

NECA's Weekly Federal Regulatory Summary

[USF Reform](#) [Open Internet](#) [Broadband](#) [Robocalls](#) [USF](#) [Call Completion](#) [Misc.](#) [Upcoming Events](#)

September 14, 2020 HIGHLIGHTS

- The FCC issued a [tentative agenda](#) for its September 30, 2020 Open Meeting, and will consider nine items, including a [second report and order](#) on robocalls.
- The USDA [announced](#) it is investing almost \$10 million to provide broadband service in unserved and underserved rural areas in Tennessee and investing over \$23 million in two [separate projects](#) in North Carolina.
- [Comments](#) were filed on the [third FNPRM](#) on broadband mapping. Reply comments are due September 17, 2020.
- The Office of Management and Budget [approved](#) an information collection associated with section 54.804 (b) and (c) (application process for CAF Phase II and Rural Digital Opportunity Fund) that was revised in the RDOF [order](#).
- The House Communications and Technology Subcommittee will hold a [hearing](#) on September 17, 2020, on FCC oversight. All five commissioners will appear as witnesses.
- Comments [are due](#) September 24, 2020, on Northern Valley Communications' refund and payment [plan](#), filed in response to an FCC [order](#) that found NVC's tariff revisions unlawful.
- NTCA [discussed](#) 8YY access charge reform, including the importance of explicit alternative cost recovery mechanisms for RLECs.
- Verizon [urged](#) the FCC to move forward with 8YY access reform. Frontier [provided](#) information on revenue losses it says it would encounter if the FCC were to eliminate originating access charges for 8YY calls.
- The July 2020 [report and order](#) adopting rules to combat unwanted and illegal robocalls is [effective](#) October 14, 2020.

Other Key Upcoming Dates

- Sept. 18 - Comments due on the [16th Broadband Deployment Report NOI](#). Replies due October 5, 2020.

USF Reform

- An FCC [notice](#) was published in the Federal Register on September 14, 2020, announcing the Office of Management and Budget approved, for a period of three years, an information collection associated with section 54.804 (b) and (c)(application process for CAF Phase II and Rural Digital Opportunity Fund) that was revised in the RDOF [report and order](#). The amendments to section 54.804(b) and (c) are effective September 14, 2020.
- The Wireless Telecommunications Bureau issued a [public notice](#) on September 8, 2020, approving GCI Communication's revised performance plan, filed pursuant to the terms set forth in the Alaska Plan order. The approved performance plan is included in the public notice's appendix.
- Hawaiian Telecom filed a [petition](#) on September 10, 2020, seeking a waiver of sections 54.310 (CAF for price cap territories – Phase II) and 54.316 (broadband deployment reporting and certification requirements for high-cost recipients), to enable it to comply with CAF Phase II buildout obligations for the year ending December 31, 2019, and subsequent years, for 523 locations destroyed or isolated by the Kilauea volcano eruptions that began in May 2018.
- Consolidated Communications filed a [letter](#) on September 8, 2020, pursuant to the July 29, 2020 [public notice](#), indicating it elects to receive a seventh year of CAF Phase II support for all states where it accepted CAF II support in the amount of \$48,102,913.
- Windstream, on behalf of its ILEC affiliates, filed a [letter](#) on September 9, 2020, pursuant to the July 29, 2020 [public notice](#), indicating it elects to receive an seventh year of CAF Phase II support in 17 states in the amount of \$174,895,478.
- Panhandle Telecommunication Systems filed a [letter](#) on September 11, 2020, in support of RWA's Phase 0 proposal for awarding 5G Fund support. Panhandle asserted adoption of the Phase 0 proposal would increase its legacy support to 90% under the former identical support rule and would enable it not only to continue to operate its networks at current levels but to begin buildout and deployment of a 5G network. It claimed that without the support that would be afforded to rural carriers like PTCI under the Phase 0 proposal, there would be years of delay before 5G service reaches the Oklahoma Panhandle.

