

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

In the Matter of)	
)	
Protecting Against National Security Threats to the)	WC Docket No. 18-89
Communications Supply Chain Through FCC)	
Programs)	
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ORDER

Adopted: December 21, 2023

Released: December 21, 2023

By the Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) addresses the Petition filed by GigSky, Inc. (GigSky or Petitioner) requesting an extension of its removal, replacement, and disposal term under the Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program).¹ The Bureau grants the extension pursuant to Commission rule 1.50004(h)(2)² and extends the term for GigSky, Inc. from December 22, 2023 to June 22, 2024.

2. As directed by the Secure and Trusted Communications Networks Act of 2019, as amended (Secure Networks Act), the Commission established the Reimbursement Program to reimburse providers of advanced communications services with ten million or fewer customers for reasonable costs incurred in the removal, replacement, and disposal of covered communications equipment or services from their networks that pose a national security risk, i.e., communications equipment or services produced or provided by Huawei Technologies Company (Huawei) or ZTE Corporation (ZTE), that were obtained by providers on or before June 30, 2020.³ The Reimbursement Program was later funded by a

¹ Request of GigSky for Extension of Time, WC Docket No. 18-89 (filed Dec. 18, 2023), <https://www.fcc.gov/ecfs/document/1218303079804/1> (Petition).

² 47 CFR § 1.50004(h)(2).

³ Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, § 4(a)-(c), 134 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601-1609). The Commission adopted rules implementing the Secure Networks Act on December 10, 2020. *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Second Report and Order, 35 FCC Rcd 14284 (2020) (*2020 Supply Chain Order*). On July 13, 2021, the Commission amended its rules, consistent with amendments to the Secure Networks Act included in the Consolidated Appropriations Act, 2021. *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Third Report and Order, 36 FCC Rcd 11958, 11959, Appx. A (2021) (*2021 Supply Chain Order*). The Commission later clarified that, for purposes of the Reimbursement Program, covered communications equipment or services is limited to the communications equipment or services produced or provided by Huawei or ZTE that were obtained by providers on or before June 30, 2020. *See 2021 Supply Chain Order*, 36 FCC Rcd at 11965, Appx. A; *see also generally Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs – Huawei Designation*, PS Docket No. 19-351, Order, 35 FCC Rcd 6604 (PSHSB 2020); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs – ZTE Designation*, PS Docket No. 19-352, Order, 35 FCC Rcd 6633 (PSHSB 2020).

\$1.9 billion congressional appropriation,⁴ which is less than the \$5.6 billion in collective funds requested by applicants.⁵ Because demand exceeded available funding, applicants received a pro-rated funding allocation of approximately 39.5% of their reasonable and supported estimated costs for removing, replacing, and disposing of covered communications equipment and services.⁶

3. Reimbursement Program recipients must complete the removal, replacement, and disposal of covered communications equipment and services within one year from the initial disbursement of funds to the recipient.⁷ The Commission authorized the Bureau to rule on individual petitions for an extension of this term.⁸ The Bureau “may grant an extension for up to six months after finding, that due to no fault of such recipient, such recipient is unable to complete the permanent removal, replacement, and disposal by the end of the term.”⁹

4. GigSky requests an extension of its removal, replacement, and disposal term from December 22, 2023 to June 22, 2024.¹⁰ It claims that the completion of its removal, replacement, and disposal obligations has been delayed due to the partial funding of the Reimbursement Program.¹¹ Specifically, GigSky states that as a small business it did not anticipate the full financial demands of the extensive project and that it needs additional time to complete the project efficiently and effectively and without compromising its financial stability or the integrity of the network changes.¹²

5. Based on the facts described above, and consistent with our prior analysis and grant of extension requests relying on similar arguments regarding the Reimbursement Program’s funding shortfall,¹³ we find that GigSky has established that the funding shortfall has impacted it so that, “due to no fault of such recipient, such recipient is unable to complete the permanent removal, replacement, and disposal by the end of the term,” as required by rule 1.50004(h)(2).¹⁴ Gigsky’s most recent quarterly status update provides additional context and further support for our finding that an extension of its removal, replacement, and disposal term is appropriate, as it states that “untrusted equipment within the network has been fully removed and disposed of” but the lack of full funding and GigSky’s loss of capital is impacting its network replacement and operations. We therefore grant the extension.

6. Accordingly, IT IS ORDERED that, pursuant to section 4(i)-(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i)-(j), and sections 0.204, 0.291, and 1.50004(h)(2) of the Commission’s rules, 47 CFR §§ 0.204, 0.291, 1.50004(h)(2), the Petition for Extension of Time filed by

⁴ 47 U.S.C. § 1603(k).

⁵ See *Wireline Competition Bureau Announces the Grant of Applications for the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket No. 18-89, Public Notice, DA 22-774, at 1-2 (WCB July 18, 2022) (*SCRIP Granted Applications Public Notice*).

⁶ See 47 U.S.C. § 1603(d)(5)(C); 47 CFR § 1.50004(f)(1); *SCRIP Granted Applications Public Notice* at 2-3.

⁷ 47 U.S.C. § 1603(d)(6)(A); 47 CFR § 1.50004(h).

⁸ See 47 U.S.C. § 1603(d)(6)(C); 47 CFR § 1.50004(h)(2).

⁹ 47 CFR § 1.50004(h)(2); see also *2020 Supply Chain Order*, 35 FCC Rcd at 14354-56, paras. 171, 173 and n.501.

¹⁰ See generally *Petition*.

¹¹ *Id.* at 2.

¹² *Id.*

¹³ *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Order, DA 23-1016, paras. 12-14 (WCB Oct. 27, 2023); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Order, DA 23-938, paras. 12-15 (WCB Oct. 10, 2023).

¹⁴ 47 CFR § 1.50004(h)(2).

GigSky is GRANTED.

7. IT IS FURTHER ORDERED that the removal, replacement, and disposal term for GigSky under 47 CFR § 1.50004(h)(2) IS EXTENDED from December 22, 2023 to June 22, 2024.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Wireline Competition Bureau