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August 29, 2016 HIGHLIGHTS

- [Sacred Wind](#), [NTTA](#), [NTCA](#), [Custer Telephone](#), et al. and [GVNW](#) filed replies on the Petitions for Reconsideration of the March 30, 2016 [RoR USF Reform Order](#).
- [Roanoke Electric Cooperative](#) and [Illinois Electric Cooperative](#) filed statements in support of NRECA and UTC's [Petition](#) for Reconsideration of the decision in the May 2016 CAF Phase II Auction Order to exclude census blocks in non-winning Category 1 bid Rural Broadband Experiment applications from the CAF Phase II auction.
- The FCC released an [Order](#) denying challenges from Worldcall Interconnect, AirNorth, and San Joaquin Broadband to the Wireline Competition Bureau's Rural Broadband Experiments Waiver [Order](#).
- Great Plains and the NRIC [discussed](#) the various budget control mechanisms for rate-of-return carriers electing model-based support and NRIC's proposed universal service contribution methodology.
- NECA filed its 2017 [Modifications](#) of the Average Schedule Universal Service HCLS Formula.
- WTA [discussed](#) broadband customer privacy and data security, and suggested modifications to the Commission's proposal to reduce burdens on small carriers. [Verizon](#), [AT&T](#), [Nokia](#), and [CTIA](#) also discussed similar issues.
- The FCC issued an [Erratum](#) to the [Declaratory Ruling, Second Report and Order, and Order on Reconsideration](#) that eliminated outdated regulations and established clear criteria to expedite the review process for section 214 service discontinuance applications.
- The Ad Hoc Telecommunications Users Committee filed a [Petition for Reconsideration](#) of the [Declaratory Ruling](#) that granted USTelecom's Petition for a ruling that ILECs are non-dominant in their provision of interstate switched access services. Ad Hoc seeks the same rate protections for both originating toll-free access minutes and terminating switched access minutes.
- The Wireline Competition Bureau issued a [Public Notice](#) releasing additional peer review materials in the business data services proceeding. The Bureau released a revised FCC Staff Memorandum addressing suggestions by Dr. Andrew Sweeting for estimating cluster-robust standard errors using a geographic area larger than the census block.

Other Key Upcoming Dates

- Aug. 31 - PRA comments [due](#) on a new collection associated with the March 2016 RoR USF Reform [Order](#).
- Sept. 2 - Oppositions due to Baraga Telephone's [Petition for Reconsideration and Clarification](#) of the RoR USF Reform Order. Replies are due September 12. [Notice](#)
- Sept. 6 - Comments due on the [Twelfth Broadband Progress Notice of Inquiry](#). Replies due September 21.
- Sept. 19 - PRA comments [due](#) for emergency OMB approval of information needed to implement the [RoR USF Reform Order](#), including revisions to FCC Forms 507, 508 and 509.

