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July 30, 2018 HIGHLIGHTS

- The FCC issued the [agenda](#) for its August 2, 2018 Open Meeting. The FCC will consider seven items, including: a [Report and Order](#) that will allow one-touch make-ready for most pole attachments and further reform its pole attachment process, and a Declaratory Ruling that will conclude that section 253(a) prohibits state and local moratoria on telecommunications facilities deployment; and a [Notice of Inquiry](#) on creating a USF pilot program to promote the use of telehealth services among low-income Americans.
- Comments [are due](#) August 27, 2018, on the [FNPRM](#) that proposes to extend the freeze of jurisdictional separations category relationships and cost allocation factors for 15 years and to provide RoR carriers who elected to freeze their category relationships a time-limited opportunity to opt out of that freeze. Replies are due September 10, 2018.
- [Comments were filed](#) on the access stimulation [NPRM](#). Replies are due August 3, 2018.
- Reply comments were filed by [CCA](#) and [Verizon](#) to oppositions to Verizon's [Application for Review](#) of the [Order on Reconsideration](#) that determined the Mobility Fund II challenge process would use a 400-meter buffer radius to assess challenges to areas initially deemed ineligible for MF-II support.
- The USDA is [seeking comment](#) on ways of evaluating a rural household's "sufficient access" to broadband at speeds of 10/1 Mbps and how broadband service affordability should be factored in, as required by the e-Connectivity Pilot Program established in the Consolidated Appropriations Act of 2018.
- NTTA filed [comments](#) supporting the Petitions for Reconsideration of the Tribal OpEx Order filed by [Mescalero Apache Telecom](#) and [Sacred Wind Communications](#). Replies are due August 2, 2018.
- Comments [are due](#) August 17, 2018, on the state of fixed broadband competition.
- The FCC [announced](#) the OMB has approved the information collection associated with the rules pertaining to ILEC retirement of copper loops and service discontinuance.
- [Comments were filed](#) on the [Public Notice](#) seeking input for an FCC staff report on the progress of robocalling initiatives among government, industry, and consumers. Replies are due August 20, 2018.
- The Wireline Competition Bureau issued a [Public Notice](#) granting six section 214 applications for transfer of control filed by RLECs.
- [Comments were filed](#) on the [NPRM](#) on how best to structure the second stage of the Uniendo a Puerto Rico Fund and Connect USVI Fund.

Other Key Upcoming Dates

- Aug. 2 - Oppositions due to petitions for reconsideration of the Rural Call Completion [Order](#) filed by [NTCA](#) and [USTelecom](#). Replies are due August 13. [FR](#)
- Aug. 6 - Comments due on USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. Replies due September 5, 2018. [Public Notice](#), [Order](#)

USF Reform

- Reply comments were filed on July 23, 2018, to oppositions to Verizon's [Application for Review](#) of the April 30, 2018 Order on Reconsideration that determined the Mobility Fund II challenge process would use a 400-meter buffer radius to assess challenges to areas initially deemed ineligible for MF-II support. The [Competitive Carriers Association](#) supported comments asking the FCC to deny Verizon's request and maintain a 400-meter buffer for speed test measurements in the MF II challenge process. [Verizon](#) claimed the 400-meter buffer radius could result in widespread false positives, particularly if providers cherry-pick test points with an aim of minimizing actual coverage. It said this result is inconsistent with the Commission's requirement that challengers submit speed tests with "sufficient density to reflect actual consumer experience throughout the entire challenged area."
- Grand River Mutual Telephone filed [a letter](#) on July 26, 2018, to urge the FCC to use the balance of available A-CAM funds, after the FCC funds the additional \$36 million in A-CAM support it just approved, to provide support to the 747 unfunded locations in its study area that are the subject of its pending [Petition for Reconsideration](#). It said in the event the balance is not sufficient, the Commission should allocate additional funding.
- The National Tribal Telecommunications Association filed [comments](#) on July 23, 2018, supporting the Petitions for Reconsideration of the Tribal OpEx Order filed by [Mescalero Apache Telecom](#) and [Sacred Wind Communications](#). NTTA said while each carrier presents a different method for refuting the apparent finding in the Tribal OpEx Order that neither company was eligible for relief due to being over 90% deployed with 10/1 Mbps broadband service, the Commission should accept the methods presented by each carrier and provide the relief sought. Replies to oppositions are due August 2, 2018. [FR](#)
- The National Tribal Telecommunications Association [met with](#) Commissioners O'Rielly and Carr and their Advisors, Advisors to Chairman Pai and Commissioner Rosenworcel, and staff from the Office of Native Affairs and Policy, the Consumer Protection Bureau, and the Wireless Telecommunications and Wireline Competition Bureaus on July 24, 2018, to discuss enhancing the high-cost and Lifeline programs for Tribal areas, Tribal sovereignty, operational expense relief reconsideration petitions, and Warm Springs Telecom's designation as the incumbent carrier for its community.
- ViaSat filed [a letter](#) on July 23, 2018, saying the obligations imposed by the [Bureau Order](#) on network performance testing may have significant implications for the costs of providing supported services and compliance. It also claimed the Order creates additional uncertainty as to what those standards are and how parties impacted by them will be required to comply, noting aspects of the Order are underspecified and the WCB indicated it will provide "further guidance by public notice on consumer selection and data collection" at some future point in time. ViaSat discussed the MOS testing, arguing it imposes a significant and disparate impact on satellite providers, and said anyone using satellite broadband to provide CAF II supported services, in whole or in part, cannot fully know what set of measurement standards will be used to evaluate their services.

