



February 9, 2022

Chairwoman Jessica Rosenworcel
Commissioner Brendan Carr
Commissioner Geoffrey Starks
Commissioner Nathan Simington
Federal Communications Commission
45 L St. NE, Washington, DC 20554

RE: Letter of support -Ex parte submission by SHLB, COSN, SETDA and ALA in WC Docket No. 21-93 Establishing Emergency Connectivity Fund to Close the Homework Gap

Dear Chairwoman Rosenworcel and Commissioner Carr, Starks and Simington:

The E-Rate Management Professionals Association (E-mpa®) fully supports the request made by the SHLB Coalition, CoSN, SETDA, and ALA (SHLB et al.) submitted January 28, 2022¹ to extend the June 30, 2022 service delivery deadline for the Emergency Connectivity Fund (ECF) to June 30, 2023.

In their Notice of Ex parte, SHLB et al. explained how the delays in funding commitments will cause applicants to not be able to receive services or equipment prior to the current June 30, 2022 deadline. There are several other situations that are also resulting in applicants not being able to utilize their much-needed ECF funding support. These include supply chain shortages, price increases and staffing shortages which are a new reality during the COVID-19 pandemic.

Supply chain shortages have created situations where a school that received a funding letter in September 2021 may still be waiting for a revised funding commitment decision letter before they can order their equipment. In one situation the school received funding then contacted their service provider to place the order. The service provider told the school that unfortunately the item that was approved for funding was no longer available. The school then had to file a post commitment change request to request the change of product. USAC then had to review the change and queue the approved change for funding. Eventually a revised funding commitment decision letter will be issued to the school who can then place the order. When the school is finally able to place the order, they may be informed that the product is no longer available again due to the second delay or it will take additional time in order to fill the order.

¹ <https://www.fcc.gov/ecfs/filing/101281737819629>

For the first time that we can remember, unit prices for purchases of large quantities are higher than unit prices for smaller quantity purchases since the items are difficult for the service providers to acquire. If the price increases, the applicant must submit a post commitment change to adjust the unit price and decrease the quantity requested.

Staffing shortages are also causing significant delays in processing the requests for everyone involved. Service provider and school and library staff are still having to quarantine when they test positive for COVID and must take additional precautions. The staffing shortages result in products not being available in a timely manner.

Finally, we are also seeing applicants who need to change from BEAR to SPI or SPI to BEAR for invoicing purposes. These changes also require a post commitment request and additional time elapses until the applicant can receive payment and may require a delay in ordering if the applicant is changing from BEAR to SPI method.

The various changes are taking approximately 95 days to process. If an applicant receives funding, then has to make a change, and then experiences several months for the order to be delivered, they will not make the June 30, 2022 service delivery deadline and will have to forego the funding.

Here are some actual examples:

Post commitment change was submitted 10/15/2021. Modifications were approved by reviewer per communications in ECF on 11/10/2021. Revised funding commitment decision letter (RFCDL) was finally issued 1/19/2022. 96 days to process the change.

Post commitment change submitted 11/04/2021 to change from SPI to BEAR. Modification approved by ECF reviewer on 12/6/2021. Revised funding commitment decision letter (RFCDL) was finally issued 2/2/2022. Applicant attempted to submit the BEAR but the funding amounts in the system had not been updated for BEAR processing. After call to customer service, system was updated and BEAR could be filed 2/8/2022. 96 days to process the change.

Post commitment change submitted to increase the per unit cost and decrease quantities. This is an example where the prices increased so the school had to purchase less items. Post commitment request was submitted 12/6/2021. ECF reviewer approved the modification 1/27/2022. Still waiting on revised funding letter as of 2/9/2022. Over 65 days at this point.

Three post commitment requests to change the invoicing mode from SPI to BEAR submitted 10/15/2021. Approximately 12/10/2021 applicant received approval from the ECF post commitment reviewer. Applicant tried to file BEARS on 1/13/2022 but was unable to. After speaking with the ECF reviewer and the customer support center, both stated that until the applicant receives the RFCDL, they cannot file a BEAR. Finally received RFCDL on 1/19/2022. 96 days to process the change.

As SHLB et al. explained, there are still a significant number of applications not yet funded. If any of the applications that are funded late need changes, they will not be able to process the change, order the equipment and have the equipment delivered by June 30, 2022.

The examples provided are just a very small sample of the wide range of challenges that are facing the applicants as they scramble to utilize the Emergency Connectivity Fund support. We agree with SHLB et al. that “Extending the deadline past June 30, 2022, will ensure all applicants are treated fairly and equitably, regardless of when their application was processed.” If the service delivery deadline is extended, then the funding that was intended to assist applicants in meeting the unmet needs of students, staff and patrons could be fully utilized and the goals of the ECF program met. If, however, the June 30, 2022 date is not extended, there will be a large number of applicants who will not be able to utilize the funding for connected devices as they simply will not be able to comply with the program and receive the products needed by June 30, 2022.

SHLB et al. provided excellent examples and discussion regarding the repercussions on the broadband data plans that are a key component of the ECF program. With the delayed funding, most of the applicants can only receive six months or less of service which is hardly enough time to make it worth the service providers’ time to install and start service before they have to cut off service or find another source of funding. We have had quite a few applicants already decide to forego the ECF funding so they don’t have to deal with upset recipients when the funding is abruptly ended on June 30, 2022.

With only a few months left in the program, we respectfully request that the Commission consider providing an extension of the June 30, 2022 service delivery deadline to June 30, 2023. This will allow the applicants to fully utilize this valuable funding opportunity in alignment with the ECF program goals.

Respectfully submitted,



Deborah Sovereign
President
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