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June 6, 2016 HIGHLIGHTS

- The FCC issued a [tentative agenda](#) for its June 24, 2016 Open Meeting, and will consider: a NPRM on streamlining and increasing the transparency of the Executive Branch review of applications and petitions for national security, law enforcement, foreign policy, and trade policy concerns; a Report and Order that would revise the Emergency Alert System rules by adding new event codes; and a Report and Order to require submarine cable licensees to report communications network outages to the FCC.
- The FCC [announced](#) the OMB approved the revised Form 481, which contains the new CAF reporting requirements. Form 481 must be filed by all ETCs by July 1, 2016. Copies of the revised FCC Form 481 are available on USAC's High Cost [web page](#).
- The FCC [provided](#) guidance to price cap carriers that accepted CAF Phase I incremental support regarding the types of documentation they should be prepared to produce upon request for validation of compliance for this support.
- The FCC [announced](#) it is ready to authorize \$4,355,984.61 in Rural Broadband Experiment support, to bring broadband services to 120 census blocks in Oklahoma and 845 census blocks in Minnesota.
- The Alaska Telephone Association [expressed](#) concern about recent proposals to impose conditions on support for broadband in Alaska.
- [Comments were](#) filed on the [NPRM](#) proposing to establish privacy regulations for broadband ISPs to implement section 222 of the Communications Act. Replies are due June 27.
- Chairman Wheeler sent [letters](#) to nine U.S. Senators in response to their July 2015 letter on the privacy of broadband customers' personal information. Reps. Fred Upton (R-Mich.), Michael C. Burgess, M.D. (R-Texas), and Greg Walden (R-Ore.) sent a [letter](#) to Chairman Wheeler urging the FCC to reconsider the proposals in the April 1, 2016 [NPRM](#) on privacy and data breach notification requirements for broadband Internet service providers.
- Commissioner Pai sent a [letter](#) to USAC saying USAC's responses to his earlier letter confirmed there are companies in addition to Total Call Mobile that overrode the safeguards of the National Lifeline Accountability Database, and asked for information on these other resellers. He also asked USAC to explain the rationale and process it used to establish the current override process.
- USAC filed its [Federal Universal Service Support Mechanisms Quarterly Contribution Base](#) for Third Quarter 2016, which is \$14,556,193,831, down from \$14,737,051,873 from the previous quarter
- Commissioner O'Reilly [offered](#) suggestions on improving the FCC document circulation process.
- AT&T [discussed](#) its proposal on the section 214 discontinuance process for IP transitions.

Other Key Upcoming Dates

- June 13 - Replies due on the [FNPRM](#) attached to the [Rate-of-Return USF Reform Order](#).
- June 27 - Replies due on the [NPRM](#) on establishing privacy regulations for broadband ISPs.
Editor: [Teresa Evert](#) | Assistant Editor: [Shawn O'Brien](#)

