The FCC issued a tentative agenda for its May 9, 2019 Open Meeting. The FCC will consider seven items, including: a Memorandum Opinion and Order that would deny the application of China Mobile USA for a section 214 authorization to provide international facilities-based and resale telecommunications services between the United States and foreign points; an NPRM to seek comment on proposed regulatory fees for Fiscal Year 2019; and a Report and Order and FNPRM that would adopt measures, and seek comment on others, to improve Video Relay Service.

The FCC released the Report and Order adopted at its April 12, 2019 Open Meeting that eliminated the high-cost USF program’s local service rate floor rule. The Order also eliminated the reporting obligations associated with the rate floor after July 1, 2020.

Commissioner O’Rielly spoke at NTCA’s April 15, 2019 Legislative and Policy Conference, discussing rural telecom issues and an NPRM on capping the USF budget at $11.42 billion.

WTA presented proposals for improving the efficiency, effectiveness, and equity of the performance testing process for RoR high cost support recipients. USTelecom, ITTA, et al. discussed network testing requirements.

Interstate Telecommunications Cooperative, Venture Communications, and JSI discussed Interstate’s reduction in A-CAM support because it did not certify in the HUBB by the deadline. Interstate and Venture also said they are interested in accepting A-CAM II support, but urged the FCC to consider implementing a challenge process to make the A-CAM II offer based on factually accurate data.

Comments were filed by NTCA, ATA, and NCTA supporting GCI’s Application for Review of the Order dismissing an Alaska Telephone Association Petition for Waiver of the 7.6-meter spatial accuracy standard for mapping buried and aerial fiber required by the Alaska Plan Order.

USTelecom, ITTA, and WISPA filed a letter on April 12, 2019, on their fixed broadband mapping proposal, responding to cable companies’ proposal for shapefiles.

The FCC released the Memorandum Opinion and Order, adopted at its April 12, 2019 Open Meeting, granting forbearance to Bell Operating Companies and independent incumbent carriers from certain structural and nondiscrimination requirements.

The Irregulators filed a Petition for Review of the FCC’s Separations Freeze Order with the D.C. Circuit Court of Appeals.

The Wireline Competition Bureau announced it will supplement the record in the price cap business data services proceedings with information derived from highly confidential data from the 2015 Data Collection. Comments are due 14 days after publication in the Federal Register.

Other Key Upcoming Dates

- Apr. 22 - PRA comments due on a revision to an existing information collection in FCC Form 481. FR
USF Reform

- The FCC released the Report and Order adopted at its April 12, 2019 Open Meeting that eliminated the high-cost USF program’s local service rate floor rule, The Order also eliminated the reporting obligations associated with the rate floor after July 1, 2020.

- Commissioner O’Rielly spoke at NTCA’s April 15, 2019 Legislative and Policy Conference, discussing rural telecom issues. O’Rielly said he has pushed for the Commission to adopt an overall cap on the Universal Service Fund, and recently an NPRM was circulated for this purpose. He said, “Installing some level of fiscal discipline does not put at risk the high cost program but makes the Commission act cautiously before expanding overall spending through new items and programs.” He claimed the NPRM’s proposed budgetary cap of $11.42 billion, subject to inflation indexing, is well-above current disbursement levels, leaving almost a $2 billion cushion for potential future spending. O’Rielly also said he has worked over the last number of years to expose and end efforts by the FCC and other federal agencies to use federal funding to overbuild rural networks and service areas.

- WTA filed a letter on April 17, 2019, to present proposals for improving the efficiency, effectiveness, and equity of the performance testing process for RoR recipients of high cost support. WTA proposed a flexible start time within the hour for testing, claiming requiring tests to begin at the top of each hour could result in congestion at the IXP that could have impacts similar to a distributed denial of service attack. WTA also proposed carriers self-certify that a customer is either unwilling to participate in testing or has incompatible customer-owned CPE, and that a substitute is needed. WTA suggested performance testing be treated similar to cable television signal leakage testing, arguing that before a RoR LEC is deprived of high-cost support due to a deemed failure of its test results, it should be given a reasonable period to deploy the network upgrades necessary to meet the applicable speed and latency standards and then to re-test any problem areas under its control.

