP OF THE WEEK: If you are filing an appeal with USAC or the FCC, be sure to review the [June 21 SL News Brief](#) for the information you should include. Appeals that are missing important details – such as complete contact information, the specific decision being appealed, or relevant documentation – are more difficult to process.

Commitments for Funding Years 2013, 2012, and 2011

Funding Year 2013. USAC will release Funding Year (FY) 2013 Wave 12 Funding Commitment Decision Letters (FCDLs) August 6. This wave includes commitments for approved Priority 1 (Telecommunications Services and Internet Access) requests at all discount levels. As of August 2, FY2013 commitments total over \$299 million and encompass 18,555 of FY2013 applications.

Funding Year 2012. USAC will release FY2012 Wave 54 FCDLs August 7. This wave includes commitments for approved Priority 2 (Internal Connections and Basic Maintenance) requests at 90 percent and denials at 89 percent and below. As of August 2, FY2012 commitments total over \$2.68 billion.

Funding Year 2011. USAC released FY2011 Wave 98 FCDLs July 25 and will release Wave 99 FCDLs August 7. These waves include commitments for approved Priority 2 requests at 88 percent and above and denials at 87 percent and below. As of August 2, FY2011 commitments total just under \$2.62 billion.

On the day 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 Online Invoicing

The online FCC Form 474 (SPI Form) has entered the final phase of testing. We expect the online version of the form to be available by the end of next week.

- Paper filers – continue filing as usual. You can also use the email and fax options described below.
- Online filers – be prepared to submit the revised form as soon as it is available online.
- Electronic filers – continue to follow the guidance provided to you in the [July 19 Special Edition News Brief](#) and by email.

Work on the online FCC Form 472 (BEAR Form) continues. For the time being, BEAR Forms must still be completed on paper. You can:

- Scan the completed form and [email it to USAC](#).
- Fax the completed form to USAC at 1-888-276-8736.
- Use the appropriate address at the bottom of the form to submit the form by U.S. Mail or delivery service.

In all cases, you must use the July 2013 version of the form. Applicants take note: You must complete

the Applicant Remittance Information at the bottom of page 4, and your service provider must complete that page and return it to you for submission to USAC.

What to Do After You Win an Appeal

If program participants disagree with a USAC decision, they can [file an appeal](#) with either USAC or the FCC and request a review of USAC's decision. If the appeal is successful, applicants and/or service providers may still be required to complete additional steps or provide more information in order to finish the application and invoicing processes.

Appeal decisions issued by USAC are communicated by an Administrator's Decision Letter (ADL). Under certain circumstances, USAC also issues a Revised Funding Commitment Decision Letter (RFCDL).

- The ADL is sent to the appellant (applicant, service provider, or consultant) at the address featured on the appeal. The ADL contains the appeal decision as well as a discussion of how USAC arrived at that decision. Note that if a consultant is both the Block 1 contact person and the Block 6 authorized person, USAC sends the ADL to the consultant.
- The RFCDL is issued to the applicant at the address featured on the associated FCC Form 471 and also to the affected service provider(s). The RFCDL contains information specific to changes in the funding decision.

Here is a table of USAC's appeal decisions and the letter(s) that are issued for each decision:

Appeal Decision	ADL	RFCDL
Approved in Full	√	√
Approved for Data Entry	√	
Approved for In Window Certification	√	
Approved, Funding Denied	√	
Approved, Funding Reduced	√	√
Approved for Further Review	√	
Canceled	√	
Denied	√	
Dismissed	√	
Partially Approved	√	√
Partially Approved, Funding Denied	√	
Partially Approved, Funding Reduced	√	√

NOTE: If the contact information on the appeal and/or the associated FCC Form 471 has

changed since the appeal was filed, you should [update the contact information](#) on the form and notify your appeal reviewer so that USAC can issue the ADL and RFCDL to the correct person at the correct address.

Below we discuss three common types of appeals and the steps successful appellants, applicants, and service providers should be prepared to take in each case.

