

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

March 28, 2016 HIGHLIGHTS

- The FCC issued the [agenda](#) for its March 31, 2016 Open Meeting, and 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.
- Chairman Wheeler and the FCC Commissioners testified at the House Subcommittee on Communications and Technology [hearing on](#) FCC oversight.
- Chairman Wheeler [responded](#) to Sen. Deb Fischer's (R-Neb.) question, saying the FCC has not, and will not, authorize disbursement of Rural Broadband Experiment funds to any municipally-owned broadband provider for areas where a competitor has been providing service. Chairman Wheeler also [responded](#) to Rep. Jason Chaffetz (R-Utah) on Emery Telcom's [Petition](#) for a waiver of the FCC's ICC revenue recovery rules for rate-of-return carriers.
- The FCC issued a revised [Protective Order](#), streamlining the procedures governing the filing of and access to FCC Form 481 financial information filed by privately-held rate-of-return carriers.
- The FCC's network change disclosure rules on copper retirement notices that were adopted in the August 2015 [Report and Order and Order on Reconsideration are effective](#) March 24, 2016.
- Chairman Wheeler sent [letters](#) to Reps. Fred Upton (R-Mich.) and Frank Pallone (D-N.J.) on the markup of the [No Rate Regulation of Broadband Internet Access Act](#), asserting the bill would introduce significant uncertainty into the Commission's ability to enforce the three bright-line rules that bar blocking, throttling, and paid prioritization, as well as the FCC's general conduct rule that would be applied to issues such as data caps and zero rating. Chairman Wheeler also [spoke](#) at GnoviCon 2016 on the Open Internet Order and broadband privacy proposals.
- USTelecom [responded](#) to NCTA's [letter](#), which opposed CenturyLink and Frontier's proposal for interim USF support for voice service to unfunded locations in states where price cap ILECs accepted model-based CAF Phase II support. UTC [discussed](#) the [ex parte](#) filed by UTC, NRECA, and NTCA, which suggested criteria the Commission could use in the CAF Phase II reverse auction.
- The Alaska Telephone Association, et al. [discussed](#) ATA's proposal for an Alaska Infrastructure Fund.
- NTCA, WTA, et al. [discussed](#) the draft Lifeline Order, saying providers should be required to offer each service they offer to other consumers, but minimum standards should not inadvertently force low-income consumers to choose between a broadband service that is unaffordable despite the program discount or no broadband at all. They also discussed availability of voice services, ETC designation, eligibility verification, and broadband privacy regulations. USTelecom [discussed](#) the framework for designating broadband providers as Lifeline eligible and the geographic scope of their Lifeline obligations once they receive such a designation. NARUC [discussed](#) the [letter](#) it and 96 State Commissioners filed, which asserted the FCC's proposal to establish an optional federal ETC broadband Lifeline designation process would eliminate crucial state oversight of Lifeline services. Verizon [suggested](#) the Commission should not impose a broadband Lifeline obligation on ILEC recipients of frozen support.

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.

