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### July 5, 2017 HIGHLIGHTS

- President Trump [nominated](#) Brendan Carr to be a FCC Commissioner for the remainder of the term expiring June 30, 2018, and for an additional five-year term from July 1, 2018. Carr is currently the FCC General Counsel.
- [Comments were filed](#) on the [NPRM](#) on facilitating voice service providers' blocking of illegal robocalls.
- Chairman Pai sent [letters](#) to U.S. Senators representing Alabama, responding to their letter on the local service rate floor.
- The WCB issued a [Public Notice](#) seeking to refresh the record on access charge reform for 8YY calls since the 2011 Transformation Order. Comments due July 31, 2017; replies due August 15, 2017.
- Nebraska Companies [urged](#) the Commission to increase A-CAM model funding to \$200 per location. TDS, Great Plains Communications, and ITTA [urged](#) the FCC to fully fund the A-CAM Plan this year, and to devote resources to legacy rate-of-return mechanisms.
- The FCC issued an [Order](#) to provide guidance on its privacy rules, stating the rules implementing section 222 for telecommunications carriers that were in existence prior to the 2016 Broadband Privacy [Order](#) are again in effect. The FCC also dismissed as moot 11 petitions for reconsideration of the 2016 Order.
- The FCC's Office of Science and Technology Policy [held a meeting](#) with AT&T, CenturyLink, et al. to discuss broadband, 5G deployment, and the Internet of Things.
- The FCC issued an [Order](#) granting West Kentucky and Tennessee Telecommunications' [Petition for Waiver](#) of certain ICC recovery rules to allow it to amend its recovery calculations to include additional revenues in its base period revenue amounts used to calculate ICC Eligible Recovery.
- The WCB [seeks comments](#) on Great Plains' [Petition for waiver](#) of Part 51 rules to permit it to utilize actual interstate switched access revenues in establishing rates and calculating amounts eligible for CAF ICC recovery for its 2017-2018 switched access rates. Comments are due July 31; replies are due August 15. Great Plains [discussed](#) its [Petition for Waiver](#) with FCC staff.
- [Verizon](#), [AT&T](#), [Cincinnati Bell](#), and [CenturyLink](#) filed responses to petitions from [Level 3](#), [Sprint](#), and [CenturyLink](#) seeking rejection or, in the alternative, suspension and investigation of the carriers' 2017 annual access tariff filings.
- [NCTA/ USTelecom](#) filed replies on their [Petition](#) that asked the FCC to confirm and clarify aspects of the federal regulatory regime governing broadband speed disclosures. [CWA](#) also filed a reply.
- The FCC issued an [Order](#) finding that an exclusive license to "build, construct, repair, maintain, and operate" a network to provide telecommunications services assigned to SIC violates section 253(a).
- FairPoint, USTelecom, and ITTA [asserted](#) that any separations reform related to separations categories and traffic factors would likely impact the various CAF and ICC Transition mechanisms in place for RoR carriers and would therefore be disruptive to these mechanisms.

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### Other Key Upcoming Dates

- July 6 - Comments due on ITTA and USTelecom's [Petition for Rulemaking](#) to review rate regulation of business data services offered by model-based rate-of-return carriers. Reply comments are due July 21. [Public Notice](#)
- July 10 - Comments due on the [NPRM](#) on whether the FCC should change the current local service rate floor methodology or eliminate the rate floor and its accompanying reporting obligation. Replies are due July 24. [Notice](#)
- July 17 - Replies due on the Wireline Infrastructure [NPRM, NOI, and Request for Comment](#).
- July 31 - Replies due on the [NPRM](#) on ways to block illegal robocalls. [Notice](#)

