

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

March 14, 2016 HIGHLIGHTS

- The FCC issued a [tentative agenda](#) for its March 31, 2016 Open Meeting. The Commission will consider: a NPRM expanding access to video programming for blind or visually impaired Americans; a Third Report and Order, Further Report and Order, and Order on Reconsideration to restructure and modernize the Lifeline program ([summary](#), [summary](#), Commissioner [O'Rielly statement](#)); and a NPRM to protect the privacy of consumers of broadband services ([summary](#), Commissioner O'Rielly [statement](#)).
- The White House [announced](#) President Obama is unveiling a ConnectALL initiative to help Americans at every income level get online and have the tools to take full advantage of the Internet. The White House also announced NTIA filed [its recommendation](#) with the FCC on Lifeline reform, and President Obama's Council of Economic Advisers released [a new study](#) on the economic importance of broadband.
- The FCC [clarified](#) price cap carriers' use of CAF Phase II model-based support and modified the letter of credit requirements for recipients of Rural Broadband Experiment support. Commissioner Clyburn issued [a statement](#).
- Chairman Wheeler [responded](#) to Congresswoman Jenkins (R-Kan.) on her [letter](#) expressing concern over the methodology used by the FCC for determining 100 percent competitive overlap, saying the proposed reform Order would include a rule to limit one type of high-cost support where there is an unsubsidized competitor serving 85 percent of locations. He [responded](#) to Congress on an Alaska-specific solution for USF reform, and [responded](#) to Members of Congress on their [letter](#) supporting the proposal for a Tribal Broadband Factor. He also responded to [Congressman Cleaver \(D-Mo.\)](#), and [Sens. McCaskill \(D-Mo.\) and Blunt \(R-Mo.\)](#) on their letters urging the FCC to structure the CAF auction so that funding is made available on a priority basis for FTTH.
- Commissioner O'Rielly [discussed](#) the pending rate-of-return reform Order in a speech, saying rate-of-return USF reform was one of the more inclusive procedural efforts he has been part of at the Commission.
- USTelecom [discussed](#) elements of the proposed USF reform for the rate-of-return industry. Hargray [discussed](#) the Capital Budget Mechanism and the appropriate timing for implementation of limits on capital expenditures.
- The FCC [seeks comment](#) on Endeavor's [Petition for Clarification](#) on the separations freeze. Comments are due April 7; replies due April 22. Pioneer [said](#) the FCC should act on its [Petition](#) on the separations freeze.
- [Replies were filed](#) to refresh the record on USTelecom's 2012 [Petition for Declaratory Ruling](#) that ILECs are "no longer presumptively dominant when providing interstate mass market and enterprise switched access services."
- Chairman Wheeler [responded](#) to Congress on the FCC's determination in the *2016 Broadband Progress Report* that advanced telecommunications capability is not being deployed to all Americans in a reasonable and timely fashion. He also [sent a letter](#) to Rep. Upton (R-MI), in response to his letter on the FCC's assessment and reporting on the state of broadband deployment, and competition in the nation's mobile wireless market.
- The FCC [announced](#) the proposed universal service contribution factor for the second quarter of 2016 will be 17.9 percent, down from the current 18.2 percent.
- NTCA and WTA [discussed](#) minimum standards should the FCC designate broadband Internet access as a Lifeline supported service, saying any minimum speed standards adopted in the Lifeline proceeding must match RLECs' current ability to provide service in high-cost areas and must be consistent with any buildout obligations adopted in the High-Cost Program. USTelecom offered [suggestions](#) on Lifeline reform.

Other Key Upcoming Dates

- Apr. 7 - Comments [due](#) on Endeavor's [Petition for Clarification](#) on the separations freeze. Replies due April 22.
- Apr. 18 - PRA comments [due](#) on revisions to Form 481 to reflect reporting requirements for price cap carriers for CAF Phase II support, for recipients of RBE support, a reasonably comparable rate certification for broadband for high-cost support recipients, and an E-rate bidding certification for Phase II model-based support and RoR carrier high cost recipients.