USF Reform

- Reply comments were filed on August 25, 2016, on the Petitions for Reconsideration of the March 30, 2016 [RoR USF Reform Order](#). [Sacred Wind Communications](#) agreed with WTA's request for reconsideration regarding broadband-only rates and its contention that the universal service budget is insufficient to permit most rural consumers to receive stand-alone broadband at reasonably comparable rates. It also agreed with WTA's assertion that a competitive broadband provider be qualified as an unsubsidized competitor, with respect to the incumbent's receipt of CAF/BLS support, only if the competitor can match the broadband speeds provided by the incumbent, and WTA's request for the Commission to adopt a streamlined waiver process that would permit RoR Path and A-CAM Path carriers to extend deadlines for build-out requirements. The [National Tribal Telecommunications Association](#) agreed with NTCA that the amount of funding directed to universal broadband service by the FCC is inadequate, especially as it relates to Tribal areas, and noted it has proposed the Tribal Broadband Factor to address this issue. It also agreed with NTCA's request for the Commission to adopt an inflationary factor in order to avoid a result where carriers have operating expenses capped in subsequent years through no fault of their own, and said it continues to advocate for Tribal area-specific treatment of operating expenses. [NTCA](#) said given ITTA's support on several of the issues raised in NTCA's Petition, and in light of the lack of opposition with respect to any other matters raised therein, it asked the Commission to act consistent with the recommendations set forth in its Petition. [Custer Telephone Cooperative and ten other RLECs](#) filed in support of their Petition, which seeks reconsideration of the decisions in the Order that reduce the support available to ROR carriers who remain on legacy support mechanisms by shifting that support to carriers electing model-based support and increasing the broadband build-out requirements of RoR legacy support carriers. They asserted their Petition demonstrates the Commission's action is contrary to its stated safeguard measures to ensure the sufficiency of support for RoR carriers and is not in keeping with section 254(b)(5) of the Act. They said in light of the fact that no party filed objections to their Petition, they urged the Commission to reconsider its Order. [GVNW](#) expressed support for: NTCA's request either to revisit the high-cost budget to ensure sufficient support so that rural consumers may pay affordable rates, or, in the interim, suspend the requirement for RLECs to certify they are providing standalone broadband services at reasonably comparable rates; WTA's request to reconsider the definition of qualifying unsubsidized competitors; WTA's request for clarification of how transactions will be handled under the reformed regime; NTCA's request to clarify what precise information must be furnished by those purporting to fulfill the requirements needed to be classified as an unsubsidized competitor; excluding standalone broadband connections that were in place on September 30, 2011, when the CAF ICC baseline for eligible recovery was first established, from the ARC imputation; and NTCA's interpretation of Footnote 141, which addresses the budget consequences when a carrier initially elects the model but then declines the model upon the second model run; among other issues. [List of all replies available to date.](#)
- The Commission released a [Memorandum Opinion and Order and Order on Reconsideration](#) on August 22, 2016, denying challenges from Worldcall Interconnect, AirNorth Communications, and San Joaquin Broadband to the Wireline Competition Bureau's Rural Broadband Experiments Waiver [Order](#), which denied their requests for waiver of the post-selection review obligation to submit audited financial statements by a specified deadline. The Commission also dismissed as moot related petitions, including WCX's Motion for Stay, AirNorth's and SJB's requests for waiver of the obligation to submit proof of ETC designation, and the petition filed by SJB for ETC designation in areas covered by SJB's provisionally selected bids.
- Great Plains Communications and the Nebraska Rural Independent Companies [met with](#) Commissioner O'Rielly's Legal Advisor on August 18, 2016, to discuss the various budget control mechanisms for rate-of-return carriers electing model-based support. They also discussed the universal service contribution methodology that NRIC is proposing in the Nebraska state proceeding.
- Hamilton County Telephone Co-op filed a [letter](#) on August 23, 2016, to reiterate that it believes its challenge to the inclusion in the A-CAM support calculations of Wisper, a fixed-wireless ISP, should have been granted. It argued the information submitted by Hamilton went well beyond the Bureau's "more likely than not" standard and illustrated categorically that the Form 477 data submitted by Wisper

was incorrect. Hamilton claimed it attempted to discuss its evidence and the basis for its challenge with the WCB prior to the release of the Order, but its offers were rejected, and said such procedural infirmities have contributed to an outcome that will negatively impact the scope and speed of Hamilton's broadband deployment capabilities and the rural consumers it serves.

