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January 7, 2019 HIGHLIGHTS

- Geoffrey Starks and Commissioner Brendan Carr were confirmed by the Senate as FCC Commissioners. [Carr](#) was confirmed for a full term beginning July 1, 2018, and [Starks](#) was confirmed for the remainder of the term that began on July 1, 2017. [Chairman Pai](#) and Commissioners [Rosenworcel](#) and [Carr](#) issued statements.
- The FCC [announced](#) that due to continued partial lapse in federal government funding, the FCC suspended most operations on January 3, 2019. The FCC also [provided](#) a list of database systems and operations that will be available to the public during this lapse.
- The FCC issued a [tentative agenda](#) for its January 30, 2019 Open Meeting. The FCC will consider five items, including: a [Report and Order](#) establishing a schedule to end CAF Phase I support in price cap areas where winning bidders in the CAF Phase II auction will begin receiving Phase II support and in areas that were not eligible for the auction, while providing interim support in areas that did not receive any bids; an [NPRM](#) proposing to amend its Truth in Caller ID rules to implement the anti-spoofing provisions of the RAY BAUM'S Act; and a [Report and Order, FNPRM, and Order](#) to enhance program management, prevent waste, fraud, and abuse, and improve emergency call handling in the IP CTS program.
- The FCC issued an [Order on Reconsideration](#) granting Mescalero Apache Telecommunications' [Petition for Reconsideration](#) of the Tribal OpEx Order insofar as it argued it was incorrectly excluded from the list of carriers afforded relief. The FCC [updated](#) the list of carriers eligible for the Tribal OpEx relief to include Mescalero Apache Telecom and several other carriers.
- The FCC issued an [Order](#) extending the timeframe for the collection of speed test data for the Mobility Fund Phase II challenge process by 90 days. This change allows challengers' speed test data collected on or after February 27, 2018, and through the entire 240-day challenge window, to be submitted and considered with a challenge. It also extended by at least 90 days the timeframe for the collection of information to respond to a challenge.
- The FCC issued an [Order on Reconsideration](#) denying Sandwich Isles Communications' [Petition for Reconsideration](#) of the [Order](#) that found SIC improperly received payments in the amount of \$27,270,390 from the USF high-cost support mechanisms from 2002 to June 2015.

Other Key Upcoming Dates

- Jan. 14 - Comments due on the [FNPRMs](#) attached to the [Order](#) allowing certain RLECs that receive fixed high-cost support to transition from RoR regulation to incentive regulation for their business data services. Replies are due February 12, 2019. [FR](#)
- Jan. 17 - Comments due on the 2018 Biennial Review of Telecommunications Regulations, which seeks comments on amending rules in Parts 1, 8, 32, 36, 42, 43, 51, 52, 53, 54, 59, 61, 63, 64, 68 and 69. Replies are due February 19, 2019. [Public Notice](#)

USF Reform

- The Commission issued an [Order on Reconsideration](#) on December 31, 2018, granting Mescalero Apache Telecommunications' [Petition for Reconsideration](#) of the Tribal OpEx Order insofar as it argues that it was incorrectly excluded from the portion of the Order identifying carriers afforded relief. The Commission agreed that Mescalero Apache is eligible for the requested relief because, based on additional evidence provided by Mescalero Apache, it did not meet the 90-percent deployment threshold at the time the Tribal OpEx Order was adopted in April 2018.
- The Wireline Competition Bureau issued a [Public Notice](#) on December 31, 2018, updating the list of carriers eligible for the Tribal OpEx relief to include Mescalero Apache Telecom as well as several other carriers that are also eligible for relief under the Order even though they were not affected by the previous OpEx cap.
- The Commission issued [an Order](#) on January 3, 2019, extending the timeframe for the collection of speed test data for the Mobility Fund Phase II challenge process by 90 days. This change allows challengers' speed test data collected on or after February 27, 2018, and through the entire 240-day challenge window, to be submitted and considered with a challenge. It also extended by at least 90 days the timeframe for the collection of information to respond to a challenge.

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ICC

- AT&T filed [comments and a motion for acceptance of late filed comments](#) on January 2, 2019, on the [NPRM and Interim Waiver Order](#) proposing to eliminate two tariff filing requirements: the prohibition on a tariff referencing another tariff (Rule 61.74(a)) and the requirement that carriers file short form tariff review plans 90 days in advance of their annual access tariff filings (Rule 61.49(k)). In its comments, AT&T supported elimination of these rules. [All comments available to date.](#)
- SDN filed a [letter](#) on January 3, 2019, to respond to oppositions to SDN's Direct Case in the proceeding on the appropriate benchmark rate for SDN's interstate switched access service that is contained in its tariff revisions filed on September 17, 2018. SDN asserted the Commission should reject the arguments of [CenturyLink](#) and [JVCTC/NVC](#), and find that SDN is using the correct competing ILECs in calculating its benchmark rate and find that SDN's benchmark rate does not result in double recovery or permit it to recover higher rates than CenturyLink charges for the same access services.
- Aureon filed a [letter](#) on January 2, 2019, to submit additional confidential information as a follow up to a December 20, 2018 meeting between Aureon and FCC staff. It indicated this filing provides additional confidential information regarding Aureon's circuit inventory and cost information in the form of supplemental declarations from Aureon and its outside consultant, JSI.

