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January 8, 2018 HIGHLIGHTS

- The FCC released the [Restoring Internet Freedom Order](#) that, among other things, reclassifies broadband internet access service as an information service, reinstates the private mobile service classification of mobile BIAS, returns to the transparency rule adopted in 2014, and eliminates the additional reporting obligations. Commissioner Rosenworcel released a [statement](#) saying broadband providers will have the power to block websites, throttle services, and censor online content.
- ERTA [discussed](#) the uncertainty facing RoR carriers because of persistent USF funding cuts, and said additional funding is needed for RoR companies and A-CAM companies to provide broadband to more unserved areas.
- The FCC published a [Notice](#) in the Federal Register seeking PRA comments on revisions of currently approved information collections associated with pole attachment complaint procedures and network change disclosure requirements, as a result of changes in the Nov. 29, 2017 [Wireline Infrastructure Order](#). PRA comments are due March 5, 2018.
- NTIA filed [ex parte comments](#) on the [FNPRM](#) on how to collect better and more accurate information on Form 477, saying the most important areas for improvement are data accuracy and public accessibility.
- The USAC Board of Directors Chair sent a [letter](#) to Chairman Pai in response to Pai's [letter](#) asking USAC's Board to redouble its efforts on oversight of information technology and security.
- The Tenth Circuit Court issued an [Order](#) denying Blanca Telephone's [Petition](#) for a writ of mandamus of the FCC's [Order](#) that directed Blanca to repay \$6,748,280 in universal service support. Blanca filed a [Petition for Reconsideration](#) of the [Order](#) with the FCC.
- T-Mobile [claimed](#) it does not refuse to establish direct connections with other carriers and does not receive any revenue from Inteliquent or any other party for terminating any type of traffic routed through Inteliquent.
- The FCC released an [Order](#) terminating as dormant most of the proceedings listed in its January 13, 2017 *Sixth Dormant Proceedings Termination* [Public Notice](#). Exceptions included ASAP Paging's Petition for Preemption of the Texas PUC regarding retail rating of local calls to CMRS carriers.

Other Key Upcoming Dates

- Jan. 11 - PRA comments [due](#) on geo-coded location information demonstrating high-cost recipients meet their broadband deployment obligations via an electronic portal established by USAC.
- Jan. 17 - Comments due on the [FNPRM](#) on further changes to the pole attachment rules, network change disclosure processes, and section 214(a) discontinuance processes. Replies due February 16, 2018.
- Jan. 23 - Comments due on robocalls [FNPRM](#). Replies are due February 22, 2018.
- Jan. 24 - Comments due on the Lifeline [NPRM and NOI](#). Replies are due February 23, 2018.
- Jan. 26 - Replies [due](#) on the [NPRM and NOI](#) on implementing complete nationwide number portability.

Open Internet

- The Commission released the [Restoring Internet Freedom Order](#) on January 4, 2018, which was adopted at its December 14, 2017 Open Meeting. The Order: reclassifies broadband internet access service as an information service; reinstates the private mobile service classification of mobile BIAS and returns to the Commission's definition of "interconnected service" that existed prior to 2015; returns to the transparency rule adopted in 2014 with certain modifications; eliminates certain reporting requirements adopted in the 2015 Title II Order; and eliminates the Commission's conduct rules. Commissioner Rosenworcel released a [statement](#) saying broadband providers will have the power to block websites, throttle services, and censor online content, and said in this decision, "the FCC is on the wrong side of history, the wrong side of the law, and the wrong side of the American public."

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USF Reform

- The FCC [published](#) in the Federal Register on January 3, 2018, the [Public Notice](#) issued on December 20, 2017, providing further requirements for the handsets that mobile wireless providers in the Mobility Fund Phase II challenge process must designate for challengers to use when conducting speed tests in areas deemed presumptively ineligible for MF-II support. The FCC also adopted procedures for challengers to request access to USAC's challenge process portal. The FCC indicated parties may submit the list of provider-approved handsets as part of their 4G LTE coverage data filings due by January 4, 2018, or may elect to supplement those filings with the handset list by February 2, 2018.
- ERTA [spoke with](#) Chairman Pai's Advisor on January 4, 2018, to discuss the uncertainty facing RoR carriers because of persistent USF funding cuts. ERTA said additional funding is needed for RoR companies and A-CAM companies to provide broadband to more unserved areas. ERTA also expressed a desire for the FCC to instruct USAC to continue collecting the budgeted \$4.5 billion for high cost USF on a retroactive basis to the beginning of this year as well as using reserves for additional funding.
- Alaska Communications filed [a letter](#) on January 3, 2018, to notify the FCC that it has provided its list of unserved locations in partially-served census blocks that it proposes to serve with CAF Phase II support to each carrier that reported service in the relevant partially-served census blocks and to the Regulatory Commission of Alaska and relevant tribal governments.