- GCI [met with](#) Commissioner Clyburn's Chief of Staff and Media Policy Advisor on August 23, 2016, regarding the adoption of the Alaska Plan. GCI claimed the Alaska Plan is a concrete, practical, enforceable solution to maintain, upgrade, and expand broadband and mobile services in remote areas of Alaska, and claimed it will bring real world improvement to the lives of underserved communities in rural Alaska. GCI asserted any concerns over subsidizing two carriers in any particular area will be addressed in an FNPRM and should not outweigh the practical benefits of the Alaska Plan.
- Consolidated Communications [met with](#) the Legal Advisors to Chairman Wheeler and Commissioners [O'Rielly](#), [Pai](#), [Clyburn](#) and [Rosenworcel](#) on August 17-18, 2016, to discuss the [Application for Review](#) filed by its subsidiary, Consolidated Communications of California (formerly known as SureWest Telephone), of the Wireline Competition Bureau's Order denying Surewest's request for a waiver of the filing deadlines for submission of a state certification of federal high-cost support. Consolidated said the Bureau overlooked the fact that SureWest had filed a certification of compliance with the Commission covering its ICLS support, and suggested the omission of the California PUC certification should be excusable in light of the lack of any consequences to other high-cost fund recipients, the confusion caused by the coincidence of SureWest's conversion from rate-of-return to price cap status in October 2012 as a result of its acquisition by Consolidated, and the changes in the high cost certification requirements resulting from the 2011 Transformation Order.
- Roanoke Electric Cooperative filed a [Statement](#) on August 23, 2016, in support of NRECA and UTC's [Petition](#) for Reconsideration of the decision in the May 2016 CAF Phase II Auction Order to exclude census blocks in non-winning Category 1 bid Rural Broadband Experiment applications in which a price cap carrier provides at least 10/1 Mbps broadband or an unsubsidized competitor provides service, based on recent Form 477 data. It said the Commission reversed a decision made in December 2014 to include in the offer of model-based support any census block included in a non-winning RBE application without notice or opportunity for comment, which violates Section 553 of the APA, and claimed this ruling will extend the digital divide. The [Illinois Electric Cooperative](#) also filed a Statement in support of NRECA and UTC's Petition for Reconsideration of the CAF Phase II Auction Order, saying the FCC ruled clearly in the December 2014 CAF Order that all census blocks in non-winning Category 1 applications would be included in the CAF II, and it argued reversal of this ruling with neither notice nor opportunity for comment violates both the letter and spirit of Section 553 of the APA.
- Empire State Development [met with](#) Chairman Wheeler's Legal Advisor and Wireline Competition Bureau staff on August 18, 2016, to discuss the press release attached to the ex parte from the New York Broadband Program Office announcing the results of round one of its funding awards, which it said will connect 34,000 homes to high-speed broadband for the first time. ESD claimed the success of the NY broadband program demonstrates that NY State has an established auction structure the Commission should leverage for the distribution of CAF funding. It urged the Commission to move quickly to allow broadband providers in affected states to "step into the shoes" of the carriers that previously declined the CAF funding and access that funding if certain conditions are met.
- The Rural Wireless Association filed a [letter](#) on August 23, 2016, to update the record in the Mobility Fund proceeding in response to a recent blog post by Commissioner O'Rielly and ex parte letters filed by a group of rural Senators, U.S. Cellular, and others. The RWA argued mobility support must be sized at \$500 million or more and an alternative mobility support mechanism is necessary that would divide the MF II budget into two separate funds – one for capital expenditures and another for operational expenses of existing networks. It also called for the halt of phase-down support until 50 percent of authorized MF II funds have been disbursed, a geographic metric rather than a population-based or road mile metric, addressing the unreliability of Form 477 data, and adopting a robust challenge process, among other issues.

