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### September 4, 2018 HIGHLIGHTS

- The FCC issued a [Public Notice](#) announcing bidding in the CAF Phase II auction (Auction 903) concluded on August 21, 2018. There were 103 winning bidders in the auction, with the 10-year support amount totaling \$1.488 billion and covering 713,176 locations in 45 states. Winning bidders are required to submit a post-auction application for support by October 15, 2018.
- Comments [are due](#) September 10, 2018, on the [NPRM](#) that proposes to modify the timeframe for collecting acceptable speed test data in support of Mobility Fund II eligibility challenges. Replies are due September 14, 2018. The Order accompanying the NPRM, which extended the deadline for the close of the Mobility Fund II challenge window by an additional 90 days, [is effective](#) August 30, 2018.
- NECA filed [comments](#) supporting the proposals in the [FNPRM](#) to extend the current freeze of Part 36 category relationships and jurisdictional cost allocation factors for a fifteen-year period and to allow RLECs who elected to freeze their categorizations the opportunity to unfreeze those relationships. [NTCA](#), [WTA](#), [ITTA](#) and [others](#) also filed comments. Replies are due September 10, 2018.
- The Eighth Circuit Court issued a [Decision](#) addressing Petitions for Review of the April 2017 [Report and Order](#) that altered the FCC's regulations for business data services. The court vacated and remanded portions of the final rules affecting TDM transport services.
- ITTA [discussed](#) methods to establish initial BSD rate levels for A-CAM carriers exiting the NECA pools.
- NTCA [discussed](#) the need for sufficient USF support for RoR carriers.
- GVNW [discussed](#) the 100 percent competitive overlap process.
- [Thirteen intervenor briefs](#) were filed on August 27, 2018, in the D.C. Court on behalf of Petitioners in the review of the Restoring Internet Freedom [Order](#).
- The FCC issued a [Report and Order and Order](#) adopting a schedule of regulatory fees to assess and collect \$322,035,000 in regulatory fees for fiscal year 2018. The FCC [announced](#) FY 2018 regulatory fees are due September 25, 2018.
- USAC filed the Federal [Universal Service Support Mechanisms Quarterly Contribution Base for Fourth Quarter 2018](#).
- Comments were filed by [WTA](#) and the [NLA](#) supporting NTCA's [Petition](#) seeking a temporary waiver of the updated minimum service speed standard applicable to fixed wireline broadband internet access service eligible for support by the Lifeline program. Replies are due September 14, 2018.
- NECA filed its [2019 Modification of the Average Schedule Universal Service HCL Support Formula](#), which is scheduled to take effect on January 1, 2019, through December 31, 2019.

### Other Key Upcoming Dates

- Sept. 4 - Comments due on the [8YY Access Charge Reform FNPRM](#). Replies are due October 1, 2018. [FR](#)
- Sept. 5 - Replies due on USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. [Public Notice](#), [Order](#)
- Sept. 10 - Replies due on the [FNPRM](#) that proposes to extend the separations freeze for 15 years. [FR](#)