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Broadband

- The FCC issued a [Public Notice](#) on January 2, 2019, announcing a [Petition for Reconsideration](#) was filed by the City of New Orleans, the Virginia Municipal League, the Kentucky League of Cities, *et al.* on November 14, 2018, of the September 2018 [Declaratory Ruling and Third Report and Order](#) on wireless infrastructure deployment. Oppositions to the Petition will be due 15 days after publication of this Public Notice in the Federal Register. Replies to oppositions will be due 10 days after the time for filing oppositions has expired.

- The FCC issued a [Public Notice](#) on January 3, 2019, announcing that due to the partial government shutdown, the meeting of the FCC's Technological Advisory Council scheduled for January 14, 2019, is cancelled and will be rescheduled. The FCC said it will announce a new date for the TAC meeting in the near future.
- Microsoft filed a [letter](#) on January 2, 2019, to provide a [public link](#) to its data on nationwide broadband usage. Microsoft said its interactive map enables users to drill down to data at the county level and congressional district level. Microsoft indicated each map allows a user to hover over an area to reveal granular broadband availability data and to compare the FCC's Form 477 data on broadband availability to Microsoft's data measuring where Americans are using broadband at 25 Mbps speed.

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Open Internet

- Chairman Pai issued a [statement](#) on January 2, 2019, saying he was “. . . pleased that a strong bipartisan majority of the U.S. House of Representatives declined to reinstate heavy-handed Internet regulation.” Pai noted the 115th Congress closed and did not invalidate the FCC's Restoring Internet Freedom Order through the Congressional Review Act. Pai claimed the FCC's light-touch approach is working, and said in 2019 it will continue to pursue its forward-looking agenda to bring digital opportunity to all Americans.

Universal Service

- The FCC issued an [Order on Reconsideration](#) on January 3, 2019, denying Sandwich Isles Communications' [Petition for Reconsideration](#) of the [Order](#) that found SIC improperly received payments in the amount of \$27,270,390 from the USF high-cost support mechanisms from 2002 to June 2015.
- The Wireline Competition Bureau issued a [Public Notice](#) on January 2, 2019, announcing it is opening WC Docket No. 19-2, entitled “E-Rate Program Amortization Requirement.”
- The Wireline Competition Bureau issued a [Public Notice](#) on January 2, 2019, seeking comment on GCI's [Application for Review](#) of a Bureau decision approving cost-based rural rates for certain Funding Year 2017 funding requests for services provided by GCI to health care providers in the Telecom Program of the Rural Health Care Mechanism. Comments are due February 4, 2019; replies are due February 19, 2019.
- Bloosurf filed a [Petition for ETC Designation](#) on January 2, 2019, for a service area containing 225 census blocks in the State of Delaware and 1,048 census blocks in the State of Maryland. It said it is obligated to obtain ETC designation status within 180 days of the CAF Phase II Auction Closing Public Notice, and therefore requested expeditious action so that it may meet this requirement.

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Misc.

- Chairman Pai issued [a statement](#) on January 2, 2019, congratulating Geoffrey Starks, who served as Assistant Chief in the Enforcement Bureau, and Commissioner Brendan Carr after the Senate confirmed them as FCC Commissioners. [Carr](#) was confirmed for a full term beginning July 1, 2018, and [Starks](#) was confirmed for the remainder of the term that began on July 1, 2017. Commissioners Rosenworcel and Carr issued statements on January 3, 2019. [Rosenworcel](#) congratulated both men, and [Carr](#) thanked the Senate and congratulated Starks.
- The FCC issued a [tentative agenda](#) for its January 30, 2019 Open Meeting. The FCC will consider a [Report and Order](#) establishing a schedule to end CAF Phase I support in price cap areas where

winning bidders in the CAF Phase II auction will begin receiving Phase II support and in areas that were not eligible for the auction, while providing interim support in areas that did not receive any bids. The FCC will also consider: an [NPRM](#) proposing to amend its Truth in Caller ID rules to implement the anti-spoofing provisions of the RAY BAUM'S Act; an [NPRM](#) that proposes revisions to the FCC's NCE and LPFM comparative processing and licensing rules; a [Report and Order](#) eliminating the requirement in section 73.2080(f)(2) that certain broadcast television and radio stations file the Broadcast Mid-Term Report (Form 397); and a [Report and Order, FNPRM, and Order](#) to enhance program management, prevent waste, fraud, and abuse, and improve emergency call handling in the IP CTS program. The FCC indicated that should the current lapse in funding end before January 9, 2019, additional items may be added to the agenda.

