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### September 10, 2018 HIGHLIGHTS

- The FCC issued a [tentative agenda](#) for its September 26, 2018, Open Meeting. The FCC will consider eight items, including: a [Declaratory Ruling and Report and Order](#) on state and local approvals for the deployment of small wireless facilities; a [Report and Order](#) to allow for use of auctions to assign certain toll-free numbers and to modernize the administration and assignment of toll-free numbers; and an [NPRM](#) addressing calls to 911 made from multi-line telephone systems, etc.
- The Eighth Circuit [affirmed](#) the Minnesota District Court's ruling that Charter's VoIP service is an information service and that state regulation of Charter's VoIP services was therefore preempted.
- [Comments were filed](#) on the [8YY Access Charge Reform FNPRM](#), in which the FCC 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.
- [Reply comments were filed](#) on Verizon's [Petition for Declaratory Ruling](#) on terminating switched access charges for two-stage dialing platforms. [Public Notice](#)
- Comments [are due](#) September 19, 2018, on AT&T's [Petition for Reconsideration](#) of the [Order](#) that concluded the investigation of Aureon Network Services' tariff. Replies are due September 26, 2018.
- AT&T filed a [Petition for Further Reconsideration](#) of the [Order](#) that partially granted Aureon's [Petition for Reconsideration](#) of the [Order](#) that granted in part AT&T's complaint against Aureon for charging AT&T for CEA service on traffic destined for CLECs engaged in access stimulation.
- WTA, et al. [discussed](#) concerns with the speed and latency performance testing framework for certain recipients of high-cost USF support contained in the July 6, 2018 [Network Testing Order](#).
- [Reply comments were filed](#) on USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. [Comments were also filed](#) in support of the [Motion](#) filed by INCOMPAS, et al. for the FCC to deny summarily USTelecom's Petition for Forbearance.
- The FCC [announced](#) Public Knowledge filed a [Petition for Reconsideration](#) of the section 214(a) service discontinuance rules promulgated in the June 8, 2018 [Report and Order](#).
- Comments [are due](#) October 5, 2018, on [NECA's 2019 Modification of the Average Schedule Universal Service HCL Support Formula](#). Replies are due October 22, 2018.
- Nominations [are due](#) October 8, 2018, for six Board member positions on the USAC Board of Directors, for a three-year term.

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### Other Key Upcoming Dates

- Sept. 10 - Replies due on the [FNPRM](#) that proposes to extend the separations freeze for 15 years. [FR](#)
- Sept. 13 - Replies due on NTCA's [Petition](#) for 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. [PN](#)
- Sept. 17 - Comments due on the [Section 706 NOI](#). Replies are due Oct. 1, 2018. [Order](#)
- 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](#)