## USF Reform

- Chairman Pai sent [letters](#) to Sens. Richard Shelby (R-Ala.) and Luther Strange (R-Ala.) and Reps. Robert Aderholt (R-Ala.) and Mo Brooks (R-Ala.) on June 20, 2017, in response to their letter about the local service rate floor. Pai said after several years of experience with the rate floor rule, it now appears to impose high costs on rural consumers without any corresponding federal benefit. He noted the Commission recently froze the rate floor at the current minimum rate of \$18 per month and adopted a NPRM seeking comment on whether the rate floor has met its intended purposes, whether changes should be made to the current rate floor methodology, or whether it should be eliminated entirely.
- Chairman Pai sent separate letters to [Rep. Tom Marino](#) (R-Pa.) and Sens. [Pat Toomey](#) (R-Pa.) and [Bob Casey](#) (D-Pa.) on June 20, 2017, in response to their letters expressing support for the Pennsylvania PUC and the Pennsylvania Department of Community and Economic Development's [Petition for Reconsideration](#) of the CAF Phase II Auction Order. Pai said the FCC sought public comment on the Petition, is carefully reviewing the record in the proceeding, and will take into consideration the issues and concerns presented by all stakeholders as the Commission makes every effort to conclude its review as quickly and equitably as possible.
- Chairman Pai sent [letters](#) to Sens. Joe Manchin (D-W Va.) and Roger Wicker (R-Miss.) on June 19, 2017, in response to their letter regarding coverage data for the CAF Phase II auction and the Mobility Fund II. Pai said the Rural Broadband Auctions Task Force will help ensure that USF funds are allocated efficiently for rural broadband deployment and that as many Americans as possible are able to get internet access. He noted parties will have the opportunity to review the Commission's coverage analysis and challenge initial determinations, and stakeholders have been coming forward with specific and constructive suggestions for how to structure the challenge process.
- Steelville Telephone Exchange filed [a letter](#) on June 27, 2017, to express support for Vantage Point's June 14, 2017 [ex parte](#), which suggested the FCC make offers of model-based support to RLECs whose model eligibility was affected by clerical oversights. Steelville said it is one of the affected companies, and indicated it would embrace the opportunity to meet its deployment obligations (3,730 presubscribed broadband locations).
- Great Plains Communications, Consolidated Companies, Furchtgott-Roth Economic Enterprises, Reynolds Schultheis Consulting, and Parrino Strategic Consulting, on behalf of the Nebraska Companies, [met separately with](#) Legal Advisors to Chairman Pai and Commissioners Clyburn and O'Rielly and Wireline Competition Bureau staff on June 28, 2017, to urge the Commission to increase A-CAM model funding to \$200 per location. They asserted the A-CAM current funding level relegates too many customers to satellite, leaving large geographic areas of the country with inferior service or nothing at all. They claimed if the FCC funds A-CAM at \$200 per location, far fewer high-cost customers will be relegated to satellite service.
- TDS Telecommunications, Great Plains Communications, and ITTA [met with](#) Legal Advisors to Chairman Pai and Commissioners Clyburn and O'Rielly on June 28, 2017, to urge the Commission to fully fund the A-CAM Plan this year, and to devote resources to legacy rate-of-return mechanisms in order to alleviate the budget control cuts such carriers are encountering.
- Oxford Telephone Company and Oxford West Telephone Company filed a [Petition for Limited Waiver](#) of section 54.313(f)(2)(ii) on June 30, 2017, which requires privately held RoR carriers that are not recipients of loans from the RUS and whose financial statements are audited in the ordinary course of business to file a copy of their audited financial statement with their ETC Annual Report (Form 481). They requested a one-month waiver to submit the finalized version of their annual financial audit report, saying due to delays caused by the auditing process, which were unforeseen by the companies, the audit reports will not be available by the July 3 deadline. They indicated they will be submitting draft versions of the reports in their Form 481s and will populate the Lines 3027 – 3034 with the required financial data.

- Butler-Bremer Mutual Telephone, NTCA, and GVNW [met with](#) Commissioner O’Rielly’s Legal Advisor on June 29, 2017, to urge the Commission to grant the waiver requests filed by Butler-Bremer in its May 12, 2015 Petition. They said delay in addressing the waiver has prevented and will continue to prevent Butler-Bremer from saving approximately \$45,000 annually in accounting, reporting and other administrative costs. They claimed consolidation of the access rate bands for the merged study area are revenue neutral and the requested study area merger has no adverse impact on CAF-ICC.
- NECA filed rate-of-return carrier rate floor [data](#) on June 30, 2017, at the rate zone level as of June 1, 2017. NECA indicated it filed this data in compliance with sections 54.313(h) and (i) of the Commission’s rules and pursuant to the Protective Order in this proceeding.
- The National Congress of American Indians sent [a letter](#) to Chairman Pai and Commissioners O’Rielly and Clyburn on June 26, 2017, to submit into the record a NCAI resolution calling for the Commission to “move forward expeditiously and adopt the Order exempting carriers primarily serving Tribal Lands from the operating expense limitation rule.” NCAI said it is extremely concerned that this item remains pending after so much time.
- ATN International and Buffalo-Lake Erie Wireless [met with](#) staff from Chairman Pai’s office on June 29, 2017, to urge the Commission to take all steps necessary to ensure the Mobility Fund Phase II auction occurs as soon as possible, and to ensure the process for identifying areas eligible for MF-II support correctly “target[s] universal service funding to coverage gaps, not areas already built out by private capital.” They said to the extent any new data collection results in more areas being identified as not covered, questions are raised about whether the budget is sufficient to achieve the program’s goals, which they suggested makes it all the more important that the program target only areas that truly lack service.

