

**NECA's Weekly Federal Regulatory Summary**

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**August 31, 2020 HIGHLIGHTS**

- The Wireline Competition Bureau [re-awarded](#) Slic Network Solutions \$2.4 million in CAF Phase II auction support out of the \$3.6 million that was previously awarded to Mohawk Networks.
- NTCA [expressed concerns](#) about the impacts of the resurgent budget control mechanism on RLECs receiving cost-based CAF-BLS and/or High Cost Loop Support.
- The Office of Economics and Analytics [announced](#) the filing deadline for Form 477 data as of June 30, 2020, is September 1, 2020.
- The FCC [circulated](#) a report and order on 8YY access charge reform on August 13, 2020.
- NTCA [offered suggestions](#) on 8YY access charge reform.
- USTelecom, et al. [suggested](#) the FCC adopt 8YY access charge reform based upon USTelecom's [proposal](#). Frontier and Windstream [suggested](#) the FCC not move forward in eliminating 8YY access charges without simultaneously allowing LECs to recover lost revenues.
- NECA filed its [2021 Modification of the Average Schedule Universal Service HCLS Formula](#).
- The FCC issued an [NPRM](#) on changes to its existing filing fee schedule that apply to applications to participate in auctions, tariff filings, complaints, and petitions, among other things. Comments are due 30 days after publication in the Federal Register; replies are due 45 days after Federal Register.

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**Other Key Upcoming Dates**

- Sept. 8 - Comments due on the [third FNPRM](#) on broadband mapping. Replies due September 17, 2020. [FR](#)

## USF Reform

- The Wireline Competition Bureau issued an [order](#) on August 27, 2020, re-awarding Slic Network Solutions \$2.4 million in CAF Phase II auction support out of the \$3.6 million that was previously awarded to Mohawk Networks in conjunction with Phase 3 of New York State New NY Broadband Program. The Bureau noted the Empire State Development's Broadband Program Office had requested this award after Mohawk said it could not complete its Phase 3 project.
- NTCA [spoke with](#) Chairman Pai's wireline advisor on August 25, 2020, to express concerns about the impacts of the resurgent budget control mechanism on RLECs receiving cost-based CAF-BLS and/or High Cost Loop Support. NTCA asserted this mechanism will reduce by more than \$37 million over the next twelve-month period the amount of universal service support to be received by several hundred small rural companies and cooperatives. NTCA requested the effectiveness of the budget control be waived for the pendency of the pandemic.
- The Rural Wireless Association, NTCA, Panhandle Telephone Cooperative, et al. [spoke with](#) Wireline Competition Bureau and Office of Economics and Analytics staff on August 20, 2020, regarding RWA's Phase 0 proposal for awarding 5G Fund support. They said the Phase 0 proposal would allow rural carriers currently receiving frozen legacy support to continue to receiving legacy support at increased levels totaling \$1.5 billion over 10 years in exchange for 5G deployment commitments in their legacy support areas within Rural-Urban Commuting Area codes 5-10. They also discussed the impact of using either Option A or Option B in Phase 1 of the 5G Fund and how the total funding allocated would be affected by the addition of a Phase 0.
- Consolidated filed a [letter](#) on August 27, 2020, to request the Wireline Bureau to confirm the six or seven-year term of model-based CAF Phase II support began on August 1, 2015 for all price cap carriers electing model-based CAF Phase II support in states where that support was less than the frozen CAF Phase I support they had been receiving. It also requested the Bureau instruct USAC to continue making model-based support payments to these carriers (including the legacy Consolidated LECs in five states and legacy FairPoint LECs in eight states) for the full six years (seven years, for carriers so electing) through July 31, 2021 (July 31, 2022 for carriers electing a seventh year of support).
- Northwest Fiber dba Zply Fiber, filed a [letter](#) on August 25, 2020, pursuant to the July 29, 2020 [public notice](#), indicating it elects to receive an additional year of CAF Phase II model-based support for the former Frontier territories in Idaho, Montana, Oregon, and Washington. Zply said it is the successor to Frontier as the current parent company and owner of all of the equity interests in four ILECs formerly owned by Frontier and serving those states.

