

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

### February 16, 2016 HIGHLIGHTS

- The FCC issued the [agenda](#) for its February 18, 2016 Open Meeting, and will consider: a NOI on the current state of programming diversity; a NPRM on a framework for developing new technologies to access video content; a Second Report and Order on the delivery of closed captions on video programming and the handling of captioning complaints; and three Enforcement Bureau actions as consent agenda items.
- Chairman Wheeler [spoke at](#) the Library of Congress on the 20<sup>th</sup> Anniversary of the 1996 Telecom Act. Jon Sallet, FCC General Counsel, also [spoke](#) on the 1996 Telecom Act.
- NTCA and USTelecom [discussed](#) how potential buildout obligations for future projected USF support would be designed and how a carrier's costs to deploy at least 10/1 broadband to additional locations in its study area might be identified. NTCA filed an [amended proposal](#) on how an RLEC should be allowed to choose from among alternatives for purposes of any potential buildout commitments. NTCA [provided](#) further details on a [density-based disaggregation](#) methodology.
- TDS [discussed](#) the model-based approach to USF reform, including potential implementation dates. Blackfoot Telephone [expressed](#) support for A-CAM build-out obligations as proposed by ITTA, and modified by WTA.
- Arctic Slope Telephone, et al. [urged](#) implementation of the Alaska Infrastructure Fund plan. Matanuska Telephone Authority, et al. [urged](#) the Consensus Alaska Plan to be adopted along with reforms to the rate-of-return CAF Phase II for the Lower 48. GCI [said](#) the Alaska Plan framework is ready to be adopted, and urged immediate action on the plan along with the national rate-of-return CAF changes. ACS [urged](#) the FCC to adopt the CAF Phase II broadband deployment proposal it filed last year, and adopt the Alaska Plan's high-cost support recommendations for rate-of-return carriers in Alaska along with reforms for rate-of-return carriers elsewhere in the country. NTTA and Gila River [asked](#) the FCC to target more support for broadband deployment on Tribal lands.
- The FCC [authorized](#) \$2.2 million in Rural Broadband Experiment support for Midwest Connections and Northern Valley Communications, bringing new broadband service to 289 census blocks in Michigan and South Dakota.
- [USTelecom](#) and [ACS](#) opposed GCI's [Petition for Reconsideration](#) of the decision in the [Order](#) to forbear from application to ILECs of all remaining equal access and dialing parity requirements for interexchange services.
- Sen. Patrick Leahy (D-Vt.) [sent a letter](#) to Tom Vilsack, Secretary of the USDA, urging him to use his authority to review and appropriately raise the Farm Bill broadband loan program's minimum speed standard.
- [Oppositions were filed](#) to the direct cases filed by AT&T, Verizon, CenturyLink, and Frontier in the FCC's [investigation](#) of their tariffed special access service pricing plans. Rebuttals are due February 26. [Order](#)
- AT&T [discussed](#) the section 214 proposal in the [FNPRM](#) on IP transition. TelePacific [discussed](#) its [Petition for Clarification](#) of the [Report and Order](#) on copper retirement.
- The FCC issued its [FY 2015 Annual Performance Report](#), summarizing the FCC's progress in fulfilling its strategic goals. The FCC also released its [fiscal year 2017 budget request](#) to Congress. [Budget in Brief](#)
- Over 80 House members [expressed](#) support for Lifeline modernization and for including broadband in the program. The FCC's Consumer Advisory Committee [released](#) its recommendations on Lifeline modernization.

