

August 7, 2018

To: Federal Communications Commission  
445 12th Street SW, Washington, DC 20554

From: Educational Services Network, Corp  
SPIN # 143029803  
PO Box 3055  
Caguas, PR 0726

Re: This is a request for waiver invoice deadline for FRN's 2420459, 2420462, 2420464 and 2420467.

Discussion:

The referenced FRN's have as the last date for invoice September 21, 2017. Hurricanes Irma and María effects in our region affected our ability to file the required FCC Forms 474 on time. In order to provide remedies to hurricanes effects, between other issues, on applicants and service providers ability to comply with FCC and USAC deadlines compliance, on October 6 FCC released order DA-17-984.

On November 7, 2017 Educational Services Network, Corp. (EDNet) filed before the Universal Service Administrative Company (USAC), Schools and Libraries Division (SLD) an invoice deadline extension request. for FRN's 2420459, 2420462, 2420464, 2420467 and 2420519<sup>1</sup>. On April 25, 2018, SLD issued EDNet an approval for a one-time 120 day invoice deadline extension, between others, for FRN 2420519<sup>2</sup>.

On July 27, 2018, as a result of a request for status filed on May 23, 2018, EDNet received an invoice deadline extension request denial stating that the request was filed after the last day for invoice.<sup>3</sup> As answer of a reconsideration request to this decision<sup>4</sup>, filed by EDNet, the SLD instructed EDNet to file a waiver request before the FCC for FRN's 2420459, 2420462, 2420464 and 2420467.

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<sup>1</sup> See attachment A, SLD case# 22-957260

<sup>2</sup> See attachment B, Invoice deadline extension

<sup>3</sup> See EPC case #237919 – Case 22 – 957260

<sup>4</sup> See attachment C

EDNet is making efforts to process invoices for services provided on funding year 2013. In this regards we are following SLD directions on resolving this issue and respectfully solicit that the FCC grant a waiver to the last date for invoice for the referenced FRN's and award a one-time 120 days invoice deadline extension.

Should you need more information and documentation on making a decision on this matter please contact us.

Thanks for your support on this matter.



Félix M. Santiago  
President

Attachment A

From: sldnoreply@sl.universalservice.org  
Subject: SLD Inquiry #: 22-957260 Received  
Date: November 7, 2017 at 10:22 PM  
To: fmsantiago@ednetpr.net

S

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-957260.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at [www.usac.org/sl](http://www.usac.org/sl).

Thank you.

Following is the information you submitted:

*[FirstName]=Felix M [LastName]=Santiago [JobTitle]=President  
[EmailAddress]=fmsantiago@ednetpr.net [WorkPhone]=7879006684 [FaxPhone]=  
[PreviousCaseNumber]=0 [FormType]=Invoice Extension  
[Owner]=DEADLINEEXTENSIONS [DateSubmitted]=11/7/2017 9:16:34 PM  
[AttachmentFlag]=N[Question2]=Due to the difficulties of applicant in providing requested  
documentation we are filling an invoice deadline extension request for the following FRN's  
for SDL For 471 # 890265. FRN's 2420459, 2420462, 2420464, 2420467, 2420519*

## Attachment B

**From:** deadline@sl.universalservice.org  
**Subject:** Invoice Deadline Extension  
**Date:** April 25, 2018 at 11:22 AM  
**To:** fmsantiago@ednetpr.net



This serves as acknowledgement and approval of your request for your one-time 120 day invoice deadline extension for the following FRNs:

2420519  
2590934  
2601550  
2601552

Since this serves as approval, an invoice requesting payment must be submitted so that it is postmarked no later than the date found on the USAC website within the Search Tools in order for your request to be considered as timely filed. If you are resubmitting a Form 472, please remember that you should forward the form to the Service Provider as soon as possible to ensure sufficient time to process your request. The invoice should be submitted in accordance with the instructions that are posted in the SLD Forms area of the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org) or are available by contacting the SLD Client Service Bureau at 1-888-203-8100.

Thank you for your continued support of and participation in the E-rate program.

Schools and Libraries Division  
Universal Service Administrative Company

This e-mail has been generated programmatically. Please do not respond to this e-mail.

