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April 10, 2017 HIGHLIGHTS

- The FCC [announced](#) Chairman Pai appointed 29 members to serve on the Broadband Deployment Advisory Committee, which will hold its first public meeting on April 21, 2017. Chairman Pai issued a [statement](#) on the BDAC. The FCC also [established](#) GN Docket No. 17-83 to enable the public to submit comments to the BDAC using ECFS.
- The FCC [seeks comment](#) on FairPoint's [Petition for Waiver](#) of section 54.312(c) to permit it to submit the locations and census blocks in which FairPoint deployed broadband, but for which FairPoint was not authorized, in order to meet the requirements for receipt of CAF Phase I Round 2 support. Comments are due May 4; replies are due May 19.
- The FCC [corrected](#) the March 28, 2017, Federal Register [notice](#) that published the Mobility Fund II [Report and Order and FNPRM](#).
- The FCC [announced](#) Chairman Pai has formed the Rural Broadband Auctions Task Force to oversee both the CAF Phase II and Mobility Fund II auctions.
- NTCA [discussed](#) the need for prompt action on the local service rate floor policy and the potential for other USF reform measures.
- [Chairman Pai](#) and [Commissioner O'Rielly](#) issued statements after President Trump signed a Congressional resolution of disapproval of the FCC's broadband privacy regulations.
- Eleven Senators introduced [legislation](#) to reinstate the FCC rules that require ISPs to obtain consent before sharing their subscribers' sensitive information and adopt reasonable data security protections. [Press release](#). Eight Senators sent [letters](#) to AT&T, Comcast, Charter, Verizon, Sprint, T-Mobile, and CenturyLink inquiring about their rules to protect their subscribers' privacy.
- Verizon [discussed](#) the draft [NPRM, NOI, and Request for Comment](#) on accelerating wireline broadband deployment by removing regulatory barriers to infrastructure investment, which will be considered at the April 20, 2017, Open Meeting.
- The Ad Hoc Telecommunications Users Committee [asked](#) the FCC to restore the historic treatment of 8YY traffic for access charge purposes, and discussed AT&T's observation that arbitrage and access stimulation schemes are increasingly shifting to 8YY service.
- Chairman Pai [detailed](#) his proposal for the establishment of an FCC Office of Economics and Data.

Other Key Upcoming Dates

- Apr. 12 - Comments [due](#) on the Mobility Fund Phase II challenge process for determining eligibility of geographic areas for support. Replies due April 27, 2017. [Notice](#)
- Apr. 17 - Comments due on the [FNPRM](#) on a further 18-month extension of the separations freeze. Replies are due April 24. [Notice](#)
- May 4 - Comments due on whether rules adopted in 2001–2004 should be continued without change or be amended or rescinded, consistent with section 610 of the Regulatory Flexibility Act. [FR](#)

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

USF Reform

- The FCC issued a [Public Notice](#) on April 4, 2017, seeking comment on FairPoint's [Petition for Waiver](#) of section 54.312(c) to permit it to submit the locations and census blocks in which FairPoint deployed broadband, but for which FairPoint was not authorized, in order to meet the requirements for receipt of CAF Phase I Round 2 support. FairPoint proposes the Wireline Competition Bureau conduct a challenge process to confirm whether any of the locations in certain previously unidentified census blocks were "served" at the time FairPoint accepted the CAF Phase I Round 2 support. Comments are due May 4, 2017; replies are due May 19, 2017.
- The FCC published a [notice](#) in the Federal Register on April 4, 2017, to make a correction to the March 28, 2017 [FR notice](#) that published the Mobility Fund II and Tribal Mobility Fund II [Report and Order and FNPRM](#). Corrections were made to sections 54.1016(a)(2) (Letter of credit), 54.1019(f) (Annual reports), and 54.1020(2)(g) (Milestone reports). The Mobility Fund II rules are effective April 27, 2017, except for the additions of §§ 54.1013, 54.1014, 54.1015(a) through (e), 54.1016(a) and (b), 54.1017, 54.1019, 54.1020, and 54.1021, which contain new or modified information collection requirements that require OMB approval.
- The FCC issued a [New Release](#) on April 3, 2017, announcing Chairman Pai has formed the Rural Broadband Auctions Task Force to oversee both the CAF Phase II and Mobility Fund II auctions. Pai named Chelsea Fallon, Deputy Chief, Industry Analysis and Technology Division, Wireline Competition Bureau, as Director of the Task Force, with Michael Janson, Assistant Bureau Chief, Wireless Telecommunications Bureau, and Kirk Burgee, Associate Bureau Chief and Chief of Staff, Wireline Competition Bureau, as Deputy Directors. Thom Parisi, Legal Advisor, Wireline Competition Bureau, will serve as the Chief of Staff of the Task Force.
- NTCA [met with](#) Commissioner Clyburn's Legal Advisor on April 4, 2017, to discuss the need for prompt action on the local service rate floor policy and the potential for other USF reform measures consistent with prior NTCA advocacy. NTCA also [met with](#) Chairman Pai's Legal Advisor on April 6, 2017, to discuss the same issues.

