

[USF Reform](#) [Open Internet](#) [Broadband](#) [IP Transition](#) [USF](#) [Call Completion](#) [Misc.](#) [Upcoming Events](#)

August 6, 2018 HIGHLIGHTS

- The FCC adopted six items at its August 2, 2018 [Open Meeting](#), including: a [Report and Order](#) that will allow one-touch make-ready for most pole attachments and further reform the pole attachment process, a Declaratory Ruling finding 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.
- USDA Secretary Sonny Perdue [announced](#) his agency is investing [\\$97 million in 12 projects](#) to provide or improve rural broadband service.
- The FCC [released](#) an updated version of the map of areas presumptively eligible for Mobility Fund Phase II support. The FCC also [provided](#) a third update on the MF II challenge process. Chairman Pai [said](#) he circulated an Order to extend by 90 days the window to file challenges to the eligibility map for the upcoming Mobility Fund Phase II broadband auction.
- NTCA filed [reply comments](#) supporting the Petitions for Reconsideration filed by [Mescalero Apache Telecom](#) and [Sacred Wind](#) of the Tribal OpEx Order. Mescalero Apache Telecom [urged](#) the Commission to grant its [Petition](#), as well as [Sacred Wind's](#).
- NTCA [discussed](#) the need for action on the local service rate floor policy and questions related to the Network Performance Testing [Order](#). USTelecom, et al. also [discussed](#) the [Network Testing Order](#).
- The D.C. Circuit Court [set](#) the briefing schedule in the appeal of the Restoring Internet Freedom Order. Initial briefs are due August 20, 2018.
- [Replies were filed](#) on the access stimulation [NPRM](#).
- The FCC [determined](#) Aureon's cost-based analysis was insufficient to justify its tariffed rate for interstate switched transport services, and directed Aureon to recalculate its interstate switched transport rate and to amend its tariff to reflect the lower of the CLEC benchmark rate or the corrected cost-based rate. The FCC also [partially granted](#) Aureon's [Petition for Reconsideration](#) of the [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.
- [Comments and oppositions](#) were filed on the Petitions for Reconsideration of the Rural Call Completion Order filed by NTCA and USTelecom. Replies are due August 13. [FR](#)
- USAC filed its quarterly [Federal Universal Service Support Mechanisms Fund Size Projections](#).
- Comments [are due](#) October 29, 2018, on whether rules adopted in 2005-2006 should be continued without change, amended, or rescinded. Certain rules in Parts 54 and 64 are included in this review.

Other Key Upcoming Dates

- 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. 17 - Comments due on the state of fixed broadband competition. [Public Notice](#)
- Aug. 20 - Replies due on an FCC staff report on robocalling. [Public Notice](#)
- Aug. 20 - Comments due on Verizon's [Petition for Declaratory Ruling](#) on terminating switched access charges. Replies are due September 5, 2018. [Public Notice](#)

