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June 11, 2018 HIGHLIGHTS

- The FCC adopted eight items at its June 7, 2018 [Open Meeting](#), including: an [Order](#) granting forbearance from applying USF contribution requirements to rural carriers' broadband internet access transmission services, effective July 3, 2018; a [Second Report and Order](#) revising section 214(a) service discontinuance, network change disclosure, and the Part 68 customer notification processes; an [FNPRM](#) proposing to transition interstate and intrastate originating 8YY end office and tandem switching and transport charges to bill-and-keep and capping and limiting 8YY database query rates; a [Declaratory Ruling and NPRM](#) that will clarify the FCC's rules regarding the authorization required to text-enable a toll free number and proposing further safeguards to promote the use of toll free numbers; and a [Report and Order](#) to protect consumers from slamming and cramming. Some of the items are not yet released.
- The FCC released an [NPRM](#) proposing measures to eliminate access arbitrage. Comments are due 21 days after the NPRM is published in the Federal Register; replies due 35 days after FR publication.
- Commissioner Clyburn issued a [closing statement](#) on her last day as FCC Commissioner.
- The Wireline Competition Bureau [granted](#), on its own motion, a waiver of the filing deadline, until July 16, 2018, for the annual ETC reporting requirements under section 54.313(j). Carriers must continue to report their local service rates pursuant to section 54.313(h) on July 2, 2018.
- The Wireline Competition Bureau [concluded](#) the limited CAF Phase I challenge process regarding 185 previously unidentified census blocks served by FairPoint. The Bureau said it received no challenges.
- The FCC [seeks](#) PRA comments on a new information collection on Form 683 to collect information from the winning bidders to determine the recipients of CAF Phase II auction support. PRA comments are due July 9, 2018.
- The FCC [released](#) a list of the handsets designated by each mobile wireless provider in the Mobility Fund Phase II challenge process for challengers to use when conducting speed tests in areas deemed presumptively ineligible for MF-II support.
- [Comments were filed](#) on the Third [FNPRM](#) on rural call completion. Replies are due June 19, 2018.
- [Comments were filed](#) on the [FNPRM](#) on robocalls. Replies are due July 9, 2018.
- [Comments were filed](#) on the supply chain security [NPRM](#). Replies are due July 2, 2018.

Other Key Upcoming Dates

- June 18 - Comments due on the [NPRM](#) on BDS regulation for RoR carriers. Replies are due July 2, 2018. [FR](#)
- June 18 - Comments due on CenturyLink's [Petition](#) for a Declaratory Ruling on end office local switching access reciprocal compensation. Replies are due July 3, 2018. [Public Notice](#)
- June 25 - Replies due on the [NPRM](#) on high-cost USF rate-of-return reform. [FR](#)

USF Reform

- The FCC released the [Order](#) on June 8, 2018, adopted at the June 7 Open Meeting, granting forbearance from applying USF contribution requirements to rural carriers' broadband internet access transmission services, effective July 3, 2018. It also extended the June 15, 2018 Form 499-Q revision deadline only for carriers affected by this forbearance, saying such carriers may file revised Forms 499-Q for the third quarter until July 2, 2018. It directed USAC to accept any late-filed Forms until that date.
- The Wireline Competition Bureau issued an [Order](#) June 6, 2018, granting, on its own motion, a waiver of the filing deadline for the annual ETC reporting requirements under section 54.313(j). It explained it has not yet received OMB approval of the most recent modifications to this information collection, including the changes to section 54.313 and FCC Form 481. The Bureau will allow ETCs until July 16, 2018, to file the FCC Form 481 annual reports, but said that carriers must continue to report their local service rates pursuant to section 54.313(h) on July 2, 2018. Section 54.313(h) requires all ILEC recipients of high-cost support to report all of their rates for residential local service for all portions of their service area.
- The Wireline Competition Bureau issued a [Public Notice](#) on June 6, 2018, concluding the limited CAF Phase I challenge process regarding 185 previously unidentified census blocks served by FairPoint Communications. The Bureau said it received no challenges, and directed USAC not to recover the support associated with the previously unidentified census blocks, to the extent that FairPoint has otherwise satisfied its deployment obligations with respect to those blocks.
- The FCC published [a notice](#) in the Federal Register on June 7, 2018, seeking PRA comments on a new information collection on Form 683 to collect information from the winning bidders to determine the recipients of CAF Phase II auction support. PRA comments are due July 9, 2018.
- The Rural Broadband Auctions Task Force and the Wireline Competition and Wireless Telecommunications Bureaus issued a [Public Notice](#) on June 6, 2018, to release a list of the handsets designated by each mobile wireless provider in the Mobility Fund Phase II challenge process for challengers to use when conducting speed tests in areas deemed presumptively ineligible for MF-II support. The list of handsets is available as Appendix A to this Public Notice.
- The Wireline Competition Bureau released [an Erratum](#) on June 7, 2018, to the April 5, 2018 [Tribal OpEx Order](#), amending Appendix A by replacing paragraph number "(6)" of Section 54.303(a) with paragraph number "(7)."
- Hawaiian Telcom and Cincinnati Bell filed a [Petition for Expedited Waiver](#) on June 5, 2018, to waive sections 1.21001(d)(4) and 54.315(b)(6)(iv) regarding the prohibition on major modifications to FCC Form 183 to enable them to participate in the CAF Phase II Auction 903 upon consummation of their pending combination, which is scheduled to occur on July 1, 2018. They said upon consummation of the transaction, Cincinnati Bell, as ultimate owner of HTI, will be bound by HTI's actions in Auction 903 and all attendant representations and certifications will remain effective and enforceable notwithstanding the transaction.
- The Nebraska Farm Bureau filed a [Petition for Waiver](#) on June 5, 2018, seeking to participate in the Mobility Fund II challenge process. The NFB said its farm and ranch members increasingly rely on 4G LTE service, and a rapidly growing number of farmers conduct business through their phone. It also said access to 4G LTE in remote locations where this work is happening is essential to providing timely emergency services.
- AT&T [met with](#) Chairman Pai's Advisor on May 30, 2018, to discuss establishing realistic performance measurement guidelines for all CAF recipients. AT&T said it is imperative that CAF Phase II auction participants have a common understanding of the obligations they are bidding to accept, and urged the Commission and the Wireline Competition Bureau to release an Order as quickly as possible.

