



February 3, 2025

**SUBMITTED ELECTRONICALLY VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

**Re: Letter Supporting Request to Extend 2025 Rural Health Care Program Filing Window  
Rural Health Care Support Mechanism, WC Docket No. 02-60  
Promoting Telehealth in Rural America, WC Docket No. 17-310**

Dear Madam Secretary:

The Schools, Health & Libraries Broadband Coalition (SHLB) submits this letter to express its support for a waiver and extension of the funding request (FCC Form 462) filing deadline in the Rural Health Care (RHC) program for Funding Year 2025.

On December 2, 2024, Colorado Hospital Association Broadband Service (CHABS) filed a request for a waiver and extension of the 2025 funding request (FCC Form 462) filing deadline in the RHC program.<sup>1</sup> Other RHC program stakeholders have also filed letters supporting a filing deadline extension.<sup>2</sup> SHLB asks that the Commission grant CHABS's request for a waiver and extension of the funding request filing deadline for the 2025 RHC program filing window for all program applicants as well as grant CHABS's request to automatically extend the service delivery deadline by 120 days.

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<sup>1</sup> Letter from Robert Jenkins, Colorado Hospital Association, to FCC Staff, WC Docket No. 02-60 (Dec. 2, 2024) (*CHABS Request*). CHABS requested that the Commission “[e]xtend the filing deadline in the exact amount of days it takes USAC to resolve its technical issues” or, if that option is unacceptable, to June 30, 2025. *CHABS Request* at 3. CHABS additionally requested an automatic extension of the service delivery deadline by 120 days. *CHABS Request* at 4.

<sup>2</sup> See e.g. Letter from Jeffrey A. Mitchell, Mitchell Law, PLLC, on behalf of ADS Advanced Data Services (ADS) and Community Hospital Corporation (CHC), to Chairwoman Jessica Rosenworcel, Commissioner Brendan Carr, Commissioner Geoffrey Starks, Commissioner Nathan Simington, and Commissioner Anna Gomez, WC Docket Nos. 02-60 and 17-310 (Jan 13, 2025) (*ADS & CHC Letter*).

The relief sought under the *CHABS Request* is merited given what appears to be two primary issues that will prevent applicants from meeting the April 1 filing deadline: 1) widespread delay of applicants receiving approvals for their Form 460s, the form that establishes a healthcare provider's (HCP) eligibility to participate in the RHC program (which must be approved prior to completing all other steps during the application window); and 2) changes to certain funding request processes within USAC's new application portal, RHC Connect.

First, SHLB members have reported experiencing widespread delays in receiving Form 460 approvals. As explained in the *ADS and CHC Letter*, there appears to have been a downstream impact on the RHC program's application process that is related to the timing of the Office of Management and Budget's (OMB) approval of RHC program form changes, including the Form 460. Due to rule changes adopted in December 2023 via the Commission's Third Report and Order,<sup>3</sup> several RHC program forms were provided to OMB for final approval. OMB approved the Form 460 on September 24, 2024. Once approved, USAC thereafter migrated the form into its new online application processing portal, RHC Connect, and made it accessible to applicants on October 1, 2024.<sup>4</sup> Typically, RHC applicants can submit a Form 460 at any time during the year, but applicants may have waited to submit Form 460s this year until the OMB approved form was fully migrated into RHC Connect.<sup>5</sup> Additionally, even though applicants were able to submit Form 460s into RHC Connect in October, SHLB members reported that they did not start receiving approvals until December – over two months later.<sup>6</sup> This elongated approval timeline deviates from SHLB members' previous experience of working in the My Portal system, when Form 460s were typically approved within 30 days of submission.

Second, certain filing processes in the RHC Connect system differ from those in the previous My Portal system, which may also prevent many applicants from meeting the April 1 filing deadline. For example, once USAC approves a Form 460, determining that an HCP is eligible for RHC program funding, that HCP might need to be added to an existing consortium. To do this, a filer might need to submit either a Letter of Agency (LOA) or Letter of Exemption (LOE) to add the HCP number to an existing consortium project. In the previous filing system, filers were able to submit an LOA/LOE at the same time as the Form 460 – with both submissions then generally following the same thirty-day approval timeline. Here, however, this simultaneous filing functionality is not available in RHC Connect, causing filers to have to wait until *after* the Form

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<sup>3</sup> Promoting Telehealth in Rural America, WC Docket No. 17-310, Third Report and Order, FCC 23-110 (rel. Dec. 14, 2023).

