

## NECA's Weekly Federal Regulatory Summary

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### August 24, 2020 HIGHLIGHTS

- The FCC issued its [16th Broadband Deployment Report Notice of Inquiry](#), initiating the next annual assessment of the availability of advanced telecommunications capability to all Americans in a reasonable and timely fashion. Comments are due September 18, 2020; replies are due October 5, 2020.
- The [second report and order](#) on broadband mapping [is effective](#) September 17, 2020. Comments on the accompanying FNPRM [are due](#) September 8, 2020; replies are due September 17, 2020. PRA comments are due October 19, 2020.
- The USDA [announced](#) it is investing nearly \$3 million to provide broadband service in unserved and underserved rural areas in Missouri.
- Inteliqnet filed a [request](#) for a further renewal of the temporary waiver, until March 1, 2021, of the access stimulation definition contained in Part 61.
- Senators [asked](#) Chairman Pai to increase funding for and improve the operations of the Rural Health Care program, as demand for telehealth dramatically increased due to the pandemic.

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### Other Key Upcoming Dates

- Aug. 31 - Comments due on the [FNPRM](#) on robocalls. Replies due September 29. [FR](#)

## USF Reform

- Northeast Iowa Telephone Company filed a [letter](#) on August 20, 2020, to express concern with a practice in the high-cost program, which it said penalizes carriers by a pro rata reduction in funding and potential 10% or greater penalty, because the Connect America Model overstated the number of actual, qualifying locations. NEIT suggested the Commission can quickly resolve location concerns without a formal proceeding by simply retracting or correcting the USAC FAQ on reporting home-based business locations.
- ACAM Broadband Coalition members TDS, Great Plains Communications, Arvig, Consolidated Companies, and NEIT [spoke with](#) Wireline Competition Bureau staff on August 20, 2020, regarding the operation of the A-CAM program. They addressed the status of the program, its track record of bringing broadband to unserved geographic areas, and ideas for ensuring its continued viability.
- The Illinois Office of Broadband and the Illinois Department of Innovation and Technology [spoke with](#) legal advisors to Commissioners Rosenworcel and Starks on August 11, 2020, regarding IOB's [petition for reconsideration](#) of the RDOF [report and order](#). They asserted the Commission's decision to forego outreach and coordination with their state colleagues in the context of the RDOF has forced the IOB to delay its preferred timeline for accepting applications and awarding funds. They also claimed 25/3 Mbps broadband is unlikely to meet the nation's broadband needs over the coming decade, and suggested the Commission require deployment of scalable infrastructure that can support broadband at higher speeds.

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## ICC

- Inteliquent filed a [request](#) on August 18, 2020, for a further renewal of the temporary waiver, until March 1, 2021, of the access stimulation definition contained in Part 61. The Commission [previously extended](#) the waiver to Inteliquent's preexisting customer traffic originating or terminating to six urban LATAs. In this request, Inteliquent further narrows its request, asking the Commission for an extension of the waiver in four urban LATAs. Inteliquent also provided confidential data that includes the terminating and originating minutes for existing customers in these four LATAs.
- Lingo Communications of Kentucky [spoke with](#) Wireline Competition Bureau and Office of Economics and Analytics staff on August 17, 2020, to discuss revisions to its tariff filing and reasons the revisions were [suspended](#) by the Commission. Lingo also discussed calculations underlying the rates in its tariff revisions.

## Broadband

- The FCC issued its [16th Broadband Deployment Report Notice of Inquiry](#) on August 19, 2020, initiating the next annual assessment of the availability of advanced telecommunications capability to all Americans in a reasonable and timely fashion. The FCC proposes to: maintain the current speed benchmark of 25/3 for fixed broadband; and conduct an evaluation of fixed and mobile services using the same four categories for evaluation presented in the April 2020 [report](#): fixed services; mobile LTE services; fixed terrestrial and mobile LTE services; and fixed terrestrial or mobile LTE services. The FCC also asks, among other things, if mobile broadband should be treated as a functional substitute for fixed wireline broadband. Comments are due September 18, 2020; replies are due October 5, 2020.
- The [second report and order](#) on broadband mapping was published in the [Federal Register](#) on August 18, 2020. The order: adopted specific reporting and disclosure requirements for fixed and mobile broadband availability and quality of service data; and required fixed and mobile wireless providers to submit standardized propagation maps, propagation model details and infrastructure information,

among other things. The order is effective September 17, 2020.