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ICC

- The FCC released an [NPRM](#) proposing measures to eliminate access arbitrage in the intercarrier compensation regime. The NPRM, among other things, seeks comment on proposed rules to give access-stimulating LECs two choices about how they connect to IXCs: be financially responsible for calls delivered to their networks so they, rather than IXCs, pay for the delivery of calls to their end office or the functional equivalent; or accept direct connections either from the IXC or an intermediate access provider of the IXC's choice, allowing IXCs to bypass intermediate access providers selected by the access-stimulating LEC. In the alternative, the FCC seeks comment on moving all traffic bound for an access-stimulating LEC to bill-and-keep. Comments will be due 21 days after the NPRM is published in the Federal Register; reply comments will be due 35 days after FR publication.
- The FCC issued a [Public Notice](#) on June 4, 2018, on the process for carriers to obtain access to confidential information provided with 2018 annual access charge tariff filings in support of a carrier's tariff review plan. The FCC said carriers seeking access to such confidential information must comply with the Protective Order contained in the 1997 Tariff Streamlining Order. The FCC attached the Protective Order and Declaration to the Public Notice.
- The Wireline Competition Bureau released an [Order](#) on June 8, 2018, granting petitions filed by [South Dakota Network](#) and the [Minnesota Independent Equal Access Corporation](#) for waivers of the rule requiring submission of their biennial access tariff filings with an effective date of July 1, 2018. The Bureau said in light of the recent waiver recently granted to Aureon, it finds good cause exists for granting a three-month waiver to allow Petitioners to submit their biennial access tariff filings with an effective date of October 2, 2018.
- The Deputy Chief of the Market Disputes Resolution Division of the Enforcement Bureau sent a [letter](#) to Aureon Network Services and AT&T on June 6, 2018, granting their request to suspend the proceeding addressing Aureon's [Petition for Reconsideration](#) of the [Memorandum Opinion and Order](#) that granted in part AT&T's complaint against Aureon for charging AT&T for centralized equal access service on traffic destined for CLECs engaged in access stimulation. The Bureau said the parties requested the Commission suspend the reconsideration proceeding to allow them to better focus their attention and resources on their ongoing settlement discussions. The Bureau stayed the reconsideration proceeding until July 6, 2018.
- Aureon filed a [response](#) on June 4, 2018, to AT&T's [Supplemental Reply](#) in support of its [Motion](#) to amend the [Protective Order](#) in the proceeding investigating Aureon's switched transport tariff filing. Aureon claimed that as a procedural matter, AT&T's submission is improper and should be disregarded. Aureon said AT&T's submission constitutes an unauthorized fourth filing that violates the rule's requirement, exceeding the Commission's specified three-document briefing cycle, and that AT&T's complete reply to Aureon's opposition shall be set forth in a single pleading. Aureon also said AT&T's submission is substantively meritless.
- Inteliquent [met with](#) Advisors to Chairman Pai and Commissioner O'Rielly and Wireline Competition Bureau staff on May 31, 2018, to discuss the draft [Access Arbitrage NPRM](#). Inteliquent expressed support for the proposed reforms in the NPRM to eliminate financial incentives for parties to engage in access stimulation, but disputed allegations made by certain parties and cited in paragraph 31 of the NPRM, arguing the allegations wrongly characterize arrangements in which a wireless carrier relies upon an intermediate provider for indirect interconnection with other carriers as a form of arbitrage. Inteliquent claimed carriers interconnecting via its tandem are assessed a tariffed rate, which is benchmarked to the rate of the competing ILEC. It suggested greater recognition of rebuttals to the wholesale carriers' claims as well as the risks of discouraging carriers' use of legitimate intermediate services, including with respect to efforts to detect and deter unlawful robocalls.

