

[USF/ICC Reform](#) [Open Internet](#) [Broadband](#) [IP Transition](#) [USF](#) [Call Completion](#) [Misc.](#) [Upcoming Events](#)

### January 18, 2016 HIGHLIGHTS

- Chairman Wheeler sent [a letter](#) to Sen. Maria Cantwell (D-Wash.) in response to [her letter](#), saying the A-CAM model option may be beneficial to Washington State because almost half of the RoR carriers in Washington would receive more support from the model than they currently receive from the legacy funding mechanisms.
- The FCC [authorized](#) \$569,795.93 in Rural Broadband Experiment support for Skybeam for its winning bid in Iowa.
- NECA filed [comments](#) on FairPoint's [Petition](#), agreeing that clarification is needed of section 51.917 to properly calculate FairPoint's Eligible Recovery for its particular circumstances.
- NTCA and members of its Board of Directors [discussed](#) the need for certainty to justify new investments and the need to provide a reasonable opportunity to recover costs. NTCA [discussed](#) implementing updates to existing USF mechanisms, paired with a voluntary option for model-based support. NTCA and Premier [discussed](#) the need for reasonable transitions for any aspect of USF reform that may be applied to costs associated with prior investments. NTCA [said](#) Clear Creek Communications provided information on challenges the company has faced in obtaining access to capital in the face of regulatory uncertainty.
- WTA [discussed](#) USF reform for rate-of-return carriers, options for bifurcated support mechanisms, and options for distribution of high-cost support in areas served by unsubsidized competitors. USTelecom [provided](#) a narrative for the [model spreadsheet](#) on the bifurcation approach to USF reform it previously filed with the FCC. TDS Telecom [expressed support](#) for the model-based approach. Shawnee Telephone [asked](#) the FCC to consider Home Telecom's proposal for capping USF reductions at 5% per year, or to consider an earnings-based support stability mechanism. Hargray [discussed](#) the mechanics behind various approaches to high cost USF reform and the importance of retaining recovery mechanisms for prior investments.
- Price cap carriers and USTelecom [urged](#) the FCC to clarify qualifying locations for round two of the CAF I program while ensuring that no locations are counted as qualifying for both the CAF I and CAF II programs.
- Commissioners Pai and O'Rielly sent a [letter](#) to Republican Congressional members saying the FCC missed an opportunity to make permanent the exemption from the Open Internet enhanced transparency requirement for small businesses, and asked for their input.
- The House Subcommittee on Communications and Technology held a [hearing](#) on two Open Internet-related bills. [Link](#) to background information and witness list.
- NTCA, WTA and NECA [discussed](#) intraMTA wireless traffic disputes, potential implications of the district court's [MDL decision](#), and the pending LEC Coalition [Petition for Declaratory Ruling](#) on intraMTA traffic.
- NECA [asked](#) the FCC to rule on its [Petition for Clarification and/or Declaratory Ruling](#) on the provisions of the 2010 [Declaratory Ruling](#) on Sandwich Isles Corporation's cable lease costs.
- [AT&T](#), [Verizon](#), [CenturyLink](#), [Frontier](#) filed their Direct Cases in the [investigation](#) of their tariffed special access service pricing plans. Oppositions are due February 5; rebuttals due February 26. [Order](#)
- The FCC [announced](#) the OMB approved the modified information collection requirements for several rules adopted in the [2015 Lifeline Reform Order](#).

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#### 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 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.

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## USF/ICC Transformation Order