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ICC

- The Ad Hoc Telecommunications Users Committee [met with](#) Wireline Competition Bureau staff on April 6, 2017, to urge the Commission to restore the historic treatment of 8YY traffic for access charge purposes, pursuant to which carriers are required to apply the per minute charges for terminating traffic to the originating or "open" end of 8YY calls. It also discussed AT&T's recent observation that arbitrage and access stimulation schemes are increasingly shifting to 8YY service in the wake of the Commission's delayed reformation of originating access charges. It said the Commission can reduce, if not eliminate, the incentives to use 8YY traffic for such schemes by treating the "open" or originating end of 8YY calls as the terminating end for access charge purposes.

Broadband

- The FCC issued a [Public Notice](#) on April 6, 2017, announcing Chairman Pai appointed 29 members to serve on the Broadband Deployment Advisory Committee. Chairman Pai issued a [statement](#), saying the BDAC's mission is to provide advice and make recommendations to the Commission on how to accelerate the deployment of broadband by reducing and removing regulatory barriers to infrastructure investment. It will have five working groups: Model Code for Municipalities; Model Code for States; Competitive Access to Broadband Infrastructure; Removing State and Local Regulatory Barriers; and Streamlining Federal Siting. The BDAC will hold its first public meeting on April 21, 2017, at FCC Headquarters.

