**Before the**

Federal Communications Commission

Washington, D.C. 20554

|  |  |  |
| --- | --- | --- |
| In the Matter ofRural Health Care Support Mechanism | **)****)****)****)** | WC Docket No. 02-60 |

Order

**Adopted: March 9, 2020 Released: March 9, 2020**

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

# INTRODUCTION

1. In this Order, we waive, *sua sponte*, the Healthcare Connect Fund Program invoice filing deadline in section 54.645(b) of the Commission’s rules[[1]](#footnote-3) to provide relief to applicants and service providers who either received funding commitment letters (FCLs) with the incorrect invoice filing deadline or did not receive FCLs in time to submit invoices before the invoice filing deadline.[[2]](#footnote-4) Specifically, we allow the applicants and the service providers who received the FCLs with incorrect invoice filing deadlines and whose invoice deadlines have already lapsed to submit invoicing forms to the Universal Service Administrative Company (USAC) within 180 days from the release date of this Order if they have not yet done so and to retain the funding already disbursed for the funding requests at issue if they have already submitted invoices. Additionally, we allow those applicants and service providers who did not receive Funding Year (FY) 2018 FCLs in time to submit invoicing forms to USAC to submit invoices within 180 days from the release date of this Order.

# Background

1. The Healthcare Connect Fund Program provides support to eligible health care providers and consortia made up of eligible health care providers for advanced telecommunications and information services, network equipment, and/or facilities necessary for the provision of health care services.[[3]](#footnote-5) Only eligible consortium applicants may seek upfront payments for broadband services.[[4]](#footnote-6) The Commission’s rules require consortium applicants to prorate support requested for upfront payments for at least three years if, on average, more than $50,000 in upfront payments is requested per health care provider site, which results in a three-year funding commitment.[[5]](#footnote-7)
2. Invoices must be submitted to USAC within six months of the end date of the funding commitment.[[6]](#footnote-8) For example, a FY 2017 funding request with a three-year funding commitment would have an invoice filing deadline of December 31, 2020 because its funding commitment end date would be June 30, 2020, and the deadline is six months from the end of the funding commitment. In contrast, a FY 2017 funding request with a one-year commitment would have an invoice deadline of December 31, 2018 because December 31, 2018 is six months from June 30, 2018, the end date of the funding commitment.
3. *Incorrect invoice dates.* In March 2019, USAC discovered that its Rural Health Care Program system erroneously assigned a uniform invoice filing deadline of three years and six months from the funding start date to *all* consortium applicants that sought support for upfront payments, rather than just to those consortium applicants whose upfront payments exceeded an average of $50,000 per health care provider site and were required to be prorated over at least three years.[[7]](#footnote-9) Due to this error, consortium applicants with upfront payments that were less than $50,000 per health care provider site received FCLs indicating that their invoice deadline was three and half years from their service start date even though their actual invoice filing deadline was only one and a half years from their service start date.
4. Because USAC’s Rural Health Care Program system reflected the incorrect invoice filing deadlines, it permitted these applicants and their service providers to submit invoices and receive payment for the services well after the invoice filing deadline established by the Commission’s rules. By the time USAC discovered this system error, the correct invoice filing deadlines had already passed for the funding requests listed in Appendix A, leaving these consortium applicants and service providers with no time available to invoice for the requested services based on the correct invoice filing deadlines.[[8]](#footnote-10) Without a waiver, they would not be able to submit invoices and will not be able to receive their available funding for these funding requests. Appendix B lists the consortium applicants and service providers whose correct invoice filing deadlines have already lapsed but who received an incorrect future invoice deadline on their FCLs and have already received disbursements from USAC.[[9]](#footnote-11) Without a waiver, these consortium applicants and service providers would be required to return funding disbursed for invoices submitted after the correct invoice filing deadline.
5. *Late funding commitments.* Other applicants submitted FCC Form 462 applications for Healthcare Connect Fund Program support to USAC during the filing window period for FY 2018 (i.e., February 1, 2018 through June 29, 2018) and requested partial year funding commitments with services ending between July 2018 and June 2019.[[10]](#footnote-12) USAC began to issue FCLs on a rolling basis in November 2018, after reviewing an unprecedented number of funding applications.[[11]](#footnote-13) By the time USAC issued these FCLs, however, some of the applicants’ invoice filing deadlines had already passed, while others had invoice deadlines that would lapse within six months of receipt of their FCL. Consequently, the applicants listed in Appendix C were precluded from completing and submitting their FY 2018 invoicing forms to USAC or did not have sufficient time to do so.

