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July 25, 2016 HIGHLIGHTS

- The FCC [denied](#) Allband's [Petition for Further Waiver](#) of the \$250 per line, per month cap on USF support and its [Application for Review](#) of the Wireline Competition Bureau's July 25, 2012 waiver grant.
- Petitions for Clarification/Reconsideration of the CAF Phase II Auction Order were filed by [Southern Tier Wireless](#), [Crocker Telecommunications](#), [Broad Valley Micro Fiber Networks](#), and [NRECA and UTC](#).
- [Comments](#) were filed on [three sets of issues](#) relating to the process for determining winning bidders in the CAF Phase II auction.
- The Wireline Competition Bureau [announced](#) it is ready to authorize USAC to disburse Rural Broadband Experiment support to Big Bend Telecom for its provisionally selected bid projects.
- NTCA [encouraged](#) the FCC to develop a clear implementation schedule that will enable all USF reforms to take effect at approximately the same time and provide sufficient information in advance of any implementation deadlines to help inform upcoming USF support elections. NTCA also [discussed](#) its [Petition for Reconsideration](#) of the residential build-out requirement imposed as part of the FCC's approval of the merger application of Charter, TWC, and Advanced/Newhouse Partnership.
- Gila River filed a [letter](#) providing financial information concerning its historical and projected telecommunications revenues and expenses as support for its [Petition for Waiver](#) of the NACPL.
- GCI [discussed](#) the methodology used to determine the amount of mobile coverage in a census block for purposes of the Alaska Plan. ATA [submitted](#) a proposed schedule of Alaska Plan support.
- Chairman Wheeler [responded](#) to members of Congress from New York, saying among the issues on which the FCC sought comment in the FNPRM are ways the FCC can structure the CAF II auction to ensure an equitable distribution of funds to states like New York, where the price cap carrier declined to accept significant amounts of USF support.
- The Wireline Competition Bureau [granted](#) a [motion](#) filed by NCTA, USTelecom, and ITTA for extension of time to file special access reply comments. Replies now due August 9. CenturyLink, et al. filed a [supplement](#) to their [Motion](#) asking the FCC to strike from the record a report and other analyses based on the original data set in the business data services proceeding.
- [Replies were filed](#) on the proposed eligible services list for the E-rate program for funding year 2017.
- [PRA comments are due](#) August 24 on revisions of currently approved collections associated with Part 61, Tariffs, and revisions to comply with new rules adopted in the Lifeline Third Reform [Order](#).
- Chairman Wheeler [asked](#) major wireless and wireline phone companies to offer call-blocking services, at no cost, to their customers, and to accelerate the deployment of technical standards that would prevent spoofing of caller ID.

Other Key Upcoming Dates

- July 26 - PRA comments due on new information collections adopted in the March 2016 RoR [USF Reform Order](#).
- Aug. 9 - Replies due on the [FNPRM](#) on a new deregulatory framework for business data services that classifies markets as either non-competitive or competitive.

