

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

Table with 2 columns: Matter Name and Docket Number. Rows include Lifeline and Link Up Reform and Modernization (WC Docket No. 11-42), Schools and Libraries Universal Service Support Mechanism (CC Docket No. 02-6), Establishing Emergency Connectivity Fund to Close the Homework Gap (WC Docket No. 21-93), Rural Health Care Universal Service Support Mechanism (WC Docket No. 02-60), Connect America Fund (WC Docket No. 10-90), and Universal Service Contribution Methodology (WC Docket No. 06-122).

ORDER

Adopted: October 9, 2024

Released: October 9, 2024

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order and on our own motion, we waive certain Lifeline, E-Rate, Emergency Connectivity Fund (ECF), Rural Health Care (RHC), and High Cost rules and deadlines to assist participants and service providers, including Universal Service Fund (USF) contributors, located in the areas affected by Hurricane Milton and its immediate aftermath (collectively, the Milton Weather Events). This same relief also applies to any other areas that may be subject to future Emergency Declarations or Major Disaster Declarations signed by the President due to hurricanes, typhoons, tropical storms, tropical cyclones, and wildfires during the remainder of calendar year 2024.

2. Hurricane Milton is a hurricane moving through the Gulf of Mexico and is expected to impact Florida. The Milton Weather Events are expected to cause significant power outages, communications network outages, and damage to homes, schools, libraries, and health care facilities throughout the impacted areas. Because of these compelling and unique circumstances, we find good cause to waive certain rules and deadlines to assist program participants, service providers, and USF contributors in the affected areas.

1 E-Rate is formally known as the schools and libraries universal support mechanism.

2 See Lifeline and Link Up Reform and Modernization; Schools and Libraries Universal Service Support Mechanism; Establishing the Emergency Connectivity Fund to Close the Homework Gap; Rural Health Care Universal Support Mechanism; Connect America Fund; Universal Service Contribution Methodology, CC Docket No. 02-6, WC Docket Nos. 11-42, 21-93, 02-60, 10-90, 06-122, Order, DA 24-1025 (WCB rel. Oct. 1, 2024) (Hurricane Helene Order); Affordable Connectivity Program; Lifeline and Link Up Reform and Modernization; Schools and Libraries Universal Service Support Mechanism; Establishing the Emergency Connectivity Fund to

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II. BACKGROUND

3. On Wednesday, October, 9, 2024, Hurricane Milton is anticipated to make landfall on Florida's Gulf Coast and is expected to cause historic flooding, significant infrastructure damage, and communications blackouts to affected areas in Florida.³ The President has approved an Emergency Declaration for the State of Florida, allowing authorities to provide disaster relief.⁴

III. DISCUSSION

4. Historically, the Wireline Competition Bureau (Bureau) has granted waivers of certain USF Program deadlines for areas affected by natural disasters.⁵ Generally, the Commission's rules may

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Close the Homework Gap; Rural Health Care Universal Support Mechanism; Connect America Fund; Universal Service Contribution Methodology, CC Docket No. 02-6, WC Docket Nos. 21-450, 11-42, 21-93, 02-60, 10-90, 06-122, Order, DA 23-805 (WCB Sept. 1, 2023) (*Hurricane Idalia Order*); *Affordable Connectivity Program; Lifeline and Link Up Reform and Modernization; Schools and Libraries Universal Service Support Mechanism; Establishing the Emergency Connectivity Fund to Close the Homework Gap; Rural Health Care Universal Support Mechanism; Connect America Fund; Universal Service Contribution Methodology*, CC Docket No. 02-6, WC Docket Nos. 21-450, 11-42, 21-93, 02-60, 10-90, 06-122, Order, DA 23-723 (WCB Aug. 18, 2023) (*Hawaii Wildfires Order*); *Schools and Libraries Universal Service Support Mechanism; Establishing the Emergency Connectivity Fund to Close the Homework Gap; Rural Health Care Universal Support Mechanism; COVID-19 Telehealth Program; Universal Service Contribution Methodology; Lifeline and Link Up Reform and Modernization; Affordable Connectivity Program; Connect America Fund*, CC Docket No. 02-6, WC Docket Nos. 21-93, 02-60, 20-89, 06-122, 11-42, 21-450, and 10-90, Order, DA 22-998 (WCB Sept. 22, 2022) (*Hurricane Fiona Order*); *Schools and Libraries Universal Service Support Mechanism; Establishing the Emergency Connectivity Fund to Close the Homework Gap; Rural Health Care Universal Support Mechanism; COVID-19 Telehealth Program; Universal Service Contribution Methodology; Lifeline and Link Up Reform and Modernization; Affordable Connectivity Program; Connect America Fund*, CC Docket No. 02-6, WC Docket Nos. 21-93, 02-60, 20-89, 06-122, 11-42, 21-450, and 10-90, Order, DA 22-1063 (WCB Oct. 4, 2022) (*Hurricane Ian Order*); *Schools and Libraries Universal Service Support Mechanism; Rural Health Care Universal Service Support Mechanism; Lifeline and Link Up Reform and Modernization; Universal Service Contribution Methodology*, CC Docket No. 02-6, WC Docket Nos. 02-60, 11-42, and 06-122, Order, 32 FCC Rcd 7456 (2017) (*Hurricanes Harvey, Irma & Maria Order*) (waiving certain E-Rate, RHC, Lifeline, and contribution rules and deadlines for areas impacted by Hurricanes Harvey, Irma, and Maria); *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 health care providers in areas devastated by Hurricane Katrina, and in areas where evacuees are located, with assistance in order to help in the recovery efforts).

³ See Rachel Treisman, NPR, *Fast-growing Hurricane Milton is officially a Category 5 storm as it nears Florida* (Oct. 7, 2024), <https://www.npr.org/2024/10/07/nx-s1-5142961/hurricane-milton-florida-evacuations>; CBS News, *Maps show track of Hurricane Milton as forecasters predict landfall in Florida this week* (Oct. 7, 2024), <https://www.cbsnews.com/news/hurricane-milton-maps-florida-forecast-tampa-bay-landfall/>.

