

NECA's Weekly Federal Regulatory Summary

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August 19, 2019 HIGHLIGHTS

- The Wireline Competition Bureau issued a [public notice](#) and [news release](#) announcing it authorized over \$16.2 million in CAF funding for three winning bidders over the next decade to expand broadband to 8,088 unserved rural New York homes and businesses.
- Iowa companies [discussed](#) their [petition for declaratory ruling](#) on the definition of locations under the A-CAM for home-based businesses.
- WISPA [expressed support](#) for eliminating the requirement that CAF recipients be required to temporarily upgrade their subscribers in order to conduct speed testing, as requested in NTCA's [application for review](#) of the July 2018 [Network Performance Testing Order](#).
- Farmers Mutual filed a [request](#) for an expedited waiver of the March 1, 2018 filing deadline for certifying broadband locations in the High Cost Universal Broadband system for A-CAM support received in 2019 for locations deployed in 2017.
- USTelecom [discussed](#) preliminary findings from the Broadband Mapping Consortium Pilot Project that it is leading along with ITTA and WISPA.
- HD Tandem [asserted](#) the adoption of Prong 1, as currently proposed in the [NPRM](#) on access arbitrage, would result in the creation of a new arbitrage platform that is solely available to access originators. Bandwidth [discussed](#) problems it experiences that it says are created by the current intercarrier compensation rules, including access charge avoidance by certain entities on interstate 8YY traffic.
- The FCC [announced](#) Chairman Pai circulated a draft order that would approve, subject to conditions, the proposed merger between T-Mobile and Sprint.

Other Key Upcoming Dates

- Aug. 23 - Replies [due](#) on the [FNPRM](#) on revisions to FCC rules implementing the TCPA and on implementation of SHAKEN/STIR.
- Aug. 26 - Replies [due](#) on the [NPRM](#) on establishing a cap on the USF.

USF Reform

- The Wireline Competition Bureau issued a [public notice](#) and [news release](#) on August 12, 2019, announcing it authorized over \$16.2 million in CAF funding for three winning bidders over the next decade to expand broadband to 8,088 unserved rural New York homes and businesses, in the second round of matching funds being provided in a partnership with the state's New NY Broadband Program. The FCC authorized the first round of funding in [July](#).
- Northeast Iowa Telephone and Western Iowa Telephone Association [met with](#) Chairman Pai's special counsel and [Wireline Competition Bureau staff](#) on August 13, 2019, to discuss their [petition for declaratory ruling](#) on the definition of locations under the A-CAM for home-based businesses. They reiterated the need to treat home-based businesses as eligible locations under A-CAM so long as the businesses are registered with the state or other government entity and the A-CAM carrier can provide service to such businesses within 10 business days, pursuant to FCC rules. They asserted imposing additional requirements for home-based businesses to count as locations would penalize A-CAM recipients that have made substantial investments to buildout their study area in reliance of the funding amount and number of locations articulated in the A-CAM offer they accepted.
- WISPA filed a [letter](#) on August 13, 2019, to express support for eliminating the requirement that CAF recipients be required to temporarily upgrade their subscribers in order to conduct speed testing, as requested in NTCA's [application for review](#) of the July 2018 [Network Performance Testing Order](#). WISPA suggested instead, that in cases where a CAF recipient demonstrates that it has met its performance milestones but there are an insufficient number of random test samples that subscribe to the speed to be tested, the CAF recipient should have the right to certify that there were an insufficient number of random test samples that subscribed to the speed required to be tested, and it tested "x" number of subscribers outside the random test sample in order to meet the minimum number of subscribers required to be tested.
- Farmers Mutual Telephone Company d/b/a Heartland Technology filed a [request](#) on August 13, 2019, for an expedited waiver of the March 1, 2018 filing deadline and late filing penalties for certifying broadband locations in the High Cost Universal Broadband system for A-CAM support received in 2019 for locations deployed in 2017. FMTC said a waiver will ensure that A-CAM support is not forfeited due to an unanticipated technical error that was not detectable and was not identified until a year after the applicable deadline.
- PTI Pacifica, d/b/a IT&E, filed [a third supplement](#) on August 12, 2019, to its 2016 [request for a waiver](#) of section 54.1006(a) and an extension of the deadline by which it must complete construction of a mobile wireless network under Mobility Fund Phase I for three census tracts in the Commonwealth of the Northern Mariana Islands. PTI said it has completed construction of two of the three census tracts, the Rota and Marpi census tracts, but extenuating circumstances continue to delay PTI's completion of the network build out of the Tinian census tract, and requested an additional year, until August 16, 2020.

