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February 25, 2019 HIGHLIGHTS

- The FCC issued a [tentative agenda](#) for its March 15, 2019 Open Meeting. The FCC will consider a [Fourth Report and Order](#) to implement the Improving Rural Call Quality and Reliability Act of 2017 that will establish service quality standards for intermediate providers. The FCC will also consider: a [First Report and Order](#) to make available 21.2 GHz of spectrum above 95 GHz for unlicensed operations; an [NPRM](#) on expanding broadband to the 900 MHz Band; a [Fourth FNPRM](#) on wireless E911 location accuracy requirements; a [Report and Order](#) on reimbursing certain low power television, television translator, and FM broadcast stations for broadcast television spectrum incentive auction costs; a [Report and Order](#) on reauthorizing television satellite stations; and a [NPRM](#) on how potential changes to the Commission's rules on partitioning, disaggregation, and leasing might better close the digital divide and increase spectrum access by small and rural carriers.
- Chairman Pai [circulated](#) to fellow Commissioners a draft 2019 Broadband Deployment Report that finds the digital divide between Americans with and without access to modern broadband networks has narrowed substantially, with the majority of those gaining access to high-speed connections living in rural America. The FCC is expected to vote on the report in the coming weeks.
- The FCC [seeks PRA comments](#) on a revision to an existing information collection in FCC Form 481 to reflect the rule that requires RoR ETCs receiving high-cost USF support to identify their cost consultants and cost consulting firm or other third-party, if any, used to prepare financial and operations data disclosures. PRA comments are due April 22, 2019.
- NTCA [suggested](#) the FCC eliminate the local service rate floor policy, delay implementation of the network performance testing requirements, and discussed ICC issues. Direct Communications, Oregon Telephone, and WTA [said](#) WTA members would prefer elimination of the rate floor, but emphasized the need for a Commission ruling on the issue much earlier than July 1, 2019, when the current freeze is expected to expire. WTA also discussed its Application for Review of the Network Testing Order.
- The Alaska Telecom Association, et al. [discussed](#) their proposal for the upcoming March 1 deadline for Alaska Plan participants to file and certify their network maps. ATA and GCI [discussed](#) ATA's Petition for Limited Waiver, which seeks flexibility in the spatial accuracy requirement for buried fiber and aerial fiber links that applies to the network maps Alaska Plan carriers must file.

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](#)

USF Reform

- The FCC published [a Notice](#) in the Federal Register seeking PRA comments on a revision to an existing information collection in FCC Form 481 to reflect the rule adopted in the 2018 Rate-of-Return USF Reform Order requiring RoR ETCs receiving high-cost USF support to identify their cost consultants and cost consulting firm or other third-party, if any, used to prepare financial and operations data disclosures used to calculate high-cost support for their submissions to NECA, USAC, or the Commission. PRA comments are due April 22, 2019.
- NTCA [met with](#) Commissioner Starks' Legal Advisor on February 15, 2019, to encourage swift action to eliminate the local service rate floor policy. It discussed the Network Testing Order, and recommended implementation be delayed 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 carriers have had a reasonable chance to "test the testing" through a grace period. 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. NTCA also [met with](#) Commissioner Rosenworcel's Legal Advisor on February 21, 2019, to discuss similar issues.
- Direct Communications, Oregon Telephone, and WTA [met separately with](#) Advisors to Commissioners Rosenworcel and [Starks](#) on February 19, 2019, to discuss the local voice service rate floor and the performance testing requirements for RLECs and other small carriers. They said WTA members would prefer elimination of the rate floor, but emphasized the critical need for a Commission ruling on the issue much earlier than July 1, 2019, when the current freeze is expected to expire. WTA also discussed its Application for Review of the Network Testing Order, which requested that commencement of performance testing by RLECs be deferred for a reasonable time and that the Commission's Bureaus work with RLEC representatives during the deferral period to develop more reasonable and practicable testing procedures for RLECs and other small high-cost support recipients.
- The Alaska Telecom Association, Arctic Slope Telephone Association, Matanuska Telephone Association, and GCI [spoke with](#) Wireless Telecommunications Bureau staff on February 19, 2019, to discuss their proposal for the upcoming March 1 deadline for Alaska Plan participants to file and certify their network maps. They claimed Alaska Plan participants face a variety of obstacles to reporting the locations of their buried and aerial fiber links to within 7.6 meters and certifying that the information is accurate to a 95% confidence level. They said the affected ATA members have reviewed their available data and are in a position to report the locations of their buried and aerial fiber links to within 50 meters and certify that the information is accurate to an 80% confidence level.
- The Alaska Telecom Association and GCI [met with](#) Commissioner Rosenworcel's Legal Advisor on February 19, 2019, to discuss ATA's [Petition for Limited Waiver](#), which seeks flexibility in the spatial accuracy requirement for buried fiber and aerial fiber links that applies to the network maps Alaska Plan participants must file on March 1, 2019. They said, while the Middle Mile Mapping Order requires providers to certify that all data in the map are accurate to within 7.6 meters of accuracy, the providers do not have records they can certify meet that standard for all buried and aerial fiber. They discussed possible solutions, including whether providers might be able to certify that their data are accurate to a standard other than 7.6 meters.
- Hughes Network Systems filed [a letter](#) on February 20, 2019, to respond to the Rural Wireless Association's December 26, 2018 ex parte, which alleged satellite services cannot typically support 5 Mbps download speeds for backhaul. Hughes disagreed, saying it works closely with its cellular operator customers to meet each customer's specific backhaul requirements for capacity and speed.

