

NECA's Weekly Federal Regulatory Summary

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July 27, 2020 HIGHLIGHTS

- The FCC [initiated](#) the urban rate survey for 2021, which will be used to develop voice and broadband reasonable comparability benchmarks. Surveys are due August 28, 2020.
- The Senate Commerce Committee [approved](#) the nomination of Commissioner O'Rielly for a five-year term from July 1, 2019. Commissioner O'Rielly issued a [statement](#)
- The House [passed](#) fiscal year 2021 appropriations bills, which [proposes](#) over \$1.025 billion for broadband, including \$990 million for the ReConnect program.
- Sen. Cory Gardner (R-Colo.) introduced a [bill](#) that proposes appropriating \$6.5 billion to the FCC for broadband buildout in unserved areas.
- The FCC [is circulating](#) a notice of inquiry on deployment of advanced telecommunications capability.
- AT&T wrote a [blog post](#) asserting the contribution mechanism is outdated and unsustainable, and suggested Congress directly appropriate the funds needed for broadband deployment.
- NARUC passed a [resolution](#) urging Congress to decline passing a [house bill](#) that proposes to eliminate the state ETC designation role.
- The Wireline Competition Bureau [announced](#) the counties in which conditional forbearance from the obligation to offer Lifeline-supported voice service applies.

Other Key Upcoming Dates

- Aug. 4 - Replies [due](#) on the [NPRM](#) on detariffing telephone access charges.

Editor: [Shawn O'Brien](#) | Assistant Editor: [Libby Newson](#)

USF Reform

- The Office of Economics and Analytics and Wireline Competition Bureau issued a [public notice](#) on July 23, 2020, initiating the urban rate survey for 2021. The information collected will be used to develop voice and broadband reasonable comparability benchmarks that will be in place in 2021. Notifications to providers required to complete a survey will be sent via email on July 23, 2020. The notification will provide information on how to access and complete the online survey report form and obtain technical assistance. Completed surveys are due August 28, 2020.
- Reply comments are due July 27, 2020, on the 5G Fund [NPRM](#).

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ICC

- A [joint status report](#) was filed in the Illinois district court on July 21, 2020, in the case addressing a [complaint](#) alleging T-Mobile's provision of false ring tones resulted in lost opportunities to seek intercarrier compensation.

Broadband

- The House [passed](#) fiscal year 2021 appropriations bills on July 24, 2020, which includes \$4.214 billion for [rural development programs](#). The legislation proposes over \$1.025 billion, an increase of \$435 million above the FY 2020 enacted level, in the expansion of broadband service to provide economic development opportunities and improved education and health care services. This includes \$990 million for the ReConnect program.
- Sen. Cory Gardner (R-Colo.) introduced a [bill](#) on July 23, 2020, entitled "The Developing Economic Prosperity and Linking Our Youth through (DEPLOY) Broadband Act," to immediately fund broadband deployment in unserved and rural areas. The bill will appropriate \$6.5 billion for buildout in unserved areas and will establish a minimum 10 percent rural dividend for future spectrum auctions and ensure that funding cannot be combined with any other funds at the FCC.
- The FCC [placed](#) a notice of inquiry on circulation on July 22, 2020, entitled "Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion."
- WISPA sent a [letter](#) signed by 200 providers to Sens. Roger Wicker (R-Miss.), John Thune (R-S.D.), Maria Cantwell (D-Wash.), and Brian Schatz (D-Hawaii) on July 23, 2020, urging the Senate to take a technologically-neutral approach to pandemic proposals that seek to promote the rollout of broadband to unserved communities. They asserted the practical effect of proposals which seek to accelerate the FCC's RDOF auction would result in many communities being left behind when overpriced, so-called future proof networks take the lion's share of funds, leaving the truly unserved behind once more. [news release](#)
- The June 10, 2020 [declaratory ruling](#) on wireless infrastructure was [published](#) in the Federal Register on July 27, 2020. The ruling clarifies: when the 60-day shot clock starts for local governments to review and approve an eligible modification; what constitutes a substantial change; and whether an environmental assessment is required when an impact to historic properties has already been mitigated in the Commission's historic preservation review process. The declaratory ruling was effective June 10, 2020.
- Comments were filed on July 22, 2020, on the [NPRM](#) on wireless infrastructure deployment. [NTCA](#) expressed support for proposals to amend and clarify the rules implementing section 6409(a) of the Spectrum Act. NTCA asserted the clarifications and amendments are consistent with the Spectrum Act and would remove unnecessary but critical barriers to improved and expanded wireless service. The