USF Reform

- The FCC released a [Public Notice](#) on May 31, 2016, announcing the OMB approved the revised Form 481, which contains the new CAF reporting requirements. Form 481 must be filed by all ETCs by July 1, 2016. The Notice indicates copies of the revised FCC Form 481 are available on USAC's High Cost [web page](#).
- The Wireline Competition Bureau released a [Public Notice](#) on June 3, 2016, to provide guidance to price cap carriers that accepted CAF Phase I incremental support regarding the types of documentation they should be prepared to produce upon request for validation of compliance for this support. The Bureau said CAF Phase I recipients for the first round are required to certify they are meeting the CAF Phase I incremental support requirements and provide the final list of locations as part of their Form 481 submission due July 1, 2016. CAF Phase I recipients for the second round will be required to certify on their FCC Form 481 due July 1, 2016, that they deployed broadband to no fewer than two-thirds of the required locations within two years of the date of acceptance of support, and CAF Phase I recipients for the second round will submit geocoded information for the two-year milestone on July 1, 2016. Documentation would include, but not be limited to, engineering studies, construction schedules, records of plant placed in service, network maps, advertising materials and/or customer subscription records, among other records.
- The Wireline Competition Bureau released a [Public Notice](#) on June 3, 2016, announcing it is ready to authorize six winning bids for Rural Broadband Experiment support, which collectively total \$4,355,984.61. The Bureau indicated Northeast Rural Services will use its allotted support to bring broadband services to 120 census blocks in Oklahoma, and Lake County Minnesota Lake County d/b/a Lake Connections will use its allotted support to bring broadband services to 845 census blocks in Minnesota. It said to be authorized to receive this support, each of these bidders must submit at least one acceptable irrevocable stand-by letter of credit and Bankruptcy Code opinion letter from its legal counsel by the applicable deadline – June 17, 2016 at 11:59 p.m. ET.
- The Alaska Telephone Association filed a [letter](#) on May 31, 2016, expressing concern about recent proposals to impose conditions on support for broadband in Alaska. ATA said fair rules of the road are essential, but the conditions proposed are not reasonable and would impede broadband in Alaska. It urged the Commission to adopt the Alaska Infrastructure Fund quickly.
- GCI filed a [letter](#) on June 1, 2016, to submit a map of Alaska middle mile facilities, correcting a prior map submitted on May 26, 2016.
- The Keweenaw Bay Indian Community filed a [letter](#) on June 5, 2016, to express support for Baraga Telephone's [Request for Waiver](#) to allow consideration of accurate June 2015 FCC Form 477 data prior to making a final determination whether or not to issue offers of model-based CAF support. The Community said much of the reservation area is served by Baraga Telephone, and the people of the Keweenaw Bay Indian Community would benefit greatly by the new investment and increased connectivity the model-based support path would provide. It said a clerical error should not block the Keweenaw Bay Indian Community from realizing those benefits.
- Leaco Rural Telephone Cooperative filed a [letter](#) on June 1, 2016, to provide an update on the twelve projects for which it was awarded Mobility Fund Phase I support. Leaco said it completed five of the projects prior to the completion deadline, and on April 16, 2015, filed a waiver request seeking an extension of the completion deadline for the remaining seven. Leaco reported since that time, it has completed construction for five of the seven, and now notifies the FCC that it will not complete construction for the remaining two and will return the funds already disbursed for them and pay the required default penalties. Leaco requests the FCC grant its Amended Request with regard to the five it has completed and direct USAC to disburse final MFI funds according to USAC's final reports for these projects.

- Charter Communications filed a [letter](#) on May 27, 2016, to notify the FCC that legacy Charter filed an updated December 2015 FCC Form 477 on May 16, 2016, and its newly-acquired subsidiary TWC also filed updated FCC Form 477 December 2015 data on May 17th. Charter attached Exhibits listing newly-serviceable census blocks and census blocks that were removed.

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Broadband

- In addition to comments listed in a previous edition of *REGScan*, comments were filed on May 27, 2016, on the [NPRM](#) on establishing privacy regulations for broadband ISPs to implement section 222 of the Communications Act. [AT&T](#) said the regulatory regime proposed would impose unprecedented and unworkable restrictions on the ability of ISPs—and them alone—to collect and use online data for the benefit of consumers. AT&T said the proposed restrictions are both unnecessary and far more burdensome than the flexible privacy safeguards the FTC has long placed on the Internet ecosystem. [USTelecom](#) said the FCC's proposal for a broad opt-in mandate is antithetical to current privacy law and practice, and said adopting such a regime is a radical departure from the current FTC approach to protecting consumer privacy and welfare under which the broadband Internet has grown up. USTelecom asserted it will only serve to harm consumer welfare as well as diminish competition and innovation. [CenturyLink](#) asserted the framework proposed in the Notice dramatically and unwisely departs from the principles-based FTC approach to Internet privacy that has served consumers extremely well for decades. The [Internet Infrastructure Coalition](#) said it generally supports the intent behind the proposed rules and much of the text, and is encouraged that proposed rules apply only to BIAS and do not extend privacy oversight authority to providers of edge services. [Link to all comments available to date](#). Replies are due June 27. [News Release](#)
- Chairman Wheeler sent [letters](#) to nine U.S. Senators on May 26, 2016, in response to their July 2015 letter on the privacy of broadband customers' personal information. Chairman Wheeler said the broadband privacy [NPRM](#) adopted by the Commission in March sets forth a path towards final rules that will provide clear guidance to ISPs and their customers about how the privacy requirements of section 222 apply to BIAS providers.
- Reps. Fred Upton (R-Mich.), Michael C. Burgess, M.D. (R-Texas), and Greg Walden (R-Ore.) sent a [letter](#) to Chairman Wheeler on June 1, 2016, on the FCC's April 1, 2016 [NPRM](#) on privacy and data breach notification requirements for broadband Internet service providers. They asserted that creating a disparate set of rules for some members of the Internet ecosystem is the wrong approach and ignores the last four decades of development in the U.S. They said the FCC's proposal for new ISP-specific privacy rules seems to miss the point and will create public confusion, and urged the FCC to reconsider the proposed approach. [Press release](#)