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USF Reform

- The Rural Broadband Auctions Task Force and the Wireline Competition and Wireless Telecommunications Bureaus issued a [Public Notice](#) on August 1, 2018, releasing an updated version of the map of areas presumptively eligible for Mobility Fund Phase II support. The updated version of the map reflects revisions to the underlying coverage and subsidy data due USAC correcting certain subsidy assignments and staff incorporating corrected 4G LTE coverage data submitted by one mobile provider for the Oklahoma Panhandle area. The updated map is available on the Commission's [website](#). The FCC issued a second [Public Notice](#) on August 1, 2018, to provide the third update on the MF II challenge process. It said as of July 31, 2018, a total of 93 entities have access to USAC's MF-II Challenge Process Portal to participate in the MF-II challenge process and, to date, challengers have submitted data including 1,672,497 speed tests.
- Chairman Pai issued [a statement](#) on August 3, 2018, indicating he has circulated an Order to extend by 90 days the window to file challenges to the eligibility map for the upcoming Mobility Fund Phase II broadband auction. Pai said "[o]ur limited universal service funds for mobile service must be effectively and accurately targeted to areas that lack unsubsidized 4G LTE service. That's why I'm seeking a 90-day extension of our challenge process, which will ensure fulsome participation in the process." (Order not yet available)
- Chairman Pai sent [letters](#) to 130 House Representatives on July 30, 2018, in response to their letter on the importance of high-speed broadband access for rural Americans. Pai noted: in March, the Commission devoted over \$500 million to increasing deployment by small carriers in rural communities; in April, it proposed eliminating many of the legacy burdens for small, model-based carriers serving businesses in rural America; and in June, it eliminated a rule that penalized small rural carriers with extra USF fees whenever they offered broadband. Pai agreed that more must be done to extend digital opportunity to all Americans, noting the Commission has issued a detailed NPRM that explores how to ensure sufficient and predictable support over the long term.
- Chairman Pai sent [letters](#) to Reps. Peter Welch (D- Vt.) and Ray Lujan (D- N.M.) on July 23, 2018, in response to their letter expressing concerns with the FCC's delay in addressing a 15 percent cut to the legacy rate-of-return USF program. Pai said the full impact of those cuts did not become clear until the 2016 Order was fully implemented in 2017, and noted in January 2018, he circulated an Order to mitigate the impact of those cuts. Pai said the March 2018 Order provided \$180 million in one-time funding to mitigate the effect of the budget control mechanism for the prior funding year, and also noted in April 2018, the FCC corrected another problem by amending a rule that had a disproportionate impact on broadband deployment in rural Tribal lands.
- NTCA [spoke with](#) Chairman Pai's Advisor on July 27, 2018, to discuss the need for action on the local service rate floor policy and questions related to the recently released Network Performance Testing Order. NTCA asked about the number of test locations, the required extent of network testing, and the timing of implementation for smaller operators. NTCA also [spoke with](#) Wireline Competition Bureau staff regarding network performance testing.
- Verizon, Frontier, CenturyLink, AT&T, Windstream, and USTelecom [met with](#) Wireline Competition Bureau staff on July 27, 2018, to discuss the recent [Network Testing Order](#). They: recommended aligning the testing regimes for speed and latency; asked the Bureau to clarify that on-net servers are suitable for testing and compliance purposes; suggested the compliance framework be more incremental, noting the first tier of non-compliance in the deployment milestone framework triggers simply a reporting requirement; and expressed concerns regarding the Bureau's decision to exclude from certification calculations any speed measurements with values greater than 150% of the advertised speed.
- NTCA filed [reply comments](#) on August 2, 2018, supporting the Petitions for Reconsideration filed by [Mescalero Apache Telecom](#) and [Sacred Wind Communications](#), which asked for reconsideration of a provision in the Tribal OpEx Order denying relief to MATI and Sacred Wind based upon their respective deployment of broadband to date. NTCA noted no oppositions appear to have been filed,

and NTTA filed supporting comments. NTCA said it supports grant of these Petitions as part and parcel of more comprehensive efforts by the Commission to finalize reforms and address budgetary concerns with respect to high-cost USF support received by RLECs.

- Mescalero Apache Telecom filed [a letter](#) on July 31, 2018, to urge the Commission to grant its [Petition for Reconsideration](#) and that of [Sacred Wind](#), both of which seek reconsideration of the Tribal OpEx Order's limitation of relief to carriers that have not deployment 10/1 Mbps service to 90 percent of housing units. It noted NTTA and NTCA supported the petitions and no parties opposed. MATI said the Commission should allow Sacred Wind and MATI to provide alternative sources of deployment information, including actual deployment data.
- Adak Eagle filed [a letter](#) on July 31, 2018, to renew its request for the Commission to approve its pending Petition for Reconsideration that asked the Commission to revisit its decision to deny Adak Eagle a second offer of A-CAM support. It said the Petition has been pending since January 2017, and is unopposed and supported by WTA.
- Hamilton County Telephone filed [a letter](#) on August 1, 2018, to urge the FCC to grant its [Petition for Reconsideration](#) of the decision not to offer it a second A-CAM offer of support. It claimed it has submitted information that demonstrates an unsubsidized fixed wireless provider had significantly overstated its deployment on Form 477, and thus Hamilton was not able to receive support for over 80% of its unserved locations. It noted the provider has since revised its Form 477 data and reduced the number of census blocks it claims to serve.
- Adams Telephone Co-Operative, Egyptian Telephone Cooperative Association, Flat Rock Telephone Co-Op, Gridley Telephone Company, McDonough Telephone Cooperative, Mid-Century Telephone Co-op, Oneida Telephone Exchange, and Wabash Telephone Cooperative filed [a letter](#) on July 30, 2018, to urge the FCC to approve Hamilton County Telephone Co-op's [Petition for Reconsideration](#), which asks the FCC to provide funding for the locations which were precluded from receiving A-CAM support due to errors in Form 477 data. They said many of them were impacted by Wisper's over-reporting of broadband, which impacted a model that determined ten years of broadband funding for numerous RoR companies, and claimed Hamilton was impacted the hardest. The IL Rural Co-ops noted Hamilton's Petition received no opposition and received a letter of support from NTCA.
- Verizon filed [a letter](#) on July 27, 2018, to respond to the Rural Wireless Association's assertion that Verizon's Mobility Fund coverage map overstates Verizon's coverage in the Oklahoma Panhandle. Verizon claimed its Mobility Fund coverage map complies in all respects with the Commission's mapping specifications and with industry best practices for propagation modeling. It contended the PTSI consultants' coverage map underestimates Verizon's Mobility Fund coverage because it fails to take into account all of the Verizon cell sites that provide coverage to customers in the Oklahoma Panhandle and is also flawed because it does not comply with the Commission's specifications for Mobility Fund maps. Verizon said the Mobility Fund rules already give PTSI ample opportunity to challenge Verizon's coverage map, and nothing in the RWA letter provides any basis for the Commission to impose new mapping requirements on unsubsidized carriers.
- The Illinois Commerce Commission filed [a letter](#) on July 30, 2018, to express concern that the May 22, 2018 Mobility Fund II Initial Eligible Areas Map reveals there are almost no areas in Illinois designated as "Initial Eligible Areas." It claimed this result paints a materially inaccurate picture of the actual state of coverage in Illinois and the FCC should not proceed based upon results that are unquestionably unrealistic. It said the burden of mounting challenges on behalf of end users falls, for practical purposes, on governmental entities, which are the only entities with an incentive to mount challenges on behalf of end users. It argued the Commission should, itself, verify the accuracy of the information it has collected and correct any errors in the information.
- To date, no comments were filed 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](#)

