Emergency Connectivity Fund Newsletter
February 2024

February 27, 2024

ECF Program Guidance

The FCC recently added new and updated questions and answers in the [Emergency Connectivity Fund FAQs](#) to share more information regarding compliance with program rules:

Q: What must applicants -- or service providers who agree to invoice on behalf of applicants -- do to be compliant with the non-usage certification?

A: The FCC declined to adopt specific non-usage rules for the ECF program. Instead, applicants and service providers are required to certify on their request for reimbursement that they are not willfully or knowingly requesting reimbursement for services and equipment that are not being used. See 47 CFR § 54.1711(a)(1)(viii), (a)(2)(vi). While the ECF program only funds equipment and services that are in use, there may be certain circumstances (e.g., during a school's summer break, sick days) where the services would still be eligible for ECF support. ECF participants should take reasonable actions to monitor and track the usage of equipment and services that are purchased and used through the ECF program. For example, the [ECF Report and Order](#) suggested that applicants could ask their service providers to provide monthly reports or other information on data use as one way to comply with the certification. ECF participants can take other reasonable steps, such as ensuring a hotspot device is activated. ECF participants should be prepared to explain what actions were taken, if asked how they complied with the non-usage certification during an audit or other post-commitment review. We remind applicants and service providers that they may not knowingly and willfully invoice the ECF program for equipment and services that are not being used. If such non-usage is determined, the funds may be recovered from one or both parties.

Q: If a service provider discovers that funded equipment and/or services are not being used, should they automatically allocate those costs from their requests for reimbursement and bill the applicant directly for this non-usage?

A: If a service provider determines that there is non-usage, we strongly encourage them to notify the school or library and provide a reasonable period of time (e.g., 30 days) to allow the school or library to reach out to the student, school staff member, or library patron to determine if the service is no longer needed. The ECF program rules do not require the applicant and/or service provider to immediately remove the equipment/services provided to the student, school staff member, or library patron from their ECF requests for reimbursement, but do require that they take reasonable actions to monitor and track usage, which includes providing the school or library notice and time to first address the non-usage issue.

Q: Is there additional guidance for auditors and auditees for 2023 or 2024 audits?

A: The FCC does not intend to require auditors to test the following in 2024 audits*:

Procurement: Under the ECF program rules, applicants must certify that they have complied with all applicable

state, local, or Tribal procurement laws (see 47 CFR § 54.1703). However, the FCC has not codified the procurement standards set forth in Subpart D (2 CFR §§ 200.317 - 200.327) and, as a result, has determined that it is unnecessary for auditors to review these policy requirements for the ECF program.

Suspension and Debarment: The FCC has applied its own rules (47 CFR § 54.8) for suspension and debarment to the ECF program. The OMB guidelines for suspension and debarment (e.g., 2 CFR § 180.300) have not been codified by the FCC, and the FCC has similarly determined that it is unnecessary for auditors to review these policy requirements for the ECF program.

Eligible Entities: The eligibility of an entity for the ECF program is determined by USAC, consistent with the requirements set forth in 47 USC §§ 254(h)(4), (7), and 47 CFR § 54.1700. The FCC has determined that it is unnecessary for auditors to test for eligibility when the determination is made by USAC prior to the commitment and distribution of ECF program support.

Although these specific updates were not included in the 2023 Compliance Supplement, as the above-referenced policy requirements were not codified for the ECF program, it is unnecessary for auditors to review in the ongoing 2023 audits. Similarly for eligibility, as USAC has determined the eligibility consistent with the requirements set forth in 47 USC §§ 254(h)(4), (7), and 47 CFR § 54.1700 prior to the commitment and disbursement of ECF program support, the FCC has determined that it is not necessary for auditors test eligibility in the ongoing 2023 audits.

*We note that the 2024 Compliance Supplement has not yet received final approval from OMB at the time of this FAQ's posting and may be subject to change following publication.

ECF Invoicing Reminder: Payment Verification

If an applicant did not pay the service provider before it submits its reimbursement request, the applicant must pay the service provider within 30 days after receiving the disbursement.

Once this is complete, the applicant must also provide proof of payment to USAC. Applicants may upload documentation in the Communications tab of the ECF Portal. If documentation is not uploaded within 35 days, USAC's invoice team will request proof of payment via the Communications tab of the ECF Portal, so please continue to monitor your inbox for these messages. Acceptable documentation includes processed checks, bank statements with redacted information, credit card statements, ACH statements, and money orders.

Please note that the applicant's failure to provide proof of payment will result in the recovery of the disbursed ECF funds.

ECF Program Compliance and Other Friendly Reminders

Please continue to check the ECF Portal and your email communications, and keep your entity information up-to-date in the ECF Portal. It is crucial that your organization not miss any communication that comes from USAC. For example, the ECF program team may contact you for information and documentation for post-commitment- or request-for-reimbursement-related reviews. As a reminder, failure to respond to a USAC information request(s) may lead to denial or recovery of ECF support, so it is important to respond to these requests in a timely manner.

If your Account Administrator listed in the ECF Portal has changed or is no longer with your organization, call the ECF Customer Support Center (CSC) at (800) 234-9781, and request to update your information to reflect the name and email address of the new Account Administrator.

For More Information

Please review the FCC's Emergency Connectivity Fund FAQs to learn more about the program's requirements and commonly asked questions. The FAQs are frequently updated to reflect any program deadline extensions and provide other important details. Additional information is also available in the FCC's ECF Program Report and Order and in the March 1, 2023, Public Notice on ECF Compliance Obligations.

You can also visit EmergencyConnectivityFund.org and sign up for Emergency Connectivity Fund program emails for more information about the ECF program.

Applicants and service providers can contact the ECF CSC with questions at (800) 234-9781, Monday – Friday, from 8 a.m. to 8 p.m. ET, or submit a customer support request through the ECF Portal.

We appreciate your participation in the ECF program and look forward to your ongoing engagement as we work together to close the Homework Gap!

Need Help? Contact Us!

Please contact the Emergency Connectivity Fund Customer Service Center (CSC) at (800) 234-9781 or create a case in the ECF Portal.