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ICC

- T-Mobile filed [a letter](#) on January 5, 2018, to correct what it claimed are false and misleading statements regarding T-Mobile contained in joint [filings](#) by Consolidated Communications, Peerless Network, and West Telecom Services, and repeated in an [ex parte](#) filing by Philip J. Macres. T-Mobile claimed it does not refuse to establish direct connections with other carriers, currently maintains direct connections with most major carriers, and is willing to establish a direct connection with any carrier that: exchanges a sufficient volume of traffic with T-Mobile to justify the expense of a direct connection; seeks to use the direct connection solely for the exchange of traffic destined to, or originated by, its own end user customers; wants to exchange traffic on a bill-and-keep basis; and is willing to split the cost of an economically efficient direct connection. T-Mobile also claimed it does not receive any revenue in the form of payments, credits, or any other type of benefit from Inteliquent or any other party for terminating any type of traffic routed through Inteliquent. T-Mobile asserted its Safe Harbor POI Solution is the best way to jumpstart the stalled IP Transition and achieve the FCC's goals of securing the full range of associated benefits for the public.

- To date, no replies were filed on Venture Communications' Petition for Waiver of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) to implement its planned January 1, 2018 merger of two commonly-owned and merged study areas in the same state. [Public Notice](#)

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Broadband

- The FCC published a [Notice](#) in the Federal Register on January 4, 2018, seeking Paperwork Reduction Act comments on two revisions of currently approved information collections associated with pole attachment complaint procedures and section 251 network change disclosure requirements. The Nov. 29, 2017 [Wireline Infrastructure Order](#), among other things, expanded the type of pole attachment complaints that can be filed by ILECs, now allowing them to file complaints related to a denial of pole access by utilities. The Order also adopted new rules concerning section 251(c)(5) network change disclosures, with most of the changes applying to notices of planned copper retirements, and it removed a rule that prohibits ILECs from engaging in useful advanced coordination with entities affected by network changes. As a result of these changes, the total annual burden hours have been reduced by 392 hours. PRA comments are due March 5, 2018.
- NTIA filed [ex parte comments](#) on January 3, 2018, on the August 4, 2017 [FNPRM](#) on how to collect better and more accurate information on Form 477. NTIA asserted the most important areas for improvement in the Form 477 data collection program are data accuracy and public accessibility. NTIA urged the Commission to ensure the validation of data submitted by providers, create a streamlined data correction mechanism, and clarify the definition of a "served" area. NTIA also suggested the Commission seek to release datasets more quickly and with more public information. NTIA said if the Commission chooses to pursue an increase in granularity of fixed broadband deployment data, it recommends focusing on the small portion of census blocks that are large enough to make intra-block variation more likely.
- The National League of Cities sent [a letter](#) to the Chair of the Broadband Deployment Advisory Committee on December 21, 2017, to submit for BDAC's consideration filings made by a number of local government associations on broadband deployment. The NLC highlighted four points from the filings, including claims: the Commission cannot rewrite relevant statutory language to preempt local government laws that might inhibit broadband deployment; sections 253(c) and (d) prevent the Commission from preempting beyond a limited scope local management of the rights-of-way; the text of section 332(c)(7) does not permit the Commission to broadly preempt local action on wireless facilities; and "fair and reasonable compensation" includes market-based rent.
- The Communications Workers of America and the Utility Workers Union of America filed a [letter](#) on January 3, 2018, on the BDAC's Competitive Access to Broadband Infrastructure Working Group's pole attachments make-ready recommendations. CWA and UWUA said the BDAC and the Commission must reject any make-ready proposals that short circuit safe processes and violate legally binding contracts, asserting the recommendations propose clear violations of legally binding collective bargaining proposals and would put worker and public safety at risk. They said, at a minimum, the BDAC recommendations must include carve-out language that would acknowledge the primacy of collectively-bargained agreements regarding jurisdiction of make-ready work.