- USTelecom, WISPA, CenturyLink, Great Plains Communications, AT&T, Alaska Communications, and ITTA met with Wireline Competition Bureau and Office of Economics and Analytics staff on April 15, 2019, to discuss network testing requirements. They claimed the AT&T latency testing data recently submitted support their request for the Commission to harmonize the frequency of latency testing with the frequency of speed testing by requiring one latency test per hour. They reiterated that the Commission should more closely align Tier 1 of the Order’s compliance framework for latency and speed benchmarks with Tier 1 of the broadband deployment compliance framework. They urged the Commission to provide CAF recipients maximum flexibility as to the endpoints of speed and latency testing and advocated for a revised testing and reporting implementation period. They also advocated the need for additional guidance on testing data, for example, the specific requirements and test result formats for each testing method.

- USTelecom, WISPA, CenturyLink, Great Plains Communications, AT&T, and ITTA met separately with Chairman Pai’s and Commissioner Carr’s Advisors on April 16, 2019, to discuss network testing requirements. They claimed the AT&T latency testing data recently submitted support their request for the Commission to harmonize the frequency of latency testing with the frequency of speed testing by requiring one latency test per hour. They reiterated the Commission should more closely align Tier 1 of the Order’s compliance framework for latency and speed benchmarks with Tier 1 of the broadband deployment compliance framework. They urged the Commission to provide CAF recipients maximum flexibility as to the endpoints of speed and latency testing and advocated for a revised testing and reporting implementation period. They also advocated the need for additional guidance on testing data, for example, the specific requirements and test result formats for each testing method.

- Interstate Telecommunications Cooperative, Venture Communications, and JSI met with Wireline Competition Bureau staff on April 16, 2019, to discuss A-CAM support. Interstate noted that because it late certified in USAC’s HUBB that its Minnesota study area had no newly deployed locations in 2017, it was penalized significantly: a reduction in A-CAM support for each day that it was late to complete the certification. They asserted this penalty amount essentially removes A-CAM support for nine locations in rural Minnesota, and it is seeking relief from the A-CAM reduction penalty. They said both Interstate and Venture are interested in accepting A-CAM II support, but urged the Wireline Bureau to
consider implementing a challenge process to make the A-CAM II offer based on factually accurate data, especially now that issues with the accuracy of Form 477 data have been raised repeatedly.

- Comments were filed on April 16, 2019, on GCI's Application for Review of the Wireline Competition and Wireless Telecommunications Bureaus’ Order dismissing an Alaska Telephone Association Petition for Waiver of the 7.6-meter spatial accuracy standard for mapping buried and aerial fiber required by the Alaska Plan Order. NTCA asserted the Bureaus’ cost-benefit analysis failed to properly balance the benefits of the location accuracy standard at issue here against the burdens it imposes on a subset of ATA’s members, and claimed the Bureaus have consistently failed to explain why the location accuracy standard is necessary. NTCA requested the Commission grant the ATA Petition. ATA supported the Application for Review, saying Alaska Plan participants have demonstrated in multiple filings the burden of the 7.6-meter standard, and have already filed extensive network maps using the Bureaus’ interim standard of 50 meters. It asserted these network maps provide all the information requested by the Bureaus regarding links and nodes of Alaska’s middle mile networks to within a 50-meter accuracy standard. It claimed the 7.6-meter standard imposes tremendous additional burden on Alaska Plan companies, which will not increase the utility of the maps. NCTA supported GCI’s Application, saying as GCI makes clear, requiring such a granular level of location information about fiber facilities would be prohibitively expensive and there is no public interest benefit to requiring such a strict definition.

- AT&T spoke with Wireline Competition Bureau staff on April 11, 2019, when it said staff requested AT&T to submit the data for its per minute and per hour latency testing, the summary results of which USTelecom, ITTA, and WISPA included in their April 10, 2019 ex parte letter. AT&T filed a redacted version of the requested data along with a request for confidential treatment of AT&T customer-specific information.

- Arctic Slope Telephone Association Cooperative and GVNW met separately with Chairman Pai’s Acting Special Counsel, Advisors to Commissioners O’Rielly, Carr, Rosenworcel, and Starks, and Wireline Competition Bureau staff on April 11 and 12, 2019, to discuss ASTAC’s progress on its Alaska Plan performance obligations.

