

NECA's Weekly Federal Regulatory Summary

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July 29, 2019 HIGHLIGHTS

- The FCC issued the [agenda](#) for its August 1, 2019 Open Meeting. The FCC will consider nine items, including: an [NPRM](#) proposing to establish a new Rural Digital Opportunity Fund that would target support to areas that lack 25/3 Mbps broadband service and distribute \$20.4 billion in high-cost USF support over 10 years using a two-phase reverse auction; a [report and order and second FNPRM](#) that would establish a new Digital Opportunity Data Collection to collect geospatial broadband coverage data from fixed providers, adopt a “crowdsourcing” process on the accuracy of the maps, make targeted changes to the existing Form 477 to reduce filing burdens, and seek comment on enhancing the new data collection; and a [report and order](#) that would overhaul the Rural Health Care Program.
- The FCC [initiated](#) the urban rate survey for 2020, which will be used to develop voice and broadband reasonable comparability benchmarks. Surveys are due August 26, 2019.
- The FCC [announced](#) it is ready to authorize CAF Phase II Auction 903 support for the winning bids identified in Attachment A of this Public Notice. Applicants are required to submit irrevocable standby letter(s) of credit and Bankruptcy Code opinion letter(s) by August 5, 2019.
- [Comments were filed](#) on approaches to identifying and resolving discrepancies between the number of model-determined funded locations that A-CAM I and II support recipients are expected to serve and the actual number of locations that support recipients can serve. [Public Notice](#)
- [Replies were filed](#) on Iowa Companies' [Petition for Clarification or Declaratory Ruling](#) on the definition of locations under the A-CAM for residences that also serve as businesses. [Public Notice](#)
- NTCA [offered suggestions](#) on the draft RDOF [NPRM](#) and the draft Digital Opportunity Data Collection [Order/ FNPRM](#), suggesting, among other things, the FCC ask whether alternatives to a *pro rata* adjustment are appropriate in light of basic network economics. USTelecom, et al. [offered suggestions](#) on the draft RDOF [NPRM](#), asking, among other things, the FCC to seek comment on whether an alternative approach to the two-phase RDOF auction could create a more efficient auction.
- NTCA and USTelecom sent a [letter](#) to the FCC Commissioners on the draft Digital Opportunity Data Collection [Order/FNPRM](#), stating a dataset, like the BSLF, will capture the best information possible on broadband availability. USTelecom, et al. [discussed](#) the draft DODC [Order/FNPRM](#), asserting the creation of the BSLF for the entire country can be completed within 12-15 months of the work start date, not years. ITTA [said](#) the BSLF offers an excellent means to identify served and unserved areas.
- [Comments were filed](#) on the [FNPRM](#) on robocalls and implementation of SHAKEN/STIR. Reply comments are due August 23, 2019. [FR](#)
- The Irregulars, et al. filed their [Brief](#) with the D.C. Circuit for their [Petition for Review](#) of the FCC's Separations Freeze [Order](#).

Other Key Upcoming Dates

- Aug. 26 - Replies due on the [NPRM](#) on establishing a cap on the USF. [Order](#)

USF Reform

- The Office of Economics and Analytics and the Wireline Competition Bureau issued a [Public Notice](#) on July 24, 2019, initiating the urban rate survey for 2020. The information collected in this survey will be used to develop voice and broadband reasonable comparability benchmarks that will be in place in 2020. They said they will be collecting the rates offered by a random sample of providers of fixed services identified using December 2018 FCC Form 477 data, and will collect separate samples for fixed voice and fixed broadband services, with up to 500 urban Census tracts in each. Notifications that a provider is required to complete a survey will be sent via email on July 25, 2019. The notification will provide information on how to access and complete the survey online report form and how to obtain technical assistance. Completed surveys will be due August 26, 2019.
- The Rural Broadband Auctions Task Force, Wireline Competition Bureau, and Office of Economics and Analytics issued a [Public Notice](#) on July 22, 2019, announcing they are ready to authorize CAF Phase II Auction 903 support for the winning bids identified in Attachment A of this Public Notice. They said to be authorized to receive the total 10-year support amounts listed in Attachment A, the long-form applicants identified are required to submit acceptable irrevocable standby letter(s) of credit and Bankruptcy Code opinion letter(s) from their legal counsel for each state where they have winning bids that are ready to be authorized by the applicable deadline, which is 6:00 p.m., August 5, 2019. They indicated Commission staff is reviewing information that is submitted with long-form applications on a rolling basis, and a long-form applicant that was not included in this Public Notice but that has submitted all of the required information, will be included in a future Public Notice. They also said Crocker Communications (listed in Attachment B) does not intend to pursue any of its winning bids, is in default, and is subject to forfeiture.
- In addition to comments listed in a previous edition of *REGScan*, comments were filed on July 19, 2019, on the portion of the June 5, 2019 [Public Notice](#) on approaches to identifying and resolving apparent discrepancies between the number of model-determined funded locations that A-CAM I and II support recipients are expected to serve and the actual number of locations that support recipients can serve. [USTelecom](#) urged the FCC to implement the Broadband Serviceable Location Fabric proposal it developed with ITTA and WISPA so that, in addition to providing the most granular data possible to the FCC for future funding mechanisms, it can also update the A-CAM and make it as accurate as possible. [A-CAM RLECs](#) said the FCC should establish a streamlined approach to resolve location discrepancies for A-CAM recipients that contains an attestation with the number of locations the A-CAM recipient is short, along with a summary of the steps taken according to FCC and USAC guidelines. They said this process should also be applied to A-CAM II electors serving areas that benefit from Tribal Broadband Factor adjustments. [Alexicon](#) urged the FCC to pause any threat of enforcement of section 54.320 until there is a process in place to address these location discrepancy issues. Alexicon also recommended the FCC define "location" as broadly and flexibly as possible and adopt an ongoing process for A-CAM support recipients to petition the Commission for adjustment of deployment obligations at any point during the ten-year support term. [Comments available to date. FR Notice](#)
- Reply comments were filed on July 25, 2019, on Northeast Iowa Telephone and Western Iowa Telephone's [Petition for Clarification or Declaratory Ruling](#) on the definition of locations under the A-CAM for residences that also serve as businesses. [NTCA](#) supported the Petition, saying changing the rules midstream, without the opportunity for notice and comment, would be detrimental to carriers that relied upon the Commission's rules and orders and now face losing a portion of the funding offered if there are fewer serviceable locations under the "new" definition than were available when the carrier selected A-CAM support. [JSI and A-CAM Companies](#) asserted USAC's FAQ guidance is inconsistent with FCC rules and industry practices. They urged the Commission to instruct USAC to modify the HUBB FAQ to mirror the FCC's existing requirements rather than create a subscription requirement that is both inconsistent with the FCC's rules and orders and unnecessary to fulfill the FCC's goal with respect to accountability. [NEIT and WITA](#) claimed comments show unanimous support for the petition and urged the Commission to immediately clarify USAC's FAQ to make it consistent with existing FCC rules and orders, eliminating any requirement that limits carriers to counting only home-based businesses that have already separately subscribed to service and that have separate, duplicative facilities. [All replies available to date. Public Notice](#)