## ICC

- Comments were filed on September 4, 2018, 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. [WTA](#) said the Commission can readily eliminate arbitrage and fraud in the current 8YY system without penalizing innocent RLECs by eliminating critical originating access charges and revenues for 8YY calls. It suggested fraudulent and otherwise illegitimate robocalls made for the sole or primary purpose of generating originating 8YY access revenues can be prohibited, traced and identified, precluded from collecting unlawful charges, and subjected to maximum allowable forfeitures. It suggested database queries regarding 8YY calls can be limited to one query per carrier and its affiliates, and database query charges can be limited to a uniform nationwide cap. WTA also argued originating 8YY access charges can be prohibited from being assessed by or paid to any LEC for any location other than that from which a *bona fide* customer actually dialed the 8YY call involved, and routing of 8YY calls in an indirect manner likely to be intended to maximize transport compensation can be challenged as unjust and unreasonable. [Windstream, Frontier, and NTCA](#) said bringing all 8YY traffic to bill-and-keep is an overbroad and inappropriate solution to concerns relating to 8YY arbitrage. They noted moving 8YY originating access charges to bill-and-keep would upend the toll-free calling paradigm, and if the costs are passed on to consumers, 8YY subscribers, such as banks and retailers, may risk exposing themselves to liability under state and federal consumer protection laws if they continue to market their 8YY numbers as “toll free.” They did not oppose evaluating reforms to database query charges; but said the Commission should be careful to avoid an arbitrary number, particularly the rate of the largest ILECs, which likely have the largest call volume. They suggested the Commission instead adopt targeted measures to address 8YY arbitrage schemes, consistent with the terminating access stimulation rules. [ITTA](#) urged the Commission to maintain the status quo with respect to 8YY access charges, saying the Commission should not punish ILECs who, in good faith, enable their subscribers to access 8YY service. ITTA added that, if the Commission nevertheless was to adopt reforms diminishing or eliminating such access charges, it should implement an access revenue recovery mechanism. ITTA also suggested any actions to combat 8YY access charge abuses should be targeted towards such entities engaged in access arbitrage, and the Commission should cap 8YY database query charges on a nationwide basis and allow only one database query charge per 8YY call. [AT&T](#) argued the only way to truly eliminate any ability to exploit arbitrage opportunities is to adopt a system of bill-and-keep for all originating traffic. AT&T also suggested the Commission address abuses of CLECs acting as third-party tandem providers by adopting the direct interconnection proposal that AT&T recently put forward for both terminating and originating access. It supported the proposal to cap the rates for 8YY database dip charges at \$0.0015 per query as an interim measure pending the further transition to bill-and-keep. The [Ad Hoc Telecom Users Committee](#) supported the Commission’s proposal to implement its bill-and-keep policy and reduce 8YY originating access charges. It noted toll-free service is a critical resource for Ad Hoc’s members and for other toll free customers who have made significant investments in customer service and customer outreach systems that depend upon reliable and secure toll-free service, and claimed Ad Hoc members and toll-free customers like them are the parties who are injured by the traffic pumping to 8YY numbers that inevitably results when 8YY originating access is not treated in a manner consistent with the Commission’s bill-and-keep policy. [All comments available to date](#). Replies are due October 1, 2018.
- Reply comments were filed on September 5, 2018, on 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. [AT&T](#) supported Verizon’s Petition, saying it has been settled law for at least a decade that LECs may not impose access charges on IXCs when LECs route calls to an intermediate dialing platform and the call is then routed to a called party in a different location. It claimed regardless of whether the call is carried in part using IP, whether the platforms offer callers certain additional services, or whether the platforms are “IP-enabled,” the precedents of the Commission and courts have never allowed access charges to be assessed on IXCs for this limited routing in the middle of a long-distance call. [Peerless Networks](#) said the only commenter to support Verizon’s Petition was AT&T, another large IXC, who generally repeats Verizon’s claims. Peerless claimed AT&T similarly ignores longstanding Commission precedent finding that IP-enabled platforms

represent end users for the purpose of determining switched access charges, and argued the “end-to-end” approach advocated by Verizon and AT&T was adopted before the advent of IP-enabled services and does not govern the assessment of switched access charges for traffic delivered to IP-enabled platform end users. [Verizon](#) said only Peerless, which claims it can collect terminating switched access charges for delivering traffic to a two-stage calling platform merely because that platform uses IP technology instead of TDM technology, opposed the Petition. Verizon argued the record confirms the Commission has never authorized LECs to collect terminating switched access charges in that scenario, as the LEC is just an intermediary point of switching and does not terminate a call, and said contrary to Peerless’ claims, the ESP exemption is irrelevant because that rule only exempts an ESP from paying switched access charges; it never authorized a LEC to collect those charges. Verizon said the Commission should grant the petition and asserted a declaratory ruling will properly apply retroactively and resolve the dispute the federal court referred. [All replies available to date. Public Notice](#)

- The Wireline Competition Bureau issued a [Public Notice](#) on September 4, 2018, seeking comments on AT&T’s [Petition for Reconsideration](#) 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. Comments are due September 19, 2018; replies are due September 26, 2018.
- AT&T filed a [Petition for Further Reconsideration](#) on August 31, 2018, of the [Order on Reconsideration](#) that granted, in part, Aureon’s [Petition for Reconsideration](#) of the [Order](#) that granted, in part, AT&T’s complaint against Aureon for charging AT&T for centralized equal access service on traffic destined for CLECs engaged in access stimulation. AT&T asserted the Commission’s decision to use the 2012 tariffed rate as the basis for measuring AT&T’s damages is unlawful and should be reversed. AT&T claimed Aureon’s 2012 rate almost certainly exceeds the CLEC benchmark rate, which, as of July 1, 2013, became the applicable rate cap for Aureon. AT&T filed an [Errata](#) on September 6, 2018, to its [Petition for Further Reconsideration](#). AT&T’s Errata added language that was omitted from page 13 of its original petition.
- Wide Voice [met with](#) Wireline Competition Bureau staff on September 6, 2018, to discuss access arbitrage. It asserted providers will adjust practices to mitigate effects of any new rules, including non-revenue sharing arrangements, and the rules will impact carriers’ routing decisions and create ongoing disputes and self-help rather than compliance. Wide Voice suggested limiting any new rules to providers behind CEA tandems, ensure clarity across the matrix of multiple carrier types and corporate structures, and move to reciprocal bill-and-keep over time.