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ICC

- In addition to those listed in a previous edition of *REGScan*, comments were filed July 20, 2018, on the [NPRM](#) that proposes to give access stimulating LECs two choices for receiving calls: to be financially responsible for the delivery of calls to its network; or to accept direct connections from long-distance carriers seeking to terminate telephone calls to the LEC or from intermediate access providers of the long-distance carriers' choosing. [ITTA](#) urged the Commission to adopt the Joint proposal described in paragraphs 21-22 of the NPRM, wherein an access-stimulating LEC would bear the financial responsibility for all terminating interstate tandem switching and switched transport costs between their end office and the tandem switch to which the terminating carrier requires inbound calls to be routed. It argued permitting access-stimulating LECs to unilaterally decide to accept direct

connections in lieu of financial responsibility threatens to introduce more loopholes that could undermine the NPRM's intention of thwarting incentives to engage in arbitrage. ITTA also said the Commission's current definition of access stimulation works sufficiently well, and it urged the Commission to apply the CenturyLink proposal to CMRS providers, which are not subject to the Commission's access stimulation rules. [AT&T](#) said the Commission should adopt the first prong of its proposed rule, but not the second prong unless it takes the additional step of placing the financial responsibility for those direct connects on access stimulating LECs that require transport to remote locations. It also said the time has come for the Commission to eliminate the Centralized Equal Access service designation and re-confirm that CEA providers are treated as CLECs for purposes of the Transformation Order rules. It further suggested the Commission begin the immediate transition of originating switched access to bill-and-keep and, in parallel, consider adopting a rule that shifts the financial responsibility for the delivery of access traffic where a carrier declines to accept a legitimate request for direct interconnection for the purposes of delivering that traffic. [South Dakota Network](#) urged the Commission to find that arbitrage is an unjust and unreasonable practice and is prohibited. In the alternative, SDN urged the Commission to prohibit any and all LECs engaged in access stimulation from utilizing a CEA tandem as a tandem provider. SDN supported the proposal to require carriers engaged in access stimulation to accept direct connections from IXCs; but said the proposal to require intermediate carriers to bill access stimulators for terminating access charges will place an undue burden on intermediate carriers like SDN and raises a number of unresolved issues. Replies are due August 3, 2018. [All comments available to date.](#)

- South Dakota Network filed a [letter](#) on July 23, 2018, to express concern about how the resolution of questions regarding access tariff benchmarking in the Aureon tariff investigation [proceeding](#) might affect SDN. SDN noted the Wireline Competition Bureau's Order designating issues for investigation specifically invited discussion on whether CenturyLink's rates should provide the benchmark under section 61.26. SDN asserted CenturyLink is not the correct ILEC from which to benchmark CEA service, and said such benchmarking would imperil SDN's viability as a CEA provider, while providing unintended consequences in the Aureon case. SDN requested that any Order concluding the Aureon investigation contain language specifying the Order applies only to Aureon's February 2018 tariff filing and does not apply to any other CEA carrier or other CEA carriers' interstate tariffs on file with the FCC.
- The FCC Enforcement Bureau sent a [letter](#) to AT&T and Aureon Network Services on July 26, 2018, granting Aureon's and AT&T's request to extend the current suspension of the proceeding addressing Aureon's [Petition for Reconsideration](#) of the [Memorandum Opinion and Order](#) that granted in part AT&T's complaint against Aureon for charging AT&T for centralized equal access service on traffic destined for CLECs engaged in access stimulation. The Bureau noted the parties are currently engaged in mediation of the dispute and extended the suspension until July 31, 2018.

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Broadband

- The Wireline Competition Bureau issued a [Public Notice](#) on July 27, 2018, seeking comments on the state of fixed broadband competition, as required by RAY BAUM'S Act of 2018. The Bureau requested comment on: the criteria or metrics that should be used to evaluate the state of fixed broadband competition, as well as industry data, competitive dynamics, and trending factors in the industry, including, but not limited to, subscribership numbers, financial indicators, investment, pricing, and network coverage. The Bureau also asks whether laws, regulations, regulatory practices, or demonstrated marketplace practices pose a barrier to competitive entry into the fixed broadband marketplace or to the competitive expansion of existing providers. Comments are due August 17, 2018.
- The FCC published [a notice](#) in the Federal Register on July 30, 2018, announcing OMB has approved, for a period of three years, the information collection associated with the rules pertaining to ILEC retirement of copper loops and service discontinuance. The amendments to sections 63.19(a), 63.60(h), 63.71(a)(6)–(7), (f), (h), and 63.602 are effective on July 30, 2018.