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IP Transition

- AT&T [met with](#) Wireline Competition Bureau staff on May 26, 2016, to discuss the August 2015 [FNPRM](#) that proposed criteria to be used by the FCC in the section 214 review process to evaluate and compare replacement and legacy services. AT&T discussed its proposal and attached a chart depicting the statewide change in housing units and ILEC residential lines. AT&T claimed its proposal would facilitate the technology transition by providing greater efficiency, robust customer protections, and Commission oversight of the discontinuance process.

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State Actions

- Midcontinent Communications d/b/a/ Midco filed a [complaint](#) in South Dakota District Court on May 24, 2016, alleging Verizon failed to pay Midco amounts invoiced for the provisioning of telecommunications services. Midco asserted Verizon originally paid the amounts invoiced to it, but after more than 5 years, claimed Midco had overbilled Verizon for certain services. Midco said Verizon claimed that its dispute gives Verizon the right to withhold the previously withheld sums, as well as all other future amounts lawfully billed to Verizon until such time as Verizon recouped the amount of its dispute.

USF

- The Wireline Competition Bureau released a [Public Notice](#) on June 3, 2016, seeking comment on the proposed eligible services list for the E-rate program for funding year 2017. The proposed ESL revises the description of dark fiber service, and deletes special construction under eligible Category One data transmission and Internet access services, among other changes. Comments are due July 5; replies due July 20.
- Commissioner Pai sent a [letter](#) to USAC on May 31, 2016, thanking USAC for its response to his earlier [letter](#) seeking information on the Lifeline program. Commissioner Pai said USAC's responses confirmed there are companies in addition to Total Call Mobile that overrode the safeguards of the National Lifeline Accountability Database. He asked USAC for information on these other resellers and information on investigations, audits, or reviews USAC has conducted on these companies. He also asked USAC to explain the rationale and process it used to establish the current override process.
- USAC filed its [Federal Universal Service Support Mechanisms Quarterly Contribution Base](#) for Third Quarter 2016 on June 1, 2016. The total projected collected interstate and international end-user revenue base to be used in determining the contribution factor for the USF Support Mechanism for 3Q 2016 is \$14,556,193,831, down from \$14,737,051,873 from the previous quarter.
- The Wireline Competition Bureau released a [Public Notice](#) on May 31, 2016, granting, denying, and dismissing various petitions related to actions taken by USAC on E-rate and USF contributions. Petitions for reconsideration or applications for review of these decisions must be filed within 30 days of the Public Notice.
- No comments were filed on a joint petition filed by BPS Telephone and AT&T for a study area waiver. Replies due June 16 [Public Notice](#)
- To date, no comments were filed on a petition filed by the North Carolina Utilities Commission requesting FCC agreement with the NCUC's redefinition of certain Central Telephone Company wire centers associated with the exchanges of Elkin, Hays, Mulberry, North Wilkesboro, and State Road as a separate service area or areas. Replies due June 17. [Public Notice](#)

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Misc.