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## Broadband

- The FCC issued an [Order](#) on June 29, 2017, to provide guidance on the FCC’s privacy rules. It said the FCC’s rules implementing section 222 for telecommunications carriers that were in existence prior to the 2016 Broadband Privacy [Order](#) are again in effect, pursuant to the resolution of disapproval of that Order under the Congressional Review Act. The FCC said the section 222 rules that are in effect are in Appendix A, and include the annual compliance certification and recordkeeping requirements set out in section 64.2009(e) and (c). The FCC reminded ISPs that they remain subject to section 222, but need not comply with the Commission’s implementing rules as a result of the forbearance granted in the [Title II Order](#). The FCC also dismissed as moot 11 petitions for reconsideration of the 2016 Broadband Privacy Order, noting the Order, and the rules adopted therein, are no longer in effect. ([News Release](#))
- The FCC issued a [Public Notice](#) on June 30, 2017, announcing the FCC’s Form 477 filing interface, available online at <https://apps2.fcc.gov/form477/login.xhtml>, is now accepting data as of June 30, 2017. The filing deadline for Form 477 data as of June 30, 2017, is September 1, 2017. Information on how to file Form 477 is available on the FCC’s Form 477 Resources for Filers webpage at [www.fcc.gov/form477](http://www.fcc.gov/form477).
- Reply comments were filed on July 3, 2017, on NCTA and USTelecom’s [Petition for Declaratory Ruling](#), which asked the Commission to confirm and clarify aspects of the federal regulatory regime governing broadband speed disclosures. [CWA](#) opposed the Petition, and claimed the Commission lacks the authority to issue such a Declaratory Ruling. CWA asserted that even if it had such authority, such a ruling would result in considerable harm to consumers by allowing broadband providers to make inaccurate or misleading statements about their network performance and capabilities. [NCTA/USTelecom](#) asserted opponents of the Petition misapprehend the scope of the Petition as a request for complete preemption of state consumer protection laws, claiming the Petition makes no such request.

NCTA and USTelecom also asserted there is no procedural barrier to granting the Petition, and public policy favors a uniform, national framework for BIAS speed disclosures. [Public Notice](#)

- Level 3 [spoke with](#) Legal Advisors to Chairman Pai and Commissioners Clyburn and O’Rielly on June 22 and 23, 2017, to discuss the Congressional Review Act repeal of the 2016 Privacy Order and how it eliminated certain changes to the FCC’s rules, including former section 64.2010, which conditionally exempted enterprise voice providers from the FCC’s rules specifying how carriers must implement section 222. Level 3 urged the FCC to adopt a new, unconditioned version of the enterprise customer exemption as part of the privacy item currently on circulation, and discussed steps the FCC could take to address this issue outside the context of the item currently on circulation.
- Chairman Pai [spoke](#) at the “Broadband for All” Seminar in Stockholm, Sweden on June 26, 2017. He discussed recent FCC actions to increase broadband access, including: partnering with New York State to deliver \$170 million for broadband deployment in unserved areas; an Order bringing mobile broadband to millions of Americans through the Mobility Fund Phase II; and \$2 billion in fixed broadband investment through CAF Phase II via a competitive bidding process. Pai said to expand digital opportunity, it is important to create a regulatory environment that incentivizes companies to build and expand high-speed networks on their own. He said unnecessary rules make it more expensive to construct these networks than it needs to be, noting the FCC has proposed eliminating regulatory barriers to building wireline infrastructure.
- The FCC’s Office of Science and Technology Policy [convened a meeting](#) on June 22, 2017, with AT&T, CenturyLink, GE, Honeywell, et al. to discuss the importance of broadband in America, 5G deployment, and the Internet of Things. Chairman Pai and his Legal Advisors also attended the meeting. The FCC said several participants mentioned the challenges they face deploying communications infrastructure, including small cell/5G rollout, particularly in rural areas. They also discussed the need for expedited and inexpensive state and local siting approvals, as well as the importance of light touch regulation.
- The FCC issued a [Public Notice](#) on June 27, 2017, to announce the appointment of Andy Huckaba to serve on the Broadband Deployment Advisory Committee. Mr. Huckaba will serve on the BDAC as a representative of the City of Lenexa, Kansas, where he is a member of the City Council.
- Chairman Pai sent a [letter](#) to Sen. John Barrasso (R- Wy.) on June 20, 2017, in response to his letter supporting the appointment of Mr. Neil Schlenker, Chairman of the Board of Directors of Tri County Telephone Association, to serve on the Commission’s Broadband Deployment Advisory Committee’s Streamlining Federal Siting working group. Pai said the selection of members for the Streamlining Federal Siting working group is currently in progress and the FCC will consider the recommendation and Mr. Schlenker’s resume as the Commission reviews the nominations for this BDAC working group and any future working groups.
- The House Appropriations Committee released the fiscal year 2018 Agriculture Appropriations [bill](#) on June 27, 2017, which was considered in subcommittee June 28, 2017. The legislation, among other things, includes \$6.94 billion for rural electric and telephone infrastructure loans, the same level as fiscal year 2017. [Press release](#)
- Frontier Communications [met with](#) Commissioner O’Rielly and his Legal Advisor on June 28, 2017, provide an overview of its current and future business operations, and claimed rationalizing ILEC pole attachment rates would encourage broadband deployment and remove unnecessary competitive distortions.
- Google Fiber [met with](#) Legal Advisors to Chairman Pai and Commissioners Clyburn and O’Rielly and Wireline Competition Bureau staff on June 29, 2017, to discuss one-touch make-ready for pole attachments, as proposed in its comments. Google Fiber proposes OTMR that would allow a new attacher with permission to install attachments on a pole to use a contractor approved by the pole owner to perform all work on existing attachments needed to make the pole ready for its new attachments.