Broadband

- WTA [met with](#) Wireline Competition Bureau staff on August 18, 2016, to discuss broadband customer privacy and data security. WTA described the CPNI practices of its small RLEC members, and urged the FCC to continue to permit the sharing of information between RLECs, their affiliates, and vendors. WTA suggested the FCC permit small BIAS providers to grandfather existing opt-out approvals as it has done in the past. WTA also said requiring small providers that are dependent on third-parties to investigate whether a data breach actually occurred and to identify affected customers and issue notifications within 10 days will likely result in carriers providing inaccurate or incomplete information.
- Verizon [met with](#) Chairman Wheeler's Legal Advisor and Wireline Competition Bureau and General Counsel staff on August 17, 2016, to discuss broadband privacy issues. Verizon asserted broadband providers should be permitted to market their services to their own customers without first obtaining opt-in or opt-out consent, and claimed the Commission need not dictate where customer data is held within a particular company by restricting sharing customer data among affiliates. Verizon also encouraged the FCC to follow the FTC's approach with respect to de-identified data, and discussed what it says are the benefits of harmonization and creating a single set of broadband privacy rules that would apply to both voice and broadband telecommunications services.
- AT&T [met with](#) Public Safety and Homeland Security Bureau and Wireline Competition Bureau staff on August 19, 2016, to discuss broadband customer privacy and the proposed data security and breach reporting rules. AT&T asserted any rules that are adopted should incorporate a reasonableness standard, as suggested by the FTC staff and similar to the requirement of the current CPNI rules, rather than a strict liability standard. AT&T also discussed concerns expressed by commenters about the proposed reporting and notification of data breaches, and detailed its amended reporting proposal to provide earlier notice of data breaches to the Commission.
- Next Century Cities, a collaboration of 42 mayors and city leaders, sent a [letter](#) to the mayors of Chattanooga, TN, and Wilson, NC, to express support and solidarity with their efforts to advocate for the ability of all communities to choose the broadband solutions that are right for each of their communities. They expressed concern about the detrimental impact the court's [decision](#) to overturn the FCC's [2015 ruling](#) will have on community members' ability to access fast, affordable broadband internet access, and how it will prevent the expansion of their cities' broadband networks to neighboring underserved communities, as well as what it could mean in communities nationwide. They said they oppose restrictive state broadband barriers that limit the capacity of local communities to thrive, like those that hinder expansion in Tennessee and North Carolina, and similar burdensome and unnecessary state laws that many of them struggle with.
- Nokia [met with](#) Wireline Competition Bureau and Wireless Telecommunications Bureau staff on August 23, 2016, to discuss the Commission's recognition that its broadband customer privacy rules would permit, without an opt-in requirement, the ability to: use, disclose, or permit access to customer information necessary to, or used in, the provision of the broadband service; use, disclose or permit access to aggregate customer information; and use customer information to market other communications-related services. Nokia said it agreed with the Commission that permitting use of customer information in each of these cases is consistent with the Communications Act, and claimed it provides benefits to consumers and society.
- CTIA [met with](#) Wireline Competition Bureau and Wireless Telecommunications Bureau staff on August 23, 2016, to discuss broadband privacy issues. CTIA discussed what it says is the importance of harmonization of privacy policy across the internet ecosystem; aligning data breach and data security provisions with existing state law; use of de-identified data; and payment models that vary by consumer privacy preferences. CTIA also attached a copy of a recent report by the Information Technology & Innovation Foundation, entitled "Why Broadband Discounts for Data are Pro-Consumer."
- The Mobile Giving Foundation and the Mobile Giving Alliance [met with](#) Wireline Competition Bureau staff on August 24, 2016, to discuss the broadband customer privacy [NPRM](#). They said it is imperative

the FCC strike the right balance between protecting consumer privacy and permitting, with appropriate transparency and consent, access to and use of consumer data by mobile operators and non-profits in a manner that serves the public interest. They expressed concern with elements of the NPRM suggesting that certain technologies may be categorically prohibited, and urged the Commission to consider technologies as marketing tools, with each evaluated as it is used, rather than applying bright line prohibitions.

- The Schools, Health & Libraries Broadband Coalition filed a [letter](#) on August 19, 2016, submitting its report, *Connecting Anchor Institutions: A Broadband Action Plan*, which it said serves as a roadmap for federal, state, and local governments to improve the broadband connectivity for schools, libraries, healthcare providers, and other community anchor institutions. The SHLB Coalition also asked the Commission to pursue specific policy recommendations laid out in the plan, such as instituting price controls on special access services where there is market power, enforcing the “lowest corresponding price” rule in the E-rate program, and incentivizing consortium bidding for health services.

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IP Transition

- The Wireline Competition Bureau issued an [Erratum](#) on August 24, 2016, to the [Declaratory Ruling, Second Report and Order, and Order on Reconsideration](#) that eliminated outdated regulations and established clear criteria to expedite the review process for section 214 service discontinuance applications. The Erratum corrected paragraph 206 on the Paperwork Reduction Act Analysis, the Ordering Clause in paragraph 213, and certain rules in Appendix A.
- The Ad Hoc Telecommunications Users Committee filed a [Petition for Reconsideration](#) on August 23, 2016, of the [Declaratory Ruling](#) that granted USTelecom’s Petition seeking a ruling that incumbent LECs are non-dominant in their provision of interstate switched access services. Ad Hoc asserted the Declaratory Ruling ignored the fact that the Commission has yet to act on its proposal to apply those same rate protections to access charges for the originating toll-free calls. Ad Hoc asked the Commission either to reconsider its decision to declare ILECs non-dominant in their provision of access services or restore the Commission’s rule that applies the same rate protections to both originating toll-free access minutes and terminating switched access minutes.