- NTCA [met with](#) Commissioner Starks' Legal Advisor on July 19, 2019, to discuss the draft [NPRM](#) on a new Rural Digital Opportunity Fund and the draft [report and order and second FNPRM](#) that would establish a new Digital Opportunity Data Collection, both of which will be considered at the FCC's August Open Meeting. NTCA urged the FCC to ask questions in the RDOF NPRM that would foster discussion of the relative payback of networks capable of varying speeds and other performance metrics over the ten-year term of support. NTCA also suggested the FCC ask whether alternatives to a *pro rata* adjustment are appropriate in light of basic network economics and urged the FCC to ensure RDOF auction resources will not be wasted. On mapping, NTCA suggested the FCC clarify it is not proposing to treat crowdsourced reports the same as general consumer complaints and to clarify crowdsourcing will be considered as a complement to, and not a substitute for, challenge processes that should be used in considering new awards (or denial) of USF support. NTCA also suggested the FCC propose requiring reporting on fixed voice service availability at the same level of granularity as would be compelled for broadband availability reporting. NTCA also [met with](#) Chairman Pai's Special Counsel, Commissioner O'Rielly's Legal Advisor, and Commissioner Rosenworcel's Chief of Staff on July 25, 2019, to discuss the same issues.
- USTelecom, ACS, AT&T, CenturyLink, Frontier, Verizon, and Windstream [met with](#) Chairman Pai's Special Counsel on July 18, 2019, and with [Commissioner O'Rielly's Legal Advisor](#) on July 17, 2019, to discuss the draft Rural Digital Opportunity Fund [NPRM](#). They requested the FCC include a question seeking comment on whether an alternative approach to the two-phase RDOF auction could create a more efficient auction and serve more unserved America. They suggested the FCC amend the NPRM to better acknowledge and integrate the proposed Digital Opportunity Data Collection into its plans for the RDOF. They also suggested the NPRM seek comment on how it can better clarify obligations during the transition from CAF Phase II to the RDOF. USTelecom, AT&T, CenturyLink, Consolidated, Frontier, Verizon, and Windstream [met with](#) Commissioner Starks's Legal Advisor on July 18, 2019, [with](#) Commissioner Rosenworcel's Legal Advisor on July 19, 2019, and [with](#) Commissioner Carr's Chief of Staff and Policy Advisor on July 17, 2019, to discuss the same issues.
- USTelecom [met with](#) Chairman Pai's Special Counsel and Commissioner Carr's Legal Advisor on July 22, 2019, to discuss the draft Rural Digital Opportunity Fund [NPRM](#) and the draft Digital Opportunity Data Collection [Order and Second FNPRM](#). USTelecom said the draft RDOF NPRM should contain an affirmative link to the Digital Opportunity Data Collection, as proposed by USTelecom in its July 22, 2019 [ex parte](#), and seek comment on USTelecom's alternative proposal for a two-phase auction approach. It also said the draft RDOF NPRM inquiry on potential additional performance metrics based on subscribership targets should take a broader approach to its line of questioning and seek comment on the appropriate way to address location count disparities.
- ADTRAN filed a [letter](#) on July 23, 2019, on the draft Rural Digital Opportunity Fund [NPRM](#). ADTRAN suggested the Commission include a cite to the CAF Performance Measurements Order in footnote 36 of the draft NPRM in order for the Commission to avoid any claim of ambiguity or inadequate notice with regard to requiring the use of the conversational-opinion test. ADTRAN claimed such an edit would make clear the Commission's intent that eligibility to receive RDOF subsidies requires the capability to support high-quality voice services, as specified in the Communications Act.
- ACA Connects [met separately with](#) Chairman Pai's Special Counsel and Legal Advisors to Commissioners Rosenworcel, O'Rielly, and Starks on July 22, 2019, to discuss the draft Rural Digital Opportunity Fund [NPRM](#) and the draft Digital Opportunity Data Collection [Order and Second FNPRM](#). It suggested the FCC adopt as the minimum geographic unit of bidding an eligible census block for the RDOF and not some larger geographic area, and suggested the FCC seek comment on the benefits and costs of this approach. It also suggested the FCC direct the OEA to consider all file formats for mapping, including the KMZ file format, and proposed increasing the "small provider threshold" from 250 to 1,500 subscribers.
- CenturyLink [met with](#) Wireline Competition Bureau staff on July 17, 2019, to discuss the process CenturyLink uses to record deployment pursuant to the CAF and to file the required information with USAC. CenturyLink discussed the information in the Declaration of Richard Rousselot attached to its [Petition for Reconsideration](#), filed on March 12, 2019, and discussed the attached exhibits on the variation in geo-coding results in rural areas.