Funding denials that are appealed to USAC

As you can see from the table above, if USAC determines on appeal that funding should have been committed on a funding request that was originally reduced or denied, USAC will issue an ADL to the appellant and an RFCDL to the applicant and affected service provider(s).

- The appellant should share the information in the ADL with all affected parties.
- Both the applicant and the service provider(s) should review the RFCDL. The RFCDL contains the amount of the revised funding decision as well as a short explanation of the change in the amount and any other changes implemented during the appeal review.
- The applicant should determine whether a request to change service providers (an [operational SPIN change](#)) and/or a [service substitution](#) request is necessary. For example, the service provider of record may have gone out of business, or the product or service in the original request may no longer be available. Keep in mind that, starting with FY2011 funding requests, there are additional requirements for operational SPIN changes.
- If no changes are required, the applicant should file an [FCC Form 486](#), Receipt of Service Confirmation Form, within 120 days of the date of the commitment letter (FCDL or RFCDL) or the service start date, whichever is later, to avoid a penalty for late filing.
 - If the funding request was originally denied on the FCDL, the applicant calculates this deadline using the date of the RFCDL.
 - If the funding request was approved as submitted or modified or reduced on the FCDL (i.e., some funding was committed), the applicant calculates this deadline using the date of the FCDL.
- For contracted services, the applicant should determine whether the contract must be extended. If so, the applicant and service provider should work together to extend the contract. The applicant must then report the new contract expiration date to USAC by filing an [FCC Form 500](#), Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form.
- Applicants and service providers should work together to make sure that the eligible services approved in the RFCDL – if not already received – are delivered and installed in a timely manner and invoiced appropriately.

Invoice deadline extension denials that are appealed to USAC

If USAC determines on appeal that a request for an invoice deadline extension that was originally denied should be approved, USAC issues an ADL to the appellant. In general, if approved, the extended invoice deadline is 120 days after the date of the ADL.

- The appellant should share the information in the ADL with all affected parties.
- If an invoice – FCC Form 472 (BEAR Form) or FCC Form 474 (SPI Form) – was filed and processed for the funding request in the past, the invoicing mode for that funding request has already been set. That mode (BEAR or SPI) should be used for any invoices submitted after the ADL is issued.
- As above, the applicant should determine whether an [operational SPIN change](#) request and/or a [service substitution](#) request is necessary.
- The applicant and service provider should work together to verify that the required program forms have been filed (FCC Form 486 for the applicant and [FCC Form 473](#), Service Provider Annual Certification Form, for the service provider), the eligible services on the funding request have been delivered and installed, and the customer bills have been correctly issued and paid before completing the invoicing process.
- **DO NOT wait until the last minute to invoice USAC.** The invoicing process – whether BEAR or SPI – should be completed as expeditiously as possible.

Appeals remanded to USAC by the FCC

If the FCC grants an appeal of a USAC decision, the FCC issues an order and may remand the associated application to USAC for further processing.

- The FCC will issue a memo to the appellant. The memo will contain the proceeding number (generally in the format DA xx-xxx) and the release date of the order that contains the appeal

decision.

- The appellant and all affected parties should carefully review the information contained in the order. To locate the order, go to the [EDOCS search page](#) on the FCC website, enter the proceeding number in the box labeled "DA/FCC Number," and click Search. The order can be viewed as a text, Word, or PDF document.
- The order contains information about how the FCC reached its decision and gives specific direction to USAC on how to proceed. Note that some appeals are granted outright, while others will require USAC to start or continue its review of an application or request. This review may require the applicant and/or service provider(s) to respond to additional questions from USAC.
- When USAC has completed its work, it will issue decision letters as described in the above section. Note, however, that USAC does not issue an ADL on an FCC remand if the appeal is approved in full and other types of decision letters are issued as a result of the approved appeal (e.g., an RFCDL or an FCC Form 486 Notification Letter).

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