USF

- NECA filed its 2017 [Modifications](#) of the Average Schedule Universal Service High Cost Loop Support Formula on August 25, 2016. These modifications are scheduled to take effect on January 1, 2017, and remain in effect through December 31, 2017.
- The Michigan PSC filed a [letter](#) on August 23, 2016, in support of USTelecom’s [Petition for Reconsideration](#) of the Lifeline [Order](#), which requested the Commission reconsider the effective date of the new streamlined federal eligibility criteria and the obligation to offer Lifeline BIAS, and defer it at least until the later of December 31, 2017, or 12 months after OMB approval. The MPSC said it has similar concerns regarding the effective date of the new federal eligibility criteria and its impact on state laws, rules, and orders for programs that differ from the new federal eligibility criteria. It also said postponing the effective date of the federal eligibility criteria will provide a better opportunity for parties to address the differences between state and federal Lifeline programs.
- The Joint Lifeline ETC Petitioners [met with](#) Wireline Competition Bureau staff on August 22, 2016, to discuss their [Petition for Reconsideration and Clarification](#) of the Lifeline Reform [Order](#). They sought reconsideration of the mobile broadband minimum service standards after December 1, 2017, issues related to the National Verifier, the decision not to provide streamlined ETC application processing for voice-only Lifeline services, and seek clarification of the “rolling recertification” rule.

- The National Tribal Telecommunications Association filed a [letter](#) on August 24, 2016, to express concern that certain features of the Lifeline [Order](#) will likely bring harm to Tribal areas and hinder NTTA members' efforts in ensuring all Native Americans have access to affordable service. NTTA asserted the current Tribal Lifeline credit is insufficient in light of prices being charged for broadband service and reiterated that the national third party verifier will not work effectively in tribal areas.
- The Wireline Competition Bureau issued a [Public Notice](#) on August 26, 2016, to announce the filing window period schedule for funding requests for the Rural Health Care Program. The Bureau directed USAC to open a second filing window period starting on September 1, 2016 through November 30, 2016, and a third filing window period from February 1, 2017 through April 30, 2017. The Bureau also said for Funding Year 2017 and beyond, it will permit USAC to establish multiple filing window periods.
- Terral Telephone filed a [Petition](#) on August 26, 2016, asking the Wireline Competition Bureau to reconsider its dismissal of Terral's Request for Review of USAC's decision that rejected Terral's revised 2015 Form 499-A because the revisions were outside of the one year revision window, and its denial of a waiver of the Commission's requirement to file Form 499-A within one year of the original due date of the filing. Alternatively, Terral asked the Bureau to grant Terral's revised Request for Review of USAC's decision and to waive the requirement that requests for review of a USAC decision must be filed within sixty days of the decision, and the requirement to file Form 499-A within one year of the original due date of the filing.
- Tele Circuit Network filed its [Third Amended Wireline Compliance Plan](#) on August 25, 2016, outlining the measures it will take to implement the conditions imposed by the FCC in the 2012 Lifeline Reform Order and 2015 Lifeline Second Report and Order. Tele Circuit said the amended compliance plan replaces, in its entirety, the compliance plans filed on May 5, 2012, and February 13, 2013.

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Misc.

- The Wireline Competition Bureau issued a [Public Notice](#) on August 22, 2016, releasing additional peer review materials in the business data services proceeding. The Bureau released a revised FCC Staff Memorandum addressing suggestions by Dr. Andrew Sweeting for estimating cluster-robust standard errors using a geographic area larger than the census block.
- The Wireline Competition Bureau filed a [letter](#) on August 23, 2016, submitting into the special access proceeding a revised FCC Staff Memorandum addressing suggestions by Dr. Andrew Sweeting for estimating cluster-robust standard errors using a geographic area larger than the census block.
- USTelecom filed a [letter](#) on August 23, 2016, responding to claims by certain competitive providers of business data services that it is uneconomical and unfeasible to connect their nearby fiber to serve new customers and they are unable to effectively compete without price-regulated access to ILEC facilities. USTelecom asserted there is evidence and analyses by independent sources in public records that refute those claims. USTelecom argued the FCC must take into consideration how these competitors with nearby facilities are successfully gaining market share by extending their fiber networks to buildings in which they have won customers, which in turn positions them well to compete for additional customers in those same markets.
- AT&T [met with](#) Commissioner Clyburn on August 19, 2016, to discuss how a decision to regulate prices for business data services, particularly fiber-based BDS, will deter incentives for the rapid deployment of 5G wireless technology in rural America.
- AT&T [submitted](#) on August 19, 2016, a re-filed version of Appendix 2 of the Reply Comments of Mark E. Meitzen and Philip E. Schoech filed with AT&T's Reply Comments on August 9, 2016. AT&T corrected several errors in variables used in constructing the Tornqvist quantity index.