<sup>4</sup> USAC has been migrating various RHC program forms from its old online portal, My Portal, into a new online portal, RHC Connect.

<sup>5</sup> See also *ADS & CHC Letter* at 3, fn. 8, stating that “USAC informally suggested applicants would be better off waiting to submit new or revised Form 460s until after migration to RHC Connect.”

<sup>6</sup> See *ADS & CHC Letter* at 3, explaining that USAC couldn't implement certain functionalities into RHC Connect until after OMB approved the RHC program forms, including the Form 460.

460 is approved before being able to file an LOA/LOE. SHLB members have reported that this extra approval process can take an additional 30 days after a Form 460 is approved.

Accordingly, we strongly recommend that the Commission grant the requested waiver and extension of the RHC program's funding request (FCC Form 462) filing deadline. Even if all Form 460s submitted after the form became available in RHC Connect in October (prior to December) were approved by December 31, 2024, many applicants would be hard-pressed to meet the April 1 filing deadline - particularly for those HCPs that are part of a consortium. For example, if a consortia HCP's Form 460 was approved on 12/31/24, the timeline could be as follows:<sup>7</sup>

- LOA or LOE is submitted in early January. Approval would be expected in early February.
- Upon LOA/LOE approval, Form 461 (mandatory competitive bidding form) is submitted for USAC's review and approval. SHLB members report that it can take up to 30 days for this review. Approval would thus be expected (and the form would be posted for bidders to view) in early March.
- Competitive bidding begins, which must remain open for at least 28 days. The end of the competitive bidding window would be expected at the end of March or in early April. This would leave no additional time for consortia applicants to complete the final steps of the filing process (i.e. bid evaluation, contract negotiation/signing) prior to the April 1 deadline.

Additionally, if the HCP has an off-site administrative office or an off-site data center, an applicant can't file the Form 460 for that off-site location until all clinical Form 460 locations are approved. Accordingly, if a consortia HCP's Form 460 was approved on 12/31/24, the applicant would then file *the administrative office or data center's* Form 460 and wait for approval. SHLB members indicate that this step adds another 30 days to the process. Once the administrative office or data center's Form 460 is approved, then the applicant can file the LOA or LOE and continue with the process as laid out above.

Further, the above timeline does not account for any additional steps outside of those mentioned above that can also delay the application process. For example, an applicant may need to respond to a request for additional information while USAC is conducting its application review. Additionally, an applicant might need to make changes to its Form 460 (i.e. to change an HCP's

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<sup>7</sup> Eligible individual HCPs (that are not part of a consortia) are not subject to the LOA/LOE submission and approval step indicated above. Instead, those HCPs can file the Form 461 for USAC's review and approval. We note, however, that an individual HCP's Form 461 could include an RFP if the project requests more than \$100,000 in funding, which typically requires additional time for review before it is posted to USAC's website and the competitive bidding window opens.

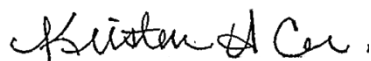
name or add/change a tertiary filer or primary account holder). It is our understanding that such Form 460 revisions are currently requiring USAC to undergo a new, full Form 460 review process. Finally, we also note that applicants, filers, and HCPs in California may require additional time to complete the application process due to the devastation caused by the recent wildfires.

Generally, the Commission maintains discretion to waive any provision of its rules for good cause shown.<sup>8</sup> When deciding whether to exercise this discretion, the Commission may waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>9</sup> Additionally, the Commission may consider other factors such as hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>10</sup>

Granting this waiver would be in the public interest. The Form 460 delays described above have affected a wide array of RHC program applicants (not just a certain few), through no fault of their own. These delays have not only caused a hardship for filers throughout the application process, but they negatively position HCPs from potentially securing funding support that is critical to provide life-saving healthcare services to their communities.

We respectfully request that the Commission grant CHABS's request for a waiver and extension of the funding request filing deadline for the 2025 RHC program filing window for all program applicants as well as grant CHABS's request for an automatic extension of the service delivery deadline by 120 days.

Sincerely,



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<sup>8</sup> 47 C.F.R. § 1.3.

<sup>9</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>10</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.