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### January 15, 2018 HIGHLIGHTS

- The FCC issued the [tentative agenda](#) for its January 30, 2018 Open Meeting. The FCC will consider, among other things: an [Order and Order on Reconsideration](#) addressing the challenges to the CAF Phase II Auction Orders; a [Public Notice](#) establishing procedures for the CAF Phase II auction; and an [Order](#) to establish an [Office of Economics and Analytics](#) within the FCC.
- President Trump [submitted](#) Commissioner Carr's nomination for a second full term as an FCC Commissioner, beginning July 1, 2018, to the Senate. The Senate Committee on Commerce, Science, and Transportation will [consider](#) Carr's nomination on January 18, 2018.
- President Trump signed an [Executive Order](#) to streamline and expedite requests to locate broadband facilities on federal properties in rural America, and [ordered](#) the Secretary of the Interior to develop a plan to support rural broadband development by increasing access to tower facilities and other infrastructure assets managed by the DOI.
- The House Subcommittee on Communications and Technology [introduced](#) four resolutions laying out principles for broadband infrastructure.
- The Interagency Task Force on Agriculture and Rural Prosperity sent a [report](#) to President Trump offering, among other things, suggestions on solving the broadband access gap in rural America.
- Chairman Pai sent [a letter](#) to Rep. John Ratcliffe (R-Texas) saying he plans to circulate in the near future an item addressing the uncertainty caused by the current high-cost USF budget control mechanism.
- Congress members sent a [letter](#) to the GAO requesting it to review the practical and legal effects of the FCC's plan to transfer the USF funds from the private bank to the U.S. Treasury.
- The Senate [unanimously passed](#) a [bill](#) (S.875) that would require the GAO to report to the FCC and Congress on the filing requirements for carriers or service providers that receive USF support. The bill also requires the FCC to initiate a rulemaking to consolidate redundant filing requirements.
- The [new rules](#) to protect consumers from unwanted robocalls [are effective](#) February 12, 2018.
- O1 Communications [discussed](#) arbitrage concerns with the routing of 8YY and other types of traffic, and urged the FCC to adopt a rule requiring direct connections at the network edge. O1 [claimed](#) T-Mobile is only willing to establish a direct connection with other carriers solely for the exchange of retail traffic, and suggested the Commission open an investigation into this.
- Blanca Telephone [responded](#) to the FCC Managing Director's announcement that Blanca's monthly support from the USF will be offset/recouped against the debt until the debt is satisfied or until Blanca has made acceptable arrangements for its satisfaction.

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### Other Key Upcoming Dates

- 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 the 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.

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## USF Reform

- Chairman Pai sent [a letter](#) to Rep. John Ratcliffe (R-Texas) on December 19, 2017, in response to his letter about the importance of delivering affordable access to high-speed internet to all Americans, including those in high-cost rural areas. Pai said due to the complexity of the budget control mechanism, carriers do not have the certainty they need to make the long-term investment decisions that will lead to greater connectivity. He indicated he plans to circulate in the near future an item that will explore how this situation can be changed, such as guaranteeing at least some minimum level of support to ease the unpredictability and allow reasonable capital planning, while being mindful of mitigating the incentives for RoR carriers to operate inefficiently and over-invest capital to increase profits.
- The Senate [unanimously passed](#) a [bill](#) (S.875) on January 10, 2018, which would require the GAO to report to the FCC and Congress on the filing requirements for telecommunications carriers or service providers that receive USF support. The report must analyze the financial impact of those filing requirements and provide recommendations on how to consolidate redundant filing requirements. The bill also would require the FCC to initiate a rulemaking to consolidate redundant filing requirements and incorporate any GAO recommendations that would not violate the APA into such rulemaking or any ongoing rulemakings, after receipt of the GAO's report
- U.S. Cellular [met with](#) Chairman Pai's Advisor on January 5, 2018, to discuss the [Public Notice](#) on the Mobility Fund II challenge process. U.S. Cellular said it agrees that 150 days is sufficient time to develop data and file a challenge, but argued the 150-day window should not open until approximately May 1, 2018, to avoid having most of the challenge period occur during winter. U.S. Cellular also said thirty days is an insufficient period to respond to a challenge, particularly for small carriers. It suggested rather than have companies file waiver requests when they cannot complete the rebuttal process within thirty days, the Commission should extend the rebuttal window to 60 days.

