

NECA's Weekly Federal Regulatory Summary

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April 29, 2019 HIGHLIGHTS

- The Wireline Competition Bureau [authorized](#) 186 RoR companies that elected 242 revised A-CAM offers to receive additional A-CAM I support in exchange for extending broadband service to additional locations. The Bureau said the net increase in annualized support compared to the previously-elected A-CAM support is approximately \$65.7 million. The Bureau also released a [report](#) showing the revised authorization amount and deployment obligations for each carrier that elected a revised offer and a [report](#) showing the state-level amounts of model-based support and associated deployment obligations for all carriers that have been authorized to receive model-based support.
- The [Blooston Rural Carriers and Small Companies Coalition](#) filed joint comments supporting [Silver Star Telephone's](#) Petition for Reconsideration of the December 2018 RoR USF Reform [Order](#), which seeks reconsideration of the HCLS Rural Growth Factor.
- Arctic Slope Telephone Association Cooperative [seeks](#) a waiver of the [2018 HUBB portal filling deadline](#). Blackfoot Telephone Cooperative and Fremont Telcom filed a [Petition for Limited Waiver](#) of the March 1, 2018 deadline for certifying 2017 broadband deployment locations in the HUBB system for A-CAM support.
- Comments [are due](#) May 13, 2019, on Lakeland Communications' [Petition for Waiver](#) of certain Part 51 rules to modify access rate bands and 2011 Base Period Revenues to implement the merger of two commonly-owned study areas. Replies are due May 23, 2019.
- Comments [are due](#) May 8, 2019, on South Dakota Network's [refund plan](#) pursuant to the FCC's [Order](#) that concluded the investigation into the lawfulness of South Dakota Network's tariff revisions.
- The [Competitive Carriers Association, CTIA and USTelecom](#) and [the Professional Association for Customer Engagement](#) filed Petitions for Reconsideration of the December 2018 Robocall [Report and Order](#).
- Comments [are due](#) May 9, 2019, on the [Public Notice](#) seeking focused additional comment in the Business Data Services and USTelecom Forbearance Petition proceedings.
- The Rural Utilities Service [is accepting](#) applications for the ReConnect Program, which will provide loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas.

Other Key Upcoming Dates

- May 3 - Replies due on the [NPRM](#) proposing to amend the Truth in Caller ID rules to implement the anti-spoofing provisions of the RAY BAUM'S Act. [FR](#)