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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

- NTCA and USTelecom [met with](#) Legal Advisors to Chairman Wheeler and Commissioners Clyburn and O’Rielly, and the Deputy Chief of the Wireline Competition Bureau on February 5, 2016, to discuss how potential buildout obligations for future projected USF support would be designed and how a carrier’s costs to deploy at least 10/1 broadband to additional locations in its study area might be identified. They proposed an RLEC should be allowed to choose from among the following simple alternatives: 1) the average cost per loop of all RLECs with comparable density levels that have at least 10/1 broadband deployed to more than 95% of the locations they serve; 2) at least 150% of that specific RLEC’s current actual cost per loop, reflecting the fact that the RLEC likely has deployed to date to the lower-cost locations in its serving area and that the locations left to be reached with broadband are higher cost in nature; or 3) the cost per loop reflected for that RLEC in the final version of the A-CAM.
- NTCA filed an [amended proposal](#) on February 10, 2016, on how a RLEC should be allowed to choose from among the following alternatives for purposes of any potential buildout commitments that may be adopted: 1) the average cost per loop of all RLECs with comparable density levels that have at least 10/1 broadband deployed to more than 95% of the locations they serve, provided that if an RLEC’s actual cost per loop is higher than this average cost per loop of this 95% Deployed Density Peer Group, the per-loop cost for that RLEC for these purposes should be *at least* 150% of the average cost per loop of those RLECs; or 2) the cost per loop reflected for that RLEC in the final version of the A-CAM.
- NTCA filed [a letter](#) on February 10, 2016, to provide further details on Exhibit A of its [February 5, 2016 filing](#) dealing with a density-based disaggregation methodology. NTCA said this approach uses the ratios of average study area density (locations per square mile) to competitive and non-competitive areas’ densities to estimate disaggregated study area revenue requirements, and these data for non-competitive areas’ revenue requirements are then used with ICLS to calculate non-competitive area support.
- TDS Telecommunications [spoke by telephone](#) with Legal Advisors to Chairman Wheeler and Commissioners Clyburn and O’Rielly, and the Deputy Bureau Chief of the Wireline Competition Bureau on February 4-5, 2016, to discuss the model-based approach to USF reform, including potential implementation dates, the use of a non-burdensome challenge process to increase the accuracy of the locations deemed competitive, the treatment of partially-funded locations, and the timing of the final published run of model results.
- Blackfoot Telephone Cooperative filed [a letter](#) on February 5, 2016, to express support for A-CAM build-out obligations as proposed by ITTA, supported by USTA, and modified by WTA. Blackfoot also expressed support for the use of at least \$200 million in CAF reserves to fund carriers electing A-CAM support, and urged the FCC to design its A-CAM election process such that carriers who ultimately decide to elect A-CAM support do not have their funding levels undercut by those carriers that show only an initial expression of interest. Blackfoot also urged the FCC to adopt the proposals made by USTelecom and NTCA revising the existing rate-of-return program.
- Matanuska Telephone Authority, Copper Valley Telephone Cooperative, Arctic Slope Telephone Association Cooperative, GCI, and GVNW Consulting [spoke with](#) Legal Advisors to Chairman Wheeler and Commissioner O’Rielly, and Wireline Competition Bureau staff on February 5, 2016, to urge that the Consensus Alaska Plan be adopted contemporaneously with reforms to the rate-of-return CAF Phase II for the Lower 48. They said if the Commission proceeds with national reforms before it addresses the Alaska Plan, they would urge the Commission to commit to releasing an order addressing the Alaska Plan at least 30 days before any deadline for RoR carriers to elect model-based support, and well before the end of the second quarter 2016. They requested that the Commission defer for the Alaska RoR carriers the effective date of any changes made to the legacy HCLS and ICLS mechanisms until after Commission action with respect to the Alaska Plan, and asked that, if the Commission begins to implement national reforms before it implements the Alaska Plan, the Commission hold to the side the difference between the amount of support the Alaska Plan would

require if all Alaskan carriers opted to participate and the amount of support that Alaskan RoR carriers and CETCs receive at that time.