July 28, 2018

Schools and Libraries Division  
Universal Service Administrative Company

Re: 237919 - Case 22-957260 - Deadline extension denial decision request for review

On 7/27/2018 USAC notify us that the deadline extension requests for FRN,s 2420459, 2420462, 2420464 and 2420467 were all denied for being submitted after the last date to invoice.

The deadline extension request was submitted on November 7, 2017 (copy attached). On October 6 FCC Order, DA-17-984, II-3<sup>1</sup> waived several rules and deadlines including FCC Forms 474 filling.

Due to hurricanes Irma and María damages access to applicants and their ability to respond to request for information and documentation were way delayed on late 2017 and early 2018.

For the reasons referenced in this note, we understand that the request for deadline extension were filled within the allowable time frame and, we are asking you to reconsider your decision and grant us the requested deadline extension for the referenced FRN's

Should you need more information and documentation on making a decision on this matter please contact us.

Thanks for your support on this matter.



Félix M. Santiago  
President

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<sup>1</sup> 9 Program participants located in the Affected Disaster Areas who may have already missed these deadlines due damage or disruption caused by the Hurricanes may submit the required filings up to 150 calendar days from the release date of this Order.

From: sldnoreply@sl.universalservice.org  
Subject: SLD Inquiry #: 22-957260 Received  
Date: November 7, 2017 at 10:22 PM  
To: fmsantiago@ednetpr.net

S

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-957260.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at [www.usac.org/sl](http://www.usac.org/sl).

Thank you.

Following is the information you submitted:

*[FirstName]=Felix M [LastName]=Santiago [JobTitle]=President  
[EmailAddress]=fmsantiago@ednetpr.net [WorkPhone]=7879006684 [FaxPhone]=  
[PreviousCaseNumber]=0 [FormType]=Invoice Extension  
[Owner]=DEADLINEEXTENSIONS [DateSubmitted]=11/7/2017 9:16:34 PM  
[AttachmentFlag]=N[Question2]=Due to the difficulties of applicant in providing requested  
documentation we are filling an invoice deadline extension request for the following FRN's  
for SDL For 471 # 890265. FRN's 2420459, 2420462, 2420464, 2420467, 2420519*

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

|   |   |                      |
|---|---|----------------------|
| In the Matter of                              | ) |                      |
|   | ) |                      |
| Schools and Libraries Universal Service       | ) | CC Docket No. 02-6   |
| Support Mechanism                             | ) |                      |
|   | ) |                      |
| Rural Health Care Universal Service           | ) | WC Docket No. 02-60  |
| Support Mechanism                             | ) |                      |
|   | ) |                      |
| Lifeline and Link Up Reform and Modernization | ) | WC Docket No. 11-42  |
|   | ) |                      |
| Universal Service Contribution Methodology    | ) | WC Docket No. 06-122 |
|   | ) |                      |

**ORDER**

**Adopted: October 6, 2017**

**Released: October 6, 2017**

By the Chief, Wireline Competition Bureau:

**I. INTRODUCTION**

1. In this Order, we waive, on our own motion, certain E-rate,<sup>1</sup> Rural Health Care (RHC), Lifeline, and contribution rules and deadlines to assist schools and libraries, RHC and Lifeline Program participants, and contributors located in the areas affected by Hurricanes Harvey, Irma, and Maria (“Hurricanes”), which struck the United States and its territories in August and September 2017.<sup>2</sup> We also grant the requests of PRWireless, Inc., d/b/a Open Mobile and Telrite Corporation (Telrite), for an extension of the previously granted temporary waiver of the Lifeline Program’s non-usage and recertification rules.<sup>3</sup> Together, the Hurricanes have caused widespread and catastrophic damage, destroyed and damaged countless homes, schools, libraries, and health care facilities, displaced residents, and disrupted communications. Because of these compelling and unique circumstances, we find good cause to waive certain rules and deadlines to assist schools and libraries, RHC and Lifeline Program participants, and contributors in the affected areas.<sup>4</sup>

<sup>1</sup> E-rate is more formally known as the schools and libraries universal support mechanism.

<sup>2</sup> See generally Federal Emergency Management Agency (FEMA), <https://www.fema.gov/> (last visited Oct. 4, 2017); CNN, 2017 Atlantic Hurricane Season Facts, <http://www.cnn.com/2017/05/15/us/2017-atlantic-hurricane-season-fast-facts/index.html> (last visited Oct. 4, 2017).

