

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

February 19, 2019 HIGHLIGHTS

- The FCC adopted five items at its February 14, 2019 [Open Meeting](#), including a [Report and Order](#) establishing a schedule to end CAF Phase I support in price cap areas where winning bidders in the CAF Phase II auction will begin receiving Phase II support and in areas that were not eligible for the auction, while providing interim support in areas that did not receive any bids, and an [NPRM](#) proposing to amend the Truth in Caller ID rules to implement the anti-spoofing provisions of the RAY BAUM'S Act.
- The December 2018 RoR USF Reform [Report and Order](#) is [effective](#) March 21, 2019, except for the amendments to sections 54.313 and 54.316, which require OMB approval. Amendments to certain Part 32 rules and sections 54.643 and 65.450 are effective January 1, 2020.
- The December 2018 [Part 36 Order](#) that extended for up to six years the freeze of separations category relationships and allocation factors and allowed carriers that elected to freeze their separations category relationships in 2001 a one-time opportunity to unfreeze and update those relationships [is effective](#) February 15, 2019, except for the amendment to section 36.3(b), which is delayed.
- Chairman Pai sent [letters](#) to members of Congress saying he plans to protect rural Americans from local service rate increases by taking action in the coming months on the rate floor rule.
- NTCA [suggested](#) the FCC eliminate the local service rate floor policy, recommended delaying implementation of the network performance testing requirements for recipients of high-cost USF fund support, and discussed ICC issues. NTCA, et al. [discussed](#) the Network Testing Order and recommended delaying the effective date of implementation of performance measurement obligations. ITTA, Cincinnati Bell, and TDS Telecom [suggested](#) the FCC delay the implementation date of the Network Testing Order's requirements until a reasonable amount of time after it has resolved all of the issues subject to the petitions for reconsideration and applications for review.
- [Comments were filed](#) on the FNPRMs attached to the [Report and Order](#) that allowed certain RLECs that receive fixed high-cost support to transition from RoR regulation to incentive regulation for their business data services. Reply comments are due March 11, 2019.
- The White House [announced](#) the release of the [American Broadband Initiative Milestones Report](#).
- NTIA [announced](#) it is collaborating with California, Maine, Massachusetts, Minnesota, North Carolina, Tennessee, Utah, and West Virginia to broaden and update the national broadband availability map.
- The FCC [extended](#) by 90 days, until August 2, 2019, the date by which USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs shall be deemed granted in the absence of a Commission denial.
- The FCC [released](#) its first [report](#) on illegal robocalls. Chairman Pai [reiterated](#) his call for a robust caller ID authentication system to combat illegal caller ID spoofing.

Other Key Upcoming Dates

- Mar. 8 - Comments [due](#) on the December 2018 RoR USF Reform [FNPRM](#). Replies are due April 8, 2019.
- Mar. 11 - Replies [due](#) on the FNPRMs attached to the [Report and Order](#) that allowed certain RLECs that receive fixed high-cost support to transition from RoR regulation to incentive regulation for their BDS. [FR](#)
- Mar. 11 - Replies [due](#) on the 2018 Biennial Review of Telecommunications Regulations. [Public Notice](#)
Editor: [Teresa Evert](#) | Assistant Editor: [Shawn O'Brien](#)

