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January 11, 2016 HIGHLIGHTS

- The FCC issued the [tentative agenda](#) for its January 28, 2016 Open Meeting, and will consider: the 2016 Broadband Progress Report on whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, pursuant to section 706; a Report and Order which modernizes the public inspection file rules, and an NPRM to strengthen the Emergency Alert System. The FCC [provided](#) a summary of Chairman Wheeler's draft of the 2016 Broadband Progress Report.
- USTelecom filed [a letter](#), revising and updating the model spreadsheet on the bifurcated approach to USF reform originally provided to the Commission on September 25, 2015.
- Vantage Point filed [a letter](#) containing a refreshed assessment of what impact the A-CAM model revisions have on the A-CAM's ability to properly estimate the costs of FTTP deployment in RLEC areas.
- [Somerset Telephone](#), [Bloomer Telephone](#), [Amery Telcom](#), [Baldwin Telecom](#), [Spring Valley Telephone](#), [Nelson Communications Cooperative](#), [Clear Lake Telephone](#), and [Hager Telecom](#) filed letters, claiming West Wisconsin Telcom erroneously reported census blocks in its Form 477 deployment files that included their study areas, and said these errors eliminated all potential A-CAM support for them in Version 2.1.
- Totalcom [said](#) the A-CAM v2.1 model is not using the company's corrected Form 477 broadband deployment data that was filed on November 19, 2015, and it seeks to have the model updated with this corrected data before it is finalized.
- NTCA [discussed](#) the status of any review of the reports filed by providers last year on rural call completion, and urged the FCC to use the reports as a diagnostic tool to identify and move toward elimination of problematic rural call completion practices.
- The House Subcommittee on Communications and Technology [will review](#) four communications bills on January 12, 2016, including a bill seeking to prevent the FCC from regulating the rates charged for broadband Internet and a bill making permanent the FCC's temporary exemption from the enhanced disclosure rules for small businesses required by the FCC's Open Internet Order.
- Replies were filed on U.S. TelePacific's [Petition for Clarification](#) of the [Report and Order](#) on copper retirement. In addition to [U.S. TelePacific](#), [CALTEL](#), and [INCOMPAS](#) supported the Petition; [AT&T](#) opposed the Petition. [FR](#)

Other Key Upcoming Dates

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

USF/ICC Transformation Order

- USTelecom filed [a letter](#) on January 4, 2016, revising and updating the model spreadsheet on the bifurcated approach to USF reform originally provided to the Commission on September 25, 2015. It said this version of the model was developed to explore the mechanics of bifurcation if all assets are directly assigned by vintage (before or after the Date Certain), as requested by Wireline Competition Bureau staff.
- Vantage Point filed [a letter](#) on January 5, 2016, containing a refreshed assessment of what impact the A-CAM model revisions have on the A-CAM's ability to properly estimate the costs of FTTP deployment in RLEC areas. Vantage Point claimed the revisions had small, but positive, impacts on model accuracy, but said the changes in the model performance are inconsistent and remain unexplained. It asserted the positive impact provides hope that additional improvements could further increase the model's predictive power. Vantage Point asserted, as currently configured, the A-CAM lacks the precision needed to be the foundation upon which USF reform is built.
- Hager Telecom filed [a letter](#) on January 4, 2016, claiming West Wisconsin Telcom erroneously reported census blocks in its Form 477 deployment file, and this erroneous filing has eliminated all potential A-CAM support for Hager Telecom in Version 2.1, released on December 17, 2015. Hager said West Wisconsin Telcom has since revised its reported FCC Form 477 deployment files, and the revision now reflects only those census blocks which are within West Wisconsin Telcom's own study area boundary. Hager requested the WCB and the FCC, along with Cost Quest, produce another set of A-CAM illustrative results reflecting the revisions to the Form 477 deployment file so that Hager Telecom will not lose all model-based support due to incorrect data. [Somerset Telephone](#), [Bloomer Telephone](#), [Amery Telcom](#), [Baldwin Telcom](#), [Spring Valley Telephone](#), [Nelson Communications Cooperative](#) and [Clear Lake Telephone](#) all filed similar letters.
- Totelcom Communications filed [a letter](#) on January 6, 2016, stating the A-CAM v2.1 model is not using the company's corrected Form 477 broadband deployment data that was filed on November 19, 2015, and it seeks to have the model updated with this corrected data before it is finalized. It said the company's original Form 477 reports significantly overstated the maximum advertised broadband speeds available in the majority of its census blocks, but it filed corrected deployment data for each of the three reporting periods on November 19, 2015.
- NexTech filed [a letter](#) on December 31, 2015, explaining that although it submitted the appropriate map information during the CAF Phase II challenge process demonstrating that all census blocks in the Hays, Kansas exchange are fully served by its FTTP broadband service, the Form 505 list of census blocks inadvertently omitted the census blocks containing the 539 locations approved for CAF Phase II funding. NexTech claimed it serves 100% of these 539 locations and it would be a "misappropriation of funds" for the FCC to now award CAF Phase II funds to the price cap carrier serving these locations.
- Brantley Telephone, Pembroke Telephone, Pineland Telephone, Public Service Telephone, and Waverly Hall Telephone filed a [Petition for Limited Waiver](#) of 51.917(b)(7)(ii) on January 5, 2016, in order to include amounts owed by Halo Wireless in their Fiscal Year 2011 Base Period ICC Revenues. They asserted exclusion of the amounts owed has a significant adverse impact on their recovery mechanism funding, which in turn has limited their ability to invest in and improve their networks. They said their requested relief is similar to the relief the FCC recently granted for other similarly-situated providers.
- The Rural Wireless Association [met with](#) Commissioner O'Rielly's Legal Advisors on January 5, 2016, to express support for efforts to give mobile wireless providers an opportunity to participate in the CAF Phase II reverse auction - so long as the service obligations are set at achievable levels. RWA said CAF Phase II, however, is not an appropriate substitute for a robust Mobility Fund. RWA also discussed the interrelation of the CAF reverse auction, the Mobility Fund, and a remote areas fund, and how each program may fit into the overall universal service puzzle.

