

NECA's Weekly Federal Regulatory Summary

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

May 28, 2019 HIGHLIGHTS

- The Wireline Competition Bureau [authorized](#) Totah Communications to receive A-CAM support pursuant to the second revised offer.
- The Small Company Coalition [supported](#) WTA and NTCA positions on network performance testing, including the concerns about the requirement for carriers to test outside their networks, speeds and tiers to be tested, incompatible CPE, and the starting date for testing.
- AT&T [said](#) further latency testing it performed with almost 100 subscribers in its CAF Phase II-eligible areas that obtain broadband service via wireline and fixed wireless technologies demonstrate there is no material difference in the results from testing latency once per minute versus testing once per hour.
- CostQuest discussed the potential benefits and drawbacks of using non-TIGER geographic features, including point or polygonal broadband coverage, to map broadband availability.
- CenturyLink filed [a letter](#) in support of its [Petition for a Declaratory Ruling](#) that over-the-top VoIP providers and their LEC partners perform the functional equivalent of end office switching and may collect end office local switching access reciprocal compensation under the Commission's rules. AT&T [responded](#) to CenturyLink's recent ex partes on the Petition, asserting CenturyLink failed to address the D.C. Circuit's criticisms of the FCC's prior Order on this point, and this failure is fatal to its request for a declaratory ruling.
- CenturyLink [discussed](#) its recent [submission](#) on access arbitrage, claiming the data quantify the inefficiencies in the Commission's current framework for terminating access traffic.
- Aureon Network Services [offered](#) a proposal to address access arbitrage. Aureon had suggested the FCC adopt a new rule directly prohibiting arbitrage; but said if the FCC determines that a direct prohibition would be difficult to enforce, it should correct the false "free" price signals received by users of access stimulating services.
- The Wireline Competition Bureau [approved](#) the [plan](#) submitted by South Dakota Network to refund overcharges for its interstate switched access service paid by affected carriers.
- [Cass Telephone](#) and [Richmond Telephone](#) filed Petitions for Waivers of the May 1, 2019 date for RLECs authorized to receive A-CAM support to notify the Wireline Competition Bureau that they have taken the BDS election to migrate their BDS offerings to a reduced regulatory framework effective July 1, 2019.
- [Comments are due](#) June 3 on the [Public Notice](#) asking how to structure an auction to distribute certain toll free numbers in the new 833 toll free code.

Other Key Upcoming Dates

- May 28 - Replies [due](#) on the [Public Notice](#) seeking focused additional comment in Business Data Services and USTelecom Forbearance Petition proceedings.
- June 7 - Comments [due](#) on the NANC's [Additional Findings Report on Nationwide Number Portability](#).
- June 7 - Comments due on the [NPRM](#) on the assessment and collection of regulatory fees for FY 2019. Replies due June 24, 2019.

