



April 23, 2020

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th St SW
Washington, DC 20554

Re: Request for FY 2020 Filing Deadline Flexibility for E-rate Applicants
WC Docket No. 13-184

Dear Chairman Pai:

On behalf of the applicants across the country that SECA members assist, I am writing to express our appreciation for the Commission's swift response to address the concerns of E-rate applicants in light of the COVID-19 emergency. I am also writing to request your assistance in facilitating a more lenient process for allowing late-filed Form 471 applications to be submitted and processed. To be clear, this request is **not** for a second extension of the Form 471 deadline that is set for April 29.

SECA is aware that many schools and libraries already have submitted their applications. We have reason to believe, based on our communications with applicants, that many others still will be able to file by April 29th. Applicants are eager, this year more than ever, to receive their funding commitment decision letters so they can purchase equipment and services with E-rate funding, much of which is needed for online learning instruction. It is important, therefore, that no action is taken that would disrupt the current application funding cycle or would cause applicants to delay filing applications if they are otherwise able to complete them by April 29.

We recognize that this interest must be balanced with the interest of ensuring that **all** applicants have the opportunity to file their FY 2020 E-rate applications and qualify for funding, and not be penalized by any delays that prevent them from meeting the deadline. There are legitimate and compelling reasons why some applicants may be unable to meet the April 29th deadline, due to time constraints and procedural obstacles arising from the closing of schools and libraries.

Rather than seeking an extension for all applicants and risk slowing the pace of Funding Commitment Decisions Letters, SECA requests the FCC to extend and modify its time-honored policy of an informal two-week grace period following the Form 471 deadline for submission of late applications. We believe that this approach is more equitable to accommodate the interests of all applicants.

Specifically, SECA requests that the FCC approve a more flexible waiver standard due to the truly extraordinary circumstances that may preclude some applicants from meeting either the April 29th deadline or a two week grace period thereafter, as follows:

- Applicants that file the applications within 60 days after the 471 Deadline shall also submit a request for waiver of the deadline to USAC. USAC shall be given the delegated authority from the Commission to approve the waivers which should be automatically granted.
- For applications submitted later than 60 days after the April 29 deadline, the applicant must submit a waiver request to the FCC and set forth their reasons why they were unable to meet the deadline. Such requests shall be reviewed on their merits and not dismissed as untimely (even though the Form 471 application was submitted more than 14 days after the Form 471 filing deadline). We anticipate that the FCC would look upon these requests for waivers favorably provided that the applicant offers a reasonable and plausible explanation for their delay.
- USAC shall begin issuing funding commitment decisions letter waves as soon as the April 29th filing deadline passes, and they have completed pre-funding reviews. In other words, the more lenient waiver policy for accepting late applications should not hinder the issuance of the funding letters for the earlier-filed and reviewed applications.

We believe that the more flexible waiver policy will allow for a swifter pace of issuing Funding Commitment Decisions Letters. We are concerned that a second extension will unduly delay the filing of applications, PIA processing of applications, the pace of decision letters and disbursement of funding.

The FCC has shown that the agency is well aware of the need for swift action to address the extraordinary circumstances facing the country, as its COVID-19 web page listing over 75 actions adopted in response illustrates. We appreciate the actions taken by the Commission thus far and we ask for your consideration of this request as well.

Respectfully,



Debra M. Kriete, Esq.
Chairperson, SECA

cc: Kris Monteith, Chief, Wireline Competition Bureau
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