

COVID-19 UPDATE

FEDERAL AND STATE ACTIONS IMPACTING
COMMUNICATIONS SERVICE PROVIDERS

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Agenda

I. FCC COVID-19 Response

- Operating Status
- Lifeline, E-Rate, Rural Health Care, High Cost, and USAC
- Chairman Pai's *Keep Americans Connected* Pledge
- Connected Care Pilot and COVID-19 Telehealth Program
- Other Actions
- Pending Calls to Action

II. Congressional COVID-19 Response

III. State COVID-19 Response

FCC COVID-19 RESPONSE



I. FCC COVID-19 Response

Operating Status

The FCC remains **open** and **active**. All deadlines for filings, reports, comments and reply comments, etc., **remain the same unless otherwise indicated by the FCC**. The FCC has issued revised instructions for hand-delivered documents on their website.

Please reach out to your normal Kelley Drye attorney with any questions about specific items.

I. FCC COVID-19 Response

E-Rate

- **Waived** gift rules through Sept. 30, 2020
- **Extended** deadline for funding year 2020 Form 471 submission to Apr. 29, 2020
- **Granted** all applicants with a 14-day extension for PIA requests
- **Granted** 30-day extension for responding to information requests related to pending appeals, invoices, FCC Form 500 requests, and audits
- **Extended** the service delivery deadline for non-recurring services and special construction to Sept. 30, 2021 and June 30, 2021, respectively
 - Special construction extension applies to funding year 2018 applicants that already received a one-year extension
- **Granted** 60-day extension to submit requests for review or waiver

I. FCC COVID-19 Response

E-Rate Continued...

- **Granted** 120-day extension of the invoice filing deadline for any funding request with an invoice deadline between Mar. 11, 2020 and Oct. 28, 2020
- **Granted** 30-day extension for applicants to file invoice extension requests
- **Granted** 120-day extension of FCC Form 486 deadlines falling between Mar. 11, 2020 and Sept. 30, 2020

I. FCC COVID-19 Response

Rural Health Care

- **Waived** gift rules through Sept. 30, 2020
- **Extended** deadline for Form 462 and Form 466 applications to June 30, 2020
- **Permitted** FY 2019 evergreen contract holders to extend those through FY 2020 and **waived** voluntary extension requirements
- **Extended** the service delivery deadline for one year
- **Extended** the invoice filing deadline by 180 days
- **Extended** the 60-day request for appeal/waiver deadline to provide 120 days to file for all deadlines from Mar. 11 through Sept. 30, 2020
- **Extended** the 14-day deadline for information request responses to provide 42 days for all responses to requests issued on or before Sept. 30, 2020

I. FCC COVID-19 Response

High-Cost

- **Waived** consumer fees for hundreds of rural phone and broadband providers
- **Waived** requirements that mobile competitive ETCs spend legacy high-cost support money in particular service areas until June 30, 2020

I. FCC COVID-19 Response

Lifeline

- **Waived** recertification, reverification, and non-usage “involuntary de-enrollment” rules until May 29, 2020
- **Extended** deadline for enrollment representative registration with USAC until May 29, 2020

I. FCC COVID-19 Response

Keep Americans Connected 60-Day Pledge

- Signatories have agreed to:
 1. not terminate service to any residential or small business customers;
 2. waive any late fees incurred by residential or small business customers;
 3. open its Wi-Fi hotspots to any American who needs them.
- **680** service providers and **17** trade associations have taken the pledge

Additional Steps Taken By Providers

- Dozens of major service providers have gone further, waiving fees and offering service plans aimed at helping low-income households and individuals maintain or receive Internet access

I. FCC COVID-19 Response

Connected Care Pilot

- **Adopted** three-year, \$100M program for pilot projects that use telehealth to deliver “medical, diagnostic, and treatment-related services.”