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## USF Reform

- The Rural Broadband Auctions Task Force and the Wireline Competition and Wireless Telecommunications Bureaus issued a [Public Notice](#) on September 4, 2018, to provide the fourth update on the Mobility Fund Phase II challenge process. They said as of August 31, 2018, a total of 102 entities have access to USAC’s MF-II Challenge Process Portal to participate in the MF-II challenge process, and challengers have submitted data including 2,919,839 speed tests.
- Totah Communications, Monte R. Lee and Company, and WTA [met with](#) Chairman Pai’s Advisor on September 5, 2018, to discuss concerns with the speed and latency performance testing framework for certain recipients of high-cost USF support contained in the July 6, 2018 [Network Testing Order](#). They claimed the testing framework is not designed with RLECs in mind, and imposes unnecessary burdens, practical difficulties, and excessive costs on them that will impair their ability to deploy and upgrade their broadband services. WTA indicated it intends to file an appeal of the Order and is willing to work with the Commission and its staff to develop a practicable and reasonable performance testing framework for RLECs.

- AT&T [met with](#) Wireline Competition Bureau staff on August 30, 2018, to discuss AT&T's experience with USAC's HUBB portal and issues associated with geolocating rural addresses. AT&T urged the FCC to allow CAF recipients to update and correct location information already submitted to the HUBB, and said large carriers who are filing hundreds of thousands of locations need a process that allows carriers to submit updated data as batch files. AT&T urged the FCC to have more open dialogue with CAF recipients about geocoding issues and HUBB requirements so all parties can contribute to making it a better resource.
- GCI filed a [challenge \(attachment\)](#) on September 4, 2018, pursuant to the July 19, 2018 [Public Notice](#), claiming GCI already offers qualifying voice and broadband services to over 80 percent of the unique locations that Alaska Communications Systems has identified in its second set of proposed unserved locations in partially served census blocks. GCI claimed it offers voice and broadband services of speeds greater than 10/1 Mbps to 2,604 of the 3,253 unique locations that ACS identified as unserved, and said, as a result, ACS should not be permitted to deploy service to these locations in fulfillment of its commitments under the ACS CAF II Order.