USF Reform

- The FCC issued a [public notice](#) and [news release](#) on April 29, 2019, announcing that, consistent with the December 2018 RoR USF Reform Order, the Wireline Competition Bureau authorized 186 RoR companies that elected 242 revised A-CAM offers to receive additional A-CAM I support in exchange for extending broadband service to additional locations. The FCC said the net increase in annualized support compared to the previously-elected A-CAM support is approximately \$65.7 million. The FCC indicated the revised authorizations provide support to electing companies that commit to provide at least 25/3 Mbps service to 106,000 locations in addition to those locations for which they were previously obligated, for a ten-year period beginning January 1, 2019. The FCC also released a [report](#) showing the revised authorization amount and deployment obligations for each carrier that elected a revised offer and released a [report](#) showing the state-level amounts of model-based support and associated deployment obligations for all carriers that have been authorized to receive model-based support.
- The [Blooston Rural Carriers and Small Companies Coalition](#) filed comments on April 24, 2019, on the Petitions for Reconsideration of the December 2018 RoR USF Reform [Order](#) that were filed by [Pineland Telephone](#) and [Silver Star Telephone](#). They supported Silver Star, saying the Commission failed to adequately address record evidence of the harm to carriers and the public caused by the Rural Growth Factor and failed to adequately explain its reasoning in refusing to modify the RGF. They said the Commission should eliminate or, at a minimum, revise the RGF to remove its negative impact on funding.
- WTA filed [comments](#) on April 24, 2019, supporting GCI's [Application for Review](#) of the Wireless Telecommunications and Wireline Competition Bureaus' [Order](#) that denied the Alaska Telecom Association's Petition for a limited waiver of the requirement that the intermediate locations of certain terrestrial buried and aerial fiber be reported to within 7.6 meters of accuracy by Alaska Plan carriers. WTA said GCI correctly showed that neither the Commission nor the Bureaus have ever explained why the specific and stringent 7.6-meter standard of accuracy is necessary or reasonable for that portion of Alaskan fiber mapping that predominately depicts middle mile facilities. WTA requested the Commission grant the requested limited waiver not only to GCI, but also to all other similarly situated Alaska Plan participants covered by the ATA Waiver Petition.
- Arctic Slope Telephone Association Cooperative filed a [Petition](#) on April 24, 2019, seeking a waiver of the [2018 deadline](#) for participants in the Alaska Plan to file in the HUBB portal all newly served or upgraded broadband locations to which they deployed broadband service in 2017. ASTAC said while it was preparing for the March 1, 2019 HUBB filing, it discovered some database inconsistencies that required reconciliation and adjustments to data in its initial filing in 2018. ASTAC said a waiver of the deadline will allow ASTAC's 366 newly served or upgraded broadband locations deployed during 2017 and reported late in the HUBB to be certified, enabling the 366 locations to count toward the company's Alaska Plan performance obligations.
- Blackfoot Telephone Cooperative and Fremont Telcom Company filed a [Petition for Limited Waiver](#) on April 25, 2019, of the March 1, 2018 deadline for certifying 2017 broadband deployment locations in the HUBB system for A-CAM support. They also requested the FCC waive the penalty in section 54.316(c)(1)(i), which calls for reductions in support. They claimed Blackfoot timely reported and certified broadband locations deployed in 2017, but apparent errors in the USAC HUBB and e-file systems caused Blackfoot to have to re-certify the broadband location data that had been uploaded into the HUBB system and timely certified prior to the March 1, 2018 deadline. Blackfoot indicated it has filed an appeal with USAC. It said, however, due to the uncertainty of whether USAC will address this matter on appeal and the fact that an appeal to USAC or a waiver request to the Commission both must be submitted within 60 days after a USAC decision, which in this case was the disbursement of reduced A-CAM funding, Blackfoot is filing this waiver request out of an abundance of caution.
- An FCC [Notice](#) was published in the Federal Register on April 25, 2019, inviting PRA comments on a revision of a currently approved information collection for high-cost USF support. The FCC indicated in the December 13, 2018 Rate-of-Return USF Reform [Order](#), the Commission further modified or, in the

case of the capital investment allowance, eliminated a number of requirements and this information collection addresses the revised reporting burdens associated with those reforms. PRA comments are due June 24, 2019.

- An FCC [Notice](#) was published in the Federal Register on April 26, 2019, seeking PRA comments on an extension of a currently approved information collection, the survey of urban rates for fixed voice and broadband residential services. It indicated the information collected in this survey will be used to establish a rate floor that ETCs receiving high-cost loop support or frozen high-cost support must meet to receive their full support amounts and to help ensure that universal service support recipients offering fixed voice and broadband services do so at reasonably comparable rates to those in urban areas. PRA comments are due June 25, 2019.

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ICC

- The Wireline Competition Bureau issued a [Public Notice](#) on April 22, 2019, seeking comment on Lakeland Communications' [Petition for Waiver](#) of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) to modify access rate bands and 2011 Base Period Revenues to implement the merger of two commonly-owned study areas. Comments are due May 13, 2019; replies are due May 23, 2019.
- The Wireline Competition Bureau issued a [Public Notice](#) on April 23, 2019, seeking comment on South Dakota Network's [refund plan](#), filed 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. Comments are due May 8, 2019.
- Granite Telecommunications, Manhattan Telecommunications d/b/a Metropolitan Telecommunications, and Access One filed [a letter](#) on April 24, 2019, claiming competitive carriers that rely on avoided-cost resale under Section 251(c)(4) to provide telephone service to business and government customers have demonstrated that traditional TDM-based telephone services provided via copper loops constitutes a separate product market when purchased by such customers and that ILECs have substantial and persisting market power in the provision of those services. They further argued that, even in circumstances where such customers might perceive managed VoIP to be substitutes for traditional TDM service, the broadband facilities needed to support VoIP are frequently unavailable. They asserted there is therefore no available basis for granting nationwide forbearance from the application of Section 251(c)(4) resale requirement to traditional TDM service based on the availability of VoIP services, and the absence of reliable broadband deployment data in relevant geographic areas forecloses any attempt to grant forbearance in the subset of geographic areas in which non-ILECs provide VoIP.

