**January 13, 2020 HIGHLIGHTS**

- The FCC issued a tentative agenda for its January 30, 2020 Open Meeting. It will consider five items, including a report and order that would adopt a two-phase reverse auction framework for the Rural Digital Opportunity Fund, committing $20.4 billion in high-cost universal service support to bring high-speed broadband service to unserved Americans.

- The order establishing an eligible locations adjustment process consistent with the parameters set forth in the CAF Phase II auction Reconsideration Order and prior FCC guidance for making adjustments to defined deployment obligations is effective February 12, 2020.

- The Wireline Competition Bureau announced it is ready to authorize CAF Phase II support for Mid-Hudson Data Corp. in conjunction with the New York Broadband Program.

- NTCA said the FCC should reject USTelecom’s proposals for a new 50/5 tier and to reduce the 100 Mbps tier from what was proposed in the RDOF notice and applied in the CAF auction. USTelecom filed a paper it claims shows the inefficiencies that high-latency bidders bring to the RDOF auction.

- Reply comments were filed on the effectiveness of the FCC’s 2012 tribal engagement further guidance.

- The FCC announced the release of updated data on fixed broadband deployment and mobile voice and broadband deployment as of December 30, 2018, based on Form 477 data.

- The USDA announced it invested $23 million for broadband projects in North Dakota, and invested $48 million in Virginia. The funding is through the USDA’s ReConnect pilot program.

- Sens. Joe Manchin (D-W. Va.), et al. sent a letter to Chairman Pai to urge the Commission to focus efforts on providing reliable broadband to rural communities before expanding 5G coverage.

- Oppositions were filed to Aureon Network Services’ petition for reconsideration of the access arbitrage order. Replies are due January 17, 2020. FR

- Free Conferencing filed a petition seeking a waiver of the 45-day implementation date of the access arbitrage order.

- The U.S. Court of Appeals for the D.C. Circuit announced the allotted time for the January 17, 2020 oral argument in the proceeding seeking review of the Commission’s separations freeze order. Petitioners and respondents will each have 15 minutes to argue.

**Other Key Upcoming Dates**


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USF Reform

- The FCC issued a news release on January 8, 2020, announcing Chairman Pai presented his colleagues with final rules to launch the new $20.4 billion Rural Digital Opportunity Fund. The order, which will be considered at the FCC’s January 30, 2020 Open Meeting, would establish a two-phased process to provide funding for the deployment of high-speed broadband in areas of the United States where there is currently not fixed broadband service that meets the Commission’s minimum speed standard (25/3 Mbps). Chairman Pai wrote a blog post on the RDOF item and other items that will be considered at the Open Meeting.

- The order establishing an eligible locations adjustment process consistent with the parameters set forth in the CAF Phase II auction Reconsideration Order and prior FCC guidance for making adjustments to defined deployment obligations was published in the Federal Register on January 13, 2020. The order is effective February 12, 2020.

- The Wireline Competition Bureau issued a public notice on January 6, 2020, announcing it is ready to authorize CAF Phase II support for Mid-Hudson Data Corp. in conjunction with the New York Broadband Program. The Bureau said to be authorized to receive the total 10-year support amount listed in attachment A, Mid-Hudson is required to submit acceptable irrevocable stand-by letter(s) of credit and Bankruptcy Code opinion letter(s) from its legal counsel by January 21, 2020.

- Chairman Pai sent letters to Sen. David Perdue (R Ga.) and Reps. Adrian Smith (R Neb.), et al., Kendra Horn (D Okla.), Frank D. Lucas (R Okla.), and Markwayne Mullin (R Okla.) on January 3, 2020, on Pineland Telephone’s petition for reconsideration of the decision to preclude A-CAM I carriers from electing A-CAM II support and obligations. Pai said the FCC sought comment on Pineland’s petition in early 2019 and FCC staff are reviewing the record in the proceeding.

- NTCA filed a letter on January 7, 2020, to respond to USTelecom on proposals to increase the spread of weights between tiers for the Rural Digital Opportunity Fund auction. NTCA urged the Commission to reject the USTelecom proposals to insert a new 50/5 tier and to reduce the 100 Mbps tier from what was proposed in the RDOF notice and applied in the CAF auction. NTCA asserted that just as the FCC is considering migrating from an LTE-focused Mobility Fund to a 5G Fund, the Commission should be looking now in the fixed service context to build upon the CAF auction and promote better performance in lieu of reducing upload speeds and penalizing the gigabit tier by providing a lesser effective spread than in even the CAF auction.