# Discussion

1. We waive the invoice filing deadline set forth in section 54.645(b) of the Commission’s rules for the applicants listed in Appendices A and B because they received an incorrect invoice filing deadline in their FCLs from USAC and for the applicants listed in Appendix C because they did not receive their FCLs with sufficient time to submit invoices before the invoice deadline. We direct USAC to set a new invoice filing deadline of 180 days from the release of this Order for the applicants and service providers listed in Appendices A and C and to conduct outreach as described in this Order.
2. Generally, the Commission’s rules may be waived for good cause shown.[[12]](#footnote-14) The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.[[13]](#footnote-15) In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[[14]](#footnote-16) Waiver of the Commission’s rules is appropriate only if both (1) special circumstances warrant a deviation from the general rule, and (2) such deviation will serve the public interest.[[15]](#footnote-17)
3. We have previously granted waivers of the invoice filing deadline where technical issues beyond the applicants’ or service providers’ control prevented them from meeting the invoice filing deadline.[[16]](#footnote-18) We have also granted a waiver of the service implementation and invoicing deadlines in the E-Rate Program where USAC’s IT system calculated the incorrect service delivery and invoice filing deadlines and included the incorrect invoicing deadline on the funding commitment decision letters.[[17]](#footnote-19) Consistent with this precedent, we find that the USAC’s listing an incorrect invoice filing deadline due to a system error and USAC’s issuance of FCLs within six months of the invoice filing deadline amounts to special circumstances and that the public interest would be served by allowing these applicants to receive disbursements for the requested services and equipment when they relied upon incorrect invoice filing deadlines provided to them based on USAC system errors that were beyond their control.[[18]](#footnote-20) Moreover, a waiver of the invoice filing deadline will not lead to any undue advantage in funding as these applicants will not receive more funding than allowed under the Rural Health Care Program rules.[[19]](#footnote-21) By providing this limited waiver for the funding requests at issue in this Order, we ensure that otherwise eligible health care providers receive and are able to retain the funding they need to provide telehealth services to the communities they serve.
4. We grant a waiver of the invoice filing deadline to permit the applicants listed in Appendix A, who received an incorrect invoice deadline applicable to a three-year commitment even though their funding commitments were only one year, and the applicants listed in Appendix C, who did not receive their FCLs with sufficient time to complete invoicing, to submit invoices and direct USAC to set a new invoice deadline of 180 days after the release of this Order. A new invoice filing deadline 180 days from the release of this Order will allow the applicants and service providers time to complete and submit their invoicing forms to USAC.[[20]](#footnote-22) To ensure that applicants and service providers are aware of their new invoice filing deadlines, we direct USAC to send them notifications of their new invoice filing deadlines within 14 days of the release of this Order.
5. For similar reasons, we also waive the invoice filing deadline for the funding requests identified in Appendix B and allow the applicants and the service providers associated with these funding requests to retain all disbursed funding associated with invoices submitted after the correct invoice filing deadline date.[[21]](#footnote-23) We find that these applicants and service providers submitted their invoices consistent with the invoice filing deadlines provided in their FCLs by USAC’s system.[[22]](#footnote-24)
6. USAC has addressed the system error that caused these consortium applicants to receive an erroneous invoice filing deadline. Accordingly, we anticipate that consortium applicants requesting upfront payments will be provided the correct invoice filing deadline going forward. Thus, we limit the waiver and relief granted here only to the funding requests listed in Appendices A, B, and C. Although we grant a limited waiver of the Commission’s invoice filing deadline, this Order does not alter the obligations of participants in the Rural Health Care Program to comply with the Commission’s rules.[[23]](#footnote-25)
7. We emphasize that the Commission is committed to guarding against waste, fraud, and abuse and ensuring that funds disbursed through the Rural Health Care Program are used for appropriate purposes and we find no evidence of waste, fraud or abuse will result from waiving the invoice filing deadline rule. Although we grant a limited waiver of the Commission’s invoice filing deadline rule, this action does not affect the authority of the Commission or USAC to conduct audits or investigations with respect to the funding requests listed in Appendices A, B, and C to determine compliance with Rural Health Care Program rules and requirements. Because audits or investigations may provide information showing that a Rural Health Care Program participant failed to comply with the statute or the Commission’s rules, such proceedings can reveal instances in which universal service funds were disbursed improperly, or in a manner inconsistent with the statute or the Commission’s rules. To the extent that the Commission finds that funds were not used properly, the Commission will require USAC to recover such funds through its normal processes. The Commission retains the discretion to evaluate the use of funds disbursed through the Rural Health Care Program and to determine on a case-by-case basis whether waste, fraud, or abuse of program funds occurred, or recovery is warranted. The Commission will continue to aggressively pursue instances of waste, fraud, or abuse under the Commission’s procedures and in cooperation with law enforcement agencies.