## USF Reform

- The Rural Broadband Auctions Task Force and the Wireless Telecommunications and Wireline Competition Bureaus issued a [Public Notice](#) announcing bidding in the CAF Phase II auction (Auction 903) concluded on August 21, 2018. They said there were 103 winning bidders in the auction, with the 10-year support amount totaling \$1.488 billion and covering 713,176 locations in 45 states. Winning bidders are required to submit a post-auction application for support (FCC Form 683) by October 15, 2018, and winning bidders that wish to assign some or all of their winning bids to related entities must do so by September 14, 2018, using the Divide Winning Bids process as detailed on page 3 of the Public Notice. The three attachments to the Public Notice included: A list of the state, the 10-year assigned support amount, and the number of locations assigned for each winning bidder; a list of the total assigned support, the number of locations assigned, and the number of bidders with winning bids for each state with eligible areas in Auction 903; and Attachment C is the instructions for FCC Form 683.
- The FCC [published](#) in the Federal Register on August 30, 2018, the [NPRM](#) on the Mobility Fund Phase II challenge window, proposing modifications to the speed test data specifications to accept speed test data in support of challenges collected at any time on or after February 27, 2018, the date of the publication of the map of presumptively eligible areas, through the new close of the challenge window, November 26, 2018. Comments are due September 10, 2018; replies are due September 14, 2018. The Order accompanying the NPRM, which extended the deadline for the close of the Mobility Fund Phase II challenge window by an additional 90 days, [is effective](#) August 30, 2018.
- NTCA [spoke with](#) Wireline Competition Bureau staff on August 29, 2018, to discuss the need for sufficient USF support for RoR carriers and encouraged the Commission to consider and complete in the next several months those steps necessary to promote the longer-term stability and sustainability of support mechanisms.
- GVNW [met with](#) Wireline Competition Bureau staff on August 8, 2018, to discuss the 100 percent competitive overlap process. GVNW suggested clarifying that when a study area is identified as being 100 percent overlapped based on FCC Form 477 data, and if the unsubsidized competitor(s) cited as the overlapping party does not file supporting data in the initial comment round of the proceeding, no further action should be taken by the incumbent and the lack of the filing of such data shall automatically trigger a final determination by the Commission that the identified 100 percent overlap is null and void for the purpose of that proceeding. GVNW requested that if the unsubsidized provider(s) does file in the initial comment round, the incumbent must have sufficient time to develop data to rebut any assertions made. GVNW also discussed a modification to the FCC Form 477 that would help clarify whether all census blocks listed as served by the unsubsidized competitor had less than 100 percent of the locations in each census block served.
- Rep. Sam Graves (R-Mo.) filed a [letter](#) on August 23, 2018, regarding Grand River Mutual Telephone's [Petition for Reconsideration](#) of the March 23, 2018 Report and Order, which requested the additional balance of the available A-CAM funds reported in the July 20, 2018 [Public Notice](#) be appropriated to the 747 GRM Missouri study area locations in unserved rural census blocks that do not receive any support for broadband deployment. Rep. Graves said GRM was shut out of a large portion of A-CAM funding and asserted these census blocks were initially eligible, prior to the final offer to rate-of-return ILECs on August 3, 2016, but were excluded due to an inadvertent clerical error on GRM's June 2015 Form 477 data.
- Vantage Point Solutions filed [a letter](#) on August 28, 2018, to suggest a few areas of the [Network Performance Testing Order](#) should be clarified or revised. It identified three areas: the appropriate endpoints (both initiation and termination) of the broadband circuit under testing; the timing of performance test initiation; and the elimination of test results greater than 150% of the advertised speed. Vantage Point said it is important for the testing to be performed on the customer side of the network equipment and on the port used to deliver the broadband service to the customer, and it recommended the testing for an RLEC allow the use of any speed test server located at or which can

be reached by passing through the broadband provider's next tier ISP rather than one of the Commission's designated IXPs.

- Vantage Point filed [a letter](#) on August 24, 2018, to respond to Hughes Network Systems' July 12 and 18, 2018 ex partes regarding voice performance standards for satellite networks. Vantage Point asserted implementation of the testing methodology put forth by Hughes would serve simply to mask voice quality issues, resulting in a less-capable broadband service for those rural consumers served by and dependent upon supported networks. Vantage Point said by asking the Commission to treat a high latency service similar to a low latency service and to utilize tests that mask latency effects, Hughes is in effect asking for "quality neutrality," regardless of technology. It said the Commission should reject the suggestion of "quality neutrality" and not allow inferior broadband services the same opportunities as high-quality broadband services.
- GCI filed a [redacted version](#) on August 29, 2018, of the supplement it filed with its challenge to ACS' first set of locations in partially served census blocks that ACS proposed to serve in fulfillment of its CAF Phase II obligations. GCI indicated it provided a spreadsheet with data identifying which ACS locations are within a GCI cable node boundary, the nearest address to the ACS location, and the distance of the nearest address to the ACS location ([excel attachment](#)). GCI said it relies primarily on its cable node boundary data as the basis of its challenge and the purpose of the comparison between ACS's proposed locations and GCI's current subscribership is to support GCI's other evidence that it already offers qualifying service to most of the locations ACS identified as "unserved."
- The FCC published a [Notice](#) in the Federal Register on August 29, 2018, seeking Paperwork Reduction Act comments on a revision of a currently approved information collection associated with High-Cost Loop Support reporting to NECA. The FCC proposes to move the requirements associated with FCC Forms 507, 508, and 509 under OMB Control Number 3060–0986 into this collection (3060–0233). The FCC said any increased burdens are associated with the moving of these requirements and forms into this information collection. PRA comments are due September 28, 2018.

