

complainant's control prevented the filing of an appeal within the prescribed time limit. An appeal filed by personal delivery is considered filed on the date it is received by the PDSC. The date of filing by mail is determined by the postmark date; if no legible postmark date appears on the mailing, the submission is presumed to have been mailed five days (excluding days on which the agency is closed for business) before its receipt. The date of filing by commercial overnight delivery is the date the document was delivered to the commercial overnight delivery service. The appeal should be clearly marked "Appeal of Section 504 Decision" and must contain specific objections explaining why the complainant believes the initial decision was factually or legally wrong. A copy of the initial decision being appealed should be attached to the appeal letter.

(6) The PDSC shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the PDSC needs additional information from the complainant, the PDSC shall have 60 days from the date the additional information is received to make a determination on the appeal.

(7) The time limits cited in paragraphs (b)(2) and (5) of this section may be extended for an individual case when the PDSC determines there is good cause, based on the particular circumstances of that case.

(8) OSC may delegate its authority for conducting complaint investigations to other Federal agencies or may contract with a nongovernmental investigator to perform the investigation, but the authority for making the final determination may not be delegated to another entity.

(c) OSC shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), is not readily accessible to and usable by individuals with disabilities.

#### §§ 1850.171–1850.999 [Reserved]

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## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Part 1740

[Docket No. RUS–20–Telecom–0023]

RIN 0572–AC51

#### Rural eConnectivity Program

**AGENCY:** Rural Utilities, USDA.

**ACTION:** Final rule; confirmation and response to comments.

**SUMMARY:** The Rural Utilities Service (RUS or Agency), an agency in the United States Department of Agriculture (USDA) Rural Development Mission area, published a final rule with comment in the **Federal Register** on February 26, 2021, to establish the Rural eConnectivity Program (ReConnect Program). The final rule described the eligibility requirements, the application process, the criteria that RUS uses to assess applicants' creditworthiness and outlined the application process. Through this action, RUS is confirming the final rule as it was published and providing responses to the public comments that addressed the broadband speed used to determine eligibility.

**DATES:** The final rule published February 26, 2021, at 86 FR 11609, is confirmed as of April 27, 2021.

**FOR FURTHER INFORMATION CONTACT:** Laurel Leverrier, Assistant Administrator; Telecommunication Program; Rural Development; U.S. Department of Agriculture; 1400 Independence Avenue SW; Room 4121–S; Washington, DC 20250; telephone 202–720–3416, email [laurel.leverrier@usda.gov](mailto:laurel.leverrier@usda.gov). Persons with disabilities or who require alternative means for communication should contact the USDA Target Center at 202–720–2600.

**SUPPLEMENTARY INFORMATION:** The ReConnect Program was authorized by the Consolidated Appropriations Act, 2018 (Pub. L. 115–141), which directed the program to be conducted under the Rural Electrification Act of 1936 (7 U.S.C. 901 *et seq.*). The program has received successive appropriations by Congress and has matured due to Agency experience and feedback provided by stakeholders. Since its establishment in 2018, the ReConnect Program has been implemented by issuing four Funding Opportunity Announcements (FOA).

The ReConnect Program provides loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas. In facilitating the expansion of broadband services and infrastructure, the program fuels

long-term rural economic development and opportunities across rural America.

The final rule that published February 26, 2021 (86 FR 11603), included a 60-day comment period that ended on April 27, 2021. The final rule specifically requested comments on the speed used to determine eligibility. The Agency received comments from 73 respondents. Respondents included industry associations, engineering firms, individuals, education providers, Tribes and Tribal organizations, economic development and municipal organizations, manufacturers, telecommunications providers and nonprofits. Thirty-five of the respondents provided constructive feedback on the regulation and the remaining 38 were supportive of the program.

As requested in the rule, several of the constructive comments included suggestions to increase the standard of sufficient access from 10/1 Mbps to at least 25/3 Mbps. One respondent requested that RUS acknowledge that the current definition of broadband, 25/3 Mbps, does not correspond with the requisite download and upload speeds for many businesses, education, and health care applications. Two recommended that RUS use a weighted priority scale to allow funds to go first to 10/1 areas, and then to areas up to 25/3 or even higher. Two others requested that RUS prioritize areas with speeds slower than 25/3 Mbps and suggested that sufficient access should be defined at 100/20 Mbps.

**Agency response:** As provided in 7 CFR part 1940, "Sufficient Access to Broadband" is set forth in each funding announcement. No change to the rulemaking is necessary. Comments provided in response to the rule were taken into account for the funding announcement issued on October 25, 2021, at 86 FR 58860.

The RUS appreciates comments from interested parties. The Agency confirms the final rule without change.

**Andrew Berke,**

*Administrator, Rural Utilities Service.*

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