- The National Organization of Black Elected Legislative Women filed a [resolution](#) on June 23, 2017, which it claimed highlights the need to modernize the permitting processes at the local level to support broadband wireless and wireline deployment. NOBEL Women's resolution said local governments should balance the deployment of new generation wireless technology with local governments' role in managing rights-of-way, maintaining safe communities, and promoting economic development. It also said local governments should modernize their permitting processes to enable the rapid deployment of small antenna infrastructure to support next generation networks, and urged local governments to work collaboratively with businesses to bring next generation networks to their cities.
- CommSouth Telecommunications filed a [letter](#) on June 26, 2017, to notify the FCC that it intends to cease offering its DSL broadband internet transmission service as a separate component of its broadband internet access service effective September 1, 2017. It said the transmission component will only be provided as part of the complete broadband internet access service the company offers to end users.

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## ICC

- The Wireline Competition Bureau issued a [Public Notice](#) on June 30, 2017, seeking comments on Great Plains Communications' Petition for waiver of sections 51.909(a)(4)(ii)(A) and 51.919(b) to use its actual interstate switched access revenues instead of projected revenues to calculate switched access rates and eligible recovery as it exits NECA's switched and special access pools. Comments are due July 31, 2017; replies are due August 15, 2017.
- Great Plains Communications and Reynolds Schultheis Consulting [met with](#) staff from the Pricing Policy Division of the Wireline Competition Bureau on June 28, 2017, to discuss its [Petition for Waiver](#) to permit it to utilize actual interstate switched access revenues in establishing rates and calculating amounts eligible for CAF ICC recovery for its 2017-2018 switched access rates. They provided maps of Great Plains' transport network and responded to questions.
- The Wireline Competition Bureau issued a [Public Notice](#) on June 29, 2017, seeking to refresh the record on access charge reform for 8YY calls since the 2011 Transformation Order. It noted the Ad Hoc Telecommunications Users Committee's [letter](#) urging the Commission to "restore the historic treatment of 8YY traffic for access charge purposes, pursuant to which carriers are required to apply the per minute charges for terminating traffic to the originating or 'open' end of 8YY calls" and AT&T's recent observation that arbitrage and access stimulation schemes are increasingly shifting to 8YY service. Comments due July 31, 2017; replies due August 15, 2017.
- The Commission issued an [Order](#) on June 27, 2017, granting West Kentucky and Tennessee Telecommunications' [Petition for Waiver](#) of certain ICC recovery rules to allow it to amend its recovery calculations to include additional revenues in its base period revenue amounts used to calculate ICC Eligible Recovery, effective October 6, 2016. The Commission indicated that under these unique circumstances, where West Kentucky exercised some diligence prior to March 31, 2012, where at least one of its errors involved a charge that appears to apply only in limited circumstances, and where the state commission has entered relevant findings into the record, the need to ensure accurate BPR calculations outweighs the burdens associated with adjusting recovery amounts.
- The LEC Coalition [met with](#) staff from Chairman Pai's office and the Wireline Competition Bureau on June 29, 2017, to reiterate their support for their pending Petition for Declaratory Ruling, including the proposition that IXCs cannot avail themselves of tariffed access services and later seek refunds on the ground they routed intraMTA wireless traffic using such services to LECs. They noted the U.S. District Court for the Northern District of Texas has resolved key questions of law underlying the Petition in a manner that upholds the positions advanced by the LEC Coalition, and urged the Commission to

refrain from any action inconsistent with the court's findings. They also addressed whether the Commission should provide further guidance on mechanisms that might be used on a prospective basis to allow IXCs to route commingled traffic through Feature Group D trunks, while treating intraMTA wireless traffic as exempt from access charges.

- Verizon, AT&T, CenturyLink, and Cincinnati Bell filed responses on June 27, 2017, to petitions filed by [Level 3](#), [Sprint](#), and [CenturyLink](#) seeking rejection or, in the alternative, suspension and investigation of the price cap carriers' 2017 annual access tariff filings. [Verizon](#) responded to Sprint and CenturyLink, and asserted the Commission recently declined to grant a nearly identical CenturyLink petition that raised the same argument while challenging AT&T's tariffs because the transitional \$0.0007 rate explicitly applies only to traffic a price-cap LEC terminates. [AT&T](#) responded to Level 3 and Sprint, and claimed both petitions are untimely because they challenge aspects of AT&T's tariffs that were established in its June 7, 2017 filing, which have already gone into effect. AT&T also said Level 3 and Sprint's substantive challenges are unfounded and their argument has been vetted in the industry and before the Commission staff, and AT&T's tariff filings have followed the Commission's informal guidance. CenturyLink [responded](#) to Sprint's [Petition](#), asserting it is untimely as it relates to CenturyLink's tariffs because CenturyLink's tariff changes creating the structure being challenged were filed on April 17, 2017, and no challenge was presented to that filing. CenturyLink claimed its tariff changes are deemed lawful. CenturyLink said in the tariff filings at issue, it merely followed the informal guidance of Commission staff as to the requirements of section 51.907(g)(2). [Cincinnati Bell](#) responded to Sprint, and asserted its 2017 annual access tariff filing revisions correctly implemented the Step 6 Rule as it has been explained by Commission guidance to the industry.