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## Broadband

- President Trump signed an [Executive Order](#) on January 8, 2018, to streamline and expedite requests to locate broadband facilities in rural America. The Order directed the Executive Branch to continue its implementation of section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, which requires, among other things, that the General Services Administration develop a common form and master contract for wireless facility sitings on buildings and other property owned by the Federal Government. Trump also signed a [Memorandum](#) ordering the Secretary of the Interior to develop a plan to support rural broadband development and adoption by increasing access to tower facilities and other infrastructure assets managed by the DOI. [News Release](#)
- The House Subcommittee on Communications and Technology [introduced](#) on January 11, 2018, four resolutions laying out principles for broadband infrastructure. The resolutions include: directing broadband infrastructure funding toward areas that are currently unserved; ensuring federal policy treats all broadband providers in a technology-neutral manner, applying consistent rules that support innovation; ensuring a wireless broadband infrastructure funding preference for states that support small cell siting reform; and ensuring Federal, state, and local tax, regulatory, permitting, and other requirements are coordinated and reconciled to maximize the benefits of broadband investment. Commissioner Carr issued a [statement](#) on the resolutions.
- The Interagency Task Force on Agriculture and Rural Prosperity sent a [report](#) to President Trump identifying legislative, regulatory, and policy changes that could promote agriculture, economic development, job growth, infrastructure improvements, technological innovation, energy security, and quality of life in rural America. The Task Force said solving the broadband access gap in rural America will require a concerted effort to encourage deployment of new infrastructure, innovative business

models that promote capital investments, and consideration of the full range of means to connect rural communities, including satellite, fixed wireless, and cellular networks. The Task Force suggested, among other things, an assessment of existing federal grants and subsidy programs devoted to or used for deploying e-connectivity and the encouragement of free-market policies, laws, and structures at federal, state, tribal, and local government levels to create an environment conducive to investment.

- The FCC issued a [Public Notice](#) on January 10, 2018, announcing the next meeting of the Broadband Deployment Advisory Committee will be held on January 23 and 24, 2018. The BDAC will consider reports and recommendations from its working groups, including Model Code for Municipalities, Model Code for States, Competitive Access to Broadband Infrastructure, Removing State and Local Regulatory Barriers, and Streamlining Federal Siting. The BDAC will also continue its discussions on how to accelerate the deployment of broadband by reducing and/or removing regulatory barriers to infrastructure investment.
- Chairman Pai sent [letters](#) to twelve Senators on December 13, 2017, in response to their letter requesting the Commission extend the comment deadline for filing comments on the Thirteenth Section 706 Report Notice of Inquiry. Pai said the FCC extended the deadline for filing initial and reply comments an additional two weeks, and given section 706's Congressionally mandated 180-day timeframe to complete the inquiry, a longer extension could inhibit the Commission's ability to fully consider the record and meet its statutory obligations.
- Jay Schwarz, Wireline Advisor to Chairman Pai, [spoke](#) at the 2018 CEO Close-Up Conference of the National Rural Electric Cooperative Association on January 8, 2018. He discussed closing the digital divide and the upcoming CAF Phase II auction. He said in rural America, 28 percent of households lack access to high-speed, fixed service, compared to just 2 percent in urban centers. He indicated the FCC is planning on beginning the CAF Phase II auction this July, and said Pai has proposed an Order resolving all remaining petitions for reconsideration regarding CAF II, which the Commission is expected to vote on at its January 30, 2018 Open Meeting.
- The FCC issued a [Notice](#) in the Federal Register on January 9, 2018, seeking PRA comments on an extension of a currently approved information collection that implements sections 201 and 251 of the Communications Act and provides for physical collocation on rates, terms and conditions that are just, reasonable and nondiscriminatory, and promotes deployment of advanced telecommunications services without significantly degrading the performance of other services. PRA comments are due February 8, 2018.
- The FCC published a [Notice](#) in the Federal Register on January 12, 2018, seeking PRA comments on a revision of a currently approved information collection associated with changes to the approval process for service discontinuance applications for low-speed legacy services made in the November 29, 2017 [Wireline Infrastructure Order](#). PRA comments are due March 13, 2018.
- Charter Communications [met with](#) Legal Advisors to Chairman Pai and Commissioners Rosenworcel, Carr, Clyburn, and O'Reilly on January 4, 2018, to discuss the requirements cable providers have historically been subject to in order to access the public rights-of-way to construct and operate their networks and the requirements cable operators face to obtain and renew state and local franchises. Charter asked the Commission to consider these requirements and their impacts on the cable industry's costs in crafting any reforms in the separate wireless and wireline infrastructure proceedings, and urged the Commission to enact its reforms holistically, in one combined proceeding.
- CTIA [met with](#) Commissioner Carr and his Legal Advisor on January 4, 2018, to express support for the Commission's efforts to modernize processes for the deployment of wireless broadband infrastructure. CTIA encouraged the Commission to find ways to more effectively target the environmental and historic preservation review of infrastructure and to streamline and provide clarity regarding the historic preservation review process.
- Crown Castle [met with](#) Commissioner Carr and his Legal Advisor on January 4, 2018, to discuss barriers facing deployment of next generation broadband networks. Crown Castle focused on issues

