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### January 4, 2016 HIGHLIGHTS

- The FCC released [the Order](#) addressing USTelecom's Forbearance Petition, granting full or partial forbearance from the majority of categories of requirements covered by the Petition.
- ITTA filed a [letter](#) recommending the FCC allocate at least \$200 million of additional funding annually over the 10 year term of the voluntary model-based USF support plan for rate-of-return companies. TDS Telecom [discussed](#) WTA's [proposal](#) on broadband deployment obligations under the model-based approach.
- NTCA [urged](#) the FCC to promote long-term efficiency in the use of USF resources by enabling the deployment and operation of "future-proof" technologies rather than aiming for interim broadband speed standards that may be outpaced by consumer demand. NTCA [asserted](#) the [illustrative result](#) 4.2 of the A-CAM Version 2.1 could be read to convey a policy position that those networks already built by RLECs are less important and less in need of ongoing funding than those higher-capacity networks that are still to be built by other RLECs. Vantage Point Solutions [asked](#) the Wireline Competition Bureau to correct an inaccuracy with the A-CAM. Frontier [informed](#) the FCC that the actual number of locations in its eligible census blocks is less than the number of CAF Phase II model-determined locations in seven states.
- NECA filed its [rate-of-return carrier rate floor data](#) at the rate zone level as of December 1, 2015, for carriers reporting changes during the voluntary mid-year data collection.
- [Oppositions and comments](#) were filed on US TelePacific's [Petition](#) for clarification of the [Report and Order](#) on copper retirement. Replies due January 5.
- [Oppositions and comments](#) were filed on NASUCA, et al.'s [Petition for Reconsideration](#) of the [Report and Order](#) that required providers to offer consumers the option to buy backup power. Replies due January 11.
- The FCC released its [2015 Measuring Broadband America: Fixed Broadband Report](#), which contains recent performance data collected from fixed ISPs as part of the FCC's Measuring Broadband America program
- The FCC released its [Universal Service Monitoring Report](#), which includes data received through September 2015 and contains information designed to monitor the impact of various universal service support mechanisms and the method used to finance them.
- NECA filed its [2016 Modification of Average Schedules](#) that contains proposed revisions to formulas used for average schedule interstate settlement disbursements. The revisions are proposed to become effective for a one-year period beginning on July 1, 2016.
- Comments are due January 21, 2016 on CenturyLink's [Petition for Waiver](#) of sections 51.907 and 51.915 of the Commission's rules to facilitate an internal restructuring plan.

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#### Other Key Upcoming Dates

- Jan. 8 - Direct cases [due](#) in the investigation of tariffed special access service pricing plans of AT&T, CenturyLink, Frontier, and Verizon. Oppositions due February 5; Rebuttals due February 26.
- Jan. 19 - Comments [due](#) on FairPoint's [Petition for Declaratory Ruling](#) on ICC eligible recovery calculations. Replies due February 3.