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Broadband

- A Rural Utilities Service [notice](#) was published in the Federal Register on April 24, 2019, announcing it will begin accepting applications on April 23, 2019, for the eConnectivity Pilot Program (ReConnect Program) through <https://reconnect.usda.gov> for all three ReConnect Program funding categories. The Reconnect Program will provide loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas.
- Puerto Rico Telephone Company, d/b/a Claro, filed a [letter](#) on April 26, 2019, to express its support for the forbearance relief requested in USTelecom's [Petition for Forbearance](#). PRTC asserted Puerto Rico should not be excluded from said grant of forbearance, and claimed publicly available Commission data, publicly available PRTB data, and confidential internal PRTC data that is all part of the record of this proceeding overwhelmingly indicates there is competition for telecommunications in Puerto Rico

and, as in the rest of the United States, that competition is being driven by technology, not the UNE and resale obligation.

- WorldNet filed a [letter](#) on April 22, 2019, to urge the FCC to deny or defer the forbearance requested in USTelecom's [Petition for Forbearance](#) as applied to Puerto Rico, notwithstanding the Commission's actions with regard to the nation at large. WorldNet asserted the FCC knows that Puerto Rico's telecommunications markets face different challenges and investment paradigms than anywhere else, and said the national assumptions, data, and projections presented in purported support of the USTelecom Petition take no account of these circumstances.
- The Ninth Circuit Court of Appeals issued [an Order](#) on April 24, 2019, denying the FCC's [Motion](#) to continue the stay of the briefing schedule in the proceeding reviewing Petitions for Review of the FCC's August 3, 2018 [Order and Declaratory Ruling](#) barring state and local moratoria on the deployment of telecommunications services and facilities. The Court said the [briefing schedule](#) previously established remains in effect.

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Universal Service

- The Wireline Competition Bureau issued a [Public Notice](#) on April 24, 2019, seeking comment on Reservation Telephone and CenturyLink's [Petition](#) seeking a waiver to expand the RTC Alexander exchange in the state of North Dakota to include North Dakota portions of the CenturyLink Fairview and Sidney exchanges and a waiver of section 69.3(e)(11) so RTC may participate in the NECA tariff pool upon closing of the transaction. Comments are due May 24, 2019; replies are due June 24, 2019.
- The Wireline Competition Bureau issued a [Public Notice](#) on April 22, 2019, seeking comment on i-wireless' amended [Petition](#) seeking to expand its designation as an ETC to certain tribal lands in Alabama, Connecticut, New York, North Carolina, and Virginia. Comments are due May 6, 2019; replies are due May 13, 2019.
- Comments were filed on April 22, 2019, 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. The [Oceti Sakowin Tribal Utility Authority](#) said TracFone's proposed Tribal Lifeline service offering will greatly benefit residents of tribal lands in Alabama, Connecticut, New York, North Carolina, and Virginia, and urged the Commission to grant the Petition. Replies are due April 29, 2019. [Public Notice](#)
- Michigan Access filed a [letter](#) on April 24, 2019, in response to the March 2019 [Public Notice](#), stating it is still interested in pursuing its 2009 [Petition for Waiver](#) seeking designation as an ILEC in two unserved areas in Northeast Michigan and to allow it to participate in the NECA tariff and pools and obtain accelerated USF support.
- A group of direct service providers, advocates, public interest groups, and a Lifeline subscriber [met separately](#) with Advisors to Chairman Pai, Commissioner Rosenworcel and her Advisor, Advisors to Commissioners Starks, Carr and O'Rielly, and Wireline Competition Bureau staff on April 18, 2019, to discuss the impacts of the 2017 Lifeline proposals and to request that the Commission terminate the proceeding. They claimed the Commission's 2017 proceeding has created uncertainty in the Lifeline program by proposing to eliminate large classes of Lifeline providers from the program and restrict eligible recipients' ability to participate by imposing a co-pay and arbitrary budget cap. They also requested the return of the Lifeline Broadband Provider designation and a return to the 2016 Modernization Order, and suggested the Commission review several implementation decisions in the California Lifeline program for possible incorporation into the federal program.
- Tri-County Telephone filed a [Supplement](#) on April 22, 2019, to its [Petition for Reconsideration](#) of the Uniendo a Puerto Rico Fund and the Connect USVI Fund [Order](#). It said the supplement further supports its standing to file the Petition, asserting because the Commission requires covered common carriers like TCT to contribute to the USF sufficient moneys to cover the distributions from the USF, it

will bear a portion of the \$60+ million dollar relief grant to Puerto Rico even if the Puerto Rico/USVI Funds are set up separately so as not to impact the availability of funds for high cost carriers elsewhere. TCT claimed it will be aggrieved by the Commission's distribution of the proposed funds and the forgiveness of the credit due against funds already provided to Puerto Rico and VI carriers.