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- HD Tandem [met with](#) legal advisors to Chairman Pai and Commissioners Carr, Rosenworcel, and O'Rielly, and staff from the Wireline Competition Bureau and Office of Economics and Analysis on August 8, 2019, to discuss the [NPRM](#) on access arbitrage. HD Tandem asserted the adoption of Prong 1, as currently proposed in the NPRM would result in the creation of a new arbitrage platform that is solely available to access originators. HD Tandem asserted any true access arbitrage solution will: contain no distinction as to types or classes of traffic; be geographically neutral or based on a non-geographically based approach; continue the departure from regulated rates, with commercial negotiations determining terms and conditions for the direct connection of the parties' traffic; and encourage the most efficient means of interconnection between carriers through IP technology.

- Bandwidth [met with](#) Commissioner O’Rielly’s legal advisor on August 12, 2019, to discuss problems it experiences that it says are created by the current intercarrier compensation rules, including access charge avoidance by certain entities on interstate 8YY traffic, misuse of 8YY routing data and revenue sharing behaviors, and demands by certain wireless carriers affiliated with ILECs to route terminating traffic through ILEC tandems, instead of using direct IP interconnection, among other things. Bandwidth expressed support for CenturyLink’s pending [petition for declaratory ruling](#) on the VoIP symmetry rules but claimed the only long-term solution is reforming originating 8YY access charges. Bandwidth also [met with](#) Commissioner Rosenworcel’s chief of staff, Commissioner Carr’s legal advisor, Wireline Competition Bureau and Office of Economics and Analytics [staff](#), and Chairman Pai’s [legal advisor](#) and [special counsel](#) to discuss similar issues.
- The Enforcement Bureau issued a [letter ruling](#) on August 12, 2019, in the case addressing AT&T’s [formal complaint](#) against Local Exchange Carriers of Michigan and/or Prime Circuits (LEC- MI), alleging LEC-MI improperly billed AT&T at least \$1,054,897 in end office access charges on aggregated 8YY traffic that AT&T paid. The Bureau granted LEC-MI’s unopposed motion that sought to extend several filing deadlines and modified the filing schedule of this proceeding.

Broadband

- USTelecom [met with](#) Commissioners Starks and Rosenworcel and their chiefs of staff on August 8, 2019, to discuss preliminary findings from the Broadband Mapping Consortium Pilot Project that USTelecom is leading along with ITTA and WISPA. USTelecom said structure counts per census block in the pilot states versus 2011 census housing structure data are incorrect for nearly 50 percent of census blocks, and the 2011 census housing structure data is both over inclusive and under inclusive. USTelecom suggested the FCC adopt a national data set of broadband serviceable locations consistent with USTelecom’s Broadband Serviceable Location Fabric proposal and urged the FCC to adopt the BSLF simultaneously as it moves forward with the establishment of the new shapefile broadband availability reporting capability.
- The FCC’s Enforcement Bureau issued a [memorandum opinion and order](#) on August 12, 2019, granting in part MAW Communications’ complaint alleging PPL Electric Utilities refused to accept or process MAW’s pole attachment applications. The Bureau found PPL denied access to its poles and refused to process MAW’s pole attachment applications for reasons other than insufficient capacity, safety, reliability, or generally applicable engineering standards, and ordered PPL to immediately respond to those applications. The Bureau denied the remainder of MAW’s requested relief.
- The FCC issued a [public notice](#) on August 12, 2019, announcing the next meeting of the Technological Advisory Council is September 18, 2019, and will discuss progress on work initiatives from the previous meeting. The TAC provides technical expertise to the Commission to identify areas of innovation and develop informed technology policies supporting the United States’ competitiveness in the global economy.

