

NECA's Weekly Federal Regulatory Summary

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June 3, 2019 HIGHLIGHTS

- The FCC issued the [agenda](#) for its June 6, 2019 Open Meeting. The FCC will consider three items, including a [Declaratory Ruling and Third FNPRM](#) clarifying that voice service providers may block illegal and unwanted calls as the default before they reach consumers' phones, and proposing a safe harbor for providers who block calls that fail call authentication, while ensuring that emergency and other critical calls reach consumers.
- The FCC released an [NPRM](#) proposing to establish an \$11.42 billion cap on the Universal Service Fund, which is the sum of the authorized budgets for the four USF programs in 2018. Comments are due 30 days after publication in the Federal Register; replies due 60 days after FR.
- The Wireline Competition Bureau [announced](#) a delay in the requirement to begin testing and reporting of broadband speed and latency results until the first quarter of 2020.
- The Wireline Competition Bureau [announced](#) it is ready to authorize CAF Phase II support for certain New York winning bidders identified in Attachment A of its Public Notice. Applicants listed in the attachment must file letters of credit and Bankruptcy Code opinion letters by June 11, 2019.
- The Wireline Competition Bureau issued an [Order](#) granting petitions filed by [Cass Telephone](#) and [Magna5 RTC](#) for waiver of the rule requiring rate-of-return carriers to notify the Bureau by May 1, 2019, of their intention to elect incentive regulation for their business data services.
- The FCC released its [2019 Broadband Deployment Report](#) finding the digital divide has narrowed substantially and finding for a second consecutive year that advanced telecommunications capability is being deployed on a reasonable and timely basis. [News release](#)
- USTelecom, AT&T, et al. [discussed](#) the FCC Form 477 proceeding and broadband mapping.
- [Reply comments were filed](#) on the [Public Notice](#) seeking focused additional comments in the Business Data Services and USTelecom Forbearance Petition proceedings.
- The Wireline Competition Bureau [approved](#) NECA's [2019 Modification of Average Schedules](#). The formulas will become effective July 1, 2019, and will remain in effect through June 30, 2020.
- ATIS [announced](#) its selection of iconectiv as Policy Administrator of the SHAKEN/STIR call authentication framework. Chairman Pai issued [a statement](#).
- Numerous ex partes were filed on the draft Declaratory Ruling on robocall blocking. NTCA [suggested](#) edits to the draft.
- The FCC released its 21st Universal Service Monitoring [Report](#).
- USAC filed the [Federal USF Support Mechanisms Quarterly Contribution Base for Third Quarter 2019](#).

Other Key Upcoming Dates

- June 7 - Comments [due](#) on the NANC's [Additional Findings Report on Nationwide Number Portability](#).
- June 7 - Comments due on the [NPRM](#) on FY 2019 regulatory fees. Replies due June 24, 2019.