- The Utah Education and Telehealth Network filed a [Petition for Reconsideration](#) of the Wireline Competition Bureau's [decision](#) to deny its request for a waiver of the Rural Health Care program's competitive bidding requirements. UETN said the Bureau upheld USAC's decision that UETN had violated the RHC competitive bidding rules by applying for funding using E-rate contracts that were not "approved." UETN argued the Commission's rules and precedent, as well as USAC's guidance, are unclear regarding what constitutes "approval" of an E-rate contract for purposes of the Healthcare Connect Fund competitive bidding exemption.
- The New England Telehealth Consortium and Connections Telehealth Consortium [spoke by phone](#) with Commissioner Carr's Chief of Staff on April 16, 2019, to discuss their April 9, 2019 [letter](#) that discussed the impacts of the Healthcare Connect program's funding shortfalls. They, along with the SHLB Coalition, North Carolina Telehealth Network, the Utah Telehealth and Education Network, Alaska Communications, and ADS Advanced Data Services also met with Wireline Competition Bureau staff on April 5, 2019, to discuss SHLB's March 15, 2019 [letter](#) to Pai and USAC that expressed concerns with administration and oversight of the Rural Health Care program.

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Misc.

- An FCC [Notice](#) was published in the Federal Register on April 25, 2019, announcing the Wireline Competition Bureau is reopening the BDS secure data enclave, is supplementing the record in the BDS and USTelecom Forbearance Petition proceedings with additional tables and information placed in the secure data enclave, and is seeking focused comment on whether the additional data informs the extent of competition for transport. Comments are due May 9, 2019; reply comments are due May 16, 2019.
- The House Subcommittee on Communications and Technology [announced](#) on April 24, 2019, that it will hold a hearing on "Legislating to Stop the Onslaught of Annoying Robocalls," on April 30, 2019. In an April 26, 2019 [Memo](#) from the House Energy and Commerce Committee, the House announced the hearing will consider the following bills: the Stopping Bad Robocalls Act (HR 946); the HANGUP Act (HR 1421); the ROBO Calls and Texts Act (HR 2355); the Spam Calls Task Force Act (HR 721); the STOP Robocalls Act discussion draft; the ROBOCOP Act (HR 2298); and the Robocall Enforcement Enhancement Act (HR 1575). The Subcommittee also announced the scheduled witnesses: Aaron Foss, Founder of Nomorobo; Dave Summitt, Chief Information Security Officer of the H. Lee Moffitt Cancer Center & Research Institute; Margot Saunders, Senior Counsel for the National Consumer Law Center; and Patrick Halley, Senior Vice President at USTelecom.
- The [Competitive Carriers Association, CTIA and USTelecom](#) and [the Professional Association for Customer Engagement](#) filed Petitions for Reconsideration of the December 2018 Robocall [Report and Order](#) on April 25, 2019. CCA et al. requested the Commission reconsider its decision to merge the administration of the reassigned numbers database with the already consolidated North American Numbering Plan Administrator and Pooling Administrator functions under a single contract and a single administrator. PACE requested the Commission modify the Order to eliminate the requirement that business landline and toll-free numbers be included in the reassigned numbers database and modify the regulation's safe harbor language concerning "dates" to more accurately reflect the Commission's intentions reflected in the explicit language of the Order creating the RND.
- Twilio and Nomorobo filed [a letter](#) on April 22, 2019, to report that on April 15, 2019, Tax Day, Nomorobo, using Twilio's API, launched a free, real-time feed containing the active phone numbers being used by call back scammers pretending to be the U.S. Internal Revenue Service. They indicated the feed updates every 20 minutes and is available to any carrier that wants to help stem the tide of IRS robocall scammers. They said since winning the FTC Robocall Challenge in 2013, Nomorobo's

service has prevented more than one billion unwanted robocalls from reaching wireline and wireless consumers, and claimed American consumers will benefit most from full industry collaboration on solutions targeting the elimination of illegitimate robocalls.

