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### February 8, 2016 HIGHLIGHTS

- Chairman Wheeler [spoke at](#) New America Foundation's Forum, and said one way to improve the digital divide is to retool the Lifeline program by allowing it to support both fixed and mobile broadband service.
- House members [expressed](#) concern with the FCC's reporting on broadband deployment, video and mobile wireless competition, and seek an FCC response by February 19, 2016. [Press release](#)
- The Wireline Competition Bureau [denied](#) the Electric Power Board of Chattanooga's [Petition](#) for an extension of time to submit proof of its ETC designation for its provisionally-selected Rural Broadband Experiments bid.
- USTelecom and NTCA [discussed](#) a transition of the rate-of-return from its current level of 11.25% to 9.75% by decreasing the rate .25% per year for a period of 6 years. NTCA and USTelecom [discussed](#) principles upon which the rural telecommunications industry could agree for USF reform for rate-or-return carriers and RoR reform for those entities not electing model-based support. TDS, Totah, and WTA [discussed](#) the legal authority the FCC has to re-prescribe rates of return without an appropriate Section 205 proceeding.
- NTCA [filed a proposed](#) process for implementation of competitive overlap policies and specific disaggregation options for RLEC USF support. NTCA [discussed](#) processes to identify competitive overlap. TDS, Totah, and WTA [discussed](#) details of, and alternatives to, the Commission's contemplated rules and procedures for restricting high-cost support in areas determined to contain a "qualifying competitor." Hargray presented [a proposal](#) for a method to disaggregate support between competitive and non-competitive areas.
- NTCA [discussed](#) the importance of avoiding a "black hole" of cost recovery. NTCA and USTelecom [discussed](#) updating USF mechanisms to enable support of standalone broadband services, and addressed potential operating expense limits and potential build-out incentives. They also [discussed](#) broadband build-out goals, the use of a competitive screen to avoid potentially duplicative support, and updating the rate of return used in calculating USF support. NTCA and Golden West Communications [discussed](#) options for reforming existing USF support mechanisms to provide standalone broadband support. LICT Corporation and WTA [discussed](#) the potential model-based support path and the potential rate-of-return path, and the types of build-out requirements that may be applicable to each path. Shawnee Telephone [expressed](#) concern over proposed new regulations that would penalize companies that have already deployed FTTH.
- ATA [filed](#) a comparison of Alaska Plan's rate-of-return ILEC provisions with national reform elements. Arctic Slope Telephone, et al. [discussed](#) concerns regarding what they say is inaccurate information ACS has placed in the public record concerning the Alaska plan.
- FairPoint filed a [reply](#) to comments on its [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.
- USAC filed [Federal Universal Service Support Mechanisms Fund Size Projections](#) for the Second Quarter 2016.
- Sprint [said](#) it is critical that the Commission provide definitive guidance concerning the scope of the intraMTA rule.
- The New Networks Institute [claimed](#) much of [the FCC's Order](#) on USTelecom's Petition for Forbearance (and other proceedings) relied on wrong information.

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#### Other Key Upcoming Dates

- Feb. 22 - Comments [due](#) to refresh the record on USTelecom's 2012 [Petition for Declaratory Ruling](#) that ILECs are "no longer presumptively dominant when providing interstate mass market and enterprise switched access services." Replies due March 7.
- Feb. 22 - Comments [due](#) on NECA's [2016 Modification of Average Schedules](#).
- Feb. 26 - Rebuttals [due](#) in the investigation of tariffed special access service pricing plans of AT&T, CenturyLink, Frontier, and Verizon.