[Back to Highlights](#)

ICC

- The Wireline Competition Bureau issued a [public notice](#) on September 10, 2020, seeking comment on Northern Valley Communication's refund and payment [plan](#). NVC filed its plan in response to an FCC [order](#) that found NVC's tariff revisions unlawful. Comments are due September 24, 2020.
- Northern Valley Communications filed a [letter](#) on September 10, 2020, at the request of AT&T, regarding communications NVC had with Commission staff to ensure its refund and payment plan complies with the Commission's procedural requirements. NVC provided an email chain discussing the draft plan calculations and narrative. NVC also said it spoke with Wireline Competition Bureau staff on September 2, 2020, regarding corrections to the draft plan the Commission staff considered appropriate to comply with the procedural requirements and the order.
- NTCA [spoke with](#) advisors to Commissioners Rosenworcel, O'Rielly, Carr and Starks on September 9, 2020, regarding 8YY access charge reform. NTCA urged adoption of a default rule to preclude parties from unilaterally dictating changes to existing financial responsibilities for interconnection and transport. NTCA also urged the Commission to make explicit in any upcoming 8YY order that, in the absence of mutual agreement, no party may force a change to any RLEC's existing interconnection points that define financial responsibility for interconnection and transport of calls pursuant to any tariff, contract, or other arrangement even if the intercarrier compensation rates applicable under such vehicles may be altered by a Commission order. Additionally, NTCA discussed the reductions in

access revenues that would arise out of any such transition and the importance of explicit alternative cost recovery mechanisms for RLECs.

- Verizon [spoke with](#) legal advisors to Commissioners O’Rielly and Carr on September 4 and 8, 2020, to urge the Commission to move forward with 8YY access reform. Verizon asserted this reform is necessary because the existing rules continue to foster uneconomic arbitrage schemes.
- Frontier [spoke with](#) Wireline Competition Bureau staff on September 1, 2020, regarding 8YY access charge reform. Frontier provided information it said shows revenue losses it would encounter in the coming years if the Commission were to eliminate originating access charges for 8YY calls. Frontier also discussed the continued importance of a recovery mechanism and the centrality of such a mechanism to the USTelecom [proposal](#).

Broadband

- The USDA [announced](#) on September 9, 2020, it is investing almost \$10 million to provide broadband service in unserved and underserved rural areas in Tennessee. Ardmore Telephone will use the funding to deploy an FTTP network. This investment is part of both the \$100 million Congress allocated to the ReConnect program through the [CARES Act](#) and \$550 million available in the [second round of ReConnect program funding](#).
- The USDA [announced](#) on September 10, 2020, it is investing over \$2 million to provide broadband service in unserved and underserved rural areas in North Carolina. Randolph Telephone Membership will use the funding to deploy a FTTP network. This investment is part of the \$100 million Congress allocated to the ReConnect program through the [CARES Act](#).
- The USDA [announced](#) on September 11, 2020, it is investing over \$21 million to provide broadband service in unserved and underserved rural areas in North Carolina. Atlantic Telephone Membership Corporation will use the funding to deploy a FTTP Network. This investment is part of the \$550 million Congress allocated to [second round of the ReConnect Program](#).
- The Senate Committee on Commerce, Science, and Transportation [announced](#) on September 10, 2020, it will convene an executive session on September 16, 2020, to consider 15 legislative measures and nominations, including: [S. 4015](#), the Rural Connectivity Advancement Program; [S. 4472](#), Ensuring Network Security Act; and [S. 1626](#), Government Spectrum Valuation Act of 2019.
- Sens. Mark R. Warner (D-Va.), Tim Kaine (D-Va.), Michael Bennet (D-Colo.), et al. sent a [letter](#) to the CEOs of AT&T, CenturyLink, Charter Communications, Comcast, Cox Communications, T-Mobile, and Verizon on September 11, 2020, calling on them to suspend limits and fees associated with increased broadband use, which they say are needed for students to participate in online courses or remote work. They also called for the companies to expand coverage areas, claiming the pandemic has highlighted the impact of the nation’s broadband gaps. [press release](#)
- Comments were filed on September 8, 2020, on the [third FNPRM](#) on broadband mapping. [NTCA](#) said the FCC should adopt a robust challenge process that will be used to refine baseline mapping data prior to its use in significant policy or funding decisions. NTCA also said the FCC should: take steps to properly calibrate other verification processes to ensure they are not overly burdensome for providers or agency staff and elicit useful data; and adopt reporting standards for satellite providers that reflect in full their network capabilities. [WTA](#) said it generally supports the efforts of the FCC to create a new data collection to replace the Form 477 system. WTA supported the requirement of engineering certifications for all biannual broadband data filings, and the structuring of challenge processes to limit them solely and entirely to questions regarding service availability. [USTelecom and WISPA](#) asserted verification can be achieved via the challenge and crowdsourcing resources, and suggested the FCC discontinue the broadband deployment data collection part of Form 477 no later than one year after the new data collection process has been established. [Central Texas Telephone Coop, et al.](#) urged the FCC to collect business-only, residential-only, and business-and-residential broadband data to understand the availability of broadband to residents as distinct from businesses and anchor institutions. They asserted the collection of business-only data should be used to combat wasteful

