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July 11, 2016 HIGHLIGHTS

- The FCC issued the [agenda](#) for its July 14, 2016 Open Meeting. It will consider a Declaratory Ruling, Report and Order, and Order on Reconsideration adopting a framework to guide transitions to next-generation communications technologies while protecting consumers and competition, and an Order and FNPRM making spectrum in bands above 24 GHz available for flexible use wireless services.
- NTCA [discussed](#) the IP transition, stating efforts to develop “rules of the road” should be done with a narrow focus on what is needed to update existing rules - rather than rewriting rules in broad and sweeping ways, and said the FCC should not use “service discontinuance” as a vessel to attach new obligations to a replacement service. Verizon [urged](#) the FCC to limit any additional criteria it considers for service discontinuances related to technology transitions to the proposed streamlined process. CenturyLink [suggested](#) additional criteria in the context of service discontinuances should be limited to the streamlined process for discontinuing voice services.
- The May 26, 2016 [Report and Order](#) on the CAF Phase II auction procedures [is effective](#) August 8, 2016, except for amendments to certain sections that require OMB approval.
- ADTRAN filed a [Petition](#) seeking clarification regarding the performance testing required for CAF Phase II auction winners to demonstrate they meet the latency standards set forth by the Commission.
- Laurel Highlands, Wheat State Telephone, Citizens Telephone, and the Small Company Coalition [discussed](#) the workload and cost of regulatory compliance for small communications providers.
- Gila River Telecommunications [said](#) it will update its Petition for Waiver of the NACPL freeze because of the impact of its 2016 expense adjustment, the high-cost support budget cap, and the OpEx limitations.
- Hamilton County Telephone Co-op and JSI [discussed](#) Hamilton’s challenge to the competitive coverage contained in the current version of the A-CAM.
- GCI [said](#) that while the Alaska Plan does not support middle mile, there will be improvements in Alaska middle mile facilities during the Alaska Plan. Copper Valley Telecom and GVNW [discussed](#) revised performance obligations for wireless operations that would occur as a part of the proposed Alaska Infrastructure Fund plan.
- [Reply comments were filed](#) on the [NPRM](#) on establishing privacy regulations for broadband ISPs.
- The Senate Committee on Commerce, Science, and Transportation [will hold](#) a hearing on July 12 on the FCC’s proposal to apply a new regime of privacy rules to broadband Internet access providers.
- USTelecom [discussed](#) its [Petition](#) for a declaratory ruling that ILECs are non-dominant in switched access services and streamlined process for retiring legacy services.
- [ACA](#) and [Nielsen Holdings](#) filed comments on [CTIA’s](#) and the [Competitive Carriers Association’s](#) Applications for Review of the Open Internet transparency rule guidance [Notice](#).
- Commissioner Pai sent [letters](#) to four State Commissioners, seeking information on ways the PUCs prevent waste, fraud, and abuse of the Lifeline program.
- [Reply comments were filed](#) on the [NPRM](#) on FY 2016 regulatory fees.

Other Key Upcoming Dates

- July 21 - Comments due on [the process](#) for determining winning bidders in the CAF Phase II auction.
- July 26 - Replies due on the [FNPRM](#) on a new deregulatory framework for business data services that classifies markets as either non-competitive or competitive.