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USF/ICC Reform

- Chairman Wheeler sent a [letter](#) to Sen. Deb Fischer (R-Neb.) on March 14, 2016, in response to her question asked at the March 2, 2016 hearing on whether or not the FCC has authorized municipal broadband providers to receive funding through the Rural Broadband Experiments Program. Chairman Wheeler said the FCC has not, and will not, authorize disbursement of Rural Broadband Experiment funds to any municipally-owned broadband provider for areas where a competitor has been providing service, and provided a status of all such networks that have been involved in the program.
- Chairman Wheeler sent a [letter](#) to Rep. Jason Chaffetz (R-Utah) on March 14, 2016, in response to his letter on Emery Telcom's [Petition](#) for a limited waiver of the Commission's intercarrier compensation revenue recovery rules for rate-of-return carriers. Chairman Wheeler said the FCC released a Public Notice seeking comment on Emery's Petition, and Commission staff is reviewing the record in the proceeding.
- The Wireline Competition Bureau issued a revised [Protective Order](#) on March 22, 2016, streamlining the procedures governing the filing of and access to FCC Form 481 financial information filed by privately-held rate-of-return carriers pursuant to section 54.313(f)(2). Privately-held RoR ETCs who wish to file confidentially any portion of FCC Form 481 should file one copy of the confidential (unredacted) version of the form with the Secretary's Office and file a redacted version of the form, including any and all attachments, through the Commission's ECFS. Filers are no longer required to, and should not, submit two courtesy copies of the confidential version of the form with the Bureau. This Protective Order also substantially reduces the number of dockets into which submitting parties must file information. This Protective Order supersedes the two earlier protective orders.
- The Alaska Telephone Association, Matanuska Telephone Association, Copper Valley Telecom, Arctic Slope Telephone Association Cooperative, GCI, and GVNW Consulting met with staff from the [Wireline Competition](#) and [Wireless Telecommunications](#) Bureaus on March 17, 2016, to discuss ATA's proposal for an Alaska Infrastructure Fund. They discussed performance obligations and how achievement of those obligations would be reported. They also provided a revised schedule detailing the levels of support for wireless and rate-of-return carriers, which would be distributed under the AIF, and discussed draft rules.
- The Alaska Telephone Association filed [a letter](#) on March 22, 2016, to submit Windy City Cellular and OTZ Wireless' revised proposed performance obligations as part of the proposed Alaska Plan.
- USTelecom filed [a letter](#) on March 21, 2016, to respond to NCTA's March 11, 2016 [letter](#), which opposed CenturyLink and Frontier's proposal for interim USF support for voice service to unfunded locations in states where the price cap ILECs accepted model-based CAF Phase II support. USTelecom said the Commission's own cost model demonstrates these areas are the most costly to serve, and in April 2014, the Commission itself recognized that the continuing voice obligation in the highest cost areas of CAF II states would require additional funding. USTelecom said it fully agrees with NCTA that adoption of the CAF Phase II competitive bidding process and the RAF is the necessary long term solution to ensuring service in these areas; however in the meantime, USTelecom urged the Commission to adopt an interim voice maintenance support mechanism as soon as possible.
- The Utilities Telecom Council [met with](#) Commissioner Rosenworcel's Legal Advisor on March 16, 2016, to discuss the March 14, 2016 [ex parte](#) filed by UTC, NRECA, and NTCA, which suggested criteria the Commission could use in the CAF Phase II reverse auction. UTC said it supported minimum eligibility requirements, explaining the criteria should set the bar high so the Commission was funding futureproof broadband networks that would promote economic growth, better education, and improved healthcare in rural unserved communities. The Midwest Energy Cooperative, Ozarks Electric Cooperative, NRECA, and the Utilities Telecom Council met separately with [Commissioner Pai's Legal Advisor](#) and [Commissioner O'Rielly's Legal Advisor](#) on March 17, 2016, to discuss the same issues.
- Members of the Michigan State Legislature sent [a letter](#) to Chairman Wheeler on March 15, 2016, to suggest that in the CAF Phase II auctions the FCC: resist the urge to simply award the lowest bid;

consider technology in the auction and focus on future-proof technologies; and adopt clear rules and expectations for the auction as soon as possible.

- Alpine Communications filed [a letter](#) on March 22, 2016, to notify the FCC it filed corrected Form 477 data for 6/30/2015 and 12/31/2015 on March 18, 2016. It indicated the corrected data accurately reflects Alpine's ability to provide 10/1 broadband to the census blocks within its study area, as the previously-reported data considerably overstated Alpine's broadband availability. It requested the FCC correct the A-CAM to reflect Alpine's corrected Form 477 data.
- Ellington Telephone Company filed [a letter](#) on March 24, 2016, to notify the FCC that on March 22, 2016, it submitted revised Form 477 Fixed Broadband Deployment data for June 30, 2014, December 31, 2014, June 30, 2015, and December 31, 2015. It requested the FCC allow these revisions to be included in the A-CAM computations to accurately reflect broadband availability and advertised bandwidths within the Company's study area boundary.

[Back to Highlights](#)

Broadband

- Chairman Wheeler sent [letters](#) to Reps. Fred Upton (R-Mich.) and Frank Pallone (D-N.J.) on March 14, 2016, on the House Energy and Commerce Committee's markup of [H.R. 2666](#), the No Rate Regulation of Broadband Internet Access Act. Chairman Wheeler asserted that, contrary to suggestions, the approach in this legislation is not consistent with comments he made before the Senate Appropriations Committee last year. He said this bill would introduce significant uncertainty into the Commission's ability to enforce the three bright-line rules that bar blocking, throttling, and paid prioritization, as well as the FCC's general conduct rule that would be applied to issues such as data caps and zero rating.
- Chairman Wheeler [spoke](#) at GnoviCon 2016 at Georgetown University on March 16, 2016, to discuss the Open Internet Order and broadband privacy proposals. He said the Open Internet Order resulted in investment in startups and, in 2015, venture investment in Internet-specific businesses was up 35 percent. He said his broadband privacy proposal is built on three core principles; choice, transparency, and security, and said, if adopted, consumers will have the right to exercise control over what personal data their broadband provider uses and under what circumstances it shares their personal information with third parties or affiliated companies.