## USF/ICC Reform

- The Wireline Competition Bureau issued an [Order](#) on February 1, 2016, denying the Electric Power Board of Chattanooga's [Petition](#) seeking a waiver and extension of the deadline to submit proof of its ETC designation in all areas covered by its provisionally-selected Rural Broadband Experiments bid, and removing EPB from further consideration for RBE support. The Bureau said EPB provided no explanation for, or defense of, its failure to submit its ETC application to the Tennessee Regulatory Authority at any point during the 90 days between the provisional selection of its bid and the associated June 2 deadline to submit proof of ETC designation.
- USTelecom and NTCA [met with](#) Chairman Wheeler, Commissioner O'Rielly, and Commissioner Clyburn's Legal Advisor on February 3, 2016, to discuss key elements of USF rate-of-return reform that would be essential to a broadband reform effort, including: a transition of the rate-of-return from its current level of 11.25% to 9.75% by decreasing the rate .25% per year for a period of 6 years; build-out obligations; applying a competitive screen at a census block level; and a transition in competitive overlap areas.
- USTelecom and NTCA had [multiple meetings](#) with Chairman Wheeler, his Legal Advisor, Commissioner O'Rielly, and Commissioner Clyburn's Legal Advisor on February 1-2, 2016, to discuss high-level principles upon which the rural telecommunications industry could agree for USF reform for rate-of-return carriers and RoR reform for those entities not electing model-based support. They discussed the FCC setting rates of return that are reflective of small company operations in rural areas and suggested any changes to the current rate should include a reasonable transition. They also discussed build-out benchmarks and a competitive screen that would ensure that where there is a genuine competitor that meets specific qualifying voice and broadband service standards, the incumbent carrier's support would be reasonably disaggregated.
- TDS Telecom, Totah Communications, and WTA [met with](#) Commissioner Rosenworcel's Legal Advisor on February 2, 2016, to discuss USF reform for RLECs. They noted there were indications the Commission was considering a reduction of the rate of return applicable to RLEC high-cost support mechanisms, and said it is not clear what legal authority the Commission has to re-prescribe rates of return without an appropriate Section 205 proceeding. WTA expressed concern that any imposition of additional build-out obligations on RLECs electing to remain on the rate-of-return path without an increase in their high-cost support will become unfunded mandates. WTA expressed its strong preference that only future new investment in areas served by a "qualifying competitor" should be affected by any new policy to reduce support in such areas, and it attached a listing of the standards that a "qualified competitor" should be required to meet before an existing RLEC is deprived of high-cost support within portions of its service area.
- NTCA filed [a letter](#) on February 5, 2016, submitting proposals for a process for implementation of competitive overlap policies and specific disaggregation options for RLEC USF support. NTCA said the specific disaggregation proposals are now provided as the Commission considers for the first time possible implementation of competitive overlap policies below a study area level for rate-of-return-regulated local exchange carriers.
- NTCA [spoke via telephone](#) with Chairman Wheeler's Legal Advisor on February 3, 2016, to discuss how processes to identify competitive overlap should operate and the importance of reasonable and sufficient transitions to enable recovery of costs associated with long-term investments consistent with rules in place at the time such investments were made.
- TDS Telecom, Totah Communications, and WTA [met with](#) Legal Advisors to Chairman Wheeler and Commissioners Clyburn and O'Rielly, and Carol Matthey, Deputy Bureau Chief of the Wireline Competition Bureau, on February 2, 2016, to discuss the details of, and alternatives to, the Commission's contemplated rules and procedures for restricting high-cost support in areas determined to contain a "qualifying competitor." WTA expressed its strong preference that only future new investment in areas served by a "qualifying competitor" should be subject to the contemplated rules

and procedures, and suggested this could be accomplished without bifurcation in several ways. They also attached a listing of the standards they said a “qualified competitor” should be required to meet before an existing RLEC is deprived of high-cost support within portions of its service area. TDS Telecom, Totah Communications, and WTA also [met with](#) Commissioner Pai’s Legal Advisor on February 2, 2016, to discuss similar issues.

