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January 22, 2018 HIGHLIGHTS

- Chairman Pai is [circulating](#) a draft Order that would provide over \$500 million in additional funding for cooperatives and small rural carriers and would put in place new rules to prevent abuse of the high-cost program.
- Chairman Pai [circulated](#) a draft 2018 Section 706 Broadband Deployment Report, and released a [Fact Sheet](#) on the draft report.
- Co-Chairs of the Senate Broadband Caucus sent a [letter](#) to President Trump to urge the Administration to include dedicated, stand-alone funding for broadband deployment in any proposed infrastructure package.
- The House Subcommittee on Communications and Technology announced a [series of broadband infrastructure bills](#).
- The D.C. Circuit [consolidated](#) four Protective Petitions for Review of the FCC's Restoring Internet Freedom [Order](#) filed by the [State of N.Y., et al.](#), [Mozilla](#), [Public Knowledge](#), and [New America's Foundation OTI](#).
- Chairman Pai [responded](#) to 26 Senators requesting an investigation by the FCC into reports that bots may have interfered with the Restoring Internet Freedom proceeding.
- [Comments were filed](#) on the [FNPRM](#) proposing further changes to the pole attachment rules, network change disclosure processes, and section 214(a) discontinuance processes. Replies are due February 16, 2018.
- The FCC [announced](#) the OMB has approved, for a period of three years, the information collection associated with the FCC's section 214 service discontinuance rules contained in the 2016 IP Transitions [Order](#).
- The Lifeline [Fourth Report and Order, Order on Reconsideration, MO&O](#) is [effective](#) February 15, 2018, except for section 54.411, which will become effective on March 19, 2018, and sections 54.403(a)(3), 54.413, and 54.414, which are subject to OMB approval.
- Comments [are due](#) February 15, 2018, on NECA's 2018 Modification of Average Schedule [Formulas](#). Replies are due March 2, 2018.
- The FCC [said](#) in the event of a partial government shutdown, the FCC plans to remain open at least through January 26, 2018.

Other Key Upcoming Dates

- 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.
- 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.

USF Reform

- Chairman Pai [announced](#) on January 16, 2018, he [circulated](#) an Order to promote more high-speed broadband deployment in rural areas. The Order, if adopted, would provide over \$500 million in additional funding for cooperatives and small rural carriers and would put in place new rules to prevent abuse of the high-cost program. Pai indicated the Order also proposes several reforms to the FCC's high-cost program to improve its effectiveness and efficiency in promoting rural broadband deployment, including the use of a Tribal Broadband Factor to enable better access on Tribal lands.
- CenturyLink filed [a letter](#) on January 16, 2018, to provide notice that, based on preliminary year-end data, it may not have met the CAF Phase II 40% interim deployment milestone in Colorado, Kansas and South Dakota. It indicated its tracking reflects that, in each of these states, CenturyLink has deployed to 38% or more of the total CAF II locations. CenturyLink said it will provide the vetted requisite information to the HUBB portal by March 1, 2018, and it continues to deploy broadband to CAF II locations under the program and remains committed to meeting its CAF II obligations.
- Arctic Slope Telephone Association Cooperative and GVNW Consulting [met with](#) Legal Advisors to Chairman Pai and Commissioners Clyburn, Rosenworcel, O'Rielly and Carr on January 16, 17, and 18, to provide a confidential update on Alaska Plan broadband rate benchmark levels. They expressed support for the alternative mapping proposal submitted by ATA members on December 14, 2017. They also [met with](#) Wireline Competition Bureau staff on January 16, 2018, to discuss the same issues.
- Gila River Telecommunications [met with](#) Deputy Bureau Chief of the Consumer and Governmental Affairs Bureau on January 11, 2018, to discuss an Order that was circulated on February 13, 2017, that would exempt carriers primarily serving Tribal lands from the effects of the operating expense limitation rule, and would make that exemption effective from January 1, 2017. GRTI claimed it has been negatively impacted by the OpEx limitation rule since it went into effect in January of 2017, resulting in a reduction in support of approximately \$1.1 million per year.
- CTIA filed [a letter](#) on January 12, 2018, to urge the Wireline and Wireless Bureaus to adopt the procedures proposed in the Mobility Fund Phase II Challenge Process [Public Notice](#) and expeditiously move forward to auction USF support for the deployment of 4G-LTE mobile wireless broadband to unserved rural and other high-cost areas. It argued commenters proposing alternative approaches do not explain why their proposals are necessary to ensure the integrity of the challenge process, and even if the alternative proposals had merit, the Bureaus lack the authority to adopt them. CTIA said the Bureaus should adopt the proposal in the Challenge Procedures PN to allow carriers to include evidence of data management practices in responses to MF-II auction challenges.