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USF Reform

- The FCC published a [Notice](#) in the Federal Register on July 7, 2016, announcing August 8, 2016, as the effective date of the rules for the CAF Phase II auction procedures adopted in the May 26, 2016 [Report and Order](#). The Order sets requirements for successful bids in the CAF auction, including: four technology-neutral service standards, with bidder flexibility to designate either low or high latency for each; a \$215 million annual budget; network build-out requirements; an application process for auction participants; reporting requirements; and a framework for a Remote Areas Fund auction to address those areas that receive no winning bids in this auction. The Order is effective August 8, 2016, except for the amendments to §§ 1.21001(b)(6), 54.313(e)(2), 54.315, 54.316(a)(4), (b)(4) and (5), and (c)(2), 54.804 (b) through (d), and 54.806, which require OMB approval.
- ADTRAN filed a [Petition for Reconsideration or Clarification](#) on July 5, 2016, seeking clarification regarding the testing required for CAF Phase II auction winners to demonstrate they meet the latency standards set forth by the Commission. ADTRAN noted the referenced ITU standard – ITU-T Recommendation P.800 -- includes both Conversation-opinion tests and Listening-opinion tests, but the latter set of tests does not include conversational quality analyses. ADTRAN requests the Commission clarify, or if necessary reconsider, the CAF Phase II Auction Order to specify that an applicant choosing the high-latency option be able to demonstrate an MOS score of four or better using the Conversation-listening tests under ITU-T Recommendation P.800. It asserted such a decision would ensure that the subsidized services can support high-quality voice services.
- The American Cable Association had a [telephone conversation](#) with Chairman Wheeler's Legal Advisor on June 29, 2016, to discuss the FNPRM on the CAF Phase II competitive bidding process. It discussed different metrics that could be used to develop accurate weights for the four performance tiers, such as consumer preference, long run cost of deployment, and the public benefit.
- Laurel Highlands Telecommunications, Wheat State Telephone, Citizens Telephone, and the Small Company Coalition [met with](#) Chairman Wheeler's Special Counsel and Wireline Competition Bureau staff on July 6, 2016, to discuss the workload and cost of regulatory compliance for small communications providers. They said while the SCC understands the importance of transparency and accountability in utilizing USF funds, it is important that the regulations set in place to ensure said transparency do not come at the expense of efficiency. They said small providers face particular challenges with compliance due to their smaller staffing levels and fewer resources.
- Gila River Telecommunications filed a [letter](#) on July 5, 2016, to provide notice of an update to its June 24, 2016 ex parte [filing](#), at which GRTI renewed its request for consideration of its Petition for Waiver of the national average cost per loop freeze. GRTI said the support reductions resulting from its 2016 expense adjustment, the consequence of the \$2 billion annual high-cost support cap the Commission established in 2011, and the projected reductions from the OpEx limitations will result in a projected loss of support of \$2.1-2.2 million annually, a reduction in support of 23 percent. GRTI said it intends to file an updated waiver request in the coming weeks reflecting these revised numbers and, under protective order, specific financial information.
- Hamilton County Telephone Co-op and JSI [met via conference call](#) with Commissioner Pai's Legal Advisor on June 30, 2016, to discuss Hamilton's April 28, 2016, challenge to the competitive coverage contained in the current version of the A-CAM. Hamilton discussed how it is an excellent candidate for the A-CAM and was planning to elect model support. Hamilton requested that its challenge be granted and that the FCC look into Wisper's Form 477 data.
- GCI [spoke to](#) Commissioner Clyburn's Legal Advisor on July 1, 2016, to assert that while the Alaska Plan does not support middle mile, it believed there will be improvements in Alaska middle mile infrastructure during the Alaska Plan. GCI claimed these improvements can be accomplished, at least in part, because high cost support – and thus the financial environment surrounding operating these networks – is stabilized; moreover, middle mile purchases can stimulate deployment. It asserted ASTAC would be moving areas with several thousand residents from satellite or microwave to fiber,

and MTA and Copper Valley each will have greater capital to invest in middle mile, which they could not do without the Alaska Plan. It suggested carriers are considering further middle mile deployments in order to meet their proposed mobile wireless voice and broadband service commitments.

- GCI and the Brattle Group [spoke with](#) Wireless Telecommunications Bureau staff on July 6, 2016, to discuss inputs into the Brattle Model for mobile broadband in Alaska [submitted](#) by GCI in support of the proposed Alaska Plan, including costs of satellite backhaul, equipment, and operating expenses.
- Copper Valley Telecom and GVNW [met via telephone](#) with Commissioner O’Rielly’s Legal Advisor on July 5, 2016, to discuss revised performance obligations for wireless operations that would occur as a part of the proposed Alaska Infrastructure Fund plan. They also discussed the public safety implications related to wireless performance obligations.

