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January 14, 2019

**Please note: Due to the partial lapse of federal government funding, this week's REGScan has limited items.**

- Congressman Doug Collins (R-Ga.) [introduced](#) the Connect America Fund Accountability Act of 2019, [H.R. 427](#). The bill would require CAF recipients to include additional information in their quarterly speed and latency reports to the FCC, such as speeds provided to customers, and require USAC to consider the number and frequency of complaints submitted to the FCC for a carrier's broadband service when deciding whether to audit a carrier and require audits be made public.
- The Tenth Circuit Court issued an [Order](#) denying a [Motion for Stay](#) of the FCC's September 2018 [Declaratory Ruling and Third Report and Order](#) on wireless infrastructure deployment. The FCC's Order is scheduled to take effect in part on January 14, 2019. The Tenth Circuit Court also issued an [Order](#) granting a [Motion to Transfer](#) the case to the Ninth Circuit Court.
- The Congressional Research Service issued an [updated report](#) on federal assistance to address the digital divide. CRS said in addition to loans, loan guarantees, and grants for broadband infrastructure deployment, a wide array of policy instruments are available to policymakers, including universal service reform and tax incentives to encourage private sector deployment, among other things. CRS said in assessing federal incentives for broadband deployment, Congress may consider the appropriate mix of broadband deployment incentives to create jobs in the short and long term, the extent to which incentives should target next-generation broadband technologies, and the extent to which unserved and underserved areas with existing broadband providers should receive federal assistance.
- The Congressional Research Service issued an [updated report](#) on broadband deployment and federal funding in tribal areas. The report said the most recent data collected show as of December 31, 2017, approximately 32 percent of Americans living on tribal lands lacked access to broadband at speeds of at least 25/3 Mbps. CRS said the largest overall source of federal funding for telecommunications services is the FCC's USF programs, and as these programs transition toward a broadband centric orientation, the issue for tribal broadband is how this transition will affect broadband funding to tribal lands. CRS said in the 116<sup>th</sup> Congress, whether or not tribal lands will receive additional funding for broadband will likely be determined by the ongoing trajectory of overall federal funding for broadband.
- The Competitive Enterprise Institute released a [report](#) identifying nine policy areas CEI claimed are ripe for Congressional reform, including net neutrality. CEI [said](#) Congress should classify the provision of broadband internet access service to consumers as an information service not subject to common carrier regulation under the Communications Act of 1934. [Press release](#)
- The Free State Foundation released a [paper](#) suggesting the FCC adopt a presumption in forbearance proceedings that, absent clear and convincing evidence to the contrary, enforcement is not necessary to ensure that a telecommunications carrier's charges or practices are not unreasonable or unreasonably discriminatory or necessary for the protection of consumers, and non-enforcement is consistent with the public interest. The FSF also said the FCC should adopt a presumption in the regulatory review process that, absent clear and convincing evidence to the contrary, regulation is no longer necessary in the public interest as the result of meaningful competition between service providers.

## Upcoming Filing Dates

(Note: Per the FCC's January 2, 2019 [Public Notice](#), all filings that would be due during a suspension of operations, will be due on the second day of normal operations.)

- 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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