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June 5, 2017 HIGHLIGHTS

- The Commission released the [tentative agenda](#) for its June 22, 2017 Open Meeting, and will consider, among other things: an [NPRM](#) that would amend the Caller ID rules to allow disclosure of blocked Caller ID information to aid law enforcement in investigating threatening calls; an [NOI](#) that seeks comment on ways to facilitate greater consumer choice and enhance broadband deployment in multiple tenant environments; and an [NPRM and Order](#) that proposes to eliminate the requirement that payphone operators conduct annual audits.
- NTCA [discussed](#) the USF budget for carriers that did not elect model-based support, including concerns about sufficiency of that budget and the effect of the budget control mechanism on standalone broadband rates for rural consumers and on investment incentives for rural carriers.
- NTCA [discussed](#) implications of RLECs electing private carriage treatment of broadband transmission facilities for purposes of availing themselves of relief from USF contribution obligations.
- [Reply comments](#) were filed to oppositions to Petitions for Reconsideration of the [CAF Phase II Auction Order](#) filed by [Hughes Network Systems](#) and the [Pennsylvania PUC and the Pennsylvania Department of Community and Economic Development](#).
- The FCC [announced](#) the [Report and Order](#) that extended the existing freeze of jurisdictional separations rules is effective June 2, 2017.
- Commissioners O'Rielly and Clyburn wrote [a blog](#) proposing a "means test" for the USF high-cost program and sought comments.
- The FCC [announced](#) effective dates for the rules adopted in the Business Data Services [Report and Order](#). The new rules are effective August 1, 2017, except for amendments to sections 1.776, 61.45, 61.201, 61.203, and 69.701, which are subject to OMB approval. The FCC released an [Erratum](#) on June 1, 2017, making a number of minor corrections to Appendix A – Final Rules in the Business Data Services [Report and Order](#).
- The FCC filed a [Motion](#) with the D.C. Circuit Court to dismiss a [Petition for Review](#) of its Business Data Services [Order](#) filed by Sprint and Windstream.

Other Key Upcoming Dates

- June 8 - Replies due on refreshing the record on separations reform. Replies due June 8, 2017. [Public Notice](#)
- June 8 - Replies due on how reforms adopted in the Part 32 [Report and Order](#) impact Part 36 rules. [Public Notice](#)
- June 15 - Comments [due](#) on the Wireline Infrastructure [NPRM, NOI, and Request for Comment](#). Replies due July 17, 2017.
- June 16 - Comments due on NCTA and USTelecom's [Petition](#) to clarify broadband speed disclosures. Replies are due July 3, 2017. [Public Notice](#)

USF Reform

- Commissioners O’Rielly and Clyburn wrote a [blog post](#) on May 31, 2017, to discuss the need to improve the functionality and effectiveness of a number of programs, including the high cost USF Fund. They seek public input on whether, and if so how, to implement means-testing within the high-cost USF program, which would target government subsidies to recipients who qualify for assistance based on their lower income and asset levels. Some of the issues they seek comment on are: what are the advantages and disadvantages of using means-testing; would it make the program more efficient; would it enable the Commission and/or providers to retarget funding to areas or consumers in greater need of support; how can it be implemented without disruption to the current programs; and could it eventually be implemented uniformly across all of the high-cost programs as they come up for renewal or would it need to be tailored to each program?
- NTCA [met with](#) Chairman Pai’s Advisors on May 31, 2017, to discuss the USF budget for carriers that did not elect model-based support, including concerns about sufficiency of that budget and the effect of the budget control mechanism on standalone broadband rates for rural consumers and on investment incentives for rural carriers. NTCA urged the Commission to consider measures to ensure that rural consumers are better able to obtain access to standalone broadband services at reasonably comparable rates to those available in urban areas, and to explore what can be done to ensure that the reformed distribution mechanisms function more predictably.
- NTCA [spoke with](#) Commissioner O’Rielly’s Legal Advisor on May 31, 2017, to discuss the implications of RLECs electing private carriage treatment of broadband transmission facilities for purposes of availing themselves of relief from USF contribution obligations. NTCA urged the Commission to consider options to enable RLECs to avail themselves of the relief contemplated by the RoR Reform Order without putting at risk receipt of USF support, as also contemplated by that Order and by federal law more generally.
- Reply comments were filed May 30, 2017, to oppositions to Petitions for Reconsideration of the [CAF Phase II Auction Order](#) filed by [Hughes Network Systems](#) and the [Pennsylvania PUC and the Pennsylvania Department of Community and Economic Development](#). The [Pennsylvania PUC and Dept of Community and Economic Development](#) said WISPA’s opposition to their proposal is based on a fundamental misunderstanding of Pennsylvania’s proposal and its extensive regulatory history mandating broadband deployment. They said contrary to WISPA’s description, Pennsylvania’s proposal is a simple, objective, technologically-neutral vehicle available to all potential bidders that is cost-effective and efficient. [Hughes Network Systems](#) said the filings in response to its Petition did not refute its claim that satellite broadband provides unrivaled coverage across the continental U.S., less costly infrastructure requirements, and fewer regulatory barriers to deployment than terrestrial broadband, nor did they undermine Hughes’s argument that unless the bidding matrix is revised the CAF Phase II auction will be denied the benefits of satellite participation. It argued satellite broadband is often the most efficient option in the areas where terrestrial costs are highest. [FR](#); [Public Notice](#)
- The Pennsylvania PUC Chairman Gladys Brown, her legal counsel, PA PUC Commissioner and NARUC President Robert Powelson, NARUC General Counsel James Bradford Ramsey, and PA PUC Commissioner David Sweet and his legal counsel [met with](#) Chairman Pai and his Legal Counsel on May 30, 2017, to discuss Pennsylvania’s [Petition](#) for Reconsideration of the CAF Phase II Auction Order. They expressed concern that citizens of Pennsylvania may be adversely affect by the decision of one carrier to decline CAF Phase II support, and said Pennsylvania simply seeks recognition in the FCC’s auction for additional support Pennsylvania may bring to the process.
- The County Commissioners Association of Pennsylvania filed [a letter](#) on May 15, 2017, to express support for Pennsylvania’s [Petition for Reconsideration](#) of the CAF Phase II Auction Order. It said while Verizon declined the remaining \$139.62 million that was available to it to address the broadband needs in Pennsylvania, this waiver, if granted, would allow other carriers operating in the state access to these funds.