⁴ See The White House, President Joseph R. Biden, Jr Approves Florida Emergency Declaration (Oct. 7, 2024) <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/10/07/president-joseph-r-biden-jr-approves-florida-emergency-declaration-9/>. We refer to Hurricane Milton and all associated weather impacts as the Milton Weather Events. Similarly, we refer to the Emergency Declaration as Milton Weather Event Declarations.

⁵ See, e.g., *Schools and Libraries Universal Service Support Mechanism; Rural Health Care Universal Support Mechanism; Lifeline and Link Up Reform Modernization; Connect America Fund; Federal-State Joint Board on Universal Service High-Cost Universal Service Support; Establishing Emergency Connectivity Fund to Close the Homework Gap; Emergency Broadband Benefits Program*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 10-90, WC Docket No. 05-337, WC Docket No. 21-93, WC Docket No. 20-445, Order, 36 FCC Rcd 13405 (WCB 2021) (*Hurricane Ida Order*); *Schools and Libraries Universal Service Support Mechanism; Rural Health Care Universal Support Mechanism; Lifeline and Link Up Reform Modernization*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, Order, 32 FCC Rcd 7456, 7457, para. 2 (WCB 2017) (*Hurricanes Harvey, Irma, and Maria Order*); *Schools and Libraries Universal Support Mechanism*, WC

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be waived for good cause shown.⁶ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁷ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁸

5. In response to the anticipated damage from the Milton Weather Events, on our own motion, we waive various provisions of the Lifeline, E-Rate, ECF, RHC Program, and High Cost rules for those Federal Communications Commission (FCC or Commission) programs' participants and for USF contributors located in the Affected Disaster Areas.⁹ For the purposes of the waivers we grant today related to Hurricane Milton, we define "Affected Disaster Areas" as the areas covered by the Milton Weather Event Declarations and any other Emergency Declarations or Major Disaster Declarations pertaining to the Milton Weather Events, including declarations issued related to the Milton Weather Events after release of this Order. Additionally, the relief provided herein applies to areas subject to future Emergency Declarations or Major Disaster Declarations signed by the President due to hurricanes, typhoons, tropical storms, tropical cyclones, and wildfires during the remainder of calendar year 2024.¹⁰ In the event of a future Emergency Declaration or Major Disaster Declaration covered under these waivers, the Bureau will release information on the scope of the Affected Disaster Areas.

A. Lifeline

6. We first waive the Lifeline non-usage and recertification requirements for subscribers residing in the Affected Disaster Areas. We find that good cause exists to waive sections 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), and 54.410(f) of the Commission's rules for eligible telecommunications carriers (ETCs) serving Lifeline subscribers residing in the Affected Disaster Areas through December 15, 2024.¹¹ The waiver period for these rules will expire December 15, 2024. Given the anticipated

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Docket No. 02-6, Order, 34 FCC Rcd 56, 57, para. 2 (WCB 2019) (*California Wildfires Order*); *Request for Waiver of Section 54.514 of the Commission's Rules by Florida Department of Management Services; Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd 10186, 10188, para. 5 (WCB 2018) (*Florida Hurricanes Order*); *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 9538, 9540, para. 4 (2017) (*FCC Hurricanes Harvey, Irma, and Maria Order*); *Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60 and 03-109, Order, 20 FCC Rcd 16883, 16885, para. 4 (2005) (*Hurricane Katrina Order*).

⁶ 47 CFR § 1.3.

⁷ *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).

⁸ *Northeast Cellular*, 897 F.2d at 1166.

⁹ We recognize that entities in the Affected Disaster Areas may need additional relief relating to Lifeline, E-Rate, ECF, RHC, High Cost, and Contributions obligations not addressed in this Order as they complete assessments of the damage to their networks; such entities should request specific relief from the Bureau to address these individualized circumstances. The Wireline Competition Bureau recently granted partial waiver of the Commission's rules regarding aging of telephone numbers for residents impacted by Hurricane Helene and by certain future weather events in 2024. *Telephone Number Portability; Numbering Resource Optimization*, Order, DA 24-1024 (WCB Oct. 1, 2024). We now amend that partial waiver as it applies to future weather events in 2024 to align with the scope of relief provided herein.

¹⁰ Waiver of section 54.507(d)(4) of the Commission's rules is excluded from relief provided for future Emergency Declarations or Major Disaster Declarations in the remainder of calendar year 2024 because the E-Rate program non-recurring service implementation deadline was September 30, 2024. We grant waiver of this lapsed deadline for Affected Disaster Areas related to the Milton Weather Events because much of Florida was impacted by Hurricane Helene which made landfall prior to the deadline.

¹¹ See 47 CFR §§ 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), 54.410(f).

devastation from the Milton Weather Events to infrastructure in the Affected Disaster Areas, strict compliance with these rules may be impractical and may risk harm to Lifeline subscribers who may be inappropriately de-enrolled during the recovery efforts.¹² For areas subject to future Emergency Declarations or Major Disaster Declarations signed by the President due to hurricanes, typhoons, tropical storms, tropical cyclones, and wildfires during the remainder of calendar year 2024, we waive the Lifeline non-usage and recertification requirements for 60 days after the incident date.