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## Open Internet

- Home Telephone [met with](#) Commissioner O'Rielly's Legal Advisor on June 27, 2017, to discuss Open Internet issues and its concerns that rural subscribers could face blocking or discrimination as they use Home's facilities to connect to the internet. Home also expressed concern that the large network owners were increasingly becoming large content owners, which could allow the large ISPs to use the content they own in a discriminatory manner.
- The Phoenix Center for Advanced Legal and Economic Public Policy Studies released a [report](#) on June 27, 2017, entitled *Broadband Speeds Post-Reclassification: An Empirical Approach*. The report responds to the claim made by Harold Feld of Public Knowledge that the growth rate of broadband speeds has accelerated since the FCC adopted the 2015 Open Internet [Order](#). The Phoenix Center claimed the Akamai speed data shows a statistically significant decline in the growth rate of average broadband speeds for the U.S. subsequent to the 2015 Open Internet Order. The Phoenix Center also asserted, in direct contradiction to Mr. Feld's claim, reclassification appears to have significantly retarded expected broadband speed increases. [Press release](#)
- Forty-one ISPs sent a [letter](#) to Chairman Pai on June 27, 2017, to express support for the 2015 Open Internet [Order](#), and to oppose the proposal to reclassify broadband as an information service. They claimed they have not encountered any new additional barriers to investment or deployment as a result of the 2015 decision to reclassify broadband as a telecommunications service, and have long supported network neutrality as a core principle for the deployment of networks for the American public to access the internet. They also asked the FCC to examine the ramifications of the Congressional Review Act repeal of broadband privacy and provide guidance.
- CONNECT sent a [letter](#) to Chairman Pai on June 27, 2017, to express support for the Restoring Internet Freedom [NPRM](#). CONNECT said it opposed the [2015 reclassification](#) of internet service as a telecommunications service under Title II, and advocated a [light touch approach](#) that had facilitated explosive technological advancement and radical shifts in consumer behavior.

- The Chief Information Officer for Cook County, Illinois, sent a [letter](#) to Chairman Pai and Commissioners O’Rielly and Clyburn on June 28, 2017, to express opposition to the proposed elimination of the FCC’s Open Internet rules and utility-style regulation of broadband. The Cook County CIO said eliminating the 2015 rules will limit consumer access to information in contravention of the principle of free expression reflected in Article I of the Illinois Constitution and potentially harm the local economy. The CIO also said should the Commission adopt the rules in the proposed Order, the resulting actions of broadband providers would likely restrict County access to expressive online content and hamper local economic development.

## USF

- The FCC issued a [Memorandum Opinion and Order](#) on July 3, 2017, finding that an exclusive license to “build, construct, repair, maintain, and operate” a network to provide telecommunications services that was granted by the State of Hawaii, Department of Hawaiian Home Lands to Waimana Enterprises and then assigned to its subsidiary, Sandwich Isles Communications, violates section 253(a). The FCC said the Exclusive License violates section 253(a) because it constitutes a State legal requirement that prohibits or has the effect of prohibiting the ability of any entity other than SIC to provide intrastate or interstate telecommunications services, and because the Exclusive License is not subject to the exceptions in section 253(b) or (c), it preempts enforcement of its exclusivity provision.
- Matanuska Telephone Association and GVNW [met with](#) Legal Advisors to Commissioners O’Rielly and Clyburn on June 29, 2017, to discuss reasons to grant the June 14, 2017 [Forbearance Petition](#) filed by NTCA and USTelecom for targeted, temporary forbearance from application of USF contributions obligations on broadband internet access transmission services pending comprehensive USF contributions reform. They also discussed MTA’s progress on its Alaska Plan performance obligations.
- The GAO released a [report](#) on June 29, 2017, entitled *Additional Action Needed to Address Significant Risks in FCC’s Lifeline Program*. The GAO said it found weaknesses in several areas, including ETCs that are Lifeline providers implementing key program functions, such as verifying subscriber eligibility. The GAO said it was unable to verify that approximately 36 percent of participants in the Lifeline program participated in a qualifying benefit program. GAO asserted that until the Commission finalizes and implements its plan to move the USF funds to the Treasury, the risks the FCC identified will persist and the benefits of having the funds in the Treasury will not be realized. [Chairman Pai](#) and [Commissioner Clyburn](#) released statements on the report.
- The Wireline Competition Bureau issued a [Public Notice](#) on June 26, 2017, to announce the updated standard levels for speed and usage allowances for Lifeline-supported services, as required by the 2016 Lifeline Modernization Order. The Bureau specifically announced the newly calculated minimum service standards for fixed broadband and reminded providers of the updated minimum service standards for mobile broadband and mobile voice service, as established in the Commission’s rules, which will take effect on December 1, 2017. The Bureau also announced the budget for federal USF support for the Lifeline program for calendar year 2018 will be \$2,279,250,000.
- The Wireline Competition Bureau issued a [Public Notice](#) on June 29, 2017, to remind Eligible Telecommunications Carriers of their ongoing responsibility to claim Lifeline support only for eligible low-income consumers. The Bureau said even as the Commission implements reforms to the Lifeline program to further protect the USF from waste, fraud, and abuse, ETCs are, and will remain, responsible for any fraud that forms the basis of their claims for Lifeline reimbursement.
- The Wireline Competition Bureau released a [Public Notice](#) on June 29, 2017, granting, denying, and dismissing various petitions related to actions taken by USAC on the E-rate program. Petitions for reconsideration or applications for review of these decisions must be filed within 30 days of the Public Notice.
- The FCC issued an [Order](#) on June 30, 2017, waiving, *sua sponte*, on a one-time basis its rules to assist remote Alaskan health care providers impacted by the Rural Health Care Program pro-ration.