- Atlantic Tele-Network [met with](#) Wireless Telecommunications Bureau staff on January 4, 2016, to discuss its proposal for the structure and implementation of Mobility Fund Phase II. ATN said it now proposes that currently unserved areas would be eligible for support only from the Expansion Fund, and thus to the extent bidders for unserved areas believe they will need support for ongoing operations (in addition to support for capital expenses), bidders should include such operations support in their bids. ATN also clarified that areas with two or more subsidized providers – and no unsubsidized providers – would be included under its proposal in the Preservation Fund auction.

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Open Internet

- The House Subcommittee on Communications and Technology issued a [press release](#) on January 5, 2016, announcing it will hold a hearing on January 12, 2016, to review four communications bills. The subcommittee will review: the “No Rate Regulation of Broadband Internet Access Act,” which seeks to prevent the FCC from regulating the rates charged for broadband Internet; the “Small Business Broadband Deployment Act,” which would make permanent the FCC’s temporary exemption from the enhanced disclosure rules for small businesses required by the FCC’s Open Internet Order; the “Anti-Spoofing Act,” which extends the provisions of the Truth in Caller ID Act of 2009 to text messaging; and the “Amateur Radio Parity Act.”

IP Transition

- Reply comments were filed on January 5, 2016, on U.S. TelePacific’s [Petition for Clarification](#) of the [Report and Order](#) on copper retirement. TelePacific asserted clarification is needed because the measures established in the Report and Order do not appear to address circumstances where the ILEC retires copper but does not discontinue TDM services in the relevant community. [U.S. TelePacific](#) said neither opposition from Verizon nor ADTRAN demonstrates that it would be in the public interest to force a CLEC to decide whether to file a section 214 application before it has had adequate time to explore alternative means of continuing to provide broadband to its EoC customer. [CALTEL](#) supported the Petition and claimed without such clarification, the Commission runs the risk of continuing to create regulatory uncertainty on issues critical to CLECs and the competition they provide. [INCOMPAS](#) supported the Petition and asserted the discontinuance of TDM special access services is a separate issue from copper retirement, as TDM can be - and is - provided over copper or fiber. [AT&T](#) opposed the Petition, saying TelePacific fails to justify the additional delay in retiring copper facilities that would result from its proposal, and said there is no basis for the Commission to modify its newly-established copper retirement notice requirements. [FR](#)
- XO filed an [Erratum](#) on January 5, 2016, to its December 28, 2015 [comments](#) on US TelePacific’s Petition for Clarification on the copper retirement rules. XO said it advocated in its comments for a clarification that a section 214 discontinuance application by a competitive provider should be subject to an automatic grant when predicated on a copper retirement noticed by an ILEC if the competitive provider’s application is filed at least forty days prior to the retirement. XO clarified that the term “filed” in its comments refers to the *submission* of the section 214 discontinuance petition with the Commission, not the date of its public notice as defined in section 63.71.
- The FCC issued a [Notice](#) in the Federal Register on January 6, 2016, seeking Paperwork Reduction Act comments on a revision to a currently approved information collection associated with reporting, recordkeeping and/or third party disclosure requirements under section 251(c)(5), which the FCC changed in the [August 2015 Report and Order](#) and applies to notices of planned copper retirements. The FCC decreased the number of potential respondents by 550 from the previous submission, explaining that an estimated 679 are entitled to the rural exemption under 251(f)(1). PRA comments are due February 5.