7. To promote the maintenance and rebuilding of communities affected by the hurricane, and future disasters in 2024, and to facilitate continued access to telecommunications services for disaster victims, we find it is in the public interest to temporarily waive sections 54.405(e)(3) and 54.407(c)(2) of the Commission's rules.¹³ 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.¹⁴ Waiving these rules will help low-income consumers retain access to emergency communications services during this and other future natural disasters in 2024. This waiver also allows ETCs to continue providing Lifeline service to disaster victims in the Affected Disaster Areas without requiring those subscribers to de-enroll and re-enroll in the program as they continue to work through the damage of the hurricane.¹⁵

8. We also find that good cause exists to waive sections 54.405(e)(4) and 54.410(f) of the Commission's rules, which require Lifeline subscribers to demonstrate continued eligibility for the program, through December 15, 2024.¹⁶ This waiver will prevent the de-enrollment of any Lifeline subscribers who would otherwise have been required to certify their continued eligibility to the National Verifier during the waiver period.¹⁷ Waiver of these rules will allow the Universal Service Administrative Company (USAC) and ETCs serving Lifeline subscribers in the Affected Disaster Areas additional time to complete the recertification process. Disruptions to telephone and Internet service resulting from the Milton Weather Events or other future disasters in 2024 could make it difficult, if not impossible, for Lifeline subscribers to receive and respond to recertification requests and reminders. At the expiration of the waiver period, recertification efforts will resume and subscribers who were subject to the waiver will have an additional 60 days to respond to recertification notices.

9. Where USAC has already conducted recertification outreach, we direct USAC to not conduct de-enrollments for any subscriber who would have been de-enrolled, and was not actually de-enrolled, after October 5, 2024.¹⁸ USAC should send new outreach to these subscribers at the end of this waiver period, as is practicable, and give such subscribers an additional 60 days to complete their

¹² See, e.g., *Schools and Libraries Universal Service Support Mechanism et al.*, CC Docket No. 02-6, Order, 37 FCC Rcd 11310 (WCB 2022) (waiving certain E-Rate, Emergency Connectivity Fund, Rural Health Care, COVID-19 Telehealth, Lifeline, High Cost, and Affordable Connectivity Program rules and deadlines to assist participants and service providers, including Universal Service Fund contributors, located in the areas affected by Hurricane Ian); *Affordable Connectivity Program et al.*, WC Docket No. 21-450, Order, 38 FCC Rcd 7922 (WCB 2023) (issuing similar waivers in response to Hurricane Idalia).

¹³ 47 CFR §§ 54.405(e)(3), 54.407(c)(2).

¹⁴ See *id.*

¹⁵ After the end of the waiver period, the subscriber will have 30 days (beginning on December 16, 2024) to use their Lifeline-supported service. If the subscriber does not use their Lifeline-supported service during that 30-day timeframe, they will enter their 15-day cure period on January 15, 2025. In the event of a future disaster, the Bureau will provide guidance on the restart date for the non-usage rules.

¹⁶ 47 CFR §§ 54.405(e)(4), 54.410(f).

¹⁷ See 47 CFR § 54.405(e)(4) (requiring 60 days' notice to subscribers to respond to recertification efforts prior to de-enrollment).

¹⁸ In the event of a future applicable disaster, the Bureau will provide the relevant date for USAC to refrain from de-enrollments.

recertification activity. Any subscriber who 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. Additionally, to the extent that a Lifeline subscriber successfully completes their recertification process in 2025, they would not be required to undergo Lifeline recertification again in 2025.

10. ETCs in the Affected Disaster Areas that are unable to comply with the Lifeline non-usage and recertification requirements at the end of this waiver period may request additional, narrowly tailored relief from these requirements from the Bureau. Additionally, if the Milton Weather Events, or any future hurricane, typhoon, tropical storm, tropical cyclone, or wildfire in 2024, significantly impacts an ETC's ability to complete an ongoing Lifeline audit, the Bureau will consider requests for extension of any relevant deadlines on a case-by-case basis.

B. E-Rate Program

11. For applicants and service providers located in the Affected Disaster Areas, we waive, on a temporary basis, the following E-Rate program rules: (1) the 60-day deadline to file appeals and requests for waiver; (2) the deadline to file FCC Forms 486, 472, and 474; (3) the September 30, 2024 service implementation deadline for non-recurring services; (4) portions of the service and equipment substitution rule; and (5) document retention and production requirements for participating E-Rate applicants and service providers whose documents were destroyed by the Milton Weather Events.

12. *E-Rate Program Deadlines.* For applicants located in Affected Disaster Areas, we waive, on a temporary basis, the following deadlines that may occur on and after October 5, 2024,¹⁹ and provide those affected with up to 150 calendar days from the release date of this Order to submit the required filing:²⁰

- Requests for review or waiver of decisions by USAC, directed to USAC or the Commission.²¹
- Filing FCC Form 486 (Receipt of Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form).²²
- Filing FCC Form 472 (Billed Entity Applicant Reimbursement (BEAR) Form) and FCC Form 474 (Service Provider Invoice Form).²³

¹⁹ See *supra* note 6. E-Rate program participants located in the Affected Disaster Areas who may have already missed these deadlines due to damage or disruption caused by the Milton Weather Events may submit the required filings up to 150 calendar days from the release date of this Order.

²⁰ We note that USAC, the Administrator of the universal service support programs, including the E-Rate program, has already suspended many of its administrative deadlines for applicants in the Affected Disaster Areas pursuant to its natural disaster procedures. With regard to relief for future hurricanes or other applicable future disasters occurring in 2024, the waiver and relief period will begin on the first day of the incident period and will expire 150 days later.

²¹ 47 CFR §§ 1.106, 54.720. Parties who rely on this waiver as a basis for filing their request for review or waiver beyond the required deadline should include this waiver in their filing.

²² 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).