USF Reform

- The Commission issued an [Order](#) on July 20, 2016, denying Allband Communications' [Petition for Further Waiver](#) of section 54.302, the \$250 per line, per month cap on USF support. The Commission said Allband consistently misapplied the cost allocation rules rendering its cost accounting unreliable, and therefore the FCC is unable to determine, at this time, what, if any, support in excess of the \$250 cap is justified and in the public interest. It required Allband to revise its cost accounting practices, and said Allband may then submit a new request for waiver. The Commission also denied Allband's [Application for Review](#) of the Wireline Competition Bureau's July 25, 2012 waiver grant.
- Petitions for Reconsideration of the CAF Phase II Auction [Order](#) were filed by [Broad Valley Micro Fiber Networks](#), [Crocker Telecommunications](#), [Southern Tier Wireless](#), and [NRECA and UTC](#). Southern Tier recommended the FCC use units/bid weights in increments of 100 to promote the policy objectives in this auction. It requested: the FCC codify the current language certifying compliance with a service-tier based on the highest speed product offered in the relevant geography; that benchmark pricing obligations only apply to one clearly specified broadband service offering meeting the Commission's requirements; the Commission adopt auction rules and weightings that allow low latency solutions to prevail in all situations where that is an option; the requirement for a standalone voice service be removed; and that it have a minimum of fifteen weeks after receipt of a formal notice of award to provide its reconciliation of the locations in the service area, and if the locations identified are fewer than funded, it requested that its total support be reduced or increased, accordingly. Crocker said if the Commission does not want to face continued CAPEX support and funding needs to improve the rural connectivity options, there should be a strong bias in favor of the most robust 'future-proof' option, and since the source of the funds stems from the Universal Service Charge, there should be a substantial bias towards low latency broadband services that enable voice services. Crocker also requested the Commission clarify that broadband service providers need to offer only broadband as a standalone service, and that VoIP is a broadband-enabled service offered in conjunction with a standalone broadband service (not a standalone service). Broad Valley Micro Fiber requested the FCC: adopt a rule that any carrier who was a provisional winner in the Rural Broadband Experiments should automatically qualify for participation in the CAF II auction; set weightings to ensure that rural locations have access to similar opportunities as urban locations and to encourage bidding and competition within the Above Baseline tier; require letters of credit only for the outstanding balance of funds and match the buildout requirements; and eliminate the standalone voice requirement. [The National Rural Electric Cooperative Association and the Utilities Technology Council](#) seek reconsideration of the decision to exclude certain census blocks from being eligible for funding in the Phase II auction, including census blocks: included in non-winning Category 1 applications under the Rural Broadband Experiments; and where the price cap carriers turned down the offer of model-based support and are offering 10/1 Mbps service. They argued this decision was made without adequate notice in violation of the Administrative Procedure Act, and it removes from the Phase II auction 631 census blocks in Missouri and 600 census blocks in Arkansas, as well as having adverse impacts in other states. [List of all petitions available.](#)
- Comments were filed July 21, 2016, 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 ensure appropriate support for all of the states; and measures to expand broadband on Tribal lands. [NTCA](#) said the Commission should adopt CAF II competitive bidding procedures that actively encourage the deployment of "future-proof" broadband facilities and meet an evolving level of universal service. NTCA proposed a CAF II bidding mechanism that awards additional weight to bids that meet a higher set of performance standards. [USTelecom](#) recommended the Commission focus bidding credits and CAF Phase II support on subsidizing broadband networks that provide satisfactory real-time services, such as voice communications, VPNs, and other time- and data-sensitive services, and thus should develop appropriate weighting criteria that maximize the impact of the available support and maintain the principle that supported broadband service should provide rural consumers who to-date have been uneconomic to serve with a satisfactory and comparable offering. [ITTA](#) said CAF Phase II auction procedures should be weighted in a manner that incents carriers to deploy high-speed broadband that meets or exceeds the 10/1 Mbps standard at a price point that will encourage consumers to purchase it. It also suggested the Commission's primary

goal should be to maximize the number of locations served, regardless of which state they reside in. [Hughes Network Systems](#) urged the FCC to begin its weighting process by determining if there is sufficient funding available within the budget to provide CAF funding to all unserved locations in the submitted bids at the baseline levels, and only if the funding available for award exceeds the total amount of the bids should the Commission weight bids within each tier. It also described how to apply the principles from Hughes' earlier proposals to weight bids within the service tier framework, and supported proposals to provide bid credits to bids proposing to serve Tribal Lands. The [FTTH Council recommended](#) the bid weighting mechanism be based primarily on consumer preferences and needs for broadband service throughout the duration of the program, and suggested using consumer preference data on speed and latency to create a weighting factor. The [Massachusetts Department of Telecommunications and Cable](#) said the Commission should adopt auction rules that prioritize service in unserved areas by dedicating specific funding to the states where price cap carriers declined a significant amount of model-based support and otherwise receive limited CAF funding. It suggested if such dedicated funding is not awarded in the auction, the Commission should ensure its delivery to still unserved areas within the declined states by establishing a new CAF mechanism to award funds outside of the auction process. [List of all comments available](#). Replies are due August 5.

