

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

September 17, 2018 HIGHLIGHTS

- The FCC [announced](#) the proposed USF contribution factor for the fourth quarter of 2018 will be 20.1 percent, up from the current 17.9 percent.
- The FCC is [circulating](#) items on: Comprehensive Review of the Part 32 Uniform System of Accounts; and Reform of Certain Part 61 Tariff Rules et al.
- The FCC [seeks comment](#) on approaches to identifying and resolving discrepancies between the number of model-determined funded locations that CAF Phase II auction support recipients are expected to serve and the actual number of locations that support recipients can serve. Comments are due 30 days after Federal Register publication; replies due 45 days after FR.
- WTA, et al. [discussed](#) the USF high-cost budget for RLECs and the speed and latency performance testing framework for recipients of high-cost support. Golden West and NTCA [urged](#) the FCC to act before the end of the year to put the high-cost USF programs on a path for success.
- [Comments were filed](#) on the [NPRM](#) that proposes to move the Mobility Fund II challenge process speed test deadline to November 26, 2018. Replies were due September 14, 2018. [FR](#)
- The FCC [announced](#) the release of updated data on fixed broadband deployment and mobile voice and broadband deployment as of June 30, 2017, based on Form 477 data. The FCC also [announced](#) the National Broadband Map has been updated.
- [Comments were filed](#) on the [14th Broadband Deployment Report NOI](#). Replies [due](#) October 1, 2018.
- The new rules in the Wireline Broadband Order [are effective](#) October 15, 2018, except for sections III.A–E, which will be effective on the later of February 3, 2019, or 30 days after OMB approval.
- Comments [are due](#) October 12, 2018, for an FCC report on promoting broadband internet access service for veterans, in particular low-income veterans and veterans residing in rural areas.
- NARUC filed [reply comments](#) on the [FNPRM](#) that proposes to extend the jurisdictional separations freeze for 15 years. [FR](#)
- ITTA, USTelecom, et al. [discussed](#) the Eighth Circuit decision remanding the portion of the BDS Order for price cap carriers relating to TDM transport services.
- [Comments were filed](#) 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.
- The FCC [seeks comment](#) on whether certain docketed proceedings should be terminated as dormant. Comments are due 30 days after Federal Register publication; replies are due 45 days after FR.

Other Key Upcoming Dates

- Sept. 24 - Comments due to refresh the record on 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](#)
- Oct. 1 - Replies due on the [8YY Access Charge Reform FNPRM](#).
- Oct. 5 - Comments due on [NECA's 2019 Modification of the Average Schedule Universal Service HCL Support Formula](#). Replies are due October 22, 2018. [Public Notice](#)

Editor: [Teresa Evert](#) | Assistant Editor: [Shawn O'Brien](#)