## USF/ICC Transformation Order

- NECA filed its [rate-of-return carrier rate floor data](#) on December 30, 2015, at the rate zone level as of December 1, 2015, for carriers reporting changes during the voluntary mid-year data collection.
- ITTA filed a [letter](#) on December 22, 2015, on the development and implementation of a voluntary model-based USF support plan for rate-of-return companies, and recommended the FCC allocate at least \$200 million of additional funding annually over the 10 year term of the plan. ITTA said it performed an analysis of the impact on RoR company broadband deployment using \$200 million and \$100 million in additional annual allocations over 10 years, and asserted its analysis demonstrates that utilizing \$200 million annually will result in significantly more fully-funded locations, greater participation in the model-based plan, and a better nationwide distribution of broadband deployment. ITTA also requested the Wireline Competition Bureau conduct and release the results of an A-CAM run utilizing a 9.5 percent rate of-return on investment.
- TDS Telecom [spoke with](#) Wireline Competition Bureau staff on December 18, 2015, to discuss USF reform for rate-of-return carriers. TDS referred to a [recent filing](#) by WTA that proposed, under the model-based approach, carriers with a statewide density of five or fewer locations per square mile should be required to offer broadband speeds of at least 25 Mbps downstream/3 Mbps upstream to 25 percent of all fully funded eligible locations in a study area by the end of the ten year period. TDS claimed WTA's proposal, if adopted, likely would be helpful to broadband deployment by carriers such as TDS Telecom to the extent they operate in sparsely populated regions.
- NTCA filed a [letter](#) on December 22, 2015, on the [release](#) of A-CAM Version 2.1. NTCA said the [illustrative result](#) 4.2 of the A-CAM, which as requested by ITTA, shows what model-based support could be available if no funding were provided for census blocks where a RLEC had already deployed FTTP or cable modem network technologies to serve consumers. NTCA claimed Report 4.2 could be read to convey a policy position that those networks already built by RLECs are somehow less important, and less in need of sufficient ongoing funding, than those higher-capacity networks that are still to be built by other RLECs. NTCA suggested, among other things, the FCC consider other means of targeting model-based support toward areas that need it most without somehow inferring there are no costs of operating networks and providing services after networks are initially deployed.
- Vantage Point Solutions filed a [letter](#) on December 21, 2015, to ask the Wireline Competition Bureau to correct an inaccuracy with the A-CAM after Vantage Point determined some of Alma Telephone's own coaxial-based service offerings are inappropriately being characterized by the model as unsubsidized competitors. Vantage Point said the A-CAM shows that 376 census blocks are removed from support due to an unsubsidized cable competitor, and ATC is the only coaxial-based CATV provider serving that area. Vantage Point said it understands the recent A-CAM report addressed this issue, and requested the Bureau continue to use that approach for Alma Telephone and for other, similarly-situated rural providers.
- NTCA [spoke with](#) Wireline Competition Bureau staff on December 22, 2015, to discuss the CAF Phase II competitive bidding processes. NTCA urged the FCC to promote long-term efficiency in the use of USF resources by enabling the deployment and ongoing operation of "future-proof" technologies rather than aiming for interim, arbitrary broadband speed standards that may be outpaced by consumer demand. NTCA also discussed steps that could help ensure reasonable accountability in the use of USF resources under a CAF Phase II competitive bidding program. NTCA also encouraged the FCC to ensure that the list of financial institutions that might be considered eligible providers of letters of credit will not be limited to large national and global banks.
- Frontier filed [a letter](#) on December 30, 2015, to inform the FCC that the actual number of locations in its eligible census blocks is less than the number of CAF Phase II model-determined locations in seven states. Frontier requested the Bureau adjust its location targets in these states, and noted the associated funding levels in these states would be adjusted on a pro rate basis.