USF Reform

- The FCC released a [Notice of Proposed Rulemaking](#) on May 31, 2019, seeking comment on establishing an \$11.42 billion cap on the Universal Service Fund, which is the sum of the authorized budgets for the four USF programs in 2018. The NPRM seeks comment on: setting a different cap; adjusting the cap over time; implementing the cap; extending Commission projections further than one year to better anticipate potential spending over the cap; how to reduce expenditures if USAC projects disbursements will exceed the overall USF cap; possible changes to the budget structures of the individual programs in order to establish a maximum level of support that can be disbursed annually; prioritizing the funding among the four programs and other possible universal service pilots or programs where USAC projects that total disbursements will exceed the overall cap; and how to account for additional duties or obligations the Commission might create in other proceedings that potentially would cause projected expenditures to exceed the cap. Comments will be due 30 days after publication in the Federal Register; replies due 60 days after FR.
- The Wireline Competition Bureau issued a [Public Notice](#) on May 30, 2019, announcing a delay in the requirement to begin testing and reporting of broadband speed and latency results until the first quarter of 2020. Per the July 2018 Network Testing [Order](#), carriers subject to broadband service performance measures were to begin testing in the third and fourth quarters of 2019 and report these results with an accompanying certification by July 1, 2020. The Bureau said, in light of issues raised in petitions for reconsideration and applications for review of the Order, the need for additional technical development of the interfaces required, and the requirement for Paperwork Reduction Act approval, the requirement that carriers begin testing will be delayed until the first quarter of 2020.
- The Wireline Competition Bureau issued a [Public Notice](#) on May 28, 2019, announcing it is ready to authorize CAF Phase II support for the New York winning bidders identified in Attachment A of this Public Notice. The Bureau said to be authorized to receive the total 10-year support amounts listed in Attachment A, the long-form applicants identified in that attachment are required to submit acceptable irrevocable standby letter(s) of credit and Bankruptcy Code opinion letter(s) from their legal counsel in accordance with the instructions provided below prior to 6:00 p.m. ET on June 11, 2019. The Bureau said FCC staff is reviewing information that is submitted with long-form applications on a rolling basis and an applicant not included in this Public Notice but that has submitted all of the required information will be included in a future Public Notice once Commission staff finalizes its review of the long-form application.
- Chairman Pai sent [letters](#) to Sens. Edward J. Markey (D Mass.) and Elizabeth Warren (D Mass.) and Reps. Jim McGovern (D Mass.) and Richard E. Neal (D Mass.) on May 24, 2019, in response to their letter on the CAF Phase II auction. Pai said this auction will allocate \$1.488 billion to expand high-speed broadband to more than 700,000 unserved rural homes and small businesses over the next 10 years. He noted Westfield Gas and Electric won more than \$10 million in the auction and promises to bring high-speed broadband to unserved areas, indicating FCC staff are reviewing Westfield's long-form application.
- Northern Valley Communications filed a [letter](#) on May 31, 2019, to inform the FCC it has reviewed the competitive overlap data associated with offers of the latest version of A-CAM and found it incorrectly shows Northern Valley as providing competitive service in study areas served by adjacent RoR carriers. Northern Valley said it does not provide voice service as an unsubsidized competitor in the study areas served by Interstate Telecommunications and Venture Communications. It said the inaccuracies could be remedied by the inclusion of voice deployment information on Form 477, and the voice subscription data it filed on Form 477 indicates no voice subscriptions in these study areas. Northern Valley said it is in the public interest for the Bureau to make the appropriate adjustments to A-CAM II and release revised A-CAM II offers to these two companies.
- JSI [spoke with](#) Chairman Pai's Advisor on May 24, 2019, to discuss A-CAM support issues and to seek guidance regarding questions JSI has received from clients who are considering electing A-CAM II when their due diligence reveals that the actual number of locations in supported census blocks are significantly less than the number shown in the model. JSI sought assurances that these companies will have A-CAM support reduced as contemplated in paragraph 34 of the 2016 [Reform Order](#)

according to a waiver process or other appropriate mechanisms the FCC establishes, as opposed to being penalized because they are unable to deploy to the number of locations specified in the model.