# Ordering clauses

1. ACCORDINGLY, IT IS ORDERED, that pursuant to the authority contained in sections 1-4, 254, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 254, and 403, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission’s rules, 47 CFR §§ 0.91, 0.291, 1.3 and 54.722(a), that this Order IS ADOPTED.
2. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission’s rules, 47 CFR §§ 0.91, 0.291, 1.3 and 54.722(a), that section 54.645(b) of the Commission’s rules, 47 CFR § 54.645(b), IS WAIVED to the limited extent provided herein.
3. IT IS FURTHER ORDERED, pursuant to section 1.103(a) of the Commission’s rules, 47 CFR § 1.103(a), that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Ryan B. Palmer

Chief

Telecommunications Access Policy Division

Wireline Competition Bureau

**Appendix A**

**Incorrect Invoice Deadline Listed on FCL**

**Funding Not Disbursed**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **HCP #** | **HCP Name** | **FRN** | **SPIN** | **Service Provider Name** | **Incorrect Invoicing Deadline****(on FCL)** | **Correct Invoicing Deadline** |
| 17225 | HealthNet Connect | 1678783 | 143035006 | Nebraska Link LLC | 12/31/2020 | 12/31/2017 |
| 34237 | Eastern Kansas Health Network | 1687369 | 143014302 | Paragon Development Systems Inc. | 12/31/2020 | 12/31/2017 |
| 17212 | Colorado Telehealth Network | 1688519 | 143033565 | EDI, Ltd | 12/31/2020 | 12/31/2017 |
| 17225 | HealthNet Connect | 1688833 | 143003005 | State of Iowa, Iowa Telecommunication & Technology Commission | 12/31/2020 | 12/31/2017 |
| 17206 | UAMS e-Link Network | 1693148 | 143022896 | Brocade Communications Systems, Inc. | 12/31/2020 | 12/31/2017 |
| 17206 | UAMS e-Link Network | 1694562 | 143048970 | General Datatech, L.P. | 12/31/2020 | 12/31/2017 |
| 17223 | Illinois Rural HealthNet | 1697109 | 143027274 | Telamon Corporation | 12/31/2020 | 12/31/2017 |
| 17225 | HealthNet Connect | 1698447 | 143029868 | Unite Private Networks, LLC | 12/31/2020 | 12/31/2017 |
| 17225 | HealthNet Connect | 1698505 | 143031354 | Great Plains Communications Netlink, Inc | 12/31/2020 | 12/31/2017 |
| 35632 | CDCR CCHCS Consortium | 1727937 | 143001192 | AT&T Corp. | 12/31/2021 | 7/29/2018 |
| 17234 | New England Telehealth Consortium | 1725585 | 143048275 | Time Warner Cable Business LLC | 12/31/2021 | 8/6/2018 |
| 39261 | Kentucky Telehealth Consortium | 1727689 | 143004779 | Logicalis Inc | 12/31/2021 | 12/22/2018 |
| 38493 | CommunityHealth IT | 1727174 | 143050261 | New River Technology LLC | 12/31/2021 | 12/26/2018 |
| 43399 | Choctaw Nation Health Services Authority | 1727433 | 143030284 | MNJ Technologies Direct, Inc. | 12/31/2021 | 12/27/2018 |
| 17234 | New England Telehealth Consortium | 1727444 | 143030494 | Workgroup Technology Partners | 12/31/2021 | 12/28/2018 |
| 50590 | Russell County Consortium | 1713836 | 143026997 | Advanced Global Communications | 12/31/2021 | 12/31/2018 |
| 50590 | Russell County Consortium | 1713962 | 143049885 | Park Place International, LLC | 12/31/2021 | 12/31/2018 |
| 44495 | INTEGRIS TeleHealth Network | 1715367 | 143015315 | Presidio Networked Solutions LLC | 12/31/2021 | 12/31/2018 |
| 17234 | New England Telehealth Consortium | 1721882 | 143030494 | Workgroup Technology Partners | 12/31/2021 | 12/31/2018 |
| 17206 | UAMS e-Link Network | 1722125 | 143022896 | Brocade Communications Systems, Inc. | 12/31/2021 | 12/31/2018 |
| 17206 | UAMS e-Link Network | 1722963 | 143048970 | General Datatech, L.P. | 12/31/2021 | 12/31/2018 |
| 17223 | Illinois Rural HealthNet | 1724691 | 143030677 | Integration Partners Corporation | 12/31/2021 | 12/31/2018 |
| 33832 | Kansas Health-e Broadband Consortium | 1725081 | 143028558 | Nex-Tech, LLC | 12/31/2021 | 12/31/2018 |
| 17206 | UAMS e-Link Network | 1725770 | 143022896 | Brocade Communications Systems, Inc. | 12/31/2021 | 12/31/2018 |
| 38493 | CommunityHealth IT | 1725779 | 143005588 | CDW Government LLC | 12/31/2021 | 12/31/2018 |
| 50049 | Trinity Health Consortium | 1725783 | 143027247 | Syringa Networks, LLC. | 12/31/2021 | 12/31/2018 |
| 17206 | UAMS e-Link Network | 1726144 | 143022896 | Brocade Communications Systems, Inc. | 12/31/2021 | 12/31/2018 |
| 38493 | CommunityHealth IT | 1726214 | 143004824 | BellSouth Telecommunications, LLC | 12/31/2021 | 12/31/2018 |
| 17268 | Western New York Rural Area Health Education Center, Inc. | 1726599 | 143046641 | Netanium, Inc. | 12/31/2021 | 12/31/2018 |
| 44835 | Lakewood Health Systems Consortium | 1726825 | 143005588 | CDW Government LLC | 12/31/2021 | 12/31/2018 |
| 17226 | Iowa Rural Health Telecommunications Program | 1727902 | 143003005 | State of Iowa, Iowa Telecommunication & Technology Commission | 12/31/2021 | 12/31/2018 |
| 17243 | Palmetto State Providers Network | 1698302 | 143032515 | FRC, LLC | 12/31/2020 | 8/11/2019 |
| 17243 | Palmetto State Providers Network | 1727106 | 143032515 | FRC, LLC | 12/31/2021 | 8/11/2019 |
| 17234 | New England Telehealth Consortium | 1725792 | 143015315 | Presidio Networked Solutions LLC | 12/31/2021 | 5/24/2020 |