²³ 47 CFR § 54.514(a). Given the significant damage expected from the Milton Weather Events, and any similar disasters in 2024, consistent with precedent we find that extraordinary circumstances exist warranting a waiver of the invoice filing deadline rule. See *Hurricanes Harvey, Irma and Maria Order*, 32 FCC Rcd at 7458, n.13 (waiving the E-Rate invoice filing deadline for areas impacted by Hurricanes Harvey, Irma, and Maria); *Hurricane Ida Order*, 36 FCC Rcd at 13407-08, at para. 5 (waiving the E-Rate invoice filing deadline for areas impacted by

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13. *Service Implementation Deadline Extensions.* Additionally, we find that good cause exists to waive section 54.507(d)(4) of the Commission’s rules, subject to the limitations herein, for applicants located in the Affected Disaster Areas. In light of the recent impact of Hurricane Helene and anticipated impact of the Milton Weather Events, we understand some applicants in the Affected Disaster Areas may not be able to complete the installation of internal connections and other non-recurring services by the September 30, 2024 deadline for Funding Year (FY) 2023. Consistent with the actions taken for areas affected by Hurricane Helene,²⁴ we extend the FY 2023 implementation deadline for non-recurring services to September 30, 2025 for applicants in the Affected Disaster Areas, and we likewise extend the deadline for all other applicants that have non-recurring service funding requests with September 30, 2024 as the deadline and are located in the Affected Disaster Areas.²⁵

14. *Service and Equipment Substitutions.* Consistent with precedent,²⁶ we will also provide increased flexibility for service and equipment substitutions in the Affected Disaster Areas. Section 54.504(d) of the Commission’s rules allows USAC to grant a request by an applicant to substitute a service or product for another where: (a) the service or product has the same functionality;²⁷ (b) the

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Hurricane Ida); *Hurricane Fiona Order*, 37 FCC Rcd at 10805, para. 5 (waiving the E-Rate invoice filing deadline for areas impacted by Hurricane Fiona); *Hurricane Ian Order*, 37 FCC Rcd at 11312, para. 5 (waiving the E-Rate invoice filing deadline for areas impacted by Hurricane Ian); *Petition of TeleGuam Holdings, LLC for Waiver and Certain Other Relief; Affordable Connectivity Program; Lifeline and Link Up Reform and Modernization; Schools and Libraries Universal Support Mechanism; Rural Health Care Universal Service Support Mechanism; Connect America Fund; Universal Service Contribution Methodology; Telephone Number Portability; Numbering Resource Optimization*, CC Docket Nos. 02-6, 95-116, 99-200, WC Docket Nos. 21-450, 11-42, 02-60, 10-90, 06-122, Order, 38 FCC Rcd 6027, 6034, para. 16 (WCB 2023) (*Typhoon Mawar Order*) (waiving the E-Rate invoice filing deadline for areas impacted by Typhoon Mawar); *Hawaii Wildfires Order*, 38 FCC Rcd at 7594, para. 16 (waiving the E-Rate invoice filing deadline for areas impacted by the Hawaii Wildfires); *Hurricane Idalia Order*, 38 FCC Rcd at 7929, para. 16 (waiving the E-Rate invoice filing deadline for areas impacted by Hurricane Idalia); *Hurricane Helene Order* at * 5, para. 11 (waiving the E-Rate invoice filing deadline for areas impacted by Hurricane Helene); *see also 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, paras. 238-40 (2014).

²⁴ *See Hurricane Helene Order*, at *6, para. 12.

²⁵ 47 CFR § 54.507(d)(4); *see also Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 37 FCC Rcd 10727, 10728, para. 4 (WCB 2022) (extending the service implementation deadline for certain FY 2020 and 2021 funding requests that had September 30, 2022 as the deadline pursuant to section 47 CFR § 54.507(d)(4)).

²⁶ *See, e.g., Hurricanes Harvey, Irma, and Maria Order*, 32 FCC Rcd at 9543-44, para. 10 (providing increased flexibility for E-Rate program service substitutions in the wake of Hurricanes Harvey, Irma, and Maria); *Hurricane Ida Order*, 36 FCC Rcd at 13409, para. 8 (providing increased flexibility for E-Rate program service substitutions following the aftermath of Hurricane Ida); *Hurricane Fiona Order*, 37 FCC Rcd at 10807-08, para. 8 (providing increased flexibility for E-Rate program service substitutions following the aftermath of Hurricane Fiona); *Hurricane Ian Order*, 37 FCC Rcd at 11314-15, para. 8 (providing increased flexibility for E-Rate program service substitutions following the aftermath of Hurricane Ian); *Typhoon Mawar Order*, 38 FCC Rcd at 6036-37, para. 18 (providing increased flexibility for E-Rate program service substitutions following the aftermath of Typhoon Mawar); *Hawaii Wildfires Order*, 38 FCC Rcd at 7595, para. 18 (providing increased flexibility for E-Rate program service substitutions following the aftermath of the Hawaii Wildfires); *Hurricane Idalia Order*, 38 FCC Rcd at 7930-32, para. 18 (providing increased flexibility for E-Rate program service substitutions following the aftermath of Hurricane Idalia); *Hurricane Helene Order*, at *6-7, para. 13 (providing increased flexibility for E-Rate program service substitutions following the aftermath of Hurricane Helene).

²⁷ The Commission previously determined that an equipment or service substitution request does not have the same functionality if it “changes the type of service requested pursuant to the original funding request from one category to another (e.g., a change from telecommunications service to internal connections, or a change from Internet access to telecommunications service).” *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 26912, 26925, n.82

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substitution does not violate any contract provision or state or local procurement laws; (c) the substitution does not result in an increase in the percentage of ineligible services or functions; and (d) the applicant certifies that the requested change is within the scope of the controlling FCC Form 470.²⁸ For applicants located in Affected Disaster Areas that need to replace services or product(s) that may be disrupted, destroyed, or rendered unusable by the Milton Weather Events or other applicable future disasters in 2024, we waive this rule to exclude the requirement that the substituted service or product(s) must have the same functionality as the service or product that it is replacing.²⁹ This will allow applicants in the Affected Disaster Areas maximum flexibility to substitute services and product(s) based on their local needs without being constrained by categories of service or service types (e.g., applicants may substitute Internet access service with internal connections and vice versa),³⁰ so that they may use already approved E-Rate funding to replace damaged or destroyed products(s) and restore services, subject to the limitations stated herein.³¹ We believe this additional flexibility will allow applicants, given their specific understanding of their circumstances, to use E-Rate funding in ways that best meet their needs. The flexibility conferred by this measure effectively waives section 54.504(d)(1)(i) of the Commission's rules while keeping the remaining aspects of our service and equipment substitution rule intact. Applicants must continue to ensure that a service and/or equipment substitution: (a) does not violate any contract provisions;³² (b) does not violate state or local procurement laws; (c) does not result in an increase in the percentage of ineligible services or functions; and (d) is within the scope of an FCC Form 470.³³

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(2003).