- The USDA [announced](#) on July 27, 2018, it is seeking comments on the implementation of the e-Connectivity Pilot Program established in the Consolidated Appropriations Act of 2018. The USDA seeks comment on: ways of evaluating a rural household's "sufficient access" to broadband at speeds of 10 Mbps/1 Mbps and how broadband service affordability should be factored in; best options to verify speeds of broadband service provided to rural households; and best leading indicators of the potential project benefits for rural industries using readily available public data. Comments are due September 10, 2018.
- AT&T and US Telecom [met with](#) Wireline Competition Bureau staff on July 20, 2018, to discuss USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. AT&T explained that it sells a negligible number of UNE subloops and no UNE Network Interface Devices, and said the data sample it provided for the economic study accounts for about one-third of all AT&T UNE volumes and is generally representative of AT&T's overall UNE sales, except the sample tended to over-represent DS0 UNE loop sales.
- USTelecom, Frontier, Verizon, and CenturyLink [met with](#) Commissioner O'Rielly's Legal Advisor on July 23, 2018, to discuss the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment, which will be considered at the FCC's August Open Meeting. They suggested the Commission conclude that the modified telecom rate should be the presumptive just and reasonable rate for ILEC attachers in all joint use agreements. They said if the Commission decides that a transition period is necessary, the Commission could establish that this would be the presumptive rate upon the renewal, extension, or renegotiation of any such joint use agreement, or associated rate terms, or two years after the effective date of the Order, whichever is sooner. USTelecom also [met with](#) Commissioner O'Rielly and his Legal Advisor on July 24, 2018, to discuss the same issues.
- CenturyLink [met with](#) Chairman Pai's Wireline Advisor and Wireline Competition Bureau staff on July 19, 2018, to discuss the pole attachment issues in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment, which will be considered at the FCC's August Open Meeting. CenturyLink reiterated its support for the draft Order's codification of the FCC's overlashing precedent, but asked the Commission to clarify that this streamlined overlashing process does not apply to non-incident equipment. CenturyLink indicated it continues to be concerned about a mandatory OTMR process even for simple make-ready, and offered suggested changes to that process. CenturyLink also said the Commission should move toward a uniform regulatory framework and rate structure governing pole attachments of all competing communications providers by a date certain.
- Verizon [spoke with](#) Wireline Competition Bureau staff and Commissioner O'Rielly's Legal Advisor on July 23, 2018, to express support for the one-touch make-ready proposal in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. Verizon suggested the Commission extend the proposed telecom rate presumption to all ILEC contracts or, at a minimum, to those ILEC contracts that were entered (or the rate term was amended) at a time when the ILEC did not have equivalent bargaining power, as defined by the Commission in the 2011 Pole Attachment Order. Verizon also said the Commission should confirm the 2011 Pole Attachment Order's guidance continues to apply unchanged to the Commission's review of all existing ILEC pole attachment complaints.
- Verizon filed a [letter](#) on July 26, 2018, to express support for the OTMR proposals in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. Verizon suggested the FCC: revise the definition of "complex" make-ready as it relates to wireless attachments; clarify that new attachers are not responsible for existing attachers' costs to attend a survey or to be present when make-ready is performed; and modify the draft overlashing rule to clarify that third-party overlashing is permitted. Verizon also filed a [letter](#) on July 26, 2018, suggesting the FCC extend the new telecom rate presumption to all joint use agreements, including existing agreements.
- Windstream filed a [letter](#) on July 25, 2018, to suggest changes to the pole attachment proposals in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. Windstream suggested the Commission clarify that, for the purpose of establishing rates, the presumption that ILECs are similarly situated to other telecommunications attachers shall apply to all ILEC pole attachment agreements at the sooner of: two years from the effective date of the final Third Report and

Order in the above-referenced proceedings; or the date that such an agreement is renewed, extended or renegotiated. Windstream also said the relevant provisions should be clarified so that all utilities, including LECs, have the right to object to a contractor's simple/complex make ready determination.

- AT&T [met with](#) Chairman Pai's Wireline Advisor on July 19, 2018, to discuss the pole attachments proposal in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. AT&T offered suggested revisions to the draft Order, asserting that a transition period to implement the new timelines is warranted, and argued the make-ready estimates and invoices that are itemized by pole are burdensome and unnecessary.
- AT&T [met with](#) Legal Advisors to Chairman Pai and Commissioners Rosenworcel, Carr, and O'Rielly on July 26, 2018, to discuss the pole attachment proposals in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. AT&T asserted the burdens of the itemized estimate and invoice requirements substantially outweigh their benefits and said the final Order should omit those requirements. AT&T suggested as an alternative pole owners should be required to provide new attachers with estimates and invoices itemized per pole on an elective basis only, when requested by the new attacher.
- NCTA filed a [letter](#) on July 25, 2018, on the pole attachment proposals in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. NCTA offered suggested revisions to the rules regarding pole attachments in the draft Order, and [responded](#) to submissions on pole attachments by the Fiber Broadband Association, INCOMPAS, and Google Fiber, and [responded](#) to CenturyLink and AT&T.
- The American Cable Association [met with](#) Chairman Pai's Wireline Advisor and Commissioner O'Rielly's Legal Advisor on July 19, 2018, to discuss certain pole attachment provisions in the draft [Third Report and Order and Declaratory Ruling](#), which will be considered at the FCC's August Open Meeting. ACA said, overall, it supports the pole attachment provisions in the draft Order, and it provided suggested changes to certain proposed rules.
- Comcast [spoke with](#) Chairman Pai's Chief of Staff and the FCC General Counsel on July 20, 2018, to express concern with paragraph 13 of the draft [Third Report and Order and Declaratory Ruling](#) on pole attachments, which will be considered at the FCC's August Open Meeting. Comcast claimed as currently drafted, this passage seems to encourage states to act outside the rules the Commission is adopting. Comcast asserted this language is entirely unnecessary given the availability of reverse preemption under section 224(c) as a vehicle for states to adopt their own pole attachment regimes within the bounds of that subsection.
- Comcast [met with](#) Legal Advisors to Chairman Pai and Commissioners O'Rielly, Carr, and Rosenworcel on July 26, 2018, to discuss the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. Comcast recommended the Commission revise paragraph 62 to make clear an existing attacher is permitted to manage and make modifications to its own facilities during any advance notice period (even if it is prohibited from performing reimbursable make-ready work for third parties during that period). Comcast also recommended the Commission revise paragraph 108 to make clear when overlashing may commence in cases where a utility identifies an issue.
- NCTA, Cox, and Charter Communications [met with](#) Chairman Pai's Wireline Advisor on July 19, 2018, to express concerns with the one-touch, make-ready process for pole attachments proposed in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. They asserted the proposed OTMR policy departs from other recommendations made by the BDAC in ways that undermine the safety and reliability of existing networks. They asserted a better approach is for existing attachers to be given the opportunity to move and protect their own networks in an expedited time frame, as [proposed](#) by NCTA. They offered suggested revisions to the draft Order if the Commission adopts an OTMR regime. They also [met with](#) Commissioner Rosenworcel's interim Advisor to discuss the same issues.