- Arctic Slope Telephone Association Cooperative, Copper Valley Telecom, Matanuska Telephone, the Alaska Telephone Association and GVNW Consulting [met separately with](#) Commissioners O’Rielly and Rosenworcel’s Legal Advisors on February 9, 2016, to urge implementation of the Alaska Infrastructure Fund plan. They provided an update of current middle mile activities underway in Alaska within the rural carrier community, and asserted middle mile is the step after the FCC completes timely adoption of the consensus Alaska Plan that relates to the last mile 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.
- GCI [spoke with](#) Chairman Wheeler’s Legal Advisor on February 4, 2016, to suggest the Alaska Plan framework was in a position in which it could be readily adopted, with performance and accountability plans to be subsequently approved by the Wireline Competition and Wireless Telecommunications Bureaus respectively. It urged immediate action on the plan along with the national rate-of-return CAF changes.
- ACS [met separately with](#) Commissioner Rosenworcel and her Legal Advisor, Legal Advisors to Commissioners Clyburn, Pai, and O’Rielly, and Wireline Competition Bureau staff on February 8-10, 2016, to urge the Commission to adopt the CAF Phase II broadband deployment proposal it filed on February 3, 2015. ACS reiterated its full support for continuation of existing levels of high-cost support for Alaska’s rate-of-return carriers for a period of ten years, as requested in the Alaska Plan, and said the Commission should adopt the Alaska Plan’s high-cost support recommendations for rate-of-return carriers in Alaska in conjunction with the reforms it adopts for rate-of-return carriers elsewhere in the country. ACS also urged the Commission to issue a NPRM to invite other suggestions for the best middle-mile solution for Alaska on a track separate from and parallel to the current rulemaking for CAF Phase II for both price cap and rate-of-return carriers.
- The National Tribal Telecommunications Association and Gila River Telecommunications filed [a letter](#) on February 9, 2016, to reiterate their request for the Commission to target more support for broadband deployment on Tribal lands. They pointed out the February 3, 2016 [GAO Report](#) concludes that the “[h]igh cost of infrastructure build out on tribal lands, which tend to be remote and rugged terrain, work in tandem with tribal member poverty to create a barrier to high-speed Internet expansion on tribal lands.” They urged the Commission to adopt the Tribal Broadband Factor to provide specific, targeted support with new service obligations to enhance the deployment and maintenance of broadband to tribal lands. GRT also filed [a similar letter](#) on February 9, 2016, urging the Commission to not only protect the core enhanced Lifeline program, but to expand that program to cover broadband.
- The Wireline Competition Bureau issued a [Public Notice](#) on February 9, 2016, authorizing Rural Broadband Experiment support for Midwest Energy Cooperative, d/b/a Midwest Connections, and Northern Valley Communications for the winning bids identified in the attachment to this Public Notice. The Bureau said the aggregate \$2,233,652 in support will bring new broadband service to 289 census blocks in Michigan and South Dakota.
- Lake County, Minnesota, d/b/a Lake Connections, filed [a letter](#) on February 8, 2016, to provide further information in support of Lake County’s request for waiver of the deadline for obtaining ETC designation for its Rural Broadband Experiment bid. It attached the Minnesota PUC Order granting Lake County’s Petition for ETC designation and Lake County’s certification that all of the census blocks included in Lake County’s RBE bid are covered by the ETC designation.
- The American Cable Association and the WISPA filed [a letter](#) on February 9, 2016, to propose alternative criteria to identify banks that could issue acceptable Letters of Credit for smaller, experienced service providers for the CAF Phase II auction: the bank should be FDIC or FCSIC-insured and should meet the “Well-Capitalized” Prompt Corrective Action threshold under Basel III Capital Adequacy Standards. They asserted, compared to the criteria proposed by the Commission, these criteria would expand the pool of banks permitted to issue a LoC from 63 to 6,195 banks and provide more reliable and verifiable indicators of bank viability. They also [met with](#) Wireline

Competition Bureau and Office of the General Counsel staff on February 11, 2016, to discuss similar issues.