- The American Cable Association [spoke by telephone](#) with Chairman Wheeler's Legal Advisor on December 22, 2015, to discuss the financial qualifications for smaller providers to participate in the CAF Phase II competitive bidding process and the broadband performance requirements. ACA presented proposals on the pre-auction financial qualifications, Letters of Credit, and post-auction financial qualification requirements. ACA also suggested the Commission award preferences to bidders that offer to provide higher performance broadband service over future-proof networks in exchange for support in order to maximize the number of bidders in the auction.
- GCI [spoke with](#) Chairman Wheeler's Senior Counselor on December 18, 2015, to discuss the Alaska Plan. GCI claimed moving all parts of the Alaska Plan together with national rate-of-return changes makes the most sense because both the rate-of-return and mobile wireless portions of the Alaska Plan will leverage the same middle-mile infrastructure to connect remote locations to urban centers and, ultimately, the Lower 48 states. GCI also [spoke with](#) Chairman Wheeler's Legal Advisor on December 22, 2015, to urge the Commission to adopt all of the Consensus Alaska Plan, including both the rate-of-return LEC and CETC provisions, at the same time as it adopts CAF rules for rate-of-return carriers.
- Alaska Communications [met with](#) staff from Chairman Wheeler's office on December 21, 2015, to urge action on its proposal for CAF Phase II implementation in its price cap service area. Alaska Communications also urged the FCC to allocate support for continuing voice service in extremely high-cost census blocks in Alaska, and in those census blocks that are in the Alaska Bush and thus not covered by its proposal. It also urged the FCC to adopt a middle mile plan together with additional CAF reforms that have been proposed by the Alaska Telephone Association for non-price cap carriers.
- The Rural Wireless Association [met with](#) Wireless Telecommunications Bureau staff on December 18, 2015, to discuss its support for a dedicated funding mechanism that will provide sufficient support to sustain and advance the availability of mobile services in high-cost areas. RWA also discussed the FCC's current proposal to use Form 477 data to determine which areas will be eligible to receive Mobility Fund support, and discussed how Form 477 data portrays coverage in areas where a carrier has a partnership or roaming agreement with a nationwide carrier.
- CTIA [met with](#) Wireless Telecommunications Bureau staff on December 16, 2015, to discuss the importance of the Mobility Fund Phase II. CTIA urged the Commission to uphold its commitment to provide at least \$500 million per year for Mobility Fund Phase II, and said sufficient and consistent federal USF support remains necessary to meet the goal of nationwide mobile wireless service coverage.
- Standing Rock Telecommunications filed [a request](#) for an extension of time, until June 30, 2016, to complete the network construction and drive test reporting for all the census tracts for which SRT was approved for Tribal Mobility Fund funding. SRT said it has been slowed down by the delay in the funding for Phase 2 as well as the fact that many of the road miles that are included in the tracts are undrivable. SRT said it has discussed this issue with USAC, and said it was instructed to provide proof that the roads are undrivable. SRT claimed it needs more time to complete the prediction maps and to gather the evidence showing that the roads are not drivable.
- ADTRAN filed [a letter](#) on December 30, 2015, to respond to a letter ViaSat attached to its December 18, 2015 [ex parte](#), which suggested criteria for broadband services eligible for subsidies under CAF Phase II. ADTRAN said ViaSat's claim that use of the MOS metric "is consistent with ADTRAN's endorsement of a requirement of a MOS of 4" overstates ADTRAN's previous discussion of MOS, and said it had not endorsed MOS because there are drawbacks to that metric. It suggested if the Commission is going to adopt an MOS metric for CAF Phase II, it should require that the MOS methodology design and testing be done by an independent lab to minimize the risk of "gaming" the testing. ADTRAN also expressed concerns with several other proposals in the ViaSat Letter.
- ViaSat met with Commissioners [Pai](#), [Rosenworcel](#), [Clyburn](#), and [O'Rielly](#) and their Legal Advisors, and [Office of Strategic Planning and Policy Analysis](#) staff on December 16, 2015, to discuss the role of satellite broadband in CAF Phase II. ViaSat discussed its broadband service, what it says are the

benefits of full satellite broadband participation in CAF Phase II, and the terms needed for full participation.

- The Satellite Industry Association filed [a letter](#) on December 29, 2015, to express concern with UTC's [recent ex parte](#), which urged the FCC to adopt a framework for the CAF reverse auction process that would give preference to fiber-to-the-home technologies. SIA said it has serious concerns about any CAF framework that would favor one technology over others, submitting it would be a mistake for the FCC to abandon its policy of technology neutrality now.
- Hughes Network Systems filed [a letter](#) on December 29, 2015, opposing UTC's [letter](#), saying the Commission should reject the UTC Proposal, as well as any auction framework that would reach the same result in a single auction by grouping fiber-based providers in a specific tier of service, saying such an approach would violate the FCC's technology neutrality principle and would result in higher costs, limiting the number of American households that would receive service through CAF Phase II.
- Wichita Online filed [a letter](#) on December 30, 2015, to submit a summary and clarification related to its [Petition for Limited Waiver](#) of the ETC deadline for Rural Broadband Experiment funding. It said it believed the census blocks covered by the auction were in its ETC designation, but once it was determined that the census blocks were, in fact, not in the Windstream operating company service territory in which WOI held its ETC designation, it filed an application with the Oklahoma Corporation Commission on February 20, 2015, with the understanding that the OCC would issue an order prior to the June 1 deadline.