- NTCA [met with](#) Wireline Competition Bureau staff on July 19, 2016, to encourage the FCC to develop a clear implementation schedule that will enable all reforms (both model and non-model) to take effect at approximately the same time and to provide sufficient estimates, calculations, and other data in advance of any implementation deadlines to help inform upcoming USF support elections. NTCA reiterated that a top immediate priority from its pending [Petition for Reconsideration](#) must be the management of USF budgets in the event of certain carriers electing, but then subsequently declining, model support. NTCA also asked the Commission to address as soon as practicable those questions raised in its Petition regarding operating expense limits, capital investment allowances, and the imputation of access recovery charges. NTCA also [met with](#) Commissioner Pai's Legal Advisor to discuss the same issues, and noted the curious juxtaposition of the Commission collecting and maintaining high-cost USF "reserves" while simultaneously applying a budget control to certain high-cost programs. NTCA also [met with](#) Commissioner O'Rielly's Legal Advisor on July 22, 2016, to discuss similar issues.
- NTCA [met with](#) Commissioner Rosenworcel and her Legal Advisor on July 19, 2016, to discuss its [Petition for Reconsideration](#) of the residential build-out requirement imposed as part of the Commission's approval of the merger application of Charter, Time Warner Cable, and Advanced/Newhouse Partnership. NTCA pointed out it is seeking reconsideration only of the residential build out requirement as applied to out-of-market areas, particularly, but not exclusively, where the condition may put at risk or undermine other broadband build-out initiatives supported by the CAF. It said the Commission failed to give notice that it was considering a forced competition requirement, and veered drastically from what was originally proposed in the merger application and was not transaction-specific. It also discussed the sustainability of the USF and efforts to address contribution reform.
- The Wireline Competition Bureau issued a [Public Notice](#) on July 21, 2016, announcing it is ready to authorize USAC to disburse Rural Broadband Experiment support to Big Bend Telecom for its provisionally selected bid projects, subject to the submission of at least one acceptable irrevocable stand-by letter of credit and Bankruptcy Code opinion letter from its legal counsel by August 4, 2016. The Bureau said these combined bids total \$178,425 and cover 15 census blocks in rural Texas. The Bureau also granted BBT's Petition for Waiver and extension of its obligation to submit by March 5, 2015, proof of ETC designation.
- Gila River Telecommunications filed a redacted [letter](#) on July 22, 2016, containing financial information concerning its historical and projected telecommunications revenues and expenses as support for its [Petition for Waiver](#) of the NACPL. GRTI said, consistent with the requirements outlined by the Commission for its review of whether a waiver should be granted, it is providing audited financial statements from the past three years, information on services provided and the end-user rates charged for such services, compensation information for the ten most highly paid employees of GRTI, and a summary of the size and nature of the payments made to affiliated companies.