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ICC

- West Kentucky and Tennessee Telecommunications Cooperative and JSI [met via teleconference](#) with Commissioners Pai and Clyburn’s Legal Advisors on June 30 and July 5, 2016, respectively, to discuss West Kentucky’s pending Petition for Limited Waiver of section 51.917(b)(7)(iii), 2011 RoR Carrier Base Period Revenue. West Kentucky explained the FY2011 revenues that were billed and collected after March 31, 2012, were not billed and collected by that date due to an inadvertent billing omission, and when the billing omission was discovered in April 2012, the Company promptly sent invoices to the carriers, most of whom paid all or most of the invoiced amounts. West Kentucky noted its Petition has been pending for several years and it wanted to ensure the FCC had all the information it needs to come to a favorable decision.

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Broadband

- In addition to replies reported in a previous edition of *REGScan*, reply comments were filed on the [NPRM](#) on establishing privacy regulations for broadband ISPs to implement section 222 of the Communications Act. [NTCA](#) said to the extent any new and burdensome regulations are adopted, the Commission should exempt small providers. NTCA said, alternatively, the Commission should delay implementation at least 12-to-18 months to gather information about the impact of the rules on the operations of larger providers. [WTA](#) said the FCC should not impose any requirements regarding customer disclosure and solicitation of customer approvals on carriers with 100,000 or fewer customers and on providers that do not engage in the use of CPNI for marketing purposes or for sale to third parties. [Verizon](#) said if the FCC adopts any privacy and data-security rules specific to broadband providers, it should do so in a manner that is consistent with how the rest of the industry is regulated and that recognizes the sensitivity of the customer’s data as the key in determining the appropriate level of protection. [CenturyLink](#) urged the FCC to reconsider many of the proposals set forth in the NPRM. CenturyLink said a broadband privacy regime consistent with the FTC’s successful approach to privacy would protect consumer privacy while also better serving consumers, competition, and the public interest. [USTelecom](#) asserted the FCC is attempting to fix a problem that does not exist using an erroneous conclusion as a starting point, and said the FCC should instead look at the FTC framework and harmonize its new rules with those time-tested policies. [AT&T](#) opposed the NPRM’s proposals, and said any rules the Commission adopts should align with the flexible and highly effective privacy regime the Federal Trade Commission has developed over the past two decades. The [Pa. PUC](#) said the Commission should not undermine or override state law providing greater privacy protections than federal law, and asserted Pennsylvania’s privacy protections are more stringent than the federal standards. The [FBI and USSS](#) said the FCC should extend data breach notification requirements to broadband providers subject to the Commission’s jurisdiction so that voice, broadband, cable, and satellite customers will all be on equal footing if a customer’s personal data is improperly obtained through the breach of a provider. [Smithwick & Belendiuk, P.C.](#) supported the

FCC's proposal to prohibit Broadband Internet Access Service providers from compelling individual arbitration in their contracts with customers. [The Association of National Advertisers](#) asserted the initial comments in this proceeding demonstrate the FCC has not analyzed sufficiently the severe adverse impacts of the NPRM on consumer behavior, BIAS providers, other impacted advertisers, the Internet ecosystem, the U.S. economy, and First Amendment rights, and said the NPRM should not be adopted. [Larry Downes, Project Director, Georgetown Center for Business and Public Policy](#), said a side-effect of the FCC's decision to "reclassify" broadband access providers as common carriers is that the FTC's jurisdiction has been effectively cut off, leaving the FCC to attempt to correct the unintended consequence with this proceeding. He asserted consumers would be far better off if the Commission simply adopted the technology-neutral approach of the FTC. Replies are due July 6. [Public Notice](#) | [List of all replies available to date](#).

- Sen. John Thune (R-S.D.), Chairman of the Senate Committee on Commerce, Science, and Transportation, [announced](#) there will be a full Committee hearing entitled "How Will the FCC's Proposed Privacy Regulations Affect Consumers and Competition?" on July 12, 2016. The hearing will examine the FCC's proposal to apply a new regime of privacy rules to broadband internet access providers. Witnesses include: Dean C. Garfield, President and CEO, Information Technology Industry Council; The Honorable Jon Leibowitz, Partner, Davis Polk & Wardwell and Co-Chair, 21st Century Privacy Coalition; Matthew M. Polka, President and CEO, American Cable Association; and Professor Peter Swire, Huang Professor of Law and Ethics, Scheller College of Business, Georgia Institute of Technology.
- Verizon [met with](#) Office of General Counsel and Wireline Competition Bureau staff on June 30, 2016, to urge the Commission to have any new privacy and security rules for broadband ISPs take into account the sensitivity of the information at issue. Verizon discussed the Commission's authority to vary the degree of consent required for the use, disclosure, and permission for access of individually identifiable CPNI under section 222(c)(1). Verizon also discussed the proper treatment of de-identified, but non-aggregated CPNI under section 222(c), and discussed the data security and breach notification rules.