²⁸ 47 CFR § 54.504(d)(1)(iv).

²⁹ 47 CFR § 54.504(d)(1)(i). We remind applicants that they may only request service and equipment substitutions if the implementation deadline for the service or product to be replaced has not passed. *See, e.g.,* 47 CFR § 54.507(d)(1), (d)(4); *see also Modernizing the E-Rate Program for Schools and Libraries, Connect America Fund*, WC Docket Nos. 13-184, 10-90, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538, 15550, 15558, paras. 37, 49 (2014) (*Second 2014 E-Rate Order*).

³⁰ In some cases, replacing one type of service with another may require applicants to switch service providers. The Commission's rules permit applicants to do so when: (a) it is allowed under an applicant's state and local procurement rules; (b) it is allowed under the terms of any contract between the applicant and its original service provider; (c) the applicant has notified its original service provider of its intent to change service providers; (d) there is a legitimate reason to change providers (e.g., the service provider is unable to perform the requested services); and (e) the newly selected service provider received the next highest point value in the original bid evaluation. *See Schools and Libraries Universal Service Support Mechanism, et al.*, CC Docket Nos. 02-6, et al., Sixth Report and Order, 25 FCC Rcd 18762, 18803, para. 91, n.272 (2010) (*Schools and Libraries Sixth Report and Order*) (citing *Request for Review by Copan Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, Order, CC Docket Nos. 96-45 and 97-21, 15 FCC Rcd 5498 (2000) (*Copan Order*), and stating that the new requirements are in addition to those outlined in the *Copan Order*).

³¹ Beginning in Funding Year 2021, school districts and library systems are permitted to transfer equipment between schools within a district and libraries within a system without notifying USAC of the transfer. *See* 47 CFR § 54.513(d); *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order, 34 FCC Rcd 11219, 11238-39, para. 49 (2019). However, both the transferor and recipient must maintain detailed records documenting the transfer and the reason for the transfer for a period of five years as required by the Commission's rules. 47 CFR § 54.513(d).

³² The additional flexibility provided for applicants located in the Affected Disaster Areas seeking substitutions for services and products damaged by Hurricane Milton or other applicable future disasters in 2024 is not intended to invalidate any contracts between applicants and service providers. Applicants are solely responsible for ensuring that requested equipment and service substitutions are permitted under their agreements with service providers.

³³ 47 CFR § 54.504(d). In the event that an equipment or service substitution results in a change in the pre-discount price for the supported equipment or service, support is based on the lower of either the pre-discount price of the

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Applicants must also request approval of service and/or equipment substitutions by submitting a service and/or equipment substitution request to USAC.

15. *Documentation Retention and Production.* We also recognize that applicants and service providers in the Affected Disaster Areas may lose records as a result of the destruction caused by the Milton Weather Events and any future disasters in 2024. 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.³⁴ Applicants and service providers will not be penalized for failure to retain or produce records destroyed by the hurricane or other applicable future disasters. 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 Milton Weather Events or other applicable disasters in 2024. 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 and production requirements under our rules continue to apply to all records that were not destroyed by the Milton Weather Events or other applicable disasters in 2024, including records relating to any relief granted by this Order.

16. We find that the significant property damage, power outages, and disruptions in services anticipated to be caused by the Milton Weather Events in the Affected Disaster Areas, and any applicable future disaster in 2024 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 Milton Weather Events and any applicable future disaster in 2024, while continuing to protect program integrity. E-Rate 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 Bureau.

C. Emergency Connectivity Fund Program

17. For applicants and service providers located in the Affected Disaster Areas, we waive, on a temporary basis, the following Emergency Connectivity Fund (ECF) program rules: (1) the 30-day deadline to file appeals and requests for waiver; and (2) document retention and production requirements for participating ECF program participants whose documents were destroyed by the Milton Weather Events or any applicable future disaster in 2024.

18. *Emergency Connectivity Fund Program Deadlines.* For ECF program participants located in the Affected Disaster Areas, we first waive, on a temporary basis, the deadline to submit a request for review or waiver of decisions by USAC, directed to USAC or the Commission and provide these participants with up to 150 calendar days from the release date of this Order to submit their filing.³⁵ Section 54.1718(b) of the Commission's rules requires an affected party requesting review of a decision by USAC or waiver to submit such request within 30 days from the date of USAC's decision, which is shorter than the timeframe permitted under the E-Rate program rules.³⁶ Given this shortened timeframe

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equipment or service for which support was originally requested or the pre-discount price of the new, substituted equipment or service. See 47 CFR § 54.504(d)(2).

³⁴ 47 CFR § 54.516(a).

³⁵ 47 CFR § 54.1718(b); 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.

³⁶ 47 CFR § 54.1718(b).

and recognizing that ECF program participants may have difficulty submitting their requests while dealing with the impact of the Milton Weather Events or applicable future 2024 disasters, we find it is in the public interest to waive and extend this deadline by 150 days for program participants in the Affected Disaster Areas.³⁷ For the same reason, we also direct USAC to extend its administrative deadlines associated with information requests issued to affected program participants, including Program Integrity Assurance-related requests, and provide them with an additional 150 days from the release date of this Order to respond to such requests.³⁸ For future applicable disasters occurring in 2024, the waiver and relief period will begin on the first day of the incident period and will expire 150 days later.