- The FCC issued a [Public Notice](#) on April 6, 2017, to announce it is establishing a docket number (GN Docket No. 17-83) for the Broadband Deployment Advisory Committee to enable the public to submit comments or other documents to the BDAC using the FCC's ECFS.
- Chairman Pai issued a [statement](#) on April 4, 2017, after President Trump signed a Congressional resolution of disapproval of the FCC's broadband privacy regulations. Pai said "President Trump and Congress have appropriately invalidated one part of the Obama-era plan for regulating the Internet. Those flawed privacy rules, which never went into effect, were designed to benefit one group of favored companies, not online consumers." Pai said the FCC will be working with the FTC to restore the FTC's authority to police internet service providers' privacy practices. Commissioner O'Rielly also issued a [statement](#) saying "we will soon return to a universe where thoughtful privacy protections are not overrun by shameful FCC power grabs and blatant misrepresentations."
- Sens. Edward J. Markey (D-Mass.), Richard Blumenthal (D-Conn.), Elizabeth Warren (D-Mass.), Bernard Sanders (I-Vt.), Jeffrey A. Merkley (D-Ore.), Martin Heinrich (D-N.M.), Tom Udall (D-N.M.), Patrick Leahy (D-Vt.), Tammy Baldwin (D-Wis.), Chris Van Hollen (D-Md.), and Al Franken (D-Minn.) introduced [legislation](#) on April 6, 2017, to reinstate the FCC rules that require internet service providers to obtain consent before sharing their subscribers' sensitive information and adopt reasonable data security protections. [Press release](#)
- Sens. Edward J. Markey (D-Mass.), Al Franken (D-Minn.), Richard Blumenthal (D-Conn.), Elizabeth Warren (D-Mass.), Bernard Sanders (I-Vt.), Ron Wyden (D-Ore.), Patrick Leahy (D-Vt.), and Chris Van Hollen (D-Md.) sent [letters](#) to AT&T, Comcast, Charter, Verizon, Sprint, T-Mobile, and CenturyLink on April 5, 2017, inquiring about their rules to protect the privacy and security of their subscribers. The Senators expressed disagreement with President Trump's approval of a Congressional Review Act resolution that rescinds the FCC's broadband privacy rules, and asserted broadband providers should follow strong privacy and security rules that give consumers control over how their information is used and shared. They seek a response from the ISPs by May 1, 2017.
- Verizon [spoke with](#) Commissioner O'Rielly's Legal Advisor on April 4 and 6, 2017, to discuss the draft [NPRM, NOI, and Request for Comment](#) on accelerating wireline broadband deployment by removing regulatory barriers to infrastructure investment, which will be considered at the April 20, 2017, Open Meeting. Verizon discussed whether the FCC should seek comment on how to handle new Orders during the time a copper retirement notice is pending, and whether the FCC should consider modifying the copper retirement notice and timeline requirements in situations of unexpected mandatory facilities relocations, such as municipal public works projects or copper cable cuts. Verizon also discussed whether the FCC should seek comment on how it interprets the definition of poles for purposes of section 224, and whether the NPRM would look at rates on existing pole attachments as well as new ones.
- iconectiv [met with](#) FCC General Counsel and Wireline Competition Bureau staff on March 31, 2017, to ask the FCC to issue guidance to clarify that section 222 allows the use and sharing of CPNI without customer consent in order to combat account takeover fraud. iconectiv said the Congressional Review Act resolution nullified the FCC's Privacy Order, but not the statutory text or prior FCC rules allowing for the use and disclosure of CPNI to prevent and respond to fraud. iconectiv said the guidance should state that carriers may, at their own option and without prior customer consent, share CPNI with third party fraud prevention partners to prevent and respond to fraud that uses telecommunications networks and harms telecommunications customers, even if: the party receiving the CPNI is not a carrier; the sharing is not limited to individual accounts and occurs on an ongoing basis, rather than only in response to particular instances of suspected fraud; other institutions also benefit from the fraud prevention; and/or the customer has been ported to another carrier.
- ACA, IMON Communications, Troy Cablevision, Wave Broadband, and Shentel [met with](#) Chairman Pai's Legal Advisors and Wireline Competition Bureau and Wireless Telecommunications Bureau staff on March 30, 2017, to discuss broadband deployment. They claimed ACA members continue to face barriers from both public and private entities, which may be so substantial they delay or even stop

builds, and said these barriers are a significant problem for smaller providers that serve smaller communities and rural areas. They suggested the FCC collect examples of instances in which state and local governments have worked with providers to tear down the barriers to deployment to provide a roadmap for regulatory action or development of model local codes.

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IP Transition

- Granite Telecommunications [met with](#) Chairman Pai and his Legal Advisor and Commissioner Clyburn's Legal Advisor on March 29, 2017, to discuss maintaining a reasonable transition timeframe for the interim rule that ILECs seeking section 214 authority to discontinue a TDM-based commercial wholesale platform voice service that is currently used as a wholesale input by competitive carriers must provide competitive carriers with reasonably comparable access on reasonably comparable rates, terms, and conditions. Granite asked the FCC to set a concrete end date to the interim rule, rather than tie the end date to actions in other proceedings.
- The Voice Communication Exchange Committee [met with](#) Chairman Pai and his Legal Advisor on March 29, 2017, to discuss the proposal in VCXC's [Petition](#) for an NOI to make high definition voice the primary objective of the IP transition. VCXC said the proposal creates an Advisory Committee for Advanced Telecommunications Services that would "connect the technology dots" and be a complement to the Broadband Deployment Advisory Council. VCXC's founder offered to serve as Chairman of this Advisory Committee.