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ICC

- Northeast Nebraska Telephone filed a [Petition for Waiver](#) on February 12, 2019, of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) to modify access rate bands and charges and 2011 Base Period Revenue requirements in connection with a merger of two commonly-owned study areas in Nebraska. Per the February 15, 2019 [Public Notice](#), comments are due March 4, 2019; replies are due March 14, 2019.

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Broadband

- The FCC issued a [news release](#) on February 19, 2019, announcing Chairman Pai circulated to fellow Commissioners a draft 2019 Broadband Deployment Report that finds the digital divide between Americans with and without access to modern broadband networks has narrowed substantially. The FCC said the draft report shows that since last year's report, the number of Americans lacking access to a fixed broadband connection meeting the FCC's benchmark speed of 25 Mbps/3 Mbps has dropped by over 25 percent, from 26.1 million Americans at the end of 2016 to 19.4 million at the end of 2017, and the majority of those gaining access to high-speed connections live in rural America. The FCC also said the report finds: the number of Americans with access to 100 Mbps/10Mbps fixed broadband increased by nearly 20 percent, from 244.3 million to 290.9 million; the number of Americans with access to 250 Mbps/50 Mbps fixed broadband grew by over 45 percent, to 205.2 million; and the number of rural Americans with access to such service more than doubled. The FCC is expected to vote on the report in the coming weeks.
- AT&T and USTelecom [met with](#) Wireline Competition Bureau and Office of Economics and Analytics staff on February 19, 2019, to discuss USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. They discussed the claims of some carriers that they are using ILEC unbundled network elements to provide advanced telecommunications services to rural residential customers in rural areas where the ILECs cannot or will not provide similar service capabilities. They discussed the attached maps which depict the number of fixed broadband providers operating in the wire centers where Sonic provides service, and updated the Commission on AT&T's plans to offer a DS0 loop commercial offering, assuming the requested forbearance relief is granted.
- USTelecom, AT&T, CenturyLink, Verizon, CostQuest, Frontier, ITTA, Windstream, and Consolidated spoke with [Chairman Pai's Special Counsel](#), Legal Advisors to Commissioners [Rosenworcel](#), [Starks](#), [Carr](#), and [O'Rielly](#), and [Wireline Competition Bureau staff](#) on February 19 and 21, 2019, to discuss FCC Form 477 reporting and USTelecom's mapping proposal. They discussed the data tools that would be used to create the Broadband Serviceable Location Fabric, which will serve as a map upon which carriers can report their broadband service areas. They also discussed next steps that industry plans to undertake to test out the efficacy of the proposal, including various methods of reporting on top of the fabric, such as the use of shape files to show both fixed and fixed wireless coverage.
- NCTA, Charter Communications, Comcast, Cox Communications, and GCI [met with](#) Chairman Pai's Special Counsel on February 15, 2019, to discuss Form 477 data reporting. NCTA presented its proposal to revise the Form 477 broadband reporting process so policymakers and consumers have more accurate information about the availability of broadband. They suggested the FCC require fixed broadband providers to submit polygon shapefiles in lieu of the census block availability data required under current rules, and encouraged the FCC to use crowdsourcing to supplement the FCC's current process for verifying reported data. They said NCTA's proposal recognizes that one of the most important uses of broadband data and maps is to target subsidies to unserved areas, claiming many areas are currently excluded from subsidy mechanisms because a census block is reported as served but would be eligible for support under NCTA's proposed shapefile-based approach.
- New America's Open Technology Institute [met with](#) Commissioner Starks and his Advisors on February 15, 2019, to urge the Commission to collect broadband pricing and performance data as part of its Form 477 modernization and section 706 review. OTI expressed support for a robust Lifeline program and opposition to the Commission's proposals to eliminate wireless resellers, impose strict

caps on the program budget and lifetime benefits, force Lifeline providers to collect co-pays, and eliminate standalone broadband. OTI reiterated its support for restoring the strong net neutrality rules in the 2015 Open Internet Order, and more generally restoring the Commission's oversight of broadband internet access services.