- VTel Wireless filed a [letter](#) on July 22, 2019, withdrawing its March 2019 [request](#) for an extension of the three-year construction deadline for VTel to construct a 4G network and submit drive test data for the Essex, Vermont census tract for which VTel was the winning bidder in Auction 901 for Mobility Fund Phase I support.

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Broadband

- Chairman Pai sent [letters](#) to 12 Members of Congress on July 19, 2019, on the Government Accountability Office's [report](#) entitled *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, issued in April 2019. Pai said the Nationwide Programmatic Agreement provides a flexible approach that contemplates a collaborative, back-and-forth process between the FCC, entities constructing infrastructure projects, and the Tribes. Pai said, consistent with GAO's recommendation, he asked FCC staff to explore ways of documenting how FCC staff could communicate with Tribes about how Tribal input was used in FCC decisions on telecommunications infrastructure projects.
- Chairman Pai sent a [letter](#) Sen. Martin Heinrich (D M.N.) on July 19, 2019, in response to his [letter](#) asking the FCC to host workshops in New Mexico to increase participation in federal broadband programs and improve internet access across the state's rural and tribal communities. Pai said the FCC's Office of Native Affairs and Policy and USAC have several outreach and training events already planned in New Mexico later this year.
- NTCA and USTelecom sent a [letter](#) to Chairman Pai and the FCC Commissioners on July 25, 2019, on the draft Digital Opportunity Data Collection [Order and Second FNPRM](#). They said the FCC should not adopt an "either/or" approach to improvements to data collection, but instead adopt shapefiles as a reporting methodology and move forward towards a uniform national dataset on top of which carriers can report broadband availability. They said an underlying dataset, such as the Broadband Serviceable Location Fabric (BSLF) proposed by the Broadband Mapping Coalition, will ultimately capture the best information possible regarding where broadband is and is not available.
- USTelecom, AT&T, CenturyLink, Consolidated, Frontier, Verizon, Windstream, TDS, ITTA, and WISPA [met with](#) Commissioner Carr's Chief of Staff and Legal Advisor, Chairman Pai's Special Counsel, and Advisors to Commissioners O'Reilly, Starks, and Rosenworcel on July 18, 2019, to discuss the draft Digital Opportunity Data Collection [Order and Second FNPRM](#). They disagreed with the assertion in the draft Order that it would take several years to complete the Broadband Mapping Consortium's Broadband Serviceable Location Fabric, asserting the creation of the BSLF for the entire country can be completed within 12-15 months of the work start date. They suggested the draft Order be clarified to reflect that the first shapefile submission would be due at the later of six months after the portal is ready or once GIS compatibility standards are decided upon. They also said there is a lack of clarity with respect to the various delegations of authority to the Bureaus, Offices, and USAC.
- ITTA [met separately with](#) Chairman Pai's Special Counsel and Legal Advisors to Commissioners Rosenworcel and Starks on July 22, 2019, to discuss the draft Digital Opportunity Data Collection [Order and Second FNPRM](#). ITTA, a member of the Broadband Mapping Coalition, asserted the Coalition's BSLF offers an excellent means to identify both served and unserved areas. ITTA claimed BSLF for the entire country could be completed within 12 to 15 months of the work start date, and not years, as stated in the draft. ITTA also urged the FCC to provide for input by stakeholders into the development by USAC of the platform and processes for the filing of polygon-based reports and the online portal for governmental and public review of providers' submissions.
- AT&T, representing the Broadband Mapping Coalition, [spoke with](#) Chairman Pai's Special Counsel on July 18, 2019, to discuss the draft Digital Opportunity Data Collection [Order and Second FNPRM](#). AT&T discussed several issues raised during the Coalition's July 18, 2019 [meeting](#), and asserted the draft Order is unclear on the timing and interrelationship between the development of the portal and due date for submission of shapefiles. AT&T suggested the FCC specify that it directs the Bureaus, in consultation with USAC, to carry out the implementation details of the new service area collection only

after FNPRM comments and replies are filed. It also expressed concern that the draft item could be interpreted to give USAC substantial authority to decide many of the key implementation details, to an extent that exceeds USAC's administrative role.