19. *Documentation Retention and Production.* Recognizing that applicants and service providers in the Affected Disaster Areas may lose records in the destruction caused by the Milton Weather Events or applicable future disasters in 2024, we also waive section 54.1715(b) of the Commission's rules, which requires ECF program participants to retain all records related to their participation in the program for at least 10 years after the last date of service or delivery of equipment.³⁹ As with our waiver of the E-Rate records retention rule, ECF applicants and service providers will not be penalized for failure to retain or produce records destroyed by the Milton Weather Events or other applicable future disaster in 2024. 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 hurricane or other applicable future disaster in 2024. Additionally, applicants and service providers are responsible for obtaining such records, where available, from a third party (e.g., consultant or service provider) upon request by USAC or the Commission. We note that the record retention and production requirements under our rules continue to apply to all records that were not destroyed by the hurricane or other applicable future disaster in 2024, including records relating to any relief granted by this Order.

D. Rural Health Care Program

20. For health care providers and service providers located in the Affected Disaster Areas, we waive, on a temporary basis, the following Rural Health Care (RHC) Program rules: (1) the 60-day deadline to file appeals and requests for waiver; (2) the 14-day deadline to respond to USAC information requests; (3) the five-year documentation retention and production rules for participating health care providers and service providers whose documents are destroyed by the Milton Weather Events; and (4) the invoice deadline.

21. *Deadline for Appeals and Requests for Waiver.* We waive and extend the 60-day deadlines in section 54.720(b) of the Commission's rules for requests for review or waiver of decisions by USAC or directed to USAC or the Commission.⁴⁰ We find that waiving the deadline for health care providers and service providers in the Affected Disaster Areas for filing appeals and waivers is an

³⁷ We anticipate that some affected applicants will need more time to submit appeals of USAC's decisions than provided under our rules; and, therefore, we find a waiver of this deadline appropriate.

³⁸ See, e.g., *Hurricane Ida Order*, 36 FCC Rcd at 13413, para. 23 (waiving USAC's ECF administrative deadlines associated with information requests in the aftermath of Hurricane Ida); *Hurricane Fiona Order*, 37 FCC Rcd at 10808-09, para. 10 (waiving USAC's ECF administrative deadlines associated with information requests in the aftermath of Hurricane Fiona); *Hurricane Ian Order*, 37 FCC Rcd at 11316, para. 10 (waiving USAC's ECF administrative deadlines associated with information requests in the aftermath of Hurricane Ian); *Hawaii Wildfires Order*, 38 FCC Rcd at 7597, para. 22 (waiving USAC's ECF administrative deadlines associated with USAC's information requests in the aftermath of the Hawaii Wildfires); *Hurricane Idalia Order*, 38 FCC Rcd at 7932-33, para. 22 (waiving USAC's ECF administrative deadlines associated with USAC's information requests in the aftermath of Hurricane Idalia); *Hurricane Helene Order*, at *8, para. 17 (waiving USAC's ECF administrative deadlines associated with USAC's information requests in the aftermath of Hurricane Helene).

³⁹ 47 CFR § 54.1715(b); see also 47 CFR § 54.720.

⁴⁰ 47 CFR § 54.720(a)-(b).

appropriate measure to accommodate the extraordinary circumstances anticipated to be caused by the Milton Weather Events, and any applicable future disaster in 2024. We understand that the disruptions anticipated to be caused by the Milton Weather Events and applicable future disaster in 2024 will continue to impact health care providers and service providers in the affected areas and find that any harm in giving petitioners additional time to submit their filings is outweighed by the significant public interest benefits. To reduce the burden on petitioners, we direct USAC to automatically provide petitioners with an additional 60 days to file appeals and waivers. This waiver will be in effect for all deadlines of appeals and waiver requests from October 5, 2024, through 150 calendar days from the release of this Order. For future hurricanes and any other applicable future disaster occurring in 2024, the waiver and relief period will begin on the first day of the incident period and will expire 150 days later.

22. *Response Time for USAC Information Requests.* We waive the 14-day deadline for applicants in the Affected Disaster Areas to respond to information requests from USAC.⁴¹ This waiver applies to information requests related to funding requests, appeals and waivers, invoices, audits, and other documentation submitted by program participants. We understand that in response to the Milton Weather Events, health care providers in the Affected Disaster Areas may find it necessary to divert their administrative resources or be unable to access facilities, which would impede their ability to respond timely to USAC information requests. This waiver will apply to all information requests issued on or after October 5, 2024, regardless of the funding year for which those requests relate. We provide affected health care providers and service providers with up to 150 calendar days from the effective date of this Order to respond to information requests from USAC. For future hurricanes or other applicable disasters occurring in 2024, the waiver and relief period will begin on the first day of the incident period and will expire 150 days later.

23. *Documentation Retention and Production.* We also recognize that applicants and service providers in the Affected Disaster Areas may lose records in the destruction anticipated to be caused by the Milton Weather Events, or other applicable future disaster in 2024. With respect to such destroyed records, we waive section 54.631(b) of the Commission's RHC Program rules, which requires health care providers and service providers to retain all documents specified by the rule for at least five years after the last day of the delivery of supported services in a given funding year.⁴² Program participants will not be penalized for failure to retain records destroyed by the hurricane. 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 Milton Weather Events or any future applicable disaster in 2024. We note that the record retention requirements under our rules continue to apply to all records that were not destroyed by the hurricane or other future similar disaster in 2024, including records relating to any relief granted by this Order.

24. *Invoice Deadline.* We next waive section 54.627(a) to automatically grant a 120-day extension of the invoice deadline for all funding year 2023 funding requests from health care providers in Affected Disaster Areas. Section 54.627(a) requires that RHC Program participants submit invoices to USAC within 120 days after the later of: (1) the service delivery deadline; or (2) the date of a revised funding commitment letter issued pursuant to an approved post-commitment request made by the applicant or service provider or a successful appeal of a previously denied or reduced funding request.⁴³

⁴¹ See *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 30 FCC Rcd 230, 230, para. 1 (2015) (*FCC Form 466 Documentation Order*).

⁴² 47 CFR § 54.631(b).

⁴³ 47 CFR § 54.627(a).