ICC

- Reply comments were filed on August 3, 2018, on the [NPRM](#) that proposed to give access stimulating LECs two choices for receiving calls: to be financially responsible for the delivery of calls to their networks; or to accept direct connections from long-distance carriers seeking to terminate telephone calls to the LECs or from intermediate access providers of the long-distance carriers' choosing. [NTCA](#) said the Commission should adopt its proposed rule to address any lingering terminating access stimulation and, at the same time, decline requests to broaden the scope of this proceeding to recraft the existing ICC and interconnection regimes as a whole. NTCA suggested matters outside the scope of access arbitration as specifically raised in the NPRM, including bilateral disputes and vendettas between operators unrelated to the specific issues flagged, should be properly briefed and addressed through a complaint process or in the context of a separate rulemaking. [WTA](#) said the industry proposed "assumption of financial responsibility" approach is the most effective and efficient way to address any access stimulation. WTA proposed a limited "POI freeze" as an option for restraining alleged mileage pumping tactics. It strongly opposed any and all attempts to impose direct connections or other new regulatory obligations on RLECs and CLECs not engaged in access stimulation, or to reduce or eliminate the access or transport revenues of all RLECs and CLECs by transitioning or flash-cutting them to bill-and-keep. WTA maintained this proceeding needs to remain narrowly targeted to address and put an end to actual and ongoing access stimulation activities rather than being expanded to further the "free access to last mile networks" goals of some IXCs. The [Competitive Local Exchange Carriers](#) claimed the record does not support the Commission's proposed rule modifications or its efforts to eliminate access stimulation, and said because the proposed rules are vague and provide insufficient guidance, their adoption will likely result in more industry disputes. They said the clarifications provided by the INS Tariff Order give important new guidance to CEA providers and IXCs regarding the appropriate rates that CEA providers should tariff, and suggested the Commission allow the INS Tariff Order to be fully implemented by Aureon and similarly-situated CEA providers and assess its impact on all parties rather than proceeding with further piecemeal and discriminatory action. [All replies available to date](#)
- The FCC issued a [Memorandum Opinion and Order](#) on July 31, 2018, finding Aureon's switched transport rate of \$0.00576 in Transmittal No. 36 of Tariff F.C.C. No. 1 is lower than its rate cap of \$0.00819, but it is not lower than the applicable CLEC benchmark rate of \$0.005634. The FCC also found Aureon's cost-based analysis was insufficient to justify its tariffed rate for interstate switched transport services. The FCC directed Aureon to recalculate its interstate switched transport rate consistent with this Order and to amend its Tariff F.C.C. No. 1 to reflect the lower of the CLEC benchmark rate or the corrected cost-based rate.
- The FCC issued an [Order on Reconsideration](#) on August 1, 2018, granting, in part, Aureon's [Petition for Reconsideration](#) of the [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 FCC disagreed with Aureon's claims that the Commission failed to provide fair notice that it would apply its rate cap and rate parity rules to Aureon and classify Aureon as a CLEC under those rules, and that any relief must be prospective only. The FCC, however, granted Aureon's request that, if the Commission upholds its "deemed lawful" and void *ab initio* findings, it confirm that the rates in Aureon's 2012 tariff apply. The FCC granted this request "subject to the caveat that AT&T will have the opportunity in the damages phase to demonstrate that, in connection with the 2012 tariff, Aureon furtively employed improper accounting practices to conceal potential rate of return violations."