USF Reform

- The Wireline Competition Bureau issued a [Public Notice](#) on September 10, 2018, seeking comment on approaches to identifying and resolving apparent discrepancies between the number of model-determined funded locations that CAF Phase II auction support recipients are expected to serve and the actual number of locations that support recipients can serve. The Bureau seeks comment on, among other things: how it should define an actual location for purposes of this review process; whether to require participants to use a particular method to identify the geocoordinates and addresses of actual locations or permit carriers to choose their method(s) and correct for inaccuracies; and how to define “relevant stakeholders” and the evidence that must be submitted by relevant stakeholders to effectively rebut or refute the participant’s contentions. Comments are due 30 days after Federal Register publication; replies due 45 days after FR.
- CC Communications, Arvig Communications, Nex-Tech, and WTA [met with](#) Commissioner Carr’s Chief of Staff on September 11, 2018, to discuss the USF high-cost budget for RLECs and the speed and latency performance testing framework for certain recipients of high-cost support. The carriers expressed the need for an early decision on pending high-cost budget revision issues and for the sufficient, stable, and predictable support flows required to extend, upgrade, and operate their broadband networks, expressing particular concern that the budget control mechanisms have become operational again as of July 1, 2018. They claimed the testing framework adopted in the [Network Testing Order](#) was not designed with RLECs in mind and imposes unnecessary burdens, practical implementation difficulties, and excessive costs on them that will impair their ability to deploy and upgrade their broadband services. WTA noted it intends to file an appeal of the Order, but is willing to work with the Commission and its staff to develop a practicable and reasonable performance testing framework for RLECs.
- Golden West Telecommunications and NTCA [met separately with](#) Advisors to Chairman Pai and Commissioners Carr, Rosenworcel, and O’Rielly on September 12, 2018, to urge the Commission to act before the end of the year to put the high-cost USF programs on a path for success. NTCA noted the significant consensus among stakeholders on the record as well as policymakers regarding: the need for providing additional levels of support over a series of years; the importance of applying an inflationary factor to the high-cost USF budget in the same manner as other USF programs; the value of a carrier-specific threshold of support based on a measure of actual costs in the event that future budget shortfalls should materialize; and the need to fully fund the existing cost-based and model-based support mechanisms prior to extending any new, additional model offers.
- Comments were filed September 10, 2018, on the [NPRM](#) that proposes to move the Mobility Fund II challenge process speed test deadline to November 26, 2018. [US Cellular](#) supported the proposal, saying extending the period during which speed test data may be collected by three months should not have any appreciable effect on the accuracy or reliability of the coverage data, while, at the same time, allowing the submission of data collected during the first three months of the extended challenge window will directly and significantly reduce burdens faced by challenging parties. The [Rural Wireless Association](#) urged the Commission to adopt its proposal without delay so that prospective challengers will not be required to spend additional time and financial resources in order to re-take speed tests taken prior to May 28, 2018. The [Competitive Carriers Association](#) also supported the FCC’s proposal to accept data collected on or after February 27, 2018, until November 26, 2018, to ensure the extended challenge process filing deadline does not unduly burden challenge process participants, as well as the FCC’s proposal to expand the response timeframe for participants to ensure the Commission collects a robust and reliable set of data. [All comments available to date](#). Replies were due September 14, 2018. [FR](#)
- Panhandle Telecommunications sent [a letter](#) on September 7, 2018, to Chairman Pai inviting him and staff from the Commission’s Field Office to visit Guyton, Oklahoma, and join PTSI employees as they work to complete MF-II challenge process drive testing in the Oklahoma Panhandle so the Commission can get a sense of what rigorous challenge process participation requires and the extent to which subsidized 4G LTE coverage has been overstated. PTSI said it appreciates the Commission’s decision to extend the challenge process by 90 days to November 26, 2018. PTSI attached, as an update, a

presentation similar to the one it filed on July 13, 2018, but with updated figures, noting the miles driven, employee hours spent, and costs related to the challenge process have continued to rise, and PTSI has not yet completed its efforts.

[Back to Highlights](#)

ICC

- AT&T [met with](#) Wireline Competition Bureau staff on September 12, 2018, to urge the Commission to adopt the industry proposal to address access arbitrage that would shift the financial obligation for transport and termination of access stimulation traffic to LECs that engage in access stimulation. It asserted the Commission's "second prong" direct connection proposal would be harmful, counterproductive, and detrimental to efforts to combat arbitrage because it would make IXCs responsible for costs associated with establishing the direct interconnection and delivery of access stimulation traffic.
- HD Tandem and Dentons [met separately with](#) Advisors to Chairman Pai and Commissioners Rosenworcel and Carr on September 11, 2018, to discuss the proceeding on eliminating access arbitrage in the intercarrier compensation system.
- Aureon filed an [opposition](#) on September 10, 2018, to AT&T's [Petition for Further Reconsideration](#) 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. Aureon asserted because AT&T's counterclaims failed to include a violation of the CLEC benchmark rate in either 2012 or 2013, those allegations in AT&T's Petition are barred by the two-year statute of limitations.

[Back to Highlights](#)

Broadband

- The Wireline Competition and Wireless Telecommunications Bureaus issued a [Public Notice](#) on September 10, 2018, announcing the release of updated data on fixed broadband deployment and mobile voice and broadband deployment as of June 30, 2017, based on Form 477 data. Fixed Deployment Data are available [here](#) and Mobile Deployment Data are available [here](#). The June 30, 2017 fixed broadband and mobile deployment data includes any revisions made by filers through June 14, 2018.
- The Wireline Competition Bureau issued a [Public Notice](#) on September 10, 2018, announcing the National Broadband Map has been updated to include data collected on Form 477 as of June 30, 2017.
- Comcast [met with](#) Wireline Competition Bureau staff on September 12, 2018, to discuss how best to ensure that FCC Form 477 submissions provide useful data about the state of communications deployment. Comcast focused on its ability to provide deployment data at various levels of granularity, and discussed the significant burdens associated with requiring the submission of service address level information throughout its footprint.
- Microsoft [spoke with](#) Commissioner Carr's Chief of Staff on September 11, 2018, to offer suggestions to improve the quality, accuracy, and utility of FCC Form 477 data. Microsoft reiterated points made in its August 2, 2018 [ex parte](#), such as limiting the broadband deployment dataset only to those census blocks where broadband has been actually deployed, and suggested Form 477 data be collected on an annual basis.