- The FCC issued a [News Release](#) on April 25, 2019, saying Chairman Pai announced Aaron Goldberger will serve as his Acting Wireless and International Advisor, replacing Rachael Bender, who is transitioning to the International Bureau.
- The Consumer and Governmental Affairs Bureau issued two Orders on April 24, 2019, granting and denying complaints alleging Birch Communications changed complainants' telecommunications service providers without obtaining authorization and verification from complainants in violation of the Commission's rules. The first [Order](#) denied eleven complaints. The second [Order](#) granted four complaints, and the Bureau said Birch must remove all charges incurred for service provided to complainants for the first 30 days after the alleged unauthorized change
- The Consumer and Governmental Affairs Bureau released five Orders on April 25, 2019, addressing slamming complaints. Four of the Orders found that [Primus Telecommunications](#), [Quasar Communications](#), [America Net](#) and [Roman LD](#) violated the Commission's carrier change rules, and each had changed complainants' telecommunications service providers without obtaining authorization and verification from complainants in violation of the Commission's rules. The Bureau said each company must remove all charges incurred for service provided to complainants for the first 30 days after the alleged unauthorized change. The fifth [Order](#) found Long Distance Access' actions did not result in an unauthorized change in complainant's telecommunications service provider, and denied the complaint.
- The Consumer and Governmental Affairs Bureau issued an [Order](#) on April 26, 2019, granting three complaints alleging Touchbase Communications changed complainants' telecommunications service providers without obtaining authorization and verification from complainants in violation of the Commission's rules. The Bureau said Touchbase must remove all charges incurred for service provided to complainants for the first 30 days after the alleged unauthorized change. The Bureau issued similar Orders on April 26, 2019, granting two complaints against [National Access Long Distance](#) and two complaints against [United Telecom](#) for changing complainants' telecommunications service providers without obtaining authorization and verification from the complainants.

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Upcoming Filing Dates

- 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 6 - Replies due to oppositions to Petitions for Reconsideration of the December 2018 RoR USF Reform Order filed by [Pineland Telephone](#) and [Silver Star Telephone FR](#)
- May 6 - Comments due on i-wireless' amended [Petition](#) seeking to expand its designation as an eligible telecommunications carrier to certain tribal lands in Alabama, Connecticut, New York, North Carolina, and Virginia. Replies are due May 13, 2019. [Public Notice](#)

- May 8 - Comments due on South Dakota Network's [refund plan](#), filed 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. [Public Notice](#)
- May 9 - Comments due on the [Public Notice](#) seeking focused additional comment in Business Data Services and USTelecom Forbearance petition proceedings. Replies due May 16 [FR](#)
- 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 13 - Comments due on Lakeland Communications' [Petition for Waiver](#) of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) to modify access rate bands and 2011 Base Period Revenues to implement the merger of two commonly-owned study areas. Replies are due May 23, 2019. [Public Notice](#)
- May 13 - Replies due on i-wireless' amended [Petition](#) seeking to expand its designation as an eligible telecommunications carrier to certain tribal lands in Alabama, Connecticut, New York, North Carolina, and Virginia. [Public Notice](#)
- May 16 – Replies due on the [Public Notice](#) seeking focused additional comment in Business Data Services and USTelecom Forbearance petition proceedings.
- 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 23 - Replies due on Lakeland Communications' [Petition for Waiver](#) of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) to modify access rate bands and 2011 Base Period Revenues to implement the merger of two commonly-owned study areas. [Public Notice](#)
- May 24 - Comments due on Reservation Telephone and CenturyLink study area waiver petition in North Dakota. Replies due June 24 [Public Notice](#)
- 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](#)
- June 24 - Replies due on Reservation Telephone and CenturyLink study area waiver petition in North Dakota. [Notice](#)
- June 24 - PRA comments due revision of a currently approved information collection for high-cost USF support. The FCC indicated in the December 13, 2018 Rate-of-Return USF Reform. [Order FR](#)
- June 25 - PRA comments due on an extension of a currently approved information collection on the survey of urban rates for fixed voice and broadband residential services. [Notice](#)

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