- NCTA, Comcast, Cox Communications, GCI, and Charter Communications [met with](#) Commissioner Starks' Legal Advisor on July 18, 2019, to discuss the draft Digital Opportunity Data Collection [Order and Second FNPRM](#) and the draft Rural Digital Opportunity Fund [NPRM](#), both of which will be considered at the August FCC Open Meeting. NCTA, et al. said moving to a reporting regime based on polygon shapefiles would address the overstatement of coverage that results under the FCC's current census block approach in a manner that providers and the Commission should be able to implement in a timely manner. They also expressed support for the proposal to incorporate crowdsourcing to supplement the review of Form 477 filings by Commission staff. They suggested additional questions be added to the RDOF NPRM, such as how the FCC should gather information on broadband deployment that is being funded by other agencies to ensure that any new funding from the Commission is efficiently directed to unserved areas.
- The Benton Foundation, et al. filed a [letter](#) on July 24, 2019, on the draft Digital Opportunity Data Collection [Order and Second FNPRM](#). They urged the FCC to expand its broadband data collection program to ensure broadband availability and affordability is accurately measured in underrepresented and marginalized communities that have historically lagged behind in connectivity. They suggested the FCC expand its analysis to incorporate: broadband affordability and pricing data; information on demographics, such as race, age, and disability; usage, subscription, and churn data; quality of service and actual service speed data; and network vulnerability and resilience.
- Microsoft [spoke with](#) Legal Advisors to Chairman Pai and Commissioners Starks, O'Rielly, and Rosenworcel on July 23, 2019, to discuss the draft Digital Opportunity Data Collection [Order and Second FNPRM](#). Microsoft suggested amendments to the definition of where broadband is available, as set forth in paragraph 13, such as eliminating the words "an extraordinary commitment of resources or," so that carriers depict locations where consumers can get access to broadband today or within ten business days without the imposition of charges exceeding an ordinary service activation fee. It also requested the FCC correct paragraph 26 to indicate Microsoft is fully supportive of the FCC's polygon-based approach while third-party data sources are developed. Microsoft also supported the use of crowdsourced data and discussed possible delegations of authority to USAC.
- Connected Nation [met with](#) Chairman Pai's Special Counsel and Legal Advisors to Commissioners O'Rielly and Carr on July 23 and 24, 2019, to discuss the draft Digital Opportunity Data Collection [Order and second FNPRM](#). Connected Nation recommended the FCC consider adopting a mechanism that would allow for reporting assistance to be requested and granted by service providers that truly need it, and perhaps limiting eligibility for such assistance to those providers with less than 20,000 or 30,000 connections. It supported the BSLF mapping proposal and suggested the FCC order the creation of such a dataset now so that it can be immediately paired with the first round of polygonal service-availability data that is collected. It said there is a need for increased clarity regarding the "crowdsourcing"/public feedback process, and recommended the FCC consider implementing a cyclical, scheduled feedback process.
- CTIA filed a [letter](#) on July 24, 2019, on the draft Digital Opportunity Data Collection [Order and Second FNPRM](#). CTIA claimed the proposed place of primary use (PPU) standard is challenging for mobile providers when applied to prepaid customer and reseller data, and suggested the FCC seek further comment before adopting the PPU for this type of data. CTIA also asserted the proposed use of PPU for prepaid customer data would be extremely burdensome, if not infeasible, claiming the PPU tends to be a postpaid customer's residential address and thus may not reflect where prepaid customers actually use their service.
- USTelecom, AT&T, Verizon, CenturyLink, and Frontier [met with](#) Advisors to Chairman Pai and Commissioner O'Rielly on July 17, 2019, to reiterate their request for nationwide forbearance from analog voice-grade cooper loops under section 251(c)(3) of the Act and the Commission's rules and avoided cost resale obligations under section 251(c)(4) of the Act and the Commission's rules. They also [met with](#) Commissioners O'Rielly and Carr and their Legal Advisors to discuss the same issues.

USTelecom, AT&T, Verizon, and Frontier also [met with](#) Commissioner Rosenworcel's Chief of Staff on July 18, 2019, to discuss the same issues.