- Peerless Network [met separately with](#) Advisors to Chairman Pai and Commissioner O’Rielly on May 30 and 31, 2018, to discuss the issues raised in its March 15, 2018 letter and previous filings concerning T-Mobile’s refusal to offer direct connects for wholesale traffic and forcing terminating traffic to be routed through T-Mobile’s intermediate carrier partner, Inteliquent. Peerless provided a brief overview of the direct connect issues Peerless has observed with other national wireless providers, and highlighted its support for CenturyLink’s proposed direct connect rule. Peerless urged the Commission to supplement the [Access Arbitrage NPRM](#) to include further details on CenturyLink’s proposal and include its proposed rule in Appendix A of this draft item.

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Call Completion

- In addition to comments carried in last week’s *REGScan*, comments were filed on June 4, 2018, on the Third [FNPRM](#) on rural call completion. [NTCA](#) supported the proposals for: a requirement for intermediate providers to register via a portal on the Commission’s website; implementation of the RCC Act’s prohibition on covered providers’ use of unregistered intermediate providers; and a requirement for intermediate providers to meet quality standards and have processes in place to monitor their own rural call completion performance. NTCA also said the Commission should require an annual certification, under penalty of perjury, from each registered intermediate provider indicating the company is adhering to such practices, that it is not transmitting covered voice communications to other intermediate providers not registered with the Commission, and that it will hold its own routers to the same standards. NTCA opposed as premature the elimination of existing recordkeeping and retention rules in conjunction with the implementation of the RCC Act. [USTelecom](#) encouraged the Commission to define intermediate providers as broadly as possible, and supported applying to them the flexible, standard-based approach to performance monitoring adopted for covered providers in the 2nd RCC Order. It suggested the Commission refrain from mandating specific industry best practices for intermediate providers, and argued enforcement of the monitoring requirements for covered providers established in the 2nd RCC Order should be delayed until after the Commission has adopted rules that specify the nature of the requirements that will attach to intermediate providers. USTelecom supported expeditiously sunsetting the recording and retention rules. [ITTA](#) said the service quality standards the Commission adopts for intermediate providers should be consistent with those applied to covered providers in the Second RCC Order, and covered providers should not be imputed with an obligation to ascertain the registration status of any intermediate provider other than one with which it directly contracts. ITTA claimed covered providers will need more time than the Third NPRM contemplates to implement the requirement that they use only registered intermediate providers. ITTA also said the Commission should vacate the covered provider monitoring requirements adopted in the Second RCC Order, and apply only the requirements called for by the RCC Act. ITTA supported the retirement of the rural call completion data recording and retention rules. [CTIA](#) said the Commission’s recently adopted monitoring rule and Congress’s efforts in the RCC Act will address the remaining rural call completion issues, and thus the Commission’s existing call completion recording and retention rules are unnecessary and should be eliminated. Reply comments are due June 19, 2018. [All comments available to date.](#)
- MCI Communications Services, d/b/a Verizon Business Services, filed a [Rural Call Completion Report](#) on June 4, 2018, pursuant to the January 26, 2015 Consent Decree it entered into with the FCC Enforcement Bureau on its investigations, lessons learned, and other information regarding avoidance, investigation, and resolution of rural call completion issues, including information presented in the industry workshop Verizon conducted on rural call completion in Washington, DC on March 29, 2017. Under the Consent Decree, Verizon agreed to pay a fine of \$2 million and implement a compliance plan in which it committed to spend \$3 million over the subsequent three years to improve call completion to rural areas across the country. It noted the Consent Decree and compliance period expired on January 26, 2018, and this Report is intended to satisfy Verizon’s obligation to publicly file a report with the Commission at the end of that period.