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## IP Transition

- Comments and oppositions were filed on December 24, 2015, on US TelePacific's [Petition](#) for clarification of the [Report and Order](#) on copper retirement. Verizon [opposed](#) the Petition, asserting TelePacific's request presupposes that a series of potential events will occur in every copper retirement, and claimed the Commission has already considered and rejected the threat of these possible contingencies when balancing the provisions of the Technology Transitions Order. Verizon further asserted even if there were a need to modify the Technology Transitions Order, TelePacific's suggestion that the Commission modify its timeline to create additional delays for copper retirement should be denied. [XO Communications](#) agreed with the clarification requested by U.S. TelePacific, but added that petitions for discontinuance predicated on copper retirements filed 40 days prior to a noticed retirement should be automatically granted on the day of retirement. [ADTRAN](#) opposed the Petition, saying the Commission should dismiss it because it is unsupported, speculative and unnecessary, and the requested relief would impose significant burdens that would needlessly delay deployment of advanced facilities and services. ADTRAN said under the procedures already prescribed by the Commission, ILECs are required to provide six months' notice in advance of copper retirement and, along with other obligations prescribed by the Commission, that notice will provide more than sufficient opportunity to ensure that service would not be discontinued to the CLEC's customers. [Texatel](#) said its concerns are the appearance that the FCC assumes there is a linkage between retirement of copper facilities and cessation of TDM services by ILECs, but claimed real world experience shows there is not. It said if ILECs are permitted to abandon copper prior to any requirement to make access available over fiber at reasonable prices, or prior to any requirements to make viable wholesale alternatives available, then CLEC services, and their customers, face disruption. It suggested the Commission consider alternative means to fix the gap in rules that could result in customers losing access to CLEC broadband services due to ILEC copper retirements. Replies due January 5. [FR List of all comments/oppositions available to date](#)
- Oppositions and comments were filed on December 31, 2015, on NASUCA, et al.'s [Petition for Reconsideration](#) of the August 7, 2015 [Report and Order](#) that required providers of modern home voice services to offer consumers the option to buy backup power so they can use their phone service during electrical outages. [NTCA](#) claimed the Petition fails to present any argument or fact that the

Commission did not have before it in the underlying proceeding and fails to demonstrate that the Commission did not properly provide interested parties with notice. [ITTA](#) opposed the Petition, and asserted the Commission was correct in its conclusion to avoid placing undue burdens on providers to offer backup power solutions that provide little real benefit, given marketplace developments and consumer preferences. [CenturyLink](#) opposed the Petition, and said in supporting its conclusion not to place that burden on carriers, the Commission acknowledged how few customers avail themselves of backup power options available today or choose to rely on wireless service that provides an alternate means of reaching 911. Oppositions and comments also filed by: [ACA](#), [NCTA](#), [USTelecom](#); [Fiber to the Home Council Americas](#); and [International Association of Fire Chiefs](#). Replies due January 11. [FR](#)

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## Broadband

- The FCC released its [2015 Measuring Broadband America: Fixed Broadband Report](#) on December 30, 2015, which contains recent performance data collected from fixed ISPs as part of the FCC's Measuring Broadband America program. This year's report shows that broadband speed offerings to the average consumer continue to increase at a rapid pace, and broadband service providers generally are delivering actual speeds that meet or exceed advertised speeds. The report said results, however, are not uniform across technologies. It finds a growing disparity in advertised download speeds between many DSL-based broadband services and most cable- and fiber-based broadband services. This is the fifth such report issued by the FCC; the initial Measuring Broadband America Fixed Broadband Report was published in August 2011. [News Release](#)
- Jon Sallet, FCC General Counsel, [spoke](#) at the Capital Forum's Future of Broadband Competition Conference on December 17, 2015, discussing video, broadband and competition. He discussed the FCC's role in the television market transition, and said the FCC's job is not to decide which business model succeeds, but to consider within the limits of its statutory authority how to remove artificial barriers to improved consumer choice, competition and innovation. He discussed examples of how and why the Commission has acted, and may continue to act, to remove artificial barriers. He also discussed the supply of fixed broadband connections, and said at higher broadband speeds, most Americans have no choice – just one, single provider.
- NCTA filed a [letter](#) on December 21, 2015, to express opposition to Level 3's [proposal](#) that the FCC require broadband providers to report new metrics purporting to represent actual performance of their retail service across interconnection points and to add these new metrics to the safe harbor consumer disclosure recently recommended by the Consumer Advisory Committee. NCTA said the FCC should instead adopt the broadband consumer disclosure format as recommended by the CAC. NCTA asserted there are significant legal and practical problems with both of Level 3's proposals, and claimed these proposals go well beyond what is contemplated by the Open Internet Order and, therefore, adopting these proposals is not within the delegated authority of the Chief Technologist or any bureau of the Commission.
- The Pew Research Center issued [findings](#) from its home broadband survey on December 21, 2015. The survey found: home broadband adoption seems to have plateaued, and stands at 67 percent of Americans, down slightly from 70 percent in 2013; the downtick in home high-speed adoption has taken place at the same time there has been an increase in "smartphone-only" adults; and 15 percent of American adults reported they have become "cord cutters." [Press release](#)

## USF

- Chairman Wheeler sent a [letter](#) to Sen. Brian Schatz (D-HI) on December 15, 2015, in response to his [letter](#) requesting the FCC prevent the disruption of services to SIC's customers while USAC conducts an audit of SIC. Chairman Wheeler said if SIC were to file a request for discontinuance of services, the Commission would consider whether any customers would have difficulty in transitioning to alternative services. Chairman Wheeler said if it is shown SIC customers or other end users would be unable to receive service or a reasonable substitute from another provider, or that the public convenience and

necessity would be otherwise adversely affected, the Commission can delay a planned discontinuance until alternative measures can be put into place.