- The FCC issued a [News Release](#) on December 31, 2018, announcing that, in the event of a continued partial lapse in federal government funding, the FCC will suspend most operations in the middle of the day on Thursday, January 3, 2019. The FCC said work required for the protection of life and property will continue, as will any work related to spectrum auctions, which is funded by auction proceeds, and noted the Office of the Inspector General will continue operations until further notice. The FCC said it will release a public notice on January 2, 2019, detailing the effects the suspension of operations will have, including on electronic filing and database systems, filing deadlines, regulatory and application fee payments, transaction shot clocks, and more.
- The FCC issued a [Public Notice](#) on January 2, 2019, announcing that in the event of a continued partial lapse in federal government funding the FCC will suspend most operations in the middle of the day on Thursday, January 3, 2019. The FCC provided a list of database systems that will be available to the public during this lapse including, the Network Outage Reporting System, the Disaster Information Reporting System, the Consolidated Database System, the Electronic Comment Filing System, the Electronic Document Management System, the Auctions Public Reporting System, the Auction Application System, the Auction Bidding System, the Daily Digest, and the Commission Online Registration System. In addition, the FCC indicated its filing window and mail operations will be open only for the purpose of receiving filings related to the spectrum auction activities authorized by section 309(j) and filings necessary for the protection of life and property. Content on the FCC's website will remain accessible to the public, but only matters related to spectrum auction activities and matters necessary for the protection of life and property will be updated. The FCC also provided information on filing deadlines.
- The Wireline Competition Bureau issued a [Public Notice](#) on December 31, 2018, announcing that an additional party seeks access to highly confidential data filed in the price cap business data services proceedings. It said interested parties have until January 9, 2019, to object to disclosure of their data to the party seeking access. On November 29, 2018, the Bureau [announced](#) the secure data enclave containing highly confidential data filed in the price cap BDS proceedings reopened and parties that were not previously authorized to access the secure data enclave and now seek access must file signed Acknowledgments of Confidentiality pursuant to the protective orders in these proceedings.

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Upcoming Filing Dates

- Jan. 7 - Comments due on issues raised in the [NPRM](#) on promoting telehealth in rural areas related to determining the urban and rural rates used to calculate support in the Telecommunications Program within the Rural Health Care Program. Replies are due January 21, 2019. [Public Notice](#)
- Jan. 14 - Comments due on the Second FNPRM and FNPRM that accompanied the [Report and Order](#) that allows certain RLECs that receive fixed high-cost support to transition from RoR regulation to incentive regulation for their business data services. Reply comments are due February 12, 2019. [FR](#)
- Jan. 17 - Comments due on the 2018 Biennial Review of Telecommunications Regulations, which seeks comments on amending rules in Parts 1, 8, 32, 36, 42, 43, 51, 52, 53, 54, 59, 61, 63, 64, 68 and 69. Replies are due February 19, 2019. [Public Notice](#)

- Jan. 21 - Replies due on issues raised in the [NPRM](#) on promoting telehealth in rural areas related to determining the urban and rural rates used to calculate support in the Telecommunications Program within the Rural Health Care Program. [Public Notice](#)
- Jan. 25 - PRA comments due on an extension of a currently approved information collection associated with certain Part 64 rules on billing disclosure requirements for pay-per-call services. [Notice](#)
- Feb. 4 - Comments due on GCI's [Application for Review](#) of a Bureau decision approving cost-based rural rates for certain Funding Year 2017 funding requests for services provided by GCI to health care providers in the Telecom Program of the Rural Health Care Mechanism. Replies are due February 19, 2019. [Public Notice](#)
- Feb. 12 - Replies due on the Second FNPRM and FNPRM that accompanied the [Report and Order](#) that allows certain RLECs that receive fixed high-cost support to transition from RoR regulation to incentive regulation for their business data services. [FR](#)
- Feb. 19 - Replies due on the 2018 Biennial Review of Telecommunications Regulations, which seeks comments on amending rules in Parts 1, 8, 32, 36, 42, 43, 51, 52, 53, 54, 59, 61, 63, 64, 68 and 69. [Public Notice](#)
- Feb. 19 - Replies due on GCI's [Application for Review](#) of a Bureau decision approving cost-based rural rates for certain Funding Year 2017 funding requests for services provided by GCI to health care providers in the Telecom Program of the Rural Health Care Mechanism. [Public Notice](#)
- Feb. 25 - PRA comments due on an extension of a currently approved information collection associated with certain Part 64 rules on cost allocation. [Notice](#)

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