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## Broadband

- Reply comments were filed on September 5, 2018, on USTelecom's [Petition for Forbearance](#) from certain regulatory obligations imposed on ILECs. [AT&T](#) supported the Petition, claiming consumers today have a number of choices for their voice and data services and fewer are choosing the types of legacy TDM-based services at issue here. AT&T asserted the portion of consumers that purchase services using section 251(c) facilities as inputs is miniscule, noting that CLECs using unbundled loops account for only two percent of all fixed lines—a percentage that drops to one-half of one percent once wireless is factored in. [Verizon](#) supported the Petition and asserted the regulations at issue here were intended to jump-start facilities-based competition in areas where such competition was likely to develop, and were not intended to subsidize competition permanently in areas where such competition would not otherwise emerge. [Frontier](#) asserted that granting the Petition will end intrusive market-distorting regulation, incentivize next-generation facilities-based investment, and promote the public interest. [USTelecom](#) asserted the data and evidence it presented show a dramatically changed communications industry, noting that ILECs have experienced a decline in switched access voice subscriptions, from 186 million in 2000 to a projected 35 million this year – an 81 percent decrease. USTelecom asserted this proceeding offers the Commission another opportunity to update the regulatory regime to fit competitive realities. [INCOMPAS, et al.](#) opposed the Petition, asserting UNEs and avoided-cost resale voice and data services provide vital competitive choices for voice and fixed broadband services and promote facilities-based investment, especially in underserved urban and rural communities. The [Mass. DTC](#) asserted the Petition does not contain sufficient evidence on which the FCC may grant forbearance. MDTC said USTelecom cited various explanations of the costs of unbundling but did not offer empirical evidence of those costs or explain how those costs will be transferred toward broadband investment. The [Pennsylvania PUC](#) said until USTelecom provides sufficient granular support to warrant forbearance of section 251(c)(3) and (4) obligations by specific company, territory, and market, the Commission should not grant USTelecom's blanket request to allow relinquishment of unbundling or resale obligations currently imposed on ILECs. The [Telecommunications Regulatory Board of Puerto Rico](#) asserted the Petition is overly broad and fails to address market-specific data analysis following the FCC's own precedent in granting forbearance from ILEC duties. [All replies available to date.](#) [Public Notice](#), [Order](#)
- Comments were filed on September 5, 2018, in support of the [Motion](#) filed by INCOMPAS, FISPA, et al. for the FCC to deny summarily USTelecom's Petition for Forbearance from certain regulatory obligations imposed on ILECs. [Granite Telecom](#) said if the Commission declines to grant the Motion, it must employ the traditional market power framework to analyze the level of competition in the relevant markets. Granite claimed such an analysis will yield the conclusion that ILECs continue to have substantial market power in the provision of TDM-based telephone services provided via copper loops and forbearance is therefore inappropriate. [USTelepacific, et al.](#) asserted since USTelecom has not provided sufficient granular evidence to prove that existing facilities-based competition is sufficient to

discipline ILECs' rates in the retail markets for low bandwidth services sold to small and medium business and community-based organization customers or the retail business POTS line market in each geographic market, the Commission should deny USTelecom's Petition. [Socket Telecom](#) claimed USTelecom's Petition must be summarily denied because it is incomplete, procedurally deficient, overly broad, materially unsound, and unsupported by any factual support or analysis. [AccessOne](#) asserted USTelecom's Petition does not meet the burden of proof for granting the Petition based on the standard established for forbearance relief. [All comments available to date.](#)

- Reps. Anna Eshoo (D-Calif.), Michael Doyle (D-Pa.), and Jan Schakowsky (D-Ill.) sent a [letter](#) to Chairman Pai on September 6, 2018, to express support for the motions filed by [Cox](#) and [INCOMPAS, FISPA, et al.](#) for the FCC to deny summarily USTelecom's Petition for Forbearance from certain regulatory obligations imposed on ILECs. Reps. Eshoo, et al. claimed the Petition seeks to repeal key provisions of the Telecommunications Act of 1996, asserting these provisions are critical to enabling competition for telecommunications and broadband services. They said if the Petition is approved, competition will be stymied, raising prices for consumers, small businesses, schools, libraries, public safety networks, and other institutions vital to the economy and democracy.
- The FCC issued a [News Release](#) on September 4, 2018, on Commissioner Carr's announcement of the FCC's next 5G Order, given in a [speech](#) at the Indiana Statehouse. The FCC stated Carr's plan will save \$2 billion in unnecessary fees, stimulate \$2.5 billion in additional small cell deployments, create over 27,000 jobs, and help close the digital divide. Some of the components of Carr's plan include; implementing long-standing federal law that bars municipal rules that have the effect of prohibiting deployment of wireless service, and allowing municipalities to charge fees for reviewing small cell deployments when such fees are limited to recovering the municipalities' costs. The Order will be voted on at the FCC's September 25, 2018 Open Meeting.
- The FCC issued a [news release](#) on September 5, 2018, announcing a new economic analysis submitted to the FCC showed that Commissioner Carr's [5G Order](#), which will be considered at the September 26, 2018 Open Meeting, will save \$2 billion in unnecessary costs and stimulate an additional \$2.4 billion in infrastructure investment. The FCC said the study indicates the additional small cells that will be built due to the Order will cover 1.8 million more homes and businesses, with 97 percent of that next-gen coverage concentrated in rural and suburban communities.
- The FCC issued a [Public Notice](#) on September 4, 2018, announcing Public Knowledge filed a [Petition for Reconsideration](#) on August 8, 2018, of the section 214(a) service discontinuance rules promulgated in the June 8, 2018 [Report and Order](#). Public Knowledge asserted the Commission should eliminate the alternative options test and rely solely on the adequate replacement test to determine whether to grant applications for service discontinuance and should reinstate the 180-day comment period for customers of discontinued services. Oppositions are due 15 days after this Public Notice is published in the Federal Register. Replies to oppositions are due 10 days after the time for filing oppositions has expired.
- Petitions for Reconsideration of the August 3, 2018 [Declaratory Ruling](#) that concluded section 253(a) prohibits state and local moratoria on telecommunications facilities deployment were filed on September 4, 2018. The [County Road Association of Michigan](#) seeks reconsideration of the portion of the Ruling that declared Michigan's Seasonal Weight Restrictions cannot be used as a basis to refuse a telecommunications provider the necessary authorizations and permits to deploy telecommunications services or telecommunications facilities. The [Smart Communities and Special Districts Coalition](#) asserted the Commission failed to examine the laws or the impacts of the laws it relies on to find prohibitions, had no basis for finding that a prohibition results from those "moratoria," and had no basis for concluding that the "moratoria" are not within the bounds of the section 253 savings clauses. The [City of N.Y.](#) claimed the ruling fails to distinguish among three types of local government decision-making regarding telecommunications service facilities deployment: zoning/land use regulation of the placement of wireless facilities on private property; placement of wireline facilities in the streets; and placement of wireless facilities above ground in public rights-of-way.