IP Transition

- NTCA [met with](#) Legal Advisors to Commissioners Clyburn, O'Rielly, and Rosenworcel on June 30, 2016, to discuss IP transition issues. NTCA asserted efforts to develop "rules of the road" should be undertaken with a narrow focus on what is needed to update existing rules – rather than using technological evolution as cause or excuse to rewrite rules in broad and sweeping ways that actually create uncertainty and thus undermine innovation. NTCA said the FCC should not use "service discontinuance" as a vessel to attach new obligations to a replacement service where the predecessor service itself was not subject to such requirements. NTCA also objected to the imposition of new cybersecurity requirements on replacement services to qualify for streamlined treatment in connection with discontinuance requests, and urged the FCC not to neglect other essential aspects of the technology transitions debate. NTCA also [met with](#) Legal Advisors to Chairman Wheeler and Commissioner Pai, and Wireline Competition Bureau staff on July 6, 2016, to discuss similar issues.
- Verizon [met with](#) Commissioner Pai's Legal Advisor on July 5, 2016, to urge the FCC to limit any additional criteria it considers for service discontinuances to the proposed streamlined process. Verizon said providers should continue to have the option of using the existing process in all circumstances, and said to the extent the Commission adopts additional criteria for a streamlined process, those criteria should be technology neutral and focused on evaluating the discontinuance of interstate voice services. Verizon also urged the Commission to adopt metrics for assessing the availability and reliability of wireless voice substitutes that are geographically broad enough to be feasible.
- CenturyLink [met with](#) Legal Advisors to Chairman Wheeler and Commissioners Pai, Clyburn, O'Rielly, and Rosenworcel on July 6-7, 2016, to assert that additional criteria the FCC is reviewing in the context of service discontinuances related to technology transitions should be limited to the streamlined process for discontinuing voice services. CenturyLink also discussed the Business Data Services

proceeding and asserted the application of “catch-up” and “going-forward” annual productivity factors would be inappropriate, especially in light of declining incumbent LEC network utilization.