[city of Coconut Creek, Florida](#), and [city of Gaithersburg, Maryland](#), opposed the proposals in the NPRM. Gaithersburg said new rules will require it for the third time in less than two years to amend its ordinances and regulations. Coconut Creek asserted industry and local communities can work together without large-scale FCC intervention. Replies are due August 3, 2020.

- Sen. Dan Sullivan (R-Alaska), Rep. Don Young (R-Alaska), et al. sent a [letter](#) to Chairman Pai on July 23, 2020, asking the FCC to extend the 2.5 GHz Rural Tribal Priority Window, currently scheduled to close on August 3, 2020, due to extenuating circumstances of the pandemic. They requested an extension of the application deadline until February 2021.
- The National Congress of American Indians, et al. filed an [emergency motion for stay](#) on July 21, 2020, of the 2.5 GHz Rural Tribal Priority Window, currently scheduled to close on August 3, 2020. NCAI, et al. requested the Commission stay the close until February 1, 2021. They asserted the pandemic, which began simultaneously with the opening on February 3, 2020, has impacted American Indians and Alaska natives on tribal lands harder than any other community in America, and unless the Commission extends the tribal window, hundreds of eligible tribal nations will miss this opportunity to provide 5G service to their people.
- [Next Century Cities](#) and a [group](#) of entities filed letters on July 23, 2020, in support of the National Congress of American Indians, et al. [motion](#) seeking a stay of 2.5 GHz Rural Tribal Priority Window. Both asserted the COVID-19 pandemic has affected the ability of Tribal communities to meet the application deadline.
- The Wireless Infrastructure Association released a [paper](#) entitled “Fiber: An Essential Facet of the Connected Community” on July 22, 2020, which highlights the need for fiber connectivity to enable 5G and the Internet of Things. WIA said the paper outlined best practices municipalities, broadband providers and other stakeholders can use in collaborating to deploy fiber, a necessary component for connectivity. [press release](#)
- The Wireline Competition Bureau issued a [public notice](#) on July 20, 2020, seeking comment on NCTA’s [petition](#) requesting the FCC clarify in unserved areas it is unjust and unreasonable for pole owners to shift the entire cost of a pole replacement to a new attachers. Comments are due August 19, 2020; replies are due September 3, 2020.
- The Phoenix Center for Advanced Legal and Economic Studies released a [paper](#) on July 20, 2020, entitled “OTI’s Cost of Connectivity 2020 Report: A Critical Review,” which reviewed a [recent report](#) from New America’s Open Technology that discussed the cost of connectivity. The Phoenix Center said the report’s data does not support OTI’s argument that municipal broadband networks offer the fastest and most affordable services or locally-owned networks provide significant cost savings for consumers.

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Robocalls

- ATIS filed a [letter](#) on July 22, 2020, to provide to the Commission an update from its Industry Numbering Committee on INC’s efforts to support the reassigned number database. ATIS said INC has completed the reassigned number database guidelines for service provider reporting of permanently disconnected number data, which was published on July 22, 2020, and are [available here](#).
- Reply comments are due July 27, 2020, on the [NPRM](#) on what rules the FCC needs to guide registration of a single consortium to conduct private-led efforts to traceback the origin of illegal robocalls. [FR](#)
- TransNexus filed a [letter](#) on July 23, 2020, to respond to [AT&T’s](#) and [USTelecom’s](#) reply comments regarding out of band SHAKEN. TransNexus asserted the out-of-band SHAKEN is not an alternative

framework and that there are several voice service providers using out-of-band SHAKEN in their production networks today.