USF Reform

- The December 2018 RoR USF Reform [Report and Order and Order on Reconsideration](#) was published in the [Federal Register](#) on February 19, 2019. The Order: offers additional funding to carriers that currently receive A-CAM support in exchange for deploying broadband at increased speeds; provides an opportunity for legacy carriers to transition to model-based support; and authorizes additional support for carriers remaining on the legacy rate-of-return support mechanisms in exchange for targeting higher broadband speeds. The effective date of the Order is March 21, 2019, except for the amendments to sections 54.313 and 54.316, which contain information collection requirements that have not been approved by OMB. Amendments to sections 32.1410, 32.2680, 32.2681, 32.2682, 32.3400, 32.3410, 32.4130, 32.4200, 32.4300, 32.7500, 54.643, and 65.450, are effective January 1, 2020.
- The FCC issued a [Report and Order](#) on February 15, 2019, establishing a schedule to end CAF Phase I support in price cap areas where winning bidders in the CAF Phase II auction will begin receiving Phase II support and in areas that were not eligible for the auction, while providing interim support in areas that did not receive any bids. The FCC, among other things, adopted a methodology for disaggregating support by employing the Connect America Cost Model to account for the relative costs of providing service among areas in states where price cap carriers declined model-based CAF Phase II support. The FCC limited the allocated monthly support for any census block to \$146.10 per location.
- Chairman Pai sent [letters](#) to Reps. Mark Pocan (D-Wis.), Ro Khanna (D-Calif.), Peter Welch (D-Vt.), James McGovern (D-Mass.), and Vicente Gonzalez (D-Texas) on February 7, 2019, in response to their letter expressing concern about the local service rate floor rule for the high-cost USF fund. Pai noted the Commission has adopted an NPRM seeking comment on whether it should eliminate the rate floor entirely, and said Commission staff are carefully reviewing that record. He said despite the recent lapse in appropriations, he plans to take action to protect rural Americans from unjustified, government-mandated rate increases in the coming months.
- NTCA [met separately with](#) Advisors to [Chairman Pai](#) and [Commissioner Carr](#) on February 7 and 8, 2019, to encourage swift action to eliminate the outdated local service rate floor policy. It expressed concerns about the process whereby network performance testing requirements will be applied to recipients of high-cost USF fund support, and recommended implementation be delayed. NTCA also urged the Commission to confine any action on intercarrier compensation only to those areas in which clear and convincing evidence on the record confirms concerns exist with respect to particular practices or routing patterns. It suggested that if the Commission proceeds to address perceived arbitrage in the context of transport charges in particular, it should proceed consistent with NTCA's July 20, 2018 [recommendations](#). NTCA also [met with](#) Commissioner O'Rielly's Legal Advisor on February 11, 2019, to discuss the same issues.
- NTCA, LICT Corporation, Range Companies, and TDS Telecom [spoke with](#) Wireline Competition Bureau staff on February 8, 2019, to discuss concerns with the Network Testing Order, including, but not limited to, the development and availability of testing-compatible equipment and the random selection of testing locations. They recommended delaying the effective date of implementation of performance measurement obligations until: standards and systems for performance testing are finalized, including final disposition of petitions for reconsideration and applications for review and final establishment of HUBB portal changes and other reporting systems; vendors have designed a variety of solutions that conform to the finalized standards and offer options for deployment to smaller operators; and each carrier has had a reasonable chance to "test the testing" through a grace period following its own deployment.
- ITTA, Cincinnati Bell, and TDS Telecom [spoke separately with](#) Advisors to [Chairman Pai](#) and Commissioners O'Rielly and [Carr](#) and Wireline Competition Bureau and Office of Economics and Analytics [staff](#) on February 7 and 8, 2019, to request that the Commission delay the implementation date of the Network Testing Order's requirements until a reasonable amount of time after it has resolved all of the issues subject to the petitions for reconsideration and applications for review, as well as after cost-effective equipment is available in a sufficiently widespread manner. They discussed

numerous substantive decisions in the Order, and requested the Commission reconsider the Order's overly stringent framework for penalizing non-compliance, suggesting the compliance framework align more with that to which broadband deployment milestones are subject. They also asked the Commission to set aside the Order's requirement that a carrier temporarily upgrade some customers' speeds for testing purposes where there is an insufficient test population at a certain service level due to too few customers having purchased service at that level.

- Hughes Network Systems [met separately with](#) Advisors to Chairman Pai and Commissioners O'Rielly and Starks and staff from the [FCC General Counsel](#) on February 11, 2019, to discuss Petitions for Reconsiderations filed on the [Network Testing Order](#). Hughes noted the Order requires high-latency bidders to use a testing methodology to make their MOS voice quality showing that geostationary satellite providers may not be able to achieve. It said the Order was released after the NY auction and before the CAF-II auction, and the issue is guarding against illegal retroactive rulemaking. Hughes claimed unlike other testing parameters set in the Order, the change to the MOS testing framework affects a fundamental gating criterion for auction participation, and asserted applying the Order's changes to the MOS testing framework to the NY auction would be illegal.
- USTelecom [responded](#) to a call from Commissioner O'Rielly's Advisor on February 12, 2019, to discuss the [draft Order](#) phasing down legacy voice support. USTelecom discussed its advocacy with respect to para. 20, and reiterated its previous position that the presence of an ETC is the determinative factor in whether consumers will be guaranteed voice service, not whether a service is fixed or non-fixed.
- Consolidated Communications filed a [letter](#) on February 14, 2019, to provide an updated list of locations to which it deployed broadband services meeting the CAF Phase II requirements as of December 31, 2018. Consolidated said it timely filed its required reports for the 40 percent interim CAF Phase II deployment deadline of December 31, 2017, but that it has come to its attention that a number of the locations identified by CCI in its previously certified HUBB filings are not accurate.
- The Rural Wireless Association filed [a letter](#) on February 13, 2019, to bring to the FCC's attention a Vermont DPS report and the individual carrier maps created by the Vermont DPS (Exhibit 1) containing the results of drive-testing for the Mobility Fund II coverage map to gauge the actual coverage of six service providers in Vermont, including Verizon and T-Mobile. RWA said the Vermont DPS noted a stark contrast between claimed 4G LTE coverage and actual 4G LTE coverage amongst the country's nationwide carriers, and indicated the drive-test study, which shows evidence of T-Mobile over-stating its rural coverage, has been submitted as part of the record in a hearing conducted by the House of Representatives Subcommittee on Communications and Technology in its review of the proposed merger between T-Mobile and Sprint. RWA repeated its earlier requests for FCC investigations of both Verizon and T-Mobile coverage data for the MF II.
- Jeanne Dietsch, Senator, State of New Hampshire, filed [a supplement](#) to her [Petition for Waiver](#) on February 11, 2019, that requested a waiver of the rule regarding specific cellular phone sets be used for the Mobility Fund-II challenge process. She indicated FCC staff requested additional information pertaining to records that were submitted and certified on November 26, 2018.