- The Wireline Competition Bureau issued a [Public Notice](#) on September 12, 2018, seeking information and data for the FCC's report on promoting broadband internet access service for veterans. Section 504 of the RAY BAUM'S Act of 2018 directed the Commission to, within one year, submit to Congress a report on promoting broadband internet access service for veterans, in particular low-income veterans and veterans residing in rural areas. Comments are due October 12, 2018; replies are due October 29, 2018.
- Chairman Pai [spoke at](#) the Maine Heritage Policy Center on September 14, 2018, discussing closing the digital divide, broadband, and net neutrality. He said the Commission has modernized its regulations to stop spending on copper networks and to encourage the building or expanding of fiber networks. He also said the Commission is updating its wireless infrastructure rules to promote 5G, the next generation of wireless connectivity, and discussed how the Commission has directed USF funding to broadband providers. He also discussed recent FCC actions on net neutrality.
- Comments were filed on September 10, 2018, on the [14th Broadband Deployment Report Notice of Inquiry](#), which initiated the next annual assessment of the availability of advanced telecommunications capability to all Americans in a reasonable and timely fashion. [NTCA](#) said the Commission should affirm its conclusion in the 2018 Broadband Deployment Report that mobile services, while providing significant value of their own and essential for many uses, are not currently a substitute for fixed services. NTCA said this is especially true in rural areas where mobile connections are impacted significantly by terrain and distance. [WTA](#) said fixed and mobile services of similar functionality continue to be complements - rather than substitutes - for each other. The [CWA](#) said the Commission should raise its broadband benchmark to 100/10 Mbps, recognize that mobile services are no substitute for fixed broadband, and make Form 477 data available in a timely fashion. [The Power & Communication Contractors Association](#) said increased oversight is needed to ensure that upgrades and new infrastructure built with federal resources have the capacity to provide required broadband speed. It said a variety of speed test measurements are readily available and can effectively determine if connections are meeting the required benchmark speeds. [ViaSat](#) urged the Commission to ensure that universal service programs continue to leverage satellite technologies in a technology-neutral manner, provide additional spectrum access to advance the efforts of satellite broadband providers, and evaluate and present satellite broadband deployment data in a manner similar to terrestrial deployment data. [All comments available to date](#). Comments are due September 17, 2018; replies are due October 1, 2018. [Order](#)
- The FCC issued [a Notice](#) in the Federal Register on September 14, 2018, publishing the August 3, 2018 Wireline Broadband Deployment [Order](#) that adopted a "one-touch make-ready" regime for simple pole attachments, made modifications to the process for attachments that are complex or above the communications space of a pole, eliminated disparities between the pole attachment rates that incumbent carriers must pay compared to other similarly-situated cable and telecommunications attachers, and clarified the Commission's intent to preempt state and local laws that inhibit the rebuilding or restoration of broadband infrastructure after a disaster. The new rules are effective October 15, 2018, except for sections III.A–E, which will be effective on the later of February 3, 2019, or 30 days after OMB approval.
- Comments were filed on USDA's [Notice](#) seeking input on implementation of the e-Connectivity Pilot Program established in the Consolidated Appropriations Act of 2018. [The FCC's Wireline Competition Bureau](#) attached a copy of the FCC's July 6, 2018 [Order](#) that established a uniform framework for measuring the speed and latency performance for recipients of high-cost USF support to serve fixed locations. The Bureau said the FCC's work in developing performance measures for broadband providers may be helpful in determining appropriate speed and latency testing standards for the e-Connectivity Pilot. [WTA](#) said as RUS considers how to structure the Pilot Program, it should be guided by the following goals: finding the right applicants and projects to support with limited funds; building networks that will be sustainable in the long-term; and not displacing or duplicating existing networks. [Microsoft](#) said the RUS should retain the existing definition of eligible rural areas, i.e., where 90 percent of households lack access to 10/1 service. Microsoft also urged the RUS to specify that applicants seeking to provide broadband via TV White Spaces spectrum are eligible for funding. [All comments available](#).