- The FCC issued a [tentative agenda](#) for its June 24, 2016 Open Meeting. The FCC will consider: a NPRM proposing changes to streamline and increase the transparency of the Executive Branch review of applications and petitions for national security, law enforcement, foreign policy, and trade policy concerns; a Report and Order that would revise the Emergency Alert System rules by adding new event codes; and a Report and Order to require submarine cable licensees to report communications network outages to the FCC.
- Commissioner O'Reilly wrote a [blog post](#) on May 31, 2016, on the FCC document circulation process. He proposed that if an item has been on circulation for six months, no matter the reason, it should automatically be removed from circulation, and the Chairman's office should work with staff and the

Commissioners to find a consensus. If or when one is achieved, he said the item can be revised and recirculated or the revised item could be placed on an Open Meeting agenda. He also said that circulation items that are converted to Meeting items should be announced three weeks before the meeting.

- The FCC issued an [Order](#) on June 3, 2016, revising section 1.13 of the FCC rules on providing notice to the Commission on filing petitions for review. The FCC revised section 1.13(a)(1) to require that parties petitioning for review of a Commission decision under 47 U.S.C. § 402(a) must email the Commission in order to take advantage of the random selection procedures described in 28 U.S.C. § 2112 (judicial lottery). The FCC amended the note to section 1.13 to encourage service by email of petitions for review under 47 U.S.C. § 402(a) by petitioners that are not seeking to participate in a judicial lottery pursuant to 28 U.S.C. § 2112. The FCC also revised section 1.13(b), which applies to parties appealing certain licensing-related FCC actions under 47 U.S.C. § 402(b), to authorize and encourage service of notices of appeal on the General Counsel by email.
- The FCC's Chief of the Consumer and Governmental Affairs Bureau and Chief Information Officer wrote a [blog post](#) on June 1, 2016, on the FCC's efforts to modernize its electronic comment filing system. They said the new ECFS system will reside on a commercial cloud platform so it can automatically adjust to handle periods of heavy usage, and will have a public Application Programming Interface so outside groups have an easy way to submit and pull comments in bulk. They said that a transition to the new system will occur in late June 2016, and said the FCC will be conducting web-based tutorials of the new system.
- The Wireline Competition Bureau issued a [Public Notice](#) on June 3, 2016, listing Acknowledgements of Confidentiality filed by parties seeking access to confidential information filed in the special access data collection proceeding since the May 27, 2016 Public Notice. Parties that submitted confidential information in response to the collection have until June 10, 2016, to object to the disclosure of their data and information to any of the parties listed in the attachment to this Public Notice.
- Comcast filed a [letter](#) on June 1, 2016, providing supplemental special access information. Comcast said its submission of "Location" data in response to Section II.A.3 of the data collection was based on a good faith understanding of the Commission's instructions and was consistent with other cable operators' submissions. Comcast submitted a highly confidential list of business locations that, as of 2013, were serviceable via HFC plant from those Metro-Ethernet-enabled headends. Comcast asserted although it does not believe that such location data has any relevance to the Commission's analysis of dedicated business data services, at the request of the Commission, it is submitting it.
- Comments were filed on May 31, 2016, on competition in the mobile wireless marketplace for the FCC's Nineteenth Annual Report on the State of Competition in Mobile Wireless. [NTCA](#) discussed the results of its latest wireless survey report, which it attached, and said its members expressed concern about competition from national carriers and difficulties with obtaining the newest handsets, the inability to negotiate favorable roaming agreements, and the inability to obtain spectrum at auction. [Sprint](#) said in order to sustain competition in the retail CMRS market, and to increase competition in the wholesale market, the Commission must pursue a pro-competitive regulatory strategy, especially as regards the provision of business data services and reform of the USF contribution methodology. The [Rural Wireless Association](#) suggested when designing future spectrum auctions, the FCC should ensure that it uses geographic license sizes that are attractive to small and regional providers, and should utilize a bidding credit that will encourage auction participation by small rural providers. [List of all comments available to date](#). Replies are due June 15. [Public Notice](#)
- The FCC issued a [News Release](#) on June 1, 2016, announcing that Wireless Telecommunications Bureau Chief Jon Wilkins intends to appoint Suzanne Tetreault as Deputy Bureau Chief. Ms. Tetreault will move from her current position as Deputy General Counsel in the Office of General Counsel. Another [News Release](#) announced General Counsel Jonathan Sallet will select Jennifer Tatel as Deputy General Counsel, with responsibility for administrative law issues. Ms. Tatel currently serves as Chief of Staff in the Office of General Counsel and will continue in that position, in addition to her new

role. Mr. Sallet also named John Williams as Senior Counselor to the General Counsel, enlarging his role in the office, where he has served as a Senior Legal Advisor in the office since 2015.

