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August 15, 2016 HIGHLIGHTS

- The Sixth Circuit Court issued a [decision](#) reversing the FCC's 2015 [Order](#) that preempted certain state laws restricting municipal provision of broadband service. The FCC Commissioners issued [statements](#).
- The FCC issued a Small Entity Compliance [Guide](#) describing the service and reporting obligations for rate-of-return carriers that voluntarily elect, on a state-level basis, to receive CAF A-CAM model-based support or that choose to remain on legacy mechanisms, per the March 30, 2016 [Order](#).
- Valley Telephone and its subsidiary, Copper Valley Telephone, filed an [Application for Review](#) of the [Order](#) that concluded the A-CAM model challenge process. They also [seek a stay](#) of the WCB's finalization of the A-CAM and imposition of a 90-day deadline for rate-of-return carriers to elect model-based support.
- The FCC [corrected the reply due date](#) for petitions for reconsideration filed on the RoR USF Reform [Order](#) by [NTCA](#), [WTA](#), [Custer Telephone](#), and [Madison Telephone](#). Oppositions are due August 15; replies due August 25.
- The FCC [announced Baraga Telephone](#) filed a Petition for Reconsideration of the RoR USF Reform [Order](#). Opposition due date not yet set.
- The Wireline Competition Bureau issued a [Public Notice](#) announcing the release of a preliminary list and map of census blocks that have been deemed initially eligible for the CAF Phase II auction.
- The FCC [announced petitions for reconsideration](#) have been filed on the CAF Phase II Auction Order. Oppositions are due 15 days from Federal Register publication; replies due 10 days after oppositions.
- [Replies were filed](#) on [three sets of issues](#) relating to the process for determining winning bidders in the CAF Phase II auction.
- [Replies were filed](#) on the [FNPRM](#) proposing a new competition-triggered deregulatory framework for the provision of business data services that classifies markets as either non-competitive or competitive.
- [Replies to oppositions](#) were filed on [petitions for reconsideration](#) of the Lifeline Reform [Order](#).

Other Key Upcoming Dates

- Aug. 15 - Oppositions due to petitions for reconsideration of the RoR USF Reform [Order](#) filed by [NTCA](#), [WTA](#), [Custer Telephone](#), and [Madison Telephone](#). [Notice](#). Replies due August 25.
- Aug. 22 - PRA comments due on the survey of urban rates for fixed voice and fixed broadband residential services. [Notice](#)
- Aug. 31 - PRA comments are due on a new collection associated with the March 2016 RoR USF Reform [Order](#). [Notice](#)