- The Wireline Competition Bureau issued a [Public Notice](#) on September 10, 2018, to establish uniform deadlines for oppositions and replies on the petitions for reconsideration of the [Report and Order and Declaratory Ruling](#) on wireline and wireless infrastructure deployment. The Bureau said the deadlines for filing oppositions to petitions for reconsideration differ between rulemaking and non-rulemaking proceedings, and to avoid unnecessary confusion it is adopting uniform deadlines for the filing of oppositions to all petitions for reconsideration in this proceeding. Petitions were filed by the [County Road Association of Michigan](#), the [Smart Communities and Special Districts Coalition](#), and the [City of New York](#). Oppositions are due 15 days after publication in the Federal Register and replies are due 10 days after oppositions are due.
- NTCA [met with](#) Chairman Pai's Special Counsel and Commissioner Carr's Legal Advisor on September 10 and 11, 2018, to discuss the draft [Order and Declaratory Ruling](#) on streamlining wireless infrastructure deployment, which will be considered at the September 26, 2018 Open Meeting. NTCA expressed support for efforts to address barriers presented by excessive rates and fees for access to public rights-of-way. NTCA asserted the same logic that underpins the legal analysis and assessment of marketplace barriers stated in the Declaratory Ruling logically applies on a technology-neutral basis to deployment of wireline and wireless network facilities alike.
- NCTA [met with](#) Wireline Competition Bureau staff on September 6, 2018, to ask the Commission to take action to prevent state and local governments from imposing duplicative regulations and fees and other regulatory obstacles that have the effect of hindering the deployment of new facilities and services by cable operators. NCTA also asked the FCC to address ongoing efforts by local franchising authorities to subject noncable services delivered over cable systems to duplicative regulations and fees, and to reduce barriers to infrastructure investment and deployment.
- The Wireless Infrastructure Association [met with](#) Chairman Pai, his Special Counsel, and Commissioner O'Rielly on August 28, 2018, to discuss the draft [Order](#) on streamlining wireless infrastructure deployment. WIA asserted its members continue to face regulatory hurdles when applying for Eligible Facilities Requests under section 6409 of the Spectrum Act. WIA said such hurdles include jurisdictions refusing to issue permits to construct EFRs that have been "deemed granted," abusing the exception for concealment modifications, and denying the applicability of section 6409 to their siting process.
- Sage Associates filed [a letter](#) on September 12, 2018, urging the FCC to postpone action on the proposed rules in the draft Wireless Deployment Order that would impair the ability of local agencies and municipalities to exercise their existing siting authorities for wireless facilities. It said the FCC has an obligation to conclude its open proceeding on health effects that have been shown to occur at legal levels significantly below current FCC limits for uncontrolled public access before opening the floodgates to industry to increase the number of wireless facilities across the US. Sage claimed the proposed Order removes virtually all regulatory power from states and local governments over small cells and other wireless infrastructure and in effect mandates wireless infrastructure of any size and power output to be located in any location, regardless of how inappropriate, unsafe, unsightly, and out-of-compliance with local plans.
- Mobilitie [met separately with](#) Commissioner Carr and his Legal Advisor, Commissioner O'Rielly and his Advisor, and Advisors to Chairman Pai and Commissioner Rosenworcel on September 11 and 12, 2018, to discuss the Wireless Deployment Draft Order. It supported policies ensuring that localities can charge fees to compensate them for their reasonable costs in managing deployment, but said it filed its Petition in the fall of 2016 because outliers have been imposing exceedingly high fees. Mobilitie supported the draft Order's ruling that the Communications Act requires fees to be based on a locality's reasonable costs, and suggested the Order emphasize that fees must be transparent to all providers by being publicly disclosed and be cost-based. It endorsed the draft Order's revisions to the shot clock periods for small cells, and recommended the Order explicitly state that licensing and franchising agreements, like permits, must be completed within the shot clock periods.
- American Tower [spoke with](#) Commissioner O'Rielly's Legal Advisor on September 11, 2018, to discuss the draft Wireless Deployment Order. It pointed out that some local governments have a mistaken

belief that existing macro towers may no longer be necessary in light of the coming deployment of small cells. It suggested the Commission add language regarding the continuing need for macro towers at an appropriate point in the Draft Order. American Tower also met with [Wireless Telecommunications Bureau](#) staff on September 6, 2018, to discuss similar issues.