- The FCC released its [Universal Service Monitoring Report](#) on December 22, 2015, which includes data received through September 2015. The report contains information designed to monitor the impact of various USF support mechanisms and the method used to finance them. The report incorporates data from several sources, including NECA and USAC, and includes an update on industry revenues, USF program funding requirements, and contribution factors, among other things.
- To date, no comments were filed on proposed changes to FCC Forms 499-A and 499-Q and instructions. [Public Notice](#)
- The FCC published a [Notice](#) in the Federal Register on December 24, 2015, announcing the Office of Management and Budget approved the information collection associated with section 54.504(a)(1)(iii) that was revised in the December 19, 2014 [Second E-rate Modernization Report and Order and Order on Reconsideration](#). The FCC amended section 54.504(a)(1)(iii) to require applicants that take advantage of a flexible payment option to certify on their Forms 471 that they are able to pay all required installment payments. Section 54.504(a)(1)(iii) is effective December 24, 2015.
- The Wireline Competition Bureau released a [Public Notice](#) on December 30, 2015, granting, denying, and dismissing various petitions related to actions taken by USAC on E-rate and USF filing deadline waiver requests. Petitions for reconsideration or applications for review of these decisions must be filed within 30 days of the Public Notice
- MTA Wireless/Matanuska-Kenai filed a [Supplement](#) on December 29, 2015, to its [Petition for Reconsideration and Waiver](#) of the Wireline Competition Bureau's [decision](#) denying its request for waiver of the line count filing deadline. MTA asserted, after further investigation, the error occurred in the transmission of data to USAC, not in the entering of the data, and asked the Commission to grant its request.
- AT&T [met with](#) staff from the Wireline Competition Bureau, Office of Managing Director, Office of Strategic Planning and Policy Analysis, and Chairman Wheeler's Counselor on December 17, 2015, to discuss proposals for modernizing the Lifeline program. AT&T discussed the legal authority to no longer require Lifeline providers to be ETCs and the discounting and reimbursement process. AT&T also encouraged the FCC to provide Lifeline benefits directly to consumers.
- Gregg Sayre, on behalf of the state members of the Federal State Joint Conference on Advanced Services, filed a [letter](#) on December 22, 2015, providing information from a survey on state Lifeline programs conducted by state members of the Joint Conference. They said the survey results indicated at least 21 states have some sort of verification program to confirm consumer eligibility for participation in the Lifeline program. The State Members also asserted that the FCC's announcement that it is creating databases was likely an incentive for some states to defer action on plans to deploy state-specific databases.
- Cox filed a [letter](#) on December 21, 2015, urging the FCC to grant the Oklahoma Corporation Commission's request to extend the February 9, 2016 deadline for implementation of the Oklahoma Historical Map to 90 days from the date that digital mapping information is made available. Cox asserted granting the OCC's request will help ensure that Lifeline providers in Oklahoma are able to implement the rule change correctly and implement an orderly transition for consumers in areas that will no longer be eligible to receive enhanced support. Cox [spoke with](#) Wireline Competition Bureau staff on December 28, 2015, to explain its support for the Oklahoma Corporation Commission's request, and the steps it must take to implement the new boundaries, including its plans to give at least 30 days advance notice to any customer affected by the new boundaries.
- Comcast [met with](#) Chairman Wheeler's Counselor and Wireline Competition Bureau staff on December 17, 2015, to discuss Lifeline reform proposals. Comcast urged the Commission to simplify and streamline the rules for program entry and provider participation. Comcast also asserted that closing

the digital divide is fundamentally dependent on a comprehensive approach that addresses digital relevance and digital literacy, the cost of computing equipment, and the cost of broadband service.