- Hargray Communications [met with](#) Commissioner O’Rielly and his Legal Advisor, Legal Advisors to Chairman Wheeler and Commissioner Clyburn, and [Wireline Competition Bureau staff](#) on February 3 - 4, 2016, to discuss USF reform for high-cost, rate-of-return LECs. Hargray presented a proposal for a method to disaggregate support between competitive and non-competitive areas, providing a presentation to document the proposal, and discussed the principles, key assumptions, and underlying data and modeling behind the methodology.
- South Carolina Rural Carriers filed [a letter](#) on February 1, 2016, to express concern with proposals for addressing areas of competitive overlap and to express agreement with what they believe is a key principle of USF reform: “Support for prior investments must continue under the same rules as were in place when those investment decisions were made.” They said any actions that would remove more than 5% of current support over each of the next 10 years could challenge the South Carolina RLECs who are providing universal service to low income, rural areas, such as the I-95 corridor of North Carolina, and argued any changes to high cost support due to the presence of an unsubsidized competitor should be for prospective investment only.
- NTCA [spoke via telephone](#) with Chairman Wheeler’s Legal Advisor on February 4, 2016, to discuss the importance of avoiding a “black hole” of cost recovery whereby existing rules require assignment of certain kinds of costs to the interstate jurisdiction but then other, new rules would preclude any opportunity for recovery of such costs, for example, by operation of a “budget control” or as a result of reductions in support associated with census blocks in which the Commission determines sufficient competitive overlap exists. NTCA said, in such cases, the Commission’s rules must by law provide for at least the opportunity to recover those costs elsewhere.
- NTCA and USTelecom [met with](#) Legal Advisors to Chairman Wheeler and Commissioners Clyburn and O’Rielly, Commissioner O’Reilly’s Chief of Staff, and Wireline Competition Bureau staff on January 27, 2016, to discuss methods for implementing updates of existing USF mechanisms to enable support of standalone broadband services. They addressed potential operating expense limits and potential build-out incentives that might be adopted as part of reforms. They also discussed how to identify study areas that are subject to substantial competitive overlap, the standards that should be applied to determine where an unsubsidized competitor is, in fact, present, and suggested that only new investments going forward in those granular portions of the study area that are found to be subject to such overlap should then be subject to application of the policy.
- USTelecom and NTCA [met with](#) Chairman Wheeler, Commissioner O’Rielly, and Commissioner Clyburn’s Legal Advisor on January 29, 2016, to discuss reform of USF support in areas served by rural companies, focusing on some key reform issues, including broadband buildout goals, the use of a competitive screen to avoid potentially duplicative support, and updating the rate of return used in calculating USF support.
- NTCA and Golden West Communications [held separate meetings](#) with the Legal Advisors to Commissioners Pai, Rosenworcel, and O’Rielly, and Carol Matthey, Deputy Chief of the Wireline Competition Bureau, on February 2, 2016, to discuss options for reforming existing USF support mechanisms to provide standalone broadband support.
- NTCA [spoke with](#) Chairman Wheeler’s Legal Advisor and Wireline Competition Bureau staff on January 30, 2016, to discuss options for reform of existing USF mechanisms.
- LICT Corporation and WTA [met with](#) Wireline Competition Bureau staff on January 28, 2016, to discuss USF Reform for RLECs, including both the potential model-based support path and the potential rate-of-return path, and focused particularly on the types of build-out requirements that may

be applicable to each path. They also discussed options for capital budget mechanisms, operating expense limitations, and benchmarks that may be relevant to the potential rate-of-return path.

- ITTA [met with](#) Legal Advisors to Chairman Wheeler and Commissioners O’Rielly and Clyburn, and Carol Matthey of the Wireline Competition Bureau on February 3, 2016, to discuss various elements of the voluntary model-based USF support plan under consideration by the Commission, including the timing and the build-out obligations for carriers participating in the model-based plan. It also discussed the level of additional support dollars that should be incorporated annually into the model-based plan by the Commission.
- Consolidated Companies and Furchtgott-Roth Economic Enterprises [met with](#) Commissioner Pai and his Legal Advisor, and Legal Advisors to Chairman Wheeler and Commissioners Clyburn, O’Rielly, and Rosenworcel on February 2-3, 2016, to ask the FCC to issue an order approving support at either up to \$200 monthly per eligible location or up to a total \$200 million annually in additional funding plus current legacy support for rate-of-return companies that select the optional model for RoR universal service support.
- NECA filed a [letter](#) on February 5, 2016, attaching 2014 NECA Cost Company Cost Study Data, as requested by the FCC.
- Shawnee Telephone filed [a letter](#) on February 4, 2016, to express concern over proposed new regulations that would penalize companies that have already deployed FTTH, which it said will impact the customers of these carriers as dramatic reductions in support will impair the RLEC’s ability to continue to operate the network and pay back the loans that enabled the network to be built. Shawnee asked the Commission to consider that the purpose of universal support is not just to stimulate the construction of modern telecommunications networks, but also to support their continued operation.
- The Alaska Telephone Association filed [a letter](#) on February 3, 2016, attaching a summary of the Alaska Plan’s provisions with respect to rate-of-return ILECs in comparison with elements of reform being considered for the rate-of-return industry in general in order to demonstrate how the Alaska Plan works together with national reforms to support broadband service in Alaska. It said it is essential that the Alaska Plan, including both its ILEC and CETC provisions, be included in reforms under consideration at this time to avoid needless delays in supporting expanded broadband service.
- GCI [spoke with](#) Chairman Wheeler’s Legal Advisor on January 29, 2016, to urge the Commission to adopt all of the Alaska Telephone Association’s Consensus Alaska Plan, including both the rate-of-return LEC and CETC provisions, at the same time as it adopts CAF rules for rate-of-return carriers. It explained that under the proposed rules submitted by the ATA in its [ex parte](#) of November 19, 2015, the Alaska Plan framework could be adopted without delay, with each participating carrier’s performance and accountability plan subject to further review and approval by the Wireline Competition Bureau for rate-of-return ILECs or the Wireless Telecommunications Bureau for CETCs.
- Arctic Slope Telephone Association Cooperative, Copper Valley Telecom, Matanuska Telephone Association, and GVNW Consulting [met via telephone](#) with Commissioner O’Rielly’s Legal Advisor on February 3, 2016, to discuss two key concerns regarding what they say is inaccurate information ACS has placed in the public record concerning the Alaska plan; performance obligations and the middle mile problem in Alaska. They asserted, while all parties understand the magnitude of the middle mile problem in Alaska, ACS chooses to ignore the current trend line for middle mile progress in Alaska and essentially asks for the whole reform process to stop for every other carrier in Alaska and wait for a process that is certain to take a decade to complete, involves significant changes to existing rules, and likely faces extensive litigation costs. They also reviewed the special circumstances that create higher than average costs for carriers such as ASTAC, Copper Valley, Matanuska, and the entire subset of rural carriers serving the state of Alaska.
- Frontier and CenturyLink [met with](#) Commissioner Clyburn, her Legal Advisor and intern, and separately with Commissioner Rosenworcel and her Legal Advisor on January 29, 2016, to discuss unfunded voice obligations for price cap carriers in remote and high-cost areas under CAF Phase II. They