- Inter-Community Telephone, Dakota Central Telecommunications Cooperative, Moore & Liberty Telephone, and Polar Communications Mutual Aid Corporation filed [a letter](#) on February 4, 2016, to underscore the importance and urgency of [the letter](#) from Dickey Rural Telephone Cooperative on January 25, 2016, regarding its corrected Form 477 data on broadband deployment. They indicated they are the four North Dakota RLECs that are impacted by Dickey's previous Form 477 filing, and urged the FCC to include Dickey's corrections in the final A-CAM in order for them to receive the necessary and appropriate support to provide improved broadband capacities to their rural customers.
- McDonough Telephone Cooperative filed [a letter](#) on February 11, 2016, to notify the FCC it made changes to its previous two FCC Form 477s on February 10, 2016. MDTC said its previously-filed FCC Form 477s contained data as of December 31, 2014 and June 30, 2015 that incorrectly identified census blocks that are outside its study area as having broadband service deployed by MDTC. MDTC requested the FCC allow these corrections to be included in the A-CAM as soon as possible to reflect accurately these facts.
- Chester Telephone Company and JSI [met via telephone](#) with Commissioner O'Rielly's Legal Advisor on February 8, 2016, to request that the Commission incorporate Chester Telephone's revised Form 477 data into the A-CAM. Chester Telephone is seeking assurance from Commission staff that the correct data will be used in the A-CAM.
- Hughes Network Systems filed [a letter](#) on February 10, 2016, reiterating its support for a CAF Phase II auction structure that would evaluate all bidders fairly against one another, recognizing the various benefits of different technologies and maximizing the likelihood that the technology is selected that will provide the highest performance for the lowest cost in the geographic area under consideration. Hughes said ViaSat's proposal is entirely consistent with Hughes's proposals to use a point system or bidding credits to account for the differing characteristics that different broadband network types offer to consumers, and suggested ViaSat's proposal can be viewed as an application or example of the operation of Hughes's proposals. Hughes noted ViaSat describes its proposal as a "speed for latency" tradeoff," and said this is markedly similar to Hughes's proposal to weight all of the relevant factors (speed, latency, capacity, and subsidy level) dynamically against one another in order to compare bids in an objective and unbiased way without providing undue advantage to any specific technology platform.
- All Point Broadband and WISPA [met separately with](#) Legal Advisors to Chairman Wheeler and Commissioners Rosenworcel, Pai, and O'Rielly on February 4, 2016, to discuss concerns that the CAF Phase II competitive bidding framework might effectively preclude WISPs and small broadband providers from competing in the bidding process. They argued the competitive bidding rules must be technology agnostic and must not favor any technology over others by implementing a "waterfall" structure that prioritizes certain technologies over others. They also argued for an auction in which bidders must offer service satisfying a set of uniform thresholds for speed, latency, and data use, and in which price is the sole criteria for determining winning bids.

## ICC

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

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## Broadband

- Sen. Patrick Leahy (D-Vt.) [sent a letter](#) to Tom Vilsack, Secretary of the USDA, on February 10, 2016, urging him to use his authority to review and appropriately raise the Farm Bill broadband loan program's minimum speed standard. Sen. Leahy said in the two years since the Agriculture Act of 2014 was enacted, Americans' broadband habits have changed, and said because of these changing habits, a review of the Farm Bill's speed standard is warranted to determine whether it should be raised, as authorized by the bill.
- USTelecom issued three white papers on February 11, 2016, examining the business broadband marketplace since the 1996 Telecommunications Act. The [first paper](#) examines the explosive growth of the Internet over the past two decades and the rise of competitors in the business data services market. USTelecom said the [second paper](#) illustrates how the 1996 Telecommunications Act has successfully created competition in the business marketplace by encouraging competitors to build infrastructure. The [last paper](#) urges federal regulators to develop policies that encourage continued expansion of business broadband investment, rather than tailoring a solution for a single set of competitors. [Press release](#)
- GCI [spoke with](#) the Commission's Chief Technology Officer, the Chief Economist of the Wireless Telecommunications Bureau, and the Attorney Advisor to the Consumer and Governmental Affairs Bureau on February 2, 2016, to urge the FCC to be flexible regarding acceptable methodologies of measuring and disclosing broadband network performance, claiming that not all methods are appropriate for all Internet service providers. GCI said it would be helpful for the Commission to clarify that the *2011 Transparency Enforcement Advisory* continues to apply except insofar as the Commission has expressly indicated otherwise, such as by adding packet loss as a measure of network performance that must be disclosed. GCI also said the Commission should make clear that providers have flexibility in determining how to disclose geographically disaggregated network performance data, and said the FCC should reject any suggestion that it adopt new reporting requirements for Internet interconnection performance.