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Broadband

- The FCC released its [2019 Broadband Deployment Report](#) on May 29, 2019, finding the digital divide has narrowed substantially and finding for a second consecutive year that advanced telecommunications capability is being deployed on a reasonable and timely basis. The report found that since the Commission's last broadband deployment report, the number of Americans lacking a connection of at least 25 Mbps/3 Mbps has dropped from 26.1 million Americans to 21.3 million Americans, a decrease of more than 18 percent. The report said the majority of those gaining access to such connections are located in rural America. It also reported the number of Americans with access to at least 250 Mbps/25 Mbps broadband grew in 2017 by more than 36 percent, to 191.5 million, and the number of rural Americans with access to such broadband increased by 85.1 percent. [News Release](#)
- Chairman Pai sent letters to members of Congress representing [Kansas](#), [South Dakota](#), [Michigan](#), [Wisconsin](#), and [North Dakota](#) on May 23, 2019, in response to their letters on broadband mapping. Pai said the Commission initiated a new data collection for mobile broadband coverage as part of the Mobility Fund Phase II and began a review of the Form 477 process to ensure that broadband data was more accurate, granular, and useful to the Commission and the public. Pai said a public feedback mechanism could improve the Commission's broadband coverage maps and Form 477 data, suggesting the Commission's Speed Test App is one way that consumers can currently participate in collecting data about broadband deployment.
- The House Committee on Small Business' Subcommittee on Contracting and Infrastructure [held a hearing](#) on May 30, 2019, on "Small Businesses and Their Limitations Without Reliable Access to Rural Broadband." The hearing focused on broadband deployment efforts in rural America and the challenges small firms in those areas face without reliable broadband services. Witnesses included: [Adam Artz, Realty Executives](#); [Marc Johnson, East Central Minnesota Educational Cable Cooperative](#), [Greg Carlson, Cambridge Presbyterian Homes](#), and [Matt Crescenzo, Bulltear Industries](#).
- USTelecom, AT&T, CenturyLink, Verizon, CostQuest, ITTA, WISPA, Frontier, Riverstreet, Chariton Valley, TDS, Windstream, and Consolidated [spoke with](#) staff from the Wireline Competition Bureau, the Office of Economics and Analytics, and the FCC Rural Broadband Auctions Task Force on May 23, 2019, to discuss the FCC Form 477 proceeding and the Broadband Mapping Consortium's broadband fabric mapping proposal. They attached slides they said demonstrate the creation of a national broadband serviceable location fabric is realistic and necessary to ensure there is an accurate map of where rural consumers are located.
- Reply comments were filed on May 28, 2019, on the [Public Notice](#) seeking focused additional comment in the Business Data Services and USTelecom Forbearance Petition proceedings. [USTelecom](#) asserted the FCC should grant the aspects of USTelecom's Petition on which it has not yet ruled, and forbear from enforcing onerous legacy rules that no longer have a place in the modern U.S. communications marketplace. [Verizon](#) said the FCC should grant forbearance from unbundling and section 251(c)(4) resale obligations nationwide, suggesting at a minimum, the Commission should grant forbearance from these obligations consistent with the narrower framework that USTelecom proposed. [CenturyLink](#) said the FCC should adopt its proposal in the BDS proceeding to continue to exempt price cap carriers' TDM transport services from ex ante pricing regulation on a nationwide basis. CenturyLink also said the Commission should grant USTelecom's request to forbear from price cap carriers' unbundling obligations nationwide, and, in any case, must forbear from DS1 and DS3 unbundling in any area in which it has eliminated ex ante pricing regulation for the corresponding business data services. [The California PUC](#) urged the FCC not to utilize the BDS Data Collection and not to rely on comments filed by the ILECs as bases to support USTelecom's request for forbearance. The CPUC claimed the ILECs' comments raise issues and arguments well beyond the scope

requested by the Public Notice, and asserted that introducing the significant new proposals, data, and arguments at this point in the forbearance proceeding violates the Commission's "complete-as-filed" rule. [All replies available to date](#). [Public Notice](#)

- USTelecom filed a [letter](#) on May 24, 2019, to further clarify issues contained in its May 6, 2019 [ex parte](#) on its [Petition for Forbearance](#). USTelecom discussed the application of the public interest standard in forbearance proceedings, and claimed the record demonstrates that forbearance will help restore competitive neutrality, eliminate market distortions, and restore incentives for all providers to invest in next-generation network facilities. USTelecom asserted 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. It also discussed the definition of "digital DSOs," 911 services, dark fiber unbundling, and section 251(c)(4) avoided cost resale.
- INCOMPAS, Socket Telecom, First Communications, Digital West, and Allstream [met with](#) Wireline Competition Bureau and the Office of Economics and Analytics staff on May 23, 2019, to discuss the importance of unbundled transport circuits to competitive providers' build-out of their own fiber networks and the benefits of competition to business and residential customers in unserved and underserved areas that unbundled transport enables.
- ALLvanza [met with](#) Commissioner Rosenworcel on May 28, 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. ALLvanza also discussed cable franchise fees, privacy, and legacy regulations for cable programmers.
- The Association of American Railroads [met with](#) Commissioner Rosenworcel's Chief of Staff and Senior Legal Advisor on May 28, 2019, to discuss what it says are the numerous procedural and substantive deficiencies in Article 5 of the State Model Code for Accelerating Broadband Infrastructure Deployment and Investment adopted by the Commission's Broadband Deployment Advisory Committee. AAR claimed Article 5 was drafted and approved without meaningful consultation from the railroad industry, the Surface Transportation Board, or the Federal Railroad Administration, and asserted Article 5 threatens safe railroad operations and forces the railroad industry into commercial arrangements that effectively subsidize broadband and other utility companies.