- NCTA filed a [letter](#) on July 22, 2019, attaching a report from Dr. Michelle Connolly entitled "The Economic Impact of Section 224 Exemption of Municipal and Cooperative Poles." NCTA asserted Dr. Connolly, a former FCC Chief Economist, demonstrates the monopoly pole attachment rates charged by municipal and cooperative electric companies are more than double the rates charged by investor-owned utilities, and finds this disparity in rates is attributable to the fact that rates charged by municipal and cooperative electric companies are not subject to regulation pursuant to section 224. NCTA also said this paper responded to NRECA's recent paper on pole attachment rates.
- The U.S. Senate Committee on Commerce, Science, and Transportation [approved](#) on July 24, 2019, bills on broadband and 5G. The bills include: [S. 1822](#), the Broadband Deployment Accuracy and Technological Availability (DATA) Act; [S. 893](#), the Secure 5G and Beyond Act; and [S. 1625](#), the United States 5G Leadership Act.
- The FCC issued a [Public Notice](#) on July 25, 2019, to announce it is seeking nominations to fill three vacant positions on the Native Nations Communications Task Force. Members appointed will serve through the end of the Task Force's current three-year term, which runs through October 2021. Applications are due August 26, 2019.

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Robocalls

- The House of Representatives [passed](#) H.R. 3375, the [Stopping Bad Robocalls Act](#), by a vote of 429-3 on July 24, 2019. The bill requires phone carriers to implement call authentication technology so consumers can trust their caller ID again, with no additional line-item for consumers, and includes a process to help rural carriers implement this technology. It also directs the FCC to issue rules to protect consumers from calls they did not agree to receive, to ensure consumers can withdraw consent for call blocking, and to enact safeguards so companies cannot abuse robocall exemptions, among other things.
- Comments were filed on June 24, 2019, on the [FNPRM](#) proposing revisions to FCC rules implementing the Telephone Consumer Protection Act and on issues pertaining to implementation of SHAKEN/STIR. [NTCA](#) said the FCC can ensure RLECs can participate in the SHAKEN/STIR as soon as possible by facilitating IP interconnection agreements under reasonable terms and conditions. NTCA also suggested the FCC exempt providers using TDM facilities from any SHAKEN/STIR mandate and exempt carriers with IP switching facilities who are unable to obtain IP interconnection agreements with upstream carriers that do not have such facilities in place. [WTA](#) said stopping unwanted robocalls must be a priority of the Commission and industry and advised the Commission that any SHAKEN/STIR adoption delays by RLECs are due to legitimate barriers, not undue holdups, noting some are unable to afford the costly upgrade to become all-IP enabled. WTA also said until large providers make the necessary upgrades and the market develops affordable and technically feasible call-authentication solutions for small providers, the Commission should put appropriate safeguards in place to ensure that calls made by rural Americans to their more urban counterparts are properly completed. [USTelecom](#) said the FCC should: establish a robust, broad safe harbor that uses reasonable analytics; proceed with caution before requiring the establishment of a Critical Calls list; and require voice service providers who are acting as gateway providers accepting international traffic to implement the SHAKEN/STIR Caller ID authentication framework. [Verizon](#) suggested the FCC require any provider that does not sign its calls to certify that it has appropriate practices to avoid originating illegal traffic and grant an appropriate safe harbor for erroneous blocks by helping to develop a framework to avoid blocking calls from public safety and other critical entities. [West Telcom Services](#) suggested the FCC limit the definition of calls that carriers may block by default, on an opt-out basis, to illegal and unlawful calls only and delay mandatory implementation of the SHAKEN/STIR framework until January 1, 2021, among other things. The [Massachusetts DTC](#) urged the FCC to take actions contemplated in the FNPRM that will further clarify the obligations of providers as they implement call-blocking programs without placing additional burdens on consumers already overwhelmed by unwanted calls. [Noble](#)

[Systems](#) said the FCC should recognize that triggering blocking of calls based solely on SHAKEN/STIR verification outcomes will likely result in over blocking of calls in the early deployment of S/S. It suggested the FCC should caution carriers from offering such services. [Capio Partners](#) said calls should be identified as “signed” or “unsigned” in the SHAKEN/STIR environment, and the safe harbor should apply to block calls that fail SHAKEN/STIR and should be well defined. [All comments available to date](#). Reply comments are due August 23, 2019. [FR](#)

- First Orion [met with](#) Commissioner O’Rielly and his Advisor on July 19, 2019, to discuss the evolution of its call analytics capabilities in light of the ongoing efforts by scammers to harm US consumers. It expressed concerns over whether carriers will aggressively leverage the authority granted in the [Declaratory Ruling](#) without a robust safe harbor and suggested potential adoption by the FCC of a robust safe harbor based on adoption of SHAKEN/STIR, the use of reasonable analytics, and an established process to quickly remediate false positives. It also discussed the need for ongoing clarification over what constitutes reasonable analytics.

ICC

- The Enforcement Bureau released a [Memorandum Opinion and Order](#) on July 25, 2019, denying CenturyLink’s formal complaint against Verizon that alleged Verizon undercalculated the value of certain credits to which CenturyLink was entitled under two Verizon contract tariffs and that Verizon acted unreasonably in administering these tariffs. The Bureau found CenturyLink’s challenge to the credits is barred by the express terms of the contract tariffs and Verizon did not violate sections 201(b) or 203(c) in administering the contract tariffs or the Facilities Management Service.
- Aureon Network Services filed a redacted [letter](#) on July 22, 2019, to notify the FCC of additional information on Aureon’s switch investment and network buildout plans that is being submitted in response to questions from FCC staff regarding four of Aureon’s tariff transmittals. Aureon said its filing contains confidential information and is not included with this submission, and a confidential version of the filing is also being submitted.