<sup>3</sup> See Telrite Corporation Emergency Petition for Extension of Waiver, WC Docket No. 11-42 et al. (filed Oct. 5, 2017) (Telrite Petition); PRWireless, Inc. Emergency Petition for Waiver and Other Relief, WC Docket Nos. 11-42, 09-197, 10-90, CC Docket No. 96-45, WT Docket No. 10-208, at 13-16 (filed Oct. 4, 2017) (Open Mobile Petition); 47 CFR §§ 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), 54.410(f).

<sup>4</sup> See *Connect America Fund*, WC Docket No. 10-90, Order, FCC 17-129, paras. 1-2, 7 (rel. Oct. 4, 2017) (describing damage caused by recent Hurricanes); *Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism; Lifeline and Link-Up*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60 and 03-109, Order, 20 FCC Rcd 16883 (2005) (*Hurricane Katrina Order*) (adopting temporary rules to provide rural and non-rural public and nonprofit HCPs in areas

(continued....)

## II. DISCUSSION

2. Generally, the Commission's rules may be waived for good cause shown.<sup>5</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>6</sup> In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an overall basis.<sup>7</sup>

3. *E-rate Program.* For schools and libraries located in areas of Texas, Florida, Georgia, Puerto Rico, and the United States Virgin Islands (USVI) that have been designated as Major Disaster Areas eligible for Individual Assistance for the purposes of federal disaster relief by the Federal Emergency Management Agency (FEMA) ("Affected Disaster Areas"),<sup>8</sup> we waive, on an emergency interim basis, the following deadlines that may occur after the effective date of this Order,<sup>9</sup> and provide those affected with up to 150 calendar days from the effective date of this Order to submit the required filing:<sup>10</sup>

- Requests for review or waiver of decisions by USAC, directed to USAC or the Commission.<sup>11</sup>
- Filing FCC Form 486 (Receipt of Service Confirmation and Children's Internet Protection Act Certification (CIPA) Form).<sup>12</sup>

(Continued from previous page)

devastated by Hurricane Katrina, and in areas where evacuees located, with assistance in order to help in the recovery efforts). *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

<sup>5</sup> 47 CFR § 1.3.

<sup>6</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>7</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>8</sup> Several counties in Texas, Florida, and Georgia are eligible for FEMA individual disaster assistance. *See* FEMA, Texas Hurricane Harvey (DR-4332), <https://www.fema.gov/disaster/4332>; FEMA, Florida Hurricane Irma (DR-4337), <https://www.fema.gov/disaster/4337> (last visited Oct. 4, 2017); FEMA, Georgia Hurricane Irma (DR-4338), <https://www.fema.gov/disaster/4338> (last visited Oct. 4, 2017) (last visited Oct. 4, 2017). Additionally, all counties in Puerto Rico and the U.S. Virgin Islands are eligible for assistance. *See* FEMA, Puerto Rico Hurricane Maria (DR-4339), <https://www.fema.gov/disaster/4339> (last visited Oct. 4, 2017), FEMA, U.S. Virgin Islands Hurricane Maria (DR-4340), <https://www.fema.gov/disaster/4340> (last visited Oct. 4, 2017). E-rate-eligible entities located outside the Affected Areas that have experienced similarly catastrophic damage from Hurricanes Harvey, Irma, and Maria may request similar, narrowly-tailored relief from these or other requirements from the Wireline Competition Bureau.

<sup>9</sup> Program participants located in the Affected Disaster Areas who may have already missed these deadlines due damage or disruption caused by the Hurricanes may submit the required filings up to 150 calendar days from the release date of this Order.

<sup>10</sup> We note that the School and Libraries Division (SLD) of the Universal Service Administrative Company (USAC), the Administrator of the universal service support programs, has already suspended many of its administrative deadlines for applicants in the Affected Disaster Areas pursuant to its natural disaster procedures. These procedures provide applicants with additional time to respond to certain SLD information requests. To the extent USAC's Rural Health Care Division (RHCD) has not already provided similar relief, we direct RHCD to provide RHC Program participants in the Affected Disaster Areas with additional time, as USAC deems necessary, to respond to RHCD information requests.