Open Internet

- Chairman Pai sent letters to Reps. [Mike Doyle \(D- Penn.\) and 126 other representatives](#), [Anna Eshoo \(D-Calif.\) and 5 other representatives](#), [Maxine Waters \(D-Calif.\)](#), [Mike Coffman \(R-Colo.\)](#), [Janice Schakowsky \(D-Ill.\)](#), and [Sen. Heidi Heitkamp \(D-N.D.\)](#) on May 24 and 25, 2018, in response to their letters expressing concern with the Restoring Internet Freedom [Order](#). Pai said by returning to the light-touch Title I framework, the Commission is helping consumers and promoting competition and promoting more robust transparency among ISPs than existed three years ago.
- Forty-nine Democratic Senators sent a [letter](#) to Speaker of the House Paul Ryan (R-Wis.) on June 7, 2018, to urge him to schedule a vote on [S.J.Res.52](#), which seeks to overturn the FCC's repeal of net neutrality rules. They claimed this measure will restore internet protections and ensure consumers continue to experience a free and open internet.

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Broadband

- Commissioner Clyburn issued a [statement](#) on June 6, 2018, on public disclosure of ISP data on affordable broadband service offerings. She said over the past several years, some ISPs have offered stand-alone broadband service at discounted rates for those families that meet certain criteria, but it is difficult for the FCC to measure the success of those programs due to a lack of publicly available data. She urged ISPs to improve their outreach and bring more attention to their low-income programs, disclose relevant data on these programs, and detail their progress in connecting low-income consumers through both voluntary or mandated affordable broadband offers.
- The Congressional Budget Office [issued a report](#) on June 5, 2018, in which it estimated implementing the [Precision Agriculture Connectivity Act of 2018](#) would cost the FCC \$1 million over the 2018-2023 period for the agency to oversee and appoint members to serve on the task force and to produce the required reports. It also noted as the FCC is authorized to collect fees sufficient to offset the costs of its regulatory activities each year, it estimated the net cost to the FCC to implement the bill would be negligible. The CBO also said enacting the bill would not affect direct spending or revenues, and estimates enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.
- USTelecom [spoke with](#) Wireline Competition Bureau and General Counsel staff on June 5, 2018, to seek approval to designate certain materials to be submitted into the record as "Highly Confidential," pursuant to the [Protective Order](#) in the proceeding addressing USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. USTelecom also discussed the process undertaken to solicit and analyze company-specific data used in the Economic Study attached to its Petition, and claimed the Petition contains more than sufficient additional evidence to support a grant of the requested relief.
- Davis Community Network filed a [letter](#) on June 7, 2018, claiming USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs is misguided and will cripple a thriving industry and deliver fewer choices and poorer services to citizens. Davis also expressed support for INCOMPAS' motion to dismiss the Petition.
- Petitions for Reconsideration were filed on June 4, 2018, on the [Second Report and Order](#) on streamlining the wireless infrastructure siting review process. [NATOA](#) claimed the Order fails to adequately address existing limits on state and local authority that may prevent environmental or historic review processes, ignores the impacts of densely packed deployments in a small geographic area, and creates inconsistencies with existing Commission rules. [The Apache Tribe of Oklahoma](#) claimed the Order is flawed because the Commission has no authority to exempt 5G networks from traditional and statutory consultation procedures. The Tribe asserted the Commission places great

weight on the fact that components of the 5G infrastructure are likely to be smaller than macro towers, but admits that the newer infrastructure will be quite dense.