USF Reform

- The Wireline Competition Bureau issued a [Public Notice](#) on May 24, 2019, authorizing Totah Communications to receive A-CAM support pursuant to the second revised offer. It said Totah was omitted from the April 29, 2019 Public Notice that authorized 186 rate-of-return companies to receive an additional \$65.7 million annually in A-CAM support, and the appendix to this Public Notice shows the revised authorization amount and deployment obligations. The Bureau indicated the net increase in annualized support compared to Totah's previously-elected A-CAM amounts is \$250,695, and it directed USAC to calculate the necessary true-up and to adjust the amount of cash it retains in the high-cost account to fund A-CAM recipients to reflect today's revised authorization.
- The Small Company Coalition filed a [letter](#) on May 21, 2019, to express support for WTA's and NTCA's positions on network performance testing. It said SCC members have legitimate concerns that the testing protocols outlined in the Network Testing Order are not yet ready and will not be ready in time for testing to begin in the third quarter of this year. SCC also shares NTCA's and WTA's concerns about the requirement for carriers to test outside their networks, speeds and tiers to be tested, incompatible CPE, and the starting date. SCC said more alarming is the apparent inability to correct any failed tests, especially for issues that may be outside of a carrier's control, prior to high-cost support being reduced as a penalty. SCC proposed if a company fails to meet required thresholds, rather than permanently losing vital support, such funding might simply be withheld until said thresholds are met
- AT&T filed a [letter](#) on May 21, 2019, noting last month it submitted the underlying data for the per minute and per hour latency testing it performed of its broadband subscribers, which it claimed demonstrated there was no material difference in the results from testing latency once per minute versus testing once per hour. AT&T said, per FCC staff requests, it has conducted more tests with subscribers obtaining broadband via several technologies and submitted them with this letter, requesting confidential treatment. AT&T indicated it tested almost 100 subscribers in its CAF Phase II-eligible areas that obtain broadband service via wireline and fixed wireless technologies, and it claimed these tests once again demonstrate there is no material difference in the results and the burdensome per minute latency testing is thus unnecessary.
- WISPA [met with](#) Chairman Pai's Advisor on May 23, 2019, to suggest it would be necessary, in light of the pendency of the proceeding and the need for PRA approval, for the Commission to extend the one-year deadline for CAF Phase II recipients to file evidence of discrepancies in the locations they are required to serve. It reiterated its support for allowing CAF recipients to have flexibility in the methods they use to determine "locations" for purposes of the evidentiary showing, and to have the option to include as locations new development in whole or in part if they choose. WISPA also said "relevant stakeholders" should be required to counter a CAF recipient's showing with a methodology, and not simply criticism of the CAF recipient's methodology, and should be located in the area in question and not include competitors.
- Mukluk Telephone filed a [letter](#) on May 17, 2019, to provide additional information requested by the Wireline Competition Bureau regarding the revised wireline performance commitments it filed on March 1, 2019, due to new fiber backhaul becoming available to the community of Nome. MTC indicated it also submitted to the HUBB geocoded locations in the city of Nome where it has been able to offer increased broadband data speeds. Mukluk attached a revised table showing the additional locations it is serving, including the number of locations it expects to pass at the five- and ten-year benchmarks.
- Lake County, Minnesota, a municipal corporation of the State of Minnesota, filed a [Petition](#) on May 20, 2019, seeking to relinquish its status as a Rural Broadband Experiments recipient. It said, in accordance with an MOU with the RUS, Lake County has entered into an agreement to sell its broadband network and therefore seeks to relinquish its status as an RBE support recipient and to remit to the Commission an amount of money equal to the RBE grant money received to date that Lake County has not spent in furtherance of providing and expanding broadband availability throughout its community.

- Hankins Information Technology filed a [Petition](#) on May 24, 2019, seeking a waiver of the deadline for certain winning bidders in the CAF Phase II auction to submit a letter of credit and accompanying Bankruptcy Code opinion letter to USAC. HIT said due to the death of an immediate family member of HIT's owner and sole proprietor, it was unable to obtain its letter of credit for delivery by the required deadline. HIT asked for a waiver so that the Commission may accept a late-filed letter of credit issued by a qualifying bank and HIT will not be subject to forfeiture for failure to timely submit its letter of credit and Bankruptcy Code opinion letter.

[Back to Highlights](#)

ICC

- The Wireline Competition Bureau issued a [Memorandum Opinion and Order](#) on May 21, 2019, approving the [plan](#) submitted by South Dakota Network to refund overcharges for its interstate switched access service paid by affected carriers, plus interest compounded daily, by issuing a credit on future invoices sent to the affected customers.
- AT&T filed [a letter](#) on May 21, 2019, to respond to CenturyLink's recent ex partes in support of CenturyLink's Petition that asked the Commission to declare its 2011 rules permit a provider of VoIP services to collect end office local switching access charges on over-the-top VoIP traffic, notwithstanding the D.C. Circuit's decision that vacated and remanded the Commission's prior ruling that such charges were permissible. AT&T asserted CenturyLink's filings fail to address the D.C. Circuit's criticisms of the Commission's prior Order, and this failure to provide reasonable answers to these critical issues is fatal to its request for a declaratory ruling. AT&T claimed under the 2011 rules, the LEC VoIP entities do not perform any interconnection function; instead merely place calls on the public internet. AT&T said the Commission should confirm this is the only reasonable reading of its rules and precedents and respond to the court's remand by denying CenturyLink's Petition.
- CenturyLink filed [a letter](#) on May 23, 2019, in support of its [Petition for a Declaratory Ruling](#) that over-the-top" VoIP providers and their LEC partners perform the functional equivalent of end office switching and may collect end office local switching access reciprocal compensation under the Commission's rules. CenturyLink reiterated the Commission intended in the Transformation Order for its new VoIP-PSTN framework to encompass both fixed and nomadic VoIP and adopted a safe harbor for carriers to determine the amount of traffic that would be subject to it, including end office charges. It asserted the safe harbor included over-the-top traffic. CenturyLink said none of the Commission's discussion about the safe harbor in the Transformation Order makes sense if over-the-top VoIP traffic is not subject to end office access charges.
- CenturyLink [met with](#) Chairman Pai's Advisor on May 16, 2019, to discuss CenturyLink's April 30, 2019 [submission](#) on access arbitrage. In the April 2019 submission, CenturyLink provided data in support of its recommendation that the Commission's proposal to require access stimulating LECs to choose either to bear the financial responsibility for the delivery of terminating traffic to their end office, or functional equivalent, or accept direct connections from either the IXC or an intermediate access provider of the IXC's choice should apply to all providers. CenturyLink claimed the data quantify the inefficiencies in the Commission's current framework for terminating access traffic.
- Aureon Network Services filed a [letter](#) on May 22, 2019, to offer a proposal to address access arbitrage. Aureon said it previously recommended the Commission adopt a new rule directly prohibiting arbitrage; but if the Commission determines that a direct prohibition would be difficult to enforce, it should correct the false "free" price signals received by users of access stimulating services, It claimed the record indicates that allowing IXCs and wireless carriers to pass on only one cent per minute of access costs to the access stimulating service user will achieve the Commission's objective by narrowing the price imbalance with the zero end user price exploited by arbitrageurs. It said if IXCs and wireless carriers provide an introductory message telling the end user that there will be a charge for the call, the end user will be able to weigh the costs and benefits before placing the call and prior to incurring the costs for the call.