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Robocalls

- ATIS [announced](#) its selection of iconectiv as Policy Administrator of the SHAKEN/STIR call authentication framework. ATIS indicated as the STI-PA, iconectiv will apply and enforce the rules as defined by the STI-GA to operationalize the SHAKEN framework to ensure that STI certificates are only available to authorized service providers based on rules defined by the STI-GA, and will also ensure that STI Certification Authorities perform all security functions specified to maintain the integrity of the SHAKEN framework. Chairman Pai issued [a statement](#) on May 30, 2019, saying "Unwanted robocalls are American consumers' number one complaint to the FCC. Many of these robocalls are made by scammers who mask their identity, harass consumers, and seek to defraud vulnerable communities. 'Call authentication' is critical for protecting consumers against these calls. . . I appreciate ATIS's work on this issue and look forward to seeing deployment of SHAKEN/STIR by major carriers this year."
- NTCA [met with](#) Commissioner Starks' Legal Advisor on May 30, 2019, to suggest edits to the draft Declaratory Ruling scheduled for the Commission's vote on June 6, 2019, on robocall blocking to protect rural consumers' from "false positives" that may limit their ability to place or receive calls. NTCA said the Commission should make clear that any call blocking authority it adopts does not allow any provider to label a call as suspicious, unwanted or illegal, and thus eligible for blocking, based merely

on the lack of SHAKEN/STIR authentication. NTCA also urged the Commission to gather a complete record via the Third FNPRM to examine the ramifications of a “safe-harbor” and to examine other steps the agency can take to enable rural carriers’ adoption of call-authentication technology.

- CTIA, USTelecom, and representatives of voice service providers [met with](#) staff of Chairman Pai and Commissioners O’Rielly, Carr, Rosenworcel, and the Consumer and Governmental Affairs Bureau on May 28 and 30, 2019, to express support for the draft Declaratory Ruling on robocall blocking. They claimed the Ruling would merely confirm that service providers can offer call blocking tools on an opt-out basis. They requested the Commission make the following clarifications in the draft Declaratory Ruling: that voice service providers may identify unwanted calls based on any reasonable analytics, as described in paragraph 33 of the draft Declaratory Ruling; that the focus is consumer-facing call-blocking tools offered by voice service providers, as opposed to network-level blocking programs; and either clearly define which calls may be part of the emergency communications system or ensure voice service providers have flexibility to determine which calls are validly part of the emergency communications system based upon reasonable analytics. They also encouraged the Commission to adopt a robust, broad safe harbor.
- Microsoft, Google, Twilio, and the Voice on the Net Coalition [met separately with](#) Advisors to Chairman Pai and Commissioners Rosenworcel, O’Rielly, and Starks and Consumer and Governmental Affairs Bureau staff on May 29, 2019, to assert the Declaratory Ruling is right to clarify that service providers can block clearly unlawful calls, but it goes much further by suggesting that service providers can also block “unwanted” calls. VON recommended the FNPRM be used to gather comments and build a set of rules that will protect consumers both from unlawful and unwanted calls and from erroneous blocking. It recommended that: call recipients be provided a list of blocked calls so they can opt-out of call blocking; and calling parties and/or their service providers be provided a mechanism to identify and remedy the blocking of wrongfully blocked calls. VON also suggested the Commission make the specific edits listed on Attachment A.
- [West Telecom Services](#) said the Commission’s use of an expedited Declaratory Ruling to implement default call blocking could itself increase overzealous call blocking and harm the very consumers whom the Commission is trying to protect. It argued there is a real risk that large vertically-aligned providers would implement call blocking processes that favor the completion of their own notification calls and inhibit completion of notification calls of unaffiliated carriers and messaging providers. West requested the Commission recast the draft Declaratory Ruling and incorporate it in the Third FNPRM and, urged the Commission to examine the implications of the proposed blocking rules and to provide specific direction with respect to call blocking practices to avoid discrimination and anticompetitive outcomes, as well as harm to the public interest for blocking of important and desired notification calls and messages. [Link to other ex partes.](#)
- Numeracle and Appriss [met separately with](#) Advisors to Chairman Pai and Commissioner Rosenworcel and staff from the Consumer and Governmental Affairs Bureau on May 28, 2019, to express concerns about the use of analytics by voice service providers to perform default blocking on an opt-out basis for consumers. They asserted this use of varied analytics would create inconsistencies, as identical lawful calls from the same caller are rated inconsistently even by the same analytics entity. They claimed STIR/SHAKEN is not a solution to identify “legal vs. illegal” or “wanted vs unwanted” calls. They said the even more pressing need is the ability for legal callers to identify to carriers and their analytics partners that they are making lawful and proper calls from telephone numbers they are authorized to use.
- PRA Group filed [a letter](#) on May 29, 2019, to assert overbroad call mislabeling and blocking has been a serious, ongoing problem since the Commission’s November 2017 Call Blocking Order. It claimed since that time, a meaningful volume of PRA’s lawful live voice calls have been mislabeled as suspect and thus have been blocked. PRA said in light of the infirmities in the draft Declaratory Ruling and the failure of the Commission to provide adequate notice of its approach, it encouraged the Commission to withdraw the draft from consideration and use the record in this proceeding to develop cogent and supportable solutions to the problem of illegal robocalls that do not have the collateral effect of blocking the transmission or receipt of lawful calls.

