

## VPS Consulting Memo

# FCC Transitioning EBB Program to Affordable Connectivity Program (ACP)

TRANSITION TO BE EFFECTIVE DECEMBER 31, 2021.

The Infrastructure and Jobs Act (Infrastructure Act), signed by President Biden on November 15, 2021, established the Affordable Connectivity Program (ACP). The ACP's funding of \$14.2 Billion will modify and extend the Emergency Broadband Benefit Program (EBB) effective December 31, 2021. This funding will help struggling families to access and use the Internet for telework, telemedicine and for continued virtual learning. The Federal Communications Commission (FCC) released a [Public Notice](#) seeking comment on the implementation of the program on November 18, 2021.

There are several key changes and enhancements in the ACP. Most importantly, EBB households enrolled on 12/31/2021 will have a 60-day transition period with all EBB benefits intact, ensuring a smooth program transition to the ACP. Service provider participation is voluntary and existing EBB providers will not be required to submit a new application (USAC ACP election notice will be required). The FCC is seeking comments on the public rulemaking in DA 21-1453. Listed below are items of interest (of which, several are open for comment).

Affordable Connectivity Program Transition Information	
Key Item	ACP Proposed Requirement
<b>Provider Participation</b>	Participation is voluntary (USAC election notice required)
<b>Provider Qualification</b> <ul style="list-style-type: none"> <li>▪ ETC</li> <li>▪ FCC approval required for Non-ETC</li> </ul>	<ul style="list-style-type: none"> <li>▪ Existing EBB program providers will not be required to submit an entirely new application but will be required to submit a USAC ACP Election notice</li> <li>▪ New ACP program providers will need to follow similar processes as the EBB program to participate</li> <li>▪ Provide Zip-Code information for "Companies Near Me" tool</li> </ul>

<b>Service and Device</b> <ul style="list-style-type: none"> <li>▪ \$30 per service</li> <li>▪ Tribal \$75 per service</li> <li>▪ \$100 per device</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Change:</b> Subscribers can apply the ACP benefit to <i>any internet service offering</i></li> <li>▪ <b>Change:</b> One-time connected device reimbursement per household with documentation retention required for subscriber financial contribution</li> <li>▪ <b>Add:</b> Separate enhanced benefit for households served by providers in high-cost areas if \$30 rate would “particularized economic hardship by provider”. Administration of benefit is to be determined. The FCC seeks comments.</li> <li>▪ <b>Potential Change:</b> Modems, routers, and hotspot monthly rentals were <i>not included</i> in the act. The FCC requested comments.</li> </ul>
<b>Household Eligibility</b> <ul style="list-style-type: none"> <li>▪ One benefit per household</li> <li>▪ Basic eligibility changes</li> </ul>	<ul style="list-style-type: none"> <li>▪ Same Qualifications as Lifeline <ul style="list-style-type: none"> <li>– Supplemental Nutrition Assistance Program (SNAP)</li> <li>– Medicaid</li> <li>– Supplemental Security Income (SSI)</li> <li>– Federal Public Housing Assistance (FPHA)</li> <li>– Tribally Administered programs <ul style="list-style-type: none"> <li>○ BIA General Assistance</li> <li>○ Tribal Administered Temporary Assistance (TANF)</li> <li>○ Tribal Head Start</li> </ul> </li> </ul> </li> <li>▪ National School free and reduced lunch program</li> <li>▪ Federal Pell Grant program</li> <li>▪ <b>Add:</b> Participation in Women, Infant and Children (WIC) program</li> <li>▪ <b>Change:</b> Income Guideline to 200% of the federal poverty level</li> <li>▪ <b>Remove:</b> Substantial loss of income since February 29, 2020</li> <li>▪ <b>Remove:</b> Participation in provider’s COVID-19 Program</li> </ul>
<b>EBB Participant Opt-in Requirement</b>	Existing EBB participants may be required to “affirmatively opt-in” to the ACP program or provide additional information
<b>Annual Recertification Required</b>	Proposed annual recertification will be required by subscribers similar to lifeline program requirements
<b>Complaint Process</b>	Required to educate customers on the complaint process
<b>Non-Payment</b>	Subscribers can be terminated after 90 days of non-payment (adequate notice will be required)
<b>Additional rules: Sales/Contract Opt-In’s/Switching Provider</b>	FCC requested comments regarding upselling/down selling services, contract opt-in options, and switching services or providers
<b>Public Awareness Campaign</b>	Carry-out public awareness campaigns highlighting the benefits of broadband and the existence of the ACP
<b>Audits and Program Integrity</b>	The program will be audited like the EBB program.
<b>Service Provider Annual Certification</b>	Annual certification by company officer like the FCC Form 481 regarding compliances with program rules

**Note:** Information included is from DA-21-1453. This information may change as rule making continues.

## How can a provider join the EBB Program now in preparation for the ACP?

### ETCs – Make an election to USAC

- Providers with an existing ETC designation can make an election to USAC for themselves and their affiliates who provided broadband service as of December 1, 2020 within the states or territories where the provider was designated as an ETC.

### Non-ETCs – Prepare and submit an FCC application

- Providers without an existing ETC designation must seek either automatic or expedited approval from the FCC prior to submitting the election notice to USAC.
  - After approval is received from the FCC, a provider is qualified to perform a USAC election to participate in the program.

### Key Information that may be needed to apply to the FCC or submit a USAC election:

- SAM.gov Registration Completed
- CORES ID (FCC Registration)
- SPIN (Service Provider ID)
- DUNS #
- States to Provide EBB In
- Service Authority in States
- Customer Eligibility Process to be Utilized
- Plan to Fight Waste, Fraud and Abuse
- Services & Rates Offered December 1, 2020
- Services to be Offered
- FCC Form 477 from December 2020
- ZIP Code(s) Where Service will be Offered
- Connected Devices to be Offered

## Additional Information

For additional information on the EBB or ACP Programs and to seek assistance, please contact any of these members of the Vantage Point Solutions Consulting Team:

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Or contact your Customer Relations representative.