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USF Reform

- The FCC issued a Small Entity Compliance [Guide](#) on August 11, 2016, describing the service and reporting obligations for rate-of-return carriers that voluntarily elect, on a state-level basis, to receive CAF ACAM model-based support or that choose to remain on legacy mechanisms, per the March 30, 2016 [Order](#). The guide details various performance, deployment, and reporting obligations for all RoR carriers receiving high-cost support, including speed, latency, data usage, buildout, reporting, certification, recordkeeping, interconnection, and pricing
- The Wireline Competition Bureau issued a [Public Notice](#) on August 10, 2016, announcing the release of a preliminary list and map of census blocks that have been deemed initially eligible for the CAF Phase II auction. The Bureau said this is not the final list of areas that will be in the auction. The Bureau will publish the final list of eligible census blocks based on more recent publicly available Form 477 data no later than three months prior to the deadline for submission of short-form applications for the Phase II auction. The Bureau indicated it has updated the coverage for unsubsidized competitors and, per the CAF Phase II Auction Order, has excluded from eligibility certain census blocks, including those where at least one price cap carrier accepted Phase II support, those census blocks that are split between a price cap carrier and a rate-of-return carrier, and those that are served by price cap carriers at speeds of at least 10/1 Mbps. The Bureau invites price cap carriers and unsubsidized competitors to notify it by August 31, 2016, that since June 30, 2015, they have newly deployed broadband at 10/1 Mbps speeds or greater, with a minimum usage allowance of 150 GBs, at a rate meeting the Commission's current reasonable comparability benchmark, with latency not exceeding 100 ms, in census blocks that are included in this preliminary list. It also encouraged all interested parties to make any appropriate corrections to their FCC Form 477 data to ensure that coverage is accurately reflected. The list can be found at: https://transition.fcc.gov/wcb/Prelim_Phase_II_Auction_Eligible_CBs_081016.zip, and the map can be found shortly at <https://www.fcc.gov/reports-research/maps/caf-2-auction-preliminaryareas>
- The FCC published a [Notice](#) in the Federal Register on August 15, 2016, correcting the dates published in a previous FR notice regarding the comment and reply deadlines for the petitions for reconsideration filed on the RoR USF Reform Order by [NTCA](#), [WTA](#), [Custer Telephone Cooperative](#), and [Madison Telephone Company](#). Oppositions must be filed by August 15, 2016; replies are due August 25, 2016.
- The FCC issued a [Public Notice](#) on August 10, 2016, announcing a Petition for Reconsideration of the RoR USF Reform Order has been filed by [Baraga Telephone Company](#) on May 25, 2016. Oppositions are due 15 days from the date of publication in the Federal Register; replies are due within 10 days after the time for filing oppositions has expired.
- Valley Telephone Cooperative and its subsidiary, Copper Valley Telephone, filed an [Application for Review](#) on August 8, 2016, of the Wireline Competition Bureau's [Order](#) that concluded the A-CAM model streamlined challenge process. They asserted the Bureau rejected the inclusion of corrected data in its A-CAM, and instead incorporated data it knows to be incorrect. They asked the FCC to direct the Bureau to correct the A-CAM data by incorporating the data they submitted in their comments. They also filed a [Petition for Limited Stay](#) of the Wireline Competition Bureau's finalization of A-CAM and the imposition of a 90-day deadline for rate-of-return carriers to elect model-based support, as announced in the Bureau's August 3, 2016 [Public Notice](#).
- The FCC issued a [Public Notice](#) on August 12, 2016, announcing petitions for reconsideration have been filed on the CAF Phase II Auction Order by [Broad Valley Micro Fiber Networks](#), [ADTRAN](#), [Crocker Telecommunications](#), [Verizon](#), [Southern Tier Wireless](#), the [National Rural Electric Cooperative Association and Utilities Technology Council](#), and [ViaSat](#). Oppositions must be filed within 15 days of publication in the Federal Register; replies are due 10 days after the time for filing oppositions has expired.
- In addition to those listed in a previous edition of *REGScan*, Petitions for Reconsideration of the May 26, 2016 [Report and Order](#) on the CAF Phase II auction procedures were filed on August 9, 2016.

[Verizon](#) said the Commission should rank bids based on dollar per location, rather than using the ratio of the bid to the reserve price; modify the usage requirement for the “above baseline” and “gigabit” performance tiers; and modify the location flexibility rules. [ViaSat](#) urged the FCC to reconsider its decision to retain the right to re-auction and terminate support for any areas won by satellite broadband bidders that do not achieve a significant broadband subscription level by 2020. ViaSat also said the FCC should clarify the requirement that potential bidders have access to sufficient spectrum resources. [List of all petitions available to date](#).

- In addition to reply comments listed in a previous edition of *REGScan*, replies were filed on August 5, 2016, on [three sets of issues](#) relating to the process for determining winning bidders in the CAF Phase II auction: how to apply weights to the different levels of performance adopted in the Order; measures to ensure appropriate support for all of the states; and measures to expand broadband on Tribal lands. [Verizon](#) claimed the record confirms that the Commission should set the auction weights to maximize broadband deployment within the limited auction budget, rather than deplete the limited funds with large subsidies for the costliest performance tier. [USTelecom](#) asserted the record demonstrates support for adoption of an auction weighting approach consistent with the one proposed by USTelecom. [ACA](#) suggested the FCC weight bids based on the statutory requirement that consumers in eligible areas receive reasonably comparable service to urban consumer preferences for broadband Internet access services over the 10-year timeframe of the program. [List of replies available to date](#)
- The Rural Wireless Association [met with](#) Legal Advisors to Commissioners Clyburn and Rosenworcel on August 4-5, 2016, to discuss the Mobility Fund, CAF Phase II, and business data services. RWA urged the Commission to retain the originally proposed \$500 million annual budget for Mobility Fund Phase II, and asserted that a geographic measurement is preferable to a population-based or road mile metric. RWA also expressed its support for recent Commission action allowing wireless carriers to compete in the forthcoming CAF Phase II auction, but noted that the bid weighting scheme must not prevent such carriers from effectively competing. RWA also asserted that excessively high priced backhaul services negatively impact the deployment of robust, advanced mobile wireless networks in rural areas.