- No replies were filed 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](#)

[Back to Highlights](#)

Broadband

- The House Committee on Energy and Commerce held a [hearing](#) on May 22, 2019, on bill [H.R. 2741](#), the "Leading Infrastructure For Tomorrow's America Act." This bill seeks to rebuild and modernize the nation's infrastructure to expand access to broadband and Next Generation 911, modernize the electric grid and energy supply infrastructure, redevelop brownfields, and protect public health and the environment, among other things. [Former FCC Commissioner Mignon Clyburn](#) testified, and suggested capital expenditures should be prioritized for communities currently without broadband capable infrastructure and determinations of where support is needed should be based on reliable and verifiable coverage maps. She also suggested the new funding provided by the proposed legislation should be restricted to those unserved areas that are not receiving funds from the CAF Phase II, the USDA's ReConnect program, or the upcoming Rural Digital Opportunity Fund.
- Reps. Markwayne Mullin (R-Okla.) and Collin Peterson (D-Minn.) [announced](#) they introduced the [Rural Broadband Network Advancement \(RBNA\) Act](#) to invest in expanding broadband access in rural areas. They said the RBNA Act establishes a new program at the FCC that would collect Network User Fees from edge providers based on the data transported over the last mile of networks and these user fees would be invested by rural broadband providers to help build, maintain, and operate robust broadband networks in high cost rural areas.
- The House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies [approved](#) by voice vote its [fiscal year 2020 Agriculture Appropriations bill](#) on May 23, 2019. Total discretionary funding in the legislation is \$24.310 billion, which is \$1 billion above the fiscal year 2019 enacted level. The bill, among other things, invests over \$680 million in the expansion of broadband service to provide economic development opportunities and improved education and healthcare services. The bill heads to the full Committee for markup. [Press release](#)
- Chairman Pai [sent letters](#) to twelve members of Congress on May 14, 2019, in response to their [letter](#) requesting answers to question about the inclusion of erroneous deployment data in the 2019 Broadband Deployment Report. Pai noted the FCC has started a comprehensive rethink of the FCC Form 477 data collection process with the goal of making sure the data is as accurate as possible. He said when the draft 2019 Broadband Deployment Report was circulated, no one in his office was aware of the erroneous information contained in BarrierFree's submission. He explained when staff learned about the inclusion of inaccurate information, they conducted a thorough review of this initial draft and made appropriate revisions to the report before recirculating a revised report to Commissioners earlier this month. Pai discussed the process for revising and reviewing the Form 477 data, and reported that staff have recently added code to identify and flag data similar to that submitted by BarrierFree.
- Chairman Pai [sent letters](#) to fifteen Members of Congress on May 14, 2019, in response to their [letter](#) on access to broadband for small businesses, especially in rural America. Pai agreed high-speed internet access is critical to economic opportunity, job creation, education, and civic engagement, saying this is why the FCC encouraged carriers to replace aging copper with fiber on an expedited basis, increased federal support for the rural healthcare program and for small, rural carriers serving high-cost areas, and held the first reverse auction for fixed broadband support, among other things. Pai also agreed that maintaining updated and accurate broadband deployment data is critical to bridging the digital divide and agreed that unlicensed spectrum in the TV white spaces promises an opportunity for new wireless broadband deployments.
- Chairman Pai [sent letters](#) to Reps. Dave Loebsack (D-IA) and Peter Welch (D-VT) on May 13, 2019, in response to their [letter](#) on affordable and reliable broadband in communities with limited access. Pai said closing the digital divide, especially in rural parts of America, is his top priority, and noted through