- AT&T [met with](#) Legal Advisors to Commissioners O’Rielly, Pai, [Clyburn, and Rosenworcel](#) on July 5-6, 2016, to discuss the [FNPRM](#) on the criteria to be used by the FCC in the section 214 review process to evaluate and compare replacement and legacy services. AT&T suggested the Commission not adopt the certification methodology and the 100 ms threshold applicable to ISPs in the CAF II Order as the Network Performance latency criteria for a 214 discontinuance for legacy voice services because the 100 ms threshold cannot be applied to wireless voice services. AT&T claimed because the network architecture for wireless voice service does not yet utilize Internet Protocol or an Internet Exchange Point, wireless voice service would not qualify as an adequate replacement service in the proposed 214 process - simply because of its architecture, regardless of the actual quality of service that it provides. AT&T said this “absurd result” can be avoided by adopting a threshold of less than 200 ms measured mouth-to-ear.
- NARUC filed a [letter](#) on July 7, 2016, attaching its resolution on IP Technology Transitions, adopted at its February 2016 meeting. NARUC’s resolution urged the FCC to develop specific objective criteria with which to evaluate whether wholesale services should be preserved and continued after the ILEC transitions to alternative technologies, allowing the States to balance existing policies regarding wholesale access and obligations with the benefits of investment in reliable, robust, and innovative networks. NARUC also asserted the FCC’s Open Internet Order eliminates any argument that VoIP offered to the public for a fee is not a telecommunications service.
- TelePacific Communications [met with](#) Legal Advisors to Commissioners O’Rielly, Pai, Rosenworcel, and Clyburn on July 6, 2016, to discuss its pending [Petition for Clarification](#) of the [Report and Order](#) on copper retirement. TelePacific said no party opposed the narrowly tailored proposed remedy that would automatically grant the CLEC’s section 214 application by the date of copper retirement so long as the application was submitted to the Commission 40 days before the retirement date. TelePacific urged the FCC to harmonize the deadlines for a CLEC’s section 214 discontinuance application and the ILEC’s copper retirement by adopting its first proposed remedy.
- Public Knowledge and the Communication Workers of America [met with](#) Commissioner O’Reilly’s Legal Advisor on July 5, 2016, to express support for Commission action to clarify the process and criteria the Commission will use to evaluate a section 214(a) streamlined discontinuance request from a legacy voice TDM provider. They said, however, the FCC should require carriers to certify there is a broadband provider in the service area prior to discontinuing service, and ensure that there is an adequate public comment period for a 214(a) discontinuance. They also met with Legal Advisors to Commissioners [Clyburn](#) and [Rosenworcel](#) to discuss the same issues.
- The Benton Foundation, Communications Workers of America, Common Cause, et al. filed a [letter](#) on July 7, 2016, to express concern with the draft Order that will streamline the framework for FCC evaluation of requests to discontinue legacy voice service, refining the section 214 notice requirements. They urged the FCC to include affordability in the criteria to evaluate a streamlined section 214 discontinuance application, and require consumer education in languages other than English and in a manner that can be used by people with disabilities, among other things.
- ADT [spoke with](#) Peter Saharko, Assistant Division Chief, Competition Policy Division, on June 30, 2016, to discuss its support for adoption of Managed Facilities Voice Network standards to ensure that customers with critical life safety and security systems do not lose capabilities during network technology transitions. ADT said that in addition to demonstrating full functionality and connectivity, the communications network provider should provide data demonstrating proper installation in accordance with established industry standards and original equipment manufacturer instructions.

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Open Internet

- Comments were filed on July 5, 2016, on the Applications for Review of the [Public Notice](#) that provided guidance on the Open Internet transparency rule filed by [CTIA](#) and the [Competitive Carriers Association](#). [ACA](#) said it takes no position with regard to CTIA and CCA's arguments as to whether the guidance provided to mobile BIAS providers constitutes a substantive rulemaking, but it strongly objects to their request that the 2016 Advisory Guidance be set aside or rescinded as a whole. ACA said whatever action the Commission takes in response to the Applications, it must not and need not disturb the presently in effect guidance offered with respect to matters on which no objection has been raised, particularly the means by which fixed BIAS providers may disclose accurate information concerning their enhanced performance characteristics. [Nielsen Holdings](#) urged the Commission to consider permitting the use of data from a well-qualified measurement firm, such as Nielsen, to be considered a "safe harbor." It said doing so would improve the quality of mobile broadband providers' disclosures and better satisfy the Commission's ultimate goal of providing consumers with valuable and relevant information about broadband performance. It suggest, at a minimum, the Commission could seek comment on designating additional safe harbors.
- Nielsen Holdings [met with](#) staff from the Office of Strategic Planning and Policy Analysis, the Wireless Telecommunications Bureau, Consumer and Governmental Affairs Bureau, and the Office of General Counsel on June 30, 2016, to discuss Nielsen's mobile measurement drive test program and compliance options for the Open Internet transparency rule. It explained the Nielsen Mobile Performance program, which uses a panel of real smartphone consumers to measure mobile usage and experience. It said insights from these programs range from overall market results to specific streets in major urban downtown areas and interstate highways and specific venues where consumers frequently go. It also discussed future opportunities for designation as a safe harbor.