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Broadband

- Chairman Pai [announced](#) on January 18, 2018, he [circulated](#) a draft 2018 Section 706 Broadband Deployment Report to his fellow Commissioners. Pai also released a [Fact Sheet](#) on the draft report with the key findings, including: the current speed benchmark of 25 Mbps/3 Mbps remains an appropriate measure by which to assess whether a fixed service provides advanced telecommunications capability; mobile services are not full substitutes for fixed services; analyzing broadband deployment *progress* is most consistent with the language of section 706; and since the last section 706 report, the Commission has taken many steps to encourage broadband deployment. The draft report concludes the FCC is now meeting its statutory mandate to encourage the deployment of broadband on a reasonable and timely basis. Commissioner Clyburn issued a [statement](#) on the draft report.
- Sens. Shelley Moore Capito (R-W.Va.), Angus King (I-Maine), Amy Klobuchar (D-Minn.), Heidi Heitkamp (D-N.D.), and John Boozman (R-Ark.), Co-Chairs of the Senate Broadband Caucus, sent a [letter](#) to President Trump on January 17, 2018, to urge the Administration to include dedicated, stand-

alone funding for broadband deployment in any proposed infrastructure package. They said their rural communities have connectivity needs that are not being met and prioritizing direct funding support for broadband deployment in an infrastructure package will help close the digital divide and ensure our country maintains its global competitiveness.

- The House Subcommittee on Communications and Technology [announced](#) on January 16, 2018, a series of bills introduced by Subcommittee members aimed at reducing the regulatory barriers to broadband infrastructure expansion. The [Communications Facilities Deployment on Federal Property Act of 2018](#) would require executive agencies to use common application forms and cost-based application fees for easements, rights-of-way, and lease requests, and master contracts for placement of communications facility installations on federal property. The [Inventory of Assets for Communications Facilities Act of 2018](#) would require the GSA to coordinate with the NTIA to ensure federal agencies include an inventory of assets that can be used to attach or install broadband infrastructure. This inventory would be available to communications providers. The [Streamlining and Expediting Approval for Communications Technologies Act](#) would require the Senior Real Property Officer of covered agencies to track, record, and report on specified data on the applications to locate or modify communications facilities on covered, federal assets.
- The House Subcommittee on Communications and Technology Chairman Marsha Blackburn (R-Tenn.) [announced](#) on January 18, 2018, that a second round of broadband infrastructure bills have been introduced by Subcommittee members. The bills, which focus on supporting innovation and advancing broadband infrastructure in rural communities, are: [Making Available Plans to Promote Investment in Next Generation Networks without Overbuilding and Waste \(MAPPING NOW\) Act](#), which would direct the Assistant Secretary of Commerce for Communications and Information to conduct a National Broadband Map; [Promoting Exchanges for Enhanced Routing of Information so Networks are Great \(PEERING\) Act of 2018](#), which would authorize a matching grant program through NTIA to promote peering centers where none exist or help an existing one expand if it is the only such facility in a core-based statistical area, and authorize eligible recipients under the USF E-Rate and Telehealth programs to use such funds to contract with a broadband provider to obtain a connection or pay for maintaining a connection to a peering facility; and [Wireless Internet Focus on Innovation in Spectrum Technology for Unlicensed Deployment \(WIFI STUDy\) Act](#), which would direct the U.S. Comptroller General to conduct a study on the complementary role of unlicensed spectrum in assisting with internet traffic management and the potential for gigabit WiFi service in spectrum bands below 6 gigahertz.
- The House Subcommittee on Communications and Technology Chairman Marsha Blackburn (R-Tenn.) [announced](#) on January 19, 2018, a third round of broadband infrastructure bills have been introduced by Subcommittee members. The bills focus on advancing broadband deployment in disaster areas and remove obstacles to expansion. They include: [Restoring Economic Strength and Telecommunications Operations by Releasing Expected Dollars \(RESTORED\) Act](#), which would permit companies eligible for funds under the USF's high-cost program to elect up to a 7-month advance payment of such funds to aid in the restoration of services in presidentially-declared disaster areas; [Connecting Communities Post Disaster Act](#), which would provide a 5-year categorical exclusion from environmental and historical reviews for communications facilities in Presidentially-declared disaster areas to aid the replacement and improvements to such facilities; [the Streamlining Permitting to Enable Efficient Deployment of Broadband Infrastructure](#), which would exempt broadband facilities from environmental and historic preservation reviews on federal property that have already granted another communications facility on the same property; and the [Broadband Deployment Streamlining Act](#), which directs the Secretaries of Interior and Agriculture to issue regulations within 1 year to streamline applications processes to locate or modify communications facilities on public lands.
- Comments were filed on January 17, 2018, on the [FNPRM](#) proposing further changes to the pole attachment rules, network change disclosure processes, and section 214(a) discontinuance processes. [NTCA](#) said any pole attachment overloading rule must protect the integrity of poles and existing attachments in a manner that does not impose unnecessary costs/burdens on any party involved. NTCA also urged the Commission to ensure that transitions to IP networks are not burdened by regulations whose application is not necessary to protect consumers or the public interest. [Verizon](#) said the FCC should: affirm intrastate services, including local telephone service, do not require a section 214(a) application; revise its approach to applying section 214 to legacy voice services when other