- Public Knowledge [spoke with](#) Wireline Competition Bureau staff on December 17, 2015, to discuss reform of the Lifeline program. PK asserted that updating the Lifeline program to include broadband is essential, citing a recent Pew Research Center survey finding 33 percent of American adults do not have broadband at home. PK also asserted that to meet its goal of making broadband more accessible to Americans, the Commission's modernization of the Lifeline program should include allowing broadband access providers that are not ETCs to provide Lifeline-supported service.
- TracFone Wireless [met with](#) General Counsel staff on December 16, 2015, to discuss its proposal to make broadband available to Lifeline households by requiring wireless Lifeline providers to offer at no charge to qualified consumers Wi-Fi-enabled smartphones that could utilize free Wi-Fi hotspots provided through public facilities, and discussed its support for a third party eligibility verifier.
- The Benson Foundation filed a [letter](#) on December 21, 2015, asking the FCC to introduce into the Lifeline reform record reports on broadband adoption. The reports include: *Digital Inclusion and Meaningful Broadband Adoption* and *Digital Inclusion Project: Findings and Implications, A Canadian Perspective*, both published by the Benton Foundation; *Broadband un-adopters*, by Telecommunications Policy; and *Home Broadband 2015*, by the Pew Research Center.
- USAC filed a [letter](#) on December 21, 2015, notifying the FCC that consistent with its guidance concerning maintenance of cash reserves for meeting funding commitments for the Schools and Libraries Support Mechanism, it has determined that a projected \$1.9 billion will be available to carry-forward to Schools and Libraries Support Mechanism funding year 2016. USAC said utilizing the agreed upon methodology, \$1,357 million is projected from the Funding Years 2013 and prior, \$355 million is projected from FY 2014, and \$188 million is projected from FY 2015 to be available for carry-forward to FY 2016.
- To date, no replies were filed on the [joint petition](#) filed by North Dakota Telephone and Midstate Communications for waiver of the Part 36 study area boundary freeze rules. [Public Notice](#)

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## Misc.

- The FCC released [the Order](#) addressing USTelecom's Forbearance Petition on December 28, 2015, adopted at its December 17, 2015 Open Meeting, granting full or partial forbearance from the majority of categories of requirements covered by the Petition. The Commission: granted in large part and denied in part forbearance from the remaining section 271 requirements; denied forbearance from the remaining section 272 requirements; granted conditional relief for the remaining equal access requirements, requiring ILECs to maintain equal access and dialing parity arrangements and capabilities for certain existing customers; granted forbearance from enforcement of the obligation to make a 64 kbps channel available when an ILEC retires copper in fiber-loop overbuilds, subject to a narrow, targeted grandfathering condition; granted forbearance from the remaining *Computer Inquiry* requirements, subject to the condition that carriers must seek and obtain section 214 discontinuance authority prior to eliminating inputs provided pursuant to the *Computer Inquiry* requirements; granted in part and denied in part forbearance from the requirements in sections 224 and 251(b)(4) to provide access to newly-deployed entrance conduit at regulated rates; denied forbearance from the prohibition against using contract tariffs for business services; and denied forbearance from the portion of USTelecom's petition seeking relief for the section 214(e)(1) ETC requirements where a price cap carrier does not receive high-cost USF support that remains pending.
- NECA filed [2016 Modification of Average Schedules](#) on December 23, 2015, that contains proposed revisions to formulas used for average schedule interstate settlement disbursements. The revisions are proposed to become effective for a one-year period beginning on July 1, 2016.