- USTelecom filed a [letter](#) on June 6, 2018, to respond to the [ex parte](#) filed by electric utilities on April 24, 2018, which addressed USTelecom's [analysis](#) on pole attachment rates. USTelecom claimed the electric utilities' filing does not alter or refute the core findings of USTelecom's analysis that: rates charged to ILECs by power companies remain largely unchanged since, and in spite of, the Commission's 2011 and 2015 reforms; there is an increasing disparity in pole ownership in which ILECs own significantly fewer poles than IOUs; and ILECs pay significantly greater attachment rates than their cable and CLEC counterparts.
- Google Fiber filed a [letter](#) on June 4, 2018, to respond to the Communications Workers of America [ex parte](#) on the FCC's one-touch-make-ready pole attachment proposal and CWA's claims that OTMR procedures in Louisville KY is leading to a greater number of dangerous mistakes in make-ready work performed by third party contractors. Google said the mere fact that errors were made by someone in performing make-ready work does not implicate the safety and efficiency of a well-structured OTMR regime. Google said CWA's concerns about poor quality work are best addressed by rules that require approval of contractors by pole owners, with an opportunity for input by existing attachers, as set forth in the BDAC's proposal.
- AT&T filed a [letter](#) on June 8, 2018, to suggest the FCC clarify the limits on a municipality's authority to restrict wireless providers' access to the rights of way. AT&T claimed in states that have not passed small cell legislation, municipalities continue to impede the placement of small cell facilities in the rights-of-way by charging excessive fees, refusing placement outright, and imposing other unreasonable barriers. AT&T said for small cells, the Commission should make clear that, absent unusual circumstances, refusal of a municipality to accept a standard form deployment, as set forth in the FCC's Second Report and Order, would constitute a prohibition of service, and it should find that unreasonable fees imposed for access to the ROW effectively prohibit carriers from providing service.
- The Competitive Carriers Association filed a [letter](#) on June 7, 2018, asserting reforms are necessary to overcome state and local practices that are effectively blocking broadband deployment. CCA claimed the Commission has the authority pursuant to sections 332 and 253 to improve state and local siting procedures, including by shortening shot clocks for review of applications for collocations and other deployments and limiting local fees to nondiscriminatory, publicly-disclosed actual costs, among other regulatory reforms.
- Crown Castle filed a [letter](#) on June 7, 2018, claiming some jurisdictions have created obstacles to the deployment of next-generation wireless systems in the public right-of-way and a number of jurisdictions impose unreasonable fees and conditions on wireless facilities that are particularly inappropriate in the context of small cells. Crown Castle said the FCC has ample authority to issue regulations addressing these barriers to wireless infrastructure deployment under sections 253 and 332.
- Crown Castle filed a [letter](#) on June 1, 2018, attaching a Railroad Crossing Memorandum in support of its request for the Commission to exercise its section 253 authority and preempt state and local laws that allow railroads to act as gatekeepers to the rights-of-way. Crown Castle said obstacles related to infrastructure placement in public ROW controlled by the railroads has been raised as a barrier to deployment in both the wireless and wireline broadband proceedings, and requested the Commission exercise its section 253 authority to preempt such state and local legal requirements to the extent that railroads use them to prohibit telecommunications services, as further detailed in the memorandum.
- American Tower Corporation [met with](#) Commissioners Rosenworcel and O'Rielly and their Legal Advisors on June 6, 2018, to discuss the continuing role that macro towers will play in the future deployment of 5G. ATC suggested the Commission strike a reasonable and appropriate balance between the need to deploy infrastructure to facilitate 5G by streamlining local reviews and reducing costs while preserving the right of local communities to reasonably protect local land use values.

Universal Service

- In addition to comments listed in a last week's *REGScan*, comments were filed on June 1, 2018, on the [NPRM](#) proposing ways to ensure that USF support is not used to purchase equipment or services from companies posing a national security threat to the integrity of communications networks or the communications supply chain. [WTA](#) requested any future Commission policy be prospective only and clearly specify the equipment, software, and services that USF recipients must not use when constructing networks. [USTelecom](#) expressed support for Commission efforts to exercise good stewardship over its USF spending, but emphasized the need for a coordinated "whole of government" approach to determining the entities and equipment types that constitute communications supply chain risks. [AT&T](#) said any measures to address legitimate national security threats should be proportionate to the security risks and apply equally to all networks and providers without regard to technology or size, and not just to entities that use USF support or that are otherwise subject to the Commission's regulatory authority. Replies are due July 2, 2018. [All comments available to date](#)
- Chairman Pai [announced](#) on June 6, 2018, he circulated an Order that would take immediate action to increase funding for the USF's Rural Health Care Program from \$400 million to \$571 million. He said the Order would apply the increased cap to the current funding year and gives providers long-term certainty about universal service funding by adjusting the cap annually for inflation and allowing unused funds from prior years to be carried forward to future years.
- Telrite Corporation d/b/a/ Life Wireless filed a [letter](#) on June 6, 2018, to respond to the FCC's May 7, 2018 [Order](#) that denied 14 requests for review of USAC decisions, including two filed by Telrite. Telrite claimed it was inappropriate for the Wireline Bureau to deny its requests as it had withdrawn them four months prior to release of the Order, and asserted the Commission agreed not to act on them. Telrite asked the Commission to direct the Wireline Bureau to issue an Errata removing Telrite and its properly withdrawn requests for review from the Order.
- True Wireless filed an [Application for Review](#) on June 6, 2018, of the [Order](#) that denied its Request for Review of a USAC decision on duplicative Lifeline support. True Wireless claimed the Bureau's denial should be reversed because USAC's in-depth data validation misinterpreted and failed to apply the "same name, same address" standard.
- The National Lifeline Association [met with](#) staff from the [Wireline Competition Bureau](#) on June 4, 2018, to discuss recent and proposed changes to the Lifeline program. NaLA said the proposed ban on wireless resellers must be rejected and the FCC must maintain facilities forbearance. NaLA also expressed support for a budget for the Lifeline program.

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State Actions

- A [bill](#) was introduced in the New Jersey State Assembly on June 4, 2018, which would require automatic dialing device callers to disclose certain identifying information. The bill, among other things, prohibits callers from using an automatic dialing device to contact a telephone or wireless telephone customer located in NJ in order to transmit a recorded or automated voice message to the customer via the customer's telephone or wireless telephone, unless the prerecorded or automated voice message accurately identifies the caller.