- The Massachusetts Municipal Association filed a [letter](#) on September 11, 2018, to express concerns with certain provisions in the draft [Order and Declaratory Ruling](#) on streamlining wireless infrastructure deployment, which will be considered at the September 26, 2018 Open Meeting. MMA asserted the FCC's proposed new collocation shot clock category is too extreme, the FCC's proposed definition of "effective prohibition" is overly broad, and the FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.
- WISPA [met with](#) Chairman Pai and his Legal Advisor on September 7, 2018, to discuss the modernization of the FCC's Over-the-Air Reception Device rule. WISPA asked the Commission to determine in its [Order](#) on streamlining wireless infrastructure deployment that the OTARD rule should apply to all fixed wireless transmitters and receivers, so long as the equipment meets the existing size restrictions for customer-end equipment. WISPA also [met with](#) Commissioner Carr and his Legal Advisor on September 10, 2018, to discuss similar issues.
- The Smart Communities and Special Districts' Coalition [e-mailed](#) the Legal Advisors to Commissioners Carr and Rosenworcel on September 9, 2018, requesting the Commission clarify the due dates for petitions for reconsideration of the draft [Order](#) on streamlining wireless infrastructure deployment, which will be considered at the FCC's September 26, 2018 Open Meeting.
- The National Rural Electric Cooperative Association [released](#) a [report](#) on September 11, 2018, that investigated the cost of the digital divide and the growing economic disadvantages to America's rural communities. The report found about 6.3 million electric co-op households, totaling 13.4 million people, lack access to adequate, high-speed broadband service (25/3 Mbps). NRECA said that lack of broadband access results in more than \$68 billion in lost economic value over a 20-year period. NRECA said grants and low-interest loans, combined with private investment from electric co-ops, hold the potential for unlocking the lost value for electric cooperative consumer-members who do not have access to high speed broadband service.

[Back to Highlights](#)

Universal Service

- The FCC Office of Managing Director issued a [Public Notice](#) on September 12, 2018, announcing the proposed universal service contribution factor for the fourth quarter of 2018 will be 20.1 percent, up from the current 17.9 percent.
- NTCA filed [reply comments](#) on September 13, 2018, on its [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. [NTCA](#) said its Petition was unopposed and grant of its waiver request would ensure that low-income consumers now "on the network" and enjoying the benefits of BIAS as a result of the Lifeline program will have the choice of continuing to subscribe to the service they have should they determine that such a service better meets their needs and fits their budget. [Public Notice](#)
- Comments were filed on September 10, 2018, on the [Notice of Inquiry](#) on creating a USF pilot program to promote the use of telehealth services among low-income Americans. [NTCA](#) said the Commission's pilot program is best focused on areas that have suitable broadband deployment to enable the gathering and analysis of important data without delay. NTCA also recommended the pilots seek a broad range of usable data from rural areas, from which indicators aimed at developing specific programs can be drawn. [AT&T](#) asserted the Commission's proposed pilot program rules should be consistent with its statutory authority under section 254 to support "services" and should use the proposed pilot program funding to reduce the cost of connectivity included in telehealth services, not to

deploy broadband. [CTIA](#) said the Commission should ensure the pilot program maximizes the effective and efficient application of federal USF support and should include non-facilities-based providers who currently serve many of the communities the Commission seeks to reach with the pilot program. [USTelecom](#) expressed support for both the proposed budget size and duration of the pilot program; but said the program would be best focused on the barriers beyond rural service availability. [Verizon](#) expressed support for the pilot program, and said in parallel with the pilot program, the Commission should continue to use all other available policy tools to accelerate the deployment of advanced broadband networks that provide the foundation for connected care services. [GRTI](#) agreed that partnering with an existing ETC would serve the goal of promoting broadband deployment and will assist the Commission and health care providers in getting the Connected Care Pilot Program underway expeditiously. GRTI also supported the Commission's goal to designate at least one program for Tribal lands, but urged the Commission to consider the demographics of living on Tribal lands, which demonstrate that low-income and health challenges are higher than in the Nation generally and connectivity lags the rest of the Nation. [All comments available to date](#). Replies are due October 10, 2018.