USF

- Commissioner Pai sent [letters](#) to Michael Picker, President, California PUC, Lisa Hardie, Chair, Oregon PUC, Donna L. Nelson, Chairman, Texas PUC, and Christopher Recchia, Commissioner, Vermont Public Service Department, on July 5, 2016, seeking their help in combating the waste, fraud, and abuse of the Lifeline program. He alerted them to some of the abuses the FCC has seen with the NLAD, as these four states run their own Lifeline accountability databases. He asked the State Commissioners to provide information on: checks the PUCs have in place to ensure that applicants for the Lifeline program are not duplicates; whether the PUCs let wireless resellers override any of its safeguards; and whether the PUCs previously identified particular carriers as abusing the Lifeline system and what remedies have they adopted to combat such abuse.
- Comments were filed on July 5, 2016, on the proposed eligible services list for the E-rate program for Funding Year 2017. [Cox Communications](#) urged the Bureau to include Distributed Denial of Service prevention and mitigation services on the ESL for FY 2017. The [Illinois Department of Innovation and Technology](#) recommended that: dark fiber obtained via lease or IRU as part of a construction project be classified as special construction; DDoS mitigation service be treated the same as firewall protection; redundant connections be supported as an eligible category 1 service; and content filtering service be treated the same as firewall protection. [Aruba](#), a Hewlett Packard Enterprise company, requested the FCC expand the ESL to include services that are essential to enable safe and secure high-speed broadband connectivity in schools and libraries, including Policy Management Systems and self-provisioned network management. [KB & Associates](#) requested that the ESL be amended to include buses as mobile classrooms the same way that library book mobiles are eligible. [FireEye](#) expressed concern that the ESL unduly limits use of the term "firewall" under Category 2 Eligible Broadband Internal Connections, and requested that the ESL be more closely aligned with the NIST Framework for Improving Critical Infrastructure Cybersecurity, in particular, the use of elements such as non-signature based defenses and detonation chambers. [List of all comments available to date](#). Replies are due July 20. [Public Notice](#)

- No replies were filed on Premier Communications and Winnebago Cooperative Telecom Association's [Petition](#) for waiver of the study area boundary freeze. [Public Notice](#)
- Terral Telephone Company filed an [Appeal of a USAC Decision](#) and request for waiver on July 6, 2016, seeking review of USAC's decision to reject Terral Tel's revised 2015 FCC Form 499-A and request for waiver of the one-year deadline to file a revised Form 499-A. Terral said it is a small ILEC providing 130 access lines in rural Oklahoma, and due to its size employs a consultant to compile the relevant data and file its USF reports, who mistakenly included certain intrastate USF support funds as end user revenue. Terral argued there is "good cause" to grant its waiver of the one-year revision rule, and said if it were required to pay the overstated invoice, it would cause the company financial hardship.
- MAXIMUS and McGuireWoods Consulting [met with](#) Consumer and Government Affairs Bureau and Strategic Planning & Policy Analysis staff on July 7, 2016, to discuss the recent Lifeline Reform Order. MAXIMUS expressed support for the third party national independent verifier and shared its experience as an enrollment and eligibility administrator for Medicaid and CHIP. MAXIMUS also shared its experience working with consumers during the enrollment process.

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Misc.

