August 26, 2019 HIGHLIGHTS

- The Wireline Competition Bureau issued a public notice and news release announcing it authorized 171 rate-of-return companies that elected 184 offers of A-CAM II support to receive model-based support. The Bureau also released authorization report 6.0, which shows the authorization amount and deployment obligations for each carrier that elected an offer. The FCC also provided a list of tribal lands, by state, where companies will receive A-CAM II support and the number of locations supported.

- Comments are due September 20, 2019, on the NPRM proposing to establish a new Rural Digital Opportunity Fund that would target support to areas that lack 25/3 Mbps broadband service and distribute $20.4 billion in high-cost USF support over 10 years using a two-phase reverse auction framework. Replies due October 21, 2019.

- The Digital Opportunity Data Collection report and order is effective September 23, 2019, except for paragraphs 44 through 51 and 57 through 65 of the order and sections 54.1401 and 54.1402(b) and (c), (d)(2), and (e), which are delayed. Comments on the accompanying FNPRM are due September 23, 2019; replies are due October 7, 2019.

- The Wireline Competition Bureau announced a delay in the initiation of the CAF Phase II eligible locations adjustment process in consideration of the issues raised in response to public notices on resolving discrepancies in CAF II auction locations, and whether that same procedure should also be utilized for RoR carriers receiving A-CAM support.

- PRA comments are due on September 19, 2019, on information collections associated with the requirement for testing speed and latency, and the requirement that carriers with high-cost reporting obligations file information about their locations via an electronic portal.

- NTCA discussed network performance testing issues, including customers who decline to participate in testing, and customers who disconnect, move or other terminate a subscription during a testing cycle.

- USTelecom, ITTA, and WISPA filed a report summarizing the key findings and methodology from their broadband mapping pilot in Missouri and Virginia. They, along with CostQuest, presented their report to FCC staff.

- Reply comments were filed on the FNPRM proposing revisions to FCC rules implementing the Telephone Consumer Protection Act and on issues pertaining to implementation of SHAKEN/STIR.

Other Key Upcoming Dates
- Aug. 29 - Comments due on NTCA's petition for a waiver of the updated Lifeline minimum service speed standard applicable to fixed wireline broadband internet access service. Replies are due September 13, 2019, public notice
USF Reform

- The Wireline Competition Bureau issued a public notice and news release on August 22, 2019, announcing it is authorizing 171 rate-of-return companies that elected 184 offers of A-CAM II support to receive model-based support. The bureau also released authorization report 6.0, which shows the authorization amount and deployment obligations for each carrier that elected an offer. The authorizations provide support to the electing companies for a 10-year period beginning January 1, 2019, and these companies are committing to provide at least 25/3 Mbps service to over 363,000 locations, including over 37,000 locations on tribal lands. The A-CAM II support authorized totals $491,442,713.67 per year. The FCC also issued a news release, providing a list of tribal lands, by state, where companies will receive A-CAM II support and the number of locations supported.

- The NPRM proposing to establish a new Rural Digital Opportunity Fund was published in the Federal Register on August 21, 2019. The RDOF would target support to areas that lack 25/3 Mbps broadband service and distribute $20.4 billion in high-cost USF support over 10 years using a two-phase reverse auction framework. Comments are due September 20, 2019; replies due October 21, 2019.

- The Wireline Competition Bureau issued a public notice on August 19, 2019, announcing a delay in the initiation of the CAF Phase II post-auction process to adjust the deployment obligations and support of authorized auction winners when the total number of actual locations in eligible areas is less than the number of funded locations. The Bureau delayed the filing deadline until further notice in consideration of the issues raised in comments and ex partes in response to the September 2018 public notice on resolving discrepancies in CAF II auction locations, and the June 2019 public notice on whether that same procedure should also be utilized for RoR carriers receiving A-CAM support, and the requirement to obtain PRA approval.

- An FCC notice was published in the Federal Register on August 20, 2019, seeking Paperwork Reduction Act comments on two information collections associated with high-cost universal service support. The first one is a new information collection associated with the requirement for testing speed and latency to ensure that carriers are meeting the public interest obligations associated with their receipt of high-cost universal service support. The second, is a revision of currently approved information collection associated with the requirement that certain carriers with high-cost reporting obligations file information about their locations which meet their broadband deployment public interest obligations via an electronic portal. PRA comments are due September 19, 2019.