The FCC said the need to pro-rate RHC Program support for the first-time ever brought an unexpected new payment obligation to HCPs, and said the HCPs in remote Alaska were disproportionately affected because of the high costs of service in their remote locations. The FCC created a path for HCPs located in remote Alaska to benefit from any voluntary price reduction(s) their service providers elect to undertake for services rendered based on qualifying funding requests submitted during the second filing window period for the 2016 funding year.

- SES Government Services filed a [Petition](#) on June 23, 2017, seeking reconsideration of the [Order](#) that denied Stratos Government Services' [Petition](#) for clarification of the exemption from USF contribution requirements for entities that provide interstate telecommunications exclusively to government or public safety entities. SES-GS claimed the Order created confusion and uncertainty over the scope and availability of the government-only USF exemption that threatens to adversely affect companies that exclusively provide telecommunications services to government and public safety entities. SES-GS also said the Order's formulation of the government-only exemption is irrational on its own terms, disregards the practical realities of government contracting, and appears to undermine the exemption itself and the important public policies it promotes.
- The Native Village of Savoonga filed a [letter](#) on June 22, 2017, on the [Public Notice](#) proposing a Third Quarter 2017 USF contribution factor of 17.1 percent. It said the decision to use the RHC program reserve funds to help lower the contribution factor could have negative long-term implications on rural health care services across the country. It urged the FCC to fully fund the RHC program and not to use previously collected RHC reserve funds to reduce the USF contribution factor before considering whether and how those funds could better be used to serve the Commission's commitment to improving rural healthcare.
- Shenandoah Personal Communications filed a [request](#) on June 29, 2017, to relinquish the ETC designation of certain of its predecessors-in-interest, Virginia PCS Alliance, L.C. and Richmond 20 MHZ, LLC, together d/b/a/ NTELOS. Shentel said NTELOS and its affiliates were acquired by Shenandoah Telecommunications Company, the parent company of Shentel, and it is not designated as an ETC in the Commonwealth of Virginia.

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## State Actions

- The Eighth Circuit issued an [Opinion](#) on June 23, 2017, upholding a district court opinion that found the Telecommunications Act does not preempt the Iowa Utilities Board's authority to regulate non-nomadic, intrastate long-distance VoIP calls. Sprint had filed a complaint in district court, asking for a ruling that the IUB's order requiring it to pay intrastate access fees was contrary to federal law. The district court determined that the Act preserved the Board's authority and that Sprint thus was not entitled to declaratory or injunctive relief, and Sprint had appealed the ruling.

## Misc.

- President Trump [nominated](#) Brendan Carr to be a FCC Commissioner for the remainder of the term expiring June 30, 2018, and for an additional five- year term from July 1, 2018. Carr is currently the FCC General Counsel. Statements were issued by [Chairman Pai](#) and Commissioners [O'Rielly](#) and [Clyburn](#).
- Comments were filed on July 3, 2017, on the [NPRM](#) on facilitating voice service providers' blocking of illegal robocalls. [NTCA](#) suggested procedures for blocking numbers at the subscriber's request, and blocking invalid or unallocated numbers, should be reviewed by the North American Numbering Council prior to any rules changes, and should not result in blocking legitimate calls or new unrecoverable costs for small carriers. NTCA also said the initial regulatory flexibility analysis highlights