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## ICC

- The FCC [circulated](#) a report and order on 8YY access charge reform on August 13, 2020.
- NTCA [spoke with](#) Wireline Competition Bureau staff on August 24, 2020, regarding 8YY access charge reform. NTCA suggested the establishment of a default rule that would preclude parties from unilaterally dictating changes to existing financial responsibilities for interconnection and transport. NTCA also urged the FCC to make explicit in any upcoming order with respect to 8YY traffic that, in the absence of mutual agreement, no party may force a change to any RLEC's existing interconnection points that define financial responsibility for interconnection and transport of calls pursuant to any tariff, contract, or other arrangement even if the ICC rates applicable under such vehicles may be altered by a Commission order.
- USTelecom, Consolidated, Frontier, Verizon, and Windstream [spoke with](#) legal advisors to Commissioners O'Rielly, Carr, and Starks on August 20 -21, 2020, regarding 8YY access charge

reform. USTelecom asserted its [negotiated compromise resolution](#) moves forward with 8YY reform in a manner that is consistent with the principles of the 2011 USF/ICC Transformation Order, reduces arbitrage, and is legally sustainable. They suggested the FCC move quickly to adopt the reform based upon that proposal.

- Frontier Communications and Windstream [spoke with](#) advisors to Chairman Pai and Commissioners Carr, O’Rielly, Starks and Wireline Competition Bureau staff on August 20, 21 and 24, 2020, asserting an order eliminating originating access charges in connection with 8YY calls would result in revenue losses. They said due to continued rate regulation at the state and federal level, as well as federal caps on rates imposed by the 2011 USF/ICC Transformation Order, they cannot simply raise overall rates to compensate for lost revenues. They suggested the FCC not move forward in eliminating 8YY access charges without simultaneously allowing local exchange carriers to recover lost revenues. Frontier Communications also [spoke with](#) Commissioner Rosenworcel’s advisor on August 25, 2020, regarding the same issues.
- Inteliquent [spoke with](#) legal advisors to Chairman Pai and Commissioners O’Rielly, Carr, Rosenworcel, and Starks, and Wireline Competition Bureau staff on August 24, 2020, to urge the FCC that any order adopted on 8YY access charges not disrupt the competitive marketplace for tandem services or increase costs on consumers relying on 8YY calling. It asserted some proposals on the record, and in particular the suggestion that the tandem usage rate for 8YY-calling be set at an arbitrary figure of \$0.001 /minute, would upset the toll-free ecosystem.
- The FCC filed a [brief](#) with the U.S. Court of Appeals for the Ninth Circuit Court on August 24, 2020, in the case addressing a petition for review of an [FCC order](#) that granted Verizon’s complaint against Wide Voice regarding tandem-switched transport rates. The FCC asserted Wide Voice’s tariff violates the rate benchmark rule because it authorizes higher rates for such service than is allowed by the benchmark rule.

## Broadband

- The Office of Economics and Analytics issued a [public notice](#) on August 25, 2020, announcing the filing deadline for Form 477 data as of June 30, 2020, is September 1, 2020. The OEA said accurate and timely submission of FCC Form 477 is mandatory for [affected entities](#), and providers failing to do so may be subject to enforcement action. The FCC’s Form 477 filing interface is [available online](#).
- Chairman Pai [announced](#) on August 28, 2020, staff changes to the FCC’s data team to aid the Commission’s work in bridging the digital divide. Steve Rosenberg will serve as permanent chief data and analytics officer, overseeing implementation of the Foundations for Evidence-Based Policymaking Act and continuing his work on implementation of the Broadband DATA Act. Anne Levine will serve as deputy chief data officer and continue her work with the agency’s Evidence Act and federal data strategy efforts. Chelsea Fallon will serve as chief of the data division, continuing her work on the Digital Opportunity Data Collection and other Commission data collections. All three will be based within the Office of Economics and Analytics.
- NTCA [spoke with](#) Wireline Competition Bureau staff on August 25, 2020, regarding broadband data collection. NTCA expressed support for the development and implementation of robust challenge validation processes for the refinement of broadband mapping data. NTCA also urged the Commission to require all fixed broadband service providers to report on latency performance, along with an indication of whether a provider offers voice service to any given location (or within a polygon) on a standalone basis as part of a revised Form 477 report. Additionally, NTCA expressed support for the collection of business-only service coverage distinct from residential offerings and for a requirement that reporting providers include some form of engineering validation with their submissions.
- NTCA [spoke with](#) Commissioner Carr’s legal advisor on August 26, 2020, regarding the *City of Portland* [decision](#) by the Ninth Circuit Court of Appeals. NTCA reiterated its support for efforts to address any barriers presented by excessive fees or other terms and conditions for access to public rights-of-way. NTCA said one barrier its members report in terms of expanding broadband networks relates to the fees and the terms and conditions of their access to railroad crossings and other property