Misc.

- The FCC adopted the following items at its June 7, 2018 [Open Meeting](#): an [Order](#) granting forbearance from applying USF contribution requirements to rural carriers' broadband internet access transmission services, effective July 3, 2018; a [Second Report and Order](#) revising section 214(a) service

discontinuance, network change disclosure, and the Part 68 customer notification processes; an [FNPRM](#) proposing to transition interstate and intrastate originating 8YY end office and tandem switching and transport charges to bill-and-keep and capping and limiting 8YY database query rates; a [Declaratory Ruling and NPRM](#) that will clarify the FCC's rules regarding the authorization required to text-enable a toll free number and proposing further safeguards to promote the use of toll free numbers; a [Report and Order](#) to protect consumers from slamming and cramming; a [Report and Order, Declaratory Ruling, FNPRM, and NOI](#) on IP CTS; a [Third Report and Order, Memorandum Opinion and Order, and Third FNPRM](#) that would continue efforts to make available millimeter wave spectrum, in bands at or above 24 GHz, for fifth-generation wireless, Internet-of-Things, and other advanced spectrum-based services; and an [FNPRM](#) that tentatively concludes the Commission should vacate its 2008 Leased Access Order. Some of the items are not yet released.

- The FCC [deleted](#) the following items from the June 7, 2018, Open Meeting [agenda](#) because they had already been adopted: an [NPRM](#) proposing reforms to eliminate access arbitrage in the intercarrier compensation regime; an [Order and Authorization](#) granting Audacy's request to construct, deploy, and operate a proposed non-geostationary satellite; and an [Order and Declaratory Ruling](#) granting a request to modify O3b's existing U.S. market access grant by adding new non-geostationary satellites and new frequency bands for broadband services; and an enforcement action item.
- Commissioner Clyburn released a [closing statement](#) on June 6, 2018, on her last day as FCC Commissioner. She discussed decisions she was involved in, such as the Title II classification of broadband providers and the enactment of strong open internet rules in 2015, enhancing access to affordable communications services, formation of the Connect2Health Task Force, and supporting broadband consumer privacy protections. She also discussed decisions she wished had come out differently, including repeal of the 2015 Open Internet Order, deregulation of the business data services market, and proposed Lifeline reform.
- In addition to comments listed in last week's *REGScan*, comments were filed on the [FNPRM](#) on ways to address the problem of unwanted calls to reassigned numbers. [CenturyLink](#) suggested reassigned numbers represent an undetermined, yet potentially quite narrow, issue that will not appreciably reduce unwanted or illegal robocalls overall, and thus the Commission should proceed carefully and avoid burdensome mandates until more information is available to confirm the benefits of a reassigned number database will outweigh the costs and positively impact consumers in a meaningful way. It said if the Commission moves forward despite that unknown, it should consider implementing a wireless-only database to address the most acute reassignment issues while gaining experience on the benefits a database resource could produce before considering expanding the database to wireline providers. [ATIS](#) said most of its members believe that current market solutions should be relied upon and improved as necessary, and to the extent the Commission designates a new reassigned number database, ATIS urged the Commission to consider its recommendations regarding the database(s), appropriate security controls for access to this information, and the aging of telephone numbers. [Neustar](#) said it does not believe the establishment of a government reassigned numbers database is the best means to achieve the goal as there are a variety of commercial solutions currently available to help callers avoid calling reassigned numbers. It suggested the Commission instead create a safe harbor from TCPA liability for calls to reassigned numbers when callers utilize commercial solutions and otherwise have the consent of the intended customer to place the call. It also said a full and complete cost-benefit analysis would require an assessment of the entities likely to use and pay for a government reassigned numbers database, but this cannot be done until the Commission completes a pending proceeding examining threshold issues related to TCPA "interpretation and implementation" resulting from the D.C. Circuit's decision in *ACA International v. FCC*. The [Alaska USA Federal Credit Union](#) said the effectiveness of a database will rely on service providers consistently contributing to the same database, and claimed utilizing one or more commercial data aggregators may cause unnecessary inflation of the expense related to the use of the database(s), noting cost will be a major factor in end user adoption. It also said the mandatory reporting requirements for service providers should be established at no more than quarterly, and all providers should be required to report their permanent disconnects. The [Minnesota Credit Union Network](#) asserted that using a database for reassigned numbers will be cost prohibitive. It expressed concern with the size of the database needed given that 35 million phone numbers are reassigned each year, and the frequency at which callers will need to scrub their information against the database. The [National Consumer Law Center](#) supported

