

NECA's Weekly Federal Regulatory Summary

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February 24, 2020 HIGHLIGHTS

- The FCC issued the [agenda](#) for its February 28, 2020 Open Meeting. The FCC will consider eight items, including a [public notice](#) that would launch the process of establishing pre-and post-auction application procedures and competitive bidding procedures for Phase I of the RDOF.
- The Office of Economics and Analytics [released](#) updated [data](#) on fixed and mobile broadband deployment and speeds as of December 31, 2018. The OEA said these data update certain figures included in the 2018 [Communications Marketplace Report](#). The FCC [said](#) the updated data shows the digital divide is closing.
- The USDA [announced](#) it invested \$23.6 million in a broadband infrastructure project in Utah and \$5 million in [Georgia](#). The funding is through the [USDA's ReConnect Pilot Program](#).
- USTelecom [opposed](#) in part [INCOMPAS'](#) petition for reconsideration of the [order](#) establishing the Digital Opportunity Data Collection. Replies to oppositions [are due](#) February 24, 2020.
- The Wireline Competition Bureau issued a [public notice](#) seeking to refresh the record in the Restoring Internet Freedom and Lifeline proceedings on issues remanded to the FCC by the D.C. Circuit's Mozilla [decision](#). Comments are due March 30, 2020; replies are due April 29, 2020.
- The Consumer Advisory Committee [adopted](#) a [recommendation](#) on the gathering of data and/or sources of data relating to the availability and effectiveness of call blocking tools.
- USTelecom [discussed](#) 8YY reform and the need for a suitable recovery mechanism that would allow carriers to recover 8YY originating access revenues as intercarrier compensation reforms are implemented.
- The Wireline Competition Bureau [extended](#) the time to file reply comments until March 20, 2020, on the [NPRM](#) on updating its unbundling and resale rules. The Bureau also issued a [protective order](#) to permit parties to access and analyze the confidential information in the proceeding.

Other Key Upcoming Dates

- Feb. 28 - Replies [due](#) on the FCC's first staff report on call blocking.
- Mar. 2 - Replies due on the [NPRM](#) on establishing a registration process for the registration of a single consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls.

USF Reform

- Alaska Communications Systems, on behalf of its operating subsidiaries, filed a [petition](#) on February 14, 2020, seeking a limited waiver of section 54.316(b)(1), for an extension of time until April 1, 2020, in which to determine the exact number of unique locations to which it provided CAF II-qualifying voice and broadband services as of year-end 2019. It also seeks a waiver of section 54.320(d) to the extent the rule is deemed to require that Alaska Communications notify the Commission, USAC, and the relevant state within 10 business days after the end of the year if it failed to meet the build-out milestone for that year.
- T-Mobile USA [met with](#) Rural Broadband Auctions Task Force and Office of Economics and Analytics staff on February 13, 2020, to discuss the FCC staff [report](#) that found the 4G LTE coverage data submitted by providers is not sufficiently reliable for the purpose of moving forward with Mobility Fund II. T-Mobile disagreed with the report's conclusion that T-Mobile provided unreliable Mobility Fund II coverage maps, and asserted the report was released without notice or an opportunity to discuss the assumptions underlying T-Mobile's maps or the FCC's attempts to verify its data.
- SpaceX [met with](#) staff from advisors to Commissioners O'Rielly and Rosenworcel and Wireline Competition Bureau staff on February 18 and 19, 2020, to express concern with the draft [public notice](#) on the RDOF pre-and post-auction application procedures and competitive bidding procedures. SpaceX claimed the potential prohibitions on any satellite operator, including any operator of a low earth orbit satellite system, from bidding as low-latency services or from bidding in higher speed performance tiers could harm competition, and ultimately could lead to fewer choices for consumers.

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ICC

- USTelecom [met with](#) Chairman Pai's advisor and Wireline Competition Bureau staff on February 12, 2020, on 8YY reform. USTelecom emphasized the need for a suitable recovery mechanism that would allow carriers to recover 8YY originating access revenues as intercarrier compensation reforms are implemented and said the recovery mechanisms would likely need to differ between price cap and rate of return ILECs.