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## ICC

- AT&T filed a [Petition for Reconsideration](#) on August 31, 2018, of the [Memorandum Opinion and Order](#) that concluded the investigation into Tariff F.C.C. No. 1 of Aureon Network Services. AT&T claimed the FCC incorrectly calculated the composite rate when it based the rate for tandem switching and transport on Aureon's weighted average mileage. AT&T asserted the Commission's use of Aureon's mileage, as opposed to the mileage that CenturyLink would charge for the service, violates both the text of the Commission's regulations and the Commission's own stated objectives for its benchmarking rules. AT&T also asserted the Commission's use of Aureon's mileage is not consistent with the Commission's determination that CenturyLink is the "competing ILEC" for Aureon's CEA service, and its explanation as to why it relied on Aureon's mileage is arbitrary and otherwise relies on flawed assumptions.

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## Broadband

- U.S. Secretary of Agriculture Sonny Perdue [announced](#) on August 29, 2018, a new [webpage](#) with information about the importance of rural e-connectivity and the ways the USDA is investing to help deploy high-speed broadband infrastructure in rural America. The new website will provide direct access to information on its decades-long programs that offer more than \$700 million per year for modern broadband e-connectivity in rural communities. USDA said in the coming months, it will almost double these longstanding programs with an additional \$600 million.

- Mammoth Networks filed a [letter](#) on August 27, 2018, to express support for the [Motion](#) filed by INCOMPAS, FISPA, et al. to deny summarily USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. Mammoth asserted USTelecom's Petition does not meet the burden of proof for granting the petition based on the standard established for forbearance relief.
- CTIA filed a [letter](#) on August 30, 2018, claiming that wireless providers continue to face long delays in securing local approval for deploying network facilities. CTIA asked the Commission to: set the shot clocks at 60 days for all collocations on or modifications of existing facilities and 90 days for all new facilities; clarify that these 60- and 90-day timelines apply to the entire review process required by the locality, including all mandatory preapplication licensing agreements or other requirements; and rule that, where an application is not acted on by the end of these time periods, it is deemed granted.
- The Wireless Infrastructure Association [met with](#) Commissioner Carr's Legal Advisor on August 28, 2018, to encourage the FCC to continue streamlining the siting process. WIA discussed expediting the deployment of small cell infrastructure within public rights-of-way with equipment that meets defined height and volume limitations to maintain a responsible and transparent foundation in infrastructure deployment. WIA also asked the FCC to tighten shot clocks for small cell deployments, substantial modifications to facilities, and new macro sites, and urged the Commission to adopt a reasonable, cost-based fee standard for deployments in the ROW.
- The Wireless Internet Service Providers Association filed a [letter](#) on August 27, 2018, to request the Commission modernize the Over-the-Air Reception Devices rule to apply to all fixed wireless transmitters and receivers, so long as the equipment meets the existing size restrictions for customer-end equipment. WISPA claimed extending OTARD to all fixed wireless equipment, while maintaining the existing size limits and exceptions for safety and historical purposes regardless of whether it is used for reception, transmission or both, would be consistent with the original intent of OTARD, will accelerate the deployment of competitive broadband services in markets, and will empower consumers to help bring competitive wireless broadband to their communities by hosting hub sites.
- Corning filed a [report](#) on August 29, 2018, entitled *Assessing the Impact of Removing Regulatory Barriers on Next Generation Wireless and Wireline Broadband Infrastructure Investment: Annex 2, 5G Attachment and Application Fee Scenarios*. Corning said this report supplements previous reports it has submitted, and said this report finds that reducing small cell attachment and application fees could reduce deployment costs by \$2.1 billion over five years, or \$7,900 per small cell built. Corning asserted these cost savings could lead to an additional \$2.6 billion in capital expenditure due to additional neighborhoods moving from being economically unviable to becoming economically viable, with 97 percent of this capital expenditure going towards investment in rural and suburban areas.
- The City of Lincoln, Nebraska filed a [letter](#) on August 21, 2018, to respond to [AT&T](#) on small cell deployment. Lincoln claimed AT&T is factually inaccurate and misleading in the assertions that it has "paused its 2018 deployment" in Lincoln. Lincoln asserted that a review of its records fails to reveal any permit applications filed by AT&T for such a deployment, nor has AT&T requested to enter into a Master License Agreement with Lincoln. Lincoln also claimed AT&T's representation that Lincoln's annual recurring attachment fee is a barrier to deployment is false, asserting Lincoln's rate lands right in the middle of the national range of fees assessed for small cell attachments.
- The City of St. Louis Park, Minnesota filed a [letter](#) on August 30, 2018, to respond to NCTA's [letter](#) that requested rulings on issues relating to the regulation of cable service by local governments. St. Louis Park said the Commission should not grant any of the 12 rulings requested by NCTA. claiming they all encroach on legitimate local governmental regulation of public rights-of-way and federal law.
- The National Coalition on Black Civic Participation filed a [letter](#) on August 31, 2018, to urge the FCC to continue to engage with state and local officials to design comprehensive and clear solutions to 5G deployment that balance the needs and concerns of local communities and industry. NCBCP said while a number of cities and states have acted to address inefficiencies in the administrative and regulatory processes impacting 5G deployment, more comprehensive action is needed from the FCC

to clear the path for the full-scale build-out of these systems in partnership with state and local governments.