- Chairman Wheeler sent [a letter](#) to Senator Maria Cantwell (D–Wash.) on December 16, 2015, in response to [her letter](#), which expressed concern about the potential negative impact on the State of Washington that could arise from the Commission's adoption of the A-CAM cost model. Chairman Wheeler said receiving support based on the model is optional, and noted that this policy option may be beneficial to her state because, under the most recent illustrative A-CAM results, almost half of the RoR carriers in Washington would receive more support from the model than they currently receive from the legacy funding mechanisms, and these carriers generally have less broadband deployment than the others.
- The FCC issued a [Public Notice](#) on January 12, 2016, authorizing \$569,795.93 in Rural Broadband Experiment support for Skybeam for its winning bid in Iowa. The FCC said this will bring new broadband service to 265 census blocks in Iowa.
- NECA filed [comments](#) on January 14, 2016, on FairPoint's [Petition for Declaratory Ruling](#), which asked the FCC to direct NECA to recalculate FairPoint's Eligible Recovery for its rate-of-return study areas in states where FairPoint accepted CAF Phase II Right-of-First-Refusal funds, retroactive to January 1, 2015. NECA said it agrees the rules governing such calculations are less than clear as applied to FairPoint's particular circumstances, and accordingly supports issuance of a declaratory ruling to resolve the issue.
- NTCA and members of its Board of Directors [met separately](#) with Legal Advisors to Chairman Wheeler, Commissioners Clyburn, O'Rielly, Pai, and Rosenworcel, and Wireline Competition Bureau staff on January 12, 2016, to discuss NTCA's principles for USF reform. Certain Board members described the challenges they share with many other NTCA members in obtaining the certainty needed to justify new investments and the need to provide a reasonable opportunity to recover costs incurred in accordance with the rules in place at the time investments are made. NTCA urged the Commission to build upon and not disrupt the mechanisms that have enabled RLEC successes in deploying broadband, while also defining targeted options for support for those companies that may require or desire alternatives.
- NTCA [met with](#) Commissioner O'Rielly and his Legal Advisor on January 12, 2016, to express support for taking steps as soon as possible to implement carefully designed, well-tested updates to the existing USF mechanisms, paired with a voluntary option for model-based support that ensures funding flows to where they are needed most to deploy and sustain broadband.
- NTCA and Premier Communications [met with](#) Wireline Competition Bureau staff on January 7, 2016, to discuss the need for reasonable transitions for any aspect of USF reform that may be applied to costs associated with prior investments, such as operating expense limits. They discussed questions about the mechanics of a potential bifurcated approach to reform, including the substantial complexity required for any individual company to assess the impacts of that approach. They also discussed buildout obligations for RLECs, the need to ensure that any competitive overlap policy that may be adopted will provide sufficient support for those areas where the RLEC remains the only provider offering voice and broadband services, and various options for achieving disaggregation of support.
- NTCA filed an [ex parte](#) to report that Clear Creek Communications shared information with Carol Matthey, Deputy Chief of the Wireline Competition Bureau, on January 12, 2016, regarding challenges the company has faced in obtaining access to capital in the face of regulatory uncertainty and concerns about whether any of the proposed reforms would better enable the company to upgrade its network plant to provide increasing levels of broadband to consumers. In the attachment, Clear Creek indicated over the past 5 years financial institutions have been reluctant to invest, and because CCMTC can't get access to upfront capital, its plant is eroding and so is its USF support.
- WTA [met via telephone](#) with Carol Matthey, Deputy Chief of the Wireline Competition Bureau, on January 8, 2016, to discuss USF reform for rate-of-return carriers and options for bifurcated support mechanisms and for distribution of high-cost support in areas served by unsubsidized competitors.