- The FCC issued the [agenda](#) for its July 14, 2016 Open Meeting. It will consider a Declaratory Ruling, Report and Order, and Order on Reconsideration that adopts a framework to guide transitions to next-generation communications technologies while protecting the interests of consumers and competition, and a Report and Order and FNPRM that would make spectrum in bands above 24 GHz available for flexible use wireless services, including for next-generation or 5G networks and technologies. It will also consider an FOIA item as consent agenda.
- USTelecom [met with](#) Chairman Wheeler's Senior Legal Advisor and Wireline Competition Bureau staff on July 6, 2016, to discuss USTelecom's [Petition](#) for a declaratory ruling that ILECs are non-dominant in switched access services, and to discuss advancing the technology transition through streamlining processes to retire legacy services. USTelecom claimed that the declines in legacy voice subscribership fully justified non-dominant treatment of those services. It also discussed the importance of having a streamlined process available for retiring legacy services in favor of new, more robust fiber and IP-based networks and services. USTelecom also met with [Commissioners O'Rielly](#) and [Pai](#) and with Legal Advisors to Commissioners [Clyburn](#) and [Rosenworcel](#).
- Commissioner O'Rielly [wrote a blog](#) on July 8, 2016, on FCC process reform. He included a chart outlining the 24 reform proposals that he has suggested, to date, in various blogs and Congressional testimony. He noted that out of the 24 proposed items, only 3 have been adopted in whole or in part. He said he plans to continue to call out for the need to improve the functionality of this Commission to ensure every idea is given due consideration, and will add to this list as the process issues pile up.
- Reply comments were filed on July 5, 2016, on the [NPRM](#) on FY 2016 regulatory fees. [NTCA](#) supported modifications to align equitably the regulatory fees paid by DBS providers with those paid by cable and IPTV. [CTIA](#) said the FCC should adopt its tentative conclusion to reject the proposals of ITTA, claiming that they would place a disproportionate share of regulatory fees on WTB regulates. CTIA also said further analysis is required before the Commission could reclassify any full-time employees from direct to indirect, and claimed this is not the proper proceeding to address Frontier's suggestion that the Commission subject BIAS providers to regulatory fees. [NCTA](#) said the FCC should revise its regulatory fee schedule to assess DBS operators an equal share of Media Bureau regulatory fees, and said that, at a minimum, the Commission should substantially increase the proposed DBS fee for FY 2016 and commit to raising it again in FY 2017 to achieve full parity with the fees assessed on cable operators and IPTV providers. [ACA](#) asserted that no basis has been provided for either keeping the DBS regulatory fees at their current level of 12 cents per subscriber per year or adjusting

upward only to a baseline level of 24 cents per subscriber per year. [DISH](#) opposed the Commission's proposal to increase the per-subscriber DBS fee from 12 cents to 27 cents, and urged the Commission to reject calls by ACA to impose further rate increases. [List of all replies available to date](#)

- The Wireline Competition Bureau issued a [Public Notice](#) on July 8, 2016, updating Attachment 3 in the FCC's Staff Memorandum released on June 28, 2016, with peer review material in the Business Data Services proceeding. The Bureau said the new attachment corrects some of the tables of regression results in the attachment.
- The Wireline Competition Bureau issued a [Public Notice](#) on July 8, 2016, listing Acknowledgements of Confidentiality filed by parties seeking access to confidential information filed in the special access data collection proceeding since the July 1, 2016 Public Notice. Parties that submitted confidential information in response to the collection have until July 15, 2016, to object to the disclosure of their data and information to any of the parties listed in the attachment to this Public Notice.
- Verizon, Earthlink, Level 3, Sprint, Windstream and INCOMPAS [met with](#) General Counsel and Wireline Competition Bureau staff on July 5, 2016, to discuss Verizon's and INCOMPAS' [outline](#) for a new framework for Business Data Services, which they claim reflects a balanced approach that incorporates both sides of the policy debate.
- Windstream [met with](#) Wireline Competition Bureau and Office of the General Counsel staff on June 30, 2016, to discuss last-mile issues. Windstream said overall margins are significantly higher for its ILEC operations, as compared with CLEC enterprise operations. Windstream discussed its supplemental quarterly financial statement, and discussed the fact that Windstream has few wholesale last-mile supplier alternatives available to the ILEC in most of the areas where Windstream purchases last-mile access to connect its fiber network to individual customer locations.
- Mozilla filed a [letter](#) on July 8, 2016, to provide information on its approach of "equal-rating" as a potential framework for analysis of data subsidization practices, consistent with the goals of net neutrality. Mozilla also provided comments it recently filed with the Telecom Regulatory Authority of India in response to a consultation on free data practices, suggesting the principles of equal-rating in the comments could be helpful for the Commission to use as guidelines to evaluate existing and future data models in the United States. Mozilla said equal rating practices meet the following criteria: they are content-agnostic, not subject to gatekeepers, do not allow pay-for-play, are transparent, and allow for user/content choice.
- The Commission issued a [Public Notice](#) on July 7, 2016, seeking comments on Fairpoint's [Compliance Plan](#) for forbearance relief from the Commission's cost assignment rules. Comments are due August 8; replies due August 22.
- The FCC's Office of General Counsel issued a [Public Notice](#) on July 5, 2016, announcing that July 25, 2016, is the [effective date](#) for the [Order](#) revising section 1.13 of the FCC rules on providing notice to the Commission on filing petitions for review. The FCC revised section 1.13(a)(1) to require that parties petitioning for review of a Commission decision under 47 U.S.C. § 402(a) must email the Commission in order to take advantage of the random selection procedures described in 28 U.S.C. § 2112 (judicial lottery).
- The Commission issued an [Order](#) on July 7, 2016, making rule changes to Part 1 of the Commission's rules and amending its Schedule of Application Fees to adjust its fees for processing applications and other filings. The Order increases application fees to reflect the net change in the CPI-U of 1.8 percent, an increase of 4,292 index points calculated from October 2013 to October 2015. The Appendix to the Order lists the new fees. The rule changes and amendment to the Schedule of Application Fees will become effective 30 days after publication in the Federal Register.
- The Wireline Competition Bureau issued a [Public Notice](#) on July 6, 2016, announcing upcoming LNP Administrator Transition outreach and education events to be held by PricewaterhouseCoopers, LLP, the Transition Oversight Manager. The TOM will be at the Durham Convention Center on July 13,