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Broadband

- The Sixth Circuit Court issued a [decision](#) on August 10, 2016, granting the [State of North Carolina's](#) and the [State of Tennessee's](#) Petitions for Review of the FCC's March 12, 2015 [Order](#) that preempted certain state laws restricting municipal provision of broadband service. The court reversed the FCC's Order, stating the preemption by the FCC of the allocation of power between a state and its subdivisions requires at least a clear statement in the authorizing federal legislation and § 706 of the 1996 Telecom Act falls far short of such a clear statement. The court did not address certain issues debated by the parties, including: whether section 706 provides the FCC any preemptive power at all; whether Congress could give the FCC the power to preempt as it did in this case; if the FCC had such power, its exercise of it was arbitrary or capricious in this case; and to what extent the clear statement rule would apply to FCC preemption if a state required its municipality to act contrary to otherwise valid FCC regulations.
- The FCC Commissioners issued statements on the Sixth Circuit Court's [decision](#) reversing the FCC's March 12, 2015 Municipal Broadband [Order](#). [Chairman Wheeler](#) said the “efforts of communities wanting better broadband should not be thwarted by the political power of those who, by protecting their monopoly, have failed to deliver acceptable service at an acceptable price.” [Commissioner Rosenworcel](#) said the decision “is a set-back” and “makes it harder for communities struggling when existing providers fail to meet their needs.” [Commissioner Clyburn](#) said she is “extremely disappointed that our long-standing mission to promote the deployment of broadband to every American has been dealt a blow by today's decision.” [Commissioner Pai](#) said the “court's decision is a big victory for the rule of law and federalism.” [Commissioner O'Rielly](#) said the “FCC clearly tried to invoke imaginary authority and finally was called out by a court for doing so.”

- Frontier, CenturyLink, and ITTA [met with](#) Wireline Competition Bureau staff on August 5, 2016, to discuss the broadband privacy [NPRM](#). They discussed ITTA's comments, and expressed general support for the "Industry Framework" proposed on March 1, 2016, by five associations of wireline and mobile carriers and ISPs based on the FTC privacy regime. They asserted neither section 222 of the Communications Act, nor any other provision of the Act, provides authority for the Commission's proposed measures. They said in the event the FCC does proceed to adopt rules, there should be a prolonged implementation period for such rules for the benefit of providers and consumer education.
- Internet researchers and technologists sent a [letter](#) to Chairman Wheeler and the FCC Commissioners on August 6, 2016, to express concern with certain portions of the broadband privacy NPRM. They attached proposed language to section 64.7002(a) that they claim seeks to exempt researchers and technologists who are engaged in Internet research, balancing consumer privacy with the benefits of technical research that fundamentally depends on data-sharing agreements between BIAS providers and Internet researchers.
- CTIA and the Competitive Carriers Association filed a [letter](#) on August 10, 2016, to reiterate their concerns with the Mobile Measuring Broadband America program. They expressed concern with the breadth and quality of the data collected and its accuracy and reliability. They also said the Commission has yet to provide the carrier community with information on the collection and filtering methods used to prepare speed test data, and said the Commission has not established a review process prior to the anticipated release of the MMBA Report with sufficient time for the carrier community to evaluate the data.
- NTIA [published a blog](#) on August 10, 2016, on the state of the urban/rural digital divide. NTIA said while 75 percent of Americans reported using the Internet in July 2015, the longstanding disparity between urban and rural users persists, and said in spite of advances in both policy and technology, the barriers to Internet adoption existing in rural communities are complex and stubborn. NTIA said all persons, regardless of race or ethnicity, were less likely to use the Internet when living in rural areas, but certain groups of rural residents face a particularly large digital divide. The data comes from NTIA's Computer and Internet Use Supplement to the Census Bureau's Current Population Survey.
- NTIA issued [Notice](#) in the Federal Register on August 12, 2016, announcing that, as part of its BroadbandUSA program, it will host a series of webinars on a monthly basis to provide the public and stakeholders with information to accelerate broadband access, improve digital inclusion, strengthen broadband policies, and support local community priorities. The webinars will be held on the third Wednesday of every month, beginning August 17, 2016, and continuing through January 19, 2017. Details on specific webinar topics and registration information will be posted on <http://www2.ntia.doc.gov/>.