<sup>11</sup> 47 CFR § 54.720; 47 CFR § 1.106. Parties who rely on this waiver as a basis for filing their request for review or waiver beyond the required deadline should indicate such basis in their filing.

<sup>12</sup> Instructions for Completing the Schools and Libraries Universal Service, Receipt of Service Confirmation Form (FCC Form 486), OMB 3060-0853 at 4; *see also Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Order, 17 FCC Rcd 12443, 12445, para. 5 (2002).



- Filing FCC Form 472 (Billed Entity Applicant Reimbursement (BEAR) Form) and Form 474 (Service Provider Invoice Form).<sup>13</sup>

4. Additionally, we find that good cause exists to waive certain service implementation deadline rules, subject to the limitations herein, for applicants located in the Affected Disaster Areas. We find that the extensive damage to property, facilities, and resources resulting from the Hurricanes may have made it impossible for some applicants in the Affected Disaster Areas to complete the installation of internal connections and other non-recurring services by the September 30, 2017 deadline for Funding Year (FY) 2016, and that service installation and construction efforts may continue to be delayed or impaired as communities in the Affected Disaster Areas work to recover and rebuild. Accordingly, we extend the FY 2016 implementation deadline for non-recurring services, other than special construction, to September 30, 2018 for applicants in the Affected Disaster Areas.<sup>14</sup> For applicants located in the Affected Disaster Areas that receive FY 2017 commitments for special construction, we extend the June 30, 2018 deadline to complete special construction and light the new fiber until June 30, 2019, subject to the applicant filing a valid FCC Form 500 certifying that construction for the special construction project was unavoidably delayed due to damage caused by the Hurricanes.<sup>15</sup>

5. We also recognize that applicants and service providers in the Affected Disaster Areas may have lost records in the destruction caused by Hurricanes Harvey, Irma, and Maria. We waive section 54.516(a) of our rules with respect to such destroyed records, which requires schools, libraries, consortia, and service providers to retain all documents related to their application for at least 10 years after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request.<sup>16</sup> Applicants and service providers will not be penalized for failure to retain records destroyed by the Hurricanes. Applicants and service providers that rely on this waiver as a basis for not retaining or producing records, upon request from USAC or the Commission, will be required to certify that the records, and any copies of such records, were destroyed by the Hurricanes. Additionally, applicants and service providers are responsible for obtaining such records, where available, from a third party upon request by USAC or the Commission. We note that the record retention requirements under our rules continue to apply to all records that were not destroyed by the Hurricanes, including records relating to any relief granted by this Order.

6. We find that the extraordinary property damage, personal injury, and disruptions in services caused by the Hurricanes in the Affected Disaster Areas constitute extremely unusual circumstances warranting the temporary waiver of the rules and procedures described above. We find that a 150-day waiver period for the filing deadlines listed above and other relief granted by this Order are appropriate measures to accommodate the extraordinary circumstances caused by the Hurricanes, while continuing to protect program integrity. Applicants or service providers in the Affected Disaster Areas that are unable to comply with these program deadlines or procedures at the end of this period may request additional, narrowly-tailored relief from these or other requirements from the Wireline Competition Bureau (Bureau).

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<sup>13</sup> 47 CFR § 54.514(a). Given the enormous damage inflicted by these hurricanes, we find that extraordinary circumstances exist warranting a waiver of the invoicing deadlines. See *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd at 8965-66, para. 238-40 (2014).

<sup>14</sup> 47 CFR § 54.507(d)(4). The implementation deadline for non-recurring services, other than special construction, for funding year 2016 was September 30, 2017.

<sup>15</sup> *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538, 15550, 15558, paras. 37, 49 (2014). The applicant may file the FCC Form 500 any time before June 30, 2018.

<sup>16</sup> 47 CFR § 54.516(a).