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## Open Internet

- Thirteen intervenor briefs were filed on August 27, 2018, in the D.C. Court on behalf of Petitioners in the review of the Restoring Internet Freedom [Order](#). The brief filed by [103 members of Congress](#) argued that broadband access to the internet is a “telecommunications service” and not an “information service” and that broadband internet access service fits squarely within the plain language of the 1996 Act’s definitions of “telecommunications” and “telecommunications service.” They also argued that none of the FCC’s other arguments support its decision to reclassify BIAS as an information service, and urged the Court to reverse the FCC’s Order. The [Internet Association, et al.](#) argued the Commission’s claim that broadband competition will protect net neutrality is unreasonable and unsupported. They also asserted the Order unreasonably assesses the costs and benefits of retaining the conduct rules. The [Digital Justice Foundation](#), in support of neither party, argued the Commission retains authority for a transparency rule under section 257, despite the repeal of section 257(c) by Congress. [All briefs available to date.](#)

## Universal Service

- USAC filed the Federal [Universal Service Support Mechanisms Quarterly Contribution Base for Fourth Quarter 2018](#) on August 31, 2018. The total projected collected interstate and international end-user revenue base to be used in determining the contribution factor for the USF Support Mechanisms for Fourth Quarter 2018 is \$12,406,691,101, down from \$12,951,958,416 in the previous quarter.
- Comments were filed August 30, 2018, on NTCA’s [Petition](#) seeking a temporary waiver of the updated minimum service speed standard applicable to fixed wireline broadband internet access service eligible for support by the Lifeline program. [WTA](#) supported the Petition, saying raising the minimum standards in the Lifeline program would result in increased prices and decreased Lifeline subscribership. WTA said a waiver is not meant to punish low-income customers or reduce them to subpar service; but rather, it is only indicative of the fact that the High Cost program currently lacks sufficient funding to ensure that all customers have access to varying tiers of increased speeds at prices comparable to urban areas. It said until the High Cost program is adequately funded, rural Lifeline customers will lack truly comparable and affordable service that many of their urban counterparts enjoy. The [National Lifeline Association](#), commenting on both TracFone’s and NTCA’s Petitions, said as a necessary step towards achieving Chairman Pai’s stated goal of empowering consumers who participate in the Lifeline program is to eliminate the paternalistic minimum service standards, which imposed the judgment of Washington regulators over that of consumers nationwide when it comes to making decisions about the types of communications services that are desired and affordable. It said these standards hinder rather than benefit consumers and the Lifeline program by restricting consumer choice and therefore should be reversed. It also suggested the Commission reverse the planned phase-down of support for voice-only Lifeline plans that is set to begin in December 2019. Replies are due September 14, 2018. [Public Notice](#)
- The Wireline Competition Bureau issued a [Public Notice](#) on August 31, 2018, granting, dismissing, or denying various requests for review and waiver and petitions for reconsideration of decisions related to actions taken by USAC. The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these requests is 30 days from release of this Public Notice.
- NECA filed its [2019 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#) on August 27, 2018. These modifications are scheduled to take effect on January 1, 2019, and remain in effect through December 31, 2019.