- USTelecom filed [a letter](#) on January 14, 2016, attaching a narrative for the [model spreadsheet](#) on the bifurcation approach to USF reform it provided to the Commission on January 4, 2016. It said this narrative serves to supplement that filing and provide further explanation as to the changes in the model as compared to the earlier versions submitted to the Commission.
- CenturyLink, Verizon, Windstream, AT&T, Frontier, and USTelecom [met with](#) Legal Advisors to Chairman Wheeler and Commissioners [Rosenworcel](#), [O’Rielly](#), and [Pai](#), and Wireline Competition Bureau staff on January 12 and 13, 2016, to urge the Commission to move forward quickly to clarify qualifying locations for round two of the CAF I program, while ensuring that no locations are counted as qualifying for both the CAF I and CAF II programs. They discussed ETC mandates and support for the provision of voice services in very high-cost areas in the context of the recent USTelecom Forbearance Petition and the requirement in section 254 that the Commission provide explicit and sufficient support. They also discussed parameters for a successful CAF Phase II auction, remote area fund support, and the auction framework.
- TDS Telecom [met separately with](#) Commissioner Clyburn and her Legal Advisor, Commissioner O’Rielly and his Legal Advisor, Commissioner Pai and his Legal Advisor, and Legal Advisors to the Chairman and Commissioner Rosenworcel on January 12 and 13, 2016, to explain that if the model-based approach it understands to be under consideration is adopted, it would expect to be able to increase the availability of broadband service at bandwidth levels contemplated by the Commission in the vast majority, and in possibly all, of the 25 states it serves. TDS also discussed potential timeframes for distributing support and for reporting periods.
- Shawnee Telephone Company filed [a letter](#) on January 15, 2016, to express concern that reductions in support due to changes in the USF distribution mechanisms or from limiting support to only those census blocks that do not yet have FTTH networks would essentially undo the accomplishments of carriers that have gone into debt to deploy FTTH. Shawnee expressed concern that a significant reduction in support will make it difficult, if not impossible, for it to sustain the broadband network it has already built, and requested the Commission not “throw the baby out with the bathwater.” It requested the Commission consider Home Telecom’s proposal for capping USF reductions at 5% per year, or to consider an earnings-based support stability mechanism, which it explained in an attachment to the letter.
- Great Plains Communications, the Consolidated Companies, Harold Furchtgott-Roth, and Parrino Strategic Consulting Group [met individually with](#) Commissioner Clyburn and her Legal Advisor, Commissioner O’Rielly and his Legal Advisor, Legal Advisors to Chairman Wheeler and Commissioners Rosenworcel and Pai, and Carol Matthey of the Wireline Competition Bureau on January 12 and 13, 2016, to urge the Commission to move forward with rate-of-return USF reforms and to provide adequate additional funding for the model to obtain significant broadband build out. They also urged the Commission to adopt an alternative to the approach it included in the attachment, and recommended the Commission fund model locations at \$200 per location or up to \$200 million in total additional annual support if the budget does not allow funding at \$200 per location. Great Plains and Consolidated also [met with](#) WCB staff on January 12, 2016, to discuss the same issues.
- Hargray Communications [spoke by phone](#) with Suzanne Yelen of the Wireline Competition Bureau on January 11 and 12, 2016, to discuss the mechanics behind various approaches to high cost USF reform and noted the importance of retaining recovery mechanisms for prior investments under essentially the same rules as were in place at the time those investment decisions were made. Hargray also discussed a possible approach to limit support for prospective investments in areas with unsubsidized competition utilizing a linear relationship between high cost support and square miles not served by an unsubsidized competitor.
- Frontier [met with](#) Commissioners Pai [and O’Rielly](#), and their Legal Advisors, on January 11, 2016, to explain the current unfunded obligation that price cap carriers have to provide voice in extremely high cost census blocks. Frontier explained that providing funding, even if only on an interim basis, would

preserve this essential service for customers residing in rural America and would not undermine the FCC's ultimate goal of universal broadband availability.

- GCI [spoke with](#) Wireline Competition Bureau staff on January 12, 2016, to discuss the Alaska Plan and GCI's proposed commitments. It said it is important that all parts of the Alaska Plan be adopted together, and no later than any national rate-of-return carrier high cost reform. It acknowledged that while the Alaska Plan does not provide a mechanism to choose between two CETCs that are already serving the same area, it asserted this is a reasonable tradeoff under the circumstances. It attached an updated, redacted summary of GCI's proposed deployment commitments.
- The Utilities Telecom Council [met with](#) Commissioner Rosenworcel's Senior Legal Advisor on January 12, 2016, to express its support for the adoption of a framework for the CAF Phase II reverse auction that would promote opportunities for fiber projects to bid successfully for access to funding in unserved areas. UTC explained that there are many utilities, including next-in-line bidders for Rural Broadband Experiments, who are interested in deploying fiber optic networks and offering robust, affordable and reliable broadband services to unserved Americans. It attached testimonials from customers in Michigan who support Midwest Energy Cooperative plans to offer fiber optic broadband services as an alternative to other technologies, including satellite.
- The Chester Telephone Company, dba TruVista, filed [a letter](#) on January 11, 2016, to notify the FCC of changes it made to its previous two FCC Form 477s on December 29 and 30, 2015. It said previously-filed Form 477s incorrectly identified 706 census blocks as having fiber-to-the-home, but most of the blocks are actually served with DSL, and this error could result in a potential loss of approximately \$700,000 in A-CAM support. Chester requested these corrections be included in the A-CAM as soon as possible.
- The Wireline Competition Bureau issued a [Public Notice](#) on January 15, 2016, seeking comment on Brantley Telephone, Pembroke Telephone, Pineland Telephone, Public Service Telephone, and Waverly Hall Telephone's [Petition for Limited Waiver](#) of 51.917(b)(7)(ii) 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. Comments are due January 27; replies due February 8.