USF/ICC Reform

- The FCC released an [Order](#) on March 9, 2016, clarifying that, if a price cap carrier has served or intends to serve a location or locations using CAF Phase I Round 2 incremental support in a census block where that price cap carrier accepted Phase II model-based support, that price cap carrier may use Phase II model-based support to serve the remaining eligible locations within that census block. It also made several modifications to the letter of credit requirements for recipients of Rural Broadband Experiment support. Commissioner Clyburn issued [a statement](#).
- Chairman Wheeler sent [a letter](#) to Congresswoman Lynn Jenkins (R-Kan.) on February 22, 2016, in response to her November 20, 2016 [letter](#) expressing concern over the methodology used by the FCC for determining 100 percent competitive overlap of telecommunication services within a USF incumbent carrier's study area. Chairman Wheeler explained the Wireline Competition Bureau's process for making such determinations and reported the Bureau recently determined that LaHarpe Telephone Company will not be subject to the phase-out of its high-cost USF support. He also said the Commission is currently considering an Order to modernize USF support for rate-of-return carriers, which would include a rule that would limit one type of high-cost support where there is an unsubsidized competitor serving 85 percent of locations in a census block, with provisions in place to ensure a full evidentiary showing of competition and coverage, to disaggregate support so it continues to flow to areas without such competition, and to provide a multi-year phase-out for any support reductions.
- Chairman Wheeler sent [letters](#) to Sens. Dan Sullivan (R-Alaska) and Lisa Murkowski (R-Alaska) and Congressman Don Young (R-Alaska) on March 1, 2016, in response to their November 16, 2015 letter supporting an Alaska specific solution for rate-of-return and competitive carriers that mirrors the Commission's solution for Alaska's price cap carrier. Chairman Wheeler said he was aware of the proposal by the Alaska carriers, and said Commission staff are actively reviewing the Alaska specific solutions that have been proposed. He said he expects the Commission to address this important issue in the near future.
- Chairman Wheeler sent [letters](#) to Senators Tom Udall (D-N.M.) and Martin Heinrich (D-N.M.), and Congressmen Steve Pearce (R-N.M.), Ben Ray Lujan (D-N.M.), Michelle Lujan Grisham (D-N.M.) on March 1, 2016, in response to their December 11, 2015 [letter](#) supporting the proposal for a Tribal Broadband Factor. Chairman Wheeler said he circulated an Order on February 12, 2016, to modernize USF support for rate-of-return carriers, and a Further Notice included with the Order would specifically seek comment on additional reforms, including the Tribal Broadband Factor proposal, to further incentivize broadband investment and deployment on unserved and underserved Tribal lands.
- Chairman Wheeler sent [a letter](#) to Congressman Emanuel Cleaver (D-Mo.) on March 1, 2016, in response to his December 21, 2015 letter, which urged the FCC to structure the CAF auction so that funding is made available on a priority basis for fiber to the home networks. Chairman Wheeler said he has circulated an Order to his fellow Commissioners for their consideration that will address the framework for the CAF Phase II competitive bidding process and one of the primary goals for this process is to ensure widespread participation from all providers that can deliver a high-quality service. Chairman Wheeler also sent [letters](#) to Senators Claire McCaskill (D-Mo.) and Roy Blunt (R-Mo.) on March 1, 2106, in response to their February 25, 2016, letter on the same topic.
- Commissioner O'Rielly [spoke](#) before the Faegre Baker Daniels Insights Luncheon on March 8, 2016, to discuss the FCC's upcoming agenda, with a special focus on USF reform. He said rate-of-return USF reform was one of the more inclusive procedural efforts he has been part of at the Commission, and indicated the pending Order will address: the Commission's rules to permit reimbursement for standalone broadband; buildout requirements; an end to subsidizing areas where competition has developed; addressing carrier expenses; and maintaining an overall budget for total expenditures. He indicated next up on the USF reform agenda is dealing with the issues particular to Alaska and procedures to operate a reverse auction to award CAF Phase II funding.

- The Wireless Telecommunications and Wireline Competition Bureaus issued a [Public Notice](#) on March 11, 2016, authorizing Mobility Fund Phase I support for VTel Wireless. The Bureaus also said the winning bidder for which support is authorized as listed in Attachment A has defaulted on its remaining winning bids, listed in Attachment B, and support is not authorized for these defaulted bids. They said with this authorization, all Auction 901 winning bids have been authorized, and the long-form applications will now be made available to the public.
- USTelecom [met with](#) Commissioner Rosenworcel on March 8, 2016, to discuss elements of the proposed USF reform for the rate-of-return industry. USTelecom also [met with](#) Commissioner Pai and his Legal Advisor on March 3, 2016, to discuss the same issues.
- Hargray Communications [met with](#) Legal Advisors to Chairman Wheeler and Commissioners O’Rielly and Clyburn on March 3, 2016, to discuss mechanics behind the Capital Budget Mechanism and the appropriate timing for implementation of limits on capital expenditures. Hargray said it would be necessary for the Commission to allow companies the opportunity to supplement information on broadband availability previously provided on FCC Form 477, noting that using Form 477 data would create the appearance of broadband availability where carriers cannot meet broadband speed requirements. Hargray suggested that limits on capital expenditures should be put in place January 1, 2017, to allow time for companies to provide more specific data on broadband availability, and also suggested that the formula for determining capital expenditures for any period should be plant added to service less beginning work in progress plus ending work in progress.
- The Alaska Telephone Association and Windy City Cellular [met via telephone with](#) Wireless Telecommunications Bureau staff on March 3, 2016, to discuss the Alaska Plan and Windy City’s previously submitted performance obligations as part of the Alaska Plan. They discussed the improvements Windy City will be able to accomplish in accordance with the performance obligations and the essential wireless service Windy City is providing in Adak.
- TelAlaska Cellular [met via telephone](#) with Wireless Telecommunications Bureau staff on March 8, 2016, to discuss the Alaska Plan. It discussed new and upgraded wireless broadband service which will be provided in TelAlaska Cellular’s communities in accordance with the performance obligations it previously filed.
- Frontier filed [a letter](#) on March 9, 2016, withdrawing its December 30, 2015 letter that identified certain states where the actual number of locations in eligible census blocks for CAF Phase II model-based support was less than the number predicted using the model, and asked the Bureau to adjust Frontier’s location targets and CAF II funding associated with those states. Frontier said its additional review efforts continue to identify new or different numbers of locations, and it requested the Bureau not take any action regarding reducing Frontier’s location counts or associated funding.
- NCTA filed [a letter](#) on March 11, 2016, to oppose the proposal recently submitted by CenturyLink and Frontier for an additional \$175 million annually from the CAF for maintaining and repairing their voice networks in certain remote locations. NCTA said the LECs have offered no evidence to support their assertion that voice services cannot be maintained in such areas and, even if such evidence had been presented, the Commission should require individual LECs to demonstrate they meet the requirements for a waiver before providing any additional support. NCTA said the Commission should reject the ILECs’ proposal and begin implementing the Remote Areas Fund immediately.
- Deere & Company [met with](#) Chairman Wheeler’s Legal Advisors on March 3, 2016, to discuss the critical role that GPS plays in high-precision agriculture and Deere’s ongoing interest in and commitment to the expanded deployment of broadband in rural areas. It said in addition to interference-free GPS, broadband services are required to meet the needs of today’s agricultural operations, and Deere therefore supports the Commission’s efforts toward USF reform to promote greater broadband coverage. Deere proposed that the support programs be revised to promote coverage of agricultural “cropland and rangeland” and allow support for stand-alone broadband, and added that wireless services, both mobile and fixed, are increasingly important in rural areas and Deere therefore supports continuing and even expanding the Mobility Fund.