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Open Internet

- The FCC published a [Notice](#) in the Federal Register on August 11, 2016, seeking PRA comments on a revision of a currently approved information collection associated with the Open Internet rules requiring all providers of broadband Internet access service to publicly disclose accurate information regarding the network management practices, performance, and commercial terms of their broadband Internet access services. PRA comments are due September 12.
- The Competitive Carriers Association [met with](#) Consumer and Governmental Affairs staff on August 9, 2016, to discuss its concerns with the recently released consumer labels for broadband services, which may serve as a safe harbor for enhanced transparency disclosures required by the 2015 Open Internet Order. CCA noted the label requires disclosure of information that exempted small carriers are not required to provide, and claimed exempted carriers are unlikely to use the label and therefore are left without a safe harbor. CCA urged the Commission to consider the needs of small carriers, especially with respect to important compliance backstops like safe harbors, as well as consumer-facing disclosure frameworks which may impact a carrier's relationship with its customers.

IP Transition

- Granite Telecommunications [met with](#) Chairman Wheeler's Legal Advisor and General Counsel staff on August 9, 2016, to advocate an adjustment to the regulatory backstop for wholesale platform services, which was adopted in the [Technology Transitions Order](#). Granite claimed the termination of the business data services proceeding is not the appropriate trigger for eliminating the backstop because the Commission is not analyzing the market for voice grade loops, switching, and transport facilities in this proceeding. Granite asserted the FCC should retain the regulatory backstop for wholesale platform services until it completes an examination of the relevant market for the voice lines, switching, and transport facilities that comprise the wholesale voice platform.

USF

- Replies to oppositions were filed on August 8, 2016, to [petitions for reconsideration](#) of the Lifeline Reform [Order](#). [NTCA and WTA](#) said all Lifeline-eligible consumers should be permitted to participate in the Lifeline program regardless of where they live or what level of service is available from local provider(s) and the 12-month port freeze should be abandoned. [CenturyLink](#) supported: a delay in the rolling recertification until the National Verifier is in place; permitting a Lifeline discount on any fixed broadband speed offering; and reconsidering mandating a 12-month port freeze on Lifeline-supported broadband internet access service. [USTelecom](#) asserted the FCC cannot require rolling recertification prior to implementation of the national verifier or impose port freeze requirements, and should extend the effective date for implementation of the streamlined eligibility criteria and the offering of broadband internet access service for the federal Lifeline program. [CTIA](#) asserted the FCC should seek public input on a more economically justifiable standard and reconsider the decision to set the long-term minimum capacity standards for mobile broadband at 70 percent of the average mobile data usage per household. [TracFone](#) claimed a 12-month port freeze rule for broadband Lifeline is appropriate and Lifeline customers should have choice in how they use their Lifeline supported device. [NASUCA](#) claimed retaining stand-alone voice as a Lifeline-eligible service on a network designed for broadband is beneficial to both customers and carriers. The [Joint Lifeline ETC Petitioners](#) asserted those opponents that challenged their positions fail to provide any meaningful evidence demonstrating how removing the benefit port freeze or maintaining a shortened non-usage period will benefit consumers or the Lifeline market. The [Pennsylvania PUC](#) responded to oppositions filed by USTelecom and NCTA, and said the Commission should explicitly clarify the role of the state commissions and provide guidelines to avoid burdensome and costly litigation at the state and federal level. [List of all replies available to date Notice](#)
- The Wireline Competition Bureau issued an [Order on Reconsideration](#) on August 10, 2016, denying ASTAC Wireless' Petition for Reconsideration of the Bureau's Order denying ASTAC's waiver request of the second quarter 2015 and third quarter 2015 line count filing deadlines established by section 54.307(c). The Bureau concluded that ASTAC failed to present any argument warranting reconsideration of the Bureau's decision to deny its Petition for Waiver of high-cost filing deadlines.
- The Wireline Competition Bureau issued a [Public Notice](#) on August 10, 2016, announcing it approved the wireline compliance plans of Global Connection and Phone Club Corporation, as a condition of obtaining forbearance from the facilities requirement of the Communications Act of 1934 for the continued provision of Lifeline service.
- Sacred Wind Communications [met with](#) Commissioner Clyburn and her Legal Advisor on August 9, 2016, to discuss the Lifeline Modernization Order. Sacred Wind asserted the current plan to provide Lifeline support for broadband does not seem to work for the benefit of many of its Tribal Lifeline customers.