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Broadband

- The Office of Economics and Analytics issued a [public notice](#) on February 20, 2020, releasing [updated](#) data on fixed and mobile broadband deployment and speeds as of December 31, 2018. The OEA said these data update certain of the figures included in the first [Communications Marketplace Report](#), which presented, for the most part, year-end 2017 information. The FCC also issued a [news release](#) on the updated data, stating it shows the digital divide substantially narrowed during the first two years of Chairman Pai's leadership.
- The USDA [announced](#) on February 20, 2020, it has invested \$23.6 million in a broadband infrastructure project in Utah. The USDA said UBTA-UBET Communications, d/b/a STRATA Networks, will use the funding to build an all-fiber network that will serve more than 3,000 farms, businesses and homes spread over more than 400 square miles. The funding is through the [USDA's ReConnect Pilot Program](#).
- The USDA [announced](#) on February 21, 2020, it has invested \$5 million in two high-speed broadband infrastructure projects in Georgia. The USDA said Darien Telephone will use the funding to expand high-speed internet service to underserved households and businesses using FTTP technology, and

Pembroke Telephone will use the funding to build an FTTP network. The funding is through the [USDA's ReConnect Pilot Program](#).

- USTelecom filed an [opposition](#) on February 14, 2020, to [INCOMPAS'](#) petition for reconsideration of the [report and order](#) establishing the Digital Opportunity Data Collection. USTelecom said the Commission should deny INCOMPAS' request to exempt non-facilities-based providers from participating in the DODC, but grant confidentiality to polygons submitted for enterprise business services. [Microsoft](#) also filed a petition for reconsideration of the DODC order. Replies to oppositions are due February 24, 2020. [public notice](#), [FR](#)
- An FCC [notice](#) was published in the Federal Register on February 20, 2020, correcting the [notice](#) that set the deadline for filings oppositions and replies to the petitions for reconsideration of the [report and order](#) establishing the Digital Opportunity Data Collection. Petitions were filed by [Microsoft](#) and [INCOMPAS](#). Oppositions to the petitions were due February 14, 2020. Replies to oppositions are due February 24, 2020.
- Commissioner Carr [announced](#) on February 13, 2020, he will visit North Carolina during the week of February 18, 2020, and will focus on 5G workforce, infrastructure, and telehealth issues. Carr will meet with public safety officials, visit new infrastructure builds and telehealth centers, and tour the Corning fiber manufacturing plant, among other things.
- The New Networks Institute and the Irregulators filed a [statement](#) on February 20, 2020, to refresh the record on the Fifteenth Broadband Deployment Report [Notice of Inquiry](#). They claimed the FCC's section 706 reports have been used to create a revisionist history of the fiber optic and high-speed broadband deployments in America while ignoring and being, in part, responsible for the overcharging of America by at least one-half trillion dollars, starting in 1992.
- Crown Castle and Waneta Strategies [met with](#) Wireline Competition Bureau staff on February 12, 2020, to seek Commission clarification of section 224 to promote the deployment of next-generation infrastructure on existing utility poles. Crown Castle asked the Commission to halt blanket prohibitions by pole owners that prevent attachment of certain equipment or attachment to certain sectors of the pole, claiming that pole owners often impose these ad hoc bans without clear safety or engineering rationale. Crown Castle also asked the Commission to restrict utilities from requiring pole attachment agreement terms that conflict with the Commission's rules and asked the FCC to clarify that utility-owned streetlight poles are included under section 224's purview.
- Crown Castle filed a [letter](#) on February 20, 2020, requesting the Commission to clarify that blanket prohibitions on specific types of utility pole attachments or attachments to specific areas of the pole and negotiated pole attachment agreement terms that conflict with the FCC's attachment rules violate section 224 of the Communications Act.
- To date, no replies were filed on the Department of Hawaiian Homelands [petition](#) for waiver to file as an eligible entity in the 2.5 GHz rural tribal priority window. [public notice](#)

Robocalls

- The Consumer Advisory Committee adopted a [recommendation](#) from the CAC Robocall Report Working Group at its February 13, 2020 [meeting](#) on the gathering of data and/or sources of data relating to the availability and effectiveness of call blocking tools, as described in the [declaratory ruling and FNPRM](#).
- Comments are due February 24, 2020, on the technical requirements for the reassigned numbers database, which was established in the 2018 robocall [order](#). Replies are due March 9, 2020. [public notice](#)

networks since Hurricanes Irma and Maria. He will also discuss how communications networks and recovery efforts performed during recent earthquakes, and what additional actions are needed to ensure that communications networks are always available, particularly to meet public safety needs. An updated witness list for the hearing was also announced.