- ACS filed [a letter](#) on March 4, 2016, to respond to Wireline Competition Bureau staff questions on its February 3, 2015 proposal for broadband deployment commitments in Alaska using CAF Phase II frozen support. ACS clarified that it is not aware of any locations within the 26,000 it proposes to serve with CAF Phase II frozen support that lack terrestrial backhaul facilities. It also clarified that its proposal to deploy broadband at speeds of 10/1 and meeting CAF Phase II parameters for latency, capacity and price encompasses the evolving usage minimum the Bureau adopted for price cap carriers accepting model support.
- The Fiber to the Home Council Americas filed [a letter](#) on March 9, 2016, to suggest, as the Commission develops CAF Phase II auction rules, it look to broadband support programs being developed and implemented by states where CAF Phase II competitive bidding funding will be used. It suggested the New NY Broadband Program may be the most relevant, as many areas in New York are eligible for CAF Phase II competitive bidding support and the State “anticipates making a submission to the FCC that proposes coordination of CAF and New NY Broadband Program funding.” FTTH Council opposed proposals to use an algorithm that accounts for all possible aspects of performance, and suggested the FCC establish broadband speed targets that increase over the duration of the competitive bidding program and continue to establish baseline requirements for latency, data usage, and the retail price.
- ViaSat [met with](#) Chairman Wheeler and his staff on March 9, 2016, to discuss the Spectrum Frontiers proceeding as well as ViaSat’s recommendation that the reverse auction for CAF Phase II enable competition by all technologies and service providers for the limited available funds.
- WISPA filed [a letter](#) on March 4, 2016, to claim the FCC’s proposed framework for the CAF reverse auction lacks public support. WISPA submitted a proposal that it said would weigh reverse auction bids based on their relationship to baseline speed, latency and data usage criteria, along with one additional factor - build-out completion time. It claimed the proposal does not favor one technology over another, enabling the highest level of participation by large and small bidders, and it focuses on the Commission’s criteria - speed, latency and data usage - and adds a criterion that awards credit for accelerated build-out.
- Mark Twain Telephone filed [a letter](#) on March 7, 2016, to assert that Missouri No. 5 Partnership does not provide service as an unsubsidized fixed wireless competitor in the Mark Twain study area, even though the FCC has listed it as such. It said Missouri No. 5 Partnership’s RLEC affiliated, Chariton Valley, agrees it does not provide service in this area and it receives high cost support. Mark Twain requested the FCC accommodate this information in the final version of the A-CAM.
- Northeast Rural Services filed a [second supplement](#) on March 3, 2016, to its Motion to Withdraw Census Blocks from Rural Broadband Experiment Awards and Motion to Dismiss ETC Waiver Petitions as Moot filed on August 14, 2015, and subsequently supplemented on February 16, 2016. NRS requested the FCC: remove those census blocks located in FairPoint and CenturyTel study areas from NRS Project IDs 2, 3, 7, 8, 9, & 10 identified on its Motion to Withdraw - Exhibit “A,” as supplemented, and adjust applicable support awards related thereto; dismiss the ETC Waivers as moot following removal; and authorize NRS as support ready for all remaining AT&T census blocks. NRS said granting the relief requested will allow it to provide affordable and reliable services to rural Oklahoma citizens.
- Pine Drive Telephone filed [a letter](#) on March 11, 2016, to notify the FCC that on March 1, 2016, it filed corrected Form 477 data for 12/31/2014, 6/30/2015 and 12/31/2015, to correct previously reported data that considerably overstated Pine Drive’s broadband availability. Matanuska Telephone Association also filed [a letter](#) on March 10, 2016, to notify the FCC of changes it made to its December 31, 2014, and June 30, 2015 FCC Form 477’s on March 9, 2016. They both requested the FCC correct the A-CAM to reflect their corrected Form 477 data.
- Rural Communications Holding Corporation, the parent company of Hager Telecom, filed [a letter](#) to notify the FCC that West Wisconsin Telcom filed an error on its Form 477s for 6/30/2014, 12/31/2014,

and 6/30/2015, mistakenly reporting it serves all of the Hager Telecom area when, in fact, it serves none of it. RCH said this caused it to review its 477 filings for all of the RCH ILECs and it was discovered errors were made in the 477 filings for 12/31/2014 and 6/30/2015. RCH reported that corrections for these filings were made on 2/17/2016, and requested the FCC use the corrected 477 data for determining A-CAM support and eligibility.