- Comments were filed on September 12, 2018, 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. [Sprint](#) supported the Petition, stating that to ensure the NV can perform automated eligibility determinations for the maximum percentage of end users possible, hard launch should occur once the NV has secured access to the Medicaid, SNAP, and SSI program databases. [Q Link Wireless](#) supported the Petition, stating the Commission should direct staff to instruct USAC to take the necessary actions to develop APIs and set hard launch dates only after APIs and connections to the critical databases have been implemented. [TruConnect](#) and the [National Lifeline Association](#) expressed support for the Petition. TruConnect said the Commission should direct USAC to accelerate the acquisition of information from key state databases and postpone the launch date of the National Verifier until after access to such databases has been secured. NaLA said TracFone correctly points out the initial launch of the National Verifier before obtaining access to key databases to automatically verify subscriber eligibility based on participation in qualifying federal programs has undermined the goals the Commission sought to achieve by establishing the National Verifier. [USTelecom](#) urged the Commission to deny the Petition, saying grant of the petition would undermine the three Commission goals identified in the 2016 Order: to protect against waste, fraud and abuse, to lower costs to the Fund and Lifeline providers, and to better serve eligible beneficiaries by facilitating choice and improving the enrollment experience Replies are due September 27, 2018. [List of all comments available to date](#)
- Reply comments were filed on September 13, 2018, on the proposed eligible services list for the schools and libraries USF support mechanism for funding year 2019. [USTelecom](#) said it agrees with SECA that clarification is needed regarding USAC's definition of "Leased Lit Fiber," and also said categorizing "managed end-to-end services" or "finished services" as "Leased Lit Fiber" is inconsistent, ambiguous, and a source of needless confusion for E-Rate program applicants. [Funds for Learning](#) said it agrees with SECA's request that the FCC clarify the circumstances under which data networking equipment and related components qualify for support under Category 1 discounts, and suggested the FCC allow all C1 network electronics to qualify for discounts, regardless of the network technology or service agreement type. The [E-Rate Management Professionals Association](#) expressed support for a simple and less complicated Form 470, and requested in future years, the Eligible Services List be made available in advance of July 1, which is when the Form 470 for the next funding year is made available, so that applicants may plan their procurements based on the services that are eligible for the specific funding year. [E-rate Provider Services](#) filed reply comments on September 13, 2018, on the proposed eligible services list for the schools and libraries USF support mechanism for funding year 2019. It agreed with a number of recommendations made in comments, including elimination of Category 2 sub-categories, adoption of a rebuttable presumption that all Category 2 equipment requests include a request for maintenance of those products, and the addition of a designation for "Recurring" or "Non-Recurring" to indicate the service delivery and billing parameters of the funding request. [Public Notice](#)
- Replies were due September 14, 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. [Public Notice](#)