voice options are available; forbear from applying section 214 to applications to discontinue services with no customers; and expand its streamlining for applications to grandfather and discontinue previously-grandfathered services. [AT&T](#) said the FCC should further streamline its section 214(a) procedures for the discontinuance of data services, adopt additional streamlined procedures for the discontinuance of legacy voice services, and eliminate the outreach requirements associated with the service discontinuance rules. [NCTA](#) supported the Commission's proposal to codify its longstanding precedent regarding overlashing. NCTA claimed the Commission's approach on overlashing successfully promoted the efficient deployment of new facilities without sacrificing network safety or reliability. [Edison Electric Institute](#) said the Commission should be clear that meaningful notice to the pole owner must be in advance of overlashing, and said the Commission should be wary of misconstruing its "long-held precedent" on overlashing by codifying a novel attach-then-notice procedure that sacrifices public safety and reliability for the sake of slightly accelerated broadband deployment. [The Utilities Technology Council](#) requested the Commission not codify a rule that would restrict utilities from requiring advance notice of overlashing. UTC also requested the Commission manage the IP transition carefully and not further remove important consumer protections for the replacement of copper networks or the discontinuance of service by the carriers. [All comments available to date](#). Replies are due February 16, 2018.

- AT&T and the CWA filed a [letter](#) on January 17, 2018, on AT&T's proposal on one-touch make-ready. They claimed AT&T's proposal would minimize disruptions in service provided to consumers by existing attachers. AT&T's proposal includes the following principles: an OTMR regime would apply to routine transfers with only 30-days prior notice to existing attachers; be performed by contractors pre-approved by the pole owner while respecting existing attachers' collective bargaining agreements; allow post-OTMR work inspections by pole owners and/or existing attachers; and require new attachers to indemnify pole owners and existing attachers from liabilities associated with OTMR work.
- The Competitive Carriers Association and Union Wireless [met with](#) Office of Native Affairs and Policy staff on January 12, 2018, to discuss broadband deployment issues. They said the FCC should declare Tribal fees are not required, limit the scope of information applicants must submit to Tribes, and establish Tribal response shot clocks throughout the historic review process.

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Open Internet

- The D.C. Circuit issued an [Order](#) on January 17, 2018, consolidating four Protective Petitions for Review of the FCC's Restoring Internet Freedom [Order](#) filed by the [State of N.Y., et al.](#), [Mozilla](#), [Public Knowledge](#), and [New America's Foundation OTI](#). Petitioners said they filed the petitions out of an abundance of caution, even though the Order has not yet been published in the Federal Register.
- Chairman Pai sent [letters](#) to 26 Senators on January 11, 2018, in response to their letter expressing concern with the draft Restoring Internet Freedom Order, and their request for an investigation by the FCC into reports that bots may have interfered with this proceeding. Chairman Pai stated any such activity did not affect the Commission's decision-making process, and that the Order demonstrates the Commission painstakingly engaged with the voluminous public record in reaching its conclusions.
- The FCC published a [Notice](#) in the Federal Register on January 18, 2018, seeking PRA comments on the information collection requirements relating to disclosure requirements in the Restoring Internet Freedom [Order](#), which require ISP to publicly disclose their network management practices, performance, and commercial terms of service for broadband internet access services. PRA comments are due March 19, 2018.

IP Transition

- The FCC published [a Notice](#) in the Federal Register on January 18, 2018, announcing OMB has approved, for a period of three years, the information collection associated with the Commission's section 214 service discontinuance rules contained in the 2016 Technology Transitions [Declaratory Ruling, Second Report and Order, and Order on Reconsideration](#). The amendments to 47 CFR 63.71(a) introductory text, (b), (g), and (i) are effective on January 18, 2018.

ICC

- JSI [met with](#) Wireline Competition Bureau staff on January 16, 2018, to discuss the [Telapex](#) and [Venture](#) Communications petitions for waiver of certain Part 51 rules. JSI discussed the circumstances of the Telapex and Venture petitions and the need for expedited treatment of the petitions to permit the carriers to fully implement the study area consolidations.