the CAF Phase II reverse auction, the FCC is awarding about \$1.5 billion to connect over 713,000 homes and small businesses nationwide with fixed broadband. Pai noted the FCC also reformed the A-CAM program and offered many small, rural carriers more funding in return for deploying faster broadband to more rural locations, and has begun requiring small, rural carriers that still rely on the FCC's legacy support mechanism to provide faster broadband to more rural locations. Pai also noted the FCC has established a uniform framework for measuring the speed and latency performance for recipients of CAF support.

- Commissioner Starks [spoke at](#) the Partnership for Progress on the Digital Divide at Georgetown University on May 22, 2019. Starks said he believes we are transitioning from a "digital divide" into a state of "internet inequality," noting we are rapidly moving to a 5G world that will offer lightning fast speeds. He also noted the Pew Research Center, among others, has described the digital divide as "persistent." He said the digital divide disproportionately affects certain communities and discussed the ways internet inequality has impacted America, robbing many of individual dignity, hamstringing the US economy, and weakening our democracy.
- CostQuest [met with](#) Chairman Pai's Advisor on May 28, 2019, to discuss CostQuest's experience developing geographic data reflecting broadband coverage. CostQuest described potential benefits that could accrue from the use of non-TIGER geographic features, including point or polygonal broadband coverage. It said there may also be negative factors that could impact the utility of non-TIGER polygon-based coverage if the methods used to derive the broadband coverage polygons are unclear, the source data are not directly causal to broadband service, the testable attribute that the polygons reflect is unclear, and the effort or quality checks are insufficient. It noted two other challenges; polygons do not necessarily lend themselves to quantifying and demonstrating the number of unserved locations and polygonal coverage may lead to an administrative challenge in managing feedback at the address or location level.
- USTelecom, Frontier, AT&T, Verizon, and CenturyLink [met with](#) Chairman Pai's Advisor on May 20, 2019, to discuss its [Petition for Forbearance](#). They reiterated that consumers will not lose access to voice or broadband service as a result of the Commission granting forbearance from network unbundling and ILEC-specific resale requirements. They said USTelecom members have committed to making available commercial or alternative replacement services for those locations that are presently served via UNEs and the transition will not be abrupt. They also said to address any concerns about service in rural areas that lack multiple competitors, USTelecom recently submitted a detailed proposal for the Commission to limit relief at this time to areas subject to facilities-based competition.
- Windstream filed a [letter](#) on May 23, 2019, to respond to claims by Verizon regarding Windstream's transition agreement with USTelecom. Windstream said the agreement reflects Windstream's desire to protect the interests of its customers. Windstream asked the Commission, if it grants USTelecom's Forbearance [Petition](#), to specify that UNE providers must work expeditiously to assist wholesale customers with the transition away from UNEs and declare that a failure to process grooming requests in a timely manner, or the introduction of undue delays in the grooming process, constitutes an unjust or unreasonable practice.
- WorldNet Telecommunicators filed a [letter](#) on May 24, 2019, to respond to Puerto Rico Telephone Company's April 26 [letter](#) that expressed support for USTelecom's Forbearance [Petition](#). WorldNet said PRTC has tried to cast WorldNet as unduly litigious in its efforts to improve PRTC's service in Puerto Rico, but claimed PRTC made sure that litigation was the only way to improve PRTC service quality or to obtain PRTC's compliance with some of the most basic requirements of federal and Puerto Rican law. WorldNet also said it is misleading and false for PRTC to now claim that the elimination of these unbundling requirements, through forbearance, would have no negative impact on Puerto Rico.
- Connected Nation [met with](#) Chairman Pai's Special Counsel, Advisors to Commissioners O'Rielly, Starks, and Rosenworcel, and Wireline Competition Bureau staff on May 15 and 16, 2019, to discuss Form 477. Connected Nation urged the Commission to take into consideration longstanding state-level mapping programs, like those administered by Connected Nation in states like Kansas and Minnesota, and build upon those successes and lessons learned to create a much more granular and accurate National Broadband Map. Connected Nation asserted its mapping projects offer proven examples of

where granular polygons, contained within shapefiles, have been created to depict service availability footprints, which are derived from a given provider's network capabilities in given area.