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Robocalls

- Chairman Pai issued a [statement](#) on August 14, 2019, on reports AT&T and T-Mobile are beginning to roll out the exchange of call authentication information between their two networks based on the SHAKEN/STIR framework. Pai said the SHAKEN/STIR framework means more reliable caller ID information for consumers and a stronger ability for the FCC to go after bad actors and stop robocalls. Pai also said by the end of this year, the FCC expects major voice service providers to meet its goal of ‘signing’ calls between carriers.
- The chairman of the North American Numbering Council, on behalf of the Numbering Administration Oversight Working Group, sent a [letter](#) to the chiefs of the Wireline Competition Bureau and Consumer and Government Affairs Bureau on August 14, 2019, to request an extension of the September 13,

2019 deadline for NAOWG to complete its work on the technical and operational issues of the reassigned numbers database. NAOWG requested a seven-month extension to complete the technical requirements document for the database, as well the report outlining the cost recovery and the mechanisms for the fee structure for the users of the database.

- The FCC issued a [public notice](#) on August 16, 2019, to announce the next meeting of the Consumer Advisory Committee will be held on September 16, 2019. The CAC is expected to consider a recommendation presented by its Critical Calls List/Robocall Blocking Working Group relative to the June 2019 [FNPRM](#).

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Universal Service

- The Wireline Competition Bureau issued an [order](#) on August 13, 2019, designating Sunset Digital, LLC as an ETC in eligible high-cost areas within the states of Tennessee and Virginia. The Bureau said the designation is conditioned upon and limited to SDC LLC's authorization to receive Connect America support awarded through the CAF Phase II auction and effective only upon such authorization. The Bureau also waived, on its own motion, the requirement that SDC LLC submit proof of its ETC designation on or before February 25, 2019.
- Conexon filed a [letter](#) on August 14, 2019, in further support of its [opposition](#) to Wisper ISP's petition for a waiver of the February 25, 2019 deadline for Wisper to obtain ETC designation in Oklahoma in order to become eligible to receive CAF-II support in Oklahoma. Conexon asserted Wisper's inability to obtain ETC designation by the Commission's deadline was a result of Wisper's own making, waiting until December 17, 2018 to file its ETC application with the Oklahoma Corporation Commission.
- The Wireline Competition Bureau issued a [public notice](#) on August 16, 2019, seeking comment on Network Communications International's [petition](#) for forbearance from the application of Universal Service Fund contribution requirements with respect to the provision of interstate and international inmate calling services. Comments or oppositions are due September 16, 2019; replies are due October 1, 2019.
- Reply comments were filed on August 15, 2019, on CTIA, the National Hispanic Media Coalition, et al.'s [petition](#) asking the FCC to pause the December 1, 2019 implementation of an increase in the Lifeline minimum required broadband data usage allowance and the phase-down in Lifeline support for voice services. [NARUC](#) suggested the FCC defer changes to the Lifeline program until the state of the Lifeline marketplace report is released in 2021. [NCLC, et al.](#) asserted the record confirms that an unanticipated change to Lifeline's minimum service standards will have negative consequences for low-income consumers. [TruConnect](#) urged the FCC to postpone any future increase in minimum service standards and maintain current levels of Lifeline support for voice services, pending review of these issues in the Lifeline marketplace report. [public notice](#)
- Sprint filed a [letter](#) on August 14, 2019, to express its concern about the scope and the timing of the deployment of the Lifeline Representative Accountability Database. Sprint asserted USAC's recent guidance about who must register with RAD, and what type of personal information covered users will be required to provide, goes too far. Further, Sprint recommended USAC pause the implementation of its current version of the RAD, at least, until the Commission has released an order in the pending rulemaking proceeding considering these and other key elements of the RAD.
- Texas Education Service Centers Regions 10, 11, and 15 met with legal advisors to Commissioners [Rosenworcel](#) and [Carr](#) on August 8, 2019, and [with](#) Commissioner O'Rielly's legal advisor and [Wireline Competition Bureau staff](#) on August 9, 2019, to discuss the [petition for rulemaking](#) filed by Central Texas Telephone Cooperative, et to discuss the [petition for rulemaking](#) filed by Central Texas Telephone Cooperative, et al. on E-rate competitive bidding requirements. They asserted the petition mischaracterized the competitive bidding processes conducted by the ESCs, and claimed the Texas Carriers' proposed approach would harm, rather than foster, competition in the E-rate program, by potentially disincentivizing competitors from bidding. They also said the high-cost and E-rate programs

have different goals and asserted the Texas Carriers' characterization of new fiber installation as duplicative and wasteful is incorrect. They also [met with](#) Chairman Pai's legal advisor to discuss the Texas Carriers' petition.