- Puerto Rico Telephone Company filed a [letter](#) on February 29, 2020, to express concern regarding the location adjustment framework established in the Uniendo a Puerto Rico Fund [proceeding](#) in light of the approach adopted for the [Rural Digital Opportunity Fund](#). PRTC asserted Commission has established in the RDOF and Uniendo Fund support programs vastly inconsistent frameworks for determining location adjustments and said the Commission should implement an appropriate remedy given the significant disparity of treatment of pro rata reductions between RDOF and Uniendo Fund recipients. PRTC also expressed concern with the location count for Puerto Rico [published](#) by the Wireline Competition Bureau.
- The FCC placed an [item on circulation](#) of February 18, 2020, entitled “Rural Healthcare Support Mechanism.”
- USTelecom, AT&T, CenturyLink, and Alaska Communications [met with](#) advisors to Commissioners Rosenworcel and Starks and Wireline Competition Bureau staff on February 18, 2020, discuss issues raised in USTelecom’s [petition](#) for reconsideration of the August 2019 rural health care [order](#). USTelecom discussed the time sensitive nature of the need to reconsider and/or clarify the Commission’s certification rules which go into effect on July 1, 2020.
- Alaska Communications [met separately with](#) advisors to Chairman Pai and Commissioner Carr on February 12, 2020, to urge Commission action on [petitions for reconsideration](#) of the August 2019 [report and order](#) on reforms to the Rural Health Care Program. Alaska Communications asked the Commission to seek comment on USAC’s methodology and issue an order resolving any issues that emerge before the database to establish the median rural rate is used. Alaska Communications claimed the Commission’s decision to base Telecommunications Program support on the “median” rural rate in each zone will harm health care providers in the most remote areas of Alaska.
- Union Wireless [met with](#) Commissioner Rosenworcel’s advisor on February 12, 2020, to discuss supply chain issues. Union asserted that a failure to adopt a sufficient reimbursement mechanism providing an appropriate path to replace its network would be a threat to its business. It also urged the Commission to avoid situations where currently operating providers are unable to replace existing gear or fill in dead zones in rural areas.

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Misc.

- The FCC issued the [agenda](#) on February 21, 2020, for its February 28, 2020, Open Meeting. The FCC will consider a [public notice](#) that would launch the process of establishing pre-and post-auction application procedures and competitive bidding procedures to allocate up to \$16 billion to support the deployment of fixed broadband networks in rural America in Phase I of the Rural Digital Opportunity Fund. The FCC will also consider: a [NPRM](#) proposing targeted changes to the white space device rules in the TV bands (channels 2-35) to provide improved broadband coverage in rural and underserved areas; a [report and order and proposed order of modification](#) that would reform the use of the 3.7-4.2 GHz band, to promote U.S. leadership in the next generation of wireless services; a [public notice](#) that would seek comment on procedures for the auction of new flexible-use overlay licenses in the 3.7–3.98 GHz band (Auction 107) for next generation wireless services; a [public notice](#) that would establish application and bidding procedures for Auction 105, the auction of Priority Access Licenses in the Citizens Broadband Radio Service in the 3550-3650 MHz band; a [report and order](#) that would modernize the carriage election notice provisions in the FCC’s rules for low-power TV and noncommercial educational translator stations, which are not required to maintain online public inspection files; a [NPRM](#) on whether to eliminate or modify the requirement that cable operators maintain records in their online public inspection files regarding the nature and extent of their

attributable interests in video programming services; and a [second FNPRM](#) that would provide state and federal agencies with read-only access to communications outage data for public safety purposes while preserving the confidentiality of that data.