Universal Service

- The Wireline Competition Bureau issued a [Public Notice](#) on July 22, 2019, announcing the counties in which conditional forbearance from the obligation to offer Lifeline-supported voice service applies, pursuant to the 2016 Lifeline Order. The Bureau said this forbearance applies only to the Lifeline voice obligation of ETCs that are designated for purposes of receiving both high-cost and Lifeline support, and not to Lifeline-only ETCs. The appendix lists the counties where the Commission’s conditional forbearance from high-cost/Lifeline ETCs’ Lifeline voice obligation will apply effective on September 21, 2019.
- The Wireline Competition Bureau issued a [Public Notice](#) on July 25, 2019, to announce updated Lifeline Minimum Service Standards for speed and usage allowances for Lifeline-supported services as required by the 2016 Lifeline [Order](#) for fixed and mobile broadband, effective December 1, 2019. The Bureau also announced the budget for federal USF support for the Lifeline program for calendar year 2020 will be \$2.4 billion.
- The Wireline Competition Bureau issued an [Order](#) on July 25, 2019, denying New Lisbon Telephone’s request for a review of a USAC decision seeking recovery of High-Cost USF funds. The Bureau said New Lisbon failed to provide sufficient, appropriate evidence of its SLC revenue within a reasonable period of time and without accurate data and documentation to support its costs.
- An FCC [notice](#) was published in the Federal Register on July 29, 2019, to announce the establishment of a matching program the FCC will conduct with the Department of Health and Human Services, Centers for Medicare & Medicaid Services to verify the eligibility of applicants to and subscribers of the Lifeline program. Comments are due August 28, 2019. This program will begin on August 28, 2019, unless comments requiring a contrary determination are received, and will conclude on January 29, 2021.

- NARUC approved a number of [resolutions](#) at its July 2019 Summer Policy Summit, including one on Lifeline. The resolution (which combined two resolutions) urged, among other things, the FCC to work quickly and collaboratively with service providers and other stakeholders to fix the National Lifeline Verifier by implementing service provider APIs and securing access to federal/state SNAP and Medicaid databases. It also urged the FCC to only continue to “soft launch” the National Verifier and to temporarily suspend “hard launch” of the National Verifier in states until either December 31, 2019, or until service provider APIs are established and electronic access to state databases are available to confirm subscriber eligibility, whichever is later.
- ITTA, Consolidated Communications, CenturyLink, Blackfoot, and Cincinnati Bell [met with](#) Chairman Pai’s Advisor on July 22, 2019, to discuss development and implementation by USAC of a Lifeline Representative Accountability Database. They expressed concerns regarding the potential impacts of implementation of the RAD on the privacy and security of ITTA members’ employees’ personally identifiable information, saying the scope of who may have to register with the RAD and the information they may have to provide is overbroad. They also noted procedural shortcomings in how implementation is scheduled to occur.
- TCA [spoke with](#) Wireline Competition Bureau staff on July 19, 2019, to discuss USAC’s implementation of the Lifeline Representative Accountability Database. TCA discussed its client’s concerns with the RAD’s requirement that employees of RLECs provide personally identifiable information to register. TCA said this would put RLECs in the position of requiring employees to hand over potentially highly sensitive PII to USAC in order for the ETC to be compliant with its designation.
- USTelecom filed a [letter](#) on July 25, 2019, to express concerns with the rules in the draft Rural Health Care [Report and Order](#), including with the way rate ceilings for the rural rate would be calculated. It asked the FCC to clarify how USAC will address different contract terms, volume discounts, and different feature sets in calculating the median rate for a service as is described in the draft Order. Regarding the proposal to consider services with advertised speeds of 30 percent above and below the requested service to be deemed functionally similar for rural and urban rate calculation purposes, it urged the Commission to adopt [NCTA’s proposal](#) to use a narrower range, between 10-15 percent of the requested service.
- The SHLB Coalition, et al. sent a [letter](#) to the FCC Commissioners on July 22, 2019, on the draft Rural Health Care [Order](#), which will be considered at the FCC’s August Open Meeting. They asserted the Order leaves open too many issues and raises too many new questions that deserve to be addressed before being adopted. They asked the FCC to re-draft the proposed Order as an FNPRM and seek expedited comment on these proposals. In the alternative, they asked the FCC to postpone consideration of the Order until at least the September Open Commission Meeting so that stakeholders can work with the Commission to resolve the open issues raised in the Order.
- The SHLB Coalition [met with](#) Advisors to Chairman Pai and Commissioners O’Rielly and Starks on July 24, 2019, to request the Commission postpone its consideration of the proposed Rural Health Care [Order](#). SHLB urged the Commission to clarify several issues before adopting the Order, including delegation of rate setting to USAC, the complexity of determining the rural rate, use of E-rate data, and transparency.
- GCI [spoke separately with](#) Chairman Pai’s Special Counsel, Commissioner Rosenworcel’s Chief of Staff, and Commissioner Starks’ Legal Advisor on July 19 and 22, 2019, to discuss the draft Rural Health Care [Order](#), which will be considered at the August Open Meeting. GCI expressed support for the Order’s competitive bidding and gift rule reforms, and discussed its concerns with the Order’s rate provisions as detailed in its July 17, 2019 [ex parte](#). GCI asserted, among other things, the Order inappropriately groups dissimilar areas together in the same rural tier areas that are not actually comparable, as required by section 254(h)(1)(A). GCI also [met with](#) Commissioners Carr and O’Rielly and their Advisors on July 23, 2019, to discuss similar issues and to reiterate points discussed in its July 23, 2019 [ex parte](#).
- GCI [spoke with](#) the Chiefs of Staff to Commissioners Carr and Rosenworcel on July 18, 2019, to discuss the Rural Healthcare support mechanism and to express opposition to the grouping of off-road Alaska together with other rural areas in Alaska for the purposes of establishing or limiting the level of