[Back to Highlights](#)

IP Transition

- The FCC published a [Notice](#) in the Federal Register on March 24, 2016, announcing that the Office of Management and Budget has approved, for a period of three years, the information collection associated with the Commission's network change disclosure rules on copper retirement notices that were adopted in the August 2015 [Report and Order and Order on Reconsideration](#). Sections 51.325(a)(4) and (e), 51.332, and 51.333(b) and (c) (network change notice rules) are effective March 24, 2016. The FCC estimated there are 750 potential respondents to this collection (87 non-rural, 663 rural).

[Back to Highlights](#)

State Actions

- The Regulatory Commission of Alaska is [seeking comment](#) on [proposed rules](#) that would expand the USF contribution base to include VoIP service, as well as considering adoption of a definition of interconnected VoIP. Comments are due April 20; replies due May 11.

USF

- Commissioner Rosenworcel [spoke](#) at CUE16 in Palm Springs, California on March 17, 2016, on the need to address the Homework Gap. She asserted this can be done by updating the Lifeline program to include broadband and by adding more Wi-Fi in more places.
- Gigi Sohn, Counselor to Chairman Wheeler, [spoke at](#) New America Foundation on March 23, 2016, discussing Lifeline issues. She said the Commission has an obligation to focus the Lifeline program on broadband, and said minimum service standards for voice and data will ensure that Lifeline is not a second-class service while ensuring that it is still affordable. She also said that states will continue to play a critical role in the Lifeline program, and the proposed budget will limit the impact on ratepayers while at the same time provide a safety valve to protect society's most vulnerable.
- NTCA, WTA, Cordova Telephone Cooperative, and TelAlaska spoke separately with Legal Advisors to Commissioners [O'Rielly](#) and [Clyburn](#) on March 16, 2016, to discuss the draft Lifeline Modernization Order. They said providers should be required to offer to Lifeline consumers each service they offer to other consumers, but minimum standards should not inadvertently force low-income consumers to choose between a broadband service that is unaffordable despite the program discount or no broadband at all. They also discussed availability of voice services, ETC designation, eligibility verification, and broadband privacy regulations. NTCA and WTA also met with Legal Advisors to Commissioners [Rosenworcel](#), [Pai](#), and Chairman [Wheeler's](#) Counsel and Legal Advisor and Wireline Competition Bureau staff to discuss the same issues.
- USTelecom spoke with Legal Advisors to Commissioners [O'Rielly](#) and [Clyburn](#) on March 22, 2016, to discuss ways for the FCC to make the Lifeline program more effective and efficient. USTelecom discussed the framework for designating broadband providers as Lifeline eligible and the geographic scope of their Lifeline obligations once they receive such a designation. USTelecom also met with [Chairman Wheeler's](#) Counselor and Legal Advisor, Commissioner [Rosenworcel's](#) Legal Advisor, and Wireline Competition Bureau staff [jointly](#) with Frontier, ACS, CenturyLink, Verizon, and AT&T to discuss the same issues.
- Verizon [spoke with](#) Chairman Wheeler's Legal Advisor and Wireline Competition Bureau staff on March 23 and 24, 2016, to suggest the Commission should not impose a broadband Lifeline obligation on ILEC recipients of frozen support because the frozen support program for ILECs is an interim program that is due to be eliminated very soon and, in contrast to CAF II support, frozen support is not dedicated to the deployment of facilities meeting the wireline broadband Lifeline service standards described by the Lifeline Fact Sheet. Verizon suggested the Commission initiate the broadband Lifeline obligation when it has identified the permanent recipients of CAF II support through the competitive bidding process. If the Commission does impose such an obligation, Verizon said it should make clear that the obligation is limited to CAF Phase II-eligible census blocks.
- NARUC [spoke with](#) Commissioner Clyburn's Chief of Staff on March 23, 2016, to discuss the arguments raised in the [letter](#) it and 96 State Commissioners filed on March 21, 2016, which asserted the FCC's proposal to establish an optional federal ETC broadband Lifeline designation process would eliminate crucial state oversight of Lifeline services. NARUC filed a [letter](#) on March 21, 2016, correcting its March 17, 2016 [filing](#), to show participation by 96 Commissioners and 37 states.
- NASUCA filed a [letter](#) on March 24, 2016, expressing support for a [letter](#) filed by NARUC, on behalf of ninety-six PUC Commissioners, which asserted the proposed Lifeline Order undermines state ETC designation authority. NASUCA asserted the FCC did not forbear from ETC requirements and the concomitant state involvement in its December 2015 USTelecom Forbearance Order, and urged the FCC to disregard industry arguments and continue the current public interest in state designation and review of ETCs.
- CenturyLink [met with](#) Chairman Wheeler's Counselor and Legal Advisor, Commissioner Clyburn's Legal Advisor, and Office of Media Relations staff on March 21, 2016, to suggest if the Lifeline program is to be modernized to support broadband, its administration should be meaningfully