- The [third FNPRM](#) on broadband mapping was published in the [Federal Register](#) on August 18, 2020. The FNPRM seeks comment on: additional processes for verifying broadband availability and providing technical assistance to service providers; a process to allow consumers and other parties to challenge the accuracy of the maps; implementing the fabric of broadband-serviceable locations; and implementing other requirements of the Broadband DATA Act and proposed targeted reforms to Form 477. Comments are due September 8, 2020; reply comments are due September 17, 2020. PRA comments are due October 19, 2020.
- The USDA [announced](#) on August 20, 2020, it is investing nearly \$3 million to provide broadband service in unserved and underserved rural areas in Missouri. Big River Broadband will use the funding to deploy an FTTP network. This investment is part of the \$100 million in grant funding made available for the ReConnect program through the CARES Act.
- USTelecom, AT&T, CenturyLink, Frontier, Windstream and Verizon [spoke with](#) Wireline Competition Bureau, Office of Economics and Analytics, and Wireless Telecommunications Bureau staff on August 12, 2020, regarding the [third FNPRM](#) on broadband mapping. They suggested the Commission require only a single category of reporting such as mass market services as opposed to requiring providers to distinguish between residential and residential-and-business locations. They also suggested the FCC not require latency reporting, asserting it is not required by the Broadband DATA Act. They also claimed verification of data can be achieved via the challenge and crowdsourcing resources alone and additional measures are not necessary.
- Verizon [spoke with](#) Wireless Telecommunications and Wireline Competition Bureau and Office of Economics and Analytics staff on August 13, 2020, regarding broadband mapping. Verizon asserted the Commission should not adopt additional mapping parameters. Verizon also claimed the link budget and propagation model reporting requirements in the recent [order](#), together with the audit, crowdsourcing, third-party data and challenge process provisions, already satisfy the Broadband DATA Act's requirement for a verification process. Additionally, Verizon suggested the Commission adopt specific requirements for challenger speed tests.
- AT&T [spoke with](#) Wireless Telecommunications and Wireline Competition Bureau and Office of Economic Analysis staff on August 14, 2020, regarding the Digital Opportunity Data Collection [NPRM](#). AT&T said the Commission should not add propagation model parameters or pursue maps that require completely different parameters. AT&T also suggested a single challenge of map accuracy would be most appropriate with a challenger being able to select from two categories: no coverage and speed slower than mapped.
- T-Mobile [spoke with](#) Wireless Telecommunications and Wireline Competition Bureau and Office of Economics and Analytics staff on August 13, 2020, regarding broadband mapping. T-Mobile expressed support for most aspects of the recent [order](#), but expressed concern about a lack of confidential treatment of link budget information for mobile wireless providers while presuming link budgets should be confidential for fixed wireless providers, and requiring coverage maps for in-vehicle mobile usage, in addition to the statutory maps. T-Mobile also said the Commission should not set a minimum value for signal strength and additional verification measures beyond those required by the Broadband DATA Act are unnecessary.
- Connected Nation and Ecopia Tech [spoke with](#) Chairman Pai's legal advisor on August 14, 2020, regarding the future creation of the broadband serviceable location fabric as outlined in the recently adopted broadband mapping [order](#). They demonstrated a proprietary solution set and approach that could be employed to create a highly accurate and reliable fabric for the purposes of the Digital Opportunity Data Collection, and discussed a solution that would allow consumers, broadband service providers and state and local government entities to easily submit challenges to the fabric dataset once it has been deployed.
- Thirty-five members of Congress sent a [letter](#) to Chairman Pai on August 18, 2020, asking him to extend the filing deadline for the 2.5 GHz Rural Tribal Priority Window by no less than 150 days, for a total of 180 days. They asserted the [previously granted](#) 30 day extension is inconsistent with other