- A group of eight small and medium-sized competitive providers of interconnected VoIP and other voice services filed [a letter](#) on May 29, 2019, in support of the draft Declaratory Ruling that would affirm that voice providers may offer robocall blocking tools to new or existing customers on an informed opt-out basis. They said the Commission's adoption of this Declaratory Ruling would empower providers like them, including other members of ACA Connects, to do more to shield their customers from the ceaseless torrent of robocalls.
- ACA Connects [met with](#) Commissioner Carr's Advisor on May 22, 2019, to expressed its support for adoption of the [Declaratory Ruling](#) that affirms voice providers' ability to offer robocall blocking services to customers on an informed opt-out basis. ACA Connects proposed a revision to the text of the draft to affirm that call-blocking programs may employ third-party call-blocking technologies. ACA Connects also discussed the Connected Care proceeding.
- Noble Systems filed [comments](#) on May 28, 2019, on the draft [Declaratory Ruling and Third FNPRM](#) that proposes to allow carriers to block robocalls on an "opt-out" basis and seeks comment on a safe harbor for carriers blocking calls using SHAKEN/STIR. Noble Systems said the Declaratory Ruling creates an obvious, fundamental public safety issue because it does not define which types of calls and telephone numbers are "emergency communications," which the providers are supposed to protect. Noble Systems also said the Declaratory Ruling fails to require deployment of a blocking notification system for analytics-based blocking. It recommended the Commission excise the Declaratory Ruling portion and reconsider it as an NPRM. It attached a report on *Best Practices for Mitigating Adverse Impacts of Robocalls Processing on Legal Communications* prepared by PACE's Communication Protection Coalition.
- The National Association of Federal Credit Unions [met with](#) Zenji Nakazawa, FCC Public Safety and Consumer Protection Advisor, on May 28, 2019, to share credit union concerns regarding the draft call blocking Declaratory Ruling. NAFCU said if the Ruling goes into effect as is, credit unions and their members may not be aware if their calls are erroneously blocked, which could lead to consumers missing time-sensitive notifications. It urged the Commission to seek comment on the proposals in the draft Declaratory Ruling to narrowly tailor the ruling to target illegal robocalls. NAFCU also said there is a need to clarify the current draft Ruling to require sufficient notice of blocking to the caller and the call recipient, as well as a mechanism for prompt unblocking of any erroneously blocked numbers.
- The American Bankers Association, the American Association of Healthcare Administrative Management, the National Association of Federally Insured Credit Unions, the U.S. Chamber of Commerce Institute for Legal Reform, ACA International, the American Financial Services Association, PRA Group, Noble Systems Corporation, PACE, and the Credit Union National Association [met separately with](#) Commissioner O'Rielly and his Legal Advisor and Commissioner Carr's Chief of Staff on May 23, 2019, to raise concerns that the draft robocall blocking Declaratory Ruling could harm consumers by resulting in the erroneous blocking of lawful calls, including urgent calls affecting consumer health, safety, and financial well-being. They asserted the draft Declaratory Ruling is contrary to the Communications Act and Commission precedent and emphasized the need for clarity concerning the Telephone Consumer Protection Act. They asked the Commission to act on the pending Petition for Declaratory Ruling on automated telephone dialing systems, including the questions remanded by the D.C. Circuit Court of Appeals. The Associations urged the Commission to seek comment on the proposals in the draft Declaratory Ruling by recasting it as an NPRM. They also suggested the Commission propose there be sufficient notice of blocking to the caller and to the call recipient, such as through use of an intercept message when a call is blocked, and to provide a mechanism for prompt unblocking of any erroneously blocked numbers.
- The Professional Association for Customer Engagement filed [a letter](#) on May 29, 2019, to make recommendations on the draft Declaratory Ruling and FNPRM on robocall blocking. PACE urged the Commission not to adopt the Declaratory Ruling before it adopts the clarifications and protections that it has teed up for comment in the FNPRM. PACE suggested revisions, including modifying the Declaratory Ruling's footnote 47, and requiring notification to the caller and called party that a call has been blocked, thereby making the overall blocking process more transparent, allowing the caller to identify if there is a blocking issue, and informing the caller how to correct what might be an error.