suggested support in otherwise unfunded areas to maintain voice service would be on an interim basis and would terminate when the CAF Phase II Auction is concluded.

- Columbus Communications Services filed [a letter](#) on February 2, 2016, to inform the FCC that a neighboring company's Form 477 reported it as serving most of the census blocks within the study area boundary of Columbus with FTIH, copper-based and wireless technologies. Columbus said after reaching out to Craw-Kan Telephone Cooperative Association, Craw-Kan quickly submitted revised FCC Form 477 deployment files on December 22, 2015 for the reporting dates of 12/31/2014 and 06/30/2015. Columbus requested that the FCC, along with Cost Quest, update A-CAM illustrative and future results to reflect the revisions to the Form 477 deployment file, so that Columbus will see more accurate A-CAM and/or legacy support numbers.
- Moundville Telephone Company filed [a letter](#) on January 29, 2016, to notify the FCC of changes it made to its previous FCC Form 477, filed on July 13, 2015, which it said contained data that incorrectly identified 272 census blocks as having fiber-to-the-home. Moundville indicated that it submitted revised forms on December 22, 2015, and requested that the FCC allow these corrections to be included in the A-CAM as soon as possible to reflect accurately these facts. It said the mislabeled blocks were identified when Moundville reviewed the A-CAM Version 4.2 illustrative results and identified a potential loss of approximately \$625,841 in A-CAM support.
- ViaSat filed [a letter](#) on February 2, 2016, to propose an alternative approach to structuring the CAF Phase II reverse auctions. It proposed a qualified bid offering service at speeds of 50/5 Mbps that would satisfy a Mean Opinion Score of four would be treated in the same manner as a qualified bid offering service at speeds of 25/3 Mbps that would satisfy a 100 milliseconds latency standard. It said the sole determining factor in selecting between two such bids in the auctions would be the bid amount— *i.e.*, the amount of support requested.

## ICC

- FairPoint filed a [reply](#) to comments on February 3, 2016, on its [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. FairPoint asserted receipt of model-based CAF Phase II support in no way duplicates legacy support amounts or amounts received through ICC Transitional Support, and said it should have no impact on ICC Transitional Support. FairPoint also said comments filed in response to the Petition all support prompt action on this request. [Public Notice](#)
- Sprint [met with](#) Wireline Competition Bureau and Wireless Telecommunications Bureau staff on February 1, 2016, to state it is critical that the Commission provide definitive guidance concerning the scope of the intraMTA rule. Sprint also asserted that the Commission should make clear that the district court's recent decision holding that both the reciprocal compensation regime and the access charge regime apply to intraMTA calls conflicts with the Commission's intercarrier compensation decisions.
- The Wireline Competition Bureau issued a [Public Notice](#) on February 5, 2016, seeking comment on Horry Telephone Cooperative, PBT Telecom, Palmetto Rural Telephone Cooperative, and Piedmont Rural Telephone Cooperative's [Petition for Limited Waiver](#) of 51.917(b)(7)(ii) on February 1, 2016, to include amounts owed by Halo Wireless in their Fiscal Year 2011 Base Period ICC Revenues. Comments are due February 22; replies due March 8.
- Emery Telcom filed a [letter](#) on February 4, 2016, seeking to clarify the facts in connection with its [Petition](#) for a waiver of section 51.917(c)(ii) to permit Emery to include within its Base Period Revenues amounts received after March 31, 2012, for Transitional Intrastate Access Service provided in FY2011. Emery said, as explained in its Petition, a significant portion of calls over direct trunks did not contain carrier identification information in the call detail records, appearing as phantom traffic, and thus the calls were not rated or billed by Emery's third party billing system. Emery said upon further review, it