- Comments were filed on August 16, 2019, on the [NPRM](#) on making the E-rate category two budget permanent. [Cox Communications](#) urged the FCC to make permanent funding for the category two budget approach for internal connections, managed internal broadband services, caching, and basic maintenance of internal connections. [SECA and SHLB Coalition](#) said a permanent five-year category two budget program should be established as a fixed five-year period beginning in FY 2020 and maintenance and managed internal broadband services should be included in the permanent eligible services list. [The E-Rate Management Professionals Association](#) expressed support for making the category two budget permanent and said doing this would allow schools and libraries across the nation to receive the funding support they need to meet their technology goals on a regular and predictable basis. [Comments available](#). Replies are due September 3, 2019.
- Declaration Networks Group filed a [letter](#) on August 15, 2019, withdrawing its January 2015 [petition](#) seeking ETC designation in Virginia.

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Misc.

- The FCC issued a [news release](#) on August 14, 2019, announcing Chairman Pai circulated a draft order that would approve, subject to conditions, the proposed merger between T-Mobile and Sprint. The FCC said the draft order explains the transaction will advance the rapid deployment of a new 5G wireless network, improving the quality of mobile broadband services for American consumers and increasing 5G infrastructure deployment in the United States. The FCC said the transaction will help to close the digital divide by bringing robust 5G deep into rural areas, with enforceable conditions that require coverage of at least 99 percent of Americans within six years. The FCC said in light of DISH's planned acquisition of Boost Mobile, the order also addresses certain extensions, commitments, and modifications to DISH's spectrum holdings to effectuate its deployment of a nationwide 5G network.
- Rep. David N. Cicilline (D R.I.), Chairman of the House Subcommittee on Antitrust, Commercial and Administrative Law, sent a [letter](#) to Chairman Pai on August 15, 2019, urging the FCC to issue a public notice seeking additional comment on the proposed merger between T-Mobile and Sprint. Rep. Cicilline said the Justice Department's proposed settlement agreement is significantly different than the underlying transaction as originally proposed and raises new issues that affect competition and the public interest. [press release](#)
- The Communications Workers of America, Public Knowledge, NTCA, Free Press, Common Cause, and Open Technology Institute [met with](#) legal advisors to Commissioners Carr and Rosenworcel on August 12, 2019, to express support for the requests by [RWA and NTCA](#) and [WISPA](#) that asked the FCC to seek comment on the proposed merger of Sprint and T-Mobile in light of new developments. They claimed that given the extraordinary nature of these new developments, failure to seek public comment would be a violation of the Administrative Procedures Act. RWA joined the meeting with Rosenworcel's advisor by telephone.
- T-Mobile and Sprint filed an [opposition](#) on August 12, 2019, to the requests by [RWA and NTCA](#) and [WISPA](#) that asked the FCC to seek comment on the proposed merger of Sprint and T-Mobile in light of new developments. T-Mobile and Sprint asserted RWA, NTCA, and WISPA have articulated no credible basis justifying a delay in Commission action in this proceeding and said the license transfer applications associated with the merger were filed on June 18, 2018 and have been pending for over 415 days.
- The Office of Economics and Analysis released a [report](#) on August 16, 2019, on numbering resource utilization, which contains NRUF data as of March 16, 2018, and porting and toll-free data as of December 31, 2017.