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## IP Transition

- AT&T [met with](#) Wireline Competition Bureau staff on February 10, 2016, to discuss the August 2015 [FNPRM](#) on copper retirements. AT&T claimed the proposal in the FNPRM expands the section 214 process well-beyond its purpose of ensuring communities are not cut-off altogether from communications service. AT&T also asserted the proposal will impose significant costs and delays on ILECs as they complete the transition from TDM to IP, hindering their incentive and ability to expand deployment of broadband networks and services.
- TelePacific Communications [met with](#) Wireline Competition Bureau staff on February 9, 2016, to discuss its [Petition for Clarification](#) of the [Report and Order](#) on copper retirement. TelePacific claimed clarification is needed because the measures established in the Report and Order do not appear to address circumstances where the ILEC retires copper but does not discontinue TDM services in the relevant community. TelePacific asserted no party opposed the proposed remedy that would automatically grant the CLEC's section 214 application by the date of retirement so long as the application was submitted to the Commission 40 days before the retirement date. TelePacific asserted it supports the transition to fiber; however, there needs to be a bridge between today's broadband-over-copper service and the future technology that can offer symmetrical broadband over hybrid copper/fiber or fiber to every premise.
- The Washington Utilities and Transportation Commission filed a [letter](#) on February 11, 2016, asking the FCC to issue a decision on Windstream's [Petition](#) that requested the FCC confirm that an ILEC's obligation to provide DS1 and DS3 capacity loops on an unbundled basis is not changed or eliminated by replacement of copper with fiber or by the conversion from TDM to IP format. The WUTC urged the

FCC to reaffirm incumbent carriers have an obligation to provide unbundled DS 1 and DS3 capacity loops to requesting competitive carriers regardless of the physical medium or transmission protocol the incumbent uses in its network.

## State Actions

- CTIA filed a [Petition for Rehearing](#) with the South Carolina PSC on February 5, 2016, asking the PSC to reconsider its [Order](#) requiring wireless providers to contribute to the state USF fund. CTIA argued the Commission did not properly address its arguments in its decision, and asserted that by misinterpreting the applicable statutes, the PSC reached inaccurate conclusions and inappropriately granted the Petition.

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## USF

- Rep. Mark Takano (D-Calif.) and 85 other members of the House sent a [letter](#) to Chairman Wheeler on February 11, 2016, expressing support for modernization of the Lifeline program and urging the Commission to include broadband in the program. They said the Lifeline subsidy should be made portable to all telecommunications services and the FCC should provide guidance on the program that discourages providers from using Lifeline as a means to commit consumers to a long term billing relationships. They also said the FCC should include wireless Internet coverage under the program, and recommended streamlining the eligibility verification process with pre-existing databases for other federal assistance programs.
- The FCC's Consumer Advisory Committee [released](#) its recommendations regarding modernization of the Lifeline program on February 10, 2016. The CAC recommended that eligibility determination and renewals of eligibility be handled by a third party administrator(s), the FCC take into consideration consumers with disabilities, the FCC improve Lifeline enrollment and outreach through collaboration with community-based organizations and anchor institutions, and opposed the imposition of a program spending cap or restrictive budget that results in the program not being able to serve all eligible households.
- The Wireline Competition Bureau issued a [Public Notice](#) on February 8, 2016, announcing release of the 2016 FCC Forms 499-A (annual Telecommunications Reporting Worksheet), to be used in 2016 to report 2015 revenues, and 499-Q (quarterly Telecommunications Reporting Worksheet), to be used in 2016 to report projected and collected revenues on a quarterly basis, and accompanying instructions for both.
- The Michigan PSC filed a [letter](#) on February 8, 2016, to express concern that the FCC is contemplating removing certain states' ETC designation authority. The PSC asserted states' ability to designate ETCs is very important and beneficial, and said the removal of that authority could potentially cause a number of negative impacts. The MPSC said FCC and state cooperation have helped reduce waste, fraud and abuse, and said state oversight provides for a very efficient means for companies seeking high-cost support or Lifeline reimbursement.
- TracFone Wireless [met with](#) Commissioner Rosenworcel and her Legal Advisor on February 3, 2016, to express support for expanding the Lifeline program to cover broadband services. It also discussed its proposal to make mobile broadband available to Lifeline households by requiring wireless Lifeline providers to offer at no charge to qualified consumers Wi-Fi-enabled smartphones that could utilize free Wi-Fi hotspots provided through public facilities. TracFone also reiterated its support for a national third party eligibility verifier, and its opposition to proposals to implement a direct benefit system and to limit Lifeline eligibility to a single qualifying program. TracFone [also met with](#) Chairman Wheeler and Jon Wilkins, Managing Director, to discuss the same issues.