- TracFone [met with](#) Commissioner Carr on September 12, 2018, to discuss its concerns that restriction of the Lifeline program to facilities-based carriers would hamper the ability of telecommunications providers to offer Lifeline services and deprive low-income customers of access to beneficial communications technology. It discussed how conduct-based rather than status-based criteria for determining waste, fraud, and abuse are more precise and appropriate. TracFone also discussed the pending T-Mobile/Sprint merger and wireless infrastructure deployment.
- S.M. Gately Consulting filed a [letter](#) on September 10, 2018, attaching a [letter and report](#) it sent to Rep. Greg Walden (R-Ore.) and Sen. John Thune (R-S.D.) and other members of the House Energy and Commerce Committee and the Senate Commerce, Science and Transportation Committee, which it said details shortcomings of the 2017 [GAO Lifeline Report](#). S.M. Gately argued the GAO report in no way supports the Commission's assertions regarding the scale of actual waste, fraud, and abuse within the program, or its allegations of "unscrupulous" behavior by resellers. S.M. Gately also asserted reliance on the GAO report to portray the Lifeline program as fraught with "unscrupulous carriers" and waste, fraud, and abuse is a misreading of that report, and expressed concern that the FCC's misinterpretation of the GAO data is distorting the focus of legitimate reform efforts.
- Windstream filed a [reply](#) on September 11, 2018, to ABS Telecom's [Opposition](#) 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. Windstream asserted the Commission should disregard ABS's unsupported and inaccurate assertion that Windstream violated section 1.17 of the Commission's rules, and should grant its Request for Review based on the legal defects underlying USAC's determinations.
- Hughes Network Systems [met with](#) staff from the Wireline Competition and International Bureaus on September 12, 2018, to discuss concerns regarding the proposed allocations of funding through the Uniendo a Puerto Rico Fund and the Connect USVI Fund, which it claimed would exclude from participation currently operational, resilient broadband services. Hughes suggested the Commission modify the cutoff date to require that eligible providers have a demonstrated record of providing the service being bid prior to June 13, 2018, the date this proceeding was initiated. It said by removing arbitrary barriers to participation and reverting to a competitive bidding structure, the Commission will be better able to ensure that USF funds are efficiently and effectively utilized to deploy resilient broadband networks in Puerto Rico and the U.S. Virgin Islands.
- Fond Du Lac Communications filed a [Petition](#) on September 12, 2018, seeking designation as an ETC to provide basic and advanced telecommunications services within the Fond du Lac Reservation. FDLCI said ETC designation is the prerequisite for eligibility for federal USF support, including Lifeline, Link-Up, and high cost funds from the CAF II to be distributed to FDLCI as a winning bidder in the recently completed Auction 903.

[Back to Highlights](#)

Misc.

- The Commission placed two items on [circulation](#) on September 14, 2018: Comprehensive Review of the Part 32 Uniform System of Accounts; and Reform of Certain Part 61 Tariff Rules et al.
- NARUC filed [reply comments](#) on September 10, 2018, 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. NARUC said the FCC should not modify the existing referral to the Joint Board until the deliberative process is concluded; but instead should extend the current freeze on an interim

basis for no more than two years to engage timely and substantively on separations issues, including the proposed limited-time opportunity for certain carriers to opt-out of the 2001 freeze. It claimed there is no question that a freeze extension is a change in the Part 36 rules, and prior Commissions have recognized that that short extension cannot legally be implemented without consulting with both the Federal and State members of the Separations Joint Board to get their recommendations. NARUC maintained section 410(c) does not permit the FCC to revise these procedures without first consulting with the Separations Joint Board. [FR](#)

- NARUC [re-filed comments](#) on September 10, 2018, on the [FNPRM](#) that proposes to extend the separations freeze 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. NARUC said section 410(c) does not permit the FCC to revise the separations procedures without first consulting with the Separations Joint Board, and it is premature for the Commission to assume that the Joint Board cannot reach a recommended decision. NARUC said the Commission should extend the current freeze for no more than two years, including the proposed limited-time opportunity for certain carriers to opt-out of the 2001 freeze, but said that short extension should not be released without consulting both the federal and State members of the Separations Joint Board to get their recommends on such action. [FR](#)
- The Colorado Dept of Regulatory Agencies sent [a letter](#) to Chairman Pai and the Commissioners on September 5, 2018, asking the FCC to seek the required recommendation from the Joint Board for both the BDS Regulation for A-CAM companies NPRM and the [FNPRM](#) on Jurisdictional Separations. It said State Commissioners rely on the Joint Board to represent states' interests on the merits of any proposed FCC separations change via Joint Board recommendations. It also noted at the NARUC summer meeting, it adopted two resolutions recommending the FCC extend the separations freeze for only two years and refer the "unfreeze" proposals to the Separations Joint Board before taking final action.
- West Telecom [met with](#) Chairman Pai's Legal Advisor on September 12, 2018, to discuss the feasibility of forming a new Commission working group that would work pro-actively to anticipate and prevent potential fraudulent activity as new telecommunications technologies and services are developed and implemented. West Telecom also discussed its position on rural call completion and emphasized the benefits of targeted remedial measures, industry cooperation, and economically-justified direct connections in addressing call completion and fraudulent calling problems.
- TDS Telecom, Hargray Communications, Consolidated Communications, ITTA, and USTelecom [spoke separately with](#) Chairman Pai's Advisors and [Wireline Competition Bureau](#) staff on September 5, 2018, to discuss the Eighth Circuit Court of Appeals decision remanding the portion of the BDS Order for price cap carriers relating to TDM transport services on account of the Commission having provided inadequate notice. They addressed potential approaches towards providing interim relief regarding TDM transport services during the pendency of the remand in the event the Commission is not inclined to deregulate TDM transport services at this juncture. They attached redacted versions of sample study areas showing fiber routes and fiber lit buildings of competitors to one such entity.
- ATIS sent [a letter](#) to Chairman Pai and the Commissioners on September 13, 2018, to announce the industry officially launched the Secure Telephone Identity Governance Authority (STI-GA) to ensure the integrity of the issuance, management, security, and use of the SHAKEN specification. ATIS indicated the STI-GA is managed by industry under the auspices of ATIS. It said the STI-GA will now focus on the development of the request for proposals for the STI Policy Administrator, which is scheduled to be issued in early November.
- The Consumer and Government Affairs Bureau released a [Public Notice](#) on September 12, 2018, seeking comment on whether certain docketed proceedings listed in the attachment to the Public Notice should be terminated as dormant. The Bureau said to the extent that a particular proceeding includes a petition addressing the merits or other pending pleadings, a party's failure to file comments in response to this Public Notice will be construed as consent to termination of that proceeding. A party aggrieved by a docket termination may file a petition for reconsideration with the CGB or an application