[Back to Highlights](#)

ICC

- The Wireline Competition Bureau issued a [Public Notice](#) on February 15, 2019, seeking comments on Northeast Nebraska Telephone's request for waiver of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) in order to merge two commonly-owned study areas and modify revenue requirements. Comments are due March 4, 2019; replies are due March 14, 2019.
- The FCC placed an item on [circulation](#) on February 15, 2019, entitled "July 1, 2018 Annual Access Charge Tariff Filings; South Dakota Network, LLC Tariff F.C.C. No. 1."

- AT&T filed a [letter](#) on February 14, 2019, in response to Aureon's February 4, 2019 [ex parte](#) and in response to issues raised during AT&T's [meeting](#) with FCC staff on February 5, 2019. AT&T said because its submission contains confidential information on Aureon's fiber rings and switching expense in the form of a supplemental declaration from Brian F. Pitkin, it has been removed from this public version filing.
- South Dakota Network filed on February 13, 2019, [declarations](#) in the case investigating SDN's 2018 Tariff No. 1. SDN asserted the declarations of Larry Thompson, Chief Executive Officer of Vantage Point Solutions, and Joseph Neubauer, Carrier Management & Business Systems Support Manager of SDN, support SDN's argument that CenturyLink cannot be the benchmark for SDN's centralized equal access service, as it would not provide CEA to SDN's subtending RLECs.
- Northern Valley Communications, OmniTel Communications, and Western Iowa Networks [met with](#) Legal Advisors to Chairman Pai and Commissioner O'Rielly on February 12, 2019, to discuss the CLECs' concerns with the [NPRM](#) on access stimulation. They said they would like to see the FCC act on their proposed data requests and obtain information from the IXCs and CEA providers that seek to eliminate free conference calling services. They also suggested the FCC complete its investigation of both the Aureon and South Dakota Network tariffs before proceeding further with the NPRM.

[Back to Highlights](#)

Broadband

- The White House [announced](#) the release of the [American Broadband Initiative Milestones Report](#) on February 13, 2019. The report is a product of the Task Force on Agriculture and Rural Prosperity and outlines a vision for how the federal government can increase broadband access and actions that Federal Agencies are taking to increase private-sector investment in broadband. The report provides recommendations on streamlining federal permitting processes to speed broadband deployment, leveraging federal assets to lower the cost of broadband buildouts, and maximizing the impact of federal funding. On April 25, 2017, President Trump signed an [Executive Order](#) establishing the Task Force on Agriculture and Rural Prosperity.
- The National Telecommunications and Information Administration [announced](#) on February 12, 2019, it is collaborating with eight states (California, Maine, Massachusetts, Minnesota, North Carolina, Tennessee, Utah, and West Virginia) to broaden and update the national broadband availability map. NTIA said the states will contribute data and other inputs to the map. It also indicated it expects to seek participation from additional states, territories, and federally recognized tribes that have broadband programs or related data-collection efforts.
- Sens. Joe Manchin (D-W Va.), James Lankford (R-Okla.), et al. sent a [letter](#) to Chairman Pai on February 14, 2019, suggesting the creation of a public feedback mechanism to allow consumers and states to help inform broadband coverage maps and report any lack of broadband access to the FCC. They suggested the use of data from consumer-initiated speed tests, including commercial data sets that take advantage of such data, to help supplement Form 477 data. They also suggested the FCC incorporate the data from states who have begun to take mapping into their own hands using voluntary public speed tests, drive tests, and GIS software to create their own maps on a more localized and granular level. They asked Pai to respond to certain questions. [Press release](#)
- The Wireline Competition Bureau issued an [Order](#) on February 14, 2019, extending by 90 days, until August 2, 2019, the date by which USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs shall be deemed granted in the absence of a Commission denial.
- USTelecom and Verizon [met with](#) Chairman Pai's Wireline Advisor on February 7, 2019, to discuss USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. They claimed the record shows the overwhelming majority of unbundled network elements in today's marketplace are used to serve business customers and the vast majority of those customers are located in areas the Commission has already determined are competitive. USTelecom said following