- NTCA discussed network performance testing with Wireline Competition Bureau staff on August 20, 2019. NTCA discussed customers who decline to participate in testing, customers who disconnect, move or other terminate a subscription during a testing cycle, and power outages or other events beyond the ISP’s control that may interfere with testing. NTCA also discussed opposition to requirements to test to the Internet Exchange Point, and the value of a “test the testing” period. NTCA expressed its support for comprehensive educational opportunities by which providers, counsel and management consultants can engage with the Commission to clarify the complete scope of anticipated implementational and reporting issues.

- Midwest Energy Cooperative filed a petition on August 21, 2019, for waiver of the requirement to buildout to 421 locations to fulfill its construction obligations pursuant to the Rural Broadband Experiment program. Midwest said the FCC’s Connect America Cost Model initially used 2012 GeoResults and the 2010 Census to estimate that 421 locations needed broadband facilities, but now that it completed its construction, only 364 geocoded locations exist in the census blocks won by Midwest. Midwest requested the FCC not decrease its award proportionately given the relatively small amount of support at issue.
Broadband

- The report and order establishing the Digital Opportunity Data Collection was published in the Federal Register on August 22, 2019. This new data collection will collect geospatial broadband availability data from fixed providers and use a crowdsourcing process on the accuracy of the maps. The order also made targeted changes to the existing Form 477 to reduce filing burdens. The order is effective September 23, 2019, except for paragraphs 44 through 51 and 57 through 65 of the order and sections 54.1401 and 54.1402(b) and (c), (d)(2), and (e), which are delayed. The accompanying FNPRM was also published in the Federal Register and seeks comment on enhancing the new data collection, incorporating mobile voice and broadband, and improving satellite broadband reporting. Comments are due September 23, 2019; replies are due October 7, 2019. PRA comments on the information collection are due October 21, 2019.

- USTelecom, ITTA, and WISPA filed a letter on August 20, 2019, attaching a report summarizing the key findings and methodology from their proof of concept pilot in Missouri and Virginia that they say shows their fixed broadband mapping proposal is achievable and can be done nationally in a timely and cost-effective manner. They asserted that regardless of format of broadband reporting, the reliability and validity of reporting is driven by the quality of the underlying data, and said the Broadband Serviceable Location Fabric provides this crucial, but presently missing, link. They said the pilot shows as many as 38 percent of additional rural locations in Virginia and Missouri are unserved by participating providers in census blocks that would have been reported as “served” in today’s FCC Form 477 reporting approach. They, along with CostQuest Associates, also met with Chairman Pai’s special counsel, Commissioner O’Rielly and his chief of staff, Commissioner Carr’s legal advisor, Commissioner Starks’ chief of staff and special advisor, and Wireline Competition Bureau and Office of Economic Analysis staff on August 20, 2019, to present their report.

- The FCC filed a brief with the Ninth Circuit on August 22, 2019, in the case addressing petitions for review filed by American Electric Power Corporation, et al. and the City of Portland Oregon of the August 3, 2018 report and order and declaratory ruling that allowed one-touch make-ready for most pole attachments, made further reforms to the pole attachment process, and concluded section 253(a) prohibits state and local moratoria on telecommunications facilities deployment.

- A National Telecommunications and Information Administration notice was published in the Federal Register on August 21, 2019, to announce it will hold a broadband workshop in Reno, Nevada on September 27, 2019. The purpose of the workshop is to engage the public and stakeholders with information to accelerate broadband connectivity, improve digital inclusion, and support local priorities. It will also provide information on topics including local broadband planning, funding, and engagement with service providers.

- Sacred Wind Communications met with Commissioner Starks and his legal advisor on August 16, 2019, during the Commissioner’s visit to the To’Hajiilee Navajo Reservation and other Tribal communities in New Mexico to discuss broadband challenges. Sacred Wind discussed the infrastructural development challenges that Sacred Wind faces in remote and rural Tribal areas and the rights of way process. It also discussed the disparity between the company and the FCC with respect to eligible locations in the census blocks in Sacred Wind’s study area and discussed its petition for waiver and comments pertaining to A-CAM II location data accuracy.

- Next Century Cities met with Commissioner Rosenworcel and her advisor on August 15, 2019, to discuss the data collection framework in the Digital Opportunity Data Collection report and order and second FNPRM. Next Century Cities said local leaders are uniquely positioned to identify disconnected areas and directly impacted by resource allocations based on flawed data, and discussed the importance of including local and municipal leaders in planning discussions with the Commission to ensure that the new federal data collection framework incorporates local perspectives.