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ICC

- Level 3, Sprint, and Verizon [met with](#) staff from the Wireline Competition and Wireless Telecommunications Bureaus on May 25, 2017, to urge the Commission to deny the [Petition](#) for declaratory ruling that asked the Commission to confirm the "intraMTA rule" does not apply to LEC charges billed to an IXC when the IXC terminates traffic to or receives traffic from a LEC via tariffed switched access services. They said the Commission should reiterate the intraMTA rule applies without exception to all intraMTA traffic exchanged between LECs and wireless carriers, and reiterate intraMTA wireless traffic is not subject to access charges, regardless of whether an intermediary IXC or other provider is involved in routing and regardless of the facilities on which the traffic is routed.
- AT&T [met with](#) Chairman Pai's Legal Advisors on June 1, 2017, to urge the FCC to grant its [Petition for Forbearance](#) on tandem and transport access charges, and discussed the need for the Commission to move forward with more broad and comprehensive intercarrier compensation reform. AT&T also urged the Commission to address the proposal submitted by USTelecom on May 23, 2017, to bring clarity to CAF Phase II participants, stating that potential auction participants seek to know the requirement and address issues relating to broadband speed and latency measurement, reporting, and compliance.

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Broadband

- The Benton Foundation filed an [ex parte](#) on May 31, 2017, to submit a report to the BDAC entitled "The Emerging World of Broadband Public–Private Partnerships: A Business Strategy and Legal Guide." The report examines emerging public–private partnership models for deploying municipal broadband or middle mile for communities that lack the capital or expertise to deploy and operate fiber networks or to act as internet service providers on their own. The report includes an attachment with "Key Strategy Considerations for Building a Partnership," which summarizes the models and identifies some of the local government priorities that will drive many public sector decision makers.
- The National Association of Telecommunications Officers and Advisors, the National League of Cities, the Government Finance Officers Association, the National Association of Towns and Townships, the National Association of Counties, the U.S. Conference of Mayors, the National Association of Regional Councils, and the International Municipal Lawyers Association filed [comments](#) supporting Public Knowledge, et al.'s request for an extension of time to file comments and reply comments on the [Wireline Broadband Deployment NPRM](#). They said additional comment time will better enable local governments to provide the information necessary to present a fully-developed, fact-based record for any potential Commission action, noting any adverse rulings by the Commission in either Infrastructure NPRM could potentially cost local governments billions of dollars annually. New York City also filed [comments](#) supporting the request. It said this and other Commission proceedings require the attention of many parties and raise complex policy, factual, technical, and legal issues that demand thorough responses if the Commission is to make fully informed decisions on the matters raised, and most local governments must rely on staff responsible for many other matters and issues to also respond to proceedings such as these.
- The Coalition for Local Internet Choice posted [a blog](#) discussing what it claimed are serious problems in University of Pennsylvania Law School Professor Christopher Yoo and student Timothy Pfenninger's [report](#) entitled "Municipal Fiber in the United States: An Empirical Assessment of Financial Performance." The Coalition claimed an important shortcoming of the study is that the choice of 2010 - 2014 as the study period introduced significant selection bias, and amplifying this problem, the U.S. was slowly recovering from the 2008–2009 collapse of the global economy during the same period. It said this becomes all the more apparent when one examines Chattanooga's, Lafayette's, and Wilson's actual post-2014 experience, asserting Chattanooga's post-2014 sales have soared, its fiber utility has already paid off its debt, and its net revenues from sales of fiber-based communications services are helping to keep Chattanooga's electric rates down.