- Charter Communications [met with](#) Chairman Pai's Legal Advisor on July 24, 2018, to discuss the Commission's proposed OTMR process in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. Charter suggested the Commission: give existing attachers the opportunity to move their own equipment before allowing a new attacher to do so; could amend the proposed rules to better prevent damage to existing attachers' facilities; and make revisions to the proposed rules to make it easier for existing attachers to seek indemnification after any damage has occurred. Charter also said the Commission should amend the proposed OTMR process to include additional time for larger pole attachment orders.
- INCOMPAS [met with](#) Chairman Pai's Wireline Advisor on July 19, 2018, to express support for the one-touch, make-ready process for pole attachments proposed in the draft [Third Report and Order and Declaratory Ruling](#), which will be considered at the FCC's August Open Meeting. INCOMPAS asserted the proposed OTMR will speed the process and reduce costs for pole attachments, improving the ability of new broadband providers to enter the market and offer competitive services. INCOMPAS claimed the current process of multiple touch and multiple truck-rolls to the pole is inefficient, costly and, as a result, can substantially delay and hinder the expansion of broadband.
- INCOMPAS [met with](#) Commissioner O'Rielly's Legal Advisor on July 24, 2018, to discuss the pole attachment proposals in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. INCOMPAS expressed support for adoption of the one-touch, make-ready process for pole attachments proposed in the draft Order, saying the proposed OTMR will speed the process and reduce costs for pole attachments, improving the ability of new broadband providers to enter the market and offer competitive services.
- Google Fiber [met with](#) Legal Advisors to Chairman Pai and Commissioners O'Rielly, Carr, and Rosenworcel on July 19, 2018, to discuss the pole attachment issues contained in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. Google Fiber expressed its support for the proposed one-touch make-ready rules, and claimed the item is consistent with the recommendations proposed by the BDAC in January, particularly with respect to the question of indemnification. Google Fiber suggested the FCC provide an express description of the costs of existing attachers for which new attachers are responsible, and asserted a clear statement of what parties are responsible for what costs will reduce disputes and delays.
- The American Electric Power Service Corporation [spoke with](#) Chairman Pai's Wireline Advisor on July 19, 2018, to discuss the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. American Electric expressed support for the Commission's proposed adoption of its one-touch make-ready rules, but opposed the new self-help remedy above the communications space. It also expressed concern regarding the draft rule relating to make-ready cost estimates.
- First Energy sent a [letter](#) to Chairman Pai on July 20, 2018, on the draft Accelerating Broadband Deployment [Third Report and Order and Declaratory Ruling](#), asserting there are still issues raised by the draft Order that deserve further comment before the vote is taken, including self-help in the power space. First Energy said it is imperative FirstEnergy retain control of the contractors performing make-ready work in the power space, and claimed it is almost certain that third party oversight of work on electric distribution facilities will reduce reliability of the electric grid and lower the quality of electric service. First Energy said self-help in the draft Order strays far afield from mere attachment to electric poles and instead impinges safe and reliable operation of the electric system.
- Ex partes on the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment were also filed by: [Google Fiber](#); [ACA](#); [Edison Electric Institute](#); [Hawaiian Electric Companies](#); [CCIA](#); [Crown Castle](#); [Xcel Energy Services and Alliant Energy Corp](#); [T-Mobile](#); [Coalition of Concerned Utilities](#); [Puget Sound Energy](#); [PCCA](#); [FirstLight Fiber](#); [Georgia Fiber et al.](#); [CWA](#); [UTC](#); [Coalition of Concerned Utilities](#); [CWA](#), [CWA](#), [CWA](#); and [NATOA](#).
- American-Agri Women and eight other agricultural organizations sent a [letter](#) to Commissioner Carr on July 23, 2018, to urge the FCC to continue to act to lower regulatory costs and burdens that can slow and deter construction of the network infrastructure needed to support broadband. They asserted by

taking additional steps to speed new infrastructure, the FCC will help convert broadband's promise into real benefits for rural America and U.S. international competitiveness. They also provided examples of the major benefits that broadband can deliver to agriculture, which are occurring in many rural areas.

- The FCC issued a [Public Notice](#) on July 24, 2018, to announce Petitions for Reconsideration of the [Second Report and Order](#) that amended and adopted new rules to streamline the wireless infrastructure siting review process were filed by [NATOA](#), the [Apache Tribe of Oklahoma](#), and [PTA-FLA](#), as well as five individual requests for reconsideration. Oppositions are due 15 days after publication of this public notice in the Federal Register; replies are due 10 days after oppositions are due.