- Matthew DeNero, Chief of the Wireline Competition Bureau, sent a [letter](#) to Neustar on May 26, 2016, responding to Neustar's March 17, 2016 [letter](#) and [telephone conversation](#) with FCC staff seeking written assurance from the Commission that transferring competitively sensitive NPAC user data to iconectiv is permissible in support of the transition to a new LNP Administrator. Mr. DeNero said since iconectiv is not a telecommunications service provider, item four of the Neustar Code of Conduct appears to be irrelevant to the neutrality analysis. He said for the limited purpose of transferring the data to iconectiv to aid in the transition, the Bureau sees no conflict with the Code of Conduct underlying Neustar's neutrality obligations.
- Neustar filed a [letter](#) on June 1, 2016, in response to the [letter](#) from Matthew DeNero, Chief of the Wireline Competition Bureau, regarding Neustar's concern on transferring competitively sensitive NPAC data to iconectiv. Neustar said by focusing solely on whether iconectiv is a TSP, the Bureau's letter did not address the broader question of the intersection between Neustar's neutrality obligations and the neutrality concerns expressed by the Commission itself over the relationship between iconectiv and Ericsson. Neustar said it understands the Bureau letter to provide Neustar with an absolute defense should any service provider injured by the transfer of their data to iconectiv or the Commission itself bring a neutrality complaint against Neustar, and said it will move forward with the data transfer to iconectiv.
- The North American Portability Management filed a [letter](#) on June 1, 2016, to provide an update on the LNP Administrator transition. NAPM detailed the recent accomplishments of the Transition Oversight Manager, including, conducting the first Transition Outreach and Education Plan in-person event, conducting a TOEP webcast on April 20, 2016, and collaborating with stakeholders to understand and assess various approaches for transition of ancillary services and for contingency rollback.
- The NAPM filed a [letter](#) on June 2, 2016, in response to the LNP Alliance's [letter](#) on the Master Services Agreement between the NAPM and iconectiv on the LNP Administrator transition. NAPM asserted the LNP Alliance has not identified any issues that could justify delay in approving the new MSA, and claimed the issues the LNP Alliance is now raising constitute untimely petitions for reconsideration that must be denied. NAPM urged the FCC to approve the new MSA and deny Neustar's [Application for Review](#) of the Wireline Competition Bureau's March 31, 2016 [Second Protective Order](#).
- The Wireless Future Program at New America's Open Technology Institute and the LNP Alliance [met with](#) Commissioner Rosenworcel's Legal Advisor on May 26, 2016, to urge the Commission to review their concerns with the LNPA Transition and with the iconectiv Master Service Agreement. They asserted the LNPA Transition has not been sufficiently transparent to date, causing smaller carriers excluded from the process to lose confidence that their interests and those of consumers will be protected during the transition. They urged the Commission to make the LNPA Transition a more transparent, public, and effective process
- The FCC issued a [Public Notice](#) on May 31, 2016, announcing that the next meeting of the North American Numbering Council will be held on June 30, 2016, from 10:00 a.m. until 2:00 p.m.
- The Venture Technologies Group filed [comments](#) on June 1, 2016, on whether certain docketed proceedings should be terminated as dormant. [VTG](#) urged the Commission not to terminate two proceedings: Amendment of the Commission's Rules to Extend Its Network and Non-Network Territorial Exclusivity, Syndicated Exclusivity, and Network Non-Duplication Protection Rules to Low-Power, Class A, and Noncommercial Broadcast Stations; and Amendment of the Commission's Rules Relating to Program Exclusivity in the Cable and Broadcast Industries. VTG asserted the issues raised in each of these proceedings are ripe for FCC consideration. Replies are due June 16. [Federal Register](#) | [Public Notice](#)