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## Open Internet

- Commissioners Pai and O'Rielly sent a [letter](#) to Reps. Fred Upton (R-Mich.), Greg Walden (R-Ore.), Steve Chabot (R-Ohio), and Bob Latta (R-Ohio) on January 11, 2016, in response to Upton, et al.'s November 2015 [letter](#), which urged the Commission to make permanent the exemption from the Open Internet enhanced transparency requirement for small businesses. Commissioner Pai and O'Rielly said the FCC issued an Order on December 15, 2015, extending the temporary small business exemption until December 15, 2016. They said by failing to make the exemption permanent, the FCC missed an opportunity to remedy concerns by commenters and take this issue off the table, and they asked the Congressional members for their further input on this ruling.
- The House Subcommittee on Communications and Technology held a [hearing](#) on January 12, 2016, reviewing: 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." Former FCC Commissioner Robert McDowell [testified](#), and said the "No Rate Regulation of Broadband Internet Access Act" would be a positive and constructive development

because the Open Internet Order leaves open the possibility that the Commission could regulate rates in different ways, resulting in collateral and negative effects on broadband infrastructure investment. He also said the “Small Business Broadband Deployment Act” would provide statutory certainty to small providers. [Link](#) to background information and witness list.

## IP Transition

- NASUCA, et al. filed a [Reply](#) on January 11, 2016, to oppositions to their [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. NASUCA, et al. asserted that absent reconsideration, the end result of the Commission’s Order will almost inevitably be the absence of backup power and the consequent loss of reliability in times of emergency. [FR](#)

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## State Actions

- Charter Advanced Services filed [reply comments](#) with the Minnesota PUC on January 8, 2016, in a proceeding [that found](#) Charter’s VoIP service constitutes local telephone service subject to the PUC’s authority, and finding the FCC had not preempted state regulation of the fixed, interconnected VoIP service provided by Charter. The Order required Charter to make a [compliance filing](#) explaining how it intended to comply with the order. Charter filed an appeal of the July Order in the Minnesota district court and asserted its compliance plan confirms that it is already operating in compliance with numerous Minnesota requirements, and, in instances where alterations of existing business practices might be needed to bring itself into technical compliance, proposes to implement such changes within thirty days of a final, non-appealable court order.
- The Alaska Exchange Carriers Association filed a [Petition](#) with the Regulatory Commission of Alaska on January 6, 2016, seeking approval of a [Stipulation](#), which it asserted will fully resolve all issues related to the establishment of Alaska intrastate access charge rates for the period July 1, 2016, through June 30, 2017. AECA said such resolution is intended as a substitute for the annual access-charge proceeding anticipated by the Alaska Intrastate Interexchange Access Charge Manual for this period.

## USF

- The FCC issued a [Public Notice](#) on January 15, 2016, announcing that on January 5, 2016, it received Office of Management and Budget approval of the modified information collection requirements for several rules adopted in the [2015 Lifeline Reform Order](#). These rules include; strengthening the document retention requirements, ensuring that only ETCs directly serving low-income customers receive reimbursement under the Lifeline program, and requiring ETCs to use a uniform snapshot date to request reimbursement for the provision of Lifeline support. The FCC said the announcement of OMB approval of the rules will be sent to the Federal Register on February 4, 2016, and these rules will become effective on or after February 4, 2016.
- Gigi Sohn, Counselor to Chairman Wheeler, [spoke](#) at the Emerging Issues Policy Forum and the Public Utility Research Center on January 14, 2016, discussing broadband adoption and modernizing the Lifeline program. She discussed recent FCC proposals, including: allowing Lifeline to support both fixed and mobile broadband service; establishing minimum standards of service that Lifeline providers must deliver to receive funds; overhauling the way the FCC determines eligibility for Lifeline and ways to incentivize greater carrier participation in Lifeline service; and encouraging greater participation in the program by eligible consumers.