- ALLvanza [met with](#) Commissioner Carr on May 16, 2019, to discuss mapping and reporting of broadband availability and net neutrality. ALLvanza discussed the need for accurate broadband mapping to ensure that federal subsidies are targeted to the areas of greatest need. ALLvanza encouraged the FCC to consider NCTA's proposal for improving the mapping issue, asserting NCTA's proposal would fix many of the issues with reporting and mapping in an efficient and timely manner. ALLvanza said the net neutrality solution should be a newly-developed, bipartisan solution and not a reliance on outdated regulatory policy, such as Title II. It [also met](#) with Commissioner O'Rielly and his Legal Advisor to discuss the same issues.
- The Wireline Competition Bureau issued a [Public Notice](#) on May 20, 2019, announcing the revised pole attachment access rules, including "one touch make ready," which were adopted in the August 2018 [Third Report and Order and Declaratory Ruling](#), are effective May 20, 2019. The Bureau said on April 15, 2019, the Commission received OMB approval for the revised pole attachment access rules, and the Federal Register published the announcement of OMB approval on April 19, 2019.
- Crown Castle International [met with](#) Commissioner Carr's Legal Advisor on May 21, 2019, to discuss the implementation and impact of the [Declaratory Ruling and Third Report and Order](#) on wireless infrastructure, with particular emphasis on those issues and jurisdictions where the Order has had a positive effect in assisting with wireless facility deployment. Crown Castle also discussed areas where challenges remain, including issues with timely access to electrical power and unreasonably high fees for application review, among other things.
- The FCC issued a [Public Notice](#) on May 20, 2019, announcing it has re-chartered its Technological Advisory Council for a two-year term commencing on May 17, 2019. The FCC also announced the members of the TAC. The TAC will consider and advise the Commission on a variety of topics, such as the deployment of 5G technology, the evolution of broadband networks and devices, and their implications, among other things. The next meeting of the TAC will be held on June 21, 2019.

[Back to Highlights](#)

Universal Service

- An FCC [Notice](#) was published in the Federal Register on May 24, 2019, to announce the establishment of a computer matching program the FCC and USAC will conduct with agencies from the States of Georgia and Iowa. The purpose of this matching program is to verify the eligibility of applicants to and subscribers of the Lifeline program. Comments are due June 24, 2019. This matching program will begin on June 24, 2019, unless comments are received that require a contrary determination, and will conclude on November 24, 2020.
- The FCC released an [Order](#) on May 20, 2019, suspending its rule allowing for multi-year commitments in the Healthcare Connect Fund for FY 2018 and directing USAC to process these requests as single-year funding requests. The Commission said this action will ensure that rural health care providers can continue to obtain critical communications-based technologies for the delivery of health care services to their communities.
- An FCC [Notice](#) was published in the Federal Register on May 24, 2019, seeking Paperwork Reduction Act comments on a revision of a currently approved information collection associated with FCC Forms 460, 461, 462, 463, 465, 466, and 467 (Rural Health Care Program). The Commission seeks OMB approval of a revision (change in reporting and recordkeeping requirements) to this information collection. PRA comments are due June 24, 2019.
- Chairman Pai sent a [letter](#) to five Members of Congress on May 13, 2019, to respond to their [letter](#) asking for information about the current state of enrollment in the Lifeline program and the Lifeline

National Eligibility Verifier. Pai said both the Commission and USAC have made significant progress in rolling out the National Verifier and are working to meet the December 2019 deployment timeframe.