subsidized overbuilding in the E-rate and RHC USF programs. The [Massachusetts DTC](#) supported the FCC's adoption of the polygon method, and asserted it is critical the FCC collect business-only service data and mobile broadband infrastructure data. It also urged the FCC to be cautious in sunsetting the Form 477, claiming it provides an overarching view of which census blocks have at least some service and which do not. The [Vermont DPS](#) asserted adoption of a uniform testing methodology for provider data verification and challenges will ensure the end-user experience is reflected in the Commission's coverage maps. It also said all verification and challenge data, in addition to coverage maps, must be made publicly available. Reply comments are due September 17, 2020. [all comments available](#) | [FR](#)

- Connected Nation and Ecopia Tech [spoke with](#) Wireline Competition Bureau, Wireless Telecommunications Bureau, and the Office of Economics and Analytics on September 2, 2020, regarding the future creation of the broadband serviceable location fabric as outlined in the second report and order and third FNPRM. They discussed their strategic partnership and demonstrated a proprietary solution set and approach that could be employed to create a highly accurate and reliable fabric for the purposes of the Digital Opportunity Data Collection. They also discussed a solution they claim would allow consumers, broadband providers, and state and local government entities to easily submit challenges to the fabric dataset once it has been deployed.

Robocalls

- The [report and order](#) on combating unwanted and illegal calls was published in the [Federal Register](#) on September 14, 2020. The order adopted rules that further encourage call blocking by establishing a safe harbor from liability under the Communications Act and the rules for the unintended or inadvertent blocking of wanted calls, so long as such action is based upon reasonable analytics indicating that such calls were unwanted and therefore should be blocked. The order is effective October 14, 2020.

[Back to Highlights](#)

Other Universal Service

- NCTA [announced](#) on September 10, 2020, the K-12 Bridge to Broadband Initiative, a partnership between NCTA and EducationSuperHighway to identify and fill connectivity gaps for K-12 school students in low-income families throughout the country so they can benefit from remote learning. Chairman Pai issued a [statement](#) supporting the initiative.
- In addition to reply comments listed in a previous edition of *REGScan*, replies were filed on September 4, 2020, on the proposed E-rate eligible services list for funding year 2021. [SECA](#) expressed support for Cisco's [request](#) for waiver of E-rate rules to allow schools to use category 2 funding to cover the cost of network security software in the 2020 and 2021 funding years. [ALA](#) expressed support for changes or elimination of category 2 subcategories, elimination of cost allocation based on what equipment is attached to the cabling or data distribution equipment, and eligibility of comprehensive security tools. [public notice](#) | [all replies available](#)
- The Cybersecurity Coalition filed [a letter](#) on September 4, 2020, to express support for Cisco System's [request](#) for waiver of E-rate rules to allow schools to use category 2 funding to cover the cost of network security software in the 2020 and 2021 funding years.
- Comments are due September 14, 2020, on the National Lifeline Association's [petition](#) requesting the FCC waive the Lifeline mobile broadband minimum service standard increase and voice support phasedown scheduled to take effect on December 1, 2020. Replies due September 21, 2020. [public notice](#)
- 3 Rivers Telephone, Siyeh Communications, and Moss Adams [spoke with](#) Wireline Competition Bureau staff on September 9, 2020, regarding Siyeh and 3 Rivers' [petition](#) seeking a study area waiver on the transfer of the Browning, Montana exchange from 3 Rivers to SiyCom. They discussed conditions petitioners would be willing to accept that would allow the FCC to grant the requested study area to complete the sale of the Browning Exchange from 3 Rivers to SiyCom on or before September 30, 2020.