for the purposes of installing broadband infrastructure. NTCA asserted the excessive fees imposed by railroads inhibit broadband deployment in much the same way as the fees preempted by the Commission with respect to small cell placement in public RoWs and upheld in City of Portland.

## Robocalls

- Comments are due on August 31, 2020, on additional steps to further protect consumers from robocalls and inform them about provider blocking efforts. Replies due September 29, 2020. [FNPRM | FR](#)

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## Other Universal Service

- NECA filed its [2021 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#) on August 28, 2020. These modifications are scheduled to take effect on January 1, 2021, and remain in effect through December 31, 2021.
- The Wireline Competition Bureau issued an [order](#) on August 26, 2020, denying three petitions for waiver of the study area boundary freeze filed by: Reservation Telephone Cooperative and Qwest to expand RTC's Alexander exchange in North Dakota; West River Telecommunications Cooperative's request to expand its Elgin and St. Anthony's exchanges in North Dakota; and West River's request to expand its Elgin exchange in North Dakota. The Bureau said granting these petitions would not serve the public interest and are inconsistent with the efficient use of limited universal service funding.
- 3 Rivers Telephone Cooperative and Siyeh Communications [spoke with](#) Wireline Competition Bureau staff on August 26, 2020, regarding their [joint petition](#) for a study area waiver on the transfer of the Browning, Montana exchange from 3 Rivers to SiyCom. They discussed conditions 3 Rivers and SiyCom would be willing to accept that would allow the FCC to grant the requested waiver to help effectuate the sale of the Browning Exchange from 3 Rivers to SiyCom on or before September 30, 2020.
- The Wireline Competition Bureau issued an [erratum](#) on August 26, 2020, to the [order on reconsideration and order](#) that resolved several petitions relating to the Stage 2 of the Uniendo a Puerto Rico Fund and Connect USVI Fund. The erratum corrected paragraph 38 of the order.
- The Wireline Competition Bureau issued an [order](#) on August 24, 2020, denying Blackburn Technologies II's [petition for waiver](#) of the requirement that only facilities-based providers offering voice and broadband service to end users in Puerto Rico are eligible for Uniendo a Puerto Rico Fund Stage 2 support. The Bureau asserted Blackburn is unwilling to meet the public interest obligations that apply to all recipients of high-cost universal service support.
- Blackburn Technologies II filed a [petition for reconsideration](#) on August 26, 2020, of the [order](#) denying its [petition for waiver](#) of the requirement that only facilities-based providers offering voice and broadband service to end users in Puerto Rico are eligible for Uniendo a Puerto Rico Fund Stage 2 support. Blackburn asserted the Bureau erred by failing to consider all material facts regarding Blackburn's eligibility to compete for Stage 2 support.
- An FCC [notice](#) was published in the Federal Register on August 27, 2020, seeking Paperwork Reduction Act comments on a revision of a currently approved information collection associated with the Telehealth for Low Income Consumers and COVID-19 Telehealth Programs. The FCC said the information collected is necessary in order to facilitate the Commission's and USAC's administration of the programs and to prevent waste, fraud, and abuse, and will allow the Commission to evaluate the extent to which the programs are complying with the applicable rules and procedures for each program, and the CARES Act. PRA comments are due September 28, 2020.