- Sens. Brian Schatz (D-Hawaii), Tim Kaine (D-Va.), and Lisa Murkowski (R-Alaska) [introduced](#) a bill on May 22, 2019, entitled “The Expanding Capacity for Health Outcomes Act of 2019” (ECHO 2019 Act) to increase access to health care services in rural areas by expanding the use of technology-based collaborative learning and capacity building models. The bill would create a program to provide grants and technical assistance to further develop and evaluate the ECHO model and other similar models. The grants would be used for: equipment to support the use and expansion of the models, including for the secure exchange of electronic health information; support for health care providers that provide services under these models; instructional programming and training; and information collection and evaluation activities to study the impact of such models. [Fact sheet](#) (Text of the bill not yet available.)
- Central Texas Telephone Cooperative, Peoples Telephone Cooperative, and Totelcom Communications filed a [Petition](#) on May 22, 2019, to urge the Commission to initiate a rulemaking proceeding to consider amending Part 54, specifically with respect to the E-rate program competitive bidding requirements, to include safeguards which would discourage overbuilding of existing federally supported fiber networks.
- TracFone [met with](#) Chairman Pai’s Advisor on May 20, 2019, to discuss the rollout of the National Lifeline Verifier and TracFone’s [proposal](#) to assist USAC by providing Medicaid eligibility data to confirm applicants’ Lifeline eligibility. TracFone also reiterated its request that the Commission direct USAC to accept documentation produced through third parties’ automated access to state databases. TracFone also met with Commissioner Carr’s Advisor on May 20, 2019, to discuss its MCO interim proposal and to receive an update on the Commission’s Notice of Inquiry on Telehealth for Low Income Consumers.
- Alaska Communications [met with](#) Wireline Competition Bureau staff on May 16, 2019, to discuss its Rural Health Care reform proposals, including establishing an administratively manageable set of guidelines for the rural rate, eliminating cost-based justifications for competitively bid rates, and increasing the overall budget for the Rural Health Care program. ACS attached a report entitled “Tele-Health Requirements and Bandwidth Utilization: Evaluating Demands for Rural Health Care Support Over Time,” which it claimed further supports the need for increased support for the rural health care program.
- Ochsner Health System met separately with [Chairman Pai’s Advisor](#) and Commissioner [Carr](#) and his Legal Advisor on May 16, 2019, to discuss its experiences with connected care. It expressed support for the Commission’s interest in piloting telehealth programs that can markedly advance the delivery of healthcare to the public.
- WorldNet Telecommunications filed a [letter](#) on May 24, 2019, to discuss restoration of service in Puerto Rico. WorldNet said in the past it has urged the Commission to adopt a process for second stage funding that enables competitive providers, like WorldNet, to have a real and material role in the rebuilding process for Puerto Rico. WorldNet said the Commission’s funding decisions should be focused not just on re-building and expanding physical networks, but on fostering a diverse, competitive market place in the areas of Puerto Rico that will most contribute to Puerto Rico’s long term recovery, growth, and transformation.
- To date, no comments have been filed on Reservation Telephone and CenturyLink study area waiver petition in North Dakota. Replies due June 24 [Public Notice](#)
- No replies were filed 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](#)

[Back to Highlights](#)

Misc.