- NTCA and ACA Connects filed a letter on January 6, 2020, in response to Frontier, USTelecom, et al.’s suggestion that the Commission lower the upstream speed for the 100 Mbps performance tier from 20 to 10 Mbps for the RDOF. NTCA and ACA Connects said the Commission should reject that proposal because it runs counter to Chairman Pai’s admonition that the USF must be forward-looking and support the networks of tomorrow. They said under Frontier, USTelecom, et al.’s proposal, consumers in eligible areas would not receive reasonably comparable upstream service, as required by the statute, initially, let alone over the 10-year duration of the RDOF program.

- USTelecom spoke with Chairman Pai’s rural broadband advisor on January 3, 2020, to discuss the ex parte it filed regarding proposals to increase the weight of FTTH technologies for the Rural Digital Opportunity Fund. USTelecom also attached a response by Economists Incorporated to certain arguments that Viasat has placed in the record via its consultant, Auctionomics. USTelecom claimed the response shows the inefficiencies that high-latency bidders bring to the auction.

- ACA Connects filed a letter on January 8, 2020, to respond to USTelecom on proposals to increase the spread of weights between tiers for the RDOF auction. ACA asserted USTelecom did not comment on ACA Connect’s study showing that increasing the preference for the gigabit tier will drive greater participation and a more cost-effective result, thus freeing up funding. ACA Connects claimed its study
shows that, if the Commission adopted its proposed methodology, there would be sufficient funding to bring broadband service to all eligible areas using all technologies.

- NCTA spoke with Chairman Pai’s rural broadband advisor on January 7, 2020, to discuss the Rural Digital Opportunity Fund. NCTA suggested the FCC: prioritize areas that do not have 10/1 Mbps broadband over areas that have received CAF model-based support previously; target RDOF support to areas that are not already receiving subsidies; consider forbearing from the ETC requirement; address concerns about location counts; reject requests from price cap phone companies for ongoing CAF support beyond the amount contemplated in the rules; and not provide preferences for certain types of technologies over others in the RDOF.

- Conexon met with Chairman Pai’s rural broadband advisor on January 6, 2020, to discuss the Rural Digital Opportunity Fund. Conexon asserted its budget clearing round proposal for the RDOF auction would result in the same number of locations served, but a far higher number of locations would be served with fiber technology, all while reducing future high cost disbursements. Conexon claimed if the budget clearing round been in effect during the CAF II auction, there would have been an additional 23% locations winning at the gigabit tier and the average winning bid would have been $389 per location, far less than price cap carriers receive today for 10/1 Mbps broadband service.

- The Fiber Broadband Association filed a letter on January 3, 2020, in response to Frontier, USTelecom, et al.’s suggestion that the Commission lower the upstream speed for the 100 Mbps performance tier from 20 to 10 Mbps for the RDOF. FBA attached data on consumer use of broadband upload capabilities that it says show average upload speeds in the U.S. surpassed 10 Mbps over two years ago, grew by 75 percent over the next year, and continues to increase significantly. FBA asserted that because funding for the RDOF program will flow at least through 2030, there is no support for adopting an already antiquated upstream speed of 10 Mbps for the 100 Mbps performance tier, and the evidence supports adoption of an even higher upstream speed requirement.

- The Satellite Industry Association met with staff from the Rural Broadband Auctions Task Force, the Office of Economics and Analytics, and the Wireline Competition Bureau on January 6, 2020, to discuss the RDOF. SIA asserted the bidding tier structure should be technology-neutral and the FCC must adopt rules that enable the implementation of the NPRM’s proposal to allow applicants to use different technologies including hybrid networks to meet their USF obligations.

- Cradlepoint filed a letter on January 6, 2020, to express support for comments by Hughes Network Systems, ViaSat, Big River and the Satellite Industry Association on the inclusion of hybrid networks in the Rural Digital Opportunity Fund. Cradlepoint said it supports the FCC adopting a technology and competitively-neutral approach to RDOF funding.