- NTCA, WTA and John Staurulakis, Inc. [met with](#) Wireline Competition Bureau staff on January 7, 2016, to discuss the Wireless ETCs' pending [Petition for Reconsideration](#) of the Lifeline [Second Report and Order](#). They said the new "Snapshot Rule," which requires ETCs to report their number of Lifeline subscribers as of the first of each month for purposes of Lifeline reimbursements, will result in a number of situations where RLEC ETCs provide Lifeline benefits to eligible low-income consumers without receiving reimbursement for such service. They recommended the Commission allow RLEC ETCs to take a "snapshot" of their number of subscribers as of their carrier-specific billing dates. They also met with Legal Advisors to Commissioners [Pai](#) and [Rosenworcel](#) on January 8 and 11, 2016, to discuss the same issues.
- Comments were filed on the Schools, Health & Libraries Broadband Coalition, California Telehealth Network, et al.'s [Petition for Rulemaking](#) on the Part 54 rural healthcare rules. [NTCA](#) said many aspects of the Petition should be dismissed, asserting they represent untimely petitions for reconsideration. NTCA said if the Commission determines it has cause to proceed forward, it should start by reviewing the RHC Program within the context of the totality of the universal service programs. [USTelecom](#) opposed the Petition, and said many proposals have already been denied by the Commission and others are best left for consideration by Congress. [ITTA](#) opposed the Petition, and said the Commission already has considered and rejected many of the proposals advanced in the Petition, and claimed the Petitioners have provided no new evidence or compelling justification for the Commission to reexamine its prior conclusions. Comments also filed by: [American Telemedicine Association](#); [Rural Healthcare Professional Management Group](#); and [Missouri Research and Education Network](#) Replies are due January 29. [Public Notice](#).
- Public Knowledge [met with](#) Commissioner Rosenworcel's Legal Advisor on January 12, 2016, to discuss Lifeline reform issues. Public Knowledge asserted for the Commission to meet its goal of making broadband more accessible to Americans, modernization of the Lifeline program should include allowing broadband access providers that are not ETCs to provide Lifeline-supported broadband service.
- TracFone Wireless filed a [letter](#) on January 8, 2016, responding to AT&T's December 21, 2015 [letter](#), which discussed proposals to modernize the Lifeline program. TracFone said it disagrees with AT&T's position that Lifeline is a benefit, rather than a service, and said any conversion of the program to a benefit would require enabling legislation similar to those that have established other government programs.
- The Alliance for Excellent Education, the SHLB Coalition, Connected Nation, Digital Promise, and the Consortium for School Networking [met with](#) Gigi Sohn, Chairman Wheeler's Counselor, and Wireline Competition Bureau staff on January 6, 2016, to discuss the digital divide impacting the education of students across the nation. They also discussed ways to publicize the availability of the Lifeline program through schools, libraries, and other community institutions; what roles those organizations may play in Lifeline if the program expands to include broadband; and benchmarks for the program. The SHLB Coalition also filed an [ex parte](#) on the same meeting, urging the FCC to adopt Lifeline rules that give anchor institutions an opportunity to help make the Lifeline program successful in promoting broadband adoption and addressing the "homework gap."
- The Boulder Valley School District [met with](#) Wireline Competition Bureau staff on January 12, 2016, to discuss closing the "Homework Gap." Boulder Valley discussed the impact of E-rate rules on cooperative arrangements to provide broadband to students in their home environment and whether waivers of the cost allocation rules in connection with school network capability to public housing might be appropriate if there is no more than *de minimis* cost to a school district. It also met with Commissioner [Rosenworcel's](#) Legal Advisor and [Jonathan Chambers](#) of the Office of Strategic Planning and Policy Analysis to discuss the same issues.
- BroadAspect filed a [Request for Review](#) on January 13, 2016, of a USAC decision that denied its request for cancellation of the late fees and penalties associated with its 2009-2015 FCC Form 499-A. BroadAspect claimed since it met the Commission's *de minimis* threshold for its FYs 2008-2014 revenue, it did not have a direct USF contribution obligation for those calendar years, but was still

billed by USAC for late fees and penalties associated with its late filing of its 2009-2015 Form 499-As, totaling \$30,100.

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## Misc.