grant of the petition, its members' wholesale customers will continue to be able to purchase wholesale inputs they need to provide retail service through commercial agreements or other arrangements, and claimed some members are already discussing those commercial arrangements with their customers.

- U.S. TelePacific, Mpower Communications, and Arrival Communications, all d/b/a TPx Communications, [met with](#) Chairman Pai and Commissioner O'Rielly and their Legal Advisors on February 11, 2019, to discuss USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. TPx discussed the importance of unbundled network elements to competitive markets, and asserted grant of USTelecom's requested forbearance would result in significant disruptions for the majority of TPx customers. It suggested the FCC should, at a minimum, extend by three months the statutory deadline for action on the Petition.
- The Telecommunications Regulatory Board of Puerto Rico filed a [letter](#) on February 12, 2019, to express concerns with USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. The Board said that if the Petition were to be applied to Puerto Rico, the analysis must include a municipal level of granularity. It claimed competition in Puerto Rico has been primarily focused on larger municipal areas and there are many areas in Puerto Rico that have not yet experienced robust competition. The Board said when infrastructure is damaged by adverse weather conditions, it is vital to have access to other networks upon which services can be provisioned in a timely manner and at established TELRIC rates.
- An FCC [notice](#) was published in the Federal Register on February 15, 2019, announcing the charter of the Broadband Deployment Advisory Committee has been renewed for a period of two years, pursuant to the Federal Advisory Committee Act.
- The National Rural Electric Cooperative Association [met with](#) Chairman Pai's Special Counsel and Commissioner Rosenworcel's [Chief of Staff](#) on February 8, 2019, to discuss its [comments](#) filed on the NOI for the 15th Broadband Deployment Report and the risk of significant overstatements of broadband availability in rural areas due to the current Form 477 instructions. NRECA said the fixed broadband benchmark should be subject to periodic adjustment based on current deployments of fixed broadband technologies in urban areas as opposed to a weighting of all embedded fixed broadband facilities. NRECA recommended more granular reporting be required, as suggested in the 2017 Form 477 NPRM. NRECA also [met with](#) Wireline Competition Bureau staff on February 8, 2019, to discuss the same issues.
- A group of public interest organizations and advocates [met with](#) Commissioner Starks and his Legal Advisors on February 7, 2019, to discuss various issues, including broadband, 5G, Lifeline, and E-rate. Free Press asked Commissioner Starks to focus on broadband deployment and affordability and other adoption barriers that prevent many people from subscribing to high-speed options. The New America's Open Technology Institute urged Commissioner Starks to improve Form 477 data and offered several specific recommendations. Public Knowledge suggested a halt to the rollback of the Tech Transition protections for voice and broadband services, including the lowering of standards for notice to consumers and communities.

[Back to Highlights](#)

Universal Service

- The [NPRM](#) attached to the January 31, 2019 E-rate Amortization Order was published in the [Federal Register](#) on February 14, 2019. The NPRM seeks comment on whether the amortization suspension has encouraged the deployment of high-speed, low-cost connections, and the effect of the amortization suspension on applicants and on USF expenditures, among other things. Comments are due March 18, 2019; replies are due April 1, 2019.
- The Wireline Competition Bureau released a [Report](#) on the E-rate program on February 11, 2019, which recommended the Commission retain the five-year category two budget approach and avoid a return to the prior so-called "two-in-five rules" approach. The Bureau said this recommendation is

based on the data showing clear improvements in the way in which funding for internal connections has been administered since Funding Year 2015. The Bureau also recommended the Commission consider modifications to the existing category two budget approach to enhance the ability of the E-Rate program to provide funding to schools and libraries to support high-speed connectivity.