[Back to Highlights](#)

Misc.

- The FCC issued a [tentative agenda](#) for its September 30, 2020 Open Meeting. The FCC will consider: a [report and order](#) that would continue its work to implement the TRACED Act and promote the deployment of caller ID authentication technology to combat spoofed robocalls; a [notice of inquiry](#) that would seek comment on ways to dissuade states and territories from diverting fees collected for 911 to other purposes; and a [report and order, order on reconsideration and FNPRM](#) that would set compensation rates for IP CTS, deny reconsideration of previously set IP CTS compensation rates, and propose service quality and performance measurement standards for captioned telephone services. The FCC will also consider: a [report and order and FNPRM](#) facilitating shared use in the 3.1-3.55 GHz band; a [sixth report and order and seventh FNPRM](#) expanding access to and investment in the 4.9 GHz band; a [report and order](#) improving transparency and timeliness of the foreign ownership review process; a [report and order](#) that would modernize requirements for notices cable operators must provide subscribers and local franchising authorities; a [report and order](#) that would eliminate the requirement that cable operators maintain records in their online public inspection files regarding the nature and extent of their attributable interests in video programming services; and an enforcement action. Chairman Pai also wrote a [blog post](#) on the items to be considered.
- The House Communications and Technology Subcommittee [announced](#) on September 10, 2020, it will hold a fully remote [hearing](#) on September 17, 2020, with all five FCC Commissioners on oversight of the FCC.
- The FCC released FY 2020 regulatory fee fact sheets on September 8, 2020, on: [interstate telecommunications service providers and toll-free numbers](#); [media services licensees](#); [commercial wireless services](#); and [cable television systems](#).
- USTelecom and INCOMPAS [spoke with](#) Commissioner Starks and his legal advisor on September 8, 2020, regarding their [proposal](#) that addresses access to unbundled DS0 loops, DS1 loops, DS3 loops, and Operation Support Systems. They asserted the proposal recognizes some providers, primarily in less populated areas generally subject to less competition, may still be impaired at this time without access to ILEC facilities to offer competitive alternatives, and reasonable transition periods are necessary in areas where UNEs would no longer be available.
- Replies are due September 14, 2020, on the [FNPRM](#) that integrates provisions of the Secure Networks Act into the FCC's existing supply chain proceeding. [FR](#)
- The Wireline Competition Bureau issued a [public notice](#) on September 10, 2020, seeking comment on a section 214 application filed by Otelco and Future Fiber FinCo, requesting consent to transfer control of Otelco and its subsidiaries to Future Fiber. Comments are due September 24, 2020; reply comments are due October 1, 2020.
- The Wireline Competition Bureau issued a [public notice](#) on September 11, 2020, granting a section 214 application filed by Patterson Telephone Company, Pattersonville Telephone Company d/b/a/ PTC Connect, Wayne S. Thomas, Linda B. Thomas, and Tammy T. Krisher, requesting approval to transfer control of Pattersonville and PTC Connect from Mr. Thomas and Ms. Thomas to Ms. Krisher.
- iconectiv [spoke with](#) Wireline Competition Bureau staff on September 2, 2020, regarding its [petition](#) for competitive bidding of the toll-free numbering administrator. iconectiv urged the Commission to move forward without delay in the proceeding.