- The Wireline Competition Bureau issued a [Public Notice](#) on December 22, 2015, seeking comment on CenturyLink's [Petition for Waiver](#) of sections 51.907 and 51.915 of the Commission's rules to facilitate an internal restructuring plan whereby CenturyLink will merge some or all of its ILECs in states in which it has multiple ILECs to reduce the number of study areas in the state. CenturyLink said the CenturyLink ILECs in each surviving study area may first operate under a single tariff with uniform Transitional Intrastate Access Service, Tandem and End Office Access Service, and Dedicated Access rates, participate in a single statewide federal access tariff filing, and consolidate their eligible recovery before merging. CenturyLink also said waiver is needed because the restructuring in some jurisdictions may result in the consolidation of CALLS study areas and non-CALLS study areas. CenturyLink asserted that neither the Commission's rules nor its orders address these circumstances. Comments are due January 21; replies due February 5.
- The Wireline Competition Bureau issued an [Order](#) on December 21, 2015, further extending the deadline to submit comments and reply comments on Section IV.B of the [Special Access FNPRM](#). The Bureau said this extension will provide interested parties additional time to analyze the collected data to help inform the Commission's business data service reform efforts in the underlying rulemaking proceeding. Comments are now due January 22, 2016; replies due February 19, 2016.
- The Wireline Competition Bureau issued a [Public Notice](#) on December 21, 2015, listing Acknowledgements of Confidentiality filed by parties seeking access to confidential information filed in the special access data collection proceeding since the December 10, 2015 Public Notice. Parties that submitted confidential information in response to the collection have until December 29, 2015, to object to the disclosure of their data and information to any of the parties listed in the attachment to this Public Notice.
- AT&T filed a [letter](#) on December 18, 2015, objecting to disclosure of its confidential special access information and data to Bruce Kushnick. AT&T said it previously [objected](#) to Kushnick's request on October 13, 2015, and asserted Kushnick's [reply](#) to that letter only confirms he does not qualify to obtain the highly sensitive materials that are subject to the Protective Orders.
- New Networks Institute filed a [reply](#) on December 24, 2015, to AT&T's [objection](#) to its request for access to AT&T's confidential and highly confidential special access data. New Networks Institute claimed counsel for AT&T never notified it of AT&T's objection, and urged the FCC to grant its request. New Networks Institute also filed a [letter](#) on December 31, 2015, in response to AT&T's [objections](#) to disclosure of its confidential special access information and data to Bruce Kushnick. Kushnick asserted NNE has the right to see this data, and claimed it has the capability and expertise to supply "material comments" and examine the data.
- Reply comments were filed on December 24, 2015, on the [FNPRM](#) proposing to modify in part the four-year compensation rate plan for Video Relay Service adopted in 2013. [Sorenson](#) asserted freezing the rates for only the three smallest providers will not stop the deterioration of service caused by rate reductions, and said there is no competitively neutral justification to freeze rates for some, but not others. The [Consumer Groups](#) urged the FCC to take action on a number of things, including imposing a faster interim speed-of-answer standard to require that 80 percent of all VRS calls be answered within 45 seconds and adopting a flexible 8 to 12 month trial of skills-based routing. The [VRSCA](#) asserted the FCC should address the issue of service quality before decreasing rates. [Hancock, Jahn, Lee & Pucket](#) asserted a Tier I rate freeze is immediately needed, and said any freeze must be immediately followed by an invitation for appropriate and sustainable rate-setting proposals. [List of all replies available to date FR](#)
- Daniel Kahn, Acting Chief of the Competition Policy Division of the Wireline Competition Bureau, sent a [letter](#) to Ernest C. Cooper of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. on December 21, 2015, in response to his inquiry on his client's changed circumstance with respect to the rural call completion recording, retention, and reporting rules. The Bureau said Mr. Cooper's client would still file a report on February 1, 2016, covering call completion data from October through December, and the one-time letter would be submitted by the end of December in order for his client to be exempt from the recording and retention requirements beginning in January 2016.



- The FCC issued a [Notice](#) in the Federal Register on December 23, 2015, seeking Paperwork Reduction Act comments on an extension of a currently approved collection associated with FCC Forms 492 and 492-A, Rate-of-Return Monitoring Reports. The FCC noted in 2008, it granted AT&T, Verizon, legacy Qwest, and other similarly-situated carriers forbearance from FCC Form 492-A; however, one reporting company purchased a substantial number of smaller entities and converted them to rate-of-return carriers while a second company made several acquisitions. PRA comments are due February 22, 2016.
- Replies were due December 31, 2015, on the [NPRM](#) on the “totality of the circumstances test” for evaluating whether broadcast stations and multichannel video programming distributors are negotiating for retransmission consent in good faith. [Public Notice](#)
- NTCA filed a [letter](#) on December 22, 2015, to ask the FCC to direct the North American Portability Management to adopt a more inclusive and transparent decision-making process as the LNPA transition moves forward. NTCA asserted the LNPA transition thus far has been marked by limited transparency and little opportunity for meaningful input from small and rural carriers, and said the LNP Alliance and other interested stakeholders correctly noted certain decisions have already been made by NAPM without any small carrier input. NTCA is also concerned about “mission creep” in connection with the LNPA transition, and said issues related to IP-to-IP routing and any IP transition related issues should ultimately be decided by the Commission, based upon a public record that includes notice-and-comment rulemaking and the expert input of industry.
- The FCC released its [Eighteenth Report](#) on wireless competition on December 23, 2015, containing data and analysis covering the remainder of 2014 and the first half of 2015. The report provides, among other things, an analysis of the overall competitive dynamics of the industry, describing the various operating entities and their relative positions using indices such as market share, subscribership, as well as various financial indicators, and highlights the Commission’s policies and actions designed to enhance competition. [Commissioner Pai](#) issued a statement.