the rural rate. GCI asserted this one-size-fits-all approach with dissimilar areas would tend to channel support to lower cost areas within that grouping. GCI also suggested the FCC address issues raised in its July 17, 2019 [ex parte](#), such as adopting a mechanism to create more granular rurality tiers that match the underlying costs to serve and available service delivery technologies.

- GCI filed a [letter](#) on July 25, 2019, to suggest the FCC resolve questions through an FNPRM on the proposed new processes to set urban and rural rates for the Telecommunications Program for Alaska as set forth in the draft Rural Health Care [Order](#). GCI said if the FCC proceeds with an Order that includes decisions on rate provisions, it suggested five targeted adjustments to certain provisions of the draft Order that would apply to Alaska. GCI also filed a [letter](#) claiming the rate setting mechanisms in the draft Order are unlawful and if adopted, would fail to meet the APA's reasoned decision-making requirement.
- Alaska Communications filed a [letter](#) on July 24, 2019, to discuss the draft Rural Health Care [Order](#). It discussed the proposed rate ceilings for the rural rates eligible for support and said under it, all but a small number of locations in Alaska would be grouped in the "extremely rural" tier with a single median rate for all, regardless of whether a location is on-road or off-road. It offered an approach that it says reflects the unique problem of providing broadband telehealth services in Alaska's off-road communities. Alaska Communications filed a [letter](#) on July 19, 2019, to offer suggestions for the draft Rural Health Care [Order](#), suggesting, among other things, the rural rate ceilings should be set in a transparent and reviewable process.
- Alaska Communications filed a [letter](#) on July 25, 2019, on the draft Rural Health Care [Order](#) to provide the Commission with further information regarding off-road communities. It urged the Commission to create a fourth rural tier for rural rates under the RHC Telecom program for the most rural parts of Alaska that are not accessible by road. It also provided a sample of the [current list](#) of communities that have road access and those that do not.

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Misc.

- The FCC issued the [agenda](#) on July 25, 2019, for its August 1, 2019 Open Meeting. The FCC will consider an [NPRM](#) proposing to establish a new Rural Digital Opportunity Fund that would target support to areas that lack 25/3 Mbps broadband service and distribute \$20.4 billion in high-cost USF support over 10 years using a two-phase reverse auction framework, and a [report and order and second FNPRM](#) that would establish a new Digital Opportunity Data Collection to collect geospatial broadband coverage data from fixed providers, adopt a "crowdsourcing" process on the accuracy of the maps, make targeted changes to the existing Form 477 to reduce filing burdens, and seek comment on enhancing the new data collection, incorporating mobile voice and broadband, and improving satellite broadband reporting. The FCC will also consider: a [report and order](#) that would overhaul the Rural Health Care Program by streamlining and simplifying the way health care providers apply for and calculate USF support amounts; a [report and order](#) that would create a new, optional streamlined application process designed for a class of satellites referred to as "small satellites;" a [report and order](#) addressing calls to 911 made from multi-line telephone systems, pursuant to Kari's Law, the conveyance of dispatchable location with 911 calls, as directed by RAY BAUM'S Act, and the consolidation of the FCC's 911 rules; a [public notice](#) that would adopt procedures for the auction of certain toll-free numbers in the 833 code; an [NPRM](#) proposing to modernize the LPFM technical rules to provide more regulatory flexibility for licensees; a [third report and order](#) addressing issues raised by a remand from the Sixth Circuit Court of Appeals concerning how franchising authorities may regulate incumbent cable operators; and a [second report and order](#) that would amend the Truth in Caller ID rules to implement the anti-spoofing provisions of the RAY BAUM'S Act.
- Chairman Pai issued a [statement](#) on July 26, 2019, on the U.S. Department of Justice's proposed settlement on the merger of T-Mobile and Sprint. Pai said the commitments made to the FCC by T-Mobile and Sprint to deploy a 5G network would cover 99% of the American people and will advance U.S. leadership in 5G and protect competition. Pai said he plans to present a draft order favorably resolving the FCC's review of the transaction. Commissioner Rosenworcel also issued a [statement](#),

saying she is “skeptical that this combination is good for consumers, good for competition, or good for the economy. Before the FCC votes on this new deal, the public should have the opportunity to weigh in and comment.”