- DeKalb Telephone Cooperative filed [a letter](#) on March 3, 2016, to notify the FCC of changes it made to its June 30, 2015, and December 31, 2015, FCC Form 477s on March 2, 2016, & March 3, 2016. DeKalb said its previously-filed Form 477s contained data that incorrectly identified numerous census blocks that are overstated in speed availability. It requested the FCC allow these corrections to be included in the A-CAM as soon as possible.
- Park Region Mutual Telephone Company and Valley Telephone Company filed [a letter](#) on March 8, 2016, to notify the FCC of changes they made to their previously-filed FCC Form 477s containing data as of June 30, 2015. They indicated that many of their census blocks were incorrectly identified as having broadband service deployed using FTTP, and requested that the FCC use the corrected Form 477 data for determining A-CAM support and eligibility. Northeast Iowa Telephone Company also filed [a letter](#) on March 9, 2016, to notify the FCC of changes it made to its previous two FCC Form 477s on March 8, 2016, and requested the FCC allow these corrections to be included in the A-CAM.
- Mid Century Telephone Co-operative filed [a letter](#) on March 10, 2016, to notify the FCC of revisions it made to its last three FCC Form 477s to accurately reflect the maximum broadband speeds some of its DSL customers can actually receive. Benton Ridge Telephone Company also [notified](#) the FCC of changes it made on March 11, 2016, to its two previous FCC Forms 477. They both requested the FCC allow their corrections to be included in the forthcoming versions of A-CAM.
- The Golden Belt Telephone Association and Rural Telephone Service Company filed a [Request for Correction of Common Short Name](#) for two unaffiliated RLECs in the A-CAM on March 11, 2016. They requested the Commission change the identical Short Name of "RRLT" that has been assigned to both of these separate and unrelated companies in Version 2.1 of the A-CAM, and assign a different Short Name to each company in order to remove any and all misimpressions that these separately owned, controlled, and managed Kansas cooperative telephone companies are affiliates. They said this will permit them to make independent decisions as to whether or not to opt into the A-CAM and its model-based support path for the expected ten-year period.
- Hawaiian Telcom filed [a letter](#) on March 8, 2016, to make the certifications required for its CAF Phase I Round 2 support for CB 150010210103046.

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ICC

- No replies were filed on Horry Telephone Cooperative, PBT Telecom, Palmetto Rural Telephone Cooperative, and Piedmont Rural Telephone Cooperative's [Petition for Limited Waiver](#) of 51.917(b)(7)(ii) to include amounts owed by Halo Wireless in their Fiscal Year 2011 Base Period ICC Revenues. [Public Notice](#)

Open Internet

- The FCC issued a [Small Entity Compliance Guide](#) on the Open Internet rules on March 11, 2016. The guide is intended to help small entities comply with the new rules adopted in the Open Internet proceeding, including rules on blocking, throttling, paid prioritization, and enhanced transparency.

Broadband

- The FCC issued a [summary](#) of a proposed NPRM Chairman Wheeler has circulated for consideration by the full Commission on how customers' data is used and shared by broadband providers. The proposal would apply the privacy requirements of the Communications Act to broadband Internet access service, and would require broadband providers to take reasonable steps to safeguard customer information from unauthorized use or disclosure. The Chairman's proposal separates the use and sharing of information into three categories, and proposes adoption of clear guidance for both ISPs and customers about the transparency, choice and security requirements for that information. The proposal will be considered at the March 31 Open Meeting. Commissioner O'Rielly [issued a statement](#) on the proposed NPRM.
- Chairman Wheeler [sent letters](#) to Sens. Roy Blunt (R-Mo.), Steve Daines (R-Mont.), Deb Fischer (R-Neb.), Cory Gardner (R-Colo.), Ron Johnson (R-Wis.), and Roger Wicker (R-Miss.) on March 1, 2016, in response to their letters on the FCC's determination in the *2016 Broadband Progress Report* that advanced telecommunications capability is not being deployed to all Americans in a reasonable and timely fashion and the application of 25/3Mbps as the benchmark for fixed advanced telecommunications capability. Chairman Wheeler said the 25 Mbps/3 Mbps speed benchmark is not a definition of "broadband," but rather is used to measure the deployment of those broadband services that are able to provide Americans with "advanced telecommunications capability." He also said the FCC requires carriers receiving CAF support to provide, at a minimum, service of 10 Mbps/1 Mbps, and has in place initiatives that will support faster service.
- Chairman Wheeler [sent a letter](#) to Rep. Fred Upton (R-MI) on February 26, 2016, in response to his letter regarding the Commission's assessment and reporting on the state of broadband deployment, the level of video competition, and the level of effective competition in the nation's mobile wireless market. Chairman Wheeler answered questions on FCC actions to improve broadband acceleration, steps the FCC will take to remove barriers to infrastructure investments and promote competition, and why the FCC settled on the 25/3 Mbps definition of broadband.

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IP Transition

- TelePacific Communications [met with](#) Wireline Competition Bureau staff on March 3, 2016, to discuss its [Petition for Clarification](#) of the [Report and Order](#) on copper retirement. TelePacific responded to Verizon's claims, saying it is not seeking an indefinite extension of access to copper that ILECs have proposed to retire, but only seeks to ensure that customers relying on robust broadband over copper get access to a service of equal or higher bandwidth. TelePacific also responded to Adtran's claims that fixed wireless is a ready substitute for the broadband over EoC that TelePacific offers, saying it has significant fixed wireless capability, but none of the schools or rural healthcare facilities it serves via EoC were candidates for receiving broadband over fixed wireless.
- The Pennsylvania PUC filed a [letter](#) on March 11, 2016, stating ILECs have a continuing obligation to provide DS1 and DS3 capacity loops on an unbundled basis pursuant to section 251(c)(3) and section 51.319(a)(4) and (5), and this obligation is not altered or eliminated either by the replacement of copper with fiber or by the conversion of transmission from TDM to IP format. The Pa. PUC said it is concerned that failing to maintain an unbundling requirement for DS1 and DS3 capacity local loops or a functional equivalent could effectively undermine competition.