the need to establish definitions and procedures for blocking numbers prior to rule changes, and to avoid providing safe harbors or call completion reporting changes prematurely. [USTelecom](#) supported the proposal to codify rules to make clear that voice service providers may block calls from a number if the subscriber to that telephone number requests such blocking, and to allow provider-initiated voluntary blocking of calls purportedly originating from numbers that are not valid under the NANP. It also supported: the development of a variety of objective standards to identify robocalls, suggesting a diversity of approaches would create a more challenging operating environment for illegal robocallers; the adoption of a safe harbor to provide certainty to providers instituting blocking measures; protecting legitimate callers who may have their calls blocked; and revisiting the clarifications related to the sharing of CPNI. [ITTA](#) said the Commission should acknowledge permissible call blocking may become a competitive necessity and ensure that smaller providers are not disadvantaged by any of the measures it adopts. It also argued that as long as a provider is acting in good faith within the contours of the rules, it should be immune from any Commission enforcement liability for legitimate calls blocked or illegal calls that are not blocked, including in the calculation of providers' call completion rates. ITTA also suggested the Commission adopt a more expansive definition of illegal robocalls, facilitate a centralized database or other information sharing, and adopt a safe harbor for blocking of calls identified using objective standards. [Sprint](#) supported providing authorization for carriers to block illegal calls but without making it mandatory. Sprint also supported a flexible framework that allows customers to choose the categories of calls they wish to receive and not have their carrier make broad assumptions for them. It acknowledged third-parties have created effective robocall prevention apps and encouraged the Commission to enact policies that allow for this marketplace to further develop rather than imposing an onerous one-size-fits-all requirement that would have the effect of stifling such innovation. [The American Financial Services Association](#) AFSA claimed while the FCC sought to curtail robocalls by issuing regulations under the Telephone Consumer Protection Act of 1991, the 2015 TCPA Order has had the effect of contributing to an increasing number of TCPA lawsuits and serving to chill some communications between legitimate businesses and their customers. It suggested changing the definition of an illegal robocall to "A call that violates the requirements of the TCPA, the related FCC regulations implementing the TCPA, or the Telemarketing Sales Rule, *and is* made for the purpose of defrauding a consumer, as prohibited under a variety of federal and state laws and regulations, including the federal Truth in Caller ID Act." [List of all comments filed](#). Replies are due July 31, 2017. [Notice](#)

- ATIS [met with](#) staff from Chairman Pai's office on June 28, 2017, to discuss its efforts to further progress the Signature-based Handling of Asserted information using toKENS (SHAKEN) governance structure. ATIS provided an update on the industry's efforts to operationalize the *SHAKEN Governance Model and Certificate Management*, which defines the protocol to obtain Secure Telephone Identify (STI) certificates and an update on its work to develop a governance structure that identifies key functions, responsibilities, and engagement.
- FairPoint Communications, USTelecom, and ITTA [met with](#) Commissioner O'Rielly's Legal Advisor and Wireline Competition Bureau staff on June 27, 2017, to review the separations traffic factors used to allocate various separations categories between the jurisdictions, and showed that any separations reform related to separations categories and traffic factors would likely impact the various CAF and ICC Transition mechanisms in place for RoR carriers and would therefore be disruptive to these mechanisms. They asserted it would be reasonable to allow those carriers that voluntarily froze separations category relationships in 2001 to choose to update the basic separations category studies to better align jurisdictional allocations with the actual use of the facilities, and claimed when that is done, there is no need to consider category changes as "duplicative recovery."
- Chairman Pai sent [letters](#) to Sens. John Boozman (R.-Ark.), John Cotton (R-Ark.), and Rep. French Hill (R -Ark.) on June 19, 2017, to respond to their letter expressing support for a reasonable transition period in implementing the new Business Data Services rules to allow all market participants the opportunity to evaluate and adapt to the implications of BDS deregulation to minimize potential disruptions and unintended consequences to small businesses. Chairman Pai said the recent BDS [Order](#) adopted a 36 month transition period from tariffing to detariffing, and the Commission required price cap carriers to freeze their tariff rates for the TDM end user channel terminations in newly deregulated counties for six months.

- The Wireline Competition Bureau issued a [Public Notice](#) on June 30 2017, listing Acknowledgements of Confidentiality filed by parties seeking access to confidential information filed in the special access data collection proceeding. Parties that submitted confidential information in response to the collection have until July 10, 2017, to object to the disclosure of their data and information to any of the parties listed in the Public Notice
- Windstream, BT Americas, INCOMPAS, and the Ad Hoc Telecom Users Committee filed a [Motion](#) on June 23, 2017, asking for a stay of the effective date of the FCC's business data services rules, pending judicial review. They claimed the extensive deregulation that will result if the new rules take effect will permit the incumbents to squeeze their competitors by raising prices for essential inputs to their services and would cause substantial harm to businesses.
- The FCC issued a [Public Notice](#) on June 26, 2017, announcing NCTA filed a [Petition for Reconsideration](#) of the Order on the Part 32 Uniform System of Accounts. Oppositions to the Petition must be filed within 15 days of the date of publication of this Public Notice in the Federal Register; Replies will be due 10 days after the time for filing oppositions has expired.
- Chairman Pai [announced](#) on June 28, 2017, the FCC has chosen Wayne Leighton as Chief of the FCC's Office of Strategic Planning and Policy Analysis. Leighton was currently serving as Acting Chief, and prior to that position he served as a Senior Economist in the Wireless Telecommunications Bureau and as Wireless Advisor to then-FCC Commissioner Deborah Taylor Tate.
- Telcordia Technologies, d/b/a iconectiv, filed a [letter](#) on June 29, 2017, to supplement its March 31, 2017 [request](#) for the FCC to approve, if necessary, FP Icon Holdings' minority investment in iconectiv, as well as modifications to the Local Numbering Administrator Code of Conduct and voting trust held by Ericsson Holdings. iconectiv said based on the information and representations provided by FP, it will continue to meet all three prongs of the LNP Administrator neutrality test, including that no telecommunications service provider will hold a majority of iconectiv's debt nor be the source of a majority of iconectiv's revenues. FP-Icon Holdings filed a similar [letter](#).
- The North American Portability Management filed a [letter](#) on June 30, 2017, to provide a summary of the NAPM's status updates to the FCC on the transition of the current LNPA, Neustar, to the new LNPA, Telcordia d/b/a/ iconectiv. NAPM said it will continue to file 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