relating to ensuring timely access to the rights-of-way for broadband facilities, dealing with unreasonable fees, reforming historic and environmental review, and addressing legal issues, such as the proper standard for prohibition and how to implement deemed granted procedures.

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## ICC

- O1 Communications and its counsel, Philip Macres, [met with](#) Advisors to Chairman Pai and Commissioners Clyburn, O'Reilly, and Rosenworcel and Wireline Competition Bureau staff on January 4, 2018, to discuss arbitrage concerns with the routing of 8YY and other types of traffic. O1 urged the FCC to adopt the proposed direct connect rule. O1 also discussed examples of the financial impact on O1 that are associated with AT&T Mobility's and T-Mobile's disconnections of O1's direct connects and the competitive market for tandem switched access services for calls destined to AT&T Mobility and T-Mobile.
- O1 Communications filed [a letter](#) on January 11, 2018, to respond to T-Mobile's January 5, 2018 [letter](#), which O1 claimed is misleading. O1 claimed T-Mobile is only willing to establish a direct connection with other carriers, including O1, solely for the exchange of retail traffic, and does not permit direct connections to be used for wholesale traffic. O1 said T-Mobile has not produced its current agreement with Inteliquent on the record, nor has it provided a full explanation of how any rate Inteliquent assesses T-Mobile is derived, asserting T-Mobile has provided Inteliquent with a bottleneck monopoly that has allowed Inteliquent to raise its rates for routing traffic to T-Mobile. O1 suggested the Commission open an investigation into this conduct and question T-Mobile and Inteliquent on their exclusive arrangement and T-Mobile's disconnections of direct connects. It urged the Commission to immediately adopt the proposed Direct Connect Rule.

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## Universal Service

- Reps. Frank Pallone (D-N.J.) and Peter Welch (D-Vt.) sent a [letter](#) to Gene L. Dodaro, Comptroller General of the U.S. Government Accountability Office, on January 9, 2018, to request the GAO review the practical and legal effects of the FCC's plan to transfer the USF funds from the private bank to the U.S. Treasury. They said the FCC seems poised to transfer the USF funds without having run a public process to assess the consequences of its action, and asked the GAO to review the controls the FCC has in place to ensure the USF funds are securely deposited in the U.S. Treasury and if there has been an analysis to determine practical or legal obligations on the USF if transferred to the U.S. Treasury, among other issues.
- The Wireline Competition Bureau issued a [Public Notice](#) on January 11, 2018, announcing comment and reply dates for the Alaska Telephone Association's [Petition](#) seeking clarification and a waiver of Lifeline minimum service standards. Comments are due February 12, 2018; replies are due February 26, 2018.
- The Wireline Competition Bureau issued a [Public Notice](#) on January 10, 2018, providing guidance on the Lifeline reimbursement process for ETCs. Beginning with the January 2018 data month, payment of Lifeline support for all ETCs in all states and territories (except for NLAD opt-out states) will be based on subscriber data contained in the National Lifeline Accountability Database. It indicated under the revised reimbursement process, payments will be made based on the number of subscribers enrolled with an ETC in the NLAD on the snapshot date for that month or, in NLAD opt-out states, based on data received either from the state or directly from the ETC. Also, beginning with data month January 2018, all ETCs must file their reimbursement request with USAC for subscribers being claimed for that month using USAC's online E-File system.