**Appendix B**

**Incorrect Invoice Deadline Listed on FCL**

**Funding Disbursed**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **HCP #** | **HCP Name** | **FRN** | **SPIN** | **Service Provider Name** | **Incorrect Invoicing Deadline****(on FCL)** | **Correct Invoicing Deadline** |
| 17241 | OCHIN, Inc. | 1342427 | 143027621 | Charter Fiberlink OR-CCVII, LLC | 12/31/2016 | 12/31/2014 |
| 35632 | CDCR CCHCS Consortium | 1349789 | 143007368 | Nexus IS, Inc. | 12/31/2016 | 12/31/2014 |
| 17225 | HealthNet Connect | 1688833 | 143003005 | State of Iowa, Iowa Telecomm & Technology Commission | 12/31/2020 | 12/31/2017 |
| 17264 | Utah Telehealth Network | 1697755 | 143011994 | North American Communication Resource, Inc. | 12/31/2020 | 12/31/2017 |
| 46283 | LMH Rural Healthcare Consortium | 1690211 | 143004544 | Sirius Computer Solutions, Inc. | 12/31/2020 | 12/31/2017 |
| 50590 | Russell County Consortium | 1713962 | 143049885 | Park Place International, LLC | 12/31/2021 | 12/31/2018 |
| 50590 | Russell County Consortium | 1713836 | 143026997 | Advanced Global Communications | 12/31/2021 | 12/31/2018 |
| 44414 | Lincoln County Primary Care Center, Inc | 1721219 | 143034225 | Alpha Technologies, Inc. | 12/31/2021 | 12/31/2018 |
| 17226 | Iowa Rural Health Telecommunications Program | 1727902 | 143003005 | State of Iowa, Iowa Telecomm & Technology Commission | 12/31/2021 | 12/31/2018 |
| 17243 | Palmetto State Providers Network | 1727106 | 143032515 | FRC, LLC | 12/31/2021 | 8/11/2019 |
| 43399 | Choctaw Nation Health Services Authority | 1727433 | 143030284 | MNJ Technologies Direct, Inc. | 12/31/2021 | 12/31/2018 |