- Reply comments were filed on August 27, 2018, on Q Link Wireless' Emergency [Petition](#) requesting the FCC issue an Order directing USAC to implement application programming interfaces for the Lifeline National Verifier that permit ETCs to exchange information with USAC. [Q Link Wireless](#) asserted the Petition does not need to consume staff time to draft a written Order, suggesting the Commission or Wireline Competition Bureau need only direct USAC informally to develop the necessary APIs. Q Link also said once those APIs are implemented, the Petition would be moot. [NARUC](#) asserted the Commission should grant the Petition to assure an efficient and cost-effective Lifeline enrollment process for consumers and Lifeline service providers. [Public Notice](#)
- Comments were filed on August 29, 2018, on the proposed eligible services list for the Schools and Libraries USF support mechanism for funding year 2019. [The State E-rate Coordinators' Alliance](#) suggested the removal of the subcategories of Internal Connections, Managed Internal Broadband Services, and Basic Maintenance from the Form 470 application and replacing them with a single Category 2 category of service. [Cumberland County Schools](#) asked the FCC to add surge protection and suppression products as eligible for E-rate funding. It said data protection is already a standard considered eligible for funding and products providing surge suppression for network devices would simply be an extension of the data protection items already eligible for funding. Replies are due September 13, 2018. [Public Notice](#)
- The Missouri PSC filed [comments](#) on August 30, 2018, on TracFone's [Motion](#) to renew its November 2017 [Petition](#) seeking an emergency waiver of section 54.408(b) or declaratory ruling that the rule enables TracFone to comply with the minimum service standards for Lifeline service by providing its Lifeline customers with a specified quantity of units per month that could be used either for voice service, mobile broadband internet access service, or both. The MoPSC supported the motion and said TracFone's proposal may simplify program requirements for ETCs by giving companies greater flexibility in offering a plan to meet Lifeline's minimum standards. Replies are due September 14, 2018. [Public Notice](#)
- ABS Telecom filed a [Request for Review](#) on August 29, 2018, asking the FCC to reverse a USAC decision that denied requests for funding under the Rural Health Telecommunications Program on behalf of three rural health care providers. ABS claimed USAC determined the relationship between ABS, its Managing Partner, Gary Speck, and Windstream created a conflict of interest that violated unspecified Commission rules by undermining fair and open bidding to provide the services for which the HCPs sought funding.

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## State Actions

- The New Mexico PSC released an [Order](#) on August 22, 2018, adopting a recommended [decision](#) which set a per-communication connection surcharge at \$1.17, to fund the states' rural USF fund, effective October 1, 2018, through the remainder of 2018. The PSC said this period should be considered a transition period, and during this time, it is expected the Fund Administrator will need to design new reporting forms for contributing carriers, contributing carriers will need to modify their billing systems, and some contributing carriers may need to use a readily available proxy for communication connections.

## Misc.

- NECA filed [comments](#) on August 27, 2018, supporting the proposals in the [FNPRM](#) to extend the current freeze of Part 36 category relationships and jurisdictional cost allocation factors for a fifteen-year period and to allow RLECs who elected to freeze their categorizations the opportunity to unfreeze those relationships. NECA suggested that carriers in the NECA pool be required to provide notice to NECA by March 1 of any year in which such changes are to take effect and indicated the Commission may wish to require companies to maintain such elections for specific periods to avoid potential concerns about gaming. NECA also suggested the issue of potential double-recovery of costs through rates and CAF-ICC support could be addressed by requiring carriers that opt out of the freeze to