- USTelecom and Compass Lexecon [met with](#) Wireline Competition Bureau, Office of Strategic Planning and Policy Analysis, and Media Bureau staff and Mark Rysman, Professor of Economics, Boston University, on August 18, 2016, to discuss the economic papers and analysis in the business data services proceeding. USTelecom and Compass Lexecon asserted that more recent marketplace data do not support claims that ILECs continue to exercise broad market power in the provision of BDS. They also urged the Commission to set aside any preconceived notions about the relative marketplace positions of ILECs, CLECs and others that may have been acquired prior to the explosion of demand for data services and the enormous investments made by non-ILEC providers to blanket the areas with BDS demand with competing facilities.
- Windstream [met with](#) Wireline Competition Bureau staff on August 18, 2016, to reiterate its support for the Verizon/INCOMPAS [framework](#) for business data services. Windstream urged the Commission to establish a number of specific rules under the overall framework, and said reform to TDM-based special access pricing and the elimination of unreasonable shortfall penalties remain crucial to competition in the business data services markets.
- TDS Telecommunications and TDS Metrocom (CLEC) [met with](#) Wireline Competition Bureau and General Counsel staff on August 23, 2016, to express support for the Verizon-INCOMPAS framework, along with a strong wholesale-retail rule. TDS CLEC asserted the FCC should make clear that an ILEC cannot avoid the benchmark by charging a higher monthly recurring rate or special construction when the building is near the RBOC's fiber network but not yet connected. TDS CLEC also urged the FCC to adopt a wholesale-retail rule to make clear the wholesale rate for an ILEC BDS service that is the same or similar to a BDS service in an ILEC's retail bundle should always be less than, and never exceed, the price of the retail bundle.
- INCOMPAS filed a [letter](#) on August 24, 2016, responding to CenturyLink's [letter](#) on INCOMPAS and Verizon's [proposed framework](#) for business data services. INCOMPAS said CenturyLink claimed the rate reductions are only justified if ILECs' average cost of providing service had declined steeply since 2005 and claimed CenturyLink's operating expenses have fallen at a much slower rate than the demand for its services. INCOMPAS asserted CenturyLink's financial filings fail to support the claims, and asserted evidence in this proceeding confirm ILECs do not face meaningful, effective competition in the provision of BDS. It recommended the FCC move forward to implement a new framework for BDS.
- Sprint [met with](#) Wireline Competition Bureau and Office of Strategic Planning and Policy staff on August 24, 2016, to discuss possible refinements to the Commission's use of the Connect America Cost Model to adjust the price cap indices to account for recent productivity gains and calculate an X-factor designed to ensure reasonable business data services prices going forward.
- Comcast [met with](#) Commissioner Pai's Legal Advisor on August 25, 2016, to assert the business data services marketplace is increasingly competitive and the strong evidence of continuing investment by new entrants, expanding output, and declining prices militates heavily against the imposition of wide-scale rate regulation. Comcast also said subjecting competitive BDS providers to rate regulation would significantly chill further investment in broadband facilities and thus undercut the very competition the Commission seeks to promote.
- Charter Communications [met with](#) Office of Strategic Planning and Policy Analysis, General Counsel, and Wireline Competition Bureau staff on August 19, 2016, to assert that imposing price regulation on cable providers would be harmful to competition in the BDS market. Charter asserted cable providers face significant obstacles in competing with ILECs and entering new markets, and price regulation would only further tip the scale against additional expansion and entry by cable providers.
- ACS [met with](#) Chairman Wheeler's Legal Advisor and Wireline Competition Bureau staff on August 19, 2016, to discuss business data services. ACS provided information on its service area and how telecommunications are provided in Alaska. ACS asserted the business data services market in Alaska is competitive, and suggested the Commission should address the middle mile bottleneck in Alaska.