- The FCC issued a notice in the Federal Register on April 18, 2019, seeking PRA comments on an extension of a currently approved information collection pertaining to annual reporting and record retention requirements for Mobility Fund Phase I and Tribal Mobility Fund Phase I support recipients (FCC Form 690). The notice indicates a request for extension of this information collection will be submitted to OMB after this 60-day comment period in order to obtain the full three-year clearance from OMB. The Commission uses the information contained in this collection to ensure that each winning bidder is meeting its obligations for receiving Mobility Fund support. PRA comments are due May 20, 2019.

- RWA met with Rural Broadband Auctions Task Force staff on April 16, 2019, to ask about the timeline of the Mobility Fund II proceeding and when rural carriers would know more about the next stages of the auction process. RWA said its members’ business plans rely on the timing and outcome of the MF-II proceeding.

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**ICC**

- Inteliquent met with staff from the Wireline Competition Bureau and Office of Economics and Analytics on April 16, 2019, to discuss proposed solutions to access arbitrage. It recommended the FCC cap the amount of mileage to ten miles and the number of terminations an access stimulating LEC can charge to no more than two. It recommended the FCC clarify that an IXC call delivery to the terminating tandem is sufficient for call completion in order to eliminate the incentive for blocking and rerouting calls. It also suggested changing the definition of access stimulation.
South Dakota Network filed its refund plan on April 18, 2019, pursuant to the FCC’s Memorandum Opinion and Order that concluded the investigation into the lawfulness of tariff revisions South Dakota Network filed on September 17, 2018. SDN proposed to refund overcharges paid by affected carriers, plus interest compounded daily, by issuing a credit on the invoice for affected carriers, to be issued on May 1, 2019.

HD Tandem filed a redacted copy of the HD Tandem/AT&T Master Services Agreement on April 17, 2019, requesting its confidential treatment.

USTelecom, ITTA, and WISPA (“the Consortium”) filed a letter on April 12, 2019, on their fixed broadband mapping proposal. They asserted alternatives proposed in recent filings by certain cable entities lack the key unifying component that the Consortium is looking to address in its pilot program, a process that will create more accurate broadband location data, which in turn will support far more meaningful and useful broadband availability reporting for communications policy. The Consortium said while they agree submitting shapefiles may be one of several viable methods of reporting broadband coverage, they identified numerous shortcomings with shapefile submissions, including that it will only result in accurate broadband service maps if provider submissions are anchored upon a common template with consistent geocoding of addresses/locations.

An FCC notice was published in the Federal Register on April 19, 2019, announcing the Office of Management and Budget has approved, for a period of three years, the information collection associated with the Commission’s revised pole attachment access rules that were contained in the Third Report and Order and Declaratory Ruling. The amendments to sections 1.1411 (timeline for access to utility poles), 1.1412 (contractors for surveys and make-ready), and 1.1415 (overlashing) are effective May 20, 2019.

USAC sent a letter to Commissioner O’Rielly on April 1, 2019, to respond to his letter that asked for information on E-rate consortia overbuilds. USAC said it is required to deny requests for funding of duplicative services because such requests contravene “the requirement that discounts be awarded to meet the ‘reasonable needs and resources’ of applicants.” USAC provided information on how it determines whether applicants select the most cost-effective solution, how many applicants have requested E-rate funding for special construction of consortium-wide WANs since the 2014 E-rate Orders, and how much funding was requested by these applicants, among other things.

The FCC announced on April 16, 2019, the Office of Inspector General issued an Advisory to alert Lifeline carriers, beneficiaries, and the public to a number of fraudulent enrollment practices found pervasive across the IG’s ongoing investigations targeting Lifeline carriers and the carriers’ sales agents.

New America’s Open Technology Institute met with Commissioner Carr’s Chief of Staff on April 16, 2019, to discuss its concerns about any potential cap on the Universal Service Fund, particularly with respect to expenditures for the Lifeline program. OTI reiterated its concern that a budget cap could cause eligible Americans to lose access to vital communications services and discourage wireless providers from participating in the program. It also discussed the need to fully implement the Lifeline National Verifier before contemplating further systemic changes to the program.