Commission decisions to delay Auctions 105 and 106. [press release](#) Sens. Frank Pallone (D-N.J.) and Mike Doyle (D-Pa.) sent a similar [letter](#) to Chairman Pai on August 19, 2020, also asking him to extend the 2.5 GHz Rural Tribal Priority Window filing deadline by 180 days. [press release](#)

- Chairman Pai sent [letters](#) to Reps. Tom O'Halleran (D-Ariz.), Ben Ray Lujan (D-N.M.), et al. on August 13, 2020, in response to their request for the FCC to extend the Rural Tribal Priority Window, which was set to close on August 3, 2020. Pai said in light of the pandemic, the application window was extended an additional 30-days, until September 2, 2020. Pai sent [similar letters](#) to Sens. Mark R. Warner (D-Va.), Tim Kaine (D-Va.), et al., and [Sen. Dan Sullivan \(R-Alaska\), Rep. Don Young \(R-Alaska\), et al.](#), in response to their requests for an extension of the application window.

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## Other Universal Service

- Sen. Brian Schatz (D-Hawaii) and 14 other senators sent a [letter](#) to Chairman Pai on August 20, 2020, urging him to increase funding for and improve the operations of the Rural Health Care program. The senators asserted demand for telehealth has dramatically increased due to the pandemic - resulting in increased costs and stretched capacity for health providers. They claimed the FCC has denied the RHC program sufficient funds to operate and delayed making funding decisions that would send aid to communities across the country. [press release](#)
- The Wireline Competition Bureau issued an [order](#) on August 17, 2020, extending waivers of certain Lifeline program rules governing recertification, reverification, general de-enrollment, subscriber usage, income documentation and documentation requirements for subscribers residing in rural areas on tribal lands through November 30, 2020.
- The National Lifeline Association filed a [letter](#) on August 17, 2020, regarding the [public notice](#) announcing the updated Lifeline minimum service standards and indexed budget amount, and the [draft order](#) circulating regarding the Lifeline mobile broadband MSS. NaLA suggested the FCC: extend through December 31, 2020, the COVID-19 Lifeline waivers; grant relief on the mobile broadband MSS by extending the waiver setting the standards at 3 GB; and restore full support for voice service reimbursement.
- A group of public interest, consumer and civil rights organizations [spoke with](#) Commissioner O'Rielly's legal advisor, Commissioner Starks and his advisor, advisors and counsel to Chairman Pai and Wireline Competition Bureau staff on August 13 and 14, 2020, to express concern with the pending increase to the Lifeline minimum service standards. They made a number of recommendations, including extending the current pandemic-related Lifeline program waivers to at least the end of the year and pausing the pending MSS increases until the Commission issues its 2021 state of Lifeline marketplace report and implements any recommended changes to the program.
- JWEMC Communications filed a [petition](#) on August 20, 2020, seeking ETC designation for the purposes of providing Lifeline support only for high-speed internet access and VoIP services to a number of towns in two counties in Alabama.
- Cisco Systems filed a [petition](#) on August 20, 2020, seeking a waiver of E-rate rules to allow schools to use Category 2 funding to cover the cost of network security software in 2020 and 2021 funding years. Cisco said the shift to remote learning has increased the vulnerability of school and library networks to cyberattacks, and grant of the waiver would allow E-rate funding to be used to protect the same internal networks that E-rate currently funds.
- Comments were filed on the proposed E-rate eligible services list for funding year 2021. [AdTec](#) asserted the FCC should issue documentation to clarify the eligibility of broadband internal connections for reimbursement under the E-rate program. [Funds for Learning](#) urged the Commission to clarify that network security and monitoring services qualify for E-rate support. [SECA](#) said connections between different schools on the same physical campus should be eligible as either category one or

category two service. It also said advanced network security features should be eligible for E-rate funding. Replies are due September 4, 2020. [public notice](#)

