

November 4, 2011

## FCC WAIVES ITS SERVICES IMPLEMENTATION DEADLINE

The Commission recently waived its services implementation deadline rule for a school district that had failed to implement service by September 30, because the district had been advised by its consultant that the deadline was not until January 28<sup>th</sup>. Per Commission rules, the deadline for service implementation for non-recurring services is September 30<sup>th</sup>, three months after the end of the funding year. An applicant may request an extension of the deadline if they meet one of the following: (1) a funding commitment decision letter is issued by USAC after March 1<sup>st</sup> of the funding year; (2) a service provider change authorization or service substitution authorization is granted by USAC after March 1<sup>st</sup> of the funding year; (3) the service provider cannot not complete the service implementation by the deadline for reasons beyond its control; or (4) the service provider refuses to complete the implementation because funding is tied up due to USAC reviewing program compliance issues. The request for an extension must be submitted to USAC on or before the September 30<sup>th</sup> deadline.

In the present case, the Commission found that the district had missed the deadline, because it had relied on incorrect information from its consultant. Moreover, the Commission found that: (1) the error was procedural, (2) granting the request would not lead to any undue funding, and (3) the services were delivered by the service provider. Accordingly, the Commission held that special circumstances existed to justify waiver of its rules and procedures.

If you have any questions, contact [Mark Palchick](#), [Rebecca Jacobs](#) or any member of the firm's [Communications Law Group](#).

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