- Blanca Telephone filed a [letter](#) on January 12, 2018, to respond to the FCC Managing Director's debt collection action announcement, which informed Blanca that its monthly support from the USF will be offset/recouped against the debt until the debt is satisfied or until Blanca has made acceptable arrangements for its satisfaction. Blanca claimed the FCC's debt collection action is defective because the Red Light Display System shows Blanca has no delinquent debt that could be subject to a collection effort, and asserted the FCC's rules do not contain any authorization to demand or to call or to collect a current, non-delinquent debt. Blanca also claimed its [Petition for Reconsideration](#) provides protection from debt collection while the existence of the debt is contested, and asserted the FCC's letter effectively denies its Petition.
- Blanca Telephone filed a [Motion](#) to supplement its December 29, 2017 [Petition for Reconsideration](#) on January 8, 2018, noting the FCC released five USF enforcement cases on December 29, 2017, which it claimed are relevant. It cited Commissioner Clyburn's dissents that said the FCC is engaging in an enforcement practice which "essentially gives hall passes to large, well-known corporations when wrongdoing is found, while it fines little-known small businesses and individuals substantial sums of money for harms which are often substantially narrower." Blanca said it is a small company and it hereby applies for an FCC "hall pass" that the FCC provided to the five "hall pass" companies. Blanca also filed a corrected, clean copy of its [Petition for Reconsideration](#) on January 7, 2018, of the FCC's [Memorandum Opinion and Order](#) that directed Blanca to repay \$6,748,280 in USF support.
- The California Lifeline Coalition and TruConnect filed [comments](#) on January 8, 2018, on Sprint's [Petition](#) for Reconsideration of a provision in the California Waiver [Order](#). They expressed support for Sprint's request that the Commission reconsider holding ETCs responsible for eligibility determinations of California Lifeline applicants and for recertification of Lifeline subscribers in the event the California PUC is unable to comply with federal eligibility rules by April 30, 2018. They said, however, Sprint's suggestion that the National Verifier should be responsible for Lifeline eligibility determinations and recertifications if the deadline is not met raises serious logistical concerns. They said the Commission should instead coordinate closely with California and ETCs operating in California during the coming months as California works to align its eligibility criteria with the federal Lifeline program rules. Replies are due January 23, 2018. [Public Notice](#)
- No comments were filed on the California PUC's [Petition](#) seeking a temporary waiver of Lifeline recertification and non-usage rules for customers affected by the recent California wildfires. Replies are due January 23, 2018. [Public Notice](#)

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## Misc.

- The FCC issued a [tentative agenda](#) on January 9, 2018, for its January 30, 2018 Open Meeting. The FCC will consider: an [Order and Order on Reconsideration](#) addressing the issues raised by parties challenging the CAF Phase II Auction Orders; a [Public Notice](#) establishing procedures for the CAF Phase II auction; an [Order](#) to establish an [Office of Economics and Analytics](#) within the FCC; a [Second Report and Order and Second Order on Reconsideration](#) to enhance the effectiveness of Wireless Emergency Alerts; an [NPRM](#) proposing to eliminate the requirement that broadcast licensees and permittees routinely submit paper copies of contracts and other documents to the FCC as specified in section 73.3613; an [Order](#) deleting rules made obsolete by the Digital TV transition; and an enforcement action.
- President Trump [submitted](#) Commissioner Carr's nomination for a second full term as an FCC Commissioner, beginning July 1, 2018, to the Senate on January 8, 2018. Chairman [Pai](#) and Commissioners [Clyburn](#), [Rosenworcel](#), [Carr](#), and [O'Rielly](#) released statements on January 9, 2018, on Commissioner Carr's [renomination](#).