7. *RHC Program.* Similarly, for the RHC Program, for health care providers and service providers located in the Affected Disaster Areas<sup>17</sup>, we also waive, on a temporary basis, the following deadlines that may occur after the effective date of this Order, and provide those affected Program participants up to 150 calendar days from the effective date of this Order to submit the required filing:<sup>18</sup>

- Requests for review or waiver of decisions by USAC, directed to USAC or the Commission.<sup>19</sup>
- Filing FCC Form 463 (Healthcare Connect Fund (HCF) Program Invoice and Request for Disbursement Form).<sup>20</sup>
- FY 2016 Annual Report Questionnaire by consortia under the HCF Program.<sup>21</sup>

8. We also recognize that applicants and service providers in the Affected Disaster Areas may have lost records in the destruction caused by the Hurricanes. We thus waive sections 54.519(a), (d) and 54.648(b)(1), (2) of the Commission's RHC Program rules with respect such destroyed records, which require health care providers and service providers to retain all documents covered by those rules for at least five years after the last day of the delivery of supported services in a given funding year.<sup>22</sup> Program participants will not be penalized for failure to retain records destroyed by the Hurricanes. Applicants and service providers are responsible, however, for obtaining such records, where available, from a third party upon request by USAC or the Commission. Program participants that rely on this waiver as a basis for not retaining or producing records upon request from USAC or the Commission, will be required to certify that the records, and any copies of such records, were destroyed by the Hurricanes. We note that the record retention requirements under our rules continue to apply to all records that were not destroyed by the Hurricanes, including records relating to any relief granted by this Order.

9. We find that it is appropriate to waive these rules and deadlines, effective upon release of this Order, on a temporary basis to provide immediate relief to RHC Program participants in the Affected Disaster Areas. We find that the extraordinary property damage, personal injury, and disruptions in services caused by Hurricanes Harvey, Irma, and Maria in the Affected Disaster Areas constitute extremely unusual circumstances warranting the temporary waiver of the rules and procedures described

<sup>17</sup> Entities eligible for RHC support located outside the Affected Areas that have experienced similarly catastrophic damage from Hurricanes Harvey, Irma, and Maria may request similar, narrowly-tailored relief from these or other requirements from the Wireline Competition Bureau.

<sup>18</sup> Program participants located in the Affected Disaster Areas who may have already missed these deadlines due to damage or disruption caused by the Hurricanes may submit the required filings up to 150 calendar days of the release date of this Order.

<sup>19</sup> 47 CFR § 54.720 (requiring affected parties seeking review or waiver of a USAC decision to file such request with USAC or the Commission within 60 days from the date USAC issues a decision). Parties who rely on this waiver as a basis for filing their request for review or waiver beyond the required deadline should indicate such basis in their filing.

<sup>20</sup> See USAC, Rural Health Care Program, HCF Program, Individual HCPs, Initiate Invoicing, <http://www.usac.org/rhc/healthcare-connect/Individual/step07/default.aspx> (last visited Oct. 4, 2017) (requiring the submission of an invoice within six months from the funding commitment end date). See *Hurricane Katrina Order; Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket Nos. 02-6 and 96-45, WC Docket Nos. 02-60 and 05-195, Public Notice, 31 FCC Rcd 3932, 3941-42 (WCB 2016) (waiving the requirement that a separate FCC Form 465 be filed for each eligible entity seeking universal service support consistent with the *Hurricane Katrina Order*).

<sup>21</sup> 47 CFR § 54.647 ("Each consortium lead entity must file an annual report with the Administrator on or before September 30 for the preceding funding year, with the information and in the form specified by the Wireline Competition Bureau.").

<sup>22</sup> 47 CFR §§ 54.519(a), (d) (Telecom Program); 54.648(b)(1)-(2) (HCF Program).

above. We find that a 150-day waiver period for the filing deadlines listed above, and other relief granted by this Order, is in the public interest and are appropriate measures to accommodate the extraordinary circumstances caused by the Hurricanes and while continuing to protect program integrity. Applicants or service providers in the affected areas that are unable to comply with these RHC Program deadlines or procedures at the end of this grace period may request additional, narrowly-tailored relief from these or other requirements from the Bureau.