[Back to Highlights](#)

Open Internet

- The D.C. Circuit Court released an [Order](#) on July 30, 2018, setting the briefing schedule in the appeal of the Restoring Internet Freedom Order. Initial briefs are due August 20, 2018, and final briefs are due on November 27, 2018. Oral argument has not yet been set.

- The FCC filed a [brief](#) with the U.S. Supreme Court in the proceeding seeking review of the D.C. Circuit Court [decision](#) that denied petitions for review of the Commission's 2015 Open Internet [Order](#). The Commission said the Court should decline to review the decision because the FCC has now issued a new Order that supersedes the 2015 Order and repealed its conduct rules. The Commission also said in light of that development, questions concerning the procedural and substantive validity of the 2015 Order lack continuing practical significance, and it asked the Court to grant the petitions for writs of certiorari, vacate the court of appeals' judgment, and remand with instructions to dismiss the petitions for review as moot.
- Chairman Pai sent [letters](#) to Reps. Frank Pallone Jr (D- N.J.) and Mike Doyle (D- Pa.) on July 23, 2018, in response to their letter expressing concerns about "faulty" broadband deployment data at the FCC. Pai said the FCC took into account Form 477 data in the Restoring Internet Freedom Order, just as the prior Commission relied on such data in the Title II Order. Pai said, however, the Commission did not review that evidence in isolation but in the context of the broader administrative record. Pai agreed the FCC must improve the Form 477 data collection and noted the FCC commenced a rulemaking last year to review the Form 477 and consider ways to improve the quality, accuracy, and usefulness of the deployment data it collects on fixed and mobile voice and broadband service.
- The Information Technology and Innovation Foundation [released](#) a [report](#) on July 30, 2018, entitled: *Paid Prioritization: Why We Should Stop Worrying and Enjoy the "Fast Lane,"* which argues Congress should not ban paid prioritization. The report asserts paid prioritization would improve broadband and expand innovation in real-time services, without impinging the internet's openness, and it outlines the case for traffic differentiation and offers recommendations to ensure proper oversight. The report also suggests the FCC oversee prioritization arrangements and Congress should ensure traffic differentiation deals are not exclusive and prioritization is offered on similar terms for similar users.

Broadband

- USDA Secretary Sonny Perdue [announced](#) on August 1, 2018, the USDA is investing [\\$97 million in 12 projects](#) to provide or improve rural broadband service to help 22,000 subscribers in 11 states - Arizona, Iowa, Idaho, Maryland, Minnesota, Missouri, Nevada, Oklahoma, South Dakota, Wisconsin and Wyoming. USDA is making the investments through the [Telecommunications Infrastructure Loan Program](#) and the [Community Connect Grant Program](#).
- Chairman Pai sent [letters](#) to 14 Members of Congress on July 23, 2018, in response to their letter expressing concerns with the local representation on the FCC's Broadband Deployment Advisory Committee. Pai asserted the BDAC is made up of a diverse array of stakeholders, with representatives from the National League of Cities, NARUC, small towns, large states, and others. Pai also said the BDAC must be transparent and accessible, noting meetings of the full committee are announced in advance, open to the public, and streamed live on the Commission website.
- Chairman Pai sent [letters](#) to 13 members of Congress on July 23, 2018, in response to their letter on the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. Pai said the draft Order includes safeguards to protect the public and worker safety, and excludes from OTMR new attachments that are more complicated or above the "communications space" of a pole, where safety and reliability risks are greater. Pai also said the draft Order respects existing collective bargaining agreements, allowing union labor to be present for survey and make-ready work and to conduct post-make-ready inspections through contracts with existing attachers.
- The FCC issued a [News Release](#) on August 1, 2018, providing statements from companies and organizations, including Google Fiber, INCOMPAS, and American Cable Association, supporting the one-touch make-ready proposal contained in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment, which will be considered at the August 2, 2018 Open Meeting.
- The FCC issued [a notice](#) in the Federal Register on July 31, 2018, seeking PRA comments on a revised information collection pursuant to new rules adopted in June 2018 concerning information

collection requirements implemented under section 251(c)(5) pertaining to network change disclosures and notices of planned copper retirements. PRA comments are due October 1, 2018.

