

VPS Consulting Memo

Bureau Announces CAF II Eligible Locations Adjustment Process (ELAP) Filing Window

PUBLIC NOTICE RELEASED MARCH 16, 2021.

Summary

On March 16, 2021, the Wireline Competition Bureau (WCB) released the Public Notice, DA 21-319, announcing the opening of the CAF Phase II Auction Eligible Locations Adjustment Process (ELAP) filing window for CAF Phase II auction recipients. Participants who were successful in the CAF Phase II auction will have from April 1, 2021 until August 3, 2021 to submit the required information and certifications should they wish to seek a reduction in number of locations in their awarded areas. After the closing of the filing window, there will be a period for eligible Stakeholders to file challenges as to the completeness and/or accuracy of the information filed by the Participants.

Background

In the Phase II Auction Reconsideration Order, the Federal Communications Commission (FCC) created a process to facilitate appropriate adjustments to the defined deployment obligations of CAF Phase II auction support recipients (with associated support reductions), on a state-by-state basis, where the actual number of eligible locations is less than the number of funded locations.

Participant Requirements

Participant Filing Window

Participants will have 4 months to prepare and to submit the information to the ELAP module. This filing window allows the Participants ample time to prepare, submit and certify to the truth and accuracy of information being provided. Participants will be able to resubmit and recertify one or more files if necessary. Participants are encouraged to submit complete and accurate information as quickly as possible to ensure sufficient time to make any necessary revisions.

ELAP Module in High-Cost Broadband (HUBB) Portal to Receive Location Information

USAC has developed a separate ELAP module in the USAC E-File High-Cost Broadband Portal to receive the Participants location information. Participants will be able to report geographic information about all qualifying locations including any prospective locations as well as locations that they have deemed to be non-qualifying.

An ELAP Data Collection Template and Module User Guide are available for download at:

<https://www.usac.org/high-cost/funds/caf-phase-ii-auction/eligible-locations-adjustment-process-elap/>

Prima Facie Determination

As part of the ELAP submissions, Participants will be required to provide, as well as certify to its accuracy and completeness, the following information:

1. Eligible Location information.
2. Description of methodology or methodologies used to identify eligible locations and to distinguish qualifying and non-qualifying locations.
3. Supporting evidence demonstrating that you took actions defined in your methodology.

Once the filing window closes, the Bureau will release an order identifying those Participants that have satisfied their prima facie evidentiary requirements (Prima Facie Order). USAC will then be directed to create a publicly available map which will reflect only the Participants' relevant information.

Additional Information

The full Public Notice can be found here: <https://docs.fcc.gov/public/attachments/DA-21-319A1.pdf>

For information on this issue or if you would like VPS guidance, please contact these members of the Vantage Point Solutions Consulting team:

Troy Eilts at (605) 995-1830, Troy.Eilts@vantagepnt.com