- The FCC issued a [Public Notice](#) on February 14, 2019, announcing the release of the 2019 FCC Form 499-A (Telecommunications Reporting Worksheet), to be used in 2019 to report 2018 revenues, Form 499-Q, to be used in 2019 to report projected and collected revenues on a quarterly basis, and accompanying instructions.
- The Wireline Competition Bureau issued a [Public Notice](#) on February 15, 2019, to provide guidance regarding Commission rules for determining rural rates in the Rural Health Care Telecommunications Program. The Bureau said the notice is intended to assist applicants participating in the Telecom Program in doing their part to ensure the efficient processing of funding requests and fair distribution of limited RHC Program funding.
- CTIA [met with](#) Wireline Competition Bureau and USAC staff on February 7, 2019, to discuss the implementation of the National Lifeline Eligibility Verifier. CTIA expressed support for the Commission's goal of closing the digital divide, and discussed the National Verifier's implementation, including opportunities for deployment of an Application Program Interface. CTIA also expressed concern regarding the new documentation requirements for Lifeline eligibility verification.
- NARUC adopted [three resolutions](#) at its 2019 Winter meeting, including one on the National Lifeline Verifier. The resolution: urged the FCC and USAC to work with the states to properly launch the National Verifier; urged USAC to follow FCC rules for the proof of eligibility; and urged streamlining the Lifeline paper application, among other things.
- Huawei filed [ex parte comments](#) on February 14, 2019, in the telecommunications supply chain proceeding. Huawei asserted unreasonable and unfair restrictions on the sale and use of Huawei equipment would limit the U.S. to inferior and more expensive substitute equipment and jeopardize the U.S. commitment to building the most advanced 5G network in the world. Huawei also said the Commission should terminate this rulemaking proceeding in favor of a more comprehensive, holistic approach to supply chain security.
- Hughes Network Systems [met with](#) Advisors to Chairman Pai and Commissioners Starks and Rosenworcel on February 15, 2019, to discuss its [proposal](#) for the award mechanism of the Uniendo a Puerto Rico Fund and the Connect USVI Fund. Hughes also discussed the benefits of applying an objective, technology-neutral bidding framework to the distribution of universal service funds and the need for the final determinations to be made by a neutral third-party arbiter.
- Broadband VI [met separately with](#) Commissioner O'Rielly and his Legal Advisor, Advisors to Chairman Pai and Commissioner Carr, and Daniel Kahn of the Wireline Competition Bureau on February 11 and 12, 2019, to discuss its proposal for stage 2 funding for restoration of service in the Virgin Islands. BBVI asserted using comparative network criteria is the most appropriate and most expeditious approach available because of the relatively small number of applicants expected to seek stage 2 funding for the U.S. Virgin Islands. BBVI also said network resiliency and restoration should be given the most weight to promote the hardening of communications networks in a manner that can best withstand the inevitable natural disasters to come.
- Reply comments were filed on February 13, 2019, on issues raised in the [NPRM](#) on promoting telehealth in rural areas related to determining the urban and rural rates used to calculate support in the Telecommunications Program within the Rural Health Care Program. [GCI](#) said the Commission should avoid unnecessarily complex overregulation that will discourage infrastructure investment and reduce participation in the Program. [NCTA](#) expressed support for GCI's position that competitive bidding should be used to determine rural rates for services that are subject to competition. [Alaska Communications](#) said the Commission should rely on market forces to the greatest extent possible, and act now to reestablish firm footing for the Telecom Program, with sufficient support, minimal

intervention in the competitive market, and transparent and predictable procedures. Replies also filed by [SHLB Coalition](#) and [Southcentral Foundation](#). [Public Notice](#)

- No comments were filed on Bloosurf's [Petition for Designation](#) as an ETC in Delaware and Maryland. Bloosurf is a winning bidder of CAF Phase II auction support for census blocks in those States. Replies are due February 19, 2019. [Public Notice](#)
- No comments were filed on [Meriweather Lewis Connect](#) and [HolstonConnect](#)'s separate petitions for designation as an ETC. Each of the petitioners is a winning bidder of CAF Phase II auction support. Replies are due February 19, 2019. [Public Notice](#)
- Plains Internet filed a [Request for Limited Waiver](#) and extension of the FCC's February 25, 2019 ETC designation deadline on February 13, 2019. Plains said the Texas PUC has not issued an order designating it an ETC, which is required for Plains to receive the CAF Phase II support it was awarded via Auction 903. Plains asked the Commission for a ten-day extension following issuance of an Order by the Texas PUC approving it as an ETC.