2016, to give stakeholders the opportunity to share perspectives and ask questions about the LNPA Transition. In addition, the seventh LNPA Transition Outreach and Education Plan webcast will be on July 20, 2016, also hosted by the TOM.

- Neustar filed a [letter](#) on July 6, 2016, to express concerns with the LNP Administrator transition proceeding. Neustar claimed that it has been disadvantaged by arbitrary decisions behind closed doors that tipped the scales in favor of iconectiv. Neustar asserted the Commission appears content to ignore issues that are crucial to the transition to a new LNPA, and claimed that it would be arbitrary and capricious for the Commission to approve the Master Services Agreement between iconectiv and the NAPM without addressing these issues.
- No comments were filed on [Manhattan Telecommunications'](#) and [Telnyx's](#) applications to obtain NANP telephone numbers directly from the Numbering Administrators for their iVoIP service.

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Upcoming Filing Dates

- July 11 - PRA comments due on a revision to a currently approved collection associated with FCC Forms 497 (Lifeline and Linkup worksheet), 555 (Annual Lifeline ETC Certification Form), and 481 (Carrier Annual Report Data Collection Form). [Notice](#)
- July 18 - PRA comments due on an extension to a currently approved collection associated with Part 52 rules on telephone number portability. [Notice](#)
- July 18 - PRA comments due on an extension to a currently approved collection associated with Part 61 on tariff review plans. [Notice](#)
- July 18 - Comments due on commio's application to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. [Public Notice](#)
- July 20 - Replies due on the proposed eligible services list for the E-rate program for funding year 2017. [Public Notice](#)
- July 21 - Comments due on [three sets of issues](#) relating to the process for determining winning bidders in the CAF Phase II auction: how to apply weights to the different levels of performance adopted in the Order; measures to achieve the public interest objective of ensuring appropriate support for all of the states; and measures to achieve the public interest objective of expanding broadband on Tribal lands. Replies are due August 5.
- July 26 - Replies due on the [FNPRM](#) proposing a new competition-triggered deregulatory framework for the provision of business data services that classifies markets as either non-competitive or competitive.
- July 26 - PRA comments due on new information collections to address the requirements adopted in the March 2016 RoR [USF Reform Order](#). This information collection addresses the new burdens associated with those reforms. [Notice](#)
- Aug. 5 - Replies due on [three sets of issues](#) relating to the process for determining winning bidders in the CAF Phase II auction: how to apply weights to the different levels of performance adopted in the Order; measures to achieve the public interest objective of ensuring appropriate support for all of the states; and measures to achieve the public interest objective of expanding broadband on Tribal lands.
- Aug. 8 - Comments due on Fairpoint's [Compliance Plan](#) for forbearance relief from the Commission's cost assignment rules. Replies due August 22. [Public Notice](#)

- Aug. 22 - PRA comments due on the form and content of its survey of urban rates for fixed voice and fixed broadband residential services. [Notice](#)
- Aug. 22 - Replies due on Fairpoint's [Compliance Plan](#) for forbearance relief from the Commission's cost assignment rules. [Public Notice](#)

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