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Universal Service

- The FCC [published](#) in the Federal Register on January 16, 2018, the Lifeline [Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order](#) that was released on December 1, 2017, on measures to bridge the digital divide for Lifeline subscribers and reduce waste, fraud, and abuse in the Lifeline program. The rules are effective February 15, 2018, except for section 54.411, which will become effective on March 19, 2018, and sections 54.403(a)(3), 54.413, and 54.414, which are subject to OMB approval. The FCC also [published](#) the accompanying NPRM and NOI in the Federal Register. Comments are due January 24, 2018; replies are due February 23, 2018.
- The FCC filed a [Brief](#) with the D.C. Circuit Court on January 18, 2018, in the case considering Sandwich Isles' [Petition for Review](#) of the [Memorandum Opinion and Order](#) that granted AT&Ts [AFR](#) and denied Sandwich Isles' [PFR](#) of the 2010 [Declaratory Ruling](#) that decided certain disputed Paniolo undersea cable lease expenses should be included in SICs revenue requirement for recovery through the NECA pooling process. The FCC said limiting Sandwich Isles to recovering \$1.9 million annually through pooling was a reasonable measure to protect other small telephone companies that participate in NECA pooling and their ratepayers.
- The National Hispanic Media Coalition filed a [Motion](#) on January 17, 2018, seeking an eight-week extension to file comments and replies on the Lifeline [NPRM and NOI](#). NHMC asserted an eight-week delay would provide residents of Puerto Rico and the U.S. Virgin Islands, who are still reeling from the 2017 hurricane season, the necessary time to comment.

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- The Director of the FCC's Office of Media Relations issued a [statement](#) on January 19, 2018, saying that, in the event of a partial government shutdown, the FCC plans to remain open at least through the close of business on Friday, January 26, 2018.
- The Wireline Competition Bureau issued a [Public Notice](#) on January 16, 2018, seeking comments on NECA's 2018 Modification of Average Schedule [Formulas](#). Comments are due February 15, 2018; replies are due March 2, 2018.

- The FCC [published](#) in the Federal Register on January 18, 2018, the [Order](#) issued on December 18, 2017, amending section 1.11051, which sets forth the application fee for petitions filed with the Wireline Competition Bureau, to reflect the closure of the Post Office Box used for manual filings with WCB. The Bureau now requires the use of an electronic payment system and, wherever possible, electronic filing. The Order also made conforming revisions in Parts 0, 1, 51 and 61 to account for electronic filing of fees for tariffs, petitions, and applications with the WCB. The FCC said as a temporary transition measure, for 90 days after publication of this Order in the Federal Register, payments and paper filings to P.O. Box 979091 will continue to be processed by U.S. Bank, but after that date, payments for any WCB-related fee or service must be made in accordance with the procedures set forth on the Commission's [web site](#). The Order is effective February 20, 2018.
- The FCC published [a Notice](#) in the Federal Register on January 18, 2018, seeking PRA comments on an extension of a currently approved information collection relating to the accounting rules that require carriers to account for adverse federal antitrust judgments and post-judgment special charges. Comments are due March 19, 2018.
- The Wireline Competition Bureau issued a [Public Notice](#) on January 16, 2018, announcing it granted One Ring Network's application for authorization to obtain NANP 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.
- Neustar filed its [response](#) on January 16, 2018, to the December 29, 2017 LNP transition [status report](#). Neustar asserted this report fails to inform stakeholders of key elements of transition readiness and the potential for what Neustar claims is now imminent consumer service disruption. Neustar expressed concerns over development and testing delays with iconectiv's Number Portability Administration Center and what Neustar says is the lack of transparency surrounding this issue.
- Chairman Pai [announced](#) on January 18, 2018, the appointment of Nirali Patel as Special Counsel. Ms. Patel joins the Office of the Chairman from the Office of Commissioner Carr, where she has been serving as a Legal Advisor for media, wireless, public safety, international, consumer protection, and enforcement matters.
- Commissioner Carr [announced](#) on January 18, 2018, that Will Adams has joined his office as Legal Advisor for wireless issues, and Andi Roane has joined his office as Staff Assistant. Carr also congratulated Nirali Patel on her appointment as Special Counsel for Chairman Pai.

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Upcoming Filing Dates

- 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 March 5, 2018. [FR, 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. 15 – Comments due on NECA's 2018 Modification of Average Schedule [Formulas](#). Replies are due March 2, 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. 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. 2 - Replies due on NECA's 2018 Modification of Average Schedule [Formulas](#). [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. 5 - 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, FR](#).
- 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](#)
- Mar. 19 - PRA comments due on the information collection requirements relating to disclosure requirements in the Restoring Internet Freedom [Order](#) requiring ISP to publicly disclose their network

management practices, performance, and commercial terms of service for broadband internet access services. [Notice](#)

- Mar. 19 - PRA comments due on an extension of a currently approved information collection relating to the accounting rules that require carriers to account for adverse federal antitrust judgments and post-judgment special charges. [Notice](#)

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