- Public Knowledge, the Open Technology Institute at New America, Common Cause and Next Century Cities, the SHLB Coalition, and the Computer & Communications Industry Association [met with](#) Legal Advisors to Commissioners Clyburn and Rosenworcel on August 17 and 18, 2016, to urge the Commission to proceed quickly to reform the business data services market and to adopt a final order in 2016. They said reforms to the Commission's regulatory approach must be effective, flexible, future-proof, and be technology-neutral.
- Wilcon filed a [letter](#) on August 25, 2016, to express support for Lumos Network, et al.'s [comments](#) and [reply comments](#) in the business data services proceeding. Wilcon urged the Commission to refrain from imposing any form of rate regulation on competitive fiber providers' BDS offerings. Wilcon asserted any such regulation would reduce the incentives of Wilcon and other CFPs to invest in new infrastructure and would therefore undermine the competitive benefits that result from CFP investment in facilities.
- MetTel, Xchange Telecom, Granite Telecommunications, et al. (the Wholesale Voice Line Coalition) [met with](#) Wireline Competition Bureau staff on August 23, 2016, to urge the Commission to extend the sunset of the regulatory backstop adopted in the Technology Transitions Order applicable to wholesale voice platform services. They also recommended that in any Order resulting from the special access/business data service proceeding, the Commission should declare that the proceeding remains open to examine the relevant market for wholesale voice platform services and to determine to what extent competition exists sufficient to protect consumers.
- TelePacific Communications [spoke with](#) Pamela Arluk, Chief of the Pricing Policy Division, on August 23, 2016, to discuss the PacBell and Southwestern Bell Telephone Tariff [Suspension Order](#). It asserted that because price flex contracts offer channel termination rates that are lower than the "lowest available Price Cap Zone 1 Channel Termination rate" used in PacBell's and SWBT's revised tariff filings, the tariffs still do not comply with the Tariff Investigation Order for all customers. TelePacific also claimed Frontier generally does not have pricing flexibility to offer discounted channel termination rates.
- The Wireline Competition Bureau issued a [Public Notice](#) on August 23, 2016, seeking comment on AireSpring's application to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. The Bureau said unless otherwise notified by the Commission, AireSpring may provide the states in which it intends to request numbers the required 30-day notice on the 31st day after the date of this Notice. Comments are due September 7.
- No replies were filed on Fairpoint's [Compliance Plan](#) for forbearance relief from the Commission's cost assignment rules. [Public Notice](#)
- The FCC [published](#) in the Federal Register on August 24, 2016, the [VRS Further Notice of Proposed Rulemaking](#) that was issued on August 4, 2016. The FNPRM seeks comment on interoperability and portability standards for VRS produced by the Relay User Equipment Forum to achieve the improvements sought in the 2013 VRS Reform [Order](#), and on the proposed guidance on implementation of the recently completed RUE Standards, including the need for a transition period for existing VRS access technologies to achieve interoperability and portability. Comments are due September 14.

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Upcoming Filing Dates

- Aug. 31 - PRA comments due on a new collection associated with the March 2016 RoR USF Reform [Order](#). [Notice](#)

- Sept. 2 - Oppositions due to Baraga Telephone's [Petition for Reconsideration and Clarification](#) of the RoR USF Reform Order. Replies are due September 12. [Notice](#).
- Sept. 2 - Oppositions due to [petitions for reconsideration](#) of the CAF Phase II Auction Order. [Notice](#). Replies are due September 12.
- 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. 7 - Comments due on AireSpring's application to obtain NANP telephone numbers directly from the Numbering Administrators for its iVoIP service. [Public Notice](#)
- Sept. 12 - Replies due to oppositions to Baraga Telephone's [Petition for Reconsideration and Clarification](#) of the RoR USF Reform Order [are due](#)
- Sept. 12 - Replies due to oppositions to [petitions for reconsideration](#) of the CAF Phase II Auction Order. [Notice](#)
- Sept. 14 – Comments due on the [VRS Further Notice](#) on interoperability and portability standards. [FR](#)
- Sept. 19 - PRA comments [are due](#) for emergency OMB approval related to information needed to implement the [RoR USF Reform Order](#), including revisions to FCC Forms 507, 508 and 509
- 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](#)
- Sept. 21 - Replies 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.
- Oct. 24 - Replies 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](#). [Public Notice](#)

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