Upcoming Filing Dates

- June 10 - PRA comments due on a revision to a currently approved collection associated with FCC Forms 472 (billed entity applicant reimbursement form), 473 (E-rate service provider annual certification form), and 474 (service provider invoice form). [Notice](#)
- June 10 - The FCC published a in the Federal Register on May 11, 2016, seeking PRA comments on previously approved recordkeeping requirements imposed on ILECs that offer international, interexchange services to maintain books of account separate from such ILEC's local exchange and other activities. [Notice](#)
- June 13 - Replies due on the [FNPRM](#) attached to the March 30, 2016 [Rate-of-Return USF Reform Order](#), The FNPRM seeks comments on proposed rule changes to the FCC's accounting and affiliate transaction rules for ratemaking and USF support purposes "to eliminate inefficiencies and provide guidance to rate-of-return carriers regarding the FCC's expectations for appropriate expenditures." [FR](#)
- June 15 - Replies due on competition in the mobile wireless marketplace for the FCC's Nineteenth Annual Report on the State of Competition in Mobile Wireless, including CMRS. [Public Notice](#)
- June 16 - ILEC tariffs due, for those filing on 15 days' notice. Petitions to suspend or reject tariff filings due June 23; replies due June 27. [Order](#)
- June 16 - Replies due on whether certain docketed Commission proceedings should be terminated as dormant. [Federal Register](#) | [Public Notice](#)
- June 16 - Replies due on a joint petition filed by BPS Telephone and AT&T for a study area waiver. [Public Notice](#)
- June 17 - Replies due on a petition filed by the North Carolina Utilities Commission requesting FCC agreement with the NCUC's redefinition of certain Central Telephone Company wire centers associated with the exchanges of Elkin, Hays, Mulberry, North Wilkesboro, and State Road as a separate service area or areas. [Public Notice](#)
- June 20 - Comments due on NECA 2016 Further Modification of the Average Schedule Universal Service High Cost Loop Support [Formula](#). [Public Notice](#)
- June 20 - PRA comments due on the proposed information collection requirement in the [NPRM](#) on establishing privacy regulations for broadband ISPs to implement section 222 of the Communications Act. [FR](#)
- June 20 - Comments due on [NPRM](#) on FY 2016 Regulatory Fees. Replies due July 5.
- June 22 - Comments due on the preparation of the biennial report required by the Twenty-First Century Communications and Video Accessibility Act of 2010. [Public Notice](#)
- June 22 - Comments due on Premier Communications and Winnebago Cooperative Telecom Association's [Petition](#) for waiver of the study area boundary freeze. Replies due July 7. [Public Notice](#)
- June 24 - Petitions for court review due on the RoR USF Reform [Order](#).
- June 27 - Replies due on the [NPRM](#) on establishing privacy regulations for broadband ISPs to implement section 222 of the Communications Act. [News Release](#)

- June 28 - Comments due on the [FNPRM](#) proposing a new competition-triggered deregulatory framework for the provision of business data services that classifies markets as either non-competitive or competitive. Replies due July 26.
- July 5 - Replies due on [NPRM](#) on FY 2016 Regulatory Fees.
- July 5 - Comments due on the proposed eligible services list for the E-rate program for funding year 2017. Replies due July 20. [Public Notice](#)
- July 7 - Replies due on Premier Communications and Winnebago Cooperative Telecom Association's [Petition](#) for waiver of the study area boundary freeze. [Public Notice](#)
- July 11 - PRA comments due on a revision to a currently approved collection associated with FCC Forms 497 (Lifeline and Linkup worksheet), 555 (Annual Lifeline ETC Certification Form), and 481 (Carrier Annual Report Data Collection Form). [Notice](#)
- July 18 - PRA comments due on an extension to a currently approved collection associated with Part 52 rules on telephone number portability. [Notice](#)
- July 18 - PRA comments due on an extension to a currently approved collection associated with Part 61 on tariff review plans. [Notice](#)
- July 20 - Replies due on the proposed eligible services list for the E-rate program for funding year 2017. [Public Notice](#)
- July 26 - Replies due on the [FNPRM](#) proposing a new competition-triggered deregulatory framework for the provision of business data services that classifies markets as either non-competitive or competitive.
- July 26 - PRA comments due on new information collections to address the requirements adopted in the March 2016 RoR [USF Reform Order](#). This information collection addresses the new burdens associated with those reforms. [Notice](#)

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