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Universal Service

- The FCC filed its [Respondent Brief](#) with the Tenth Circuit Court on July 26, 2018, in the [proceeding](#) seeking review of orders ordering Blanca Telephone to repay improper USF support it received. The Commission said it complied with all applicable procedural requirements and it has the authority to recover improper subsidies Blanca received between 2005 and 2010. It also said no statute of limitations restricts its ability to recover improper payments and Blanca's surrender of improper payments for 2011 and 2012 does not prevent the Government from recovering improper payments for 2005-2010.
- Comments were filed on July 26, 2018, on the [NPRM](#) on how best to structure the second stage of the Uniendo a Puerto Rico Fund and Connect USVI Fund. [AT&T](#) recommended the Commission adopt its proposed Stage 2 funding with some modifications, limiting the focus to restoration efforts that include improving and hardening network assets and not complicate that effort by imposing broadband buildout obligations on these recipients. It also said the Stage 2 fixed fund should be modeled on its proposed Stage 2 Mobile Fund. [Puerto Rico Telephone Company](#) said the Commission should increase its proposed budget for fixed providers to address the Commission's multi-purposes of broadband expansion, hurricane damage reimbursement, and network hardening in Puerto Rico. [Viya](#) said different approaches are warranted in the USVI as compared to Puerto Rico, and suggested the FCC direct the \$18.65 million annual Connect USVI fixed-network support to Viya, which operates the USVI's only territory-wide wireline voice and broadband network. The [Telecommunications Regulatory Board of Puerto Rico](#) recommended the Commission calculate support based on pre-hurricane subscriber levels in order to facilitate recovery for a fully restored economy in Puerto Rico. It also recommended the Commission: develop a scoring matrix for the proposals that prioritizes speed, resiliency, and service to previously unserved areas; establish deployment milestones and accountability measures for performance; evaluate and negotiate proposals with the provider; monitor execution of the proposals; and determine whether additional support is needed to achieve the Commission's goals of restoring and advancing service throughout Puerto Rico. [Hughes Network Systems](#) said the Commission should adopt a technology neutral approach for allocating the funds that will ensure residents of these territories will have access to broadband services that will meet their needs for the next decade and beyond. It also said the Commission should ensure that any awards of support from the PR/USVI Funds are made through an objective and transparent process. The [Satellite Industry Association](#) supported a funding framework that does not favor any one technology over others, and encouraged the Commission to ensure any measures adopted to allocate support in these regions demonstrate a continued commitment to the longstanding policy of technology neutrality. [Dat@ccess](#) expressed support for Commission efforts to restore service and the proposal to reconsider frozen high-cost funding for fixed networks to provide other facilities-based providers, besides the incumbent, the opportunity to benefit from these funds. [The Government of the U.S. Virgin Islands](#) asserted the Connect USVI Fund should be used to support its primary communications platform, which consists of wireless networks and the public middle-mile broadband network. The USVI Government provided several recommendations on how the Commission could modify its proposal, including allocating Stage 2 funding more appropriately between fixed and mobile providers, allocate funding more competitively and allow more entities to compete, and imposing appropriate conditions

and restrictions on all Stage 2 funding. [All comments available to date](#). Replies are due August 8, 2018. [FR Notice Order](#)

- The Wireline Competition Bureau issued a [Public Notice](#) on July 23, 2018, to announce the counties in which conditional forbearance from the obligation to offer Lifeline-supported voice service applies. 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 attached appendix lists the counties where the Commission's conditional forbearance from high-cost/Lifeline ETCs' Lifeline voice obligation will apply effective September 21, 2018.
- The FCC filed its Respondent [Brief](#) with the D.C. Circuit Court on July 23, 2018, in the proceeding [seeking review](#) of the 2017 Lifeline [Order](#). The FCC said it provided ample notice and opportunity for comment on its proposals to restrict the enhanced Tribal subsidy to facilities-based providers on rural, Tribal lands. The FCC also said it fulfilled its voluntary commitment to consult with Tribal governments prior to adopting the Order, and argued its decision to limit the enhanced Tribal subsidy to facilities-based providers was reasonable and consistent with its long-standing goals of promoting infrastructure development and managing fund expenditures.
- The FCC published a [notice](#) in the Federal Register on July 24, 2018, seeking PRA comments on an extension of a currently approved information collection associated with selecting USAC Board of Directors, and to ensure that requests for review are filed properly with the Commission. PRA comments are due August 23, 2018.
- NTCA filed a [Petition](#) on July 23, 2018, seeking a temporary waiver of the updated minimum service speed standard applicable to fixed wireline broadband internet access service eligible for support by the Lifeline program. NTCA said this waiver renews a nearly identical [request](#) made in 2017, which the Commission did not act upon. NTCA asserted grant of the requested relief would enable low-income consumers to continue, on a voluntary basis, receiving the service they already subscribe to as of December 1, 2018, or move on a voluntary basis to the new higher speed standard of service if that choice fits within their budget.
- Free Press [met with](#) Commissioner Rosenworcel and her Advisors on July 18, 2018, to discuss the Commission's hurricane recovery response in Puerto Rico and the U.S. Virgin Islands. Free Press presented research to question whether the carriers were properly prepared to deal with Hurricane Maria and its aftermath, and urged the Commission to examine whether it should adopt regulations to ensure that carriers are better prepared in the future. Free Press also discussed the Uniendo a Puerto Rico Fund, and asked how the Commission will evaluate whether funds are properly used for communications recovery for the people of Puerto Rico, suggesting the Commission tighten oversight to ensure that carriers do not "double dip" on recovery monies.
- TracFone [met separately with](#) Legal Advisors to Chairman Pai and Commissioner Carr on July 18 and 19, 2018, to discuss challenges it has encountered with the soft launch of the National Verifier. TracFone also expressed support for Q-Link's Emergency [Petition](#) seeking to remedy Lifeline service providers' lack of access to any application programming interface for the National Verifier. TracFone also expressed concern that the National Verifier will be launched in states that do not, and will not, have all of the Lifeline qualifying government programs' enrollee data in the state database for automated verification.
- TracFone Wireless filed a [Motion](#) to renew its November 2017 [Petition](#) seeking an emergency waiver of section 54.408(b) or declaratory ruling that the rule as promulgated would enable TracFone to comply with the minimum service standards for Lifeline service by providing its Lifeline customers with a specified quantity of "units" per month that could be used either for voice service, mobile broadband internet access service, or both. TracFone said it has updated and increased its units proposal based on the forthcoming changes to the Commission's minimum service standards for Lifeline service, scheduled to become effective December 1, 2018.
- A group of five disability advocate organizations sent a [letter](#) to Chairman Pai and Commissioners O'Rielly, Rosenworcel, and Carr on July 23, 2018, to urge the Commission to reconsider recent