- The FCC issued a news release on August 19, 2019, announcing that last week Commissioner Starks visited Tribal communities in New Mexico where he discussed broadband challenges with Rep. Ben Ray Luján (D N.M.) and community leaders.
• The FCC issued a public notice on August 20, 2019, announcing an extension of the deadline to submit nominations for vacancies on its Native Nations Communications Task Force. The Task Force may consider issues on identifying barriers to broadband deployment that are unique to Tribal lands, and ensuring Tribal concerns are considered in FCC proceedings related to broadband and other FCC undertakings that affect Tribal interests regarding communications services and facilities. Nominations are now due September 25, 2019.

Robocalls

• Chairman Pai released a statement on August 22, 2019, on the announcement by state attorneys general and several voice service providers of key principles for stopping robocalls. Pai said the principles align with the FCC’s own anti-robocalling and spoofing efforts. He also said earlier this month, the FCC adopted rules to apply anti-spoofing prohibitions to international robocalls, as called for by many of these same state attorneys general.

• Reply comments were filed on August 23, 2019, on the FNPRM proposing revisions to FCC rules implementing the Telephone Consumer Protection Act and on issues pertaining to implementation of SHAKEN/STIR. USTelecom said the FCC should allow for continued industry-led implementation of SHAKEN/STIR, rather than an inflexible mandate, and said to the extent that such a mandate is adopted, it must account for the limitations of a protocol designed for IP network for those voice service providers with TDM components in their networks. USTelecom also said the FCC should also consider flexibility for smaller voice service providers who may experience unique implementation challenges. Smithville Telephone suggested the FCC use end user voice line counts as a measure of voice service provider size, which are available in Form 477 data. It disagreed with the FCC’s assumptions about savings resulting from illegal robocall mitigation for small voice providers and asserted SHAKEN/STIR in present form will likely never be an attainable solution for robocall mitigation for many small voice providers. NCTA said the FCC should adopt a broad safe harbor for good faith call blocking practices and establishing a centrally compiled and maintained critical calls list. NCTA also said the FCC also should refrain from mandating the implementation of SHAKEN/STIR or imposing other mandates at this time, and should reject NTCA’s proposal on IP interconnection that were made in its comments. All replies available.

• USTelecom, AT&T, CenturyLink, Verizon, and iconectiv spoke with Wireline Competition Bureau staff on August 14, 2019, to discuss their support of USTelecom, et al.’s petition asking the FCC to reconsider its decision to merge the administration of the reassigned number database with the consolidated North American Numbering Plan Administrator and Pooling Administrator functions under a single contract and a single administrator. They also requested potential bidders have the flexibility to propose administrator funding scenarios beyond the existing decision to recover the upfront database costs from service providers through the mechanism that is currently used to recover the NANPA and PA costs. They also discussed the NAOWG’s request for an extension of the September 13, 2019 deadline for it to complete its work on the reassigned numbers database.

ICC

• The Oceti Sakowin Tribal Utility Authority met with Chairman Pai’s Advisor on August 13, 2019, to discuss the importance of maintaining intercarrier compensation for all traffic terminated by rural local exchange carriers, and the need to accurately define broadband coverage in rural areas for purposes of determining availability of high cost universal service support. It also discussed the critical role of Lifeline service for residents of Tribal lands and the need to proceed cautiously on reforms like the National Verifier and minimum standards.

• AT&T filed a letter on August 20, 2019, in support of its petition to reject or to suspend and investigate Aureon’s proposed tariff in transmittal nos. 40-43. AT&T asserted the FCC should prescribe a rate for
Aureon’s Centralized Equal Access service no higher than $0.00164/min., and direct Aureon to calculate refunds based on that rate for the period March 1, 2018 to October 15, 2019. AT&T also said it identified concerns regarding the circuit data used by Aureon in allocating Central Office Equipment and Cable & Wire Facilities costs to its CEA service.

**Universal Service**

- Replies are due August 26, 2019, on the NPRM seeking comment on establishing an $11.42 billion cap on the Universal Service Fund.