- Reply comments were filed on January 6, 2020, on the effectiveness of the FCC’s 2012 tribal engagement further guidance, steps the FCC can take to assist parties with their engagement efforts, and refreshing the record on pending petitions for reconsideration that were filed on the tribal engagement obligation reporting. The Montana Telecommunications Association requested specific examples of good documentation and recordkeeping a provider would need to maintain to establish compliance with the tribal engagement guidance to avoid a situation in which it believes it complied with the guidance only to find out after the fact that the provider’s documentation does not meet USAC’s interpretation of the guidelines. The Alaska Telecom Association said FCC rules should be flexible to provide the best benefit possible from tribal engagement, and practical rules allowing letter, phone, video conference, and/or in person meetings, recognition of engagement at regional or statewide meetings, and recognition of the value of Native boards of directors will make tribal engagement more efficient and productive for both providers and tribal entities in Alaska. Smith Bagley, Inc. agreed with commenters that urged the FCC to enhance the role of the Office of Native Affairs and Policy in the tribal engagement process. SBI said while the current ONAP guidance provides an appropriate baseline for tribal engagement, it should be updated to emphasize the importance of contacts at the local or chapter level in addition to official top-level contacts. public notice. Replies also filed by: MuralNet and The Oceti Sakowin Tribal Utility Authority.
A correction to the December 9, 2019 Federal Register summary of the order on reconsideration on CAF testing procedures and performance measures was published in the Federal Register on January 8, 2020. In the FR summary, on page 67235 (ordering clause), the text “except for paragraphs 15, 16, 19, 22, 23, 26, 31 through 38, 43 through 49, 52, 53, 64 and 75 through 91” is corrected to read “except for paragraphs 8, 9, 12, 15, 16, 19, 24 through 31, 37 through 42, 45, 46, 57, and 68 through 84. The order is effective January 8, 2020.

ICC

Oppositions were filed on January 7, 2020, to Aureon Network Services’ petition for reconsideration of the September 2019 access arbitrage report and order. Sprint said the FCC should reject Aureon’s proposal to prohibit outright services like conference calling. Sprint asserted the record shows there are many users of conference calling services and there is no need for the FCC to ban conference calling services or other services that generate high traffic volumes. AT&T asserted while Aureon may not be the root cause of access stimulation, Aureon has facilitated the growth of access stimulation schemes, and has benefitted from the significant increase in traffic generated by such schemes. Verizon asserted since Aureon repeats the same argument that the Commission dismissed in the access arbitrage order, without providing any additional financial data to support Aureon’s claim, the Commission should reject the petition. Verizon also said the Commission should reject Aureon’s request that the Commission reconsider its decision to shift financial responsibility for access stimulation transport to the terminating LEC. all oppositions to date. Replies are due January 17, 2020. FR

Free Conferencing Corporation filed a petition on January 8, 2020, seeking a waiver of the 45-day implementation date of the access arbitrage order. Free Conferencing asserted it has made arrangements to transition its traffic away from carriers that are either no longer engaging in the access stimulation business or would not have balanced traffic ratios such that they would comply with the order. Free Conferencing claimed certain IXCs are making Free Conferencing’s transition impossible by ignoring additional routes and switches in the LERG, and are not provisioning additional capacity required to handle the transition.

OmniTel and Interstate Cablevision filed letters on January 9, 2020, to notify the FCC they have terminated their participation in access stimulation as defined in the September 2019 order. OmniTel and Interstate stated that effective as of October 29, 2019, and December 29, 2019, respectively, their end user relationships with high volume calling providers were terminated.

Broadband

The Office of Economics and Analytics, the Wireline Competition Bureau, and the Wireless Telecommunications Bureau issued a public notice on January 8, 2020, announcing the release of updated data on fixed broadband deployment and mobile voice and broadband deployment as of December 30, 2018, based on Form 477 data. Fixed deployment data, including revisions made by filers through December 3, 2019, is available here and mobile deployment data, including revisions made by filers through June 11, 2019, is available here.