Other Universal Service

- Reply comments are due July 27, 2020, on refreshing the record in its 2012 USF contribution methodology [FNPRM](#) regarding one-way VoIP providers. [public notice](#)
- Joan Marsh of AT&T wrote a [blog post](#) on July 21, 2020, on the USF contribution factor. She asserted the contribution mechanism is outdated, the current system is unsustainable, and reform of the existing mechanism is politically impossible. She claimed the current approach cannot generate the funding needed for broadband deployment and adoption and suggested Congress directly appropriate the funds.
- NARUC passed a [number of resolutions](#) on July 22, 2020, at its summer policy summit, including a resolution urging Congress to decline passing a [house bill](#) that proposes to eliminate the state ETC designation role. The resolution also asked Congress to amend [HR 7302](#), which proposes a broadband Lifeline fund to require providers also be designated as ETCs, and urges the FCC to continue to cooperate with the states and acknowledge states' significant role in closing the digital divide.
- Sens. Shelley Moore Capito (R-W.V.), Todd Young (R-Ind.) and Angus King (I-Maine) introduced a [bill](#) on July 24, 2020, entitled "COVID-19 Emergency Telehealth Impact Reporting Act of 2020," which requires the Department of Health and Human Services to assess key health care metrics, including utilization rates and hospital readmission rates, for patients who received their healthcare through expanded telehealth programs during the coronavirus pandemic. [press release](#)
- Reps. Anna Eshoo (D-Calif.) and Don Young (R-Alaska), and Sens. Brian Schatz (D-Hawaii) and Lisa Murkowski (R-Alaska) sent a [letter](#) to Chairman Pai on July 23, 2020, asserting there is a lack of transparency with the COVID-19 Telehealth program. They asked questions about its implementation, including how many applications were received, how many of those did not receive support, amounts applicants requested, and how much support in total has been disbursed. [press release](#)
- The Wireline Competition Bureau issued a [public notice](#) on July 20, 2020, announcing the counties in which conditional forbearance from the obligation to offer Lifeline-supported voice service applies, pursuant to the Commission's 2016 Lifeline [order](#). The bureau said this forbearance applies only to the Lifeline voice obligation of ETCs designated for purposes of receiving both high-cost and Lifeline support and not to Lifeline-only ETCs. The list of counties where conditional forbearance from high-cost/Lifeline ETCs' Lifeline voice obligation will apply, effective on September 18, 2020, is in the appendix.
- The Wireline Competition Bureau issued a [public notice](#) on July 21, 2020, seeking comment on the proposed E-rate eligible services list for funding year 2021. The bureau identified two changes between the FY 2020 ESL and 2021 ESL: the adoption of rules prohibiting the use of USF funds to purchase or obtain any equipment or services produced or provided by a covered company posing a national security threat; and changing the category two budget calculations from entity-level budgets to school district-wide and library system-wide budgets. Comments are due August 20, 2020; replies are due September 4, 2020.
- The FCC [placed](#) an order on circulation on July 22, 2020, entitled "Schools and Libraries Universal Support Mechanism."
- The Media Bureau issued a [public notice](#) on July 24, 2020, releasing the agenda for the August 3, 2020, virtual workshop, co-sponsored by the bureau and the FCC's advisory committee on diversity and digital empowerment, on the role of libraries advancing broadband adoption and literacy. The workshop will feature experts from libraries, academia, and civil society organizations who will discuss efforts to support underserved rural and urban communities' acquisition of digital skills.