10. *Lifeline Program.* We next grant in part and deny in part to the extent described herein the emergency petition for waiver of Open Mobile and we grant in part and deny in part the emergency petition for waiver of Telrite. Both petitions requested, among other requests, an extension of the Bureau's previously granted 90-day waiver of certain Lifeline program rules in Puerto Rico and the U.S. Virgin Islands.<sup>23</sup> We also, on our own motion, waive the Lifeline non-usage and recertification rules for subscribers residing in the Affected Disaster Areas in Florida and Georgia. We decline to waive these rules in Texas, because the Public Utility Commission of Texas (Texas PUC) administers eligibility and recertification processes in that state and has indicated that such processes continue to function at this time.<sup>24</sup> Based on the record before us, we find that good cause exists to waive through February 28, 2018 sections 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), 54.410(f), and 54.411 of the Commission's rules for eligible telecommunications carriers (ETCs) serving Lifeline subscribers residing in Affected Disaster Areas in Puerto Rico, the U.S. Virgin Islands, Florida, and Georgia.<sup>25</sup> Given the extraordinary damage wreaked by the Hurricanes, strict compliance with these rules would be impracticable and would risk de-enrollment of Lifeline subscribers during the recovery efforts to rebuild in the aftermath of the Hurricanes.

11. On October 4, 2017 and October 5, 2017, respectively, Open Mobile and Telrite submitted requests for a 90-day extension of the Bureau's temporary waiver of the Lifeline non-usage and recertification rules because providers face and will continue to face enormous difficulties contacting and recertifying existing Lifeline customers due to unreliable mail delivery, extensive property damage, and significant power outages in the wake of the Hurricanes.<sup>26</sup>

12. To promote the maintenance and rebuilding of communities affected by the Hurricanes and to facilitate continued access to telecommunications services for disaster victims, we find it is in the public interest to extend the Bureau's temporary waiver of sections 54.405(e)(3) and 54.407(c)(2) of the Commission's rules.<sup>27</sup> Under these rules, ETCs must de-enroll Lifeline subscribers who do not pay a monthly fee for their Lifeline-supported service and do not use that service for 30 consecutive days.<sup>28</sup> Extending the existing waiver of these rules will help low-income consumers retain access to emergency communications services during this natural disaster, and allows ETCs to continue providing Lifeline service to disaster victims in the affected areas without requiring those subscribers to de-enroll and re-enroll in the program as they continue to rebuild from the devastation of two hurricanes. At the expiration of the waiver period, Lifeline subscribers who are subject to the non-usage rule will have 30 days to use their Lifeline service for the purposes of section 54.405(e)(3) of the Commission's rules.

13. We find it is also in the public interest to extend the temporary waiver of sections 54.405(e)(4) and 54.410(f) of the Commission's rules for ETCs with subscribers whose service

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<sup>23</sup> *Lifeline and Link Up Reform and Modernization*, Order, 32 FCC Rcd 6846 (WCB 2017).

<sup>24</sup> Conversation between FCC staff and Texas PUC staff (Sept. 15, 2017) (updating FCC staff on post-hurricane status of Lifeline administration and recertification efforts).

<sup>25</sup> See 47 CFR §§ 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), 54.410(f), 54.411.

<sup>26</sup> Open Mobile Petition at 13-14; Telrite Petition at 4-6.

<sup>27</sup> 47 CFR §§ 54.405(e)(3), 54.407(c)(2).

<sup>28</sup> See *id.*

anniversary dates fall on or between September 7, 2017 and February 28, 2018.<sup>29</sup> Waiver of these rules will allow ETCs serving Lifeline subscribers in Affected Disaster Areas in Puerto Rico, the U.S. Virgin Islands, Florida, and Georgia additional time to complete the recertification process for those subscribers whose service anniversary dates fall within this waiver period. Disruptions to telephone and Internet service resulting from the Hurricanes will make it difficult, if not impossible, for Lifeline subscribers to receive and respond to service provider recertification requests and reminders, and continued electrical outages make it unlikely that ETCs will have reliable access to Puerto Rico's eligibility database in the near future to conduct automated eligibility reverifications.<sup>30</sup> At the expiration of the waiver period, ETCs are expected to begin recertification efforts promptly and subscribers who were subject to the waiver will have 60 days to respond to their ETC's recertification efforts. Any subscriber whose anniversary date falls within the waiver period but has already recertified their eligibility is not required to undergo an additional recertification at the end of the waiver period, and any subscriber who had previously de-enrolled from the program must re-enroll pursuant to the Commission's rules.