The USDA announced on January 7, 2020, it invested $23 million in two high-speed broadband infrastructure projects that will create or improve rural e-connectivity for 2,643 rural households and 78 businesses in North Dakota. The USDA said Polar Communications will use a $21.2 million loan and grant combination to construct a FTTP network and is expected to reach 2,237 households, six educational facilities, one health care center and one critical community facility. The USDA also said Daktel Communications will use a $1.8 million grant to provide broadband service to 406 households and three educational facilities over 354 square miles. The funding is through the USDA’s ReConnect pilot program.
The USDA announced on January 9, 2020, it invested $48 million in high-speed broadband infrastructure in Virginia. The USDA said Wilkes Telephone Membership Corporation will use the funding to construct a FTTP network encompassing 1,847 square miles and said the service area is expected to reach 22,604 households, 19 educational facilities, eight critical community facilities and one health care center. The funding is through the USDA’s ReConnect pilot program.

Sens. Joe Manchin (D-W. Va.), James Lankford (R-Okla.), Jon Tester (D-Mont.), Marsha Blackburn (R-Tenn.), and John Kennedy (R-La.) sent a letter to Chairman Pai on January 9, 2020, to urge the Commission to focus efforts on providing reliable broadband to rural communities before expanding 5G coverage. They expressed concern with the recently announced 5G Fund, stating many places in their states still lack 4G service or do not have any service at all. They asserted the FCC needs a more accurate method of data collection, a strong challenge process, and a funding process that includes terrain factors to ensure that the hardest to serve places can compete for limited funding.

House Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) and Communications and Technology Subcommittee Chairman Mike Doyle (D-Pa.) announced on January 8, 2020, the House approved the following 5G security bills: H.R. 2881, the Secure 5G and Beyond Act of 2019; H.R. 4500, the Promoting United States Wireless Leadership Act of 2019; and H. Res. 575, which expresses the sense of the House that all stakeholders in the deployment of 5G communications infrastructure should carefully consider and adhere to the recommendation of "the Prague Proposals." HR 3763, the Promoting United States International Leadership in 5G Act of 2019 was also passed.

The Senate Committee on Commerce, Science and Transportation will hold a hearing on January 15, 2020, entitled Industries of the Future, which will examine how the United States can maintain its global economic edge in artificial intelligence, advanced manufacturing, quantum information science, biotechnology, and developing the next generation of wireless networks and infrastructure. Commissioners O’Rielly and Rosenworcel will testify.

The order making non-substantive revisions to parts 1, 20, and 43 by eliminating a redundant and obsolete provision and revising other related provisions of the Commission’s rules for consistency, in conformance with the Digital Opportunity Data Collection order, was published in the Federal Register on January 8, 2020. The order is effective January 8, 2020.

The FCC announced on January 7, 2020, Commissioner Carr will begin a visit to New Mexico and Texas, and meet with U.S. Customs and Border Protection officials, and with tribal leaders on the Mescalero Apache Reservation to learn more about the work it is doing to bridge the digital divide and broadband-powered telehealth.

NRECA filed a letter on January 6, 2020, attaching an updated version of a white paper entitled “Broadband Deployment in Rural America Not Impeded by Pole Attachment Rates.” NRECA said the updated paper includes data from a November 2019 issue brief by the U.S. Small Business Administration’s Office of Advocacy finding that the impediment to rural broadband deployment is low population density, and not pole attachment rates. NRECA asserted cost-based pole attachment rental rates have little, if any, influence on decisions by cable companies and other for-profit communications companies to invest in advanced broadband infrastructure in rural America. NRECA also reiterated its opposition to the proposal by CenturyLink and ITTA that electric cooperatives comply with the Commission’s pole attachment regulations as a condition to participating in the phase 1 auction of the RDOF. It also offered a recommendation on RDOF performance tiers and bidding rules.

The Wireless Telecommunications Bureau issued a public notice on January 6, 2020, announcing procedures for submitting applications in the 2.5 GHz Rural Tribal Priority Window. The 182-day window will open on February 3, 2020 and will close August 3, 2020.
Robocalls

- The Federal Trade Commission announced on January 10, 2020, it reached a settlement with call center Cabb Group and three individuals who made millions of illegal robocalls on behalf of Grand Bahamas Cruise Line. Under the proposed settlement orders, defendants are banned from robocalling, and the FTC imposed judgments of more than $7.8 million, which are suspended due to inability to pay, except for $2,500 to be paid by defendant Christopher Controneo. The FTC also said it plans to file lawsuits against GBCL and other parties who did not agree to settle.