[Back to Highlights](#)

Misc.

- The FCC released the items it adopted at its February 14, 2019 [Open Meeting](#) on February 15, 2019, including the [Report and Order](#) establishing a schedule to end CAF Phase I support in price cap areas where winning bidders in the CAF Phase II auction will begin receiving Phase II support and in areas that were not eligible for the auction, while providing interim support in areas that did not receive any bids. It also released: an [NPRM](#) proposing to amend its Truth in Caller ID rules to implement the anti-spoofing provisions of the RAY BAUM'S Act; a [Report and Order, FNPRM, and Order](#) to enhance program management, prevent waste, fraud, and abuse, and improve emergency call handling in the IP CTS program; an [NPRM](#) that proposes revisions to the FCC's NCE and LPFM comparative processing and licensing rules; and a [Report and Order](#) eliminating the requirement in section 73.2080(f)(2) that certain broadcast television and radio stations file the Broadcast Mid-Term Report (Form 397).
- The FCC [published](#) the December 17, 2018 [Part 36 Order](#) in the Federal Register on February 15, 2019, that amended the jurisdictional separations rules by extending for up to six years the freeze of separations category relationships and allocation factors that it originally adopted in 2001. The freeze will remain in effect until the earlier of December 31, 2024, or the completion of comprehensive reform of the Part 36 jurisdictional separations rules. The Order also amended the Part 36 jurisdictional separations rules by providing rate-of-return carriers that elected to freeze their separations category relationships in 2001 a one-time opportunity to unfreeze and update those relationships so they can categorize their costs based on current circumstances. The rules are effective February 15, 2019, except for the amendment to section 36.3(b), which is delayed.
- The FCC issued an [Order](#) on February 11, 2019, appointing John Gavan, Commissioner, Colorado PUC, and Dan Lipschultz, Commissioner, Minnesota PUC, to serve on the Federal-State Joint Board on Jurisdictional Separations. Mr. Gavan's appointment fills the position recently vacated by Wendy M. Moser, Commissioner, Colorado PUC. Mr. Lipschultz's appointment fills the position recently vacated by Travis Kavulla, Commissioner, Montana PSC.
- In addition to comments listed in a previous edition of *REGScan*, comments were filed on February 8, 2019, on the Second FNPRM and FNPRM that accompanied the [Report and Order](#) that allowed certain RLECs that receive fixed high-cost support to transition from RoR regulation to incentive regulation for their business data services. [ITTA and USTelecom](#) asserted the Commission's decision to end ex ante pricing regulation of price cap carrier-provisioned TDM transport services was warranted in the BDS [Order](#) and is warranted again. They also said if the FCC imposes a competitive market test for determining the competitiveness of transport services provided by electing model-based

RoR carriers, it should have lower thresholds for such carriers to demonstrate transport competition than the competitive market test the Commission applied in deciding which potential electing RoR carriers' study areas received removal of ex ante pricing regulation for end user channel termination services. [AT&T](#) said the Commission should readopt its rules eliminating ex ante price cap regulation for TDM transport nationwide for price cap carriers, and reaffirm its decision to detariff transport. AT&T asserted the CLECs' arguments against nationwide elimination of ex ante price cap regulation are without merit. [Verizon](#) said the Commission should confirm its findings that TDM transport services for price-cap LECs are sufficiently competitive in all areas to justify eliminating ex ante pricing regulation and tariff requirements for those services. Reply comments are due March 11, 2019. [PN](#) | [All comments available to date](#). | [FR](#)