streamlined for all providers. CenturyLink also cautioned against making participation mandatory for any providers or applying a rigid 10/1 Mbps minimum service level for wireline Lifeline broadband service. CenturyLink also [met](#) with Legal Advisors to Commissioners Rosenworcel, Pai and O’Rielly on March 16 -17, 2016, to discuss the same issues.

- Verizon [met with](#) Chairman Wheeler’s Counsel and Legal Advisors, Legal Advisors to Commissioners O’Rielly and Pai, and the Wireline Competition Bureau Chief on March 17, 2016, to suggest the National Lifeline Eligibility Verifier begin operation as quickly as possible. Verizon also asserted participation in broadband Lifeline should be optional for all carriers, and the Commission should make clear that states do not have the authority to layer additional broadband Lifeline-related obligations on top of federal requirements.
- Sprint [met with](#) Legal Advisors to Chairman Wheeler and Commissioner O’Rielly on March 17, 2016, to express concern that certain elements of the draft Lifeline Order are contrary to established Commission policy. Sprint said the proposal to eliminate the Lifeline subsidy for mobile voice but to retain this subsidy in full for wireline voice violates the long-held principle of competitive and technological neutrality. Sprint asserted the Commission must continue to foster competitive and technological neutrality by mandating a uniform \$9.25 Lifeline subsidy to all eligible wireless and wireline service providers.
- Sprint filed a [letter](#) on March 23, 2016, expressing concern that the proposed Lifeline phase-in plan will be impossible for carriers to implement within the timeframes proposed or in a manner that would not result in a widespread disruption of service. Sprint asserted the Commission must adopt a timeline for transformation that is realistic in its expectations for the evolution and availability of technology, cost of service, associated provider costs, and consumer demand, as well as pragmatic in its implementation, recognizing the need for carriers to develop new systems and sales channels for a vastly revised program.
- CTIA, Sprint, TracFone Wireless, and Telrite [met with](#) Chairman Wheeler’s Counselor and Legal Advisor and Office of Media Relations and Wireline Competition Bureau staff on March 21, 2016, to express support for the proposal to include broadband in the Lifeline program, including mobile wireless broadband. They expressed concern that the proposed minimum standards for mobile wireless services would result in a precipitous drop in Lifeline subscribership as soon as the new rules force a flash cut to unlimited voice minute plans later this year, or if Lifeline subscribers are somehow forced to upgrade to new mobile devices.
- CTIA spoke with [Chairman Wheeler and Commissioner Clyburn](#) and [Commissioner Pai’s](#) Legal Advisor on March 22 and 23, 2016, to express support for the proposal to include broadband in the Lifeline program, including mobile wireless broadband. It expressed concern that the proposed minimum standards for mobile wireless services would have a negative impact on millions of participating low-income consumers later this year when the new rules force a flash cut to unlimited mobile wireless voice minute plans.
- Comcast [met with](#) Commissioner Clyburn’s Legal Advisor on March 18, 2016, to urge the Commission to simplify and streamline the rules for Lifeline program entry and provider participation. Comcast said the Commission should remove providers from the customer eligibility verification process by implementing a national third-party verifier, which would also reduce opportunities for waste, fraud, and abuse. Comcast also said provider participation criteria, such as the current ETC requirements, also should be eliminated or simplified, such as through a streamlined federal registration process.
- The Telecommunications Regulatory Board of Puerto Rico sent a [letter](#) to Chairman Wheeler and the FCC Commissioners on March 21, 2016, expressing support for the inclusion of broadband in the Lifeline program. It also discussed items in the FCC’s Lifeline Fact Sheet, including preserving the success of Lifeline voice in Puerto Rico, the national eligibility verification process, and a national process for Lifeline broadband service providers.
- Smith Bagley [met with](#) Commissioner Clyburn and her Legal Advisor on March 17, 2016, to discuss SBI’s proposal for enhanced Tribal Lifeline support. SBI said creating an enhanced Lifeline support

mechanism for facilities-based carriers operating on Tribal Lands will accelerate investment in new cell sites, upgrades to 4G LTE, and increases in backhaul capacity, which is extraordinarily expensive in areas where special access choices are limited. Smith Bagley also [met with](#) staff from Chairman Wheeler's office, Commissioner Rosenworcel's Legal Advisor, and Wireline Competition Bureau staff on March 22 - 23, 2016, to discuss SBI's proposal for enhanced Tribal Lifeline support.