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Broadband

- The FCC released a [Fact Sheet](#) on January 7, 2016, providing a summary of Chairman Wheeler's draft of the 2016 Broadband Progress Report, which he is circulating to his fellow Commissioners for their consideration at the January 28 Open Meeting. The draft report, prepared for Congress pursuant to section 706 of the Telecom Act, found that while the nation continues to make progress in broadband deployment, advanced telecommunications capability is not being deployed in a reasonable and timely fashion to all Americans. The FCC said approximately 34 million Americans still lack access to fixed broadband at the FCC's benchmark speed of 25 Mbps down/3 Mbps up, and a persistent urban-rural digital divide has left 39 percent of the rural population without access to fixed broadband.
- Rajender Razdan, of the FCC's Electromagnetic Compatibility Division/OET, filed a [letter](#) with the FCC Secretary on January 7, 2016, to state that on November 12, 2015, representatives of broadband providers, public interest groups, companies, and other organizations met via conference call with Commission staff to discuss ongoing analysis of data collection measurements for the fixed Measuring Broadband America program. They discussed, among other things, the observed anomalies in the collected data from the M-Lab servers for the 100 Mbps service tier. They also met on [November 30, 2015](#) and on [December 15, 2015](#) to discuss similar issues.

Call Completion

- NTCA [met with](#) Wireline Competition Bureau staff on January 5, 2016, to ask about the status of any review of the reports filed by providers last year on rural call completion. NTCA urged the FCC to use the reports as a diagnostic tool to identify and move toward elimination of problematic rural call completion practices, to publicize any relevant data points and trends arising out of review of those reports, and to educate all stakeholders on further steps that might be taken to enable more effective use and validation of the data in the reports. NTCA also discussed the continuing need to capture data on call completion to consumers served by CLECs in rural areas.

USF

- The D.C. Circuit Court issued an [Order](#) on December 23, 2015, denying Easy Wireless, Terracom, and True Wireless' [Motion](#) for partial stay of the [June 2015 Lifeline Second Order](#), and setting the briefing schedule in the case addressing their [Petition for Review](#) of the Order. Petitioners asked the Court to stay the Order insofar as it alters the territory in which Tribal Lifeline benefits are available in Oklahoma. Petitioners' Joint Brief is due February 9.
- The FCC issued a [Public Notice](#) on January 8, 2015, announcing Chairman Wheeler appointed six members to the USAC Board of Directors. The new members are: Hon. Ronald A. Brisé, Florida Public Service Commission; Alan Buzacott, Verizon Communications; Brent Fontana, Zayo; Dr. Michael Hernandez, Arkansas Department of Education; Kenneth Mason, Frontier Communications Corporation; and Olivia Wein, National Consumer Law Center.
- TracFone Wireless filed a [letter](#) on January 8, 2015, withdrawing its [Emergency Petition for Declaratory Ruling](#), which asked the Commission to preempt enforcement of state laws and regulations that impose 911 taxes and fees on low-income Lifeline customers who receive no charge wireless Lifeline service. TracFone said the applicability of Indiana's 911 fee to Lifeline services, such as those provided by TracFone and others, is the subject of two court proceedings, and these issues should be adjudicated by the federal district court in these cases.
- Infiniti Mobile filed a [Petition](#) on January 4, 2016, seeking limited designation as an ETC in Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, New York, Tennessee, Texas, Virginia, and the District of Columbia solely for purposes of offering services supported by the Lifeline

program. IM said each of these States has provided an affirmative statement that it does not exercise jurisdiction over wireless providers for purposes of ETC designation.