- NTCA, WTA and NECA [met with](#) Wireline Competition Bureau staff on January 11, 2016, to discuss intraMTA wireless traffic disputes. They discussed potential implications of the district court's [MDL decision](#) and the pending LEC Coalition [Petition for Declaratory Ruling on intraMTA traffic](#). They said there were substantial questions about whether IXCs were eligible to invoke the intraMTA rule and, even if they were so eligible, whether IXCs had satisfied the requirements for cooperation that constitute an essential element in determining the status of traffic exchanged over IXC trunks and in properly effectuating the intraMTA rule.
- Level 3 [met with](#) staff from the Wireline Competition and Wireless Telecommunications Bureaus and General Counsel on January 12, 2016, to urge the Commission to issue a decision promptly on intraMTA wireless traffic. Level 3 noted it has been sued by certain LECs asserting Level 3 owes the LECs access charges for intraMTA wireless traffic carried by Level 3, and asserted that the Commission, not potentially dozens of courts, should decide this issue.
- NECA [spoke with](#) Chairman Wheeler's Senior Legal Advisor on January 8, 2016, to ask the FCC to rule on its [Petition for Clarification and/or Declaratory Ruling](#) on the provisions of the 2010 [Declaratory Ruling](#) on Sandwich Isles Corporation's cable lease costs. NECA also [spoke with](#) Commissioner Pai's Legal Advisor on January 11, 2016, to discuss the same issues.
- AT&T, Verizon, CenturyLink, and Frontier filed their Direct Cases on January 8, 2016, in the [investigation](#) of their tariffed special access service pricing plans. [AT&T](#) said there is no basis for a finding that the terms and conditions in the four AT&T tariffs at issue violate the Communications Act, and said the only thing that could slow investment would be Commission intervention here to lower artificially the economic cost of legacy TDM DS1 services. [Verizon](#) said the FCC cannot proceed here until it completes the special access rulemaking, and asserted the Verizon voluntary discount plans that the FCC designated for investigation are just and reasonable. [CenturyLink](#) asserted customers enjoy substantial choice among Ethernet providers and the options are in no way limited to ILECs. It said ILECs constitute a minority of the top eight Ethernet providers, and asserted no provider on the list - including the ILECs - has a port share exceeding one-fifth of the market. [Frontier](#) said it acquired the operations covered by the tariffs under investigation from Verizon and AT&T, and said Frontier has limited knowledge of how the original tariff rates, terms and conditions were developed or what considerations, including costs and other operational concerns, went into the design of these plans. Oppositions are due February 5; rebuttals due February 26. [Order](#)
- The Wireline Competition Bureau issued a [Public Notice](#) on January 12, 2016, listing Acknowledgements of Confidentiality filed by parties seeking access to confidential information filed in the special access data collection proceeding since the December 21, 2015 Public Notice. Parties that submitted confidential information in response to the collection have until January 20, 2016, to object to the disclosure of their data and information to any of the parties listed in the attachment to this Public Notice.
- The Wireline Competition Bureau issued an [Order](#) on January 13, 2016, denying objections filed by Transworld Network to the release of its confidential data and information submitted in response to the data collection in the special access proceeding. The Bureau said TransWorld does not raise any new issues not previously addressed by the Bureau.
- INCOMPAS [met with](#) FCC General Counsel and Wireline Competition Bureau staff on January 8, 2016, to address issues [discussed](#) in a previous meeting regarding the scope of the Commission-granted forbearances. INCOMPAS asserted forbearances that were granted by the Commission do not

apply to all ILEC packet-based special access services, and the relief granted only applies to the petitioners' services in existence at the time of the petitions, as offered at the time, which fell within the category of services listed in the petitions.