**Appendix C**

**FCLs Issued with Insufficient Time to Invoice**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **HCP #** | **HCP Name** | **FRN** | **SPIN** | **Service Provider Name** | **Service/ Funding End Date** | **FCL Issuance Date** |
| 27406 | Jellico Community Hospital | 1844890 | 143019593 | Spectrotel | 7/15/2018 | 1/11/2019 |
| 16783 | Trigg County Hospital | 1845869 | 143030766 | Windstream Communications, LLC | 7/26/2018 | 1/25/2019 |
| 11752 | CHASE COUNTY COMMUNITY HOSPITAL | 1844233 | 143005588 | CDW Government LLC | 7/31/2018 | 1/22/2019 |
| 43213 | Mid-Valley Medical Group | 1835515 | 143001199 | GCI Communication Corp | 8/3/2018 | 1/25/2019 |
| 10403 | Mid Valley Hospital | 1845099 | 143001199 | GCI Communication Corp | 8/3/2018 | 1/22/2019 |
| 48720 | Arkansas Department of Health | 1844158 | 143004662 | Southwestern Bell Telephone Company | 8/31/2018 | 3/15/2019 |
| 25078 | Cedar County Memorial Hospital | 1846081 | 143045344 | Charger Access, LLC | 8/31/2018 | 11/29/2018 |
| 45157 | Federal Broadband Funding Consortium | 1845028 | 143029770 | TelePacific Communications Co | 9/8/2018 | 2/8/2019 |
| 42093 | South Georgia Medical Center Consortium | 1843519 | 143029836 | MCC Telephony, LLC | 9/25/2018 | 5/29/2019 |
| 16747 | Cox Health Center - Aurora | 1844226 | 143037412 | CenturyLink Qwest Communications Company, LLC | 10/20/2018 | 1/22/2019 |
| 39261 | Kentucky Telehealth Consortium | 1840867 | 143001192 | AT&T Corp. | 10/25/2018 | 2/8/2019 |
| 10781 | Cordova Community Medical Center | 1845530 | 143007105 | Alaska Communications Systems Holdings | 10/31/2018 | 1/25/2019 |
| 11862 | Hardeman County Hospital | 1842182 | 143029426 | Airespring, Inc. | 11/1/2018 | 1/22/2019 |
| 48720 | Arkansas Department of Health | 1844152 | 143022332 | CenturyTel of Central Arkansas, LLC | 11/21/2018 | 2/15/2019 |
| 13745 | Syracuse Area Health | 1843296 | 143030766 | Windstream Communications, LLC | 11/27/2018 | 1/22/2019 |
| 17268 | Western New York Rural Area Health Education Center, Inc. | 1837786 | 143030766 | Windstream Communications, LLC | 1/7/2019 | 2/8/2019 |
| 39261 | Kentucky Telehealth Consortium | 1844752 | 143050940 | Princeton Electric Plant Board | 1/23/2019 | 2/8/2019 |
| 39261 | Kentucky Telehealth Consortium | 1841266 | 143050436 | Charter Communications Operating, LLC | 6/30/2019 | 8/22/2019 |