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Universal Service

- Brian L. Talbott, Chair, USAC Board of Directors, sent a [letter](#) to Chairman Pai on December 28, 2017, in response to Pai's [letter](#) asking USAC's Board to redouble its efforts on oversight of information technology and security. Talbott said the Board's nomination of Radha Sekar as its next Chief Executive Officer will bring extensive information technology experience, and indicated the Board is

seeking a qualified Chief Information Officer and Chief Information Security Officer to augment its information technology and security management functions. Talbott also said with regard to information security, the Board pledged USAC, in collaboration with FCC staff, will ensure that every effort is made to deliver timely and effective compliance with all applicable rules and requirements.

- The Tenth Circuit Court issued an [Order](#) on December 29, 2017, denying Blanca Telephone's [Petition](#) for a writ of mandamus of the FCC's [Memorandum Opinion and Order and Order on Reconsideration](#) that directed Blanca to repay \$6,748,280 in universal service support. The Court said mandamus is a drastic remedy that should be invoked only in extraordinary circumstances, and before granting such a remedy, the Court must be satisfied that there is no adequate alternative means for the relief Blanca seeks. The Court said Blanca has not met these requirements. Blanca filed a [Motion for leave](#) with the Court to provide notice it filed a [Petition for Reconsideration](#) with the FCC on December 29, 2017.
- Blanca Telephone filed a [Petition for Reconsideration](#) on December 29, 2017, of the FCC's [Memorandum Opinion and Order](#) that directed Blanca to repay \$6,748,280 in USF support. Blanca claimed it had no prior notice of the debt adjudication and collection procedure used in this case, and no notice that the FCC could find USF rule violations years after the occurrence of the purported USF rule violations. Blanca requested, among other things, USAC be directed to make all USF payments to Blanca until there is a final Order and to pay Blanca any USF monies which might have been withheld upon issuance of the December 8, 2017 Order and thereafter. Blanca also filed an [Errata](#) to this PFR on January 2, 2018, and a [Second Errata](#) on January 5, 2018.
- The FCC [published](#) in the Federal Register on January 3, 2018, the [NPRM](#) that was issued on December 18, 2018, proposing ways to ensure that rural healthcare providers get the support they need from the Rural Healthcare Program while guarding against waste, fraud, and abuse, and proposing a series of measures to ensure the RHC Program operates efficiently and within the appropriate size of the funding cap. Comments are due February 2, 2018; reply comments are due February 20, 2018.

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Misc.

- The Consumer and Government Affairs Bureau released an [Order](#) on January 5, 2018, terminating as dormant the proceedings listed in the attachment, with the exception of six proceedings that were included in the Bureau's [Public Notice](#) issued on January 13, 2017. Among the proceedings that remain open is ASAP Paging's Petition for Preemption of the Texas PUC regarding retail rating of local calls to CMRS carriers.
- The FCC [published](#) the [FNPRM](#) in the Federal Register on January 8, 2018, that seeks comments on potential mechanisms to ensure that erroneously blocked calls can be unblocked quickly and ways to measure the effectiveness of the Commission's and industry's robocalling efforts. Comments are due January 23, 2018; replies are due February 22, 2018.
- The National Council of Higher Education Resources [met with](#) Commissioner Carr's Acting Legal Advisor on January 3, 2018, to discuss the restrictions imposed by FCC rulings and Orders on calling and texting student loan borrowers on their mobile devices. It said the July 10, 2015 Declaratory Ruling and Order restricts the ability of student loan servicers and collectors to have live conversations with student loan borrowers. It emphasized the need for relief from the three-call-attempt per 30-day period and the one-call-attempt limit for calling reassigned numbers that are found in the Ruling and the Order, claiming such relief is not sufficient to permit live conversations to make struggling borrowers aware of the tools the Congress and the U.S. Department of Education have made available to help borrowers.

- To date, no replies were filed on Champaign Telephone Company's [Petition for Waiver](#) of the requirement that "investments once allocated to nonregulated use may not be reallocated to regulated use," consistent with the waiver process contemplated at that time. [Public Notice](#)
- The FCC [published](#) in the Federal Register on January 8, 2018, the [Order](#) issued on December 20, 2017, expanding the Intergovernmental Advisory Committee's membership from 15 to 30 and changing the composition of the Committee. The Committee will now consist of at least four elected municipal officials, at least two elected county officials, at least one local government attorney, at least one elected state executive, at least three elected state legislators, at least one public utility or public service commissioner, and at least three Native American Tribal representatives. The Order is effective January 8, 2018.
- The Enforcement Bureau issued an [Order](#) on January 5, 2018, amending section 1.80(b) to adjust the forfeiture penalties for inflation, in accordance with the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015. The Act requires agencies, starting in 2017, to adjust annually the civil monetary penalties covered thereunder, and to publish each such annual adjustment by January 15.