- Reply comments are due July 27, 2020, on the National Lifeline Association's [petition](#) for a declaratory ruling revoking the Texas PUC's National Lifeline Accountability Database opt-out certification and providing other relief. [public notice](#)
- GCI [met with](#) Wireline Competition Bureau staff on July 16, 2020, regarding its [petition](#) to restore the effective date of the site and service substitution rule for the RHC telecom program to funding year 2020. GCI asserted granting the request would eliminate the need for consideration of waivers for any requests meeting the terms of the rule. GCI also [met with](#) Commissioner Rosenworcel's advisor on July 17, 2020, regarding its [application for review](#) of the [decision](#) setting GCI's rates under the Rural Health Care telecom program.
- The PR-USVI Coalition filed a [letter](#) on July 23, 2020, to reiterate its request for the Commission to grant its [petition](#) seeking a waiver of rules regarding the bank commitment letter and letter of credit requirements for applicants participating in the Stage 2 fixed competitive process of the Uniendo a Puerto Rico Fund and the Connect USVI Fund. It said if the Commission is not inclined to grant the petition as proposed, it asked it grant a waiver of section 54.1508(c) (letter of credit for stage 2 fixed support recipients) for a period of one year following Stage 2 authorization and a waiver of section 54.1505(d)(6) (stage 2 fixed support application process) so a letter of credit commitment letter does not need to be filed with their Stage 2 application
- Critical Hub Networks filed a [letter](#) on July 22, 2020, to discuss the PR-USVI Fund Coalition's [petition](#) seeking a waiver of rules regarding the bank commitment letter and letter of credit requirements for applicants participating in the Stage 2 fixed competitive process of the Uniendo a Puerto Rico Fund and the Connect USVI Fund. It offered an alternative waiver request that no longer seeks waiver of the commitment letter obligation, and asked the Commission to: grant petition's request to reduce the value of the required letter of credit to match the rules adopted for the Rural Digital Opportunity Fund and grant a waiver of section 54.1508(c) (letter of credit for stage 2 fixed support recipients) for a period of one year following Stage 2 authorization.
- Blackburn Technologies filed an [ex parte reply](#) on July 17, 2020, in support of its [petition](#) for a waiver of section 54.1505(a) (stage 2 fixed support application process). Blackburn asserted grant of the waiver is consistent with the Commission's policy decision to limit support to experienced providers that deployed networks and offered services before the hurricanes. Blackburn also said granting its request does not require any bureau action that will delay the timeline for initiating the Stage 2 bidding process because its eligibility to apply for Stage 2 support is based solely upon its credentials as an experienced broadband provider.
- Funds for Learning [met with](#) Wireline Competition Bureau staff on July 17, 2020, to discuss an analysis of 2020 E-rate trends, which it said was based on a national survey of E-rate applications (2016 through 2020).

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Misc.

- The Senate Committee on Commerce, Science, and Transportation held an [executive session](#) on July 22, 2020, approving legislative measures and presidential nominations, including the nomination of Commissioner O'Rielly for a five-year term from July 1, 2019. The bills and nominations are now subject to approval by the full Senate. Commissioner O'Rielly issued a [statement](#).
- An FCC [notice](#) was published in the Federal Register on July 22, 2020, seeking Paperwork Reduction Act comments on a revision of a currently approved collection associated with Part 32 accounting requirements. In February 2017, the FCC released an [order](#) minimizing the compliance burdens imposed by the uniform system of accounts on price cap and rate-of-return telephone companies, and in October 2018 the FCC released an [order](#) allowing rate-of-return carriers currently receiving model-based or other fixed high-cost support to voluntarily elect to transition their business services offerings from RoR to incentive regulation. The FCC said electing carriers choosing to use GAAP instead of the USOA are relieved of virtually all the filing and recordkeeping requirements of the USOA, with the sole

exception of the same data provisioning requirements for the calculation of pole attachment rates as price cap carriers. PRA comments are due September 21, 2020.

