

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Promoting Telehealth for Low-Income Consumers
WC Docket No. 18-213

ORDER

Adopted: January 13, 2022

Released: January 13, 2022

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we waive, on our own motion, the deadline for certain participants in the Connected Care Pilot Program to file their initial requests for funding with the Universal Service Administrative Company (USAC). Due to the ongoing COVID-19 pandemic that continues to strain health care provider resources, we find good cause to waive the deadline to submit initial requests for funding (FCC Form 462) for Connected Care Pilot Program participants selected in January and June 2021 and set a new April 27, 2022 FCC Form 462 filing deadline for these program participants.

II. BACKGROUND

2. The Connected Care Pilot Program will make available up to \$100 million over a three-year period for selected Pilot projects for qualifying purchases necessary to provide connected care services, with a particular emphasis on providing connected care services to low-income and veteran patients. Connected Care Pilot Program participants must file their initial request for funding, FCC Form 462, within six months of selection to participate in the Pilot Program. In January, June, and October 2021, the Commission selected three groups of applicants to participate in the Connected Care Pilot Program. Additionally, in June 2021 the Commission released a Report and Order, that, among other things, delayed the deadline for participants selected in January 2021 to file their initial Requests for

1 See Mitch Smith, The New York Times, Doctors and Nurses are 'Living in a Constant Crisis' as COVID Fills Hospitals and Omicron Looms, (Dec. 17, 2021), https://www.nytimes.com/2021/12/17/us/covid-hospitals-omicron.html.

2 See Promoting Telehealth for Low-Income Consumers; COVID-19 Telehealth Program, WC Docket No. 18-213, Report and Order, 35 FCC Rcd 3366, 3369-97, paras. 5, 55 (2020) (Connected Care Report and Order).

3 Id. at 3413, para. 77 (requiring Connected Care participants to file their initial FCC Form 462(s) within six months of selection).

4 Federal Communications Commission Announces Initial Projects Selected for the Connected Care Pilot Program, WC Docket No. 18-213, Public Notice, 36 FCC Rcd 593 (2021) (January 2021 Selection Public Notice).

5 Federal Communications Commission Announces Second Set of Projects Selected for the Connected Care Pilot Program, WC Docket No. 18-213, Public Notice, FCC 21-71 (rel. June 17, 2021) (June 2021 Selection Public Notice).

6 Federal Communications Commission Announces Third Set of Projects Selected for the Connected Care Pilot Program, WC Docket No. 18-213, Public Notice, FCC 21-113 (rel. Oct. 27, 2021) (October 2021 Selection Public Notice).

Funding with USAC so that it aligned with the deadline for June 2021 selections.<sup>7</sup> Pilot Program participants selected in January and June 2021 are therefore required to file their initial FCC Form 462(s) no later than February 14, 2022<sup>8</sup> and Pilot Program participants selected in October 2021 are required to file their initial FCC Form 462(s) no later than April 27, 2022.<sup>9</sup>

### III. DISCUSSION

3. Consistent with precedent,<sup>10</sup> in recognition of the ongoing COVID-19 pandemic, and to allow participants flexibility as they work to begin their Pilot projects in the midst of the pandemic, we waive the deadline for participants selected in January and June 2021 to file their initial requests for funding and set a new deadline of April 27, 2022. Pilot Program participants must still post their request for services, FCC Form 461, on USAC's website for at least 28 days before entering into an agreement with a service provider.<sup>11</sup>

4. Generally, the Commission's rules may be waived for good cause shown.<sup>12</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>13</sup> In addition, the Commission may take into account considerations of hardship, equity, or effective implementation of overall policy on an overall basis.<sup>14</sup> We find that strict compliance with the deadline to submit the initial funding request to USAC is inconsistent with the public interest given the ongoing strain that the COVID-19 pandemic continues to place on health care providers. Additional time will allow projects selected in January and June 2021 to finalize project requirements, initiate the competitive bidding process, and submit initial requests for funding while they also address the ongoing COVID-19 pandemic in their communities. Waiving the initial filing deadline for the FCC Form 462(s) is consistent with prior Wireline Competition Bureau action in response to the COVID-19 pandemic in order to increase administrative flexibility for health care providers.<sup>15</sup> Additionally, moving the deadline to April 27, 2022 will bring the deadline to file an FCC Form 462 for program participants selected in January and June 2021 into alignment with the deadline for participants selected in October 2021.

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<sup>7</sup> *Promoting Telehealth for Low-Income Consumers*, WC Docket No. 18-213, Second Report and Order, FCC 21-74, 13, para. 26 (rel. June 21, 2021) (*Second Connected Care Report and Order*) (requiring Connected Care participants selected in January and June 2021 to file their initial FCC Form 462(s) no later than six months after the effective date of the Report and Order).

<sup>8</sup> *Wireline Competition Bureau Announces Key Deadlines for Connected Care Pilot Program Participants*, WC Docket No. 18-213, Public Notice, DA 21-827 (rel. July 14, 2021).

<sup>9</sup> The *October 2021 Selection Public Notice* was released on October 27, 2021. Six months from that date is April 27, 2021.

<sup>10</sup> See *Second Connected Care Report and Order*, para 26 (extending the deadline for Connected Care participants selected in January 2021 to file their initial FCC Form 462).

<sup>11</sup> 47 CFR § 54.622(g). To ensure that initial Requests for Funding are filed by April 27, 2022, the last day for FCC Form 461(s) to be posted to USAC's website is March 30, 2022.

<sup>12</sup> 47 CFR § 1.3.

<sup>13</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

<sup>14</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>15</sup> See e.g., *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Order, 35 FCC Rcd 13819 (WCB 2020); *Rural Health Care Universal Service Support Mechanism*; *School and Libraries Universal Service Support Mechanism*, WC Docket No. 02-60; CC Docket No. 02-6, Order, 35 FCC Rcd 9416 (WCB 2020); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 35 FCC Rcd 2922 (WCB 2020).

**IV. ORDERING CLAUSES**

5. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3, that we waive the deadline for Connected Care Pilot Program participants selected in January and June 2021 to file their initial requests for funding with USAC.

6. IT IS FURTHER ORDERED, that pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith  
Chief  
Wireline Competition Bureau