14. We decline to grant Open Mobile's and Telrite's respective requests for an additional 90-day waiver of the rules, absent further action from the Commission.<sup>31</sup> We find that, combined with our previous temporary waiver, an additional 84-day waiver period is an appropriate time period that accommodates the extraordinary circumstances of the Hurricanes while continuing to protect program integrity. Additionally, ending the waiver period at the end of a calendar month will accommodate the common industry practice of recertifying subscribers in monthly batches. ETCs in the affected areas that are unable to comply with the Lifeline non-usage and recertification requirements at the end of this period for specific households may request additional, narrowly tailored relief from these requirements from the Bureau.

15. We also, on our own motion, temporarily waive the Lifeline port freeze rule<sup>32</sup> in the Affected Disaster Areas in Puerto Rico, the U.S. Virgin Islands, Florida, and Georgia through February 28, 2018. This temporary waiver will permit subscribers to apply their Lifeline benefit to a different Lifeline provider even if they would otherwise be prohibited from doing so due to section 54.411 of the Commission's rules. At the expiration of this waiver period, subscribers will be subject to the port freeze requirements of section 54.411, as measured from the date of that subscriber's latest Lifeline enrollment or transfer.

16. Communications networks in the Affected Disasters Areas have sustained extensive damage and continue to experience significant outages.<sup>33</sup> As a result, Lifeline subscribers may find that they are unable to obtain service from their current Lifeline provider in their area, even if another Lifeline provider's service is operational. It is in the public interest to temporarily waive the Lifeline port freeze rule because doing so will permit subscribers to utilize the best available Lifeline service in their area without being required to establish their eligibility for an exception to the rule pursuant to section 54.411(c). We find that temporarily waiving the rule will allow impacted subscribers to use their Lifeline benefit to regain communications service as soon as possible while minimizing burdens on subscribers during the ongoing disaster recovery.

17. *Contributions.* To provide further relief for affected companies, we waive additional rules and requirements for contributors to the Universal Service Fund (USF). We find that good cause exists to waive these rules and requirements, subject to the limitations herein, for providers serving the Affected

<sup>29</sup> 47 CFR §§ 54.405(e)(4), 54.410(f).

<sup>30</sup> See Open Mobile Petition at 3-4; Telrite Petition at 4.

<sup>31</sup> See Open Mobile Petition at 15; Telrite Petition at 6.

<sup>32</sup> See 47 CFR § 54.411.

<sup>33</sup> See Communications Status Report for Areas Impacted by Hurricane Maria (Oct. 4, 2017), [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2017/db1004/DOC-347073A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db1004/DOC-347073A1.pdf).

Disaster Areas. The extensive damage to property and facilities caused by the Hurricanes has left many residents without access to service and rendered many providers unable to serve the Affected Disaster Areas. We find that these extremely unusual circumstances warrant an emergency interim waiver of the rules and regulations described below.

18. First, we extend the 45-day revision deadline for Form 499-Q filings made on August 1, 2017, by contributors serving the Affected Disaster Areas, as well as for the upcoming Form 499-Q filing due November 1, 2017.<sup>34</sup> Extending this deadline will allow USAC to recalculate the contribution obligations for affected providers to immediately reflect the effect of the Hurricanes on contributor revenues rather than having to wait until next year's Form 499-A true-up process. We also find this approach will allow affected providers to utilize all available dollars for service restoration efforts in the Affected Disaster Areas. We direct USAC to accept revisions to these filings until January 2, 2018.

19. We next temporarily waive section 54.713(c) for providers with headquarters in the Affected Disaster Areas and direct USAC to refrain from assessing late fees on Form 499-Q filings made by these providers after the upcoming November 1 deadline.<sup>35</sup> We find that this temporary waiver will prevent providers whose operations have been substantially impacted by the Hurricanes from being unfairly penalized for missing this filing deadline. We also recognize that many providers utilize third-party consultants or other external entities to prepare their Form 499-Q filings.<sup>36</sup> We extend this temporary waiver to those preparers that are based in Affected Disaster Areas and whose operations have sustained damage due to the Hurricanes, thus preventing them from meeting the November 1 Form 499-Q deadline. We direct USAC to refrain from assessing late fees on late Form 499-Q filings made by these groups until after January 2, 2018.