- The Irregulators, et al. filed their [Initial Brief](#) with the D.C. Circuit Court of Appeals on July 22, 2019, in the case considering their [Petition for Review](#) of the FCC's [Order](#) that extended the separations freeze. They asserted the extended separations factors have a direct impact on the prices all consumers pay for intrastate and interstate telecommunications, and claimed intrastate rates are artificially high and will remain so because they are being required to recover significant costs that the Commission admits are properly attributable to the interstate jurisdiction.
- The U.S. District Court in Hawaii issued an [Order](#) on July 22, 2019, addressing three motions by the U.S. Government in its dispute with Sandwich Isles Communications, *et al.*, related to loans made to SIC. The Court granted a Motion for Partial Summary Judgment on count one of the complaint, finding that SIC defaulted on the loans and breached its loan agreements. It denied the motion for count two, which requested SIC's property be foreclosed on and sold off to pay the debt, because of a related bankruptcy stay and other procedural reasons. The Court granted the USG's Motion to Dismiss the counterclaims against the parties in their official capacity. Lastly, the Court dismissed the counterclaims filed against certain parties in their individual capacity.
- Commissioner Starks [announced](#) on July 22, 2019, the appointment of Alisa Valentin as his Special Advisor. Ms. Valentin joins Commissioner Starks's office from Public Knowledge, where she was a Communications Justice Policy Fellow.
- An FCC [notice](#) was published in the Federal Register on July 29, 2019, seeking Paperwork Reduction Act comments on an extension of a currently approved information collection on telephone number portability. The FCC indicated 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. Comments are due August 28, 2019.
- The Wireline Competition Bureau issued a [Public Notice](#) on July 23, 2019, seeking comments on CallWorks' application for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. Comments are due August 6, 2019.
- The Consumer and Governmental Affairs Bureau issued an [Order](#) on July 26, 2019, resolving a complaint filed against Clear Rate Communications that alleged it changed complainant's telecommunications services without obtaining authorization and verification. The Bureau concluded Clear Rate responded fully to the complainant's complaint and took action to resolve the complaint. The Bureau also issued another [Order](#) granting a complaint alleging Clear Rate changed complainant's telecommunications service providers without obtaining authorization and verification from complainants. The Bureau said this complainant is entitled to absolution for the charges incurred during the first 30 days after the unauthorized change occurred and Clear Rate may not pursue any collection against complainant for those charges.

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Upcoming Filing Dates

- July 31- Comments due on a [petition](#) filed by CTIA, the National Hispanic Media Coalition, et al., asking the FCC to pause the December 1, 2019 implementation of two changes to Lifeline that would otherwise take effect: a five-fold increase in the minimum required broadband data usage allowance; and the phase-down in support for voice services. Replies are due August 15, 2019. [Public Notice](#)
- Aug. 1 - PRA comments due on a revision of a currently approved information collection associated with reforms to the universal service mechanisms that were adopted in the [March 2016](#) and [December 2018](#) RoR Reform Orders. [FR Notice](#)

- Aug. 1 - PRA comments due on an extension of a currently approved information collection associated with Form 502, Numbering Resource Optimization. [FR Notice](#)
- Aug. 5 - PRA comments due on a revised information collection pursuant to the requirement that certain carriers with high-cost reporting obligations must file information about their locations that meet their broadband deployment public interest obligations via USAC's electronic portal. [FCC Notice](#)
- Aug. 6 - Comments due CallWorks' application for authorization to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. [Public Notice](#)
- Aug. 15 - Replies due on a [petition](#) filed by CTIA, the National Hispanic Media Coalition, et al., asking the FCC to pause the December 1, 2019 implementation of two changes to Lifeline that would otherwise take effect: a five-fold increase in the minimum required broadband data usage allowance; and the phase-down in support for voice services. [Public Notice](#)
- Aug. 15 - Replies due on a 214 application filed by Absaraka Cooperative Telephone Company and Inter-Community Telephone Company requesting approval for the transfer of certain assets owned by Absaraka to ICTC. [Public Notice](#)
- Aug. 13 - PRA comments due for information collection requirements for parts of sections 251 and 252 of the Telecommunications Act of 1996 that affect local competition. [FR](#)
- Aug. 16 - Comments are due the [NPRM](#) seeking comment on the permanent E-rate category two budget. Replies are due September 3, 2019 [FR](#)
- Aug. 23 - Replies are due on the [FNPRM](#) proposing revisions to FCC rules implementing the Telephone Consumer Protection Act and on issues pertaining to implementation of SHAKEN/STIR. [FR](#)
- Aug. 26 - Replies due on the [Notice of Proposed Rulemaking](#) seeking comment on establishing an \$11.42 billion cap on the Universal Service Fund. [FR](#), [Order](#)
- Aug. 26 - Urban rate surveys due that will be used to develop voice and broadband reasonable comparability benchmarks that will be in place in 2020. [Public Notice](#)
- Aug. 28 - Comments are due on the establishment of a matching program the FCC will conduct with the Department of Health and Human Services, Centers for Medicare & Medicaid Services to verify the eligibility of applicants to and subscribers of the Lifeline program. [FR notice](#)
- Aug. 28 - PRA comments due on an extension of a currently approved information collection on telephone number portability. Comments are due August 28, 2019. [FR notice](#)
- Sept. 3 - Replies are due the [NPRM](#) seeking comment on the permanent E-rate category two budget. [FR](#)

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