recalculate their base period revenue amounts using unfrozen category relationships and filing the resulting revised interstate switched access revenue requirement, but noted because rates cannot be set retroactively, any resulting changes to CAF ICC support amounts should be on a prospective basis only. [NTCA](#) encouraged the Commission to adopt the specific proposals in the FNPRM and further supported replacing a sweeping referral to the Joint Board on comprehensive separations reform with a more targeted approach that would address discrete questions presented as the communications marketplace evolves and separations results correspondingly continue to diminish in regulatory significance. NTCA supported offering only a single opportunity to unfreeze the category relationships and to provide sufficient notice for tariffing and other implementation measures. It suggested, based on precedent, the Commission require any carrier that opts out to: recalculate its base period revenue using the unfrozen category relationships based upon 2011 cost study data; refile a revised interstate switched access revenue requirement; and adjust its interstate switched access rate cap proportionately with the change made to the interstate projected revenue requirement. NTCA opposed any requirement that carriers with frozen categories unfreeze them. [WTA](#) supported the 15-year extension of the freeze and a one-time option for RoR carriers to unfreeze their category relationships as of a specified date, and also asked the Commission to offer another one-time option to all RoR carriers – both those that accept the option to unfreeze their 2001 category relationships and those that have not previously frozen their category relationships – to freeze their recent category relationships as of a specified date. WTA said the unfreeze/re-freeze/freeze options should all be one-time opportunities wherein each RLEC study area exercising one or more of the options must notify the Commission, its state commission, and NECA by a date certain (e.g., March 1, 2019) that it will be exercising one or more of the specified options, and wherein each unfreeze, re-freeze, or initial freeze action must be effective as of a date certain (e.g., July 1, 2019). It said if the Commission determines that it needs to address potential double recovery issues, it should adopt the approach taken in the *Eastex Waiver Order*. [ITTA](#) supported the proposal to allow RoR carriers to opt out of the freeze and to re-freeze the category relationships, and supported granting RoR carriers that did not freeze their categories in 2001 the opportunity to freeze them at this juncture. ITTA also supported allowing carriers to change their elections on a periodic basis, suggesting every five years. ITTA supported the dates certain for such unfreezing contemplated by the *FNPRM*, but opposed any requirement that a carrier that opts out of the category relationships freeze recalculate its BPR using unfrozen category relationships and file a revised interstate switched access revenue requirement, claiming this would reduce interstate switched access cost recovery at the same time carriers more appropriately recover their investment attributable to categories other than interstate switched access and would end up as a disincentive for carriers to deploy new technologies. [USTelecom](#) also supported the proposals, and suggested the Commission make the opportunity to unfreeze the categories a one-time opportunity such that conforming changes be made in time to be effective on the July 1, 2019, so long as the Commission acts quickly enough to allow carriers adequate time to notify the Commission and/or NECA by March 1, 2019. It added, however, if carriers will be required to unfreeze and re-freeze their category relationships, then the time period for the new freeze should be set at 5 years and that date should be kept regardless of anything else taking place in this docket so that what has transpired in this proceeding thus far does not reoccur. [Pioneer](#) said it is particularly interested in this proceeding because its Petition to unfreeze its category relationships has been pending before the Commission for almost five and one-half years. It said it does not object to the Commission's proposals to further extend the freeze or to provide an opt-out option in 2019 for other carriers who elected to freeze their category relationships in 2001, but the Commission should act promptly to grant Pioneer's Petition. [Endeavor](#) strongly encouraged the Commission to allow Endeavor and other RoR carriers to opt out of the separations freeze, suggesting unfreezing and re-categorization will cause minimal if any pricing changes. It claimed the frozen factors have been preventing it from receiving support related to its transition to CBOL and without an opportunity to unfreeze and re-categorize investment levels, Endeavor's eligibility for support via CAF-BLS for broadband lines is significantly reduced. It claimed the freeze eliminates any incentive to move towards more broadband-only services. [All comments available to date](#). Replies are due September 10, 2018.

- The Eighth Circuit Court issued a [Decision](#) on August 28, 2018, addressing Petitions for Review of the April 2017 [Report and Order](#) that altered the FCC's regulations for business data services. The court granted, in part, the CLEC Petitioners' Petition on the notice issue, vacating solely the portions of the final rule affecting TDM transport services and remanding them to the FCC for further proceedings. The court agreed with the CLEC Petitioners that the FCC failed to provide adequate notice of its

ending of *ex ante* regulation of transport services. The court otherwise denied the Petitions for Review on all other issues. Chairman Pai issued a [statement](#) on the decision.