[Back to Highlights](#)

Upcoming Filing Dates

- Sept. 16 - Comments due on UComTel's application for authorization to obtain NANP telephone numbers directly from the numbering administrators for its iVoIP service. [public notice](#)
- Sept. 16 - Oppositions due to Bloomingdale Telephone's [application for review](#) of the [order](#) denying its [petition](#) for a waiver of the March 1, 2019 deadline to upload and certify geocoded location information data with USAC through the HUBB portal. Replies to oppositions are due September 28, 2020. [public notice](#)
- Sept. 17 - Replies due on NCTA's [petition](#) requesting the FCC clarify it is unjust and unreasonable for pole owners to shift the entire cost of a pole replacement to a new attacher. [public notice](#)
- Sept. 17 - Replies due on the [third FNPRM](#) on broadband mapping. [FR](#)
- Sept. 17 - Comments due on a section 214 application filed by Sodtoun Telephone Company and Sodtoun Communications, Inc., requesting consent to transfer the telecommunications assets and customer base of STC to SCI. Reply comments are due September 24, 2020. [public notice](#)
- Sept. 18 - Comments due on the [16th Broadband Deployment Report Notice of Inquiry](#) initiating the next annual assessment of the availability of advanced telecommunications capability to all Americans in a reasonable and timely fashion. Replies due October 5, 2020.
- Sept. 21 - PRA comments due on a revision of a currently approved collection associated with Part 32 accounting requirements.
- Sept. 21 - Replies due on the National Lifeline Association's [petition](#) requesting the FCC waive the Lifeline mobile broadband minimum service standard increase and voice support phasedown scheduled to take effect on December 1, 2020. [public notice](#)
- Sept. 24 – Comments due on Northern Valley Communication's refund, payment [plan](#). NVC filed its plan in response to an FCC [order](#) that found NVC's tariff revisions unlawful. [public notice](#)
- Sept. 24 - Replies due on a section 214 application filed by Sodtoun Telephone Company and Sodtoun Communications, Inc., requesting consent to transfer the telecommunications assets and customer base of STC to SCI. [public notice](#)
- Sept. 24 - Comments due on a section 214 application filed by Otelco and Future Fiber FinCo, requesting consent to transfer control of Otelco and its subsidiaries to Future Fiber. Replies due October 1, 2020. [public notice](#)
- Sept. 28 - PRA comments due on a revision of a currently approved information collection associated with the Telehealth for Low Income Consumers and COVID-19 Telehealth Programs. [notice](#)
- Sept. 28 - Replies to oppositions due on Bloomingdale Telephone's [application for review](#) of the [order](#) denying its [petition](#) for a waiver of the March 1, 2019 deadline to upload and certify geocoded location information data with USAC through the HUBB portal. [public notice](#)
- Sept. 29 - Replies due on additional steps to further protect consumers from robocalls and inform them about provider blocking efforts. [FNPRM](#) | [FR](#)
- Oct. 1 - Replies due on a section 214 application filed by Otelco and Future Fiber FinCo, requesting consent to transfer control of Otelco and its subsidiaries to Future Fiber. [public notice](#)
- Oct. 2 - Comments due on the [NPRM](#) on updating the FCC's ex parte rules. Replies due November 2. [FR](#)

- Oct. 5 - Replies due on the [16th Broadband Deployment Report Notice of Inquiry](#) initiating the next annual assessment of the availability of advanced telecommunications capability to all Americans in a reasonable and timely fashion.
- Oct. 5 - Comments due on NECA's 2021 modification of the average schedule company universal service high cost loop support [formula](#). Replies are due October 20, 2020. [public notice](#)
- Oct 19 - PRA comments due on the [third FNPRM](#) on broadband mapping. [FR](#)
- Oct. 20 - Replies due on NECA's 2021 modification of the average schedule company universal service high cost loop support [formula](#). Replies are due October 20, 2020. [public notice](#)
- Oct. 23 - PRA comments due on an extension of a currently-approved information collection associated with inside wiring. [notice](#)
- Nov. 2 - Replies due on the [NPRM](#) on updating the FCC's ex parte rules. [FR](#)
- Nov. 9 - PRA comments due on an extension of a currently approved information collection relating to consumer broadband services testing and measurement. [FR](#)

[Back to Highlights](#)

Editor: [Shawn O'Brien](#) | Assistant Editor: [Libby Newson](#)