Program participants may request a one-time extension of the invoice filing deadline.⁴⁴ If the extension is timely requested, USAC is required to grant a 120-day extension.⁴⁵ We find that waiving the invoice deadline is an appropriate measure to accommodate the extraordinary circumstances anticipated to be caused by the Milton Weather Events and any future applicable disaster in 2024. We also understand that the disruptions anticipated to be caused by the Milton Weather Events and any future applicable disaster in 2024 will continue to impact health care providers and service providers in the Affected Disaster Areas and find that any harm in giving program participants additional time to submit their invoices is outweighed by the significant public interest benefits. To reduce the burden on participants, we direct USAC to automatically provide participants in the Affected Disaster Areas with an additional 120 days to submit their invoices.

E. High Cost Program

25. We next provide, on a temporary basis and for carriers in the Affected Disaster Areas, a waiver of the Commission’s high-cost performance measures testing requirements for the fourth quarter of 2024.

26. Recipients of high-cost universal service support with broadband build-out obligations must test the speed and latency performance at the supported locations and submit the testing results.⁴⁶ The purpose of the testing requirement is to ensure high-cost supported networks meet the required standards for the relevant support program. To capture any seasonal effects on a carrier’s broadband performance, carriers must conduct one week of testing in each quarter of the calendar year—January through March (first quarter), April through June (second quarter), July through September (third quarter), and October through December (fourth quarter).⁴⁷ Carriers in testing whose results show they are not meeting minimum requirements are subject to support withholding/reductions and additional reporting.⁴⁸

27. Given the substantial service disruptions and outages expected to be caused by the Milton Weather Events and any future applicable disaster in 2024, affected carriers may find it extremely difficult and burdensome to conduct performance testing in the fourth quarter of 2024. We previously said that we would generally consider requests “for waiver or extension of performance testing in cases where a major, disruptive event (e.g., a hurricane) negatively affects a provider’s broadband performance.”⁴⁹ We find that acting *sua sponte*—absent any request—is prudent due the extreme nature of the hurricane and other applicable future disasters in 2024, their anticipated impact, and recovery efforts, as this waiver relieves affected carriers from the additional burden of filing a petition.⁵⁰

⁴⁴ 47 CFR § 54.627(b).

⁴⁵ *Id.*

⁴⁶ The Commission adopted detailed performance measures requirements in 2018 and an order on reconsideration in 2019. See *Connect America Fund*, WC Docket No. 10-90, Order, 33 FCC Rcd 6509 (WCB 2018) (*First Performance Measures Order*), *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109 (2019) (*Performance Measures Reconsideration Order*). See also 47 CFR § 54.313(a)(6).

⁴⁷ See *First Performance Measures Order*, 33 FCC Rcd at 6520, para. 29.

⁴⁸ See *First Performance Measures Order*, 33 FCC Rcd at 6530-33, paras. 56-67, *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10133-38, paras. 65-75.

⁴⁹ See *First Performance Measures Order*, 33 FCC Rcd at 6521, para. 33.

⁵⁰ Consistent with precedent, we find that given the expected damage from Hurricane Milton, and any future similar disaster in 2024, extraordinary circumstances exist warranting a waiver of the performance measures testing requirement for the fourth quarter of 2024. See *Lifeline and Link Up Reform and Modernization; Schools and Libraries Universal Service Support Mechanism; Establishing the Emergency Connectivity Fund to Close the Homework Gap; Rural Health Care Universal Support Mechanism; Connect America Fund; Universal Service*

(continued...)

28. Further, while the Bureau prefers that carriers reschedule testing within the quarter when possible,⁵¹ the extreme nature of the Milton Weather Events and any future applicable disasters in 2024 warrants waiving the testing requirements for the fourth quarter of 2024 for any carrier serving a location in the Affected Disaster Areas altogether rather than requiring the affected carriers to reschedule. Waiving the testing requirements for the fourth quarter of 2024 is in the public interest as it allows affected carriers to reapportion resources to better meet their customers' needs during storm recovery. Moreover, with this waiver, we are not relieving carriers from providing the required service levels to high-cost supported locations; rather, we are relieving them solely from the requirement to test performance for the fourth quarter of 2024. Affected carriers may be concerned about losing a quarter of testing data and how that will affect its compliance with testing obligations. Therefore, affected carriers may still test their networks and certify the results to be part of the compliance calculations. However, pursuant to this waiver, they are not required to do so.⁵²

F. Contributions

29. To provide further relief for affected companies, we waive additional rules and requirements for affected contributors to the USF. We find that good cause exists to waive these rules and requirements, subject to the limitations herein, for providers serving the Affected Disaster Areas. The extensive damage to property and facilities expected to be caused by the Milton Weather Events may render many providers unable to serve the Affected Disaster Areas. We find that these extremely unusual circumstances, and for future similar disasters in 2024, warrant a temporary waiver of the contributions rules and requirements described below. We have taken similar action under extreme circumstances in the past,⁵³ and find that granting this emergency relief will help to temporarily alleviate burdens on service providers in the Affected Disaster Areas.

30. *Form 499-Q Deadlines and Late Fees.* First, we extend the 45-day revision deadline for FCC Form 499-Q filings made on August 1, 2024, by contributors serving the Affected Disaster Areas. Extending this deadline will allow USAC to recalculate the contribution obligations for affected providers to immediately reflect the effect of the Milton Weather Events, and any future applicable disaster in 2024, on contributor revenues rather than having to wait until next year's FCC Form 499-A true-up process. We direct USAC to accept revisions to these filings until January 2, 2025.

31. We next temporarily waive sections 54.713(b)-(c) of the Commission's rules for providers located in the Affected Disaster Areas.⁵⁴ We direct USAC to refrain from assessing late fees on FCC Form 499-Q filings made by these providers after the upcoming November 1 filing deadline until January 2, 2025.⁵⁵ We extend this temporary waiver to consultants and third-party preparers that are based in Affected Disaster Areas and whose operations may likely sustain damage due to the Milton Weather Events, or future applicable disasters, thus preventing them from meeting the November 1 FCC

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Contribution Methodology, CC Docket No. 02-6, WC Docket Nos. 11-42, 21-93, 02-60, 10-90, 06-122, Order, DA 24-1025, at * 11, paras. 25-28 (WCB Oct. 1, 2024) (*Hurricane Helene Order*) (waiving the fourth quarter performance measures testing requirements for affected disaster areas impacted by Hurricane Helene).