- The FCC issued a [notice](#) in the Federal Register on August 2, 2018, seeking PRA comments on a revision of a currently approved information collection associated with modifications to the rules applicable to section 214(a) discontinuance applications, which were made in the June 8, 2018 [Second Report and Order](#). PRA comments are due October 1, 2018.
- The FCC issued a [Public Notice](#) on August 1, 2018, to announce the Technological Advisory Council will hold a meeting on September 20, 2018. The meeting will discuss progress on work initiatives discussed at the previous meeting.
- The Ohio PUC filed [comments](#) on August 3, 2018, on USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. The PUC urged the FCC to take a measured approach in considering USTelecom's request, with its proposed modifications, that carefully considers negotiating position parity between ILECs and CLECs, and a thorough and studied analysis of the real state of competition in each individual market rather than implementing a national, blanket approach. Comments are due August 6, 2108; replies are due September 5, 2018. [Order](#)
- CenturyLink and USTelecom [met with](#) Wireline Competition Bureau staff on July 31, 2018, to discuss the data CenturyLink provided to USTelecom in support of USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs.
- Blackfoot Communications [spoke with](#) Wireline Competition Bureau staff on August 1, 2018, to discuss USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. Blackfoot asserted that while the current regulatory regime and requirements of section 251(c) do seem to be "overkill" in today's telecommunications and broadband environment, it claimed states like Montana, Idaho, and Wyoming are different than other states because they are very rural with very expansive geographies and limited population centers. Blackfoot noted the primary cable television operator in Montana has very few fiber assets available, and asserted it has been its first-hand experience that Centurylink is making very little fiber investment in Montana and continued access to copper facilities in the form of UNE loops is necessary.
- Uniti Fiber [met with](#) Commissioner O'Rielly and his Legal Advisor on July 31, 2018, to discuss USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. Uniti Fiber discussed how UNEs enable it to expand its service offerings, claiming it relies heavily on dry copper loops as well as dark fiber interoffice transport to allow it to interconnect distant central offices to its network. It said the loss (or increase in price) of these inputs will have a significant impact on its ability to deploy competitive services in new markets, as well as to maintain services in some of its existing markets. It also met with Commissioner [Carr](#) and his Legal Advisor, and Commissioner [Rosenworcel's](#) Legal Advisor.
- Microsoft [met with](#) Legal Advisors to Commissioners O'Rielly and Rosenworcel on August 1, 2018, to offer suggestions to improve the quality, accuracy, and utility of FCC Form 477 data. Microsoft recommended limiting the broadband deployment dataset only to those census blocks where broadband has been actually deployed. Microsoft said an online and near-real time visualization and analytics tool that shows a filer the geographic area's corresponding analytics for census tracts and census blocks prior to transmitting the file to the Commission could increase accuracy of the Form 477 data. It also suggested Form 477 data should be collect on an annual basis, and the Commission should keep this proceeding open while NTIA identifies other third-party data sources and develops information that may increase the accuracy of broadband mapping.
- USTelecom, Frontier, Verizon, and CenturyLink met with Legal Advisors to [Chairman Pai](#) and Commissioner [Rosenworcel](#) and [Wireline Competition Bureau staff](#) on July 24, 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 agreements. They said if the FCC decides to apply the telecom rate presumption to only new

agreements, the FCC should make clear that the term “new agreement” applies to agreements that, following the effective date of the Order, are renewed, extended, placed in evergreen status by the action of either party, or for which a party invokes a contractual renegotiation provision. USTelecom also [spoke with](#) Commissioner Carr and his Chief of Staff to discuss the same issues.