- July 6 - Comments due on ITTA and USTelecom's [Petition for Rulemaking](#) to review rate regulation of business data services offered by model-based rate-of-return carriers. Reply comments are due July 21. [Public Notice](#)
- July 7 - Comments due on updated list of census blocks eligible for CAF Phase II support in states where price cap carriers accepted the statewide offers of model-based CAF Phase II support. [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 10 - Comments due on the [NPRM](#) that asks whether the Commission should change the current local service rate floor methodology or eliminate the rate floor and its accompanying reporting obligation. Reply comments are due July 24. [Notice](#)

- July 10 - PRA comments due on an extension of a currently approved information collection associated with rule changes and clarifications made in a 2004 [Order on Reconsideration](#) on payphone compensation. [Notice](#)
- July 13 - Comments due on Leech Lake Telecommunications ETC designation [Petition](#). Replies are due July 28. [Public Notice](#)
- 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 21 - Replies due on ITTA and USTelecom's [Petition for Rulemaking](#) to review rate regulation of business data services offered by model-based rate-of-return carriers. [Public Notice](#)
- July 21 - Comments due on the [Public Notice](#) seeking comment on proposed eligible services for the E-rate program for funding year 2018. Replies are due August 7.
- July 24 - Replies due on the [NPRM](#) that asks whether the Commission should change the current local service rate floor methodology or eliminate the rate floor and its accompanying reporting obligation. [Notice](#)
- July 24 - Comments due on the [NOI](#) on ways to facilitate greater consumer choice and enhance broadband deployment in multiple tenant environments. Replies are due August 22, 2017.
- July 28 - Replies due on Leech Lake Telecommunications ETC designation [Petition](#). [Public Notice](#)
- July 31 - Replies due on the [NPRM](#) on facilitating voice service providers' blocking of illegal robocalls. [Notice](#)
- July 31 - Comments due on refreshing the record on access charge reform for 8YY calls since the 2011 Transformation Order. Replies due August 15, 2017. [Public Notice](#)
- July 31 - Comments due on Great Plains Communications' Petition for waiver of sections 51.909(a)(4)(ii)(A) and 51.919(b) to use its actual interstate switched access revenues instead of projected revenues to calculate switched access rates and eligible recovery as it exits NECA's switched and special access pools. Replies are due August 15, 2017. [Public Notice](#)

- Aug. 3 - Comments due on the WCB [Report](#) presenting findings on rural call completion based on eight sets of reports submitted during the first two years of the data collection.
- Aug. 7 - Replies due on the [Public Notice](#) seeking comment on proposed eligible services for the E-rate program for funding year 2018.
- Aug. 15 - Replies due on refreshing the record on access charge reform for 8YY calls since the 2011 Transformation Order. [Public Notice](#)
- Aug. 15 - Replies due on Great Plains Communications' Petition for waiver of sections 51.909(a)(4)(ii)(A) and 51.919(b) to use its actual interstate switched access revenues instead of projected revenues to calculate switched access rates and eligible recovery as it exits NECA's switched and special access pools. [Public 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.
- Aug. 21 - PRA comments due on an information collection (Forms 183 and 184) that will be used to determine if applicants are eligible to participate in auctions for USF support, including the CAF Phase II auction, the Mobility Fund II auction, the Tribal Mobility Fund Phase II, and the Remote Areas Fund. [Notice](#)
- Aug. 21 - PRA comments due on a revised information collection associated with the Tariff Review Plans. The revision is pursuant to the April 20, 2017 BDS Order, which detariffed certain business data services and modified the regulatory obligations for those BDS services that will remain tariffed. [Notice](#)
- Aug. 21 - PRA comments due on an extension of a currently approved information collection associated with changes made in a 1999 Order that permitted price cap LECs to introduce new services on a streamlined basis, without prior approval or cost support requirements. [Notice](#)
- Aug. 22 - Replies due on the [NOI](#) on ways to facilitate greater consumer choice and enhance broadband deployment in multiple tenant environments.

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