- The Alaska Telephone Association [spoke with](#) Commissioner Rosenworcel's Legal Advisor on March 23, 2016, regarding proposed minimum standards for Lifeline service. ATA also discussed the difficulties Alaska's low-income consumers and providers will face in remote Alaska if a minimum standard of 3G data for wireless service is adopted. It recommended the Commission allow an exemption to a 3G minimum standard for those areas of remote Alaska which are served by 2G networks.
- GCI [met with](#) Commissioner Clyburn's Legal Advisor on March 21, 2016, to assert that the proposed adoption of minimum broadband standards could render portions of rural Alaska ineligible for Lifeline service. GCI said the Commission should exempt areas of rural Alaska that lack 3G-capable networks, and suggested the FCC could apply the minimum standard only where commercial 3G service is offered. GCI [spoke with](#) Trent Harkrader of the Wireline Competition Bureau on March 18, 2016, to discuss minimum performance standards for Lifeline services. GCI reiterated its position stated in a previous ex parte on the same subject. GCI also [spoke with](#) Chairman Wheeler's Legal Advisor on March 22, 2016, to discuss the same issues.
- The Navajo Nation filed a [letter](#) on March 24, 2016, expressing support for proposals for a new, increased support level of between \$15-\$30 a month for Lifeline participants on Tribal lands subscribing to broadband or a broadband/voice package. It also said carriers should be required to demonstrate to the FCC and Tribal governments that they are using this increased funding to put new infrastructure in the ground and increase service to unserved areas, and carriers taking this additional support should also be required to comply with the Commission's Tribal Engagement Provisions.
- Q Link Wireless [spoke with](#) Legal Advisors to Chairman Wheeler and Commissioners O'Rielly, Rosenworcel, and Clyburn, and Wireline Competition Bureau staff on March 16 - 17, 2016, to express support for moving Lifeline into offering data/broadband service, including standalone broadband. Q Link asserted if the Lifeline Fact Sheet proposal were adopted, the basic underlying costs for wireless airtime would require Lifeline providers to institute minimum monthly charges by December 1, 2016. Q Link also said the Fact Sheet violates the FCC's principle of competitive and technological neutrality. Q Link Wireless also [spoke with](#) Commissioner Pai's Legal Advisor on March 23, 2016, claiming a substantial majority of Lifeline subscribers will likely find co-pays to be unaffordable, leading to a loss of service. Q Link also asserted that information on the cost per megabit of data in an FCC blog does not actually reveal the underlying cost of data.
- Voxiva [met with](#) Commissioner Clyburn and her Legal Advisor on March 22, 2016, to argue that to ensure wireless Lifeline continues to serve as a critical tool for improving health in the Medicaid population, the FCC should reconsider imposing minimum standards that are likely to reduce the wireless options available to low-income consumers. It recommended the Commission allow the market to work by allowing consumers to choose the options that work best for them, including a marketplace that would offer consumers data-enabled handsets with a bundle of voice, text and data with no co-pay.
- True Wireless and TerraCom [spoke with](#) Commissioner Clyburn's Legal Advisor on March 18, 2016, to urge the FCC to preserve Lifeline support for standalone mobile voice service. They asked the FCC to reject proposals to impose minimum service requirements that increase the number of minutes of service ETCs must provide while freezing the monthly subsidy they receive on behalf of their customers. They also said the FCC should promptly act on long-pending compliance plans and streamline the process for ETC eligibility, and ensure that any new process to establish customer eligibility allows real-time verification.
- True Wireless and TerraCom [spoke with](#) Wireline Competition Bureau staff on March 21, 2016, to discuss concerns with the proposals detailed in the Lifeline Fact Sheet. They claimed the Fact Sheet

either fails to recognize or discounts the reality that adoption of the draft order would effectively cut off Lifeline service to many current low income program participants, because they will be unable to afford the significant “co-pays” that will become the norm for mobile voice services and unwanted bundled service with costly mandatory minimum service standards, in contradiction of the key statutory objective of ensuring that all Americans have access to telephone service.