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Misc.

- Reply comments were filed on August 9, 2016, on the [FNPRM](#) proposing a new competition-triggered deregulatory framework for the provision of business data services that classifies markets as either non-competitive or competitive. [NTCA](#) suggested the FCC use this proceeding and related technology transitions efforts as a springboard to harmonize and right-size regulation of all transmission and exchange of data between networks in a careful manner and in furtherance of statutory goals of consumer protection, competition, and universal service. [AT&T](#) said the record does not support the new proposed regulations for BDS, and said the Commission should not issue blanket regulations governing terms and conditions in commercial agreements and tariffs. [Verizon](#) claimed the Verizon/INCOMPAS proposals provide a path towards a workable framework for business data services. [USTelecom](#) asserted the Commission's proposals would only create incentives for competitors to engage in subsidized resale rather than to deploy their own network, which would harm the business customers this proceeding is intended to protect. The [Pennsylvania PUC](#) said it does not object to various aspects of the Verizon/INCOMPAS framework, and agreed the FCC should adopt a technology-neutral regulatory regime for BDS. The PUC also said concerns about ongoing technological changes, competitive access, and universal service should be addressed within the principle of cooperative federalism. [TDS Metrocom](#) recommended the Commission adopt a competitive market test to measure competition and provide regulatory flexibility where competition exists, but retain key non-discrimination protections that allow competitive providers to buy wholesale services. The [Competitive Carriers Association](#) suggested the Commission adopt a presumption that low capacity BDS are not competitive and apply a competitive market test to high capacity BDS to determine whether effective competition is present in a census block. [List of all replies available to date](#)
- ITTA [met with](#) Legal Advisors to Chairman Wheeler and Commissioner O'Rielly and Wireline Competition Bureau staff on August 9, 2016, to express opposition to the Verizon-INCOMPAS proposed regulatory [framework](#) for business data services. ITTA asserted the proposal is not, as claimed, a "middle ground between many different perspectives," and argued the competitive market test should be administered in a technologically-neutral manner. It also said the FCC should find detariffing permissible, not mandatory.
- INCOMPAS and Verizon filed a [letter](#) on August 9, 2016, offering further proposals on their framework for business data services. They claimed their proposal is an administratively manageable methodology for establishing benchmarks for packet-based BDS deemed non-competitive, and suggested the FCC adopt a streamlined dispute resolution process that reflects which parties possess necessary information to resolve complaints related to compliance with the benchmarks. For the competitive market test, they suggested the FCC define a facilities-based provider as one that has an actual customer or connection in a census block served by facilities owned, not leased, by that provider. In measuring the number of such providers needed to demonstrate that a census block is competitive, they proposed the FCC measure the number of providers in either the census block or any adjacent census block.
- Verizon [met with](#) General Counsel and Wireline Competition Bureau staff on August 3, 2016, agreeing with the FCC that business data services are telecommunications services, regardless of the provider supplying the service. Verizon also said negotiating individualized contractual terms does not automatically change a common-carriage service into private carriage. Verizon also [discussed](#) its proposal that packet-based business data services in non-competitive areas be subject to light-touch price regulation based on benchmarks.
- CenturyLink and Frontier [met with](#) General Counsel and Wireline Competition Bureau staff on August 3, 2016, to assert price regulation will distort and deter competition in the business data services market. They also claimed prices set too low will preclude competitors from entering the market and deter further infrastructure investment in rural America, which is particularly costly to serve. They also discussed backhaul purchasing trends and described how carriers negotiate backhaul and other BDS agreements.