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Upcoming Filing Dates

- Jan. 8 - Comments due on Sprint's [Petition](#) for Reconsideration of a provision included in the [Order](#) that granted the California PUC's request for additional time to implement the federal streamlined Lifeline eligibility programs. Replies due January 23, 2018. [Public Notice](#)
- Jan. 8 - Comments due on the California PUC's [Petition](#) seeking a temporary waiver of Lifeline re-certification and non-usage rules for customers affected by the recent California wildfires. Replies are due January 23, 2018. [Public Notice](#)
- Jan. 10 - Replies due on Verizon's [Petition for Waiver](#) of rule 61.74(a) when one of Verizon's FCC tariffs references another. [Public Notice](#)
- Jan. 11 - PRA comments due on a new information collection pursuant to the requirement that certain carriers with USF high cost reporting obligations must file geo-coded location information demonstrating they meet their broadband deployment obligations via an electronic portal established by USAC. [Notice](#)
- Jan. 11 - PRA comments due on a new information collection related to the Mobility Fund II challenge process.
- Jan. 17 - Comments due on the [FNPRM](#) on further changes to the pole attachment rules, network change disclosure processes, and section 214(a) discontinuance processes. Replies due February 16, 2018.
- Jan. 23 - Replies due on the California PUC's [Petition](#) seeking a temporary waiver of Lifeline re-certification and non-usage rules for customers affected by the recent California wildfires. [Public Notice](#)
- Jan. 23 - Comments due on potential mechanisms to ensure that erroneously blocked calls can be unblocked quickly and without harm to callers and consumers, and ways to measure the effectiveness of robocalling efforts. Replies are due February 22, 2018. [FNPRM](#)
- Jan. 23 - Comments due on the [FNPRM](#) on spectrum bands above 24 GHz. Replies are due February 22, 2018.
- Jan. 23 - Replies due on Sprint's [Petition](#) for Reconsideration of a provision included in the [Order](#) that granted the California PUC's request for additional time to implement the federal streamlined Lifeline eligibility programs. [Public Notice](#)

- Jan. 24 - Comments due on the NPRM and NOI portion of the Lifeline [Fourth Report and Order, Order on Reconsideration, MO&O, NPRM and NOI](#). Replies are due February 23, 2018.
- Jan. 26 - Replies due on the [NPRM and NOI](#) on the regulatory and technological changes that would be required to implement complete nationwide number portability between all service providers. [Federal Register](#)
- Feb. 1 - PRA comments due on an extension of a currently approved information collection associated with Form 480, Rural Call Completion Recordkeeping and Reporting Requirements. [Notice](#)
- Feb. 2 - Comments due on the [NPRM](#) on ways to ensure that rural healthcare providers get the support they need from the Rural Healthcare Program while guarding against waste, fraud, and abuse, and proposing a series of measures to ensure the RHC Program operates efficiently and within the appropriate size of the funding cap. Replies due February 20, 2018. [FR](#)
- Feb. 16 - Replies due on the [FNPRM](#) on further changes to the pole attachment rules, network change disclosure processes, and section 214(a) discontinuance processes.
- Feb. 20 - Replies due on the [NPRM](#) on ways to ensure that rural healthcare providers get the support they need from the Rural Healthcare Program while guarding against waste, fraud, and abuse, and proposing a series of measures to ensure the RHC Program operates efficiently and within the appropriate size of the funding cap. [FR](#)
- Feb. 22 - Replies due on potential mechanisms to ensure that erroneously blocked calls can be unblocked quickly and without harm to callers and consumers, and ways to measure the effectiveness of robocalling efforts. [FNPRM](#)
- Feb. 22 - Replies due on the [FNPRM](#) on spectrum bands above 24 GHz.
- Feb. 23 - Replies due on the NPRM and NOI portion of the Lifeline [Fourth Report and Order, Order on Reconsideration, MO&O, NPRM and NOI](#).
- Mar. 5 - PRA comments due on two revisions of currently approved information collections associated with pole attachment complaint procedures and section 251 network change disclosure requirements. [Notice](#)

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Editor: [Teresa Evert](#) | Assistant Editor: [Shawn O'Brien](#)