1. 47 CFR § 54.645(b) (2018). [↑](#footnote-ref-3)
2. *See* Appendices A, B and C. The Healthcare Connect Fund Program is one of the two programs that comprises the Rural Health Care Program. [↑](#footnote-ref-4)
3. *See* *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678 (2012) (*Healthcare Connect Fund Order*). [↑](#footnote-ref-5)
4. *See* 47 CFR § 54.638(b)(2) (2018). [↑](#footnote-ref-6)
5. *See* 47 CFR § 54.638(c) (2018). [↑](#footnote-ref-7)
6. *See* 47 CFR § 54.645(b). Effective FY 2020, the Commission has established a new invoice deadline of 120 days after the later of the service delivery deadline or the date of a revised FCL issued pursuant to an approved post-commitment request or a successful appeal. *See Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335, 7423-26, paras. 188-193 (2019). [↑](#footnote-ref-8)
7. *See* 47 CFR § 54.638 (2018). [↑](#footnote-ref-9)
8. *See* Appendix A. [↑](#footnote-ref-10)
9. *See* Appendix B. [↑](#footnote-ref-11)
10. *See* Appendix C. [↑](#footnote-ref-12)
11. *See* USAC, Rural Health Care Program, Healthcare Connect Fund Program, Latest News, Newsletter for December 2018 (Dec. 17, 2018), <http://www.icontact-archive.com/TfWiFvrku1_Lm6RfjSlRPo8YzNeKwYBP?w=4> (last visited Mar. 9, 2020). [↑](#footnote-ref-13)
12. 47 CFR § 1.3. [↑](#footnote-ref-14)
13. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). [↑](#footnote-ref-15)
14. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. [↑](#footnote-ref-16)
15. *Northeast Cellular*, 897 F.2d at 1166. [↑](#footnote-ref-17)
16. *See* *Requests for Waiver or Review of Decision of the Universal Service Administrator by* *Indiana Telehealth Network*, WC Docket No. 02-60, Order, 33 FCC Rcd 12341, 12342, para. 4 (WCB 2018) (*Indiana Telehealth Network Order*) (granting one request for review and waiver where the petitioner demonstrated that it was unable to file the Healthcare Connect Fund Program invoice form on a timely basis due to a USAC technical system issue that prevented the filing of the invoice form); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 32 FCC Rcd 5065, 5065, para. 2 (WCB 2017) (*2017 Rural Health Care Program Invoicing Waiver Order*) (granting a limited waiver of the Healthcare Connect Fund Program invoice deadline where USAC issued funding commitment letters late and some of the applicants’ invoicing deadlines had already passed, while others were set to expire less than six months later); *Rural Health Care Support Mechanism*, WC Docket 02-60, Order, 30 FCC Rcd 1063, 1064-65, paras. 4-5 (WCB 2015) (*Healthcare Connect Fund Invoice Deadline Order*) (granting a limited waiver of the Healthcare Connect Fund Program invoice filing deadline due to USAC filing system deficiencies beyond the control of some applicants and service providers that prevented them from meeting the invoice deadline); *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 33 FCC Rcd 2042, 2044-45, para. 6 (WCB 2018) (finding that extraordinary circumstances exist to grant a waiver of the invoice deadline “when applicants and service providers have made every attempt to comply with the invoice deadline rules, but were blocked from timely completing the invoicing process because a predicate request or function had not been completed (or could not be completed) by USAC’s systems”); *see also Wireline Competition Bureau Extends Deadline for E-Rate Participants to Request Invoice Deadline Extensions*, CC Docket No. 02-6, Public Notice, 31 FCC Rcd 11924 (WCB 2016) (extending the invoice filing deadline in order to provide E-Rate participants with additional time to file their invoice deadline extension requests due to USAC technical system issues that prevented participants from timely filing their requests). [↑](#footnote-ref-18)
17. *See* *Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Order, 34 FCC Rcd 1015, 1018, para. 8 (WCB 2019) (*2019 E-Rate Invoice Deadline Waiver Order*) (granting a limited waiver to certain E-Rate applicants extending the service implementation date to the erroneous date provided on USAC’s funding commitment decision letters and providing 90 additional days to invoice for the services). [↑](#footnote-ref-19)
18. *See also 2019 E-Rate Invoice Deadline Order*, 34 FCC Rcd at 1018, para. 7 (finding that the public interest would not be served if the affected parties lost the universal service funding because they relied on and complied with the incorrect invoice deadlines based on USAC system error which was beyond their control). [↑](#footnote-ref-20)
19. *See*, *e.g*., *2019 E-Rate Invoice Deadline Waiver Order*, 34 FCC Rcd at 1018, para. 7 (finding that a waiver of the E-Rate invoice filing deadline would not provide an unfair funding advantage for applicants and service providers as those entities would only receive funding that was already approved and committed for their eligible funding requests). [↑](#footnote-ref-21)
20. *See Indiana Telehealth Network Order*, 33 FCC Rcd at 2809, para. 4. *But see 2019 E-Rate Invoice Deadline Waiver Order,* 34 FCC Rcd at 1018, para. 8 (granting a waiver in the E-Rate Program to extend the service delivery deadline for special construction to the incorrect deadline listed on USAC notifications when the correct and incorrect deadlines on the notifications were only 90 days apart). We decline to set a new invoice filing deadline that matches the incorrect deadline indicated on the FCLs because those deadlines are several years beyond the correct deadline and using those deadlines would unnecessarily delay the invoicing process. [↑](#footnote-ref-22)
21. *See* Appendix B. [↑](#footnote-ref-23)
22. *See*, *e*.*g*., *2019 E-Rate Invoice Deadline Waiver Order*, 34 FCC at 1021-22, para. 6. [↑](#footnote-ref-24)
23. *See* 47 CFR §§ 54.600 *et seq*. (2018). [↑](#footnote-ref-25)