- USTelecom [met with](#) Wireline Competition Bureau staff on August 8, 2016, to discuss the findings of its survey of small and medium-sized business customers and their use of business broadband services. USTelecom asserted most business customers surveyed expressed a willingness to switch to cable-provided business internet access services and data networking services, contrary to suggestions in the record that cable services in general, and cable “best efforts” services specifically, are not regarded as adequate substitutes for BDS.
- American Agri-Women, Intertribal Agriculture Council, *et al.* sent a [letter](#) to Chairman Wheeler on August 11, 2016, asking him to reconsider the proposed rule for regulation of the business data services market. They claimed this proposal would discourage needed investment in the broadband marketplace and could force cuts in millions of dollars in future investment. They asserted there is a miscalculation regarding the level of competition within the current high-speed internet marketplace, and claimed the analysis relies upon outdated data that underestimates cable providers’ ability to provide competition for special access services.
- AT&T [met with](#) Wireline Competition Bureau staff on August 4, 2016, to assert the Commission should not impose any rate regulation on Ethernet services, and claimed there is no justification for a new BDS-specific X-factor.
- ACS filed a [letter](#) on August 9, 2016, to respond to GCI’s [letter](#) on the regulation of business data services in Alaska. ACS asserted it is GCI that enjoys unique market power in the Alaska middle-mile market, and claimed GCI overstates its case in alleging ACS’s “dominance” in the last-mile market. ACS also said the Commission should not fear for GCI’s ability to compete as an ILEC or a CETC in Alaska, and asserted that by its own admission GCI is the largest network operator and the largest broadband provider in the state, and not in need of subsidized special construction from the ILEC.
- Mediacom Communications [met with](#) Wireline Competition Bureau staff on August 4, 2016, to discuss the unique challenges facing cable providers operating in rural and less densely populated areas. Mediacom asserted the imposition of any form of price cap regulation on such providers is likely to create disincentives for further investment in such areas, which will, in turn, undermine competition in the BDS market.
- Compass Lexecon filed a [letter](#) on August 9, 2016, attaching a paper entitled “Analysis of the Regressions and Other Data Relied Upon in the Business Data Services FNPRM and a Proposed Competitive Market Test.” Compass Lexecon said after reviewing the additional analyses available, it verified that previous conclusions in its earlier white papers continue to hold. It also said if the Commission chooses to revise its price cap rules to delineate between competitive and non-competitive areas, its proposed competitive market test provides a workable solution that is solidly grounded on the actual data collected by the Commission.
- Invest in Broadband for America filed a [letter](#) on August 8, 2016, attaching a white paper prepared by James E. Prieger, Professor of Economics and Public Policy, Pepperdine University, entitled “Investment in Business Broadband in Rural Areas: The Impacts of Price Regulation and the FCC’s Blind Spot.” The paper finds the FCC’s data fails to accurately represent the market as it currently stands and without updated research the Commission leaves unexplored the impending local and national effects of rate cuts on markets.
- The Idaho PUC sent a [letter](#) to Chairman Wheeler on August 4, 2016, to urge the Commission to ensure if a final rule on business data services is adopted, that it is based on accurate industry data and promotes strong continued investment in broadband infrastructure. The PUC also asserted as the Commission works towards a final rule, it is imperative to use all available data for rural states, such as theirs, as well as data submitted by the major cable operators.
- BT [spoke with](#) Chairman Wheeler on August 3, 2016, to assert price reductions for Ethernet and TDM-based business data services proposed by Verizon and INCOMPAS are reasonable in light of the state of deregulation of these services in the U.S. BT also discussed its experience with access regulation in the UK.