- Total Call Mobile [met with](#) Chairman Wheeler’s staff, Commissioner Rosenworcel’s Legal Advisor, and Wireline Competition Bureau staff on March 21, 2016, to discuss the proposals to reduce and eliminate the Lifeline subsidy for voice service unless bundled with data service and a mandate to provide unlimited voice service, claiming they would negatively impact Lifeline subscribers. TCM also asked the Commission to address the Snapshot rule at the March 31 Open Meeting, asserting it should be changed to reimburse Lifeline service providers in a way that accurately reflects the services they have actually provided.
- Budget PrePay filed a [letter](#) on March 24, 2016, reiterating its support for the inclusion of broadband in the Lifeline program. Budget PrePay asserted that the Fact Sheet proposals will serve to limit choices for Lifeline customers and, if adopted, will soon force those with the lowest household incomes to pay a portion of their monthly Lifeline service or risk losing Lifeline service altogether. Budget PrePay recommended establishing a minimum service requirement to offer standalone voice service of at least 400 minutes and a standalone data service of at least 300 MB, with the federal Lifeline subsidy remaining at \$9.25 per month.
- Free Press [spoke with](#) Matt DelNero, Chief of the Wireline Competition Bureau, on March 21, 2016, to argue for continued Lifeline support for standalone voice. Free Press asserted some Lifeline recipients may prefer to keep their standalone voice product for the sake of familiarity, and said, while it is true that “technological advances in the convergence of mobile voice and data” anticipated by the Fact Sheet will come to fruition, the precise timetable for widespread acceptance of the convergence of mobile voice and data by all populations is less clear.
- The SHLB Coalition met with [Chairman Wheeler’s staff](#) and Legal Advisors to Commissioners [Clyburn](#) and [Rosenworcel](#) on March 21, 2016, and expressed support for the inclusion of broadband service in the Lifeline program. It discussed ways that anchor institutions such as schools and libraries could help to promote broadband adoption and the “homework gap. It also discussed points made in its March 11, 2016 [ex parte](#).
- The Schools, Health & Libraries Broadband Coalition filed a [letter](#) on March 24, 2016, expressing support for [EdLiNC’s](#) March 23, 2016 letter regarding Wi-Fi tethering and the Lifeline program. SHLB also reiterated its support for modernizing the Lifeline program to include broadband services.
- The Lifeline Connects Coalition filed a [letter](#) on March 21, 2016, to express concern with several components of the proposals set forth in the Lifeline Fact Sheet. The Coalition recommended the Commission extend the implementation of its mobile voice and mobile data minimum service standards by one year, from December 1, 2016 until December 1, 2017.
- The Lifeline Connects Coalition filed a [letter](#) on March 23, 2016, expressing concern with the [proposal](#) to impose minimum service standards for Lifeline that could result in the disconnection of millions of low-income consumers from free mobile voice service. They urged the Commission not to set a minimum service standard for voice service that would force a co-payment on these consumers.
- The Lifeline Connects Coalition [spoke with](#) Commissioner Rosenworcel’s Legal Advisor on March 23, 2016, and asserted that the Lifeline program should support affordable mobile services, including broadband accessed through smartphones. It discussed the need to ensure that any “minimum service standards” for bundles should strike a balance between voice-only and broadband-only minimums. The Coalition also discussed the importance of providing ETCs with more regulatory certainty.
- The Multicultural Media, Telecom and Internet Council [met](#) with Wireless Telecommunications Bureau staff on March 17, 2016, to urge the Commission to consider the following areas of concern with the Lifeline Fact Sheet: the indirect consequences of entirely eliminating support for voice-only service for

eligible Lifeline consumers; the practicality of having Lifeline customers contribute mandatory co-pay as part of their receipt of services; and whether more funds will be allocated to support Lifeline, given the critical need that the program addresses for low-income communities.