determined that the interexchange carrier associated with the calls could be determined and the calls could be billed, but that they were billed late, and, ultimately, the bills for a significant portion of traffic were late paid. It said this chain of circumstances caused the need for Emery's waiver.

- To date, no replies were filed 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](#)

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## Broadband

- House Energy and Commerce Committee Chairman Fred Upton (R-Mich.) and Communications and Technology Subcommittee Chairman Greg Walden (R-Ore.) sent a [letter](#) to Chairman Wheeler on February 5, 2016, to express concern with the FCC's reporting on broadband deployment, video competition, and mobile wireless competition. They asserted that since 2011, the Commission has applied inconsistent definitions and analyses in making determinations about competition, and said the reports have then been used to justify Commission actions to intervene in seemingly competitive markets. They requested the FCC respond to their questions on the FCC's decision-making and the FCC's shifting definitions of broadband by February 19, 2016. [Press release](#)
- The Government Accountability Office issued a [report](#) entitled "Additional Coordination and Performance Measurement Needed for High-Speed Internet Access Programs on Tribal Lands." The GAO recommended the FCC develop joint training and outreach with USDA; develop performance goals and measures for tribal areas for improving broadband availability to households; develop performance goals and measures for improving broadband availability to tribal schools and libraries; and improve the reliability of FCC data related to institutions that receive E-rate funding by defining "tribal" on the program application. The GAO said the FCC agreed with the recommendations.
- Rep. Mark Pocan (D-Wis.) issued a [press release](#) on February 3, 2016, announcing that he, along with Reps. Peter Welch (D-Vt.), Kevin Cramer (R-N.D.), and Bob Latta (R-Ohio), are launching a bipartisan Congressional Rural Broadband Caucus to facilitate discussion, educate Congress, and develop policy solutions to close the digital divide in rural America. NTCA issued a [statement](#) in support of the rural broadband caucus.

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## IP Transition

- The New Networks Institute filed a [letter](#) on February 3, 2016, claiming much of [the FCC's Order](#) granting full or partial forbearance from the majority of categories of requirements in USTelecom's Petition for Forbearance was based on biased and manipulated information, or facts were totally ignored. It asserted the data contained in its December 2015 [reports](#), which have been filed in 31 FCC proceedings, contradicts many statements and findings in the FCC's USTelecom decision and other proceedings, including IP Transition, and it asked that the FCC start investigations into the data used in the proceedings. NNI claimed the PSTN wires are profitable, and asserted that there has been a massive manipulation of the flows of money, in large part based on the negligence of the FCC over a 15 year period to examine their own accounting and separations rules.

## Open Internet

- Barbara van Schewick, Professor of Law at Stanford University, filed a [letter](#) on February 1, 2016, correcting a report she [previously filed](#) on the net neutrality implications of T-Mobile's "Binge On" program, which allows its customers on qualifying plans to stream video without counting it against

their data caps. She said the updated report reflects the addition of four providers to the “Binge On” program.

## State Actions

- The Minnesota Governor’s Task Force on Broadband issued its [2016 Annual Report](#) on January 14, 2016. The report examines Minnesota’s broadband adoption rates and reviews progress that the state has made on achieving its broadband speed goals, established in 2010. The report stated, among other things, as of February 2015, 91.45 percent of Minnesota households have broadband access available at a speed of at least 10 Mbps download and 5 Mbps upload, while 80.16 percent of rural Minnesota households have a broadband connection that meets these speeds.