- Oppositions were filed on February 22, 2019, to the City of New Orleans, et al.'s [Petition for Reconsideration](#) of the September 2018 [Order](#) on wireless infrastructure deployment. [NTCA](#) urged the Commission to reject the arguments made by Petitioners, and said the provisions contained in the Order, as well as an August 2018 Order, are useful initial steps to tackle remaining barriers that rural wireline providers often face in connection with network deployment. [CTIA](#) said nothing in the Petition warrants reconsidering any aspect of the Ruling or Order, and asserted the Order will foster deployment of next-generation services, benefitting both consumers and the economy and promoting the national goal of 5G deployment. Replies are due March 4, 2019. [Public Notice](#) | [FR](#)

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Open Internet

- Reps. Greg Walden (R-Ore.), Robert E. Latta (R-Ohio), and Cathy McMorris Rodgers (R-Wash.) sent a [letter](#) to Reps. Frank Pallone (D-N.J.) and Mike Doyle (D-Pa.) on February 21, 2019, to urge them to work together on bipartisan legislation on net neutrality. They said they all agree on the need to legislate baseline protections for net neutrality that are supported by Republicans and Democrats alike, and discussed several recently-introduced bills.

Universal Service

- The California Public Utilities Commission met with [Chairman Pai](#), Commissioners [O'Rielly](#), [Carr](#), [Starks](#), and [Rosenworcel](#), and [Wireline Competition Bureau staff](#) on February 11, 2019, to discuss Lifeline, CAF, broadband and other issues. The CPUC asserted some of the current Lifeline reforms could harm the California program, especially if done without a proper transition. It discussed concerns with the Lifeline National Verifier and requested the National Verifier not be transitioned until it is provided access to the HHS Medicare and USDA SNAP databases. The CPUC also discussed the need for areas served by the California Advances Services Fund to line up with the CAF, especially in CAF II areas, and suggested the FCC require USAC to collect data at the most granular level possible to avoid duplication of work at the state level for verifying if an area is in fact served or not.
- TracFone [met with](#) Wireline Competition Bureau staff on February 13, 2019, to discuss Lifeline and National Verifier issues. TracFone explained that in states where USAC launched the National Verifier with access to databases from the Supplemental Nutrition Assistance Program, Medicaid, and Department of Housing and Urban Development, it experienced better Lifeline approval results, and suggested the Commission and USAC prioritize launching the National Verifier in states where those databases exist. TracFone also said with the upcoming 2019 changes in minimum service standards, it and the other Lifeline providers are concerned the economic model may not continue to successfully support Lifeline and the FCC's Universal Service objectives.
- The Wireline Competition Bureau issued a [Public Notice](#) on February 20, 2019, seeking comment on two petitions seeking ETC designation as winning bidders of CAF Phase II auction support. [Redwire](#) seeks ETC designation in its proposed service area within the tribal trust lands of the Otoe-Missouria Tribe of Oklahoma, and [ViaSat Carrier Services](#) seeks ETC designation in Alabama, California, Florida, and West Virginia. Comments are due March 6, 2019; replies are due March 13, 2019.
- No replies 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. [Public Notice](#)
- No replies were filed on [Meriweather Lewis Connect](#) and [HolstonConnect](#)'s separate petitions for designation as ETCs. Each of the petitioners is a winning bidder of CAF Phase II auction support. [Public Notice](#)