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## Upcoming Filing Dates

- Jan. 4 - Comments due on the [FNPRM](#) proposing to modify in part the four-year compensation rate plan for Video Relay Service adopted in 2013. Replies due Feb. 1. [FR](#)
- Jan. 5 - Replies due to oppositions on U.S. TelePacific’s [Petition for Clarification](#) of the [Report and Order](#) on copper retirement. [FR](#)
- Jan. 8 - Direct cases due in the investigation of tariffed special access service pricing plans of AT&T, CenturyLink, Frontier, and Verizon. Oppositions due Feb. 5; ILEC rebuttals due February 26. [Order](#)
- Jan. 11- Replies due to oppositions to NASUCA, et al.’s [Petition for Reconsideration](#) of the August 7, 2015 [Report and Order](#) that required providers of modern home voice services to offer consumers the option to buy backup power so they can use their phone service during electrical outages. [FR](#)
- Jan. 18 - Comments due on a [Petition](#) filed by the Schools, Health & Libraries Broadband Coalition, California Telehealth Network, et al. on changes to the Part 54 rural healthcare rules. Replies due January 29. [Public Notice](#)
- Jan. 19 - Comments due on FairPoint’s [Petition for Declaratory Ruling](#), which seeks a ruling that NECA is not properly compensating FairPoint in accordance with section 51.917 of the Commission’s rules for ICC Eligible Recovery. Replies due February 3. [Public Notice](#)
- Jan. 21- Comments due on CenturyLink’s [Petition for Waiver](#) of sections 51.907 and 51.915 of the Commission’s rules to facilitate an internal restructuring plan whereby CenturyLink will merge some or all of its ILECs in states in which it has multiple ILECs to reduce the number of study areas in the state. Replies due Feb. 5. [Public Notice](#)

- Jan. 22 - Comments due on Section IV.B of the Special Access [FNPRM](#). Replies due Feb. 19. [Order](#)
- Jan. 29 - Replies due on a [Petition](#) filed by the Schools, Health & Libraries Broadband Coalition, California Telehealth Network, et al. on changes to the Part 54 rural healthcare rules. [Public Notice](#)
- Feb. 1 - Replies due on the [FNPRM](#) proposing to modify in part the four-year compensation rate plan for Video Relay Service adopted in 2013. [FR](#)
- Feb. 3 - Replies due on FairPoint's [Petition for Declaratory Ruling](#), which seeks a ruling that NECA is not properly compensating FairPoint in accordance with section 51.917 of the Commission's rules for ICC Eligible Recovery. [Public Notice](#)
- Feb. 5 - Replies due on CenturyLink's [Petition for Waiver](#) of sections 51.907 and 51.915 of the Commission's rules to facilitate an internal restructuring plan whereby CenturyLink will merge some or all of its ILECs in states in which it has multiple ILECs to reduce the number of study areas in the state. [Public Notice](#)
- Feb. 5 - Oppositions to direct cases due in the investigation of tariffed special access service pricing plans of AT&T, CenturyLink, Frontier, and Verizon. ILEC rebuttals due February 26. [Order](#)
- Feb. 8 - PRA comments due on an extension of a currently approved information collection associated with the proposal in the August 2000 [Second FNPRM](#) that ILECs provide requesting carriers with demographic and other information on particular remote terminals similar to the information available regarding ILEC central offices. [Notice](#)
- Feb. 19 - Replies due on Section IV.B of the Special Access [FNPRM](#). [Order](#)
- Feb. 22 - PRA comments due on an extension of a currently approved collection associated with FCC Forms 492 and 492-A, Rate-of-Return Monitoring Reports. [Notice](#)
- Feb. 26 - ILEC rebuttals due to oppositions to direct cases in the investigation of tariffed special access service pricing plans of AT&T, CenturyLink, Frontier, and Verizon. [Order](#)

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