- The FCC released a report and order on August 20, 2019, on reforms to the Rural Health Care Program. The order revises the rules governing the Telecom Program to simplify calculation of the urban and rural rates; reforms competitive bidding to make it a more productive mechanism for health care providers to identify and select cost-effective service offerings available to them in rural areas; and adopts rules and procedures to simplify the application process for program participants, among other things. news release

- WTA, Blackfoot Telephone, Nemont, Scatter Creek Communications and the Montana Telecommunications Association met with Chairman Pai’s special counsel on August 15, 2019, to discuss the Lifeline Representative Accountability database. WTA asserted its member companies are concerned that the new RAD needlessly puts the personally identifiable information of customer service representatives at risk while doing very little to achieve the Commission’s goal of preventing waste, fraud, and abuse. WTA said if USAC chooses to move forward with the RAD, it should change the information that must be collected such as information related to the employee’s employment with the company rather than information related to their private lives.

- Sprint met with advisors to Chairman Pai and Commissioners Carr and Starks, and Wireline Competition Bureau staff on August 16, 2019, to urge the Commission to grant CTIA, et al.’s petition to pause the Lifeline minimum service standards (MSS) at existing levels. Sprint said in prior cases in which it tested the impact of Lifeline end user charges, the participation rate has been extremely low, and asserted increasing the Lifeline data MSS to 8.75GB would necessitate an end user charge, which would lead to a sharp drop in Lifeline customers.

- Mescalero Apache Telecommunications, New Mexico PRC Chairwoman Theresa Becenti-Aguilar, et al. met with Commissioner Starks and his advisor on August 15, 2019, to discuss broadband and USF. They discussed the importance of the Tribal Lifeline program and the need to ensure the National Verifier process does not hinder enrolling people residing on Tribal lands. They also discussed broadband mapping, infrastructure enhancement, modernizing the E-rate Program, and updating the definition of rural

- The National Lifeline Association met with advisors to Chairman Pai and Commissioner Carr, Commissioner O’Rielly and his advisor, and Wireline Competition Bureau staff on August 14 and 15, 2019, to discuss CTIA, 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. NLA asserted allowing current Lifeline subscribers to retain their affordable services at the current minimum service standards but requiring new or transferring subscribers to endure price hikes or reductions in service is discriminatory, not administrable, and fundamentally unfair. NLA also met with Commissioner Starks’ legal advisor on August 22, 2019, to discuss the same issues.

- Q Link Wireless met with Commissioner O’Rielly and his chief of staff, Commissioner Starks’ legal advisor and Wireline Competition Bureau staff on August 21, 2019, and Chairman Pai’s advisor on August 20, 2019, to discuss CTIA, 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 phasedown in Lifeline support for voice services. Q Link asserted failure to grant the petition would result in less broadband for Lifeline subscribers.
• CGM filed a letter on August 20, 2019, to respond to BTI Communications’ petition seeking a waiver of USAC’s application of section 54.404 to allow BTI to receive Lifeline support for its qualified customers. CGM asserted BTI did not enter into an agreement with CGM to enter customer information into the National Lifeline Accountability Database.

• In addition to comments listed in a previous edition of REGScan, comments were filed on August 16, 2019, on the NPRM on making the E-rate category two budget permanent. ADTRAN supported a permanent adoption of the category two budget approach and the expansion of category two eligible services of managed internal broadband services, caching, and basic maintenance of internal connections. Cisco Systems supported making the E-rate category two budget permanent, and said the FCC should restore support for basic maintenance of internal connections and update the rules to reflect technological and marketplace changes in the way basic maintenance is supplied. Aruba, a Hewlett Packard Enterprise company, supported making permanent the E-rate category two budget and encouraged the FCC to allow the cost of multi-year basic maintenance of internal connections to be recovered within the first contract year. It also encouraged the FCC to add advanced network security and self-provisioned network management to the Eligible Services List. Replies are due September 3, 2019. All comments available.

• Valley Telephone Cooperative met with Commissioner O’Rielly and his advisor and Commissioner Starks’ advisor on August 19, 2019, to urge the FCC to release an NPRM to address overbuild and waste concerns as described in Central Texas Telephone Cooperative, et al.’s petition for rulemaking. Valley claimed the Cochise County Educational Technology Consortium in Arizona is seeking special construction costs, in excess of $29 million dollars, to lay new fiber to reach schools, many of which are already served with existing fiber. Valley asserted the proposed project, at minimum, will cost rate payers an additional $17.8 million. Valley also met with advisors to Chairman Pai and Commissioner Carr on August 20, 2019, to discuss the same issues.