- The Multicultural Media, Telecom and Internet Council filed a [report](#) with the FCC entitled *A Lifeline to High-Speed Internet Access: An Economic Analysis of Administrative Costs and the Impact on Consumers*. MMTC said the report maintains that Lifeline must be reformed to include broadband as soon as it is practicable if the program is to remain relevant to our digital future, and reformed in a fiscally responsible manner
- Representatives from a group of civil rights and social justice organizations sent a [letter](#) to Chairman Wheeler on March 24, 2016, expressing support for inclusion of broadband in the Lifeline program, but also asking the Commission to consider the real life circumstances of economically disadvantaged populations who are the intended program beneficiaries. They said they expect: Lifeline reform to acknowledge and address the factors that result in less than sufficient access and availability of high-speed broadband access for all citizens; to enhance competition among Lifeline service providers, while not subjecting consumers to co-pays; and to facilitate seamless eligibility, verification, and enrollment processes, while maintaining consumer dignity.
- A group of seven consumer groups filed a [letter](#) on March 23, 2016, expressing concern with certain aspects of the Lifeline [Fact Sheet](#), including requiring unlimited minutes for mobile voice service while it phases in minimum standards for mobile broadband service. It asserted this particular aspect of the proposed Order is not functional equivalency for deaf and hard-of-hearing consumers participating in Lifeline, and urged the FCC to require Lifeline providers to offer an equivalent plan for deaf and hard-of-hearing consumers that would enable them to use videophone calls to the same extent as hearing Lifeline consumers use voice minutes.
- The Education and Libraries Coalition Network filed a [letter](#) on March 23, 2016, reiterating its support for the inclusion of broadband as an eligible and supported Lifeline service. EdLiNC also recommended that to increase students' online access from their residences, the Commission require all Lifeline providers to; issue smartphones that are Wi-Fi enabled and capable (at no additional cost) of tethering, and work with schools and libraries to conduct outreach to those eligible for Lifeline.
- The American Association of People with Disabilities, et al. filed a [letter](#) on March 22, 2016, following up on its February 10, 2016 [letter](#), reiterating its support for the Commission's proposal to include broadband in the Lifeline program and concern for certain other reform proposals. It asserted the FCC should heed the advice of NTIA and adopt reforms to the Lifeline program that promote consumer choice and maintain support for affordable voice service.
- The Center on Budget and Policy Priorities [spoke with](#) Commissioner Clyburn's Legal Advisor on March 18, 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 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.
- The Center on Budget and Policy Priorities [met with](#) Commissioner Rosenworcel's Legal Advisor on March 21, 2016, to express support for expanding the Lifeline program to include broadband, streamlining the eligibility and enrollment processes for Lifeline, and keeping the income eligibility criteria, as well as maintaining income eligibility for individuals who are not participating in other safety net programs. CBPP also expressed support for a budget mechanism that is not a hard cap, asserting a more appropriate mechanism would be one that allows for adjustments when spending reaches close to the budget.
- The National Consumers League filed a [letter](#) on March 24, 2016, expressing support for the proposed Lifeline reforms, including mobile voice services for Lifeline, affordability, and 911 services. It also asserted Lifeline modernization can and should be done without imposition of any unnecessary financial obligations on consumers and without limiting services by removing wireless mobile Lifeline as an option by 2019.

[Back to Highlights](#)

Misc.

- The FCC issued the [agenda](#) on March 24, 2016, 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.
- Chairman Wheeler and the FCC Commissioners testified at the House Subcommittee on Communications and Technology [hearing](#) on March 22, 2016, entitled, "Oversight of the Federal Communications Commission." [Chairman Wheeler](#) discussed recent FCC actions and upcoming issues, and said the proposed Order on rate-of-return modernization will help to ensure that federal universal service funds are spent wisely, for their intended purpose, and concrete steps are taken to bring broadband to the millions of rural Americans who remain unserved today. He said he expects the Commission will approve this proposal with a bipartisan vote this week. [Commissioner O'Rielly](#) discussed his concerns with transparency at the FCC, and said the agency minimizes accountability in many instances by delegating decisions to the Bureaus that should be made by the Commissioners. [Commissioner Pai](#) said the FCC continues to be run in a partisan fashion, and said that since December 2013, there have been 20 separate party-line votes at FCC monthly meetings - twice as many as under Chairmen Martin, Copps, Genachowski, and Clyburn combined. [Commissioner Clyburn](#) discussed broadband deployment, 5G, and the upcoming orders on Lifeline and rate-of-return. [Commissioner Rosenworcel](#) discussed making space for more Wi-Fi and bridging the Homework Gap.
- AT&T, CenturyLink, Frontier, Verizon, and USTelecom [met with](#) Wireline Competition Bureau staff on March 17, 2016, to discuss USTelecom's 2012 [Petition](#) seeking relief for ILECs from dominant carrier regulation. They asserted ILECs are no longer dominant in the provision of switched access voice services based on their lack of market power, as evidenced by their collective share of 18 percent of the market. They described the specific relief being sought as falling into three general categories: reduction of certain notice and cost support obligations associated with tariff filings; reduction of the effective date waiting period for applications to discontinue, reduce, or impair services; and streamlined procedures for additional types of transfers of control. They also described areas of relief that *are not* being sought, including, among other things, relief from obligations related to the provision of dedicated services (such as special access) or any service other than switched access telephone service, and any other obligations that are part of the transition described in the *USF/ICC Transformation* proceeding.
- AT&T [met](#) with Wireline Competition Bureau staff on March 17, 2016, and responded to questions raised by Commission staff related to a variety of arguments made by certain CLECs on special access. AT&T provided information on: what it claims are the number of competitors necessary for effective competition; cable company competitors' impact on AT&T; the ability of CLECs to build lateral connections to buildings; whether an analysis of the special access data collection focused on pricing is necessary or feasible; and the ability of CLECs to gain regulated access to ILEC conduit space, among other things.
- AT&T and CenturyLink filed [a redacted joint letter](#) on March 24, 2016, to submit a Supplemental Reply Declaration of Mark Israel, Daniel Rubinfeld, and Glenn, which they claimed responds to the Supplemental Reply Declaration of Professor Jonathan Baker, filed on behalf of Level 3 and Windstream in the special access proceeding. They said Professors Israel, Rubinfeld, and Woroch explained in their Reply Declaration that Professor Baker's regression analyses suffered from so many fundamental design and data related flaws that the Commission could not rely on them, and said even though Professor Baker's Supplemental Reply Declaration offered some tepid defenses of his original submission, those defenses do not come close to rehabilitating Professor Baker's analyses. They