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USF

- The FCC [announced](#) that Chairman Wheeler, working closely with Commissioner Clyburn, is circulating an Order to modernize the Lifeline program, which will be voted on by the full Commission at the March 31, 2016 Open Meeting. Among other things, the proposed Order: allows Lifeline support to be used for stand-alone mobile or fixed broadband Internet access service; provides a streamlined, nationwide entry for a new category of providers, called Lifeline Broadband Providers; establishes a National Eligibility Verifier as a neutral third-party entity that removes the opportunity for providers to enroll ineligible subscribers; refines the list of federal programs that may be used to validate Lifeline eligibility; and sets a budget of \$2.25 billion. The FCC also issued another [summary](#) of the proposed Order. Commissioner [O’Rielly issued a statement](#) on the proposed Order.
- The White House issued a [Press release](#) on March 9, 2016, announcing President Obama is unveiling ConnectALL, an initiative to help Americans at every income level get online and have the tools to take full advantage of the Internet. The White House also announced that NTIA filed [its recommendation](#) with the FCC on Lifeline reform. NTIA suggested, among other things, the FCC expand the Lifeline program to support broadband services, while ensuring that voice service remains available for low-income individuals and communities, and establish a national third-party verifier to determine low-income consumers’ eligibility. President Obama’s Council of Economic Advisers released [a new study](#) on the economic importance of broadband, calling for nonprofits, businesses, technology experts, and Government to join a national effort to reach the ConnectALL goal of connecting 20 million more Americans to broadband by 2020.
- The FCC Managing Director issued a [Public Notice](#) on March 10, 2016, announcing that the proposed universal service contribution factor for the second quarter of 2016 will be 17.9 percent, down from the current 18.2 percent.
- Chairman Wheeler [responded](#) on March 1, 2016, to a letter from Sen. Steve Daines (R-Mont.), which urged the FCC to initiate a proceeding to examine a rule change making wireless internal connections an available option as part of the Rural Healthcare program. Chairman Wheeler said expanding high-speed broadband connections is a high priority for the Commission and there is a pending [petition for rulemaking](#), containing a number of proposals for the RHC program. He said while internal connections are not specifically addressed, it is possible, as the proceeding moves ahead, this issue will be raised and reviewed.
- NTCA and WTA [met with](#) Wireline Competition Bureau staff on March 3, 2016, to discuss the June 2015 Lifeline FNPRM. NTCA and WTA said that, should the FCC designate broadband Internet access as a Lifeline supported service, any minimum service standards applicable to Lifeline providers must be centered on the concept of consumer choice. They said providers should not be compelled to develop Lifeline-specific service options; rather, the program should focus on providing qualifying low-income consumers with more affordable access to the variety of service options that providers make available generally. They also said any minimum speed standards adopted in the Lifeline proceeding must match RLECs’ current ability to provide service in high-cost areas and must be consistent with any buildout obligations adopted in the High-Cost Program.
- USTelecom filed a [letter](#) on March 4, 2016, to suggest the FCC restructure the Lifeline program in a way that encourages more providers to participate in the program. USTelecom suggested the FCC: remove providers from their current Lifeline eligibility role; begin processing Lifeline applications from consumers at the soonest possible date; address state-to-state variations in Lifeline requirements; establish clear compliance and audit standards; eliminate or modify outdated voice-centric rules that do not make sense in a modernized program; and address the unique needs of Tribal lands.
- USAC filed a [letter](#) on March 4, 2016, providing additional Lifeline Program data and associated demographic analysis based on review of certain U.S. Census data, as a follow up to its [previous letters](#). USAC provided a list of current subscribers organized by sum count as reported in the National Lifeline Accountability Database, and said U.S. Census data were categorized into total eligible

population based on certain characteristics, including income and enrollment in Lifeline Program eligible income-based government assistance programs.

- The Alaska Telephone Association filed a [letter](#) on March 8, 2016, to express concern that setting 3G service as a baseline for mobile broadband service supported by Lifeline will exclude thousands of Alaskan consumers from the benefits of Lifeline. ATA said it is important that minimum standards for Lifeline recognize this limitation and not exclude Alaskan consumers from participating in the Lifeline program.
- AT&T [met with](#) Wireline Competition Bureau, Office of Managing Director, and Office of Media Relations staff on March 4, 2016, to urge the Commission to have its third party verifier immediately take on administrative functions, before the eligibility database is fully up and running, to ensure that Lifeline consumers benefit from a more efficient program sooner. AT&T also discussed eliminating the ETC designation requirement, federalizing the Lifeline program so that all Lifeline obligations, qualifying assistance programs and Lifeline program practices are uniformly administered, and publishing clear national-level Lifeline compliance and audit standards.
- Comcast [met with](#) Office of Managing Director and Wireline Competition Bureau staff on March 4, 2016, to reiterate its support for modernizing the Lifeline program to support broadband services. Comcast urged the Commission to simplify and streamline the rules for program entry and provider participation. Comcast also asserted the FCC should not adopt Lifeline minimum service standards that place undue restrictions on Lifeline customers' ability to apply their Lifeline subsidy to the broadband plan that best meets their needs.
- CTIA [met with](#) Chairman Wheeler's Legal Advisors and Wireline Competition Bureau staff on March 7, 2016, to express support for Lifeline reform to support mobile wireless broadband services and to improve the administration of the Lifeline program. CTIA also urged the Commission to ensure that the potential reforms to the program do not cause significant disruption to the current base of Lifeline customers who rely on mobile wireless voice services for their economic, educational and public safety needs.
- INCOMPAS [met with](#) Chairman Wheeler's Counselor and Wireline Competition Bureau staff on March 7, 2016, to urge the Commission to continue Lifeline support for voice-only service. INCOMPAS asserted many current Lifeline subscribers have chosen mobile voice service and such service continues to be essential. INCOMPAS also asserted minimum standards for the Lifeline program could potentially eliminate free Lifeline services for consumers.
- Public Knowledge, the Benson Foundation, the United Church of Christ, the Institute for Public Representation at Georgetown University Law Center, et al. [met with](#) Chairman Wheeler's Counsel, Office of Strategic Planning and Policy Analysis, Office of Media Relations, and Wireline Competition Bureau staff on March 4, 2016, to express concern with a cap on the Lifeline program. They said that should a budget be established for Lifeline, it should serve as a program planning tool and not as a de facto cap. They also asserted the Lifeline program should continue to support a standalone mobile voice product.
- The SHLB Coalition filed a [letter](#) on March 11, 2016, expressing support for allowing non-traditional providers, such as schools, libraries, and other anchor institutions, to participate in the Lifeline program, even if they do not qualify as ETCs. SHLB asserted the Commission can best stimulate such competition by creating a process for certifying Lifeline providers separate from the ETC process, and allowing nontraditional providers to offer Lifeline service to low-income consumers.
- Voxiva filed a [letter](#) on March 11, 2016, offering suggestions on Lifeline reform. Voxiva asserted although transitioning the program to support broadband is critical, the FCC should also recognize the importance of wireless voice services and avoid customer disenfranchisement by setting stringent minimum service standards. Voxiva also presented several recommendations on wireless Lifeline service bundles, minimum standards, and acceleration of adoption of wireline broadband services.