for review with the full Commission. Comments are due 30 days after Federal Register publication; replies are due 45 days after FR.

- The FCC issued a [Public Notice](#) on September 14, 2018, announcing the August 29, 2018 FY 2018 Regulatory Fees Order will become effective upon publication in the Federal Register on September 18, 2018. The FCC said, however, regulatees may, at their own discretion, submit payments at any time before the due date of FY 2018 regulatory fees. Regulatory fee payments must be received by the Commission no later than 11:59 PM, Eastern Daylight Time, on September 25, 2018.
- In addition to reply comments listed in a previous edition of *REGScan*, replies were filed 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. [CenturyLink](#) said Responsible Organizations need not be part of the text-enablement process, and it asked the Commission to align responsibilities related to text enablement with those parties that are directly involved in the text-enablement process and relationship. [INCOMPAS](#) recommended the Commission adopt its proposal to require the party text enabling the toll-free number to inform its RespOrg once the subscriber has provided authorization to text-enable a toll free number and for the RespOrg to then update the Service Management System Toll-Free Number Registry. [Somos](#) asserted that a single registry will efficiently and effectively solve the documented problem of unauthorized text-enablement of toll-free numbers, and recommended the Commission mandate the use of the Texting and Smart Services Registry or an adapted version of the SMS/800 Toll-Free Number Registry, administered by the Toll-Free Numbering Administrator as the definitive registry for text-enabled numbers. [All replies available to date](#) [FR](#)
- The Wireline Competition Bureau issued an [Order](#) on September 14, 2018, waiving section 52.15(f)(ii), which says service providers may only age telephone numbers that have been disconnected for up to 90 days before assigning them to other customers, for all companies that provide service in areas of North Carolina, South Carolina, and Virginia affected by Hurricane Florence. The waiver is in effect immediately and for a nine-month period, expiring on June 13, 2019. The Bureau said this waiver will also apply to residential customers in other areas for which President Trump declares states of emergency, either due to Hurricane Florence or to later storms during the 2018 hurricane season. These waivers will expire 270 days from the date the President declares a state of emergency for the area affected by the storm.
- The Wireline Competition Bureau issued a [Public Notice](#) on September 10, 2018, announcing it granted IP Horizon's application for interconnected VoIP numbering authorization. The Bureau indicated this proceeding will be closed 60 days from the date of the Public Notice if there are no further filings in the proceeding.

[Back to Highlights](#)

Upcoming Filing Dates

- Sept. 17 - Comments due on IP CTS [FNPRM](#). Replies are due October 16, 2018. [FR](#)
- Sept. 17 - Comments due on the [14th 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 [14th 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. 12 - Comments due for the FCC's report on promoting broadband internet access service for veterans. Replies are due October 29, 2018. [Public Notice](#)
- 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](#)
- Oct. 29 - Replies due for the FCC's report on promoting broadband internet access service for veterans. [Public Notice](#)
- Nov. 15 - Replies due on IP CTS [NOI](#). [FR](#)

[Back to Highlights](#)

Editor: [Teresa Evert](#) | Assistant Editor: [Shawn O'Brien](#)