- Oppositions were filed on September 6, 2018, to Petitions for Reconsideration filed by [NATOA](#), [PTA-FLA](#), as well as a number of individuals, of the [Second Report and Order](#) that amended and adopted new rules to streamline the wireless infrastructure siting review process. [CTIA](#) opposed NATOA's Petition and the requests filed by individuals, claiming NATOA's Petition does not directly challenge the Commission's lawful determination of what facility deployments constitute major federal actions or undertakings, but instead improperly objects to long-final Commission decisions that are not pertinent to this proceeding. CTIA also said the requests by individuals seeking to modify the Commission's environmental rules addressing radiofrequency exposure are procedurally defective, without merit, and outside the scope of this proceeding. [Sprint](#) asserted although the harm to the Petitioners will continue to be minimal, at best, granting the petition and reinstating the prior regulatory regime will impose substantial harm upon wireless subscribers and providers. Sprint claimed a return to the old rules will delay deployment of the infrastructure necessary to provide 5G wireless services and strengthen the wireless economy. Replies are due September 17, 2018. [FR](#)
- The Smart Communities Coalition, the National Association of Telecommunications Officers and Advisors, the National League of Cities, and the U.S. Conference of Mayors [spoke with](#) Commissioner Carr on September 5, 2018, to review the contents and intent of the draft [Declaratory Ruling and Report and Order](#) that will clarify the scope and meaning of sections 253 and 332(c)(7), establish shot clocks for state and local approvals for the deployment of small wireless facilities, and provide guidance on streamlining state and local requirements on wireless infrastructure deployment. The Order will be considered at the FCC's September 26, 2018 Open Meeting.
- NTCA filed a [letter](#) on September 6, 2018, to express support for Crown Castle's Railroad Crossing [Memorandum](#), which was filed on June 1, 2018, in support of Crown Castle's request for the Commission to exercise its section 253 authority and preempt state and local laws that allow railroads to act as gatekeepers to the rights-of-way. NTCA asserted any state or local laws that enable and empower railroads to stop broadband deployment when it would otherwise proceed in public ROWs would constitute barriers to efficient deployment of telecommunications infrastructure that are inconsistent with the provisions of section 253.
- Corning filed a [report](#) on September 5, 2018, entitled *Assessing the Impact of Removing Regulatory Barriers on Next Generation Wireless and Wireline Broadband Infrastructure Investment: Annex 3.3*. Corning said this supplemental analysis was filed in response to the small cell fee cap amounts contained in the draft [Declaratory Ruling](#), which will be considered at the FCC's September 26, 2018 Open Meeting. Corning said the report concluded that reducing small cell and application fees could reduce deployment costs by \$2.0 billion over five years, or \$7,500 per small cell built, and these cost savings could lead to an additional \$2.4 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.
- CTIA filed a [letter](#) on September 4, 2018, urging the Commission to issue a declaratory ruling that sections 253(a), 253(c), and 332(c)(7)(B)(i) require that application fees both within and outside of the rights-of-way and recurring fees for wireless facilities inside the ROW be based on a locality's costs to review applications and (where applicable) manage ROW use. CTIA said a particular barrier to deployment is high recurring fees charged by some localities for small cell attachments and access to the public ROW. It provided an analysis by Leonine Public Affairs of fee provisions contained in enacted state small cell legislation.
- CTIA filed a [letter](#) on September 4, 2018, urging the Commission to rule that state and local aesthetic requirements must be reasonable, objective, published, and nondiscriminatory to pass muster under the Communications Act. CTIA asserted unbounded aesthetic requirements can have the same effect of prohibiting service by imposing unreasonably long delays, injecting uncertainty into providers' deployment plans, and driving higher compliance costs. CTIA provided a list of aesthetic provisions in recently enacted state small cell legislation.
- The GAO [released](#) a [report](#) on September 7, 2018, finding FCC data collected on broadband availability from providers does not accurately or completely capture broadband access on tribal lands.