proposals to the Lifeline program. They asserted the proposal to exclude non-facilities-based providers and drastically reduce the number of eligible service providers in the Lifeline program would cut off nearly 70 percent of Lifeline households from their current wireless carriers, leaving them with at most one facilities-based wireless Lifeline provider to choose from, or be forced to switch to a facilities-based wireline carrier. They also expressed opposition to mandatory co-pays to participate in Lifeline and urged the Commission to suspend the subsidy phase-down for voice-only Lifeline services in every part of the country, not just in rural areas.

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Call Completion

- AT&T filed [a letter](#) on July 25, 2018, to submit its rural call completion safe harbor certification, which it claimed demonstrates it continues to manage its intermediate providers to ensure the completion of calls for all customers, both urban and rural.

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Misc.

- The FCC issued the [agenda](#) on July 26, 2018, for its August 2, 2018 Open Meeting. The FCC will consider: a [Report and Order](#) that will allow one-touch make-ready for most pole attachments and further reform its pole attachment process, and a Declaratory Ruling that will conclude that section 253(a) prohibits state and local moratoria on telecommunications facilities deployment; a [Notice of Inquiry](#) on creating a Universal Service Fund pilot program to promote the use of telehealth services among low-income Americans; a [Public Notice](#) establishing application and bidding procedures for auctioning Upper Microwave Flexible Use Licenses in the 28 GHz (Auction 101) and 24 GHz (Auction 102) bands; an [FNPRM](#) proposing an auction mechanism that would transition existing spectrum holdings in the 39 GHz band to a new flexible-use band plan and would offer new licenses for contiguous spectrum in the band; an [NPRM and Order](#) to implement Congress's directive in the Reimbursement Expansion Act that the Commission reimburse certain low power television, television translator, and FM broadcast stations for costs incurred as a result of the Commission's broadcast television spectrum incentive auction; and a [Report and Order](#) establishing the requirements that will govern an incubator program that seeks to promote the entry of new and diverse voices into the broadcast industry. The Commission will also consider a personnel action.
- The FCC [published](#) in the Federal Register on July 27, 2018, the [FNPRM](#) that proposes to extend the freeze of jurisdictional separations category relationships and cost allocation factors for 15 years and to provide RoR carriers who elected to freeze their category relationships a time-limited opportunity to opt out of that freeze. The Commission also seeks comment on whether it should modify any other aspects of the separations freeze and whether it should alter the scope of its referral to the Federal State Joint Board on Jurisdictional Separations regarding comprehensive separations reform. Comments are due August 27, 2018; replies are due September 10, 2018.
- In addition to those listed in a previous edition of *REGScan*, comments were filed July 20, 2018, on the [Public Notice](#) seeking data and other information for an FCC staff report on the progress of robocalling initiatives among government, industry, and consumers, and seeking data and other information, including notable trends in illegal robocalling, including for a baseline period of January 2018. [USTelecom](#) said given the widely accepted view that no silver bullet can single-handedly address the robocall problem, efforts continue to move forward across multiple fronts. It discussed the status of these fronts, including: increasing the deployment and availability of consumer robocall analytic tools; advances on the deployment of the SHAKEN and STIR standards; and enforcement efforts. [Verizon](#) said it offers industry-leading blocking and labeling tools to its wireline and wireless customers, deploys anti-spoofing technologies, and leverages its best-in-class feedback website to rapidly identify and reverse any incorrect blocking or labeling. It suggested the Commission should seize several opportunities to shift robocall mitigation into a higher gear by: promoting good faith cooperation by all

voice providers with industry traceback efforts; taking enforcement action against service providers who routinely ignore evidence they are providing high-volume services to clearly illegal robocallers; and requiring voice providers who fail to take meaningful action to stop illegal traffic to file reports with the Commission on their customers' traffic metrics so the Commission can identify which voice providers may be catering to illegal robocallers. The [Consumers Union, the National Consumer Law Center, and the Consumer Federation of America](#) warned the Commission against narrowly focusing on scam robocalls exclusively, saying a comprehensive report should focus more broadly, soliciting information including, but not limited to: data that assesses the scope of the entire robocall problem, from three main sources - phone companies, callers, and call-mitigation services; and data that assesses implementation and efficacy of call-mitigation efforts as well as anti-spoofing efforts. They said while several commenters seeking a diminished TCPA have incorrectly characterized the robocall problem as due to automated calls from fraudsters, consumers have consistently made it clear they are concerned with any unwanted, non-emergency robocalls. They also urged the FCC to consider releasing additional reports in the future, so stakeholders can remain adequately informed about changing trends. [Numeracle](#) said it supports the Commission's efforts to eliminate illegal and unwanted robocalls, but cautioned that current industry practices are threatening the viability of voice communications by inaccurately labeling and blocking legal and wanted calls. It suggested the Commission's actions focus on making sure efforts to combat illegal and unwanted calls do not present barriers to the continued delivery of legal calls and the costs of administering authentication systems do not make costs on carriers and their customers so high as to threaten the voice channel's continued existence as a valued means of contact between businesses and their customers. [All available comments to date](#). Replies are due August 20, 2018. [Public Notice](#).