- Voxiva [met with](#) Jon Wilkins, FCC Managing Director, on February 4, 2016, to recommend that if the Commission establishes a third party Lifeline eligibility verifier, the entity(ies) responsible for developing and administering the verifier develop models and work with partners to ensure that Lifeline can be leveraged to support the programmatic goals of the qualifying programs. Voxiva also said the eligibility processes should allow the qualifying programs the flexibility to promote Lifeline services to their beneficiaries as a part of their broader beneficiary outreach and engagement efforts.
- The American Library Association and Benton Foundation filed a [letter](#) on February 9, 2016, on Lifeline reform. They suggested the Commission leverage and build on existing infrastructure and resources, convene stakeholders at the national and state level, coordinate efforts with other agencies working on broadband adoption issues, and further explore the use of WiFi hotspots to bridge gaps in affordable home access.
- Smith Bagley [met with](#) Commissioner Clyburn's Legal Advisor on February 4, 2016, to discuss Lifeline reform. SBI said the legacy high-cost and Tribal Lifeline programs have largely been responsible for the company's ability to deploy infrastructure on Tribal Lands. SBI also provided data on the company's backhaul facilities.
- The American Association of People with Disabilities, et al. filed a [letter](#) on February 10, 2016, to express support for the Commission's proposal to include broadband in the Lifeline program. They expressed concern for certain other reform proposals, asserting they would make it more challenging for people with disabilities to participate in Lifeline, including a voucher system, limiting Lifeline eligibility to only participants of the SNAP program, and requiring customers to contribute to a mandatory co-pay each month to receive service.
- The Multicultural Media, Telecom and Internet Council [met separately with](#) Commissioner Pai, his Chief of Staff, and his Legal Clerk, Commissioner Rosenworcel's Legal Advisors, the Chairman's Counselor and Advisor, and Consumer Affairs, Incentive Auction, and Public Safety and Enforcement staff on February 8, 2016, to discuss the Commission's "vacant channel" proposal and to request a status update on its Petition for Partial Reconsideration. MMTTC said it believes the Commission should offer high-speed broadband as an eligible Lifeline service, reiterated support of coordinated Lifeline enrollment and verification with the SNAP program, and recommended the Commission create a national verifier to work directly with the SNAP program to facilitate program eligibility, enrollment and de-enrollment. MMTTC said it will soon release a paper exploring costs and the impact of reform on the program's reach and budget.
- The California Emerging Technology Fund file [a letter](#) on February 11, 2016, to respond to questions raised in meetings with the Commissioners' offices on January 21, 2016, pertaining to issues raised on Lifeline and Link Up reform and modernization. It covered the following topics: How should the FCC encourage all types of providers to become ETCs?; Should mobile voice stay in the Lifeline program or be phased out?; Third party eligibility for the national system, and; Bringing broadband to individuals with disabilities.
- Interstate Telecom and CenturyLink filed a [Supplement](#) on February 11, 2016, to their [Petition](#) for a study area waiver. They said the waiver will allow CenturyLink to remove a portion of its Flandreau Exchange, which they said has no current active subscriber lines, one requesting subscriber line, and no non-active subscriber locations, from its South Dakota Study Area and for ITC to add the Transfer Area to its study area. They provided the FCC with a shapefile showing the census blocks affected by the waiver request.
- The California Telehealth Network [met with](#) Legal Advisors to Commissioners O'Rielly and Pai on February 8, 2016, 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.