20. We also temporarily waive section 54.713(b) and direct USAC to suspend certain collection activities for providers with headquarters in the Affected Disaster Areas.<sup>37</sup> We find that doing so will temporarily alleviate burdens for providers that may have outstanding contribution obligations and whose operations have been substantially impacted by the Hurricanes. Specifically, this action includes the following:

- *Interest and Penalties*: waiver of all interest and penalties incurred by providers with headquarters in Affected Disaster Areas between the effective date of this Order and January 2, 2018;
- *Red Light*: providers with headquarters in the Affected Disaster Areas will not be placed on Red Light due to debts that became delinquent after July 1, 2017, between the effective date of this Order and January 2, 2018; and
- *Transfer to Treasury*: any debts incurred by providers with headquarters in the Affected Disaster Areas will not be transferred to Treasury for collection activities between the effective date of this Order and January 2, 2018.

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<sup>34</sup> *Federal-State Joint Board on Universal Service, et al.*, CC Docket No. 96-45 et al., Report and Order and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 24952, 24972, para. 36 (2002). *See also* Emergency Petition of PRWireless, Inc. for Waiver and Certain Other Relief, CC Docket No. 96-45 et al., at 10-11 (filed Oct. 4, 2017); Emergency Petition of ATN International, WC Docket No. 06-122 et al., at 13-14 (filed Oct. 5, 2017).

<sup>35</sup> 47 CFR § 54.713(c). We direct USAC to utilize Line 109 of the Form 499-A to determine whether a provider's headquarters is located in an Affected Disaster Area.

<sup>36</sup> *See* USAC, *Frequently Asked Questions: Managing the FCC Forms 499-A/Q*, <http://www.usac.org/cont/about/contributor-faqs.aspx> (last visited Oct. 5, 2017).

<sup>37</sup> 47 CFR § 54.713(b). *See also* 31 CFR § 901.9(g) (permitting an agency to waive interest, penalties, and administrative costs on debts owed to the United States "if the agency determines that collection of these charges is against equity and good conscience or is not in the best interest of the United States").



21. We anticipate that granting this relief, in conjunction with the extension of the Form 499-Q revision deadline and the waiver of the late fees associated with November 1 Form 499-Q filings, will enable affected providers to accurately file or revise their projected revenues for both the Fourth Quarter of 2017 and the First Quarter of 2018. As a result, the associated contribution obligations for those quarters will account for the impact of the recent hurricanes on the business of these providers. Thus, we do not find it necessary to extend relief beyond January 2, 2018. However, we recognize the unique circumstances of many providers in the Affected Disaster Areas, and note that any provider that is unable to comply with the Commission's contribution rules and requirements after January 2, 2018, may request additional, narrowly-tailored relief from the Bureau.<sup>38</sup>

22. *Preventing Waste, Fraud, and Abuse.* We are committed to guarding against waste, fraud, and abuse in the USF programs. Although we grant the limited waivers described herein, program participants and service providers remain otherwise subject to audits and investigations to determine compliance with USF Program rules and requirements. We will require USAC to recover funds that we discover were not used properly through its normal processes. We emphasize that we retain the discretion to evaluate the uses of monies disbursed through the USF Programs and to determine on a case-by-case basis that waste, fraud, or abuse of program funds occurred and that recovery is warranted. Additionally, in the event we discover any improper activity resulting from our action today, we will subject the offending party to all available penalties at our disposal, and will direct USAC to recover funds, assess retroactive fees and/or interest, or both. We remain committed to ensuring the integrity of the Programs and will continue to aggressively pursue instances of waste, fraud, or abuse under our own procedures and in cooperation with law enforcement agencies.

### III. ORDERING CLAUSES

23. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 USC §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3, that sections 47 CFR 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), 54.410(f), 54.411, 54.507(d)(4), 54.514(a)-(b), 54.516(a), 54.647, 54.519(a), (d), 54.648(b)(1), (2), 54.713(b)-(c), and 54.720 of the Commission's rules are waived to the limited extent provided herein.

24. IT IS FURTHER ORDERED, that pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 USC §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3, that the request for waiver filed by ATN International, Inc. IS GRANTED IN PART to the extent provided herein, the request for waiver filed by PRWireless, Inc., d/b/a Open Mobile, IS GRANTED IN PART AND DENIED IN PART to the extent provided herein, and the request for waiver filed by Telrite Corporation IS GRANTED IN PART AND DENIED IN PART.

25. 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

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<sup>38</sup> 47 CFR § 1.3.