- The Wireline Competition Bureau issued a [Public Notice](#) on July 18, 2018, granting section 214 applications for transfer of control filed by: [Clinton County Telephone Company, Westphalia Telephone Company, Westphalia Broadband, Inc., and Chapin Communications Corporation](#); [Allstream Business US and New Ulm Telecom](#); [Consolidated Communications Holdings, Inc. and RiverStreet Management Services](#); [Ellerbe Telephone Company, ETCOM, and RiverStreet](#); [Tri-County Telephone Membership Corporation, Tri-County Communications, and WTMC](#); and [Coon Creek Telephone Company, Coon Creek Telecommunications, and Shellsburg Cablevision](#). The Bureau granted the applications subject to the condition established in the Hargray/ComSouth [Order](#), in which the combined operating expense for each post-consummation company's rate-of-return affiliates shall be capped at the averaged combined operating expense of the three calendar years preceding the transaction closing date for which operating expense data are available.
- The FCC [published](#) in the Federal Register on July 30, 2018, the FY 2018 Report and Order that: adopted new tiers for calculating regulatory fees for submarine cable systems; declined to adopt a new regulatory fee for international section 214 authorizations; and retained the optional bulk rate calculation for determining the number of subscribers in multiple dwelling units used in the calculation of cable television regulatory fees. It is effective August 29, 2018.
- The FCC Commissioners testified at the House Communications and Technology Subcommittee's [hearing](#) on July 25, 2018, on oversight of the FCC. [Chairman Pai](#) detailed steps the FCC has taken to expand broadband deployment in previously unserved areas, and said the Commission just started the CAF Phase II reverse auction, which will provide up to \$2 billion over the next decade to bring fixed broadband to unserved areas. He said earlier this year, the FCC provided \$500 million in additional funding to assist rate-of-return carriers in expanding broadband deployment in rural America. He also discussed upcoming spectrum auctions. [Commissioner O'Rielly](#) said the Commission's broadband deployment efforts should be examined in parallel with programs by other Federal entities, such as the RUS and NTIA. He noted he has advocated having RUS, NTIA, and the Commission coordinate actual implementation of the differing programs. [Commissioner Carr](#) discussed wireless infrastructure and 5G networks, noting that in March 2018, the FCC adopted an Order that exempts small cells from certain federal historical and environmental review procedures. He also discussed the FCC's Rural Health Care Program and the FCC's new telehealth initiative, which aims to provide up to \$100 million for connected care benefiting low-income patients. [Commissioner Rosenworcel](#) expressed concerns with certain recent FCC actions, such as net neutrality and proposed reforms to the Lifeline program. She also said the FCC's mapping practices for broadband do not accurately reflect the state of connectivity

on the ground. She noted 24 million Americans have no high-speed service and discussed the Homework Gap.

- Comments were filed July 26, 2018, on the [Public Notice](#) seeking comments on the state of mobile wireless competition. [AT&T](#) said the wireless marketplace has become even more competitive since last year's report, although two factors stand out: carriers continue to compete fiercely on unlimited pricing plans and features; and each of the four national carriers continues to invest billions of dollars to upgrade their networks and compete on network quality, and each is enhancing their 4G LTE networks and poised to roll out 5G services in the next few months. AT&T contended competition has never been greater, and as a result prices are at all-time lows, output is at all-time highs, and innovation, network quality, and consumer satisfaction are at unprecedented levels. It said the Commission has the easiest call it has ever had to make under section 332(c)(1)(C): the wireless marketplace is "effectively competitive." The [Competitive Carriers Association](#) asserted much of the country still lacks access to reliable mobile wireless service, including 3G and 4G, and argued the Commission must focus on existing barriers to mobile wireless competition and deployment. It claimed the increasing concentration of the wireless market between the two largest providers, combined with existing regulatory barriers to wireless market expansion, negatively impact competitive entry and competitive expansion, particularly in rural and remote areas. It suggested the Commission, among other things: ensure carriers have access to spectrum resources; continue to address barriers to wireless infrastructure deployment; and ensure USF resources reach underserved and hard-to-serve areas. [CTIA](#) claimed the wireless market in the United States is vibrant, innovative, and highly competitive, and urged the Commission to reaffirm its conclusion and report to Congress that competition in the provision of mobile wireless services is effective. [All comments available to date.](#)
- CenturyLink filed a [Petition for Waiver](#) on July 20, 2018, of the telephone number portability rules as CenturyLink attempts to initiate service in the United States Virgin Islands. CenturyLink claimed lingering effects from Hurricane Maria have contributed to CenturyLink being unable to obtain the necessary trunking to provide service.
- The Consumer and Governmental Affairs Bureau issued a [Public Notice](#) on July 23, 2018, to announce publication in the [Federal Register](#) of the IP CTS [FNPRM and NOI](#). Comments on the FNPRM are due September 17, 2018; replies are due October 16, 2018. Comments on the NOI are due October 16, 2018; replies are due November 15, 2018.
- The FCC [published](#) in the Federal Register on July 24, 2018, the [NPRM](#) seeking comment to determine how a toll-free subscriber should make clear its authorization to text-enable a toll-free number. The NPRM proposes requiring a toll-free subscriber to inform its Responsible Organization of that authorization and for the RespOrg to update the appropriate records in the toll-free SMS Database. Comments are due on August 23, 2018; reply comments are due September 7, 2018. PRA comments on the proposed information collection requirements are due September 24, 2018. The Wireline Competition Bureau issued a [Public Notice](#) on July 24, 2018, to announce publication in the [Federal Register](#) of the [NPRM](#).