• The Wireline Competition Bureau issued a public notice on August 21, 2019, seeking comments on Hood Canal Communications and CenturyLink’s petition for a study area waiver to permit CenturyLink to remove an area that is originally within its Washington study area and for the same area to be recognized as part of HCC’s Washington study area. Comments are due September 20, 2019; replies are due October 7, 2019.

• Chickasaw Telephone filed a request on August 19, 2019, to withdraw its petition for a waiver of the study area boundary freeze to redefine its study area to include previously unassigned area territory within the state of Oklahoma where no other carrier is authorized to provide telecommunications service and it has been serving as a part of its Sulphur exchange.

• The Tanana Chiefs Conference met with Chairman Pai’s special counsel on August 21, 2019, to discuss its request for review and waiver of a USAC decision that denied its request to file three FCC Forms 466 outside of the USAC-imposed filing windows for the Rural Health Care Program for funding year 2016. TCC asked the FCC to act on its request, and said USAC’s decision resulted in a shortfall of $633k for TCC.

Misc.

• RWA and NTCA filed a response on August 22, 2019, to Sprint and T-Mobile’s opposition to their request that the FCC seek additional comment on the proposed merger between T-Mobile and Sprint in light of a consent decree that also brings Dish Network into this proposed merger. RWA and NTCA asserted it would be arbitrary and capricious for the FCC to render a decision without consideration of public input on the public interest issues related to the modified merger proposal and request by Dish for an extension of the construction deadline for hundreds of FCC licenses.

• The Wireline Competition Bureau issued a public notice on August 22, 2019, to announce the proposed North American Numbering Plan Administration fund size estimate and contribution factor for
Fiscal Year 2020. The Bureau said the proposed fund size will be $11,436,421, and the proposed contribution is 0.0000908.

- The FCC issued a public notice on August 22, 2019, to announce the next meeting of the North American Numbering Council will take place on September 12, 2019. The FCC said the NANC will consider a recommendation from its Interoperable Video Calling Working Group and will receive an update from its Numbering Administration Oversight Working Group.

- The Wireline Competition Bureau issued a public notice on August 23, 2019, granting CallWorks’ application for authorization to obtain NANP telephone numbers directly from the numbering administrators for its iVoIP service. This proceeding will be closed 60 days from the date of this public notice if there are no further filings.

- An FCC notice was published in the Federal Register on August 22, 2019, seeking Paperwork Reduction Act comments on an extension of a currently approved collection associated with sections 251 and 252 that affect local competition. PRA comments are due September 23, 2019.

- No replies 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. public notice

Upcoming Filing Dates

- 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. 20 - Comments due on the NPRM proposing to establish a new Rural Digital Opportunity Fund, which would target support to areas that lack 25/3 Mbps broadband service and distribute $20.4 billion in high-cost USF support over 10 years using a two-phase reverse auction framework. Replies due October 21, 2019. FR

• Sept. 20 - Comments due on Hood Canal Communications and CenturyLink’s petition for a study area waiver to permit CenturyLink to remove an area that is originally within its Washington study area and for the same area to be recognized as part of HCC’s Washington study area. Replies are due October 7, 2019. public notice

• Sept. 23 - Comments due on the FNPRM on enhancing the new Digital Opportunity Data Collection, incorporating mobile voice and broadband, and improving satellite broadband reporting. Replies are due October 7, 2019.

• Sept. 23 - PRA comments due on an extension of a currently approved collection associated with sections 251 and 252 that affect local competition. 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 - Replies due on the FNPRM on enhancing the new Digital Opportunity Data Collection, incorporating mobile voice and broadband, and improving satellite broadband reporting.

• 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

• Oct. 7 - Replies due on Hood Canal Communications and CenturyLink’s petition for a study area waiver to permit CenturyLink to remove an area that is originally within its Washington study area and for the same area to be recognized as part of HCC’s Washington study area. public notice

• Oct. 21 - Replies due on the NPRM proposing to establish a new Rural Digital Opportunity Fund, which would target support to areas that lack 25/3 Mbps broadband service and distribute $20.4 billion in high-cost USF support over 10 years using a two-phase reverse auction framework. FR

• Oct. 21 - PRA comments due on the information collection requirements in the FNPRM on the new Digital Opportunity Data Collection.

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