TracFone met with Commissioner Rosenworcel’s Advisor on April 11, 2019, to discuss the recent launches of the Lifeline National Verifier and reiterate its concern that, in many states, the National Verifier lacks access to SNAP and Medicaid databases, which can result in significant Lifeline re-verification failure rates. TracFone also reiterated its support for Sprint’s request that the Commission
not hard launch the National Verifier in states that do not have automated access to SNAP and Medicaid databases. It also discussed Minimum Service Standards for ETCs as proposed in the 2016 Lifeline Order.

- TracFone Wireless met with Wireline Competition Bureau staff on April 10, 2019, to discuss the rollout of the Lifeline National Verifier and TracFone’s proposal to assist USAC by providing Medicaid eligibility data to confirm applicants’ Lifeline eligibility. TracFone reiterated its request for the Commission to direct USAC to accept documentation produced through third parties’ automated access to state databases. TracFone also discussed the recent National Verifier hard launch in Missouri, North Carolina, Pennsylvania, and Tennessee and how USAC does not have sufficient connections to critical eligibility databases in these states.

- Viya met with Chairman Pai’s Special Counsel on April 16, 2019, to discuss the status of Viya's wireline network restoration efforts in the U.S. Virgin Islands. Viya also discussed the difficulties in attempting to craft a competitive process for the assignment of USF funds to support an area where the ILEC already provides CAF-qualifying voice and broadband service to over 95 percent of the locations and historically has relied on USF support to do so at affordable rates.

- i-wireless filed an amended Petition on April 19, 2019, seeking to expand its ETC designation to Tribal lands. It said it inadvertently included Massachusetts in its initial Petition and is therefore removing all mentions of it from the amended petition. i-wireless also amended the Petition to correct its standard monthly Lifeline plans offered to residents of non-Tribal lands.

- CoBank met separately with advisors and staff to Chairman Pai and Commissioners O’Rielly and Carr on April 16, 2019, to provide an update on CoBank’s financial performance, its role in lending to rural broadband providers, and to distribute its 2018 Annual Report and Corporate Social Responsibility Report. CoBank discussed creation of the Rural Telehealth Initiative to replicate the successful telehealth pilot program CoBank sponsored in rural Southwest Georgia. CoBank also said it is sponsoring the Rural Telehealth Initiative in partnership with the WTA Foundation and Perry Health to replicate the pilot program in other rural communities. It also provided a report on the Rural Telehealth Initiative.

Misc.

- The FCC issued a tentative agenda on April 18, 2019, for its May 9, 2019 Open Meeting. The FCC will consider: a Memorandum Opinion and Order that would deny the application of China Mobile USA for a section 214 authorization to provide international facilities-based and resale telecommunications services between the United States and foreign points; an NPRM to seek comment on proposed regulatory fees for Fiscal Year 2019; a Report and Order and FNPRM that would adopt measures, and seek comment on others, to improve Video Relay Service, expand access to direct video communications, and protect the VRS program against waste, fraud, and abuse; an NPRM that would seek comment on reallocating the 1675-1680 MHz band for shared use between incumbent federal operations and non-federal fixed or mobile (except aeronautical mobile) operations on a co-primary basis; a Memorandum Opinion Order and Authorization that would grant Theia’s request to deploy and operate a proposed non-geostationary satellite constellation to provide earth imaging services around the world; a Report and Order that would adopt streamlined rules relating to interference caused by FM translators and expedite the translator interference complaint resolution process; and a Public Notice seeking comment on proposed procedures for conducting and participating in an auction of toll free numbers in the 833 code.