Universal Service

- Chairman Pai sent a letter to Sen. Jon Tester (D-Mont.) and to 12 members of Congress on January 3, 2020, to respond to their letters expressing concern with the proposed cap on the Universal Service Fund. Pai said each of the USF programs is currently capped or is operating under a targeted budget and said an overall cap could help limit the overall contributions burden.

- Chairman Pai sent a letter to Sen. Susan Collins (R-Maine) on January 3, 2020, to respond to her letter asking the Commission to delay the vote on the proposed rural health care order. Pai said the Commission’s August 2019 order made a number of reforms to the rural health care program, including the distribution of funding to promote efficiency and streamlined and simplified the calculations of the discounted rates health care providers pay for communications services and amount of support received from the program.

- GCI filed comments on January 3, 2020, on petitions for reconsideration of the August 2019 rural health care order. GCI agreed with petitioners suggesting the Commission reconsider the order’s reliance on prescriptive rate ceilings, rather than allowing market competition to determine rural rates through competitive bidding. GCI also said the Commission should reconsider the order’s methodology for determining similar services within those tiers and agreed with petitioners arguing that the Commission must provide more specific guidance on how USAC will determine what kinds of services are functionally similar. Petitions were filed by USTelecom, the state of Alaska, Alaska Communications, the SHLB Coalition, and NCTN and SOHCN. Replies are due January 13, 2020. FR

Misc.

- The FCC issued a tentative agenda on January 9, 2020, for its January 30, 2020 Open Meeting. It will consider a report and order that would adopt a two-phase reverse auction framework for the Rural Digital Opportunity Fund, committing $20.4 billion in high-cost universal service support to bring high-speed broadband service to unserved Americans. The FCC will also consider: an NPRM that would propose to incorporate a new technical standard for determining whether a wireless handset is hearing aid-compatible and to simplify and update the Commission’s hearing aid compatibility rules; a report and order that would adopt regulations on the handling of Video Relay Service calls by communications assistants working from their homes; a report and order that would modernize certain cable and satellite television provider notice provisions in Part 76 by requiring certain notices to be delivered to broadcasters by e-mail instead of on paper; and an enforcement action.
• The U.S. Court of Appeals for the D.C. Circuit issued an order on January 10, 2020, announcing the allotted time for oral argument in the proceeding seeking review of the Commission’s separations freeze order. Petitioners and respondents will each have 15 minutes to argue. Oral argument is scheduled for January 17, 2020.

• The Wireline Competition Bureau issued a public notice on January 9, 2020, seeking comments on a section 214 application filed by James Larry Bone, K. Wayne King, Ross Morreale, the Bill and Debra Stuckey Family, the Conley Bone Family, and other members of Vantage Telecom and Pinnacle Telecom, requesting consent for the unauthorized transfer of control that occurred on July 1, 2016, when applicants transferred Vantage to Pinnacle without prior Commission approval. Comments are due January 23, 2020; reply comments are due January 30, 2020.

• No comments were filed on a section 214 application filed by Patricia Stewart, the Estates of William and Allen George, Ironton Telephone, Ironton Global Networks, Ironton Long Distance, and Service Electric Telephone Company, requesting consent to transfer control of ITC from Estates to Stewart. Reply comments are due January 13, 2020, public notice

• Replies are due on January 13, 2020, on a section 214 application filed by Patricia Stewart, the Estates of William and Allen George, Ironton Telephone, Ironton Global Networks, Ironton Long Distance, and Service Electric Telephone Company, requesting consent to transfer control of ITC from Estates to Stewart. public notice

• Reply comments were filed on January 6, 2020, on the FNPRM on proposals to amend the FCC’s schedule of regulatory fees for FY 2020. CenturyLink responded to commenters on reforming the regulatory fees applicable to international bearer circuits. AT&T responded to the proposals in the FNPRM to assess regulatory fees on non-U.S. licensed space stations and reapportion fees among International Bureau fee categories. all replies available.

• The Wireline Competition Bureau issued a public notice on January 6, 2020, announcing comment due dates for the NPRM on updating its unbundling and resale rules to reflect the marketplace realities of intermodal voice and broadband competition. A summary of the NPRM was published in the Federal Register on January 6, 2020. Comments are due February 5, 2020; reply comments are due March 6, 2020.