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Upcoming Filing Dates

- Aug. 2 - Replies due to oppositions to Petitions for Reconsideration of the Tribal OpEx Order filed by [Mescalero Apache Telecom](#) and [Sacred Wind Communications](#). [FR](#)
- Aug. 2 - Oppositions due to petitions for reconsideration of the Rural Call Completion [Order](#), filed by [NTCA](#) and [USTelecom](#). Replies are due August 13. [FR](#)
- Aug. 2 - Comments due on three petitions for ETC designation in the state of New York for the purpose of being eligible to receive Connect America Fund support as awarded by New York's New NY Broadband Program for state and CAF support. Replies are due August 13, 2018. [Public Notice](#)
- Aug. 3 - Replies due on the access stimulation [NPRM](#).

- Aug. 6 - Comments due on USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. Replies due September 5, 2018. [Public Notice](#), [Order](#)
- Aug. 8 - Replies due on the [NPRM](#) on how best to structure the second stage of the Uniendo a Puerto Rico Fund and Connect USVI Fund. [FR notice Order](#)
- Aug. 10 - Comments due on Q Link Wireless' Emergency [Petition](#) requesting the FCC issue an order directing USAC to implement application programming interfaces for the Lifeline National Verifier that permit ETCs to exchange information with USAC. Replies are due August 27, 2018. [Public Notice](#)
- Aug. 13 - Replies due on three petitions for ETC designation in the state of New York for the purpose of being eligible to receive Connect America Fund support as awarded by New York's New NY Broadband Program for state and CAF support. [Public Notice](#)
- Aug. 13 - Replies due to petitions for reconsideration of the Rural Call Completion [Order](#), filed by [NTCA](#) and [USTelecom](#). [FR](#)
- Aug. 16 - Replies due on the state of mobile wireless competition. [Public Notice](#)
- Aug. 17 - Comments due on the state of fixed broadband competition, as required by RAY BAUM'S Act of 2018. [Public Notice](#)
- Aug. 20 - Replies due on an FCC staff report on robocalling. The Commission seeks data and other information on the progress of robocalling initiatives among government, industry, and consumers, and data and other information, including notable trends in illegal robocalling, including for a baseline period of January 2018. [Public Notice](#)
- Aug. 20 - Comments due Verizon's [Petition for Declaratory Ruling](#) to confirm that if a LEC delivers a call to a two-stage dialing platform, including an IP-enabled platform, the LEC does not perform terminating switched access functions and cannot charge tariffed end office terminating switched access charges for that call. Reply comments are due September 5, 2018. [Public Notice](#)
- Aug. 23 - PRA comments due on an extension of a currently approved information collection associated with selecting USAC Board of Directors, and to ensure that requests for review are filed properly with the Commission. [FR](#)
- Aug. 23 - Comments due on the [NPRM](#) on how to determine how a toll-free subscriber should make clear its authorization to text-enable a toll-free number. Reply comments are due September 7, 2018. [FR](#)
- Aug. 27 - Replies due on Q Link Wireless' Emergency [Petition](#) requesting the FCC issue an order directing USAC to implement application programming interfaces for the Lifeline National Verifier that permit ETCs to exchange information with USAC. [Public Notice](#)
- Aug. 27 - Comments due on the [FNPRM](#) that proposes to extend the freeze of jurisdictional separations category relationships and cost allocation factors for 15 years and to provide RoR carriers who elected to freeze their category relationships a time-limited opportunity to opt out of that freeze. Replies are due September 10, 2018. [FR](#)
- Sept. 4 - Comments due on the [8YY Access Charge Reform FNPRM](#), in which the Commission proposes to migrate interstate and intrastate originating end office and tandem switching and transport charges for toll free (8YY) calls to bill-and-keep. Replies are due October 1, 2018. [FR](#)
- Sept. 5 - Replies due Verizon's [Petition for Declaratory Ruling](#) to confirm that if a LEC delivers a call to a two-stage dialing platform, including an IP-enabled platform, the LEC does not perform terminating

switched access functions and cannot charge tariffed end office terminating switched access charges for that call. [Public Notice](#)

- Sept. 7 - Replies due on the [NPRM](#) on how to determine how a toll-free subscriber should make clear its authorization to text-enable a toll-free number. [FR](#)
- Sept. 10 - Comments due on the implementation of the e-Connectivity Pilot Program established in the Consolidated Appropriations Act of 2018. [announced](#)
- Sept. 10 - Replies due on the [FNPRM](#) that proposes to extend the freeze of jurisdictional separations category relationships and cost allocation factors for 15 years and to provide RoR carriers who elected to freeze their category relationships a time-limited opportunity to opt out of that freeze. [FR](#)
- Sept. 17 - Comments due on IP CTS [FNPRM](#). Replies are due October 16, 2018. [FR](#)
- Sept. 24 - PRA comments due on the proposed information collection requirements in the [NPRM](#) on how to determine how a toll-free subscriber should make clear its authorization to text-enable a toll-free number. [FR](#)
- Oct. 1 - Replies due on the [8YY Access Charge Reform FNPRM](#), in which the Commission proposes to migrate interstate and intrastate originating end office and tandem switching and transport charges for toll free (8YY) calls to bill-and-keep. [FR](#)
- Oct. 16 - Replies due on IP CTS [FNPRM](#). [FR](#)
- Oct. 16 - Comments due on IP CTS [NOI](#). Replies are due November 15, 2018. [FR](#)
- Nov. 15 - Replies due on IP CTS [NOI](#). [FR](#)

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