- The FCC issued a [news release](#) on February 14, 2019, indicating Chairman Pai announced the release of the FCC's first ever report on illegal robocalls. The [Robocall Report](#) discusses implementation by providers of the proactive blocking of invalid, unallocated, and unused numbers, as [authorized](#) by a 2017 FCC rule change, and reports on progress made toward [caller ID authentication](#) through adoption and implementation of STIR/SHAKEN standards by networks. The report also: explains the FCC's development of a reassigned number database; reports the FCC has proposed or imposed monetary forfeitures totaling \$245,923,500 against violators or apparent violators; and explains the FCC's efforts to push for industry-wide cooperation with agency [traceback](#) efforts.
- The FCC issued a [news release](#) on February 13, 2019, announcing Chairman Pai reiterated his call for a robust caller ID authentication system to combat illegal caller ID spoofing. It said on November 5, 2018, Chairman Pai [demanded](#) the phone industry begin providing caller ID authentication for consumers in 2019, and in response, phone companies outlined [their plans](#). The notice said Pai believes that wireless providers, interconnected VoIP providers, and telephone companies should make real caller ID authentication (the SKAKEN/STIR framework) a priority and believes that major carriers can meet his 2019 goal.
- Microsoft [met separately with](#) Advisors to Chairman Pai and Commissioners O'Rielly, Rosenworcel, Carr, and Starks and Wireline Competition Bureau staff on February 6 and 7, 2019, to discuss measures to combat unlawful robocalls and caller ID fraud. Microsoft discouraged the Commission from adopting a safe harbor for blocking legitimate voice calls, saying instead the FCC should utilize common sense and prosecutorial discretion when making enforcement decisions and take into consideration a carrier's level of care in assessing liability for blocking legitimate calls. Microsoft also said in the draft NPRM, the proposed interpretation of "interconnected with the public switched telephone network" (a component of the statutory "voice service" definition) might have unintended consequences if applied in the context of subsequent legislation that uses the same definition of "voice service," and urged the Commission to ensure that its interpretation of "interconnected with the PSTN" is not extended to implementation of future legislation.
- In addition to comments reported in a previous edition of *REGScan*, comments were filed February 8, 2019, on the 2018 Biennial Review of Telecommunications Regulations, which included rules in Parts 1, 8, 32, 36, 42, 43, 51, 52, 53, 54, 59, 61, 63, 64, 68 and 69. [NCTA](#) suggested the FCC repeal section 52.15(g)(3)(iv)(C), which requires interconnected VoIP providers to provide state commissions a 30-day notification before applying for numbering resources from the applicable numbering administrator. [NCTA](#) also suggested the FCC repeal section 9.5(e)(2), which requires interconnected VoIP providers to obtain and keep an affirmative acknowledgment by every subscriber that they have been informed of certain qualities of interconnected VoIP services. [Kelley, Drye & Warren](#) suggested the FCC eliminate the section 63.10(c)(2)-(4) quarterly reporting requirements that apply solely to carriers classified as dominant on an international route. [Mobile & Wireless Forum](#) commented on the RF exposure standard contained in section 1.1310. [Underwriters Laboratories](#) commented on radiated emission limits and measurement distances set forth in Parts 15 and 18. [CKC Laboratories](#) suggested amendments to certain rules in Parts 2 and 18. Replies are due March 11, 2019. [PN](#) | [All comments available to date](#) | [Public Notice](#)
- The FCC issued a [Public Notice](#) on February 14, 2019, seeking comment on EATELCORP and Reserve Communications and Computer Corporation's 214 application requesting consent for the

transfer of control of EATEL to Reserve. Comments are due February 28, 2019; reply comments are due March 7, 2019.

- EATELCORP filed [a letter](#) on February 11, 2019, to provide supplemental information for its 214 application for transfer of control of EATEL to Reserve. It said an affiliate of Reserve, Columbia Cellular, is a CMRS licensee in St. James Parish, Louisiana, and the service area of that CMRS licensee does not overlap any part of the service territories of either of the EATEL ILEC subsidiaries, East Ascension Telephone Company or Lafourche Telephone Company. It also confirmed that the Reserve affiliate's cable television service areas do not overlap any part of the service territories of either of East Ascension Telephone Company or Lafourche Telephone Company.
- The FCC issued a [Public Notice](#) on February 14, 2019, announcing Commissioner Starks appointed William Davenport as his Chief of Staff and Senior Legal Advisor covering Wireless and International issues, and the departure of Daudeline Meme, who has served as Acting Chief of Staff and Acting Legal Advisor on Wireless and International issues.
- Commissioner O'Rielly [announced](#) on February 15, 2019, Joel Miller as his new chief of staff, press contact, and media advisor, replacing Brooke Ericson. Mr. Miller is currently employed as Deputy Chief of Staff and Legislative Director for Rep. Brett Guthrie (R-Ky.).
- Comments were due February 15, 2019, on Comcast IP Phone's application for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. [Public Notice](#)

[Back to Highlights](#)

Upcoming Filing Dates

*Note: Per the FCC's January 29, 2019 [Public Notice](#), due dates were further revised, as a result of the recent lapse in federal funding.