- The Center on Budget and Policy Priorities [met with](#) Managing Director and Wireline Competition Bureau staff on March 4, 2016, to discuss cost sharing and how it would not work for the Lifeline population. CBPP asserted cost-sharing would greatly limit participation by the neediest individuals, and that if Lifeline no longer allows individuals to qualify based on income, a large group of very low-income people would be left out from this valuable benefit.
- MAG-Net filed a [letter](#) on March 10, 2016, asserting that the FNPRM on Lifeline correctly seeks to modernize the program to match the current telecommunication needs. MAG-Net submitted over 130 stories from current Lifeline subscribers and eligible recipients, and asserted these stories show that an effective modernized Lifeline program should have minimum service standards and an expanded and streamlined eligibility process, with no caps that limit participation in the program and a subsidy that supports both phone and Internet.
- MAG-Net, the Center for Media Justice, the Utility Reform Network, and Everyone On [met with](#) Commissioner Clyburn and her Legal Advisor and Commissioner Rosenworcel's Legal Advisor on March 1, 2016, to discuss the importance of moving the Lifeline program to include broadband to address the homework gap.
- Total Call Mobile [met with](#) Legal Advisors to Commissioners Clyburn and Rosenworcel and Wireline Competition Bureau staff on March 3, 2016, to discuss TCM's plan to begin offering low cost broadband data plans to Lifeline customers for purchase, in addition to the voice and text plans they already receive as part of the program. TCM also discussed the proposed Snapshot rule, and asserted that if the Snapshot Rule is not addressed, it will be more difficult for Lifeline service providers to continue to invest and innovate in broadband.
- American Teleconferencing Services [met with](#) Wireline Competition Bureau staff on March 3, 2016, to discuss legal arguments in its [Application for Review](#) of the [Order](#) finding USAC acted properly when it rejected ATS's late-filed second revised 2012 FCC Form 499-A. ATS argued the Wireline Competition Bureau unlawfully replaced its multi-factor hardship-and-equity standard with a new single-factor "order of magnitude" test that is absent from prior Commission precedent. ATS also claimed the Bureau incorrectly limited its hardship analysis to the monetary value of the erroneous contribution, and inequitably punished ATS while granting waivers for filers that had not complied with USF reporting obligations for years.
- Integrated Path Communications filed its [Compliance Plan](#) on March 10, 2016, outlining the measures it will take to implement the conditions imposed by the Commission in its Lifeline Reform Order.

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Misc.

- The FCC issued a [tentative agenda](#) for its March 31, 2016 Open Meeting. The Commission will consider: a NPRM expanding access to video programming for blind or visually impaired Americans; a Third Report and Order, Further Report and Order, and Order on Reconsideration to restructure and modernize the Lifeline program; and a NPRM to protect the privacy of consumers of broadband services.
- Reply comments were filed on March 7, 2016, to refresh the record on USTelecom's December 19, 2012 [Petition for Declaratory Ruling](#) that ILECs are "no longer presumptively dominant when providing interstate mass market and enterprise switched access services." [USTelecom](#) said it does not seek blanket deregulation of ILEC switched access voice services, but rather a more narrow scope of relief that would place ILECs on equal footing with their competitors by declaring all providers to be "non-dominant" in the provision of switched access voice services. [AT&T](#) said, contrary to claims by certain parties, the data in USTelecom's original Petition amply demonstrated ILECs provide circuit-switched voice services to a rapidly dwindling minority of consumers nationwide, and claimed customers continue to abandon ILEC voice services in droves because they have a plethora of alternatives

available to them. [Alaska Communications](#) supported the Petition, and said while GCI argued the Commission should take a more granular approach to the relief, it offered no evidence that the Commission should deny any of the substantive relief the Petition seeks, in Alaska or elsewhere. The [South Dakota Telecommunications Association](#) opposed USTelecom's Petition, stating it does not contain the factual showing necessary to support the request, and said the scope and impact of the relief requested is not clear. Replies also filed by [Pennsylvania Public Utility Commission](#) and [INCOMPAS](#). [Public Notice](#)