- The Senate Committee on Commerce, Science, and Transportation will hold an [executive session](#) on January 18, 2018, to consider President Trump's nominations, including FCC Commissioner Carr's nomination for a term of five years, beginning July 1, 2018.
- Commissioner O'Rielly posted [a blog](#) on January 9, 2018, saying the Commission needs to update and improve the process for voting on circulation items. He explained items circulated to Commissioners for consideration outside of the Open Meetings (those on the Circulation List) have no voting deadline until they enter "must vote" status. He suggested the timeline, which is not required by law or the Commission's rules, can be reduced by eliminating the requirement that an item sit around for 21 days before the voting deadline is triggered. He said combining reform to the must vote timing with publicly releasing the text of circulated items (minus adjudications) would vastly improve the overall review and provide necessary scrutiny from interested parties of circulation items.
- The FCC published [a Notice](#) in the Federal Register on January 12, 2018, announcing the new rules to protect consumers from unwanted robocalls are effective February 12, 2018. The rules permit voice service providers to proactively block telephone calls when the subscriber of a phone number requests that calls purporting to originate from that number be blocked and when calls purport to originate from three categories of unassigned phone numbers: invalid numbers; valid numbers that are not allocated to a voice service provider; and valid numbers that are allocated but not assigned to a subscriber. The Commission encouraged voice service providers that elect to block calls to establish a simple way to identify and fix blocking errors. The rules also prohibit providers from blocking 911 emergency calls.
- ITTA, TDS, Consolidated, and USTelecom [spoke with](#) Chairman Pai's Advisor on January 5, 2018, to discuss their [Petition for Rulemaking](#) requesting A-CAM RoR carriers be allowed to opt into existing price cap regulation for their provision of business data services. They stressed the importance of the rules requested in this proceeding becoming effective by the end of 2018 to avoid model-based RoR carriers having to perform cost studies for 2019. They also claimed the regulatory relief sought by the Petition will help to promote the transition to IP-based networks by providing carriers incentives to invest in IP-based, Ethernet services.
- The FCC issued a [Public Notice](#) on January 11, 2018, seeking applications for membership to the Intergovernmental Advisory Committee from local, state, and Tribal government officials to fill the 15 new positions and three additional vacancies in the existing IAC membership. Members appointed by the FCC Chairman to fill the vacancies will serve through the end of the IAC's current term, which will run through March 24, 2019. The FCC [recently expanded](#) the membership of the IAG from 15 members to 30 members. Applications for membership are due 60 days from the release of the Public Notice.
- No replies were filed on Verizon's [Petition for Waiver](#) of rule 61.74(a) when one of Verizon's FCC tariffs references another. [Public Notice](#)
- The Wireline Competition Bureau issued a [Public Notice](#) on January 8, 2018, announcing that PriceWaterhouseCoopers, LLP, the Transition Oversight Manager for the LNP Administrator, will host the LNPA Contingency Rollback Industry Session on January 16, 2018, and the 24<sup>th</sup> LNPA Transition Outreach and Education Plan webcast on January 17, 2018. Interested parties may register and find additional details for the January 16<sup>th</sup> session by visiting this [link](#), and may register for the January 17, 2018 TOEP webcast by visiting this [link](#).
- The Wireline Competition Bureau issued a [Public Notice](#) on January 12, 2018, announcing it granted RCLEC's application for authorization to obtain North American Numbering Plan telephone numbers directly from the Numbering Administrators for its iVoIP service. This proceeding will be terminated 60 days from the date of this Public Notice if there are no further filings in this proceeding.
- The FCC [published](#) in the Federal Register on January 12, 2018, its Unified Agenda of Federal Regulatory and Deregulatory Actions. Twice a year, in spring and fall, the Commission publishes a list of major items and other significant proceedings under development or review that pertain to the

Regulatory Flexibility Act (U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings.

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## Upcoming Filing Dates

- 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. 8 - PRA comments due on an extension of a currently approved information collection that implements sections 201 and 251 of the Communications Act and provides for physical collocation on rates, terms and conditions that are just, reasonable and nondiscriminatory, and promotes deployment of advanced telecommunications services without significantly degrading the performance of other services. [Notice](#)
- Feb. 12 - Comments due on Alaska Telephone Association's [Petition](#) seeking clarification and a waiver of Lifeline minimum service standards. Replies are due February 26, 2018. [Public Notice](#)
- 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](#).
- Feb. 26 - Replies due on Alaska Telephone Association's [Petition](#) seeking clarification and a waiver of Lifeline minimum service standards. [Public Notice](#)
- 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](#)
- Mar. 13 - PRA comments due on a revision of a currently approved information collection associated with changes to the approval process for service discontinuance applications for low-speed legacy services made in the November 29, 2017 [Wireline Infrastructure Order](#). [Notice](#)

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