- EMPOWER Broadband filed a [supplement](#) on February 22, 2019, to its [Petition](#) seeking ETC designation in Virginia in all areas in which its parent company, Mecklenburg Electric Cooperative, through its participation in the Rural Electric Cooperative Consortium, has been awarded CAF Phase II support. Empower said the supplement provides additional information and certifications concerning the Lifeline-only service provided by EMPOWER.
- Puerto Rico Telephone Company filed a [letter](#) on February 15, 2019, to discuss stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund for fixed providers. PRTC asserted the Commission's proposal to permit carriers that did not provide service in Puerto Rico prior to the hurricanes to participate in the Stage 2 Fixed Fund would lead to the subsidization of duplicative networks. PRTC also agreed with AT&T that the Commission should keep bid evaluation as simple as possible.
- GCI filed a [Reply](#) on February 19, 2019, in support of its [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. [GCI](#) said the Commission should reverse the WCB decision prescribing reduced rural rates for GCI, and its rural rates should be approved as submitted or, at a minimum, the rates must be re-prescribed by the Commission after a hearing at a higher level. [Public Notice](#)
- Counsel for Liberty Media [spoke with](#) Chairman Pai's Legal Advisor to discuss the resolution of Rural Health Care funding associated with services provided by GCI. They expressed concern that the Bureau's determination on funding for GCI would negatively impact competition for these services and would lead to higher costs and fewer service options for rural health care providers in Alaska.

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Misc.

- The FCC issued a [tentative agenda](#) on February 22, 2019, for its March 15, 2019 Open Meeting. The FCC will consider a [Fourth Report and Order](#) to implement the Improving Rural Call Quality and Reliability Act of 2017 that will establish service quality standards for intermediate providers. The FCC will also consider: a [First Report and Order](#) to make available 21.2 GHz of spectrum above 95 GHz for unlicensed operations and create a new class of experimental licenses for the 95 GHz to 3 THz spectrum range; an [NPRM](#) proposing to reconfigure the 900 MHz band to create a broadband segment to facilitate technologies and services for a wide variety of businesses, including critical infrastructure; a [Fourth FNPRM](#) proposing a vertical, or z-axis, location accuracy metric in connection with wireless E911 calls; a [Report and Order](#) that implements Congress's directive in the Reimbursement Expansion Act for the Commission to reimburse certain low power television, television translator, and FM broadcast stations for broadcast television spectrum incentive auction costs; a [Report and Order](#) that streamlines the reauthorization process for television satellite stations when they are assigned or transferred; and a [NPRM](#) on how potential changes to the Commission's rules on partitioning, disaggregation, and leasing might better close the digital divide and increase spectrum access by small and rural carriers.
- The Wireline Competition Bureau issued a [Public Notice](#) on February 21, 2019, to announce access to the secure data enclave containing highly confidential data filed in the price cap business data services proceedings will be extended from March 1, 2019, until March 22, 2019, unless an interested party demonstrates the need for continuing access beyond that date.
- The FCC released a [Public Notice](#) on February 22, 2019, seeking comments on two applications for transfers of control. NTS Communications, NTS Telephone, PRIDE Network, and XFone seek approval for transfer of control to Clarity Telecom, d/b/a Vast Broadband; and Clarity Holdings seeks approval for transfer from PC III Holdings to Python Intermediate II. Comments are due March 25, 2019; reply comments are due April 9, 2019.

- The Wireline Competition Bureau issued a [Public Notice](#) on February 21, 2019, seeking comments on Bright Packet's application for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. Comments are due March 7, 2019.

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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. 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. 6 - Comments due on petitions filed by [Redwire](#) and [ViaSat Carrier Services](#) seeking ETC designation as winning bidders of CAF Phase II auction support. seeks ETC designation in Alabama, California, Florida, and West Virginia. Replies are due March 13, 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. 7 - Comments due on Bright Packet's application for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. [Public 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. 13 - Replies due on petitions filed by [Redwire](#) and [ViaSat Carrier Services](#) seeking ETC designation as winning bidders of CAF Phase II auction support. seeks ETC designation in Alabama, California, Florida, and West Virginia. [Public Notice](#)
- 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](#)
- Mar. 25 - Comments due on two applications for transfers of control: NTS Communications, NTS Telephone, PRIDE Network, and XFone seek approval for transfer of control to Clarity Telecom, d/b/a Vast Broadband; and Clarity Holdings seeks approval for transfer from PC III Holdings to Python Intermediate II. Reply comments are due April 9, 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. 9 - Replies due on two applications for transfers of control: NTS Communications, NTS Telephone, PRIDE Network, and XFone seek approval for transfer of control to Clarity Telecom, d/b/a Vast Broadband; and Clarity Holdings seeks approval for transfer from PC III Holdings to Python Intermediate II. [Public Notice](#)
- Apr. 12 - PRA comments due on a request for extension of an information collection associated with Mobility Fund I support. [FR notice](#)
- Apr. 22 - PRA comments due on a revision to an existing information collection in FCC Form 481. [FR](#)

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