- Transaction Network Services [met with](#) staff from the Consumer and Government Affairs and Wireline Competition Bureaus on May 23, 2019, to discuss its Identity Protection Services for identifying and protecting consumers from robocalls. It discussed the tools it makes available to enterprise customers and call originators to track call volumes and how their calls are processed by TNS' solutions and TNS' Call Authentication Hub for SHAKEN/STIR deployments. It also discussed options its carrier partners have in determining how to display TNS' Call Guardian information.
- Securus Technologies filed [a letter](#) on May 28, 2019, to express concern that the draft Declaratory Ruling on robocall blocking does not specify how notices must be provided to consumers in a manner that confirms consumers have actual knowledge of the potential for opt-out call blocking to result in the blocking of wanted calls. It suggested the Commission require voice service providers to: post their disclosure on a website; provide the Commission with the address of that website so staff and interested third parties can evaluate the adequacy of the disclosure; and ensure consumers have actually received notice of this. It suggested the Commission require these notices to specifically state that use of a contact list will result in all calls originating from all telephone numbers not identified in the contact list being blocked and ensure that permitting the use of analytics for call-blocking does not result in any negative effects on users and/or recipients of inmate calls. Securus also asked the Commission to seek comment on a timeframe within which safe harbor providers must unblock lawful calls following receipt of a facially valid challenge.
- The Ohio Credit Union League filed [a letter](#) on May 29, 2019, to urge the Commission to consider the credit union structure prior to issuing a final rulemaking on blocking robocalls. It said it is imperative that credit unions have an unfettered ability to provide time-sensitive information via cell phone calls to their members. OCUL claimed the FCC's ruling conflicts with the Consumer Financial Protection Bureau, National Credit Union Administration, and other financial regulator guidance on how to utilize modern communication methods to provide time-sensitive account information to members and would further erode credit unions' ability to relay critical information or implement consumer protections regarding fraud, privacy, and account activity. It said the lack of consistency between federal regulators has put Ohio credit unions in a position of having to choose between which federal agency's regulations will take precedent or risk liability.
- Public Knowledge filed a [letter](#) on May 29, 2019, to discuss robocalls. It said any system the Commission adopts should reflect the decentralized and competitive nature of the PSTN. It argued technical systems adopted to eliminate robocalls must treat all legitimate service providers equally. It also said there should be a clear mechanism to address instances of carriers blocking calls by mistake.
- A number of [other ex partes](#) were also filed.