- INCOMPAS [met with](#) Commissioner Carr’s Chief of Staff and Commissioner Rosenworcel’s Legal Advisor on July 26, 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.
- CTIA [spoke with](#) Legal Advisors to Commissioners Carr, O’Rielly, and Rosenworcel on July 26, 2018, to express support for Chairman Pai’s proposal to auction three additional spectrum bands in 2019, which will build on the high-band spectrum auctions of the 28 GHz and 24 GHz bands starting in November. CTIA also discussed the importance of modernized siting policies at the federal, state, and local levels and their key role in helping to ensure the U.S. is 5G-ready. It supported the FCC’s proposal to adopt a [Declaratory Ruling](#) to clarify that moratoria, whether express or de facto, interim or not, are barriers to wireless deployment and prohibited under the Communications Act. CTIA also [spoke with](#) Commissioner O’Rielly’s Legal Advisor on July 30, 2018, to discuss similar issues.
- Charter Communications [spoke with](#) Commissioner O’Rielly’s Legal Advisor on July 26, 2018, to discuss the pole attachment proposals in the draft [Third Report and Order and Declaratory Ruling](#) on broadband deployment. Charter suggested revisions that it claimed would help existing attachers protect their investment by making it easier to seek indemnification when damage has occurred during the one-touch make-ready process.
- Georgia Power [spoke with](#) Chairman Pai’s Wireline Advisor on July 25, 2018, to express concern regarding the electric supply space self-help remedy included in the draft [Third Report and Order and Declaratory Ruling](#). Georgia Power said if the Commission is unwilling to reconsider the imposition of a supply space self-help remedy, the Commission should at least issue an FNPRM under which proper, detailed protocols and parameters surrounding such a remedy could be developed, and confine the remedy to wireless attachments to reduce the safety and reliability threat.

[Back to Highlights](#)

Universal Service

- The Wireline Competition Bureau issued a [Public Notice](#) on July 30, 2018, seeking comment on the proposed eligible services list for the schools and libraries USF support mechanism for funding year 2019. The FCC said because it phased down E-rate support for voice services over a four-year period in the 2014 E-Rate [Order](#), voice services will no longer be supported by the E-Rate program in FY2019. Comments are due August 29, 2018; replies are due September 13, 2018.
- The Wireline Competition Bureau issued a [Public Notice](#) on July 31, 2018, seeking comment on NTCA’s [Petition](#) that seeks 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. Comments are due August 30, 2018; replies are due September 14, 2018.
- The Wireline Competition Bureau issued a [Public Notice](#) on July 31, 2018, seeking comment on TracFone’s [Motion](#) to renew its November 2017 [Petition](#) seeking an emergency waiver of section 54.408(b) or declaratory ruling that the rule enables 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. Comments are due August 30, 2018; replies are due September 14, 2018.
- The Wireline Competition Bureau released a [Public Notice](#) on July 31, 2018, granting, denying, and dismissing various petitions related to actions taken by USAC on E-rate, CAF, and contributions.

Petitions for reconsideration or applications for review of these decisions must be filed within 30 days of the Public Notice.

- The FCC released the [Notice of Inquiry](#) on creating a USF pilot program to promote the use of telehealth services among low-income Americans on August 3, 2018. The FCC said it expects to set aside up to \$100 million in total funding for this pilot program and each telehealth pilot project could receive up to \$5 million in funding to support broadband connectivity to low-income patients and increased capabilities for the health care provider. Comments are due September 10, 2018; replies are due October 10, 2018.
- Chairman Pai sent [letters](#) to nine Members of Congress on July 23, 2018, in response to their letter on procedures and safeguards put in place by the U.S. Treasury Department and the FCC in connection with the transfer of USF banking services from private banking institutions to the Treasury. Pai said the decision to transfer these taxpayer funds to a public account reduces risks associated with holding them outside the Treasury, and applies to the Fund the same rigorous management practices and regulatory safeguards as are applied to other federal programs. He also said the Commission, USAC, and the Treasury developed and implemented a comprehensive project plan and conducted a wide range of development, coordination, and educational activities, including IT security and user testing of all new connections and processes.
- Chairman Pai sent [letters](#) to 48 Members of Congress on July 23, 2018, in response to their letter opposing the Commission's proposal to reduce the Lifeline Program's footprint in Puerto Rico. Pai said the Commission [proposes](#) to provide more than \$64.2 million in additional funding to make sure network recovery continues in Puerto Rico and the U.S. Virgin Islands. He also said in the Uniendo a Puerto Rico Fund and Connect USVI Fund NPRM, the Commission proposes \$890 million in funding to Puerto Rico and the U.S. Virgin Islands to enhance connectivity and help futureproof the territories' networks.
- Chairman Pai sent [letters](#) to 58 Members of Congress on July 23, 2018, in response to their letter expressing concern with proposed changes to the Lifeline program. Pai said the 2017 Lifeline [Order](#) increased consumer choice by eliminating restrictions that barred Lifeline consumers from changing Lifeline providers for a year and protected consumers by barring low-quality services that offered mobile broadband in theory but failed to do so in practice. He also said the accompanying NPRM sought comment on a wide variety of measures to improve the administration of the Lifeline program, and the Commission is reviewing the record that has been compiled to determine the best path forward.
- USAC filed [Federal Universal Service Support Mechanisms Fund Size Projections](#) for the fourth quarter of 2018 on August 2, 2018. USAC stated the total high-cost support mechanism funding requirements are projected to be \$1.199 billion. (Appendices are available on USAC's [website](#).)
- USAC filed a [third update](#) to the National Verifier Plan on July 31, 2018, which was created in response to the 2017 Lifeline Modernization [Order](#). USAC stated this updated version describes the systems and processes of the National Verifier, provides a status of the project, and details the work that remains to make it a success.