- Viya sent a [letter](#) to the Enforcement Bureau on August 14, 2020, alleging Broadband VI failed to comply with the rules governing the Commission's Connect USVI Fund. Viya asserted Broadband VI already has taken stage 1 support for which it did not qualify because it did not meet ETC obligations. Viya also said while it is not asking the Commission to exclude Broadband VI from the stage 2 fixed support process, it asked to investigate and determine whether Broadband VI is qualified to participate in the Commission's universal programs generally.
- Gen Mobile filed an [emergency request for a waiver](#) of the Form 499-Q April 2020 45-day revision deadline to: correct an inadvertent administrative filing error in its Form 499-Q1 filing that resulted in a financial hardship with regard to its monthly payment obligations to USAC; and allow its overpayment to be credited towards future invoices.
- 3 Rivers Telephone [spoke to](#) Wireline Competition Bureau staff on August 13, 2020, to discuss conditions that would impact universal service support to 3 Rivers consistent with grant of their [joint petition](#) for a study area waiver on the transfer of the Browning, Montana exchange from 3 Rivers to SiyCom.

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### Misc.

- The Commerce Department's Bureau of Industry and Security [announced](#) on August 17, 2020, it further restricted access by Huawei Technologies and its non-U.S. affiliates on the entity list to items produced domestically and abroad from U.S. technology and software. BIS also added another 38 Huawei affiliates to the entity list and modified four existing entries. The BIS said these actions prevent Huawei's attempts to circumvent U.S. export controls to obtain electronic components developed or produced using U.S. technology.
- The International Bureau sent a [letter](#) to China Telecom on August 17, 2020, notifying it of its intention to disclose to the Department of Justice confidential information submitted by China Telecom, in response to the Commission's [order to show cause](#) why the Commission should not revoke their domestic and international section authorizations enabling them to operate in the United States.
- Replies to oppositions are due August 24, 2020, on Huawei's [application for review](#) of the [order](#) formally designating it as a covered company for the purpose of the November 2019 [ban](#) on the use of universal service support to purchase equipment or services from companies posing a national security threat. [public notice](#)
- NetNumber filed a [letter](#) on August 17, 2020, expressing support for CCA's [recommendations](#) on how the Commission can best advance the goals of the Secure Networks Act.
- The FCC issued a [public notice](#) on August 17, 2020, announcing FY 2020 Interstate Telecommunications Service Providers and Commercial Mobile Radio Services data are now available for viewing on the FCC's [electronic filing and payment system](#).
- No comments were filed on a section 214 application requesting approval to transfer control of the ETS Licensees from ACME to Radiate. Replies are due August 25, 2020. [public notice](#)
- The Wireline Competition Bureau issued a [public notice](#) on August 18, 2020, announcing Computer Telephony Innovations, dba Voxtelesys filed an application for authorization to obtain NANP telephone numbers directly from the numbering administrators for its iVoIP service. Comments are due September 2, 2020.
- The Wireline Competition Bureau issued a [public notice](#) on August 21, 2020, announcing WhiteSky Communications filed an application for authorization to obtain NANP telephone numbers directly from

the numbering administrators for its iVoIP service. Comments are due September 7, 2020.

- No comments were filed on Noble Systems application for authorization to obtain NANP telephone numbers directly from the numbering administrators for its iVoIP service. [public notice](#)
- No comments were filed on Star2Star Communications application for authorization to obtain NANP telephone numbers directly from the numbering administrators for its iVoIP service. [public notice](#)
- Reply comments were filed on August 20, 2020, on whether 515 proceedings should be terminated as dormant. [Shure Incorporated](#), [Senheiser Electronic](#), and the [National Association of Broadcasters](#) all commented on the vacant channel proceeding. [ABC Television Affiliates Association, et al.](#) commented on the multichannel video programming distributor and online video distributors proceeding. [public notice](#) | [FR](#)
- An FCC [notice](#) was published in the Federal Register on August 24, 2020, seeking Paperwork Reduction Act comments on an extension of a currently-approved information collection associated with inside wiring. The FCC said the information is needed so building owners may choose to contract with an installer of their choice on inside wiring maintenance and installation services to modify existing wiring or assist with the installation of additional inside wiring. PRA comments are due October 23, 2020.