- Cass Telephone filed a [Petition for Waiver](#) on May 21, 2019, of the May 1, 2019 deadline for RLECs authorized to receive A-CAM support to notify the Wireline Competition Bureau that Cass has taken the BDS election to migrate its BDS offerings to a reduced regulatory framework effective July 1, 2019. Cass indicated it notified NECA by March 1, 2019, that it would take the BDS election, would exit the NECA Tariff No. 5 for its BDS, and will offer its BDS via the soon-to-be-filed NECA Tariff No. 6. Cass said it mailed its BDS election letter to the WCB on April 19, 2019, but due to an addressing error, it sent the election notice to the FCC's old address. Cass said it was unaware of the error until NECA notified it. It requests this waiver to allow NECA to include Cass in its upcoming Tariff No. 6 filing.
- Magna5 RTC, d.b.a. Richmond Telephone, filed a [Petition for Waiver](#) of the May 1, 2019 deadline for notifying the Wireline Competition Bureau of its intent to elect incentive regulation for its BDS offerings. It is a recipient of A-CAM support and notified NECA by March 1, 2019, of its intent to take the BDS election and not participate in NECA's upcoming traffic sensitive tariff filing. Magna5 said it was not aware the WCB had not received the notification letter until NECA notified it on May 20, 2019, and now requests the Bureau waive the March 1, 2019 deadline.
- Chairman Pai [spoke at](#) the National Association of Attorneys General Consumer Protection Spring Conference on May 20, 2019, on the topic of robocalls. He said combatting unwanted robocalls is the FCC's top consumer protection priority. He noted the FCC has: authorized carriers to block robocalls from certain spoofed numbers; authorized the creation of a reassigned numbers database; demanded that phone carriers establish a robust call-authentication framework by the end of this year; taken aggressive enforcement action against those who unleash robocalls on consumers; and been working with Congress to pass anti-robocall legislation. Pai discussed his proposal to allow phone companies to establish call-blocking services as a default setting for consumers or offer consumers the option of using their own contact list as a "white list," and an FNPRM proposing a safe harbor for carriers that block phone calls that aren't properly authenticated under the caller ID technical framework that's being developed, called SHAKEN/STIR.
- Chairman Pai issued [a statement](#) on May 23, 2019, commending the Senate for passage of the [Telephone Robocall Abuse Criminal Enforcement and Deterrence \(TRACED\) Act](#) (S151) and Senators Thune (R-S.D.) and Ed Markey (D-Mass.) for leading the bipartisan effort. He said the FCC would welcome the additional tools in the Act to fight robocalls, such as increased fines, longer statutes of limitations, and removing citation requirements that obligate the FCC to warn some robocallers before penalizing them. He said the FCC would also welcome the Act's provisions that would increase coordination with state Attorneys General. Senators Thune, Markey, and Roger Wicker (R-Miss.) issued a [press release](#). Commissioner Carr also issued [a statement](#). The bill now goes to the House for consideration.
- The FCC issued a [news release](#) on May 23, 2019, to announce Chairman Pai met with Oklahoma Attorney General Mike Hunter to discuss robocalls. Pai said "Combatting illegal robocalls and spoofing scams is my top consumer protection priority as FCC Chairman – and I'm grateful for the work of partners like Attorney General Hunter in combatting fraud and fighting scams." Pai also met with Department of Corrections officials to tour a prison and talk about what tools the state prison system needs to combat contraband cellphones and made a stop at the East Central Electric Coop in Okmulgee to discuss rural broadband deployment initiatives and the \$22.2 million the company is receiving as part of the FCC's Connect America Fund.
- NTCA [met with](#) Advisors to Chairman Pai and Commissioners [Rosenworcel](#), [O'Rielly](#), and [Carr](#) on May 21 and 22, 2019, to discuss robocalls and the draft Declaratory Ruling. NTCA stated that absent strong and clear "guardrails" to ensure that rural consumers' calls will not be blocked solely based on the lack of caller-ID authentication and that only unwanted and illegal calls are blocked, rural consumers could be thrust into a "reverse call completion" scenario that will threaten the concept of universal service and connectivity. NTCA said the proposed "opt-out" call blocking rule has the potential to confuse and frustrate consumers and is not necessary at this time, suggesting that if the Commission adopts the "opt-out" rule, it must include safeguards to protect consumers. NTCA argued under no circumstances should any call be blocked based on the lack of SHAKEN/STIR authentication alone, and said the Commission should recognize the barriers to implementation of SHAKEN/STIR for rural operators.