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## USF

- Chairman Wheeler [spoke at](#) New America Foundation’s Forum entitled “Digital Equity: Technology and Learning in the Lives of Lower Income Families” on February 3, 2016, discussing digital divide issues. He said one way to improve the digital divide is to retool the Lifeline program by allowing it to support both fixed and mobile broadband service. He also said the Commission will improve Lifeline’s management and design, make it easier for carriers to participate and encourage robust participation in the program by eligible consumers.
- USAC filed [Federal Universal Service Support Mechanisms Fund Size Projections](#) for the Second Quarter 2016 on February 1, 2016. The High Cost Support Mechanism funding requirements are projected as follows: \$181.59 million for HCL Support; \$241.02 million for ICLS; \$43.5 million for frozen Price Cap Carrier Support; \$395.85 million for CAF Phase II; \$0.70 million for Rural Broadband Experiments; \$149.11 million for frozen CETC Support; \$106.75 million for CAF/ICC Support; and \$6.83 million for the CAF reserve account; resulting in total High Cost Support Mechanism projected demand of \$1.125 billion. (Appendices not provided - see [USAC’s website](#)).
- The Wireline Competition Bureau issued an [Order](#) on February 2, 2016, extending the transition period before the effective date of the FCC’s interpretation of the term “former reservations in Oklahoma,” as used within section 54.400(e) for Lifeline support, for 120 days, until June 8, 2016, in response to the Oklahoma Corporation Commission’s [request](#). Implementation of the Oklahoma Historical Map for purposes of distinguishing between Tribal and non-Tribal lands in Oklahoma was adopted in the June 2015 [Lifeline Second Report and Order](#). The Bureau also released a digital shapefile to provide impacted parties additional certainty regarding the boundaries of the “former reservations in Oklahoma.” Commissioner Pai issued a [statement](#) on the Order, stating “[w]ith decisions like this, it is no wonder that the American people lack confidence in our ability to manage the Lifeline program properly.”
- WTA, NTCA, and John Staurulakis, Inc. [met with](#) Commissioner Clyburn’s Legal Advisor on February 1, 2016, to discuss the Petition for Reconsideration filed by Wireless ETCs on the “Snapshot Rule” that was adopted in the June 2015 [Lifeline Second Report and Order](#), which requires ETCs to report their number of Lifeline subscribers as of the first of each month for the purpose of receiving Lifeline support. WTA, et al. suggested the Commission allow RLEC ETCs to take a “snapshot” of their number of subscribers as of their carrier-specific billing dates in order to eliminate the need for costly billing system changes. They also discussed the Lifeline eligibility verification process, and said that a “coordinated enrollment” process that leverages existing state eligibility databases is the best path to a more efficient eligibility verification process.
- Blair Levin [met with](#) Commissioner Pai on February 2, 2016, to discuss how to redesign the Lifeline program. Levin discussed determining how best to build a database that would minimize long-term costs and maximize ease of use, program improvements and flexibility, and enable coordinated enrollment and de-enrollment, among other things.