Open Internet

- TIA [met with](#) Commissioner O'Rielly, Legal Advisors to Chairman Pai and Commissioner Clyburn, and Wireline Telecommunications Bureau and Wireline Competition Bureau staff on March 30, 2017, to discuss the effects of the current Title II classification of broadband internet access service on broadband infrastructure investment and innovation. TIA also discussed the necessity of prioritization to manage the delivery of services to consumers over today's broadband networks and the value of future prioritization arrangements to develop and deliver services that benefit consumers and businesses, which will require Quality of Service levels beyond the capabilities of many current broadband connections.

USF

- The Wireline Competition Bureau issued an [Order](#) on April 3, 2017, denying a [request](#) from Critical Alert Systems for review of a USAC 2010 contributor audit decision, which found CAS did not accurately report certain revenues on its 2009 FCC Form 499-A. USAC determined CAS did not provide sufficient documentation or any other information to support the allocation of its interstate paging revenues for universal service contribution purposes.
- Life Wireless [met with](#) Chairman Pai's Legal Advisor on March 30, 2017, to discuss TracFone Wireless's [request for clarification](#) of the Lifeline minimum service standards established in the 2016 Lifeline Modernization [Order](#). Life Wireless provided its filings in the proceeding, including a recent letter claiming TracFone's true purpose is using the regulatory process to try to shield itself from competition and competitors that have out-innovated and out-competed it.
- SanoConnect [spoke with](#) Ryan Palmer of the Wireline Competition Bureau on March 31, 2017, to discuss the legal and administrative hurdles for SanoConnect to obtain designation as an ETC.
- [Nicholville Telephone](#) and [Appalachian Wireless](#) filed requests for forbearance from the requirement for Lifeline-only ETCs to offer Lifeline-supported BIAS services. [All requests filed to date.](#)

- Locus Telecommunications [met with](#) Legal Advisors to Chairman Pai and Commissioner O’Rielly on April 6, 2017, to discuss its pending [Request for Review](#) of the rejection of its TRS, LNP and NANPA fee invoices and related [Petition for Declaratory Ruling](#). Locus suggested the Wireline Competition Bureau provide USAC with guidance to follow the rules and permit Locus (and other carriers) to use Line 603 to exclude private carriage revenue from TRS, NANP and LNP fees.

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State Actions

- The New York State Broadband Program Office [announced](#) the launch of Phase 3 of the New NY Broadband Program, and released [Request for Proposal Guidelines](#) and the Phase 3 [Mapping Primer](#). Applications will be accepted starting on June 6, 2017 and must be submitted by August 15, 2017.

Misc.