- The FCC released the Memorandum Opinion and Order, adopted at its April 12, 2019 Open Meeting, granting forbearance to Bell Operating Companies and independent incumbent carriers from: the requirement that independent rate-of-return carriers offer long-distance telephone service through a separate affiliate; the nondiscriminatory provisioning interval requirements applicable to BOCs and independent price cap carriers; and the statutory requirement that BOCs provide nondiscriminatory access to poles, ducts, conduit, and rights-of-way.
• The Irregulators, New Networks Institute, Bruce Kushnick, Mark N. Cooper, Tom Allibone, Kenneth Levy, Fred Goldstein, and Charles W. Sherwood, Jr., filed a Petition for Review of the FCC’s Separations Freeze Order (attached to Petition) with the D.C. Circuit Court of Appeals on April 15, 2019. Petitioners seek relief on the grounds that the challenged agency action, including the determination to withhold or delay action, was: arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; without observance of procedure required by law; unsupported by substantial evidence; and unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

• INCOMPAS met with Commissioner Carr on April 15, 2019, to discuss the deployment of small cells. INCOMPAS said the networks being built using unbundled network elements as a bridge to fiber will support 5G as well as gigabit-speed broadband service to small businesses and residential users. It claimed denying the remaining requests in the USTelecom Forbearance Petition would be consistent with the Commission’s strong broadband and small cell deployment agenda.

• The Wireline Competition Bureau released a Public Notice on April 15, 2019, to announce it will supplement the record in the price cap business data services proceedings with tables and accompanying information prepared by the Office of Economics and Analytics, derived from highly confidential data from the 2015 Data Collection, and seek focused public comment on the extent to which the April Data Tables inform the extent of competition and competitive pressure in the market for lower speed (DS3 and below) TDM transport services in price cap areas. The Bureau announced it will reopen the secure data enclave to allow parties access to the 2015 Data Collection and the opportunity to comment. The Bureau also said, pending the resolution of any objections to the Bureau incorporating the 2015 Data Collection into the record of the USTelecom Forbearance Petition proceeding, it will seek comment in the USTelecom Forbearance Petition proceeding on the extent to which the 2015 Data Collection provides relevant information to evaluate USTelecom’s request for forbearance from the requirements to provide transport as an unbundled network element basis. Comments are due 14 days after publication in the Federal Register; replies are due 21 days after publication.

• The Wireline Competition Bureau issued a Data Collection Protective Order on April 16, 2019, to permit parties in the USTelecom Forbearance Petition proceeding to access and analyze the confidential and highly confidential information and data submitted in the FCC’s 2015 data collection in the price cap business data services proceedings. The Bureau said this Protective Order maintains the Secure Data Enclave as the exclusive method for authorized parties to access and analyze Highly Confidential Data submitted in the 2015 data collection. The Bureau will reopen access to the Secure Data Enclave upon publication in the Federal Register of the public notice released on April 15, 2019, and close it following the close of the comment and reply period established by the public notice, unless an interested party demonstrates a continuing need for access.

• The Wireline Competition Bureau issued a Public Notice on April 18, 2019, to announce parties in the USTelecom Forbearance Petition proceeding seek access to confidential and highly confidential information and data submitted in the Commission’s data collection in the price cap business data services proceedings. The Bureau said parties that submitted that data in the 2015 Data Collection and third-party interest holders have until April 25, 2019, to object to disclosure of their data to the individual or individuals listed in the attachment to the Notice. The Wireline Competition Bureau issued a Public Notice on April 18, 2019, to announce additional parties seek access to confidential and highly confidential information and data submitted in the Commission’s data collection in the price cap business data services proceedings. Interested parties have until April 25, 2019, to object to disclosure of their data to the parties seeking access, listed in the attachment to the Notice. The Wireline Competition Bureau issued another Public Notice on April 19, 2019, to announce additional parties in the USTelecom Forbearance proceeding seek access to confidential and highly confidential information and data submitted in the Commission’s data collection in the price cap business data services proceedings. The Bureau said parties that submitted data in the 2015 data collection and third-party interest holders have until April 26, 2019, to object to disclosure of their data to the individual or individuals listed in the attachment to the Notice.
• US TelePacific and INCOMPAS filed objections on April 15, 2019, pursuant to the Commission’s April 3, 2019 Public Notice, of inclusion of their highly confidential and confidential information and data in the USTelecom Forbearance proceeding. TPx said the original data it provided was incorrect, and while it filed corrected data, it was struck from the final BDS Order. TPx argued the Commission should not rely in this docket on TPx’s data unless it provides sufficient opportunity for TPx to review and correct the underlying data. INCOMPAS asserted using this data as a basis of support for the USTelecom Petition would be inconsistent with and undermine the Commission’s forbearance rules, would violate basic principles of procedural fairness, and would violate the “complete-as-filed” rule.