- The Enforcement Bureau issued an [order](#) on August 13, 2019, resolving an investigation into whether CenturyLink placed unauthorized third-party charges on customers' wireline telephone bills. The Bureau said it had received customer complaints alleging customers had been assessed unauthorized charges on their CenturyLink bills for long distance services from various third-party resellers, and that customers claimed they had difficulty getting timely refunds for these charges. CenturyLink agreed to pay a \$550,000 settlement amount to the United States Treasury and agreed to discontinue these types of third-party billing arrangements, with limited exceptions, and to implement a process for providing refunds or credits to customers with valid complaints about unauthorized charges. [news release](#)
- No comments were filed on a section 214 application filed by Consolidated Communications of Northern New England (CCNE) and Terabyte Holdings, to transfer certain telecommunications assets of CCNE's operator service/directory assistance business to Terabyte. Replies due August 20, 2019. [public notice](#)

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Upcoming Filing Dates

- Aug. 20 - Replies due on a section 214 application filed by Consolidated Communications of Northern New England (CCNE) and Terabyte Holdings, to transfer certain telecommunications assets of CCNE's operator service/directory assistance business to Terabyte. [public notice](#)
- Aug. 23 - Replies are due on the [FNPRM](#) proposing revisions to FCC rules implementing the Telephone Consumer Protection Act and on issues pertaining to implementation of SHAKEN/STIR. [FR](#)
- Aug. 26 - Replies due on the [NPRM](#) seeking comment on establishing an \$11.42 billion cap on the Universal Service Fund. [FR](#),
- Aug. 26 - Urban rate surveys due that will be used to develop voice and broadband reasonable comparability benchmarks that will be in place in 2020. [public notice](#)
- Aug. 28 - Comments are due on the establishment of a matching program the FCC will conduct with the Department of Health and Human Services, Centers for Medicare & Medicaid Services to verify the eligibility of applicants to and subscribers of the Lifeline program. [FR](#)
- Aug. 28 - PRA comments due on an extension of a currently approved information collection on telephone number portability. Comments are due August 28, 2019. [FR](#)
- Aug. 29 - Comments due on NTCA's [petition](#) for a waiver of the updated minimum service speed standard applicable to fixed wireline broadband internet access service eligible for support under the Lifeline program. Replies are due September 13, 2019. [public notice](#)
- Aug. 29 - Comments due on the [NPRM](#) proposing a connected care pilot. Replies are due September 30, 2019. [FR](#)
- Aug. 30 - Comments due on the [NPRM](#) on the deployment of broadband to multiple tenant environments, including exclusive marketing and wiring arrangements, revenue sharing agreements, and state and local regulations, among other things. Replies are due September 30, 2019. [PN](#)
- Sept. 3 - Replies due the [NPRM](#) seeking comment on the permanent E-rate category two budget. [FR](#)
- Sept. 3 - Comments due on the proposed eligible services list for the schools and libraries universal service support program for funding year 2020. Replies are due September 18, 2019. [public notice](#)
- Sept. 6 - PRA comments due Form 833 that will be used in the toll-free number auction. [notice](#)

- Sept. 13 - Replies due on NTCA's [petition](#) for a waiver of the updated minimum service speed standard applicable to fixed wireline broadband internet access service eligible for support under the Lifeline program. [public notice](#)
- Sept. 16 - Comments due on Network Communications International's [petition](#) for forbearance from the application of USF contribution requirements with respect to the provision of interstate and international inmate calling services. Replies are due October 1, 2019. [public notice](#)
- Sept. 18 - Replies due on the proposed eligible services list for the schools and libraries universal service support program for funding year 2020. [public notice](#)
- Sept. 30 - Replies due on the [NPRM](#) proposing a connected care pilot. [FR](#)
- Sept. 30 - Replies due on the [NPRM](#) on the deployment of broadband to multiple tenant environments, including exclusive marketing and wiring arrangements, revenue sharing agreements, and state and local regulations, among other things. [public notice](#)
- Oct. 1 - Replies due on Network Communications International's [petition](#) for forbearance from the application of USF contribution requirements with respect to the provision of interstate and international inmate calling services. [public notice](#)
- Oct. 7 - PRA comments due on letters of authorization in order to verify the relationship between the responsible organization and the potential subscriber, and on collecting data on secondary market transactions that will be used in toll free number auctions. [FR](#)

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