The GAO suggested the FCC: develop and implement methods for collecting and reporting accurate and complete data on broadband access specific to tribal lands; develop a formal process to obtain tribal input on the accuracy of provider-submitted broadband data that includes outreach and technical assistance to help tribes participate in the process; and obtain feedback from tribal stakeholders and providers on the effectiveness of the FCC's 2012 [statement](#) to providers on how to fulfill their tribal engagement requirements to determine whether the FCC needs to clarify the agency's tribal engagement statement.

- USTelecom, CenturyLink, AT&T, Verizon, Windstream, and Consolidated [met with](#) Wireline Competition Bureau staff on September 6, 2018, to discuss possible methods for data reporting as the Commission considers reforms to its FCC Form 477. They expressed support for the FCC's efforts to identify unserved areas through the collection and mapping of data from the existing Form 477, and discussed the challenges presented by various types of reporting methods. They encouraged the Commission to focus on alternatives that would avoid unnecessary administrative and financial burdens for broadband providers and for the Commission itself.
- WISPA filed a [letter](#) on August 31, 2018, to respond to Microsoft's [letter](#) that offered suggestions to improve the quality, accuracy, and utility of FCC Form 477 data. WISPA supported some of Microsoft's proposals and agreed it would be beneficial for the Commission to defer completion of the FNPRM proceeding until after NTIA has completed its ongoing broadband mapping proceeding. WISPA also said newly developed visualization and analytic tools such as those proposed by Microsoft could improve broadband reporting accuracy if implemented without imposing burdensome obligations and additional costs on Form 477 filers. WISPA, however, disagreed with Microsoft on two issues, asserting reporting only census blocks where broadband has actually been "provisioned" presents a risk of under-reporting of broadband availability, and said FCC Form 477 data should continue to be collected semi-annually.
- WISPA [met with](#) Commissioner O'Rielly and his Legal Advisor on September 4, 2018, to discuss Form 477 reporting. WISPA urged the Commission to retain semi-annual Form 477 reporting to ensure that data is more current than it would be with annual reporting, claiming WISPA's members would be disproportionately harmed if federal subsidies were based on less current subscriber information. WISPA suggested the Commission reduce the time between the submission of Form 477 and the public reporting of aggregate Form 477 information. WISPA also suggested fixed wireless providers should be permitted to submit geospatial data depicting coverage, in either polygon or raster format, to mitigate costly burdens on small providers.

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## Open Internet

- Chairman Pai [sent letters](#) to Reps. Frank Pallone (D-N.J.), Mike Doyle (D-Penn.), Jerry McNerney (D-Calif.), and Debbie Dingell (D-Mich.) on August 30, 2018, to respond to their letter that requested information regarding an [OIG report](#) that found the FCC's Electronic Comment Filing System was unprepared to handle the volume of comments in the Restoring Internet Freedom proceeding in May 2017.
- The FCC released a [Small Entity Compliance Guide](#) on September 5, 2018, intended to help small companies comply with revised rules adopted in the January 4, 2018 Restoring Internet Freedom [Order](#). The guide describes changes to the rules, compliance requirements, and recordkeeping and reporting requirements.

## Universal Service

- The Wireline Competition Bureau issued a [Public Notice](#) on September 5, 2018, seeking comment on [NECA's 2019 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#). Comments are due October 5, 2018; replies are due October 22, 2018.