- Sens. Richard Blumenthal (D-Conn.), Tammy Duckworth (D-Ill.), et al. sent a [letter](#) to Chairman Pai on August 27, 2020, asking the FCC to boost its Lifeline program to keep students connected. They asked the FCC to put in place a plan to respond to the pandemic and to immediately take steps to implement reforms that will bridge the homework gap. They said reforms should include additional financial support for Lifeline providers to temporarily expand unlimited mobile data and voice minutes to consumers to keep them connected during the pandemic, among other things. [press release](#)
- The National Lifeline Association filed a [petition](#) on August 27, 2020, requesting the Commission waive the Lifeline mobile broadband minimum service standard increase and voice support phase-down scheduled to take effect on December 1, 2020. NaLA requested the FCC retain the mobile broadband MSS at 3 GB rather than increasing it to 11.75 GB as planned, and retain Lifeline voice support at \$7.25 rather than decreasing it to \$5.25 as planned. NLA asserted these actions will ensure that Lifeline services do not become less affordable and accessible for low-income Americans that need access to affordable communications services more now than ever because of the ongoing pandemic.
- The National Lifeline Association, Life Wireless, Stand Up Wireless, et al. [spoke with](#) legal advisors to Commissioners O'Rielly, Carr, Starks, and Rosenworcel on August 20, 2020, and with Chairman Pai's economic advisor and Wireline Competition Bureau staff on August 24, 2020, regarding the [public notice](#) announcing the updated Lifeline minimum service standards and indexed budget amount, and the [draft order](#) that is circulating on Lifeline mobile broadband MSS. NLA, et al. said, to better facilitate transparent decision making, the FCC should make Commission the draft order available to the public.
- The National Grange filed a copy of a [letter](#) it sent to Rep. Nancy Pelosi (D-Calif.) and Sen. Mitch McConnell (R-Ky.) on August 27, 2020, which claimed the FCC's recent proposal would increase the cost of providing Lifeline broadband and voice services to the point where Lifeline carriers must charge a copayment from qualified low-income consumers to participate. They urged Congress to take immediate action to block the FCC's proposal and said it hoped language in the next COVID-19 relief package would prevent the Commission from moving forward with the proposal.
- TruConnect [spoke with](#) Commissioner O'Rielly on August 25, 2020, regarding the July 31, 2020 [public notice](#) setting the December 1, 2020 mobile broadband minimum service standards at 11.75 GB per month, and the [draft order](#) that is circulating on Lifeline mobile broadband MSS.
- Free Press, New America's Open Technology Institute, et al. [spoke with](#) Commissioner Rosenworcel and her chief of staff on August 19, 2020, to express concerns regarding the pending increase in the Lifeline program's minimum service standards. They asserted the FCC should extend the current pandemic-related Lifeline program waivers to at least the end of the year, and that Lifeline can play a role in helping address the connectivity needs of students. They also said the FCC should permit the public to see any order increasing the MSS and the Commission's analysis of its impact on Lifeline consumers, before acting, and should pause pending MSS increases until it issues its 2021 State of Lifeline Marketplace Report.
- The Texas PUC filed [supplemental comments](#) on August 27, 2020, on the National Lifeline Association's [petition](#) for a declaratory ruling revoking the Texas PUC's National Lifeline Accountability Database opt-out certification and providing other relief. The PUC asserted NaLA's petition should be denied due to the validity, comprehensiveness, and transparency of the LIDA processes and requirements, and claimed there have been no failures in the design or management of the program or processes.
- The SHLB Coalition filed a [letter](#) on August 28, 2020, expressing support for letters filed by [SECA](#), [ALA](#), [CoSN](#) and [SEDTA](#) that asked for emergency measures to allow schools and libraries to obtain E-Rate support for immediate increases in bandwidth necessary to handle the growth of on-line learning due to the COVID-19 crisis. The SHLB Coalition also asked the Commission to adopt similar measures for participants in the rural health care program to support the expansion of telehealth service
- SECA filed a [letter](#) on August 27, 2020, to supplement its [request](#) that the Commission to allow E-Rate funding to be used for increases in bandwidth needed to handle on-line learning. SECA provided data

it says shows the financial impact of its request on the E-Rate fund is between \$68.9 million and \$103.4 million, and claimed this amount will have a minor impact, if any, on the overall USF demand.

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## Misc.