argued the Commission cannot reasonably rely on Professor Baker's regressions analyses for any purpose in this proceeding.

- Sprint [met with](#) Wireline Competition Bureau staff on March 21, 2016, to assert the record demonstrates ILECs are exercising market power in the provision of special access services and market forces are not disciplining ILEC pricing for these services. Sprint urged the Commission to issue an order finding ILEC market power and adopting interim measures on rates, terms and conditions. Sprint also discussed the need to put in place a permanent regime to govern ILEC prices and practices.
- Sprint filed a redacted [letter](#) on March 24, 2016, containing information derived from data submitted in response to the Commission's Special Access Data Collection Order. Sprint claimed the data collection and record evidence in this proceeding confirm that ILECs do not face meaningful, effective competition in the provision of special access services. Sprint said the Commission should issue an order that includes a finding of ILEC market power and adopts interim measures on rates, terms and conditions that address the competitive harms that have arisen as a result of ILEC dominance. Sprint suggested the Commission should then implement a permanent regime governing ILEC prices and practices that will comprehensively reform the broken special access marketplace.
- NCTA [met with](#) Wireline Competition Bureau staff on March 18, 2016, to state that while the 2013 special access data collected by the Commission may provide a snapshot of the marketplace at that time, NCTA claimed it does not reflect the marketplace as it exists today, or how it may look in the future. NCTA said any competitive analysis that relies primarily on data from 2013 in determining the state of the marketplace would understate the level of competition.
- Windstream [spoke with](#) Jonathan Sallet, FCC General Counsel, and his staff on March 22 and 24, 2016, to explain the preservation of DS1 and DS3 capacity UNEs after the transition to IP-based or fiber networks is an important component to remedies for ILEC market power in special access markets. Windstream said it also described the important role that UNEs play in supporting CLEC investment in both backhaul and last-mile fiber. Windstream claimed the CostQuest white papers it previously filed support the conclusions that it is high build-out costs, not the price of UNEs, that precludes much CLEC deployment of fiber to overbuild the ILEC, and that ILECs have a strong incentive to deploy fiber and upgrade to IP transmission independent from wholesale pricing because of the savings from maintenance and operational costs.
- TDS Metrocom [spoke with](#) Wireline Competition Bureau staff on March 21, 2016, asserting the FCC should reiterate that RBOCs must sell Ethernet to wholesale customers at retail rates minus costs that they avoid when selling at wholesale. TDS argued that where multiple parties have shown evidence of a price squeeze, the Commission should evaluate those claims in this rulemaking. TDS said there is no need to defer the issue to multiple one-on-one section 208 proceedings.
- TDS Metrocom filed a [letter](#) on March 25, 2016, to respond to points raised in reply comments filed in the special access proceedings. TDS said the Commission does not have to reverse its forbearance orders to affirm that RBOCs must sell wholesale Ethernet at an avoided cost discount. It also discussed other issues raised by ILECs' their reply comments.
- The North American Portability Management filed a [letter](#) dated March 31, 2016, providing a summary of the NAPM's status updates made to the FCC regarding the transition from the current LNPA, Neustar, to the new LNPA, Telcordia d/b/a iconectiv, in accordance with the requirements of the LNPA Selection Order and guidance received from the FCC on June 24, 2015. It indicated it will continue to file written updates of this Report with the FCC at the end of each month until the transition is complete.

Upcoming Filing Dates

- 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](#)
- June 16 - ILEC tariffs due, for those filing on 15 days' notice. Petitions to suspend or reject tariff filings due June 23; replies due June 27. [Order](#)

[Back to Highlights](#)

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