- The Wireline Competition Bureau issued a [Public Notice](#) on September 6, 2018, seeking nominations for six Board member positions on the USAC Board of Directors, for a three-year term. The Bureau seeks nominations for representatives for: schools that are eligible to receive discounts; information service providers; rural healthcare providers that are eligible to receive supported services; state telecommunications regulators; ILECs (non-Bell Operating Companies) with more than \$40 million in annual revenues; and interexchange carriers with annual operating revenues of more than \$3 billion. Nominations are due October 8, 2018.
- The FCC issued a [Notice](#) in the Federal Register on September 5, 2018, seeking Paperwork Reduction Act comments on an extension of a currently approved information collection associated with FCC Form 498, Service Provider and Billed Entity Identification Number and Contact Information. Form 498 allows USAC to collect service provider name and address, telephone number, Federal Employer Identification Number, contact names, contact telephone numbers, and remittance information. The remittance information provided by participants on FCC Form 498 enables USAC to make payments to participants in the universal service support mechanisms. PRA comments are due October 5, 2018.
- The Wireline Competition Bureau issued a [Public Notice](#) on September 5, 2018, seeking comment on Haefele TV's [Petition](#) seeking ETC designation in New York in all areas in which it has been awarded CAF Phase II support via the New NY Broadband Program. Comments are due September 20, 2018; replies are due October 1, 2018.
- In addition to comments reported in a previous edition of *REGScan*, 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. [Aruba](#) requested the FCC expand the FY 2019 Eligible Services List to include services that are essential to enable safe and secure high-speed broadband connectivity in schools and libraries, including policy management systems, self-provisioned network management, and multi-year basic maintenance of internal connections contracts. [All comments available to date](#). Replies are due September 13, 2018. [Public Notice](#)
- ABS Telecom filed an [opposition in part](#) on September 4, 2018, to Windstream's [Request for Review](#) of a USAC decision that denied funding under the Rural Health Care Telecommunications Program and seeks recovery of funding from Windstream. ABS said although it agreed with much of what Windstream argued, it opposed the appeal to the extent that it seeks equitable relief based on Windstream's claim that it was unaware at the time of the competitive bidding processes that its managing partner, Gary Speck, provided consulting services to the HCPs while acting as its sales agent.

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## State Actions

- The California PUC released an amended [Phase II Scoping Memo and Ruling](#), which modifies the schedule for when the proceeding investigating intrastate rural call completion issues will conclude. The PUC stated it expects to issue a proposed decision in the first quarter of 2019.

## Misc.

- The FCC issued a [tentative agenda](#) on September 5, 2018, for its September 26, 2018, Open Meeting. The FCC will consider: a [Declaratory Ruling and Report and Order](#) that will clarify the scope and meaning of sections 253 and 332(c)(7), establish shot clocks for state and local approvals for the deployment of small wireless facilities, and provide guidance on streamlining state and local requirements on wireless infrastructure deployment; an [NPRM](#) addressing calls to 911 made from multi-line telephone systems, pursuant to Kari's Law, the conveyance of dispatchable location with 911

calls, as directed by RAY BAUM'S Act, and the consolidation of the FCC's 911 rules; a [Second FNPRM](#) addressing issues raised by a remand from the Sixth Circuit concerning how local franchising authorities may regulate incumbent cable operators and cable television services; a [Report and Order](#) that will eliminate the Form 325 Annual Report of Cable Television Systems filing requirement; a [Report and Order](#) to allow for use of auctions to assign certain toll-free numbers and to modernize the administration and assignment of toll-free numbers; an [action](#) to facilitate the deployment of and harmonize the rules concerning three types of fixed-satellite service earth stations authorized to transmit while in motion; and two enforcement actions.