- The Wireline Competition Bureau issued an [order](#) on February 20, 2020, granting in part INCOMPAS' request for an extension of time to file reply comments on the [NPRM](#) on updating its unbundling and resale rules to reflect the marketplace realities of intermodal voice and broadband competition. The Bureau granted a 14-day extension of the time to file replies. Reply comments are now due March 20, 2020.
- The Wireline Competition Bureau issued a [protective order](#) on February 20, 2020, to permit parties to access and analyze the confidential and highly confidential information and data submitted by parties in response to the [NPRM](#) on updating its unbundling and resale rules.
- USTelecom, AT&T, CenturyLink, Consolidated, Frontier, and Verizon [met with](#) Wireline Competition Bureau staff on February 13, 2020, to discuss their comments filed on the [NPRM](#) on updating its unbundling and resale rules. USTelecom asserted that in light of the fundamental changes in the competitiveness of the telecommunications marketplace since unbundling obligations were imposed in the 1996 Act, the Commission would be justified in lifting unbundling mandates nationwide. USTelecom asserted if the Commission is not ready to eliminate all remaining obligations nationwide, the Commission has ample evidence in the record to support the NPRM's proposals that limit certain categories of relief for each unbundled element to urban areas, competitive areas, and locations close to competitive fiber.
- The Enforcement Bureau issued a [public notice](#) on February 18, 2020, to remind telecommunications carriers and interconnected VoIP providers that annual CPNI certifications are due March 2, 2020. The Bureau also provided FAQs, a CPNI certification template, and text of the CPNI recordkeeping and certification rules.
- To date, no replies were filed on a 214 application requesting consent to transfer control of Illinois Network Alliance to Missouri Network Alliance. [public notice](#)
- The Wireline Competition Bureau issued a [public notice](#) on February 18, 2020, granting a section 214 application that requested the transfer of certain assets of Spencer Municipal Utilities to Premier Communications.
- The U.S. District Court for the Eastern District of Texas issued an [order](#) on February 19, 2020, dismissing a [complaint](#) filed by Huawei that sought a declaration that certain provisions of section 889 of the [2019 National Defense Authorization Act](#) are unconstitutional. The court found section 889 represents no more than a customer's decision to take its business elsewhere and was unpersuaded that it prevents Huawei from engaging in its chosen profession.
- An FCC notice [was published](#) in the Federal Register on February 19, 2020, correcting the final rules portion of the December 5, 2019 Federal Register [notice](#) which published the August 2019 [report and order](#) on calls to 911 made from multi-line telephone systems. The December notice inadvertently removed definitions from the TRS rules. The corrections are effective February 19, 2020.

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Upcoming Filing Dates

- Feb. 25 - Replies due on a 214 application requesting Buggs Island Cooperative transfer assets to EMPOWER. [public notice](#)
- Feb. 27 - Oppositions due on the public release of Mobility Fund II coverage data that were submitted pursuant to the MF II challenge process [order](#). [public notice](#)