- The Competitive Carriers Association and Blue Wireless [spoke with](#) Commissioner Rosenworcel's Legal Advisor on August 3, 2016, to suggest the Commission adopt a forward-looking remedy for the business data services marketplace that will remain relevant as advanced wireless services demand increasingly higher speeds.
- The FCC issued a [Public Notice](#) on August 12, 2016, announcing it will host the first meeting of the Robocall Strike Force on August 19, 2016. The Robocall Strike Force is an industry-led group committed to developing comprehensive solutions to prevent, detect, and filter unwanted robocalls. The first portion of the meeting will be open to the public, and will be streamed live at www.fcc.gov/live. Chairman Wheeler, Commissioner Clyburn, and AT&T CEO Randall Stephenson, who will chair the Strike Force, are expected to make remarks.
- CenturyLink, Frontier and ITTA [met with](#) Legal Advisors to Commissioners Clyburn and Pai on August 10 - 11, 2016, to discuss what they say is the disproportionate regulatory fee burden borne by wireline voice providers and their customers and the need for the Commission to adjust its regulatory fee structure. They suggested the Commission combine wireless voice providers into the ITSP regulatory fee category so that all voice providers pay regulatory fees associated with the work of the Wireline Competition Bureau on the same basis.
- The FCC's Enforcement Bureau issued an [Order and Consent Decree](#) on August 8, 2016, resolving its investigation into whether AT&T allowed scammers to charge customers approximately \$9 per month for a sham directory assistance service. The FCC said AT&T will issue refunds to all consumers charged for the sham directory assistance subscription service since January 2012 (expected to total \$6,800,000), implement a compliance plan to protect consumers from unauthorized charges, pay a \$950,000 civil penalty, and will cease billing for third-party products and services on its wireline bills, with certain exceptions. [News release](#)
- Chairman Wheeler issued a [statement](#) on August 9, 2016, on the signing of the LNP Administrator contract. He said the Commission gave final approval on July 25, 2016, to the selection by the North American Numbering Council of iconectiv as LNP Administrator, and said the FCC found that the contract between the industry consortium overseeing the system, the NAPM, and iconectiv meets strict FCC requirements to ensure the reliability, security, and competitive neutrality of the numbering system.
- The Wireline Competition Bureau issued a [Public Notice](#) on August 11, 2016, announcing PriceWaterhouseCoopers, LLP, the Transition Oversight Manager for the LNPA transition, will host the eighth LNPA Transition Outreach and Education Plan webcast on August 31, 2016. Interested parties may register for the webcast by visiting: <https://event.webcasts.com/starthere.jsp?ei=1113375>.
- No comments were filed on Fairpoint's [Compliance Plan](#) for forbearance relief from the Commission's cost assignment rules. Replies due August 22. [Public Notice](#)
- The FCC [published](#) in the Federal Register on August 9, 2016, the [Order](#) terminating as dormant the proceedings listed on the Attachment to the Order. It left open the following two proceedings; Docket No. 87-24, Amendment of the Commission's Rules Relating to Program Exclusivity in the Cable and Broadcast Industries, and RM-10335, Amendment of the Commission's Rules to Extend Its Network and Non-Network Territorial Exclusivity, Syndicated Exclusivity, and Network Non-Duplication Protection Rules. The Bureau said further action in these two proceedings may be required. The Order is effective August 9, 2016.

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Upcoming Filing Dates

- Aug. 15 - Oppositions due to petitions for reconsideration of the RoR USF Reform Order filed by [NTCA](#), [WTA](#), [Custer Telephone Cooperative](#), and [Madison Telephone Company](#). Replies due August 25. [Notice](#), [Notice](#)
- Aug. 16 - Comments due on Edge Communications Solutions' application to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. [Public Notice](#)
- Aug. 22 - PRA comments due on the form and content of its survey of urban rates for fixed voice and fixed broadband residential services. [Notice](#)
- Aug. 22 - Replies due on Fairpoint's [Compliance Plan](#) for forbearance relief from the Commission's cost assignment rules. [Public Notice](#)
- Aug. 24 - PRA comments due on revisions of a currently approved collection to comply with new rules adopted in the Lifeline Third Reform [Order](#). [Notice](#)
- Aug. 24 - PRA comments due on revisions of currently approved collections associated with Part 61, Tariffs. [Notice](#)
- Aug. 24 - PRA comments due on an extension of a currently approved collection associated with local number portability. [Notice](#)
- Aug. 25 - Replies due to oppositions to petitions for reconsideration of the RoR USF Reform Order filed by [NTCA](#), [WTA](#), [Custer Telephone Cooperative](#), and [Madison Telephone Company](#). [Notice](#), [Notice](#)
- Aug. 31 - PRA comments are due on a new collection associated with the March 2016 RoR USF Reform [Order](#). [Notice](#)
- Sept. 6 - Comments due on the [Twelfth Broadband Progress Notice of Inquiry](#) on the appropriate criteria and benchmarks by which to measure whether fixed and mobile broadband services provide access to advanced telecommunications capability. Replies due September 21.
- Sept. 21 - Comments due on data and information on the state of competition in the delivery of video programming for the Commission's Eighteenth Report, and to update the information and metrics provided in the [Seventeenth Report](#). Replies due October 24. [Public Notice](#)
- Sept. 12 - PRA comments due on a revision of a currently approved collection associated with the Open Internet rules requiring all providers of broadband Internet access service to publicly disclose accurate information regarding the network management practices, performance, and commercial terms of their broadband Internet access services. [Notice](#)
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