- ITTA [spoke with](#) Wireline Competition Bureau staff on August 23, 2018, to discuss methods to establish initial business data services rate levels for electing A-CAM carriers exiting the NECA pools. ITTA discussed what time period the Commission should use for cost and revenue data for purposes of calculating a net recipient/net contributor factor, suggesting if the Commission adopts a six-month approach, it would be best to halve the full-year data because a full year of data better captures a carrier's cost and revenue patterns. ITTA also said using whichever data approach the Commission adopts, the data would be applied to adjust at least all NECA rates for services for which there is current demand, and discussed whether it would be appropriate to adjust NECA rates for services for which there is no current demand but some demand may be anticipated.
- NTCA [met with](#) Advisors to Chairman Pai and [Commissioner O'Rielly](#) on August 28, 2018, to discuss unwanted calls to reassigned telephone numbers and methods by which the Commission could reduce the incidence of such calls as well as mitigate legitimate callers' violations of the Telephone Consumer Protection Act. NTCA said it is important the Commission not address the problem by imposing unnecessary costs on rural carriers when the financial responsibility for reducing the incidence of unwanted calls to reassigned telephone numbers should instead fall on those that will most benefit from a method to identify such numbers: those callers in need of access to such data to avoid violations of federal law. NTCA suggested the Commission encourage the expanded use of already operating commercial reassigned telephone numbers databases, and claimed the Commission has the legal authority to adopt a safe harbor from TCPA liability for callers that rely on commercial database solutions.
- The FCC issued a [Report and Order and Order](#) on August 29, 2018, adopting a schedule of regulatory fees to assess and collect \$322,035,000 in regulatory fees for fiscal year 2018. The schedule of regulatory fees for FY 2018 is attached in Appendix C of the Order. The regulatory fees for all payors are due in September 2018. The FCC also amended its rules in accordance with the directives of the RAY BAUM'S Act regarding the collection of delinquent debts. This rule change will become effective on October 1, 2018.
- The FCC released a [Public Notice](#) on August 30, 2018, announcing the opening of the Commission's automated filing and payment system for FY 2018 regulatory fees, which are due September 25, 2018. The FCC said while FY 2018 regulatory fees will not become effective until the Order is published in the Federal Register, regulatees, at their own discretion, may submit payments at any time before the effective due date. The FCC also announced fact sheets are available for [interstate telecommunications service providers](#), [regulatory fee exemptions](#), and [procedures](#) for filing waivers, reductions, and deferments of fees.
- ACA [met with](#) Chairman Pai's Legal Advisors on August 28, 2018, to discuss the NPRM on FY 2018 regulatory fees. ACA suggested rather than continue to increase the DBS fee on an incremental basis to move it closer to parity with the cable/IPTV fee, the Commission should dispose of its current two-tier system and establish a single MVPD fee category for DBS, cable, and IPTV operators. ACA said if, in its pending Order, the Commission instead elects to adopt the regulatory fees proposed in the NPRM, ACA urged the Commission to state expressly that its end goal is fee parity between DBS and cable/IPTV providers, and that this year's rate increase is a step in that direction.
- The FCC [published](#) in the Federal Register on September 4, 2018, the [Report and Order](#) that created a uniform set of procedural rules for formal complaint proceedings delegated to the Enforcement Bureau and currently handled by its Market Disputes Resolution Division and Telecommunications Consumers Division. The Order streamlined and consolidated the procedural rules governing formal complaints against common carriers, formal complaints regarding pole attachments, and formal complaints concerning advanced communications services and equipment. The Order is effective October 4, 2018.
- The Wireline Competition Bureau issued a [Public Notice](#) on August 30, 2018, to announce it granted the [application](#) for transfer of control of Great Plains Communications to GPC Holdings.



- Commissioner O’Rielly issued a [press release](#) on August 30, 2018, to announce he hired Arielle Roth as his Wireline Advisor, commencing September 4, 2018. Ms. Roth is currently employed as Legal Advisor in the Wireline Competition Bureau, and prior to this position, she served as a legal fellow for the Hudson Institute’s Center for the Economics of the Internet. She will be replacing Amy Bender, who will depart the Commission on August 31, 2018.

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## Upcoming Filing Dates

- Sept. 4 - Comments due on the [8YY Access Charge Reform FNPRM](#), in which the Commission proposes to migrate interstate and intrastate originating end office and tandem switching and transport charges for toll free (8YY) calls to bill-and-keep. Replies are due October 1, 2018. [FR](#)
- Sept. 5 - Replies due Verizon’s [Petition for Declaratory Ruling](#) to confirm that if a LEC delivers a call to a two-stage dialing platform, including an IP-enabled platform, the LEC does not perform terminating switched access functions and cannot charge tariffed end office terminating switched access charges for that call. [Public Notice](#)
- Sept. 5 - Replies due on USTelecom’s [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. [Public Notice](#), [Order](#)
- Sept. 6 - Oppositions due to Petitions for Reconsideration of the [Second Report and Order](#) that amended and adopted new rules to streamline the wireless infrastructure siting review process. Replies are due September 17, 2018. [FR](#)
- Sept. 7 - Replies due on the [NPRM](#) on how to determine how a toll-free subscriber should make clear its authorization to text-enable a toll-free number. [FR](#)
- Sept. 10 - Comments due on the implementation of the e-Connectivity Pilot Program established in the Consolidated Appropriations Act of 2018. [announced](#)
- Sept. 10 - Replies due on the [FNPRM](#) that proposes to extend the freeze of jurisdictional separations category relationships and cost allocation factors for 15 years and to provide RoR carriers who elected to freeze their category relationships a time-limited opportunity to opt out of that freeze. [FR](#)
- Sept. 10 - Comments due on the [Notice of Inquiry](#) on creating a USF pilot program to promote the use of telehealth services among low-income Americans. Replies are due October 10, 2018.
- Sept. 10 - Comments due on the [NPRM](#) on the Mobility Fund Phase II challenge window, proposing modifications to the speed test data specifications to accept speed test data in support of challenges collected at any time on or after February 27, 2018, the date of the publication of the map of presumptively eligible areas, through the new close of the challenge window, November 26, 2018. Replies are due September 14, 2018. [FR](#)
- Sept. 12 - Comments due on TracFone’s emergency [Petition](#) seeking an Order directing USAC to alter the implementation of the National Verifier to optimize the automated and manual eligibility verification process. Replies are due September 27, 2018. [Public Notice](#)
- Sept. 13 - Replies due on the proposed eligible services list for the schools and libraries USF support mechanism for funding year 2019. [Public Notice](#)
- Sept. 13 - Replies due on NTCA’s [Petition](#) that seeks a temporary waiver of the updated minimum service speed standard applicable to fixed wireline broadband internet access service eligible for support by the Lifeline program. [Public Notice](#)