- East Kentucky Network, d/b/a Appalachian Wireless, filed a [Petition for Limited Waiver](#) and extension of the compliance deadlines for Mobility Fund Phase I for construction of a network providing 4G service and for the submission of drive test data by July 19, 2016. It said the 12 Census Tracts cover “extremely rural” areas in Kentucky, and while it has made steady progress, this progress has been hampered by a variety of delays and encumbrances that it could not have reasonably anticipated and that it has worked diligently to overcome. Appalachian Wireless also requests a waiver of Section 54.1006(f), pursuant to which it will not be obligated to repay any Phase I support that the Commission has already disbursed to Appalachian in connection with the Census Tracts for which waiver is sought, or make any performance default payments prior to the extended deadlines requested in the Petition, and will not be disqualified from receiving Mobility Fund Phase I support or other Universal Service Fund support.
- GCI [spoke with](#) Chairman Wheeler’s Legal Advisor on July 14, 2016, to discuss the methodology used to determine the amount of mobile coverage in a census block for purposes of the Alaska Plan. GCI also discussed the distinction between CETCs serving remote Alaska (as defined in section 54.307(e)(3)(i)) and CETCs subject to the delayed phase down of high-cost support for remote areas of Alaska (as defined in section 54.307(e)(3)(ii)). GCI [spoke with](#) Wireless Telecommunications Bureau staff on July 18, 2016, to discuss the difference between remote support and non-remote support in the context of the proposed Alaska Plan. GCI also [met with](#) Commissioner O’Rielly and his Legal Advisor on July 15, 2016, to reiterate ATA’s [proposal](#), filed July 12, 2016.
- GCI filed a redacted [letter](#) on July 15, 2016, to provide additional details regarding certain inputs to the Modified Brattle Model, which GCI submitted earlier to estimate the incremental cost of deploying LTE to areas of remote Alaska that would be eligible for support pursuant to the Alaska Plan. The letter discusses satellite backhaul provisioning, satellite capital expenditures, spectral efficiency, operating expenses at upgraded sites, and equipment costs for microwave sites. GCI claimed even if some of these assumptions and inputs were modified in a way that produced a lower estimated cost of deployment, any reasonable cost estimate will still far exceed the amount of universal support available.
- The Alaska Telephone Association filed a [letter](#) on July 20, 2016, to submit a proposed schedule of Alaska Plan support, which it said makes a minor adjustment to the allocation of support to better reflect the proposed rules for the Alaska Plan and includes clarified labels and formatting. ATA indicated the proposed schedule does not propose any changes to the total amount of support for the Alaska Plan
- Chairman Wheeler sent [letters](#) to 20 U.S. House Representatives from New York on July 11, 2016, in response to their May 18, 2016 letter, which supported the adoption of CAF Phase II auction rules that would ensure CAF funds originally allocated to New York are not diverted to other regions. Chairman Wheeler said among the issues on which the FCC sought comment in the FNPRM are ways the FCC can structure the CAF II auction to ensure an equitable distribution of funds to states like New York, where the price cap carrier declined to accept significant amounts of USF support.
- Ozarks Electric Cooperative and OzarksGo, North Arkansas Electric Cooperative, NRECA, and the Utilities Technology Council [met with](#) Chairman Wheeler’s Legal Advisor on July 13, 2016, to express concerns about the Commission’s decision to eliminate census blocks from the reverse auction in areas where incumbent carriers declined the offer of model-based support and where rural broadband experiments were filed. They urged the Commission to adopt weights for the upcoming reverse auction that would promote the deployment of future-proof networks and robust, reliable, affordable broadband services in rural America, and not to reallocate funds from certain census blocks into other census blocks or other states. They also [met with](#) Commissioner Rosenworcel’s Legal Advisor to discuss the same issues. UTC filed a [letter](#) on July 15, 2016, providing a corrected copy of its ex parte filed on July 13, 2016, explaining it inadvertently referred to North Arkansas Electric Cooperative as North Alabama Electric Cooperative.

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Broadband

- Chairman Wheeler sent [letters](#) to Rep. Fred Upton (R-Mich.), Chairman of the House Committee on Energy and Commerce, Rep. Greg Walden (R-Ore.), Chairman of the House Subcommittee on Communications and Technology, and Rep. Michael Burgess M.D. (R-Texas) on July 11, 2016, in response to their June 1, 2016 letter, which urged the FCC to reconsider its proposed privacy rules for broadband internet access service providers. Chairman Wheeler said Congress has enacted sector-specific privacy protections in a variety of areas in which especially sensitive information is collected and stored, and the Commission has a long history of protecting consumer privacy of information carried by communications service providers. He said the Commission's NPRM proposes a path forward toward final rules for BIAS that will provide clear guidance to both BIAS providers and their customers, and include the FTC's core principles of transparency, choice, and security.
- iconnectiv [met separately](#) with Wireless Telecommunications, Wireline Competition, and Public Safety and Homeland Security Bureaus on July 18, 2016, to discuss its work to re-establish trust in telephone number identity and to protect consumers from account take over. iconnectiv also discussed the importance of following the best practices for protecting personal information, including retaining only the essential data set and applying obfuscation in order to minimizing the consequences of potential breach.