- The Eighth Circuit Court of Appeals issued [a decision](#) on September 7, 2018, affirming the District Court of Minnesota's ruling that Charter's VoIP service is an "information service" under the Telecommunications Act and that state regulation of Charter's VoIP services was therefore preempted. It agreed that for these calls, "because information enters Charter's network "in one format (either IP or TDM, depending on who originated the call) and leaves in another, Charter's system offers net protocol conversion, which the FCC has defined as occurring when 'an end-user [can] send information into a network in one protocol and have it exit the network in a different protocol.'" Chairman Pai issued [a statement](#) saying the Eighth Circuit's decision is important for reaffirming the well-established principle that "[A]ny state regulation of an information service conflicts with the federal policy of nonregulation' and is therefore preempted.
- NTCA [met with](#) Commissioner Carr's Legal Advisor on September 5, 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 TCPA. 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. It said Commission action to encourage the expanded use of already operating commercial reassigned telephone numbers databases is the most expeditious path to addressing the problem, and suggested the Commission has the legal authority to adopt a safe harbor from TCPA liability for callers that rely on commercial database solutions.
- The Wireline Competition Bureau issued a [Public Notice](#) on September 7, 2018, seeking comment on an [application](#) filed by United Communications Holdings, United Telephone Company d/b/a United Communications, United Communications (formerly UTC Video Concepts), UTC Long Distance, and MTE Holdings, requesting Commission approval to transfer control of UCH, and its subsidiaries, UTC, UCI and UTC-LD, to MTEH. Comments are due September 21, 2018; replies are due September 28, 2018.
- The Wireline Competition Bureau issued a [Fee Filing Guide](#) on September 4, 2018, as a reference guide to identify and describe the entire filing requirements for the Wireline Competition Bureau. Part A provides instructions on how to pay a fee and identifies other processing services available to the requestor. Part B provides specific information pertaining to the Wireline Competition Bureau's Section 8 (application) fees.
- CTIA filed [reply comments](#) on September 7, 2018, on the [NPRM](#) on how to determine how a toll-free subscriber should make clear its authorization to text-enable a toll-free number. [CTIA](#) claimed the record in this proceeding demonstrates the Commission should maintain its light-touch regulatory framework for messaging services and abstain from intercession given the absence of evidence of market failure. CTIA also said the Commission should affirmatively conclude that additional regulatory intervention with regard to the text-enablement of toll-free numbers is not warranted, and recognize that industry self-regulatory efforts are facilitating a vibrant, competitive messaging market that protects consumers from unwanted messages. [FR](#)
- The FCC issued a [Public Notice](#) on September 4, 2018, to provide notice to inform carriers of the requests of the New York and California State Offices of the Attorney General for NRUF/LNP Confidential Information in connection with their investigation of the proposed T-Mobile/Sprint merger. This Notice is intended to allow carriers the opportunity to contact the State Offices of the Attorneys

General or to take any other action they may deem appropriate if they have concerns or oppose disclosure. Comments or objections should not be filed with the Commission.

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## Upcoming Filing Dates

- 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. 19 - Comments due on AT&T's [Petition for Reconsideration](#) of the [Memorandum Opinion and Order](#) that concluded the investigation into Tariff F.C.C. No. 1 of Aureon Network Services. Replies are due September 26, 2018. [Public Notice](#)
- Sept. 20 - Comments due on Haefele TV's [Petition](#) seeking ETC designation in New York in all areas in which it has been awarded CAF Phase II support via the New NY Broadband Program. Replies are due October 1, 2018. [Public Notice](#)
- Sept. 21 - Comments due on an [application](#) filed by United Communications request for Commission approval to transfer control of UCH, and its subsidiaries to MTE Holdings. Replies are due September 28, 2018. [Public Notice](#)
- 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. 26 - Replies due on AT&T's [Petition for Reconsideration](#) of the [Memorandum Opinion and Order](#) that concluded the investigation into Tariff F.C.C. No. 1 of Aureon Network Services. [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 - Replies due on an [application](#) filed by United Communications request for Commission approval to transfer control of UCH, and its subsidiaries to MTE Holdings. [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 - Replies due on Haefele TV's [Petition](#) seeking ETC designation in New York in all areas in which it has been awarded CAF Phase II support via the New NY Broadband Program. [Public 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. 5 – Comments due on [NECA's 2019 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#). Replies are due October 22, 2018. [Public Notice](#)
- Oct. 5 - Paperwork Reduction Act comments due on an extension of a currently approved information collection associated with FCC Form 498, Service Provider and Billed Entity Identification Number and Contact Information. [Notice](#)
- 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. 8 - Nominations due for six Board member positions on the USAC Board of Directors, for a three-year term. [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. 22 - Replies due on [NECA's 2019 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#). [Public Notice](#)
- 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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