**Misc.**

- The FCC issued the [agenda](#) for its February 18, 2016 Open Meeting. The FCC will consider: a Notice of Inquiry on the current state of programming diversity; an NPRM on a framework for providing innovators, device manufacturers, and app developers the information they need to develop new technologies to access video content and; a Second Report and Order that allocates responsibilities for the delivery of closed captions on video programming and the handling of captioning complaints. The FCC will also consider three Enforcement Bureau actions as consent agenda items.
- [USTelecom](#) and [ACS](#) filed oppositions on February 8, 2016, to GCI's [Petition for Reconsideration](#) of the decision in the FCC's December 28, 2015 [Order](#) to forbear from application to ILECs of all remaining equal access and dialing parity requirements for interexchange services, including those under sections 251(g) and 251(b)(3) of the Act. [USTelecom](#) asserted the FCC should dismiss the GCI's Petition because GCI did not participate in the underlying proceeding and therefore is not a party, nor has it adequately explained why it could not have participated earlier in the proceeding. [ACS](#) claimed that available data shows 31.8 percent of Alaska households were wireless-only and 21.1 percent were wireless mostly, meaning that more than half of Alaskan households rely primarily or exclusively on a voice service option that has never offered equal access or dialing parity. ACS asserted even for the minority of Alaskan households that continue to rely on wireline service, the equal access and dialing parity rules serve no remaining purpose.
- Oppositions were filed on February 5, 2016, to the direct cases filed by AT&T, Verizon, CenturyLink, and Frontier in the FCC's [investigation](#) of their tariffed special access service pricing plans. [Windstream](#) said the Commission should declare unjust and unreasonable ILEC penalties imposed on CLECs when transitioning to IP services, including clauses that exclude expenditures on Ethernet from counting toward the attainment of volume commitments. [TDS Metrocom](#) attached comments it filed on the special access FNPRM, and claimed the RBOCs' wholesale prices are unjust and unreasonable, as shown by a comparison with NECA rates. [Sprint](#) asserted without Commission intervention, the incumbents will continue to undermine purchasers' efforts to convert to IP-based services, harm competition in the mobile and fixed broadband marketplaces, and injure consumers. Oppositions were also filed by: [XO](#); [Birch Communications et al.](#); and [Lightower Networks and Lumos Networks](#). Rebuttals are due February 26. [Order](#)
- AT&T [met with](#) Wireline Competition Bureau staff on February 4, 2016, to discuss AT&T's Direct Case in the FCC's [investigation](#) of price cap carriers' tariffed special access service pricing plans. AT&T asserted the FCC and the CLEC filings fundamentally misapprehend the nature of the plans, and said AT&T does not offer volume discounts - but instead offers discounts based only on term lengths. AT&T also said claims that these plans "lock up" customers do not hold up on the facts, and said economic theory shows that these plans are not anti-competitive and that the market for customers historically served by TDM DS1s is in transition and highly competitive.
- NASUCA and the Maryland Office of the People's Counsel filed a [motion](#) on February 8, 2016, seeking an extension of time to file reply comments on Section IV.B of the special access [FNPRM](#). They said with the closure of the federal government due to weather, comment dates were extended, but reply dates were not, shortening the time for replies by six days. They asked the Commission to extend the date for reply comments by fourteen days, until March 6, 2016.
- Chairman Wheeler [spoke at](#) the Library of Congress on February 11, 2016, on the 20<sup>th</sup> Anniversary of the 1996 Telecommunications Act. He said, "In the 21st Century, the Telecom Act commands us to re-orient our focus to the effects of digital networks on consumers, competition, and innovation." He said, "The Telecom Act of 1996 started us down the path of ever-expanding network connectivity. Today that path leads to high-speed broadband networks and the reallocation of spectrum as an increasingly important broadband pathway in the 21st Century."