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USF

- Chairman Wheeler sent [letters](#) to 25 Members of Congress on July 11, 2016, responding to their letter expressing concerns with the decision to limit the role of states in preventing waste, fraud and abuse within the Lifeline program. They asserted it could be more efficient and cost-effective to allow states to continue serving as the primary verifiers of applicant eligibility and the Commission should focus on working with the states to ensure they have the information needed to perform checks of eligibility. Chairman Wheeler said the Lifeline [Order](#) will allow states to continue to play an important role, and said states maintain their authority to designate Lifeline voice and high-cost ETCs within the state.
- The FCC issued a [Public Notice](#) on July 22, 2016, announcing its Connect2Health Task Force will unveil a new mapping tool on August 2, 2016, in support of its efforts to further chart the broadband future of healthcare. The FCC said the Mapping Broadband Health in America tool enables more efficient, data-driven decision making at the intersection of broadband and health, and promotes stakeholder collaboration by allowing users to ask and answer questions about broadband and health at the county and census block levels.
- The FCC published a [Notice](#) in the Federal Register on July 25, 2016, seeking Paperwork Reduction Act comments on revisions of a currently approved collection to comply with new rules adopted in the Lifeline Third Reform [Order](#) on: phasing out support for mobile voice over the next six years; requiring ETCs to certify compliance with the new minimum service requirements; creating a new ETC designation for Lifeline Broadband Providers; updating the obligations to advertise Lifeline offerings; modifying the non-usage de-enrollment requirements; moving to rolling annual subscriber recertification; and streamlining the first-year ETC audit requirements. The FCC also seeks to revise the FCC Forms 555 (Annual Lifeline ETC Certification Form), 497 (Lifeline worksheet), and 481 (Carrier Annual Reporting Data Collection Form) to incorporate the new Commission rules and modify the filings for FCC Forms 555 and 497 to include detailed field descriptions. PRA comments are due August 24.
- The Enforcement Bureau released an [Order](#) on July 22, 2016, admonishing Momentum Telecom for failing to timely and fully contribute to the Universal Service Fund for over 12 months. The Bureau said Momentum's failure to timely and fully contribute to the USF deprived the USF of the funds necessary

to carry out important regulatory objectives, and gave Momentum an economic advantage relative to competitors who timely and fully made USF contributions.

- Replies were filed on the proposed eligible services list for the E-rate program for funding year 2017 on July 21, 2016. [Sprint](#) expressed support for the recommendation that the Commission temporarily suspend any further phase-down of E-rate support for voice service. The [Wisconsin Dept. of Public Instruction](#) said it supports the use of E-rate funds to help support the cost of internet access on school buses and for redundant broadband connections as an eligible Category 1 service. [CenturyLink said](#) giving applicants advance freedom to substitute leased dark fiber and IRUs for special construction would undermine protections to the program's cost-effectiveness and its fairness to commercial competitors. [AdTec](#) said support of voice service is needed for education, public safety, and public health, and said the public supports fees that are based on needs but does not necessarily support the building up of large fund balances for future events that may or may not happen. [Public Notice](#)
- AT&T filed a [letter](#) on July 20, 2016, submitting into the record a letter it, CenturyLink, Frontier, Sprint, Verizon, and Windstream sent to Christ Henderson, CEO of USAC, which expressed concern with their continuing difficulties in meeting their E-rate customer expectations as a result of the Schools and Libraries Division's new E-rate Productivity Center. They asserted that while USAC released several waves of Funding Decision Commitment Letters approving approximately \$77.8 million in E-rate funds, these commitments are of little value to applicants unless service providers can access information regarding their customer's E-rate funding status. They also asserted until USAC corrects design flaws that are preventing service providers' timely access to information in the system, their companies will be unable to provide services and accurate discounts to E-rate beneficiaries during Funding Year 2016 in a timely fashion.
- Novacom filed a [request for waiver](#) on July 18, 2016, of USAC's assessment of late fees and penalties associated with its 2003-2015 FCC Form 499-A filings. Novacom said it became aware in 2016 that it was required to make Form 499-A filings, and in response, Novacom completed and filed the requested Form 499A filings from 2003 to 2016, which indicated that the company met the "de minimis" threshold for its FY 2003 to 2016 revenue and owed no direct contributions to USAC. Novacom said USAC assessed late fees and penalties in the amount of almost \$45,000, and claimed these fees and penalties would be a hardship for it.

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Misc.

- The FCC issued a [Notice](#) in the Federal Register on July 25, 2016, seeking Paperwork Reduction Act comments on revisions of currently approved collections associated with Part 61, Tariffs. The first collection relates to reforms made in the March 23, 2016 [Report and Order](#) that require approximately 95 rate-of-return LECs to make one-time tariff filings and NECA to make two tariff filings, with the necessary support materials, outside the normal annual filing period. The second collection seeks comments on the Tariff Review Plan, which sets forth the summary material ILECs file to support revisions to the rates in their interstate access service tariffs. PRA comments are due by August 24.
- Chairman Wheeler [wrote a blog entry](#) on July 22, 2016, announcing that he sent letters to the CEOs of major wireless and wireline phone companies asking them to offer call-blocking services, at no cost, to their customers, and to accelerate the development and deployment of technical standards that would prevent spoofing of caller ID and thus make blocking technologies more effective. He requested these companies respond within 30 days with actionable solutions. He also said the Commission recently [circulated](#) rules to place limits on these robocalls, indicating the proposal would limit the number of debt-collection calls allowed per month, ensure the right person is called, and allow consumers to stop the calls.
- The Wireline Competition Bureau issued an [Order](#) on July 21, 2016, granting a [Motion](#) filed by NCTA et al. for an extension of time to file replies in the Business Data Services proceeding. The Bureau said a brief extension will allow parties to provide them with more thorough reply comments, which will