- Chairman Pai [spoke](#) at the Hudson Institute on April 5, 2017, detailing his proposal for the establishment of an FCC Office of Economics and Data. He said it would combine economists and other data professionals from around the Commission and provide economic analyses for rulemakings, transactions, and auctions, manage the Commission’s data resources, and conduct longer-term research on ways to improve the Commission’s policies. He also suggested the OED should take a careful look at paperwork filing requirements imposed by the Commission to ensure the FCC is not collecting information that is duplicative or unnecessary. Commissioner O’Rielly issued a [statement](#) on April 5, 2017, supporting Pai’s proposal.
- INCOMPAS sent a [letter](#) to Chairman Pai on April 3, 2017, asking him to direct the Wireline Competition Bureau to release publicly the list of counties that would be deemed “competitive” under the competitive market test contained in the draft BDS [Order](#) so that all interested parties can evaluate the impact of the proposed Order. INCOMPAS said withholding this list only serves to obscure the impact this draft Order could have on a wide range of business, institutional, and governmental users.
- Windstream and Sprint [met with](#) Commissioner Clyburn’s Legal Advisor on March 30, 2017, to discuss their positions on the BDS proceeding. They discussed the importance of providing BDS customers with sufficient time to adapt to a radically altered BDS framework, and of ensuring that ILECs do not increase DS1 and DS3 rates in response to deregulation.
- CenturyLink and Frontier filed a [letter](#) on April 6, 2017, to respond to letters from [Sprint](#) and [Windstream](#), which urged the FCC to reject the CenturyLink/Frontier [proposal](#) to declare the BDS marketplace is almost uniformly competitive across all BDS services and eliminate BDS protections. CenturyLink and Frontier said the record supports non-dominant treatment of price-cap ILECs in the provision of BDS nationwide, and claimed Sprint fails to disprove the harmful effects of excessive regulation on ILEC BDS investment. They also said the FNPRM and prior notices provide ample notice for adoption of the remedy they have proposed.
- Verizon [met with](#) Legal Advisors to Chairman Pai and Commissioners O’Rielly and Clyburn on April 4 and 5, 2017, to discuss the draft BDS [Report and Order](#) that will be considered at the Commission’s April 20, 2017 Open Meeting. Verizon stressed the importance of: a level playing field and the same set of rules for all providers of BDS; the need for a suitable transition period to allow companies to adjust to the proposed detariffing actions; and for preserving existing contracts.
- LARIAT [spoke with](#) Chairman Pai’s Legal Advisor on April 4, 2017, to discuss the draft [BDS Report and Order](#). Lariat claimed referring to special access services as business data services was potentially misleading, asserting the latter term suggests these services are mostly or entirely retail services when, in fact, they include both wholesale and retail. LARIAT asserted the draft Report and Order explicitly declines to address what Lariat says is the anticompetitive practices of pricing

wholesale services above retail and of refusal to deal, and suggested the FCC revisit this section of the draft Report and Order and consider establishing reasonable rules to prohibit refusal to deal and prevent anticompetitive practices at the wholesale level.

- The FCC issued a [Public Notice](#) on April 7, 2017, announcing that on April 24, 2017, the FCC's Consumer and Government Affairs Bureau will provide an overview of the FCC's Consumer Help Center, the agency's online portal for filing complaints and consumer information. The webinar will demonstrate how to navigate the site, how consumers can get information about communications services and resolve issues affecting that service, and how to file an informal complaint related to access for people with disabilities.
- The North American Portability Management filed a [letter](#) on March 31, 2017, to provide a summary of the NAPM's status updates to the FCC on the transition of the current LNPA, Neustar, to the new LNPA, Telcordia d/b/a/ iconectiv. NAPM said it will continue to file updates of this report with the FCC at the end of each month until the transition is complete.
- The Wireline Competition Bureau issued a [Public Notice](#) on April 7, 2017, announcing that on April 12, 2017, PriceWaterhouseCoopers, the Transition Oversight Manager for the LNP Administrator transition, will hold the 15th LNPA Transition Outreach and Education Plan webcast. These webcasts are designed to keep interested parties informed about the upcoming LNPA transition. Interested parties may register for the webcast by visiting: <https://event.webcasts.com/starthere.jsp?ei=1141251>.
- The Wireline Competition Bureau issued a [Public Notice](#) on April 6, 2017, seeking comment on iconectiv's [request](#) for the FCC to approve certain modifications to the LNP Administrator Code of Conduct and to the voting trust agreement. iconectiv said the proposed modifications are made in connection with an investment in iconectiv by FP Investors, that, if approved, will result in FP Investors owning a 16.7 percent equity interest in iconectiv and being represented on iconectiv's Board of Directors. Comments are due May 8; replies due May 23.
- No comments were filed on Telengy's [application for authorization](#) to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. [Public Notice](#)