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## Upcoming Filing Dates

- Aug. 25 - Comments due on a section 214 application filed by Patterson Telephone, Pattersonville Telephone d/b/a/ PTC Connect, Wayne S. Thomas, Linda B. Thomas, and Tammy T. Krisher, requesting approval to transfer control of Pattersonville and PTC Connect from Mr. Thomas and Ms. Thomas to Ms. Krisher. Replies are due September 1, 2020. [public notice](#)
- Aug 25 - Replies due on a section 214 application requesting approval to transfer control of the ETS Licensees from ACME to Radiate. [public notice](#)
- Aug. 31 - PRA comments due on a new information collection on the CAF II eligible locations adjustment process. [notice](#)
- Aug 31 - Comments due on the [FNPRM](#) that integrates provisions of the Secure Networks Act into the FCC's existing supply chain proceeding. Replies due September 14, 2020. [FR](#)
- Aug. 31 - Comments due on additional steps to further protect consumers from robocalls and inform them about provider blocking efforts. Replies due September 29, 2020. [FNPRM](#) | [FR](#)
- Sept. 1 - Replies due on a section 214 application filed by Patterson Telephone, Pattersonville Telephone d/b/a/ PTC Connect, Wayne S. Thomas, Linda B. Thomas, and Tammy T. Krisher, requesting approval to transfer control of Pattersonville and PTC Connect from Mr. Thomas and Ms. Thomas to Ms. Krisher. [public notice](#)
- Sept. 2 - Comments due on NCTA's [petition](#) requesting the FCC clarify it is unjust and unreasonable for pole owners to shift the entire cost of a pole replacement to a new attacher. Replies due September 17, 2020. [public notice](#)
- Sept. 2 - Comments due on Voxtel's application for authorization to obtain NANP telephone numbers directly from the numbering administrators for its iVoIP service. [public notice](#)
- Sept. 4 - Replies due on the proposed E-rate eligible services list for funding year 2021. [public notice](#)

- Sept. 4 - PRA comments due on an extension of a currently approved information collection associated with FCC Forms 499-A and 499-Q, annual and quarterly telecommunications reporting worksheets.
- Sept. 7 - Comments due on WhiteSky Communications' application for authorization to obtain NANP telephone numbers directly from the numbering administrators for its iVoIP service. [public notice](#)
- Sept. 8 - Comments due on the [third FNPRM](#) on broadband mapping. Replies due September 17, 2020; PRA comments due October 19, 2020. [FR](#)
- Sept. 9 - PRA comments due on a new information collection on Alaska Plan end of term commitments. [FR](#)
- Sept. 14 - Replies due on the [FNPRM](#) that integrates provisions of the Secure Networks Act into the FCC's existing supply chain proceeding. [FR](#)
- Sept. 17 - Replies due on NCTA's [petition](#) requesting the FCC clarify it is unjust and unreasonable for pole owners to shift the entire cost of a pole replacement to a new attacher. [public notice](#)
- Sept. 17 – Replies due on the [third FNPRM](#) on broadband mapping. PRA comments due October 19, 2020. [FR](#)
- Sept. 18 - Comments due on the [16th Broadband Deployment Report Notice of Inquiry](#) initiating the next annual assessment of the availability of advanced telecommunications capability to all Americans in a reasonable and timely fashion. Replies due October 5, 2020.
- Sept. 21 - PRA comments due on a revision of a currently approved collection associated with Part 32 accounting requirements. [FR](#)
- Sept. 29 - Replies due on additional steps to further protect consumers from robocalls and inform them about provider blocking efforts. [FNPRM](#) | [FR](#)
- Oct. 5 - Replies due on the [16th Broadband Deployment Report Notice of Inquiry](#) initiating the next annual assessment of the availability of advanced telecommunications capability to all Americans in a reasonable and timely fashion.
- Oct 19 - PRA comments due on the [third FNPRM](#) on broadband mapping. [FR](#)
- Oct. 23 - PRA comments due on an extension of a currently-approved information collection associated with inside wiring. [notice](#)

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