facilitate the compilation of a complete record in this proceeding without causing undue delay to the Commission's consideration of these issues. It granted a 14 day extension. Replies are now due August 9.

- CenturyLink, AT&T, Frontier, FairPoint, Consolidated Communications, and Cincinnati Bell filed a [supplement](#) on July 19, 2016, to their [Motion](#) asking the FCC to strike from the record a report prepared by Dr. Mark Rysman and several other analyses based on the original data set in the business data services proceeding. They said the new materials submitted into the record further undermine the validity of Dr. Rysman's original report, and a revised version of the report submitted raises significant new concerns. They also asserted the newly released materials reflect a desire to find shortcuts toward a pre-determined outcome rather than a neutral commitment to evaluate the record evidence, and the Commission should grant the Motion to Strike and subject the revised Rysman Report to peer review.
- TDS [met separately](#) with Chairman Wheeler's Legal Advisor and Wireline Competition Bureau and General Counsel staff on July 19, 2016, and urged the FCC to adopt a wholesale-retail rule that applies in both non-competitive and competitive markets. TDS also discussed the impact in Madison, Wisconsin, of applying a competitive market test that deems competitive any census block with four or more providers with connections, and asserted without the protection of a wholesale-retail rule in competitive census blocks, the Commission risks relegating certain customers in deemed competitive blocks to a potential monopoly or duopoly.
- Jonathan Baker and Eugene Orlov of FTI Consulting, on behalf of Level 3 and Windstream, [spoke with](#) Wireline Competition and Media Bureau staff on July 19, 2016, to suggest it would be inappropriate for the Commission to presume that markets for business data services with connections above 50 Mbps perform competitively, even though Prof. Rysman's report showed he did not detect an effect of competition on ILEC prices at high bandwidths when analyzing the FCC's business data services data. They said after making reasonable refinements to Prof. Rysman's approach, they found a large effect of rivalry on high-bandwidth ILEC prices.
- Sprint and Dr. John Kwoka, outside consultant to Sprint, [met with](#) Wireline Competition Bureau staff on July 19, 2016, to discuss how to repair what they claimed is the broken business data services marketplace. Sprint asserted the competitive analysis should reflect differences in BDS products and price remedies should apply in non-competitive product or geographic markets. Sprint also asserted the record demonstrates that competition for lower-capacity BDS is exceptionally scarce and unlikely to develop in the future, and recommended the FCC establish a safe-harbor pricing system in non-competitive markets.
- Level 3 [met with](#) Wireline Competition Bureau and General Counsel staff on July 19, 2016, to reiterate its view that the Commission should classify business data services: of 100 Mbps capacity and below as non-competitive in all geographic areas; above 1 Gbps as competitive in all geographic areas; and above 100 Mbps, up to and including 1 Gbps, as competitive where the criteria specified in a market competition test are met. It also suggested the Commission classify mid-bandwidth business data services as competitive in census blocks in which four or more providers have each deployed a connection in the census block.
- Earthlink [met with](#) Wireline Competition Bureau staff on July 19, 2016, to suggest the Commission could limit ILECs' opportunities to lock up wholesale demand by using circuit portability plans if it mandates substantial reductions in ILEC business data services prices and limits the term of circuit-specific plans that ILECs may offer in non-competitive areas. Earthlink also asserted the Commission should extend its decision to prohibit the use of all-or-nothing provisions in the tariff pricing plans under review in the Business Data Services Tariff Investigation proceeding to all ILEC tariffs and contracts for business data services in non-competitive areas and ILECs should be required to allow customers to count Ethernet toward any TDM volume commitment.
- The Washington Utilities and Transportation Commission filed a [letter](#) on July 20, 2016, asking the Commission to revisit the underlying basis for its Business Data Services FNPRM. The WUTC

expressed concern with the recent acknowledgment by four large cable providers that they significantly undercounted the number of locations capable of providing business data services. It asserted because this new information may likely affect the data framework underlying the Commission's determination of non-competitive areas, the prudent course is to incorporate the undercounted business data services information into a revised or new marketplace analysis that accurately reflects the state of the marketplace before moving forward on implementation of the FNPRM