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USF

- The Small Company Coalition sent letters to [Chairman Pai](#) and [Commissioner O’Rielly](#) on May 30, 2017, expressing support for their efforts to reform USAC. The SCC said it has conducting its own review of particular aspects of USAC’s administration of USF programs and identified several areas of concern, including the reserve fund carryover, the size of the USF shortfall, and unfocused and wasteful audits. It indicated it would be releasing a white paper on these findings in the next few weeks.
- The Wireline Competition Bureau released a [Public Notice](#) on May 31, 2017, granting, denying, and dismissing various petitions related to actions taken by USAC on the E-rate program and rural healthcare. Petitions for reconsideration or applications for review of these decisions must be filed within 30 days of the Public Notice.
- USAC filed the [Federal Universal Service Support Mechanism Quarterly Contribution Base](#) for Third Quarter 2017 on June 2, 2017. 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 2017 is \$13,110,461,173, down from \$13,615,143,917 in the previous quarter.
- USAC filed [revisions](#) on June 2, 2017, to its [May 2, 2017](#) and [May 23, 2017](#) Federal Universal Service Support Mechanisms Fund Size Projections for the Third Quarter 2017 filings. On May 31, 2017, USAC revised the demand projection for the Rural Health Care Support Mechanism causing a reduction from \$99.62M to \$-1.23M, a difference of \$100.85M. [Appendices available on USAC website.](#)
- The Lifeline Connects Coalition [spoke with](#) Wireline Competition Bureau staff on May 26, 2017, to discuss USAC’s current plan to require Lifeline subscribers to re-prove their eligibility when they are migrated to the Lifeline National Verifier and the significant burden and confusion that will impose on Lifeline participants. The Coalition said obtaining re-proof of eligibility from Lifeline subscribers is likely to be highly unsuccessful, and the overwhelming majority of those de-enrollments would be due to consumers’ failure or inability to respond, not their lack of continuing eligibility for Lifeline.

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Misc.

- The Commission issued the [tentative agenda](#) on June 1, 2017, for its June 22, 2017 Open Meeting. The Commission will consider: an [NPRM](#) that would amend the Emergency Alert System rules to add a dedicated event code for Blue Alerts; a [Report and Order](#) on First Responder Network Authority opt-out procedures; an [NPRM](#) that would amend the Caller ID rules to allow disclosure of blocked Caller ID information to aid law enforcement in investigating threatening calls; an [Order and Declaratory Ruling](#) that would grant OneWeb’s request to be permitted to access the U.S. market using its proposed non-geostationary satellite constellation for the provision of broadband; an [NOI](#) that seeks comment on ways to facilitate greater consumer choice and enhance broadband deployment in multiple tenant environments; a [Declaratory Ruling](#) that would clarify the “written information” that cable operators must provide to their subscribers via annual notices may be provided via e-mail; an [NPRM and Order](#) that proposes to eliminate the requirement that payphone operators conduct annual audits; and an enforcement action
- The FCC published a [Notice](#) in the Federal Register on June 2, 2017, announcing the [Report and Order](#) that extended the existing freeze of jurisdictional separations rules is effective June 2, 2017.
- The FCC published a [Notice](#) in the Federal Register on June 2, 2017, announcing effective dates for the rules adopted in the Business Data Services [Report and Order](#). The new rules are effective August

1, 2017, except for amendments to sections 1.776, 61.45, 61.201, 61.203, and 69.701, which are subject to OMB approval.

- The FCC released an [Erratum](#) on June 1, 2017, making a number of minor corrections to Appendix A – Final Rules in the Business Data Services [Report and Order](#)
- The FCC filed a [Motion](#) on May 31, 2017, with the D.C. Circuit Court to dismiss a [Petition for Review](#) of its Business Data Services [Order](#) filed by Sprint and Windstream. The FCC said filing of the Petition was premature because it was filed prior to the publication of notice of the Order and its rules in the Federal Register. It said once notice of the FCC's rulemaking order is published in the Federal Register, Sprint and Windstream are free to petition for review in a timely manner, within the 60-day window prescribed by law.
- The North American Portability Management filed [a summary](#) of its status update on May 31, 2017, of the transition from the current LNP Administrator, Neustar, to the new LNPA, Telcordia d/b/a iconectiv. It said the NAPM will continue to file written updates of this report with the FCC at the end of each month until the transition is complete.