- Feb. 25 - Replies due on the [FNPRM](#) on adding a goal of broadband adoption to the Lifeline program, making additional program integrity improvements to the program, and establishing privacy training requirements for entities accessing Lifeline subscribers' personal information. [FR](#)
- Feb. 28 - Replies due on the Commission's first staff report on call blocking. [FR](#), [public notice](#)
- Mar. 2 - PRA comments due on an extension of a currently approved information collection associated with the FCC rules that prevent the unauthorized change by telecommunications carriers of consumers' selections of telecommunications service providers. [notice](#)
- Mar. 2 - Replies due on the [NPRM](#) on establishing a registration process for the registration of a single consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls.
- Mar. 2 - Oppositions due to petitions for reconsideration of the November 2019 Lifeline [order](#) filed by [WTA](#), [TruConnect](#) and [Sprint](#). Replies to oppositions are due March 10, 2020. [public notice](#)
- Mar. 3 - Replies due on the supply chain [FNPRM](#).
- Mar. 4 - Comments due on NECA's December 2019 [proposed average schedule formulas](#). Replies are due March 19, 2020. [public notice](#)
- Mar. 4 - Oppositions due to Viya's [petition for reconsideration](#) of the [public notice](#) announcing location counts and reserve prices for the Uniendo a Puerto Rico Fund and Connect USVI Fund Stage 2 fixed support competitive proposal process. Replies due March 16, 2020. [public notice](#), [FR](#)
- Mar. 5 - PRA comments due on a revision of a currently approved information collection associated with Part 61 tariffing. The revisions are necessitated by the access arbitrage [order](#). [FR](#)
- Mar. 9 - Replies due on the technical requirements for the reassigned numbers database, which was established in the 2018 robocall [order](#). [public notice](#)
- Mar. 10- Replies to oppositions due on petitions for reconsideration of the November 2019 Lifeline [order](#) filed by [WTA](#), [TruConnect](#) and [Sprint](#). [public notice](#)
- Mar. 13 - Replies due on seeking to refresh the record on ways to modernize and strengthen the truth-in-billing rules. [public notice](#), [Federal Register](#)
- Mar 16 - Replies due on the [NPRM](#) on updating the Commission's suspension and debarment rules to make them consistent with OMB guidelines to better prevent bad actors from participating in USF programs, TRS programs and the National Deaf-Blind Equipment Distribution Program. [FR](#).
- Mar. 16 - Comments due on the re-establishment of a computer matching program the FCC and USAC will conduct with the Department of Housing and Urban Development to verify the eligibility of applicants to and subscribers of the Lifeline program. [notice](#)
- Mar. 16 - Replies due to oppositions to Viya's [petition for reconsideration](#) of the [public notice](#) announcing location counts and reserve prices for the Uniendo a Puerto Rico Fund and Connect USVI Fund Stage 2 fixed support competitive proposal process. [public notice](#), [FR](#)
- Mar. 19 - Replies due on NECA's December 2019 [proposed average schedule formulas](#). [public notice](#)
- Mar. 20 - Replies due on the [NPRM](#) on updating its unbundling and resale rules to reflect the marketplace realities of intermodal voice and broadband competition. [order](#), [FR](#)
- Mar. 23 - PRA comments are due on an extension of a currently approved information collection regarding access to numbering resource application information. [FCC notice](#)

- Mar. 23 - PRA comments are due on an extension of a currently approved information collection associated with Parts 54 and 69 filing requirements for regulation of interstate services of non-price cap ILECs and IXCs. [notice](#)
- Mar. 24 - PRA comments due on an extension of a currently approved information collection associated with payphone compensation. [FCC notice](#)
- Mar. 30 - PRA comments due on a revision of a currently approved information collection associated with changes in reporting and recording keeping requirements for FCC forms 460, 461, 462, 463, 465, 3466 and 467 (rural health care.) [FR](#)
- Mar. 30 - Comments due on refreshing the record in the Restoring Internet Freedom and Lifeline proceedings. The Bureau seeks comment on how changes adopted in the RIF [order](#) might affect: public safety; the regulation of pole attachments in states subject to federal regulation; and the Lifeline program. Replies are due April 29, 2020. [public notice](#)
- Apr. 6 - PRA comments due on a revision of a currently approved information collection on FCC Form 183, the application to participate in the Rural Digital Opportunity Fund auction. [notice](#)
- Apr. 14 - PRA comments due on an extension of a currently approved information collection relating to the monitoring of USF support mechanisms. PRA comments are due April 14, 2020. [FCC notice](#)
- Apr. 20 - PRA comments due on a new information collection as a result of the December 12, 2018 [order](#) on robocalls, which established a database to enable callers to verify whether a telephone number has been disconnected before calling that number. [notice](#)
- Apr. 20 - PRA comments due on a revision to a currently approved information collection associated with FCC Forms 481, 497, 555, 5629, 5630 and 5631, as a result of the November 2019 Lifeline [order](#). [FR](#)
- Apr. 29 - Replies due on refreshing the record in the Restoring Internet Freedom and Lifeline proceedings. The Bureau seeks comment on how changes adopted in the RIF [order](#) might affect: public safety; the regulation of pole attachments in states subject to federal regulation; and the Lifeline program. [public notice](#)

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