- New Networks Institute filed a [letter](#) on March 6, 2016, requesting the FCC investigate the data and analysis used by the FCC in any proceeding that deals with 'switched' and 'non-switched' (special access) access services. NNI claimed "refreshing" USTelecom's 2012 [Petition](#) to allow the phone companies to be 'non-dominant' in 'switched access' is just another part of the AT&T-Verizon-Centurylink-USTA plan to remove the companies' remaining overall obligations. NNI asserted once the ILECs are ruled non-dominant, they will have carte blanche to shut off all the copper networks they want, not deliver services, claiming they are 'losing lines' and the PSTN wired networks are unprofitable.
- The Wireline Competition Bureau issued a [Public Notice](#) on March 8, 2016, seeking comments on a [Petition for Clarification](#) filed by County Rural Telephone Cooperative, d/b/a Endeavor Communications, that rate-of-return carriers who elected to freeze their category relationships in 2001 are permitted to directly assign costs to new categories of investment introduced subsequent to the inception of the freeze if that category is ordinarily directly assigned in accordance with the Part 36 rules. Endeavor seeks to continue directly assigning its DSL investment costs in its annual cost study, and said it has done so since 2004 when it first began providing DSL service. Comments are due April 7; replies due April 22.
- Pioneer Telephone Cooperative filed a [letter](#) on March 11, 2016, on its [Petition](#) for a permanent waiver of the Part 36 Frozen Category Rules. Pioneer said while it takes no position on the merits of Endeavor's [Petition for Clarification](#) of the 2001 Separations Freeze, it is concerned the FCC may further delay action on its Petition until after it considers the comments on the Endeavor Petition. Pioneer said an immediate grant of Pioneer's Petition will not prejudice or affect the Bureau's analysis of the Endeavor Petition as the two petitions address distinct questions.
- No replies were filed on NECA's [2016 Modification of Average Schedules](#) that contains proposed revisions to formulas used for average schedule interstate settlement disbursements. [Public Notice](#)
- The Wireline Competition Bureau released an [Order](#) on March 9, 2016, granting objections filed by AT&T and Verizon to a request filed by Bruce A. Kushnick and objections filed by CenturyLink and Verizon to a request filed by Neil Stevens seeking access to their confidential and highly confidential special access data. The Bureau said Mr. Stevens is not eligible to review confidential information pursuant to the protective orders, and Mr. Kushnick has not shown he is qualified to review the confidential information submitted in this proceeding.
- The Wireline Competition Bureau issued a [Public Notice](#) on February 17, 2016, listing Acknowledgements of Confidentiality filed by parties seeking access to confidential information filed in the special access data collection proceeding since the February 17, 2016 Public Notice. Parties that submitted confidential information in response to the collection have until March 14, 2016, to object to the disclosure of their data and information to any of the parties listed in the attachment to this Public Notice.
- USTelecom and INCOMPAS filed a [letter](#) on March 4, 2016, submitting a revised list of categories of aggregated data that parties should be permitted to include in their public comments and other filings in the special access proceeding that do not reveal company-specific confidential information. They said the list is not intended to be exhaustive, and asked the FCC to confirm that there may be other categories of non-confidential aggregated data that parties may file in the public record. They also asked the FCC to encourage all parties that submitted filings in the proceeding to reexamine and

revise them to remove any improper redactions of non-confidential information, consistent with the categories on the list, and resubmit those filings into the public record.

- Verizon [spoke with](#) Jon Sallet, FCC General Counsel, on March 8, 2016, asserting that demand for business broadband services is shifting away from legacy services to providers of all kinds and the FCC should adopt a regulatory framework that ensures a level playing field for all providers. Verizon also discussed different proposals, including rolling back forbearance for Ethernet services and changes to the terms and conditions in place for legacy special access services. Verizon reiterated that any changes the FCC adopts to its current regulatory structure must take into account developments in the marketplace over the last few years and should regulate all competitors evenhandedly.
- CTIA [met with](#) Chairman Wheeler's Advisors to oppose proposals from ITTA and the ACA on the assessment of regulatory fees. CTIA claimed ITTA and ACA propose to shift a disproportionate share of regulatory fees onto wireless regulatees and away from wireline interests, and asserted ITTA's claim that the wireless and wireline industries encompass similar regulatory policies ignores CTIA's previous demonstrations that wireless and wireline services are subject to distinct regulatory regimes that impose diverse burdens on FCC staff. CTIA also asserted suggestions that CMRS providers must pay ITSP fees because they create costs by participating in "wireline" rulemaking proceedings and other matters fails to recognize the fact that cross-bureau work is routine and widespread within the FCC.
- The House Committee on Appropriations [announced](#) it will hold a hearing on March 15, 2016, on the FCC's budget. Chairman Wheeler and Commissioner Pai are scheduled to be witnesses.
- Chairman Wheeler [sent letters](#) to 41 Members of Congress on February 25, 2016, in response to [their letter](#) expressing concern with section 301 of the [Bipartisan Budget Act of 2015](#), which permits robocallers to collect debts owed or guaranteed by the United States and requires the FCC to issue regulations to implement section 301 by August 2, 2016. Chairman Wheeler said he recently circulated a draft NPRM on robocalls, proposing: only calls made after a debtor has become delinquent be covered by the exception; to limit the calls to creditors and those calling on their behalf, including debt servicers; these robocalls can only be made to the debtor; to limit the number of calls to three per month per delinquency; and to empower consumers with the right to stop calls from a federal creditor at any time and to require callers to inform debtors of this right.
- Sen. Sherrod Brown (D-Ohio) sent a [letter](#) to Chairman Wheeler on March 9, 2016, expressing concern with section 301 of the [Bipartisan Budget Act of 2015](#), which permits robocallers to collect debts owed or guaranteed by the United States and requires the FCC to issue regulations to implement section 301 by August 2, 2016. Sen. Brown offered several principles for the FCC to consider as the FCC creates rules to implement section 301, and asked Chairman Wheeler to detail how he plans to consider the recommendations in the rulemaking.
- Neustar [met with](#) Public Safety and Homeland Security Bureau staff on March 8, 2016, to discuss the contents of a letter it sent to PricewaterhouseCoopers, the LNP Administrator Transition Oversight Manager, on the LNPA transition. Neustar discussed the reasons why it will no longer be able to provide Enhanced Law Enforcement Platform service in regions where Neustar is not the NPAC Administrator. Neustar recommended the Commission seek comment on the NAPM-icconnectiv contract to obtain the views of the parties most affected by its terms and to identify any requirements or obligations in the contract that require further examination before the Commission considers it.
- The Enforcement Bureau issued an [Order](#) on March 7, 2016, adopting a Consent Decree to resolve its investigation into whether Verizon Wireless violated section 222 of the Communications Act and the FCC's Open Internet Transparency rule by failing to disclose to consumers that it was inserting Unique Identifier Headers (so-called "supercookies") into consumers' Internet traffic over its wireless network. The Bureau said Verizon Wireless's targeted advertising programs associate UIDH with Verizon Wireless customer proprietary information, as well as other customer demographic and interest information, to create profiles in order to serve targeted advertisements. The Bureau fined Verizon Wireless \$1,350,000 and required it to adopt a three-year compliance plan that requires it to obtain