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Universal Service

- The FCC released its 21st Universal Service Monitoring [Report](#) on May 31, 2019, that was prepared by federal and state members of the Federal-State Joint Board on USF. The Report provides information on industry revenues, universal service program funding requirements, contribution factors, and the latest data on the low-income, high-cost, schools and libraries, and rural health care support mechanisms, among other things.
- The Wireline Competition Bureau issued a [Public Notice](#) on May 30, 2019, seeking comment on a [Petition](#) for rulemaking filed by Central Texas Telephone, Peoples Telephone Cooperative, and Totelcom Communications urging the FCC to consider adopting rules that prohibit the use of universal service funds for special construction of fiber networks that overbuild existing fiber networks. Comments are due July 1, 2019; replies are due July 16, 2019.
- The Wireline Competition Bureau issued a [Public Notice](#) on May 31, 2019, to announce the dismissal of four petitions for waiver of various high-cost USF matters filed by MebTel Communications et al.,

TDS Telecommunications, et al., Worldcall Interconnect, and Dell Telephone Cooperative. The Bureau said because none of the petitioners stated their intent to pursue their petitions, as directed in its March 2019 [Public Notice](#), they are being dismissed with prejudice.

- The Wireline Competition Bureau released a [Public Notice](#) on May 31, 2019, granting, denying, and dismissing various petitions related to actions taken by USAC on the E-rate program and contributions. Petitions for reconsideration or applications for review of these decisions must be filed within 30 days of this Public Notice.
- USAC filed the [Federal Universal Service Support Mechanisms Quarterly Contribution Base for Third Quarter 2019](#) on May 31, 2019. The total projected collected interstate and international end-user revenue base to be used in determining the contribution factor for the USF Support Mechanisms for Third Quarter 2019 is \$11,483,305,614, down from \$12,266,461,604 in the previous quarter.
- TruConnect [spoke with](#) Chairman Pai's Senior Counsel on May 22, 2019, to discuss the Lifeline program. TruConnect asserted implementation of a 60-day port freeze will help make eligibility confirmations more accurate and reliable. It expressed concern that the mobile broadband minimum data requirements for Lifeline are scheduled to rise again, suggesting the FCC freeze the expected data escalation mandate, or at least freeze the coming escalation in minimum data service standards until well after the National Lifeline Verifier is improved, the necessary state databases are accessible for the National Verifier, and until the Lifeline program changes and improvements can be reassessed.
- Alaska Communications [met with](#) Chairman Pai's Advisor on May 23, 2019, to discuss rural health care funding issues. It urged the Commission to fulfill the mandate of the Communication Act and fully fund all qualifying requests for support for the rural-urban rate difference under the Telecommunications Program. It also urged the Commission to direct USAC to extend the Funding Year 2019 filing window by 30 days for all applicants, not only for those that are affected by the Commission's recent decision to fund only the first year of multi-year Funding Year 2018 funding requests under the Healthcare Connect Fund.
- The Alaska Native Village Corporation Association filed [comments](#) on May 28, 2019, on how to calculate support for the Rural Health Care Program. They said that for Americans living in remote and rural communities, access to quality health care is challenging and the approach adopted by the Commission in 1997 has not kept pace with the technological capabilities and demands that exist in the marketplace now. It said having rates that are competitively bid are the most accurate and administrable way to assess the cost of service provision in an area. It also said the RHC needs not only to keep current with health care needs in rural areas, but also allow rural health care providers to plan for future needs.
- GCI [met separately with](#) Commissioner Rosenworcel and her Chief of Staff, Commissioners O'Rielly and Starks and their Advisors, and Wireline Competition Bureau and Office of Economics and Analytics staff on May 28 and 29, 2019, to discuss rural healthcare issues. GCI asserted the result of the Wireline Competition Bureau's interpretation of existing Rural Healthcare Telecommunications Program rules has significantly stunted telecommunications facilities investment and competition to serve rural healthcare providers. claiming it has no ability to predict the rates it will be able to charge over the term of multi-year contracts. GCI also said the record reflects a consensus that rate-of-return regulation based on cost studies is inappropriate.
- GCI filed a [letter](#) on May 24, 2019, to submit a report entitled *The Role of Competitive Bidding Based Prices in Determining the Rural Rate*, in support of its [Application for Review](#) and [comments](#) in the proceeding on the Rural Healthcare Telecommunications Program. GCI said the paper notes the rates for the services provided to rural healthcare providers have been substantially deregulated and to the extent a backstop to competitive bidding is needed, it suggests reliance on market data, including element-by-element comparisons where end-to-end comparisons are not available or appropriate. GCI also said the paper provides an economic critique of the use of fully distributed cost-based studies to set rates for carriers operating in competitive markets.