- Oppositions and comments were filed on May 22, 2019, on Petitions for Reconsideration of the Reassigned Numbers Database [Order](#) filed by [CCA, et al.](#) and the [Professional Association for Customer Engagement](#). NCTA opposed PACE's Petition, stating the proposed changes to the Commission's rules would reduce the effectiveness of the RND. [Noble Systems](#) supported the PACE Petition, stating the Commission should modify its rules as suggested by PACE and should avoid defining regulations that go beyond addressing unwanted calls to consumers by mandating the RND maintain business and toll free numbers. [Somos](#) opposed the CCA, et al., stating their concerns do not warrant delaying the launch of the RND or a bid for a combined NANPA/PA. Comments were also filed by [Somos](#) in support of the PACE Petition, and [Netnumber](#) in support of the CCA et al. Petition.
- Microsoft [met with](#) Advisors to Chairman Pai and Commissioners O'Rielly, Starks, Rosenworcel, and Carr, and staff from the Wireline Competition Bureau and Office of Economics and Analytics on May 16 and 17, 2019, to discuss unlawful robocalls and caller ID fraud. Microsoft raised concerns about the possibility that voice providers may implement SHAKEN in a nonuniform manner, which it claimed could increase the difficulty for calling service providers to build originating calling services that comply with each provider's differing approach to ensure their outbound calls receive the proper designation and termination, and could lead to customer confusion. It said it will be important to ensure that all technologies and communications business models have a path forward to obtaining the highest level attestation under the SHAKEN standard. Microsoft also cautioned that the Commission's draft proposal to permit call blocking on an opt-out basis would likely result in legitimate calls being blocked inadvertently, including calls that are important to the well-being of consumers.
- Numeracle [met with](#) Commissioner O'Rielly's Legal Advisor on May 20, 2019, to discuss the Commission's efforts to combat illegal and unwanted robocalls and authentication caller ID technologies. It expressed concerns about the use of analytics by voice service providers to perform default blocking on an opt-out basis for consumers, saying this use of the varied analytics would create inconsistencies as identical lawful calls from the same caller are rated inconsistently, even by the same analytics entity. Numeracle suggested the Commission define the terms "illegal call" and "unwanted call" in the draft Order, claiming STIR/SHAKEN was designed to provide consistent traceback to determine the originating carrier, but does not determine whether a call is legal or illegal, or wanted or unwanted. It supported providing customers with accurate labeling information so they can make informed decisions about whether to answer a call or have certain categories blocked based on their individual preferences.
- The FCC published a [Notice](#) in the Federal Register on May 24, 2019, to announce comment and reply dates for the [Public Notice](#) asking how to structure an auction to distribute certain toll free numbers in the new 833 toll free code. Comments are due June 3, 2019; replies are due June 10, 2019.
- The FCC issued a [Public Notice](#) on May 22, 2019, announcing the North American Numbering Council will hold a meeting on June 20, 2019. At this meeting, the NANC will consider and vote on a recommendation from its Numbering Administration Oversight Working Group for the annual NANP budget and contribution factor and the Interoperable Video Calling Working Group will report on its progress in developing recommendations for the NANC's future consideration.
- InterCarrier Networks and Great Plains Communications filed [an Application](#) on May 20, 2019, for consent to transfer control of a domestic section 214 authorization to consummate a transaction whereby GP Communications will acquire direct control of InterCarrier. They claimed the transaction will not result in any loss or impairment of service for ICN or for any of the GP Communications customers, and will have no adverse effects upon competition in Illinois, Indiana, Kentucky, Nebraska, Colorado, Kansas, South Dakota, or the rest of the United States.
- The FCC issued a [News Release](#) on May 22, 2019, stating the Consumer and Governmental Affairs Bureau Chief Patrick Webre announced the appointment of Zac Champ as Chief of Staff and Diane Burstein as Deputy Bureau Chief. Ms. Burstein joins the FCC from NCTA, where she served as Vice President and Deputy General Counsel. Mr. Champ joined the FCC from the Wireless Infrastructure Association where he led the regulatory and legislative group as Vice President for Government Affairs.

- The Consumer and Governmental Affairs Bureau [issued three Orders](#) on May 24, 2019, granting four complaints alleging Roman LD and Peak Communications changed complainants' telecommunications service providers without obtaining authorization and verification from complainants in violation of the Commission's rules. The Bureau said Roman and Peak must remove all charges incurred for service provided to complainants for the first 30 days after the alleged unauthorized change.

[Back to Highlights](#)

Upcoming Filing Dates

- 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](#)
- May 28 - Replies due on the [Public Notice](#) seeking focused additional comment in Business Data Services and USTelecom Forbearance petition proceedings. [Public Notice](#) extended reply dates.
- May 31 - PRA comments due on a revision of a currently approved information collection associated with FCC Form 481. The FCC proposes to revise this information collection, as well as Form 481 and the accompanying instructions, to reflect the adoption in the March 2018 Rate-of-Return Order of section 54.313(f)(4). [Notice](#)
- June 3 – Comments due on the [Public Notice](#) asking how to structure an auction to distribute certain toll free numbers in the new 833 toll free code. Replies are due June 10, 2019. [Notice](#)
- June 7 - Comments due on the North American Numbering Council's [Additional Findings Report on Nationwide Number Portability](#) that analyzes the technical requirements for two proposals to implement NNP: National Local Routing Number and Internet Protocol Local Routing Number. [Public Notice](#)
- June 7 - Comments due on the [NPRM](#) on the assessment and collection of regulatory fees for FY 2019. Replies are due June 24, 2019.
- June 10 – Replies due on the [Public Notice](#) asking how to structure an auction to distribute certain toll free numbers in the new 833 toll free code
- 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 24 - Replies due on the [NPRM](#) on May 8, 2019, seeking comment on the assessment and collection of regulatory fees for FY 2019.
- June 24 - PRA comments due on a revision of a currently approved information collection associated with FCC Forms 460, 461, 462, 463, 465, 466, and 467 (Rural Health Care Program). [Notice](#)
- June 24 - Comments due on the computer matching program the FCC and USAC will conduct with agencies from the States of Georgia and Iowa. [Notice](#)
- 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](#)

- July 19 - PRA comments due on an extension of a currently approved information collection associated with telephone number portability rules (sections 52.21 through 52.36). [Notice](#)

[Back to Highlights](#)

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