• Sen. Tom Cotton (R-Ark.) introduced a bill on January 8, 2020, which would prohibit the United States from sharing intelligence with countries that allow Huawei to operate their 5G networks.

• Commissioner Starks announced the appointment of Diane Holland as Legal Advisor covering media and consumer protection issues on January 7, 2020. Holland was most recently the senior advisor for technology and telecom at the Washington bureau of the National Urban League.

• President Trump announced on January 8, 2020, his intent to nominate John Chase Johnson to be the Inspector General at the FCC. Johnson is an attorney at Covington and Burling LLP, in the commercial litigation and government contracts groups.

• The public notice seeking to refresh the record on ways to modernize and strengthen the truth-in-billing rules was published in the Federal Register on January 13, 2020. The FCC asked if it should extend its existing truth-in-billing rules, which currently apply only to wireline and wireless common carriers, to interconnected VoIP service providers. Comments are due February 12, 2020; replies are due March 13, 2020.
Upcoming Filing Dates


- Jan. 17 - Oppositions due to Viya’s petition for reconsideration of the Uniendo a Puerto Rico and Connect USVI Funds report and order. Replies to oppositions are due January 27, 2020. FR

- Jan. 20 - Replies due to oppositions to petitions for reconsideration of the July 2019 report and order on the rural tribal priority window for the 2.5 GHz band.

- Jan. 23 - Comments due on a section 214 application that requested consent for the unauthorized transfer of control that occurred on July 1, 2016, when applicants transferred Vantage to Pinnacle without prior Commission approval. Reply comments are due January 30, 2020. public notice

- Jan. 27 - Comments due on the NPRM on additional measures to combat waste, fraud, and abuse in the Lifeline program. Replies are due February 25, 2020. FR

- Jan. 27 - Comments due on proposed changes to the annual and quarterly telecommunications reporting worksheets (FCC Forms 499-A and 499-Q), and accompanying instructions, to be used in 2020 to report 2019 revenues. public notice

- Jan. 27 - PRA comments due on a revision of a currently approved information collection associated with tariffing rules. The revisions to the information collection are necessitated by the access arbitrage order. notice

- Jan. 27 - PRA comments due on a revision of a currently approved information collection associated with the survey of urban rates. FCC notice

- Jan. 27 - Replies due to oppositions to Viya’s petition for reconsideration of the Uniendo a Puerto Rico and Connect USVI Funds report and order. FR

- Jan. 29 - PRA comments due on a new information collection associated with the November 2019 order on supply chain. FR

- Jan. 29 - Comments due on the Commission’s first staff report on call blocking. Replies are due February 28, 2020. FR, public notice

- Jan. 30 - Replies due on a section 214 application that requested consent for the unauthorized transfer of control that occurred on July 1, 2016, when applicants transferred Vantage to Pinnacle without prior Commission approval. public notice

- Feb. 3 - Comments due on the supply chain FNPRM. Reply comments are due March 3, 2020.

- Feb. 3 - Comments due on the initial designation of ZTE Corporation and Huawei Technologies, their parents, affiliates, and subsidiaries as covered companies in the November 26, 2019 supply chain order.

- Feb. 5 - Comments due on the NPRM on updating its unbundling and resale rules to reflect the marketplace realities of intermodal voice and broadband competition. Reply comments are due March 6, 2020. FR

- Feb. 12 - Comments due on seeking to refresh the record on ways to modernize and strengthen the truth-in-billing rules. Replies are due March 13, 2020. public notice, Federal Register
• Feb. 25 - Replies due on the NPRM on additional measures to combat waste, fraud, and abuse in the Lifeline program. FR

• Feb. 28 - Replies due on the Commission’s first staff report on call blocking. FR, public notice

• Mar. 2 - PRA comments due on an extension of a currently approved information collection associated with the FCC rules that prevent the unauthorized change by telecommunications carriers of consumers’ selections of telecommunications service providers. notice

• Mar. 3 - Replies due on the supply chain FNPRM.

• Mar. 6 - Replies due on the NPRM on updating its unbundling and resale rules to reflect the marketplace realities of intermodal voice and broadband competition. FR

• Mar. 13 - Replies due on seeking to refresh the record on ways to modernize and strengthen the truth-in-billing rules. public notice, Federal Register