COVID-19 Telehealth Program

- **Adopted** alongside the Connected Care Pilot
- **Creates** \$200M (from the CARES Act) fund to allow eligible health care providers to purchase “telecommunications services, information services, and devices necessary to provide critical connected care services.”
 - Streamlined, rolling application process

I. FCC COVID-19 Response

Other Actions

- **Granted** major wireless carriers, wireless internet service providers, and a tribal provider Special Temporary Authority (STA) to access additional spectrum resources
- **Granted** Inteliquent, Inc. a waiver of the Access Stimulation definition until June 1, 2020, due to increased Zoom and Cisco WebEx terminating traffic
- **Clarified** that hospital, healthcare provider, and government COVID-19 communications fall within “emergency purposes” exception to the TCPA
- **Waived** several TRS and VRS rules
- **Extended** filing, comment, and/or transition deadlines in the 5.9 GHz, net neutrality, 3.5 GHz, and television auction dockets

I. FCC COVID-19 Response

Pending Calls to Action

- USTelecom letter on health care, E-Rate, Lifeline, and CAF (03/27/2020)
- Public interest advocates' letter on Lifeline (03/23/2020)
- National Lifeline Association (NaLA) ex parte on Lifeline (03/17/2020)
- Financial services providers TCPA Petition for Expedited Declaratory Ruling (03/30/2020)
- CTIA ex parte on spectrum access and STAs (04/03/2020)

CONGRESSIONAL COVID-19 RESPONSE



II. Congressional COVID-19 Response

CARES Act - Signed 03/27/2020

- **\$200M** for FCC
 - The FCC adopted the previously discussed **COVID-19 Telehealth Program**
- **\$125M** for USDA
 - \$100M for ReConnect Program
 - \$25M for distance learning and telemedicine initiatives in USDA's Rural Development program

II. Congressional COVID-19 Response

H.R. 6379 – Take Responsibility for Workers and Families Act

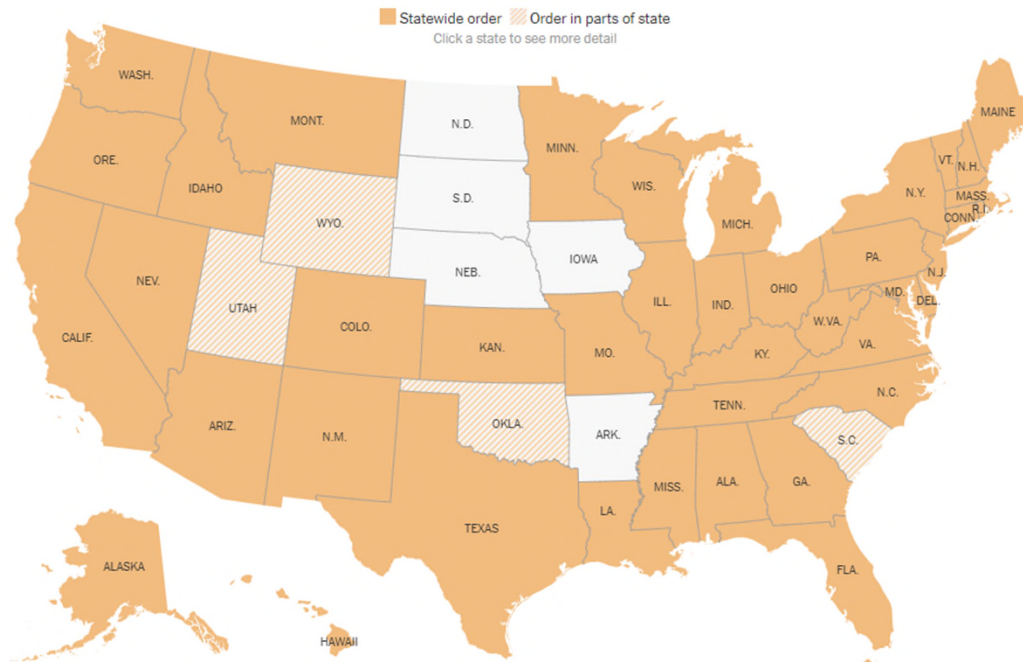
- Bill currently includes the following appropriations for the FCC:
 - **\$200M** for telehealth services
 - **\$2B** for “Emergency Connectivity Fund”, to provide Wi-fi hotspots and connected devices to schools and libraries
 - **\$1B** for “Emergency Broadband Connectivity Fund”, for “the provision of an emergency Lifeline broadband benefit.”
- **H.R. ____ -- Serving Rural America Act**
 - **\$500M** for a five-year pilot grant program at the FCC authorizing \$100M million a year to expand broadband service to unserved areas of the country.

STATE COVID-19 RESPONSE

III. State COVID-19 Response

CISA Guidance for Essential Critical Infrastructure Workers

State Stay-At-Home Orders as of 04/08/2020



(Source: *The New York Times*)

III. State COVID-19 Response

State Orders, Directives on Service

Resources

- NARUC's COVID-19 State Response Tracker
- Multistate's COVID-19 Policy Tracker

QUESTIONS?



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