the creation of a reassigned number database, and said if designed correctly, the database should provide an efficient means for callers to protect themselves from committing unnecessary violations and incurring TCPA liability by checking the database. It suggested, however, the use of the database should not shield callers from liability for other violations of the TCPA. [ACA International](#) said a reassigned numbers database is the most pressing, or only, solution to solving the many problems associated with illegal robocallers and the lack of clarity surrounding TCPA compliance, and it believes there could be benefits to using one centralized database if it is developed thoughtfully. It provided feedback on how an effective reassigned number database must be used to provide a TCPA related safe harbor, the potential challenges of costs associated with a database, and other compliance concerns. The [VON Coalition](#) said the costs of a reassigned numbers database with mandatory reporting will likely outweigh the benefits, and it questioned the need when call verification and authentication through the SHAKEN/STIR framework is soon to be implemented. It said if a database is established that requires mandatory reporting, the Commission should ensure that covered providers include only those providers that know a number has been reassigned, and includes reassigned SMS and toll-free numbers. [UnitedHealth Group](#) encouraged the FCC to grant the healthcare providers' July 28, 2017 Petition for Expedited Declaratory Ruling and/or Clarification of the 2015 TCPA Omnibus Declaratory Ruling and Order, and confirm that HIPAA-regulated entities are not subject to TCPA liability for certain non-marketing HIPAA-governed calls for which prior express consent had been obtained through a health plan, healthcare provider or other HIPAA-regulated entity. UHG supported the provision of a safe harbor for good-faith callers that "reasonably rely" on available databases to avoid placing calls to reassigned numbers, and suggested the FCC reduce the burdens of accessing any database, as well as the design of the proposed database(s). [Quicken Loans](#) supported efforts to create a single reassigned number database; urged the FCC to incorporate a safe harbor for businesses; and said the FCC has the legal authority to make regulatory reforms. It also urged the FCC to provide a clear definition of "called party" in the TCPA, which should include the "intended recipient of a call," to provide a bright-line for businesses reaching out to provide consumer-wanted services. Replies are due July 9, 2018. [All comments available to date.](#)

- Encore Capital Group filed [a letter](#) on June 5, 2018, to submit comments on the Robocalls FNPRM. Encore Capital supported the creation of a reassigned numbers database mandated by the Commission, so long as the information is readily available and is provided free of charge or at a nominal cost. It said as part of any mandatory framework, service providers should be given an efficient method to systematically update the reassigned number data. It also suggested there be a safe harbor from TCPA liability for those callers that choose to use a reassigned numbers database, whether one created by the Commission or an existing commercial solution.
- [Rep Frank Pallone](#) (D-N.J.) ([bill](#)) and [Sen. Edward Markey](#) (D-Mass.) ([bill](#)) introduced legislation in both houses on June 7, 2018, entitled *Stopping Bad Robocalls Act*. The bills would direct the Commission to enact strong consumer protections for authorized calls and empower the FCC with strong enforcement tools to reign in robocallers.
- Comcast [met with](#) Commissioner Rosenworcel's Legal Advisor on June 5, 2018, to reiterate its support for establish a centralized, comprehensive, Commission-designated database of reassigned telephone numbers and the adoption of a tailored safe harbor from liability under the TCPA for entities that reasonably rely on the database. Comcast described its role in developing the SHAKEN/STIR call authentication protocol, which is designed to curtail fraudulent robocalls that rely on spoofed caller ID information, and discussed Comcast's plans to implement the protocol on an aggressive timetable.
- Charter Communications [met with](#) Wireline Competition Bureau staff on May 31, 2018, to discuss its ongoing commitment to protect its customers from illegal robocalling and spoofing, and its continued involvement in the development of industry standards for the SHAKEN/STIR framework. Charter also discussed its plans for implementing SHAKEN/STIR and some of the barriers that needed to be resolved to deploy the framework effectively.
- Google [met with](#) staff from the Wireline Competition, Consumer and Government Affairs, Public Safety and Homeland Security, and Strategic Planning & Policy Analysis Bureaus on May 30, 2018, to discuss Google's current policies for authenticating caller ID and mitigating unlawful robocalls to its users and its intention to implement SHAKEN/STIR. Google expressed concern about limiting the

ability to obtain STI certificates and sign for calls to a narrow set of voice providers, and emphasized the importance of having all identity header fields delivered to devices to enable mobile applications to perform validation and spam detection.