- WirelessFreeway filed its [Lifeline Compliance Plan](#) on December 28, 2015, outlining the measures it will take to implement conditions imposed in the [Lifeline Reform Order](#).
- Consumer Action filed a [letter](#), with over 2,580 signatures, on January 5, 2016, asking the FCC to oppose recommendations to reduce the ranks of low-income Americans who would be eligible for Lifeline. Consumer Action opposed recommendations that would limit Lifeline eligibility to households on the federal Supplement Nutrition Assistance Program and, instead, rely on a voucher or other Electronic Benefits Transfer-based payment system to provide benefits.

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Misc.

- The FCC issued a [tentative agenda](#) on January 7, 2015, for its January 28, 2016 Open Meeting. The FCC will consider: the 2016 Broadband Progress Report on whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, pursuant to section 706 of the Telecom Act; a Report and Order which modernizes the public inspection file rules by requiring cable and satellite TV operators and broadcast and satellite radio companies to post public inspection files on the FCC's online database; and an NPRM to strengthen the Emergency Alert System by promoting participation on the state and local levels.
- Direct cases were due January 8, 2016, 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](#)
- Comments were filed on January 4, 2016, on the [FNPRM](#) proposing to modify in part the four-year compensation rate plan for Video Relay Service adopted in 2013. [ZVRS](#) suggested the FCC adopt the rule requiring 80 percent of monthly VRS calls to be answered within 45 seconds, adopt proportional penalties for failure to meet the standard, and streamline the waiver process for failures due to unavoidable events beyond a provider's control. [Sorenson](#) said while it supports enhanced speed-of-answer requirements and initiating trials for skills-based routing and using deaf video interpreters, it said the FCC must compensate providers for all costs associated with any new requirements it imposes. [Purple Communications](#) said it is concerned that the FCC appears to be taking the position that any provider that chooses to participate in any trial will do so voluntarily, without the ability to recoup exogenous costs from the Fund to support these important initiatives. Comments also filed by [Registry of Interpreters for the Deaf, Inc.](#); [Convo Communications](#); [ASL Services Holdings](#); [MARIE and CATIE Centers](#); and [Hancock, Jahn, Lee & Puckett, LLC](#). Replies are due February 1. [FR](#)
- The FCC issued a [Notice](#) in the Federal Register on January 6, 2016, seeking Paperwork Reduction Act comments on an extension of a currently approved information collection associated with pole attachment complaint procedures. The information is used to ensure telecommunications carriers and cable system operators have nondiscriminatory access to utility poles, ducts, conduits, and rights-of-way on rates, terms and conditions that are just and reasonable. PRA comments are due March 7.
- The FCC issued a [correction](#) in the Federal Register on January 11, 2016, to the [Order](#) establishing an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the Numbering Administrators. The FCC removed the title "Central office code administration" on page 66477, in paragraph 2 in § 52.5, and revised it to read "Definitions."
- The FCC issued a [Public Notice](#) on January 8, 2016, seeking comment on its Seventh Annual [Report to Congress](#) on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges. The Commission submits the Report to Congress annually pursuant to the New and Emerging Technologies 911 Improvement Act of 2008, which requires that the Commission report whether 911

fees and charges collected by the states, the District of Columbia, U.S. territories, and Indian territories are being used for any purpose other than to support 911 and Enhanced 911 services. Comments are due February 8; replies due March 9.

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Upcoming Filing Dates

- 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. 14 - Replies due 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](#) | [Order](#)
- 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. 5 - PRA comments due on a revision to a currently approved information collection associated with reporting, recordkeeping and/or third party disclosure requirements under section 251(c)(5), which the FCC changed in the [August 2015 Report and Order](#) and applies to notices of planned copper retirements. [Notice](#)
- Feb. 8 - Comments due on the FCC's Seventh Annual [Report to Congress](#) on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges. Replies due March 9. [Public Notice](#)

- 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](#)
- Mar. 7 - PRA comments due on an extension of a currently approved information collection associated with pole attachment complaint procedures. [Notice](#)
- Mar. 9 - Replies due on the FCC's Seventh Annual [Report to Congress](#) on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges. [Public Notice](#)

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