- Sprint [met with](#) Wireline Competition Bureau staff on January 20, 2016, to discuss pending reforms to the Lifeline program. Sprint committed to research the programs most frequently used by applicants to demonstrate their eligibility to participate in the Lifeline program, and to update its analysis of the impact of a minimum service standard for Lifeline broadband service. Sprint also provided its view on the “port freeze” concept, under which a Lifeline customer would be required to remain with its current Lifeline service provider for some specified period of time.
- Sprint [met with](#) Chairman Wheeler’s Legal Advisor and Wireline Competition Bureau staff on February 2, 2016, to ask the Commission to grant a petition filed by Sprint’s affiliate, Boost Mobile, for ETC designation for purposes of offering Lifeline. Sprint also discussed proposals on vouchers, a SNAP-only, and minimum broadband standards.
- The Lifeline Connects Coalition [met with](#) Commissioner Clyburn’s Legal Advisor on February 1, 2016, to emphasize the importance of retaining fully subsidized free service plan options, and said, in its modernization efforts, the Commission should neither directly nor indirectly impose a minimum charge, such as through a quantitative minimum service standard which would effectively require ETCs to impose a charge on consumers. The Coalition also discussed preserving consumers’ ability to select voice-only service options, retention of current qualifying programs for Lifeline, and adding broadband to the program.
- TracFone Wireless [met with](#) Wireline Competition Bureau staff on February 1, 2016, to discuss whether there should be minimum voice or broadband service standards for Lifeline-supported services, how consumers should receive Lifeline benefits, and what programs should be Lifeline-qualifying programs.
- Smith Bagley Inc. [spoke with](#) Chairman Wheeler’s Senior Counselor on January 26, 2016, to discuss Lifeline reform. SBI explained that the legacy High-Cost and Tribal Lifeline programs have largely been responsible for its ability to deploy infrastructure on Tribal Lands. SBI also provided data concerning the company’s backhaul facilities.
- Public Knowledge [met with](#) Commissioner Rosenworcel and her Legal Advisor on January 29, 2016, to discuss Lifeline, transactions, and set-top boxes. Public Knowledge urged the Commission to move quickly to conclude its Lifeline modernization proceeding, and noted the importance of facilitating participation in a modernized Lifeline program by as many broadband Internet access providers as possible. PK asserted that when considering how the Commission can promote the public interest when reviewing transactions, the FCC should consider how public interest conditions could help advance the Commission’s other priorities, such as set-top box reform or affordable broadband, in transaction-specific ways.
- IVANS and ABILITY Network [met with](#) Wireline Competition Bureau staff on February 1, 2016, to discuss its [request for review](#) of a USAC decision and a [previous filing](#) in which it asserted it over-reported its assessable revenues even if: the double-counting from AT&T’s payments is not eliminated; it was required to file Form 499s back more than five years, to 2005, when it first provided assessable services; and Multiprotocol Label Switching Services are assessable. They said because of this, the Commission and USAC should conclude that IVANS has fulfilled its USF contribution obligations through 2012 and close this matter.
- Reply comments were filed on January 29, 2016, on the SHLB Coalition et al.’s [Petition](#) for changes to the Part 54 rural healthcare rules. The [SHLB Coalition, et al.](#) said the Commission should use the initiation of this proceeding to conduct a fact-based, data-driven inquiry into the broadband needs of rural health providers to inform potential solutions. [CenturyLink](#) said the issues in the petition were previously considered and denied, and asserted that nothing has been offered that would justify departure from the Commission’s 2012 decision. [Alaska Communications](#) asserted the proposals are unnecessary, contrary to the public interest, and, in many cases, would violate the Communications Act. The [Salvation Army–Alaska Division](#) requested that the FCC issue further guidance to the public



and USAC as to the scope of the statutory categories of eligible rural health care providers, and streamline the eligibility determination process. [Public Notice](#)

- The California Telehealth Network [met with](#) Commissioner Rosenworcel's Legal Advisor and the Connect2Health Task Force on January 28 and February 3, 2016, (along with the SHLB Coalition), to provide an update on CTN's growth and progress in meeting the Commission's policy goals for the Rural Health Care program, and to discuss the [Petition for Rulemaking](#) in the Rural Health Care program docket filed by CTN and others.

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## Misc.

- Oppositions to direct cases were due February 5, 2016, in the investigation of tariffed special access service pricing plans of AT&T, CenturyLink, Frontier, and Verizon. ILEC rebuttals due February 26. [Order](#)
- In addition to comments reported in a previous edition of REGScan, XO Communications filed comments on January 27, 2016, on Section IV.B of the Special Access [FNPRM](#). [XO \(attachments\)](#) claimed that for both TDM and Ethernet channel terminations, the market is concentrated and ILECs have ubiquitous reach and are in most instances the only provider with facilities connected to the building. XO asserted the presence of competitive provider facilities in commercial buildings is limited, reaching a small fraction of buildings in any market. Replies are due February 19. [Order](#) | [List of all comments available to date](#).
- The Wireline Competition Bureau issued a [Public Notice](#) on February 3, 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 February 10, 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 FCC issued a [Notice](#) in the Federal Register on February 4, 2016, announcing the Office of Management and Budget approved, for a period of three years, the information collection associated with the [Report and Order](#) that allowed interconnected VoIP providers to go directly to numbering administrators for phone numbers. The amendments to 52.15(g)(2) and (g)(3) (Central office code administration) are effective February 4, 2016.
- The Wireline Competition Bureau issued a [Public Notice](#) on February 4, 2016, announcing that on February 18, 2016, the FCC will begin accepting applications from interconnected VoIP providers for authorization to obtain telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator, and explained the procedures it will use to grant applications.
- Level 3 [withdrew](#) its [Petition](#) on February 1, 2016, that sought a temporary waiver of the requirement to classify NANP telephone numbers that Level 3 has provided to interconnected VoIP providers or other non-carrier entities, but that have not necessarily been assigned to an end-user or customer by the receiving non-carrier entity, as "intermediate" instead of "assigned."
- The North American Portability Management filed a [letter](#) on January 28, 2016, providing updates on the LNP Administrator transition. NAPM reported the Transition Oversight Manger hosted two LNPA transition outreach webcasts on December 9, 2015 and January 27, 2016. NAPM also said the TOM conducts weekly meetings with the NAPM Transition Team, iconectiv, and Neustar to coordinate activities and communication among the parties and address ad hoc issues as they arise. It also reported Neustar began billing industry service providers on their December 2015 monthly Statement of Work invoices for transition service support billable since July 2015 under SOW 97.