- The Wireline Competition Bureau issued a [Public Notice](#) on January 12, 2016, approving Hawaiian Telcom's Compliance Plan to meet the conditions required for the forbearance granted to price cap carriers from the cost assignment rules on May 17, 2013, with the exception of the condition involving the affiliate transaction rule. The Bureau said should Hawaiian Telcom later wish to take advantage of forbearance relief from the affiliate transaction rule in section 64.1903, it must submit a compliance plan explaining compliance with that condition in accordance with the terms of the *USTelecom Forbearance Long Order*.
- Chairman Wheeler sent [letters](#) to Sens. Ron Johnson (R-Wis.), Dean Heller (R-Nev.), Jerry Moran (R-Kan.), Roy Blunt (R-Mo.), and Steve Daines (R-Mont.) on December 18, 2015, in response to [their concerns](#) with certain actions by the FCC's Enforcement Bureau. Sen. Johnson, et al. had asserted it appears the EB is more concerned with issuing fines and grabbing headlines than it is with ensuring compliant behavior with existing FCC rules. Chairman Wheeler said the EB's actions are rooted soundly in statutory authority and Commission rules, provided answers to each of their questions, and provided a disc containing approximately 200 pages of documents that are responsive to their information request.
- The FCC issued a [Public Notice](#) on January 12, 2016, announcing the U.S. Department of Justice, Antitrust Division has requested access to information contained in the June 2013 Numbering Resource Utilization and Forecast reports filed by wireless telecommunications carriers, by carrier and by rate center, and to disaggregated, carrier-specific LNP data related to wireless telecommunications carriers, by carrier and by rate center, from June 2013 forward. The Justice Department seeks this data for its investigation of the proposed acquisition by Atlantic Tele-Network of Caribbean Asset Holdings. Affected parties have until January 22, 2016, to oppose disclosure of NRUF and LNP data to the Department of Justice.
- Reply comments were filed on January 14, 2016, 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. [Networks for Competition and Choice Coalition](#), whose members are INCOMPAS, ITTA, NTCA, and Public Knowledge, said the current retransmission marketplace is not functioning as Congress intended and the FCC should clarify the good faith standard to prevent negotiation breakdowns that cause consumers harm through increased prices, blackouts, and a lack of competitive options in their local market. [WTA](#) said, at a minimum, the marketplace requires substantial increases in transparency and additional illustrative guidance from the Commission on factors considered in determining whether negotiations have occurred in good faith under the totality of the circumstances. [Verizon](#) said the FCC should eliminate the syndicated exclusivity and network non-duplication rules and adopt a standstill requirement to allow MVPDs to carry the broadcast signal after the contract expires but while the parties continue to negotiate in good faith. [AT&T](#) said the FCC should reform its rules to provide specific guidance as to what constitutes bad-faith retransmission negotiation in order to increase certainty and confidence in those negotiations and redress ongoing harm to consumers. The [American Television Alliance](#) asserted the retransmission consent market no longer functions properly, and said without reform, it will only get worse. The [National Association of Broadcasters](#) urged the FCC to maintain the existing good faith negotiation rules and continue to let the marketplace, rather than regulatory fiat, determine the value of broadcast signals as Congress intended. [Meredith Corp](#) claimed proposals made by MVPDs would force non-consenting television stations to grant retransmission consent by government order or for certain programming. [Forum Communications](#) asserted the FCC should not update or change the totality of circumstances test. [List of all replies available to date](#). [Public Notice](#) | [Order](#)
- The Open Technology Institute at New America and the LNP Alliance [met with](#) Wireline Competition Bureau staff on January 12, 2015, to discuss concerns with the LNP Administrator transition process. They asserted there is a lack of transparency in the LNPA Transition process and urged the Commission to closely supervise the transition. They are also concerned that the IP Transition could be inhibited by the LNPA Transition if the public cannot ensure that the IP Transition is included in the

LNPA Transition. They also reiterated their request that the Commission require the TOM Engagement Letter and the proposed iconectiv contract be made publicly available.

- The FCC issued a [News Release](#) on January 12, 2016, announcing Mike Dabbs, Director of the Office of Legislative Affairs, intends to name Sean Conway as Deputy Director of the FCC's Office of Legislative Affairs. The Office of Legislative Affairs provides lawmakers with information regarding FCC regulatory decisions, answers to policy questions, assistance with constituent concerns, and responses to Congressional inquiries.

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## Upcoming Filing Dates

- 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. 27 - Comments due on Brantley Telephone, Pembroke Telephone, et al.'s [Petition for Limited Waiver](#) of 51.917(b)(7)(ii) in order to include amounts owed by Halo Wireless in their Fiscal Year 2011 Base Period ICC Revenues. Replies due February 8. [Public Notice](#)
- 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 - Replies due on Brantley Telephone, Pembroke Telephone, et al.'s [Petition for Limited Waiver](#) of 51.917(b)(7)(ii) in order to include amounts owed by Halo Wireless in their Fiscal Year 2011 Base Period ICC Revenues. [Public 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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