[Back to Highlights](#)

Call Completion

- Comments and oppositions were filed on the Petitions for Reconsideration of the Rural Call Completion Order filed by NTCA and USTelecom. [WTA](#) supported NTCA's Petition, agreeing with NTCA's assessment that the Commission incorrectly decided not to require covered providers to file their rural call completion monitoring procedures with the Commission. WTA said without Commission reporting and oversight, covered providers will have significantly reduced incentives to adopt and implement effective call completion monitoring procedures, and the problems will persist. [USTelecom](#) said NTCA's Petition should be denied because it provides no compelling evidence to demonstrate the filing

of such procedures would be effective in mitigating any remaining rural call completion problems and a filing requirement would also unnecessarily expose covered providers' competitively sensitive information. [ITTA](#) supported USTelecom's Petition and opposed NTCA's Petition, saying with the Commission statutorily required to implement service quality standards for intermediate providers, the onerous covered provider monitoring requirements adopted by the Commission in the Second RCC Order are duplicative and overkill. It said if the Commission does not fully vacate the covered provider monitoring requirements, it should reject NTCA's request. ITTA also said with the compliance deadline for the Second RCC Order just over two months away, the Commission must act immediately to stay effectiveness of the covered provider monitoring requirements until the Commission can reevaluate their merits. [The VON Coalition](#) questioned how publicly filing already-required documentation would further incent covered providers to adhere to the rural calling rules. It said adoption of NTCA's proposed filing obligation would impose a meaningful burden on covered providers without any counterbalancing benefit, and it urged the FCC to deny NTCA's Petition. [All comments available to date](#). Replies are due August 13. [FR](#)

[Back to Highlights](#)

Misc.

- The FCC released the following items that were adopted at its August 2, 2018 [Open Meeting](#): a [Report and Order](#) that will allow one-touch make-ready for most pole attachments and further reforms the pole attachment process, and a Declaratory Ruling that concludes section 253(a) prohibits state and local moratoria on telecommunications facilities deployment; a [Notice of Inquiry](#) on creating a USF 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 FCC [deleted](#) the personnel action item that was listed in the [agenda](#) for its August 2, 2018 Open Meeting. The FCC indicated the item has already been adopted.
- The FCC published in [Federal Register](#) on July 31, 2018, the [Public Notice](#) seeking comment on whether the rules adopted in 2005-2006 should be continued without change, amended, or rescinded, consistent with the stated objective of section 610 of the Regulatory Flexibility Act, to minimize any significant economic impact of such rules upon a substantial number of small entities. Certain rules in Parts 54 and 64 are included in this review. Comments are due October 29, 2018.
- Chairman Pai sent [letters](#) to Sens. Edward Markey (D-Mass.) and Michael Lee (R-Utah) and Reps. Anna Eshoo (D-Calif.) and Frank LoBiondo (R-N.J.) on July 23, 2018, in response to their letter regard the TCPA and robocalls. Pai said the FCC has aggressively enforced the TCPA as well as the Truth in Caller ID Act, and noted in November, it authorized carriers to stop certain robocalls at the source while the FCC pursued creation of a reassigned numbers database and a robust call-authentication framework. He noted their letter urged the FCC to protect the public from unwanted robocalls and robotexts from government contractors; and said in light of the D.C. Circuit's decision in *ACA International v. FCC* on key TCPA issues, the Commission sought renewed comment on the *Broadnet* decision and the *2016 Federal Debt Collection Rules*. Pai said the Commission will make every effort to interpret the TCPA faithfully, protect consumers, and not bestow regulatory largesse upon certain types of robocallers.
- ATIS and the SIP Forum [announced](#) the release on July 31, 2018, of two new technical reports advancing industry efforts to mitigate unwanted robocalling: the [Technical Report on a Framework for](#)

[Display of Verified Caller ID \(ATIS-1000081\)](#) and the [Technical Report on SHAKEN API for a Centralized Signing and Signature Validation Server \(ATIS-1000082\)](#). They said these two new resources further define the framework provided by the SHAKEN specification, which offers, for the first time in the network, a practical strategy to provide verified information about the calling party as well as the call's origin. SHAKEN specifically defines a mechanism to verify a calling number and specifies how identity information will be securely transported in SIP "on the wire."