⁵¹ *Id.*

⁵² We appreciate that in the aftermath of the hurricane, and any applicable future disaster in 2024, affected carriers will need time to assess their networks in the Affected Disaster Areas, and we will evaluate at a later time whether relief from the applicable deployment milestones is warranted.

⁵³ *Affordable Connectivity Program*, et al., Order, 38 FCC Rcd 7922 (2024) (waiving certain E-Rate, Rural Health Care, Lifeline, and contribution rules and deadlines to assist schools, libraries, healthcare providers, Lifeline Program participants, and contributors affected by Hurricane Idalia).

⁵⁴ 47 CFR § 54.713(b)-(c).

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

Form 499-Q deadline. We find that this temporary waiver will prevent these groups whose operations may likely be substantially impacted by the Milton Weather Events, and any future applicable disaster in 2024, from being unfairly penalized for missing this filing deadline. We additionally direct USAC to refrain from assessing interest and penalties incurred by affected contributors until after January 2, 2025. Finally, we direct USAC to temporarily suspend certain collection activities for providers in the Affected Disaster Areas, as described below.

32. *Red Light Rule.* We waive the red light rule for providers in the Affected Disaster Areas. Collections and disbursement rules associated with the Debt Collection Improvement Act (DCIA),⁵⁶ stated in Part 1 of the Commission's rules, describe specific provisions which include a rule commonly referred to as the red light rule.⁵⁷ The red light rule requires that action be withheld on any application or other request for benefits made by an entity that is delinquent in debts owed to the Commission and dismissal of such applications or requests if the delinquent debt is not resolved.⁵⁸ With respect to universal service, when an entity's account becomes delinquent by one day, that entity, as well as any other entity associated with it through a shared taxpayer identification number, will be subject to the red light rule and considered to be in red light status.⁵⁹ USAC will withhold all program support payments to that entity and any associated entities until the delinquency has been satisfied.⁶⁰ Although entities owing debts to the government generally should not receive further benefits from it, we find that the disruption expected to be caused by the Milton Weather Events, and any applicable future disaster in 2024, constitutes extremely unusual circumstances and justifies an exception in this case. We find that it is in the public interest and good cause exists to waive the red light rule until January 2, 2025 for providers in the Affected Disaster Areas.

33. *Transfer to Treasury.* Once a debt with USAC becomes 91 days delinquent, the full amount of the outstanding debt is eligible for a DCIA transfer to the United States Department of Treasury for debt collection.⁶¹ Consistent with the additional relief provided for contributors impacted by the Milton Weather Events and any applicable future disasters in 2024, and to the extent possible, any debts incurred by providers located in the Affected Disaster Areas will not be transferred to Treasury for collection activities between the effective date of this Order and January 2, 2025.⁶²

34. We expect that suspending collection activities along with the extensions of filing deadlines and waivers of late fees may help affected providers to continue operations and enable them to accurately file or revise their projected revenues for the Fourth Quarter of 2024 and the First Quarter of 2025. Accordingly, the contribution obligations for those quarters will account for the impact of the Milton Weather Events and any applicable future disaster in 2024 on the business of these providers. Thus, we do not find it necessary to extend relief beyond January 2, 2025. However, we note that any provider that is unable to comply with the Commission's contributions rules and requirements after January 2, 2025 may request additional, narrowly-tailored relief from the Bureau.⁶³

⁵⁶ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (1996).

⁵⁷ *Amendment of Parts 0 and 1 of the Commission's Rules/Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Requests for Benefits by Delinquent Debtors*, Report and Order, 19 FCC Rcd 6540 (2004).

⁵⁸ See 47 CFR § 1.1910(b).

⁵⁹ See USAC, Late Payments, DCIA, Red Light, <https://www.usac.org/service-providers/making-payments/late-payments-dcia-red-light/> (last visited Sept. 30, 2024).

⁶⁰ *Id.*

⁶¹ *Id.*; see also 31 U.S.C. § 3711(g); 31 CFR §§ 285.12(c) and 901.1; 47 CFR § 1.1917.

⁶² See 31 U.S.C. § 3711(a)(3); 31 CFR § 903.2(a)(2).

⁶³ 47 CFR § 1.3.

G. Protecting Program Integrity

35. We are committed to protecting the integrity of the Lifeline, E-Rate, ECF, Rural Health Care, and High Cost programs (collectively, FCC programs). Although we grant the limited waivers described herein, program participants, service providers, and USF contributors remain otherwise subject to audits and investigations to determine compliance with FCC program rules and requirements. We will require USAC to recover funds through its normal process that we discover were not used properly. We emphasize that we retain the discretion to evaluate the uses of monies disbursed through the FCC 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, including directing USAC to recover funds, assess retroactive fees and/or interest, or both. We remain committed to ensuring the integrity of the FCC program user our own procedures and in cooperation with law enforcement agencies.

IV. ORDERING CLAUSES

36. ACCORDINGLY, IT IS ORDERED, pursuant to the authority in sections 1-4, 251(b)(2), 251(e), and 254 of the Communications Act of 1934, as amended 47 U.S.C. §§ 151-154, 251(b)(2), 251(e), 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 §§ 1.1910(b), 54.313(a)(6), 54.314(d), 54.405(e)(3), 54.405(e)(4), 54.407(c)(2), 54.410(f), 54.504(d)(1)(i), 54.507(d)(4), 54.514(a), 54.516(a), 54.618, 54.627(a), 54.631(b), 54.713(b)-(c), 54.720(b), 54.1715(b), 54.1718(b) of the Commission's rules ARE WAIVED to the extent provided herein.

37. IT IS FURTHER ORDERED, 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

Trent B. Harkrader
Chief
Wireline Competition Bureau