- Feb. 19 - Replies due on Bloosurf's [Petition for Designation](#) as an ETC in Delaware and Maryland. Bloosurf is a winning bidder of CAF Phase II auction support for census blocks in those States. [Public Notice](#)
- Feb. 19 - Replies due on [Meriweather Lewis Connect](#) and [HolstonConnect](#)'s separate petitions for designation as an ETC. Each of the petitioners is a winning bidder of CAF Phase II auction support. [Public Notice](#)
- Feb. 22 - Oppositions due to the City of New Orleans, et al.'s [Petition for Reconsideration](#) of the September 2018 [Declaratory Ruling and Third Report and Order](#) on wireless infrastructure deployment. Replies due March 4, 2019. [FR](#)
- Feb. 22 - Replies due on GCI's [Application for Review](#) of a Bureau decision approving cost-based rural rates for certain Funding Year 2017 funding requests for services provided by GCI to health care providers in the Telecom Program of the Rural Health Care Mechanism. [Public Notice](#) *
- Feb. 25 - PRA comments due on an extension of a currently approved information collection associated with certain Part 64 rules on cost allocation. [Notice](#)
- Feb. 28 - Comments due on EATELCORP and Reserve Communications and Computer Corporation's 214 application requesting consent for the transfer of control of EATEL to Reserve. Reply comments are due March 7, 2019. [Public Notice](#)
- Mar. 4 - Replies due to oppositions to the City of New Orleans, et al.'s [Petition for Reconsideration](#) of the September 2018 [Declaratory Ruling and Third Report and Order](#) on wireless infrastructure deployment. [FR](#)

- Mar. 4 - Comments due on Northeast Nebraska Telephone's request for waiver of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) in order to merge two commonly-owned study areas and modify revenue requirements. Replies are due March 14, 2019. [Public Notice](#)
- Mar. 7 - Replies due on EATELCORP and Reserve Communications and Computer Corporation's 214 application requesting consent for the transfer of control of EATEL to Reserve. [Public Notice](#)
- Mar. 7 - Comments due on a computer matching program that the FCC and USAC will conduct with four non-Federal agencies to verify the eligibility of applicants to and subscribers of the Lifeline program. [FR Notice](#)
- Mar. 8 - Comments due on the [FNPRM](#) that was attached to the December 13, 2018 Report and Order that offered additional funding to carriers that currently receive A-CAM support in exchange for deploying broadband at increased speeds, among other things. Replies are due April 8, 2019. [FR](#)
- Mar. 8 - PRA comments due on an extension of a currently approved information collection associated with ILEC unbundling obligations resulting from the 2005 [Order on Remand](#). [FR](#)
- Mar. 8 - Comments due on NECA's December 20, 2018 [proposed revisions](#) to formulas used for average schedule interstate settlement disbursements. The revisions are proposed to become effective for a one-year period beginning July 1, 2019. Replies are due March 25, 2019. [Public Notice](#)
- Mar. 11 - Replies due on the Second FNPRM and FNPRM that accompanied the [Report and Order](#) that allows certain RLECs that receive fixed high-cost support to transition from RoR regulation to incentive regulation for their business data services. [FR](#) *
- Mar. 11 - Replies due on the 2018 Biennial Review of Telecommunications Regulations. [PN](#) *
- Mar. 14 - Replies due on Northeast Nebraska Telephone's request for waiver of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) in order to merge two commonly-owned study areas and modify revenue requirements. [Public Notice](#)
- Mar. 18 - Comments due on the [NPRM](#) on whether the amortization suspension has encouraged the deployment of high-speed, low-cost connections, and the effect of the amortization suspension on applicants and on USF expenditures. Replies are due April 1, 2019. [FR](#)
- Mar. 25 - Replies due on NECA's December 20, 2018 [proposed revisions](#) to formulas used for average schedule interstate settlement disbursements. The revisions are proposed to become effective for a one-year period beginning July 1, 2019. [Public Notice](#)
- Apr. 1 - Replies due on the [NPRM](#) on whether the amortization suspension has encouraged the deployment of high-speed, low-cost connections, and the effect of the amortization suspension on applicants and on USF expenditures. [FR](#)
- Apr. 8 - Replies due on the [FNPRM](#) that was attached to the December 13, 2018 Report and Order that offered additional funding to carriers that currently receive A-CAM support in exchange for deploying broadband at increased speeds, among other things. [FR](#)
- Apr. 8 - PRA comments due on an extension of a currently approved information collection pursuant to section 69.605, Reporting and Distribution of Pool Access Revenues, Part 69-Access Charges. [FR](#)
- Apr. 12 - PRA comments due on a request for extension of an information collection associated with Mobility Fund I support. [FR notice](#)

[Back to Highlights](#)

Editor: [Teresa Evert](#) | Assistant Editor: [Shawn O'Brien](#)