• The FCC issued a Public Notice on April 19, 2019, announcing the next meeting of the North American Numbering Council will be held on May 8, 2019. At this meeting, the NANC will consider and vote on reports from its Nationwide Number Portability Issues Working Group and its Numbering Administration Oversight Working Group. The NANC meeting is open to the public.

• An FCC Notice was published in the Federal Register on April 22, 2019, seeking Paperwork Reduction Act comments on an extension of a currently approved information collection associated with Form 502, Numbering Resource Optimization. The FCC said data collected on Form 502 helps the Commission manage the ten-digit North American Numbering Plan. PRA comments are due June 21, 2019.

• The FCC released the Report and Order that eliminated the requirement that cable operators maintain a channel lineup at their local office and the requirement that certain cable operators make their channel lineup available via their online public inspection file, which was adopted at the April 12, 2019 Open Meeting.

• The FCC released the following items adopted at its April 12, 2019 Open Meeting: a Public Notice seeking comment on procedures for the incentive auction of Upper 37 GHz, 39 GHz, and 47 GHz Bands (Auction 103) for Next Generation Wireless Services; and a Report and Order allowing Fixed-Satellite Service earth stations to be individually licensed to transmit in the 50 GHz band and establishing a process for the Department of Defense to operate on a shared basis in the Upper 37 GHz band in limited circumstances.

• To date, no replies were filed on a 214 application filed by the shareholders of Price County Telephone to Norvado. Public Notice

• The Consumer and Governmental Affairs Bureau issued an Order on April 19, 2019, granting eight complaints alleging Tele Circuit Network changed complainants’ telecommunications service providers without obtaining authorization and verification from complainants in violation of the Commission’s rules. The Bureau said Tele Circuit must remove all charges incurred for service provided to complainants for the first 30 days after the alleged unauthorized change. The Bureau also issued an Order on April 19, 2019, granting another complaint alleging Tele Circuit Network changed complainant’s telecommunications service providers without obtaining authorization and verification from the complainant in violation of the Commission’s rules.

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Upcoming Filing Dates

• Apr. 22 - PRA comments due on a revision to an existing information collection in FCC Form 481. FR

• Apr. 22 - Comments due on TracFone’s Amended Petition seeking to expand its ETC designation to include tribal lands in Alabama, Connecticut, Massachusetts, New York, North Carolina, and Virginia. Replies are due April 29, 2019. Public Notice

• Apr. 26 - Responses due from parties filing petitions for waiver between 2006 and 2013 of various high-cost universal service filing deadlines that intend to pursue their petition. Public Notice
• Apr. 29 - Replies due on TracFone’s Amended Petition seeking to expand its ETC designation to include tribal lands in Alabama, Connecticut, Massachusetts, New York, North Carolina, and Virginia. Public Notice

• May 3 - Replies due on the NPRM proposing to amend its Truth in Caller ID rules to implement the anti-spoofing provisions of the RAY BAUM’S Act. FR

• May 3 - Comments due on Tata Communications’ Petition for a waiver of section 54.706 on USF contributions or, alternatively, a waiver of the twelve percent threshold of the Limited International Revenue Exemption. Replies are due May 20, 2019. Public Notice

• May 13 - PRA comments due on a revision of a currently approved information collection associated with Rural Health Care Program Forms 460, 461, 462, 463, 465, 466, and 467. FR

• May 20 - PRA comments due on an extension of a currently approved information collection associated with direct access to numbering resources. Notice

• May 20 - Replies due on Tata Communications’ Petition for a waiver of section 54.706 on USF contributions or, alternatively, a waiver of the twelve percent threshold of the Limited International Revenue Exemption. Public Notice

• May 20 - PRA comments on an extension of a currently approved information collection pertaining to annual reporting and record retention requirements for Mobility Fund Phase I and Tribal Mobility Fund Phase I support recipients (FCC Form 690). FR

• May 28 - PRA comments are due on an extension of a currently approved information collection associated with study area boundary data reporting in Esri shapefile format. FR

• June 21 - PRA comments due on an extension of a currently approved information collection associated with Form 502, Numbering Resource Optimization. Notice