- Sept. 14 - Replies due on the [NPRM](#) on the Mobility Fund Phase II challenge window, proposing modifications to the speed test data specifications to accept speed test data in support of challenges collected at any time on or after February 27, 2018, the date of the publication of the map of presumptively eligible areas, through the new close of the challenge window, November 26, 2018. [FR](#)
- Sept. 14 - PRA comments due on a revision of a currently approved information collection that eliminated the existing reporting requirement and to require covered providers to provide rural call completion contact information, which will be used to facilitate industry collaboration to address call completion issues. [notice](#)
- Sept. 14 - Replies due on TracFone's [Motion](#) to renew its November 2017 [Petition](#) seeking an emergency waiver of section 54.408(b) or declaratory ruling that the rule enables TracFone to comply with the minimum service standards for Lifeline service by providing its Lifeline customers with a specified quantity of units per month that could be used either for voice service, mobile broadband internet access service, or both. [Public Notice](#)
- Sept. 17 - Comments due on IP CTS [FNPRM](#). Replies are due October 16, 2018. [FR](#)
- Sept. 17 - Comments due on the [14<sup>th</sup> 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 are due Oct. 1, 2018. [Order](#)
- Sept. 17 - Replies due to oppositions to Petitions for Reconsideration of the [Second Report and Order](#) that amended and adopted new rules to streamline the wireless infrastructure siting review process.. [FR](#)
- Sept. 24 - PRA comments due on the proposed information collection requirements in the [NPRM](#) on how to determine how a toll-free subscriber should make clear its authorization to text-enable a toll-free number. [FR](#)
- Sept. 24 - Comments due on refreshing the record in response to the Call Blocking NPRM and NOI on additional criteria voice providers could use to identify and block illegal calls. Replies due October 8, 2018. [Public Notice](#)
- Sept. 27 - Replies due on TracFone's emergency [Petition](#) seeking an Order directing USAC to alter the implementation of the National Verifier to optimize the automated and manual eligibility verification process. [Public Notice](#)
- Sept. 28 - PRA comments due on a revision of a currently approved information collection associated with High-Cost Loop Support reporting to NECA. [Notice](#)
- Oct. 1 - PRA comments due on a revision of a currently approved information collection associated with modifications to the rules applicable to section 214(a) discontinuance applications, which were made in the June 8, 2018 [Second Report and Order](#). [FR](#)
- Oct. 1 - Replies due on the [8YY Access Charge Reform FNPRM](#), in which the Commission proposes to migrate interstate and intrastate originating end office and tandem switching and transport charges for toll free (8YY) calls to bill-and-keep. [FR](#)
- Oct. 1 - PRA comments due on a revised information collection pursuant to new rules adopted in June 2018 concerning certain information collection requirements implemented under section 251(c)(5) pertaining to network change disclosures and notices of planned copper retirements. [FR](#)
- Oct. 1 - Replies due on the [14<sup>th</sup> 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. [Order](#)

- Oct. 8 - Replies due on refreshing the record in response to the Call Blocking NPRM and NOI on additional criteria voice providers could use to identify and block illegal calls. [Public Notice](#)
- Oct. 10 - Replies due on the [Notice of Inquiry](#) on creating a USF pilot program to promote the use of telehealth services among low-income Americans.
- Oct. 16 - Replies due on IP CTS [FNPRM](#). [FR](#)
- Oct. 16 - Comments due on IP CTS [NOI](#). Replies are due November 15, 2018. [FR](#)
- Oct. 29 - Comments due on whether the rules adopted in 2005-2006 should be continued without change, amended, or rescinded, consistent with the stated objective of section 610 of the Regulatory Flexibility Act. [Public Notice](#) | [Federal Register](#)
- Nov. 15 - Replies due on IP CTS [NOI](#). [FR](#)

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