- First Orion [met with](#) Eric Burger and Sherwin Siy of the Commission staff on July 25, 2018, to discuss its illegal and unwanted call identification and blocking methodologies.
- Chairman Pai sent [letters](#) to Reps. Frank Pallone Jr. (D- N.J.) and Mike Doyle (D- Pa.) on July 23, 2018, in response to their letter expressing concern with revisions to the informal complaint process. Pai said not one commenter expressed any concern about the change to the text of the informal complaint rule, and said the modification to the informal complaint rules in the [Report and Order](#) adopted on July 12, 2018, is exactly the same as was proposed in the Notice. Pai asserted that modification does not affect how the Commission deals with informal complaints but merely clarifies the existing, uncodified practice, which has been in place since 1986 and in no way impedes the Commission's ability to take enforcement actions on the basis of informal complaints.
- The Senate Commerce, Science, and Transportation Committee rescheduled the [hearing](#) on oversight of the FCC from August 15, 2018, to August 16, 2018. Chairman Pai and all Commissioners are scheduled to appear.
- The Wireline Competition Bureau released an [Order](#) on August 2, 2018, granting CenturyLink's request for an extension of the waiver of the Commission's numbering rules issued by the Bureau on September 21, 2017. The Bureau said due to the extensive damage in the U.S. Virgin Islands caused by Hurricane Maria, it is in the public interest to extend the waiver to allow CenturyLink additional time to restore services to its customers in the USVI. The Bureau granted a six-month extension, until February 1, 2019.
- The FCC issued a [News Release](#) on July 30, 2018, announcing Chairman Pai appointed Babette Boliek as Chief Economist for the FCC. Dr. Boliek currently serves as a Professor of law and the Associate Dean of faculty research at Pepperdine University School of Law. The FCC Chief Economist advises the Chairman, Commissioners, Bureaus, and Offices on economic issues, and typically serves a one-year term. The Chief Economist works within the FCC's Office of Strategic Planning and Policy Analysis and will be a central figure in the FCC's new Office of Economics and Analytics.

[Back to Highlights](#)

Upcoming Filing Dates

- 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](#)
- Aug. 29 - Comments due on the proposed eligible services list for the schools and libraries USF support mechanism for funding year 2019. Replies are due September 13, 2018. [Public Notice](#)
- Aug. 30 – Comments due on NTCA's [Petition](#) that seeks 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. Replies are due September 14, 2018. [Public Notice](#)
- Aug. 30 – Comments due on TracFone's [Motion](#) to renew its November 2017 [Petition](#) seeking an emergency waiver of section 54.408(b) or declaratory ruling that the rule enables 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. Replies are due September 14, 2018. [Public Notice](#)
- 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. 10 - Comments due on the [Notice of Inquiry](#) on creating a USF pilot program to promote the use of telehealth services among low-income Americans. Replies are due October 10, 2018.
- Sept. 13 – Replies due on the proposed eligible services list for the schools and libraries USF support mechanism for funding year 2019. [Public Notice](#)
- Sept. 13 - Replies due on NTCA's [Petition](#) that seeks 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. [Public Notice](#)
- Sept. 14 - Replies due on TracFone's [Motion](#) to renew its November 2017 [Petition](#) seeking an emergency waiver of section 54.408(b) or declaratory ruling that the rule enables 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. [Public Notice](#)
- 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 - PRA comments due on a revision of a currently approved information collection associated with modifications to the rules applicable to section 214(a) discontinuance applications, which were made in the June 8, 2018 [Second Report and Order](#). [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. 1 - PRA comments due on a revised information collection pursuant to new rules adopted in June 2018 concerning certain information collection requirements implemented under section 251(c)(5) pertaining to network change disclosures and notices of planned copper retirements. [FR](#)
- Oct. 10 - Replies due on the [Notice of Inquiry](#) on creating a USF pilot program to promote the use of telehealth services among low-income Americans.
- Oct. 16 - Replies due on IP CTS [FNPRM](#). [FR](#)
- Oct. 16 - Comments due on IP CTS [NOI](#). Replies are due November 15, 2018. [FR](#)
- Oct. 29 - Comments due on whether the rules adopted in 2005-2006 should be continued without change, amended, or rescinded, consistent with the stated objective of section 610 of the Regulatory Flexibility Act. [Public Notice](#) | [Federal Register](#)
- Nov. 15 - Replies due on IP CTS [NOI](#). [FR](#)

[Back to Highlights](#)