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Upcoming Filing Dates

- June 7 - Replies due on competition in the mobile wireless industry for its Twentieth Annual Report on the State of Competition in Mobile Wireless. [Public Notice](#)
- June 7 - Comments due on Inter Vista Networking's application for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. [Public Notice](#)
- June 8 - Replies due on refreshing the record in the separations proceeding and on issues related to comprehensive, permanent separations reform. [Public Notice](#)
- June 8 - Replies due on how reforms adopted in the February 24, 2017 [Report and Order](#) that streamlined and eliminated various Part 32 accounting requirements impacts Part 36 rules to ensure that jurisdictional separations rules are consistent. [Public Notice](#)
- June 8 - Replies due on actions to accelerate adoption and accessibility of broadband-enabled health care solutions and advanced technologies. [Public Notice](#)
- June 12 - PRA comments due on an extension of a currently approved collection for Part 32, Uniform System of Accounts. [Notice](#)
- June 15 - Comments due on the Wireline Infrastructure [NPRM, NOI, and Request for Comment](#). Replies are due July 17, 2017. [FR](#), [Public Notice](#)
- June 15 - Comments due on the [NPRM and NOI](#) on the regulatory impediments to wireless network infrastructure investment and deployment. Replies are due July 17, 2017.
- June 15 - PRA comments due on an extension of a currently approved information collection associated with FCC Form 477- Local Telephone Competition and Broadband Reporting. [Notice](#)
- June 16 - Comments due on NCTA and USTelecom's [Petition for Declaratory Ruling](#) to confirm and clarify aspects of the federal regulatory regime governing broadband speed disclosures. Replies are due July 3, 2017. [Public Notice](#)
- June 22 - PRA comments due on a revision to a currently approved information collection associated with Lifeline reform. [Notice](#)

- June 22 - Comments due on the [NPRM](#) proposing to collect \$356,710,992 in regulatory fees for FY 2017 and included proposed fee schedules. Replies are due July 7, 2017.
- June 23 - Petitions due on 2017 annual access charge tariffs made on 15 days' notice; replies due June 27, 2017. [Order](#)
- July 3 - Comments due on the [NPRM](#) on facilitating voice service providers' blocking of illegal robocalls. Replies due July 31, 2017. [Notice](#)
- July 3 - Replies due on NCTA and USTelecom's [Petition for Declaratory Ruling](#) to confirm and clarify aspects of the federal regulatory regime governing broadband speed disclosures. [Public Notice](#)
- July 7 - Replies due on the [NPRM](#) proposing to collect \$356,710,992 in regulatory fees for FY 2017 and included proposed fee schedules.
- July 17 - Replies due on the [NPRM and NOI](#) on the regulatory impediments to wireless network infrastructure investment and deployment.
- July 17 - Comments due on the [NPRM](#) proposing: to return internet broadband access service to the classification of Title I information service; to return to the FCC's original classification of mobile broadband internet access service as a private mobile service; and seeks comment on the existing rules governing ISPs' practices. Replies are due August 16, 2017.
- July 17 - PRA comments due on a revision of a currently approved information collection associated with sections 54.202 (additional requirements for Commission designation of ETCs), 54.307 (support to a CETC), 54.313 (annual reporting requirements for high-cost recipients), and 54.314 (certification of support for ETCs). [Notice](#)
- July 17 - PRA comments due on an extension of a currently approved formal complaint procedures for the Open Internet rules. [Notice](#)
- July 17 - Replies due on the Wireline Infrastructure [NPRM, NOI, and Request for Comment](#). [FR](#), [Public Notice](#)
- July 18 - PRA comments due on a new information collection associated with its January 26, 2017 CAF Phase II [New York Auction Order](#), which granted New York a waiver of the Phase II auction program rules, subject to certain conditions. [Notice](#)
- July 31 - Replies due on the [NPRM](#) on facilitating voice service providers' blocking of illegal robocalls. [Notice](#)
- Aug. 16 - Replies due on the [NPRM](#) proposing: to return internet broadband access service to the classification of Title I information service; to return to the FCC's original classification of mobile broadband internet access service as a private mobile service; and seeks comment on the existing rules governing ISPs' practices.

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