- Reps. Frank Pallone (D-N.J.) and Mike Doyle (D-Pa.) sent a [letter](#) to Reps. Greg Walden (R-Ore.) and Marsha Blackburn (R.-Tenn.), members of the House Energy and Commerce Committee, on June 5, 2018, asking them to fulfill their commitment to hold oversight hearings of the Federal Communications Commission by immediately rescheduling a hearing that was postponed on February 16, 2018. Pallone and Doyle asserted the hearing must be held because the current FCC has refused to fully answer the letters of Committee Democrats 26 times. [News release](#)
- The Wireline Competition Bureau issued Public Notices on June 6, 2018, seeking comments on applications filed by [Terra Nova Telecom](#), [EdgeTel](#), and [Origin Networks, d/b/a Infostructure](#) for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for their iVoIP service. Comments are due June 21, 2018.
- The North American Numbering Council's Nationwide Number Portability Issues Working Group filed a [report](#) on its findings on the ATIS models on nationwide number portability on June 4, 2018. The NANC's Toll Free Assignment Modernization Working Group also filed a [report](#), offering recommendations on rule and policy changes on toll free number assignment issues.

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Upcoming Filing Dates

- June 14 - PRA comments due on a revision of a currently approved information collection associated with the 2017 Business Data Services [Order](#). [Notice](#)
- June 14 - PRA comments due on a new information collection associated with amended rules requiring that carriers honor privacy requests. [Notice](#)
- June 14 - Comments due on Number Access' application for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. [Public Notice](#)
- June 18 - Comments due on the [NPRM](#) proposing to allow rate-of-return carriers receiving A-CAM support to voluntarily migrate their lower speed circuit-based business data service offerings to incentive regulation. Replies are due July 2, 2018. [FR](#)
- June 18 - Comments due on CenturyLink's [Petition](#) for a Declaratory Ruling as to the applicability of end office local switching access reciprocal compensation, under section 51.913, for traffic that originates from or terminates to an end user customer of an over-the-top VoIP provider that partners with a LEC to exchange traffic to and from the PSTN. Replies are due July 3, 2018. [Public Notice](#)
- June 19 - Replies due on the [Third FNPRM](#) on rural call completion. The FCC seeks comment on: proposed rules to implement the recently enacted Improving Rural Call Quality and Reliability Act of 2017, and sunseting the recording and retention rules established in the RCC Order upon implementation of the RCC Act.
- June 21 - Comments due on applications filed by [Terra Nova Telecom](#), [EdgeTel](#), and [Origin Networks, d/b/a Infostructure](#) for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for their iVoIP service.
- June 21 - Comments due on the [NPRM](#) on the assessment and collection of regulatory fees for FY 2018. Replies are due July 6, 2018.

- June 25 - Petitions due seeking to suspend or reject tariff filings made on 15 days' notice. Replies due June 28, 2018. [Order](#)
- June 25 - Replies due on the NPRM portion of the March 23, 2018, [Report and Order, Third Order on Reconsideration, and NPRM](#) on high-cost USF rate-of-return reform. [FR](#)
- June 29 - PRA comments due on a revision to a currently approved collection associated with FCC Forms 481, 505, and 525. [Notice](#)
- July 2- Replies due on the [NPRM](#) proposing ways to ensure that USF support is not used to purchase equipment or services from companies posing a national security threat to the integrity of communications networks or the communications supply chain. [FR](#)
- July 2 - Replies due on the [NPRM](#) proposing to allow rate-of-return carriers receiving A-CAM support to voluntarily migrate their lower speed circuit-based business data service offerings to incentive regulation. [FR](#)
- July 3 - Replies due on CenturyLink's [Petition](#) for a Declaratory Ruling as to the applicability of end office local switching access reciprocal compensation, under section 51.913, for traffic that originates from or terminates to an end user customer of an over-the-top VoIP provider that partners with a LEC to exchange traffic to and from the PSTN. [Public Notice](#)
- July 6 - Replies due on the [NPRM](#) on the assessment and collection of regulatory fees for FY 2018.
- July 9 - Replies due on the [FNPRM](#) on ways to address the problem of unwanted calls to reassigned numbers. [FR](#)
- July 9 - PRA comments due on a new information collection on Form 683 to collect information from the winning bidders to determine the recipients of CAF Phase II auction support. [notice](#)
- July 16 - Comments due on NTTA's [Notice](#) seeking comments on ways to improve the nation's ability to analyze broadband availability, with the intention of identifying gaps in broadband availability that can be used to improve policymaking and inform public investments.
- July 16 - PRA comments due on an extension of a currently approved information collection associated with the selection of USAC Board of Directors and ensuring that requests for review are filed properly with the Commission. [Notice](#)
- July 23 - PRA comments due on a revision of currently approved information collections associated with rural call completion. [Notice](#)
- July 23 - PRA comments due on an extension of a currently approved information collections associated with FCC Forms 470 and 471. [Notice](#)
- Aug. 6 - Comments due on USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. Replies due September 5, 2018. [Public Notice](#), [Order](#)

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