- Chairman Wheeler sent a [letter](#) to Rep. Mike Pompeo (R-Kan.) on July 11, 2016, in response to his June 1, 2016 letter, which expressed concern regarding the security provisions in the LNPA Master Services Agreement and asked what processes and procedures have been put in place to ensure the new LNPA vendor lives up to the commitments that are outlined in the March 2015 [Order](#). Chairman Wheeler said the MSA being considered by the Commission includes granular detail regarding cybersecurity, supply chain risk management, and insider threat management, among other security and reliability measures, and provisions are in place that address each of the nine considerations cited in his letter and incorporate the NIST cybersecurity framework and supply chain risk management practices, as well as other standards-based requirements. He also said the FCC has already begun implementing a rigorous audit and inspection process in conjunction with the FBI and the NAPM, which will remain in place throughout the term of the contract.
- The FCC issued a [Notice](#) in the Federal Register on July 25, 2016, seeking Paperwork Reduction Act comments on an extension of a currently approved collection associated with local number portability. The FCC said the information collected in the standard local service request data fields is necessary to complete simple wireline-to-wireline and intermodal ports within the one business day porting interval mandated by the Commission and will be used to comply with section 251 of the Telecommunications Act. PRA comments are due by August 24.
- The FCC released a [Public Notice](#) on July 19, 2016, announcing the Wireline Competition Bureau has granted Manhattan Telecommunications' application for interconnected VoIP numbering authorization. It said this proceeding will be terminated, and the docket will be closed, 60 days from the date of this Public Notice if there are no further filings in this proceeding or, if there are additional filings, after 60 days of inactivity in the record. The grant date is effective July 18, 2016. The FCC issued a second [Public Notice](#) announcing the approval of a similar application for numbering authorization filed by Telnyx, which is also effective July 18, 2016.
- The North American Portability Management filed a [letter](#) on July 15, 2016, responding to Neustar's July 6, 2016 [ex parte](#), which expressed concerns about the LNP Administrator transition proceeding and urged the FCC to delay approving the Master Services Agreement between it and Telcordia d/b/a iconectiv. The NAPM asserted Neustar's filing is an attempt to delay the transition to iconectiv as the new LNPA and none of the issues raised by Neustar warrant further consideration. The NAPM urged the Commission to promptly approve the new MSA so the important security enhancements of the New MSA can be implemented as soon as possible and the American public will not unnecessarily continue to incur approximately \$1M for each day of delay.
- Chairman Wheeler [announced](#) on July 19, 2016, the departure of Jon Sallet as FCC General Counsel and his intention to appoint Howard Symons as the next General Counsel. He said Mr. Sallet will become the Deputy Assistant Attorney General for Litigation in the Antitrust Division of the Department of Justice.

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Upcoming Filing Dates

- 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](#)

- July 29 - Oppositions due to petitions for reconsideration of the Lifeline Reform [Order](#) filed by [NTCA and WTA](#), the [Joint Lifeline ETC Petitioners](#), [GCI](#), [Pennsylvania PUC](#), [TracFone](#), and [NASUCA](#). Replies are due August 8. [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. 8 - Replies due to oppositions to petitions for reconsideration of the Lifeline Reform [Order](#) filed by [NTCA and WTA](#), the [Joint Lifeline ETC Petitioners](#), [GCI](#), [Pennsylvania PUC](#), [TracFone](#), and [NASUCA](#). [Notice](#)
- Aug 9 - 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.
- 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](#)
- Aug. 24 - PRA comments due on revisions of a currently approved collection to comply with new rules adopted in the Lifeline Third Reform [Order](#). [Notice](#)
- Aug. 24 - PRA comments due on revisions of currently approved collections associated with Part 61, Tariffs. [Notice](#)
- Aug. 24 - PRA comments due on an extension of a currently approved collection associated with local number portability. [Notice](#)

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