Misc.

- The FCC issued the [agenda](#) on May 30, 2019, for its June 6, 2019 Open Meeting. The FCC will consider a [Declaratory Ruling and Third FNPRM](#) clarifying that voice service providers may block illegal and unwanted calls as the default before they reach consumers' phones, and proposing a safe harbor for providers who block calls that fail call authentication, while ensuring that emergency and other critical calls reach consumers. The FCC will also consider: a [Report and Order and Second FNPRM](#) that would vacate its 2008 Leased Access Order, modernize the leased access rules to reflect changes in the video programming market, and simplify the leased access rate formula; and an [NPRM](#) that would propose to modernize the Commission's rules to improve aviation safety, support the deployment of more advanced avionics technology, and increase the efficient use of limited spectrum resources.
- The Wireline Competition Bureau issued an [Order](#) on May 31, 2019, granting petitions filed by [Cass Telephone Company](#) and [Magna5 RTC d/b/a Richmond Telephone](#) for waiver of the rule requiring rate-of-return carriers to notify the Bureau by May 1, 2019, of their intention to elect incentive regulation for their business data services. The Bureau noted that because of NECA's and the carriers' prompt actions upon learning of the mail delivery problems, the Bureau received notice in time to facilitate implementation of the revised tariffs in the 2019 cycle.
- The Wireline Competition Bureau released an [Order](#) on May 29, 2019, approving NECA's [2019 Modification of Average Schedules](#). The formulas will become effective July 1, 2019, and will remain in effect through June 30, 2020.
- The Wireline Competition Bureau issued a [Public Notice](#) on May 29, 2019, seeking comment on a 214 application filed by the Chester Telephone Company, d/b/a Tru-Vista Communications, and York Telecoms Holdings requesting consent to transfer control of TruVista and its wholly owned subsidiaries to York. Comments are due June 12, 2019; replies are due June 19, 2019.
- The Wireline Competition Bureau issued a [Public Notice](#) on May 28, 2019, seeking comments on Alaska Communications Internet's application for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. Comments are due June 11, 2019.
- The Consumer and Governmental Affairs Bureau issued four Orders on May 31, 2019, resolving complaints filed against [Verizon](#), [MCI](#), [Frontier](#), and [AT&T](#) that alleged they changed complainants' telecommunications services without obtaining authorization and verification. The Bureau concluded all four carriers responded fully to the complaints and took action to resolve the complaints.
- The Office of the Managing Director issued an [Erratum](#) on May 31, 2019, to the May 8, 2019 [NPRM](#) on FY 2019 regulatory fees. The Erratum corrected Appendix C, by adding 36 additional call signs.

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Upcoming Filing Dates

- 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 11 - Comments due on Alaska Communications Internet's application for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. [Public Notice](#)
- June 12 - Comments due on a 214 application filed by the Chester Telephone Company, d/b/a Tru-Vista Communications, and York Telecoms Holdings requesting consent to transfer control of TruVista and its wholly owned subsidiaries to York. Replies are due June 19, 2019. [Public Notice](#)
- June 19 - Replies due on a 214 application filed by the Chester Telephone Company, d/b/a Tru-Vista Communications, and York Telecoms Holdings requesting consent to transfer control of TruVista and its wholly owned subsidiaries to York. [Public Notice](#)
- 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 1 - Comments due on a [Petition](#) for a rulemaking filed by Central Texas Telephone, et al. urging the FCC to consider adopting rules that prohibit the use of universal service funds for special construction of fiber networks that overbuild existing fiber networks. Replies are due July 16, 2019. [Public Notice](#)
- July 16 - Replies due on a [Petition](#) for a rulemaking filed by Central Texas Telephone, et al. urging the FCC to consider adopting rules that prohibit the use of universal service funds for special construction of fiber networks that overbuild existing fiber networks. [Public 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](#)

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