- TPx Communications [spoke with](#) legal advisors to Commissioners Carr and O’Rielly on July 20, 2020, regarding AT&T’s planned 20% increase in term plans and month-to-month rates for DS1, DS3, SONET Point-to-Point, LightGate and Wavelength channel special access and business data services. TPx asserted although the Commission relaxed regulation of BDS rates, it defies the laws of economics that a carrier in a competitive market can raise its rates on 30 days’ notice by 20% for supposedly competitive services.
- Comments were filed on July 24, 2020, on a [petition](#) for rulemaking and declaratory ruling filed by CTIA and USTelecom to simplify filing requirements for pro forma assignment and transfer of control applications. [Windstream](#) supported the petition and asserted the proposed changes will remove unnecessary burdens and reduce confusion associated with non-substantive transfers of control. The [American Consumer Center Institute for Citizen Research, RStreet](#), and [Land Mobile Communications Council](#) also supported the petition. Replies are due August 10, 2020. [public notice](#)
- Reply comments are due July 27, 2020, on a section 214 application requesting consent to transfer control of Miles Enterprises and its regulated subsidiaries to Great Plains Communications. [public notice](#)
- The Wireline Competition Bureau issued two public notices on July 20, 2020, granting applications filed by [Voyant Communications](#) and [Ooma, Inc.](#) for authorization to obtain NANP telephone numbers directly from the numbering administrators for their iVoIP service.
- The Office of General Counsel issued an [erratum](#) on July 21, 2020, to the [notice of proposed rulemaking](#) updating the FCC’s ex parte rules. The erratum makes certain corrections to the NPRM

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Upcoming Filing Dates

- July 29 - Comments due on iconectiv’s [petition](#) asking the FCC to conduct a competitive procurement process to select the toll-free numbering administrator. Replies are due August 13, 2020 [public notice](#)
- Aug. 3 - PRA comments due on a new information collection on Alaska Plan end of term commitments. [FR](#)
- Aug. 3 - Replies due on the [NPRM](#) on wireless infrastructure deployment. [FR](#)
- Aug. 4 - Replies due on the [NPRM](#) on detariffing telephone access charges. [FR](#)
- Aug. 5 - Comments due on whether 515 proceedings should be terminated as dormant. Replies due August 20, 2020. [public notice](#) | [FR](#)
- Aug. 6 - Reply comments due on the on adjustment factor values for the [5G Fund](#). [public notice](#)
- Aug. 10 - Reply comments due a [petition](#) for rulemaking and declaratory ruling filed by CTIA and USTelecom to simplify filing requirements for *pro forma* assignment and transfer of control applications. [public notice](#)
- Aug. 13 - Replies due on iconectiv’s [petition](#) asking the Commission to conduct a competitive procurement process to select the toll-free numbering administrator. [public notice](#)
- Aug. 17 - PRA comments due on extension of a currently approved collection associated with Part 59 infrastructure sharing. [notice](#)

- Aug 17 - PRA comments due on a revised information collection relating to the COVID-19 [telehealth order](#) (FCC Forms 460, 461, 462 and 463). [notice](#)
- Aug. 19 - Comments due on NCTA's [petition](#) requesting the FCC clarify it is unjust and unreasonable for pole owners to shift the entire cost of a pole replacement to a new attacher. Replies due September 3. [public notice](#)
- Aug. 20 - Replies due on whether the 515 proceedings should be terminated as dormant. [public notice](#) | [FR](#)
- Aug. 20 - Comments due on the proposed E-rate eligible services list for funding year 2021. Replies are due September 4, 2020. [public notice](#)
- Aug. 31 - PRA comments due on a new information collection on the CAF II eligible locations adjustment process. [notice](#)
- Sept. 3 - Replies due on NCTA's [petition](#) requesting the FCC clarify it is unjust and unreasonable for pole owners to shift the entire cost of a pole replacement to a new attacher. [public notice](#)
- Sept. 4 - Replies due on the proposed E-rate eligible services list for funding year 2021. [public notice](#)
- Sept. 4 - PRA comments due on an extension of a currently approved information collection associated with FCC Forms 499-A and 499-Q, annual and quarterly telecommunications reporting worksheets. [FCC notice](#)
- Sept. 21 - PRA comments due on a revision of a currently approved collection associated with Part 32 accounting requirements. [FR](#)

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