customer opt-in consent prior to sharing a customer's UIDH with a third party to deliver targeted advertising. [News release](#)

- The FCC issued a [Forfeiture Order](#) on March 9, 2016, fining Net One International \$1.6 million for billing consumers for unauthorized charges and fees, a practice known as "cramming." The FCC said the Enforcement Bureau reviewed over 100 consumer complaints as well as the Better Business Bureau against Net One, complaining that Net One continued to charge them for services and late fees after they cancelled service and paid all final bills. The FCC said after reviewing Net One's response to the Notice of Apparent Liability for Forfeiture, it found no reason to cancel, withdraw, or reduce the proposed penalty. [News release](#)
- Commissioner Clyburn [announced](#) on March 8, 2016, the appointment of J. David Grossman as Chief of Staff and Media Policy Advisor and Daudeline Meme as Legal Advisor for wireless, international and public safety issues, effective March 14, 2016. Mr. Grossman most recently served as Legislative Director and Senior Advisor for Technology Policy to U.S. Congresswoman Anna G. Eshoo (D-Calif.). Ms. Meme previously served as Chief of Staff of the Enforcement Bureau, where she was responsible for providing legal, policy, and administrative oversight.

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Upcoming Filing Dates

- Mar. 15 - Comments due on Vonage Holdings' [application](#) to obtain telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator. [Public Notice](#)
- Mar. 21 - PRA comments due on FCC Form 690, the Annual Report for Mobility Fund Phase I Support, and the record retention requirements, which were revised in the May 14, 2012 Third Order on Reconsideration of the USF/ICC Transformation Order. [Notice](#)
- Mar. 30 - Comments due on Interstate Telecom and CenturyLink's [Petition](#) seeking a study area waiver to permit CenturyLink to remove a portion of its Flandreau Exchange. Replies due April 14. [Public Notice](#)
- Mar. 31 - Comments due on the preparation of a Programmatic Environmental Assessment for the development of a more efficient and effective environmental review process for the RUS Telecommunications Program. [Notice](#)
- Apr. 7- Comments due on Endeavor's [Petition for Clarification](#) that rate-of-return carriers who elected to freeze their category relationships in 2001 are permitted to directly assign costs to new categories of investment introduced subsequent to the inception of the freeze if that category is ordinarily directly assigned in accordance with the Part 36 rules. Replies due April 22. [Public Notice](#)
- Apr. 14 - Replies due on Interstate Telecom and CenturyLink's [Petition](#) seeking a study area waiver to permit CenturyLink to remove a portion of its Flandreau Exchange. [Public Notice](#)
- Apr. 18 - PRA comments due on revisions to Form 481 and its instructions to reflect reporting and certification requirements for price cap carriers that elect to receive CAF Phase II model-based support, for recipients of Rural Broadband Experiment, a reasonably comparable rate certification for broadband for high-cost support recipients, and an E-rate bidding certification for Phase II model-based support and rate-of-return carrier high cost recipients. [Notice](#)
- Apr. 22- Replies due on Endeavor's [Petition for Clarification](#) that rate-of-return carriers who elected to freeze their category relationships in 2001 are permitted to directly assign costs to new categories of investment introduced subsequent to the inception of the freeze if that category is ordinarily directly assigned in accordance with the Part 36 rules. [Public Notice](#)

- Apr. 22 - PRA comments due on an extension to a currently approved information collection associated with annual the ARMIS Operating Data Report (43-08). [Notice](#)
- Apr. 26 - PRA comments due on an extension of a currently approved information collection associated with section 69.605, Reporting and Distribution of NECA Pool Access Revenues. [Notice](#)
- May 3 - PRA comments due on an extension of a currently-approved collection associated with section 64.1903, which requires ILEC's international, interexchange affiliate to maintain books of account separate from such ILEC's local exchange and other activities. [Notice](#)
- May 3 - PRA comments due on an extension of a currently-approved collection associated with the May 2000 CALLS [Report and Order](#). [Notice](#)

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