- Jon Sallet, FCC General Counsel, [spoke at](#) the Incompas 2016 Policy Summit Newseum on February 10, 2016, on the 20<sup>th</sup> Anniversary of the 1996 Telecom Act. He said the principles in the Act are broad and flexible and have stood the test of time, and claimed that those who assert Title II is suited only to monopoly regulation miss an important point, as pro-competition provisions were written into the DNA of Title II. He said Chairman Wheeler has an aggressive agenda for the year and one that will further the principles of the Telecom Act. Sallet said the Commission will: begin the incentive auctions that will use competitive bidding processes to reallocate spectrum from broadcast to broadband; work to ensure that over-the-top video providers do not face unfair, artificial barriers to entry; and consider a proposed rulemaking to ensure that consumers are not locked in to renting their cable boxes from their pay TV provider. He also said the FCC is currently focused on the special access market for dedicated business data services.
- The FCC issued its [FY 2015 Annual Performance Report](#) on February 11, 2016, which summarized the FCC's progress in fulfilling its strategic goals and meeting its performance commitments as expressed in its FY 2015 Annual Performance Plan. The FCC's strategic goals included, among other things: maximizing Americans' access to and the adoption of affordable fixed and mobile broadband; maximizing the availability of spectrum; empowering consumers by ensuring they have the tools and information they need to make informed choices and protecting consumers from harm in the communications market; and ensuring that all lawful content can be provided, and accessed, without artificial barriers, and promoting innovation in a manner that improves the nation's ability to compete in the global economy.
- The FCC released its [fiscal year 2017 budget request](#) to Congress on February 9, 2016, which requested \$358,286,000 in budget authority from regulatory fee collections to carry out its core statutory mission and Congressional mandates. The FCC said this represents a decrease of \$25,726,497 from the 2016 level of \$384,012,497, of which \$44,168,497 was specifically made available for the expenses associated with moving to a new facility or reconfiguring the existing space, and it requested the second installment of \$16,866,992 for FY 2017 for that same purpose. The FCC also requested a transfer of \$9,500,000 from the USF to the Commission to cover costs related to the oversight of the USF programs for the Enforcement Bureau and for the Office of Managing Director. [Budget in Brief](#)
- The Senate Committee on Commerce, Science, and Transportation will [hold a hearing](#) on March 2, 2016, entitled, "Oversight of the Federal Communications Commission." Chairman Wheeler and the FCC Commissioners will testify.
- The Senate [passed](#) a [bill](#) entitled the "Trade Facilitation and Trade Enforcement Act of 2015" on February 11, 2016, which contains a provision permanently barring state and local governments from taxing access to the Internet. The bill was sent to President Obama for signature.
- The FCC issued a [News Release](#) on February 12, 2106, announcing it is proposing a \$29,600,000 fine against four long distance carriers for apparent fraudulent, deceptive, and manipulative practices targeting consumers with Hispanic surnames. The FCC asserted OneLink Communications, TeleDias Communications, TeleUno, and Cytel "slammed" consumers by switching their long distance carriers without authorization and "crammed" unauthorized charges onto consumers' bills. The FCC also alleged the companies, which operate as a single enterprise, fabricated audio recordings that they then submitted to the FCC as "proof" the consumers authorized these changes and charges.
- The FCC issued an [Erratum](#) on February 8, 2016, making a number of minor changes to its November 2015 [Order on Reconsideration](#), which amended rules adopted in the [2011 Pole Attachment Order](#).

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## Upcoming Filing Dates

- 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](#)
- Mar. 8 - Replies 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. [Public 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](#)
- 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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