- The FCC issued a [notice of proposed rulemaking](#) on August 26, 2020, seeking comment on changes to the Commission's existing application fee schedule. The FCC said the new and revised fees apply to a broad spectrum of filings processed by the Commission including applications, modifications, and renewals of wireless, television and satellite licenses, applications to participate in auctions, tariff filings, formal complaints and certain petitions. The FCC said the proposed changes derive from modifications to the Commission's statutory application fee authority made by the RAY BAUM'S Act of 2018. Comments are due 30 days after publication in the Federal Register; replies are due 45 days after Federal Register.
- Comments are due on August 31, 2020, 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](#)
- JAB Wireless dba Rise Broadband filed a [letter](#) on August 26, 2020, to renew its request for the Commission to reimburse it for the costs it incurs to remove and replace covered company equipment prior to the effective date of final rules in the supply chain proceeding regarding the terms for removal, replacement and reimbursement.
- CCA [spoke with](#) Wireline Competition Bureau staff on August 26, 2020, regarding the role that open RAN technologies could play in the rip and replace process for wireless networks with covered equipment.
- No replies to oppositions were filed 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](#)
- The FCC issued a [public notice](#) on August 28, 2020, announcing the first meeting of the FCC's reauthorized Intergovernmental Advisory Committee will be held on September 22, 2020. The IAC provides guidance, expertise, and recommendations to the Commission on a range of communications issues for which local, state, and tribal governments explicitly or inherently share responsibility or administration with the Commission.
- USTelecom and INCOMPAS [spoke with](#) Chairman Pai and Commissioners Rosenworcel, O'Rielly, and Carr and their advisors on August 26, 27, and 28, 2020, regarding their [compromise proposal](#) on unbundling. They asserted the proposal recognizes the significant changes in a modern communications market that has seen increased competition for voice and broadband service and that reasonable transition periods are necessary in areas where UNEs would no longer be available.
- NCTA filed a [letter](#) on August 28, 2020, responding to a [compromise proposal](#) by INCOMPAS and USTelecom that addressed the unbundling of several elements, including OSS. NCTA said it supports the stand-alone OSS proposal with one clarification – the finding of impairment would apply to OSS maintained directly or indirectly by an ILEC. NCTA asserted this would encompass scenarios in which an ILEC utilizes a third-party to maintain its OSS and the rationale for the finding of impairment is the same whether the ILEC maintains the database itself or outsources the maintenance but retains control over the database.
- The Wireline Competition Bureau issued a [public notice](#) on August 29, 2020, granting, subject to a limited condition, a section 214 application filed by Chad Miles and Great Plains Communications that requested consent to transfer control of Miles Enterprises and its regulated subsidiaries, Miles Communications, Sunman Telecommunications, and Sunman Telecommunications Long Distance

from Chad Miles to GP Communications.

- No comments were filed 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](#)
- No replies were filed on a section 214 application requesting approval to transfer control of the ETS Licensees from ACME to Radiate. [public notice](#)
- CTIA and USTelecom [spoke with](#) Chairman Pai's advisor on August 20, 2020, regarding their [petition](#) on simplifying filing requirements for pro forma assignment and transfer of control applications. They asserted by issuing a ruling clarifying no pro forma filings are required for certain non-substantial transactions and updating certain FCC forms and functions within its filing systems, and by initiating a rulemaking to apply post-closing notification procedures to all pro forma transactions no matter the license type, the FCC can reduce confusion and administrative burdens associated with non-substantive assignments and transfers of control.
- The FCC issued a [public notice](#) on August 24, 2020, announcing the next meeting of the North American Numbering Council will be held on September 24, 2020, via conference call. At this meeting, the NANC will consider and vote on a recommendation from the Call Authentication Trust Anchor Working Group on best practices that providers of voice service may use as part of the implementation of effective call authentication frameworks to ensure the calling party is accurately identified. The NANC will also discuss the status of its working groups. The NANC meeting is open to the public on the Internet via live feed from the FCC's web page at <http://www.fcc.gov/live>.
- The Wireline Competition Bureau issued a [public notice](#) on August 27, 2020, announcing it granted 3 Billionaires' application for authorization to obtain NANP telephone numbers directly from the numbering administrators for its iVoIP service.
- The Consumer and Governmental Affairs Bureau issued an [order](#) on August 26, 2020, granting a complaint alleging Tele Circuit Network changed complainant's telecommunications service provider without obtaining authorization and verification from the complainant.

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## Upcoming Filing Dates

- 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. 28 - PRA comments due on a revision of a currently approved information collection associated with the Telehealth for Low Income Consumers and COVID-19 Telehealth Programs. [notice](#)
- 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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