- The FCC published in the [Federal Register](#) on February 3, 2016, the [Order on Reconsideration](#) that amended rules adopted in its 2011 Pole Attachment [Order](#) in response to a [Petition](#) for Reconsideration filed by NCTA, COMPTEL and tw telecom. The amended rules define “cost” for the purpose of calculating the rates that telecommunications carriers pay for pole attachments as a percentage of fully allocated costs that will depend on whether the average number of attaching entities in a service area is 2, 3, 4, or 5. The Order is effective April 1, 2016.
- Reply comments were filed on February 1, 2016, on the [FNPRM](#) proposing to modify in part the four-year compensation rate plan for Video Relay Service adopted in 2013. [Purple Communications](#) supported a speed-of-answer requirement of 80/45 measured monthly, provided that: any increase is accompanied by a rate freeze and a proceeding to restructure the VRS rate methodology; offering “skills-based routing” on a voluntary, trial basis; and including the use of Certified Deaf Interpreters as part of the skills-based routing trial. [VRSCA](#) said the FCC should ensure functional equivalency in communications, particularly with regard to interpreting quality, and should continue to adequately compensate VRS providers to cover essential costs that allow them to grow and invest in research and development to remain competitive and facilitate improved service to their customers. [ZVRS](#) said the FCC should, among other things, adopt the rule requiring 80 percent of monthly VRS calls to be answered within 45 seconds, adopt proportional penalties for failure to meet the standard, and streamline the waiver process for failures due to unavoidable events beyond a provider’s control. Replies also filed by: [Sorenson Communications](#) and [Convo Communications](#). [FR](#)
- The FCC’s Enforcement Bureau issued an [Advisory](#) on February 5, 2016, to remind telecommunications carriers and interconnected VoIP providers of their obligation to file, by March 1, their annual reports certifying compliance with the FCC’s rules protecting Customer Proprietary Network Information. The FCC noted that failure to comply with the CPNI rules, including the annual certification requirement, may subject them to enforcement action, including monetary forfeitures of up to \$160,000 for each violation or each day of a continuing violation, up to a maximum of \$1,575,000.
- Commissioner Rosenworcel [announced](#) on February 1, 2016, the appointment of Marc Paul as her Legal Advisor, with primary responsibility for media issues. Mr. Paul previously served as Of Counsel at Lukas, Nace, Gutierrez & Sachs LLP, where he practiced communications law.

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## Upcoming Filing Dates

- 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. 22 - Comments due on refreshing the record on USTelecom's December 19, 2012 [Petition for Declaratory Ruling](#) that ILECs are "no longer presumptively dominant when providing interstate mass market and enterprise switched access services." Replies due March 7. [Public Notice](#)
- Feb. 22 - Comments due on NECA's [2016 Modification of Average Schedules](#) that contains proposed revisions to formulas used for average schedule interstate settlement disbursements. Replies due March 8. [Public Notice](#)
- Feb. 22 - Comments due on Horry Telephone Cooperative, PBT Telecom, Palmetto Rural Telephone Cooperative, and Piedmont Rural Telephone Cooperative's [Petition for Limited Waiver](#) of 51.917(b)(7)(ii) to include amounts owed by Halo Wireless in their Fiscal Year 2011 Base Period ICC Revenues. Replies due March 8. [Public 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. 7 - Replies due on refreshing the record on USTelecom's December 19, 2012 [Petition for Declaratory Ruling](#) that ILECs are "no longer presumptively dominant when providing interstate mass market and enterprise switched access services." [Public Notice](#)
- Mar. 8 - Replies due on NECA's [2016 Modification of Average Schedules](#) that contains proposed revisions to formulas used for average schedule interstate settlement disbursements. [Public Notice](#)
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- 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](#)
- Mar. 21 - PRA comments due on FCC Form 690, the Annual Report for Mobility Fund Phase I Support, and the record retention requirements, which were revised in the May 14, 2012 Third Order on Reconsideration of the USF/ICC Transformation Order. [Notice](#)

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