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Upcoming Filing Dates

- Apr. 12 - Comments due on the Mobility Fund Phase II challenge process for determining eligibility of geographic areas for support. Reply comments due April 27, 2017. [FNPRM](#) | [Notice](#)
- Apr. 17 - Comments due on the [FNPRM](#) seeking comment on its proposal for a further 18-month extension of the freeze of jurisdictional separations category relationships and cost allocation factors for rate-of-return ILECs. Replies are due April 24. [Notice](#)
- Apr. 17 - PRA comments due on an extension of a currently approved information collection covering the conditional forbearance relief granted by the Commission from Cost Assignment Rules, Property Record Rules, ARMIS Report 43-01, and the Structural Separation Requirement for price cap LECs in the May 17, 2013. [Notice](#)
- Apr. 24 - Replies due on the [FNPRM](#) seeking comment on its proposal for a further 18-month extension of the freeze of jurisdictional separations category relationships and cost allocation factors for rate-of-return ILECs. [Notice](#)
- Apr. 27 - Replies due on the Mobility Fund Phase II challenge process for determining eligibility of geographic areas for support. [FNPRM](#) | [Notice](#)

- Apr. 28 - Comments due on PRTC's [Petition for Declaratory Ruling](#) on whether section 54.320(d)(2) applies to recipients of CAF Phase I Round 2 support. Replies due May 15. [Public Notice](#)
- Apr. 28 - Comments due on ACS' [Petition for Clarification](#) or, in the alternative, petition for limited waiver of the requirement to provide geocoded location information for CAF Phase I deployments. Replies due May 15. [Public Notice](#)
- May 1 - PRA comments due on an extension of a previously approved information collection related to the MAG Plan Order, Parts 54 and 69 filing requirements for regulation of interstate services of non-price cap ILECs and interexchange carriers. [Notice](#)
- May 1 - PRA comments due on an extension of a currently approved information collection associated with FCC Form 477, Local Telephone Competition and Broadband Reporting. [Notice](#)
- May 1 - PRA comments due on an extension of a currently approved information collection associated with monitoring the impact of USF support mechanisms. The Commission is reporting a 24-hour increase in the total hour burden based on updated information from NECA regarding the number of respondents/responses. [Notice](#)
- May 1 - PRA comments due on revisions to a currently approved information collection associated with the Lifeline National Verifier. [Notice](#)
- May 4 - Comments due on FairPoint's [Petition for Waiver](#) of section 54.312(c) to permit it to submit the locations and census blocks in which FairPoint deployed broadband, but for which FairPoint was not authorized, in order to meet the requirements for receipt of CAF Phase I Round 2 support. Replies are due May 19, 2017. [Public Notice](#)
- May 4 - Comments due on the [Public Notice](#) seeking comment on whether the rules adopted in 2001 – 2004 should be continued without change or should be amended or rescinded, consistent with the stated objective of section 610 of the Regulatory Flexibility Act. [FR](#)
- May 8 - Comments due on competition in the mobile wireless industry for its Twentieth Annual Report on the State of Competition in Mobile Wireless. Replies due June 7. [Public Notice](#)
- May 8 - Comments due on iconectiv's [request](#) for the FCC to approve certain modifications to the LNP Administrator Code of Conduct and to the voting trust agreement. Replies due May 23. [Public Notice](#)
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- May 19 - Replies due on FairPoint's [Petition for Waiver](#) of section 54.312(c) to permit it to submit the locations and census blocks in which FairPoint deployed broadband, but for which FairPoint was not authorized, in order to meet the requirements for receipt of CAF Phase I Round 2 support. [Public Notice](#)
- May 23 - Replies due on iconectiv's [request](#) for the FCC to approve certain modifications to the LNP Administrator Code of Conduct and to the voting trust agreement. [Public Notice](#)
- May 30 - PRA comments due on a revised information collection; specifically it proposes to revise FCC Form 481 and its instructions to provide clarification for some reporting items and to reflect certain updates. [Notice](#)

- June 7 - Replies due on competition in the mobile wireless industry for its Twentieth Annual Report on the State of Competition in Mobile Wireless. [Public Notice](#)
- June 23 - Petitions due on 2017 annual access charge tariffs made on 15 days' notice; replies due June 27, 2017. [Order](#)

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