

## NECA's Weekly Federal Regulatory Summary

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### September 23, 2019 HIGHLIGHTS

- The FCC issued the [agenda](#) for its September 26, 2019 Open Meeting. The FCC will consider five items, including: a [report and order and modification of section 214 authorizations](#) that would adopt reforms to eliminate access arbitration schemes, and a [report and order and order on reconsideration](#) that would allocate \$950 million in fixed and mobile high-cost universal service support for stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund in Puerto Rico and the U.S. Virgin Islands.
- NTCA, Golden West Telecommunications, et al. [suggested changes](#) to the [draft report and order](#) that would adopt reforms to eliminate access arbitration schemes. NTCA and AT&T [offered suggestions](#) for determining whether an RLEC is engaged in access stimulation. WTA [said](#) the [draft order's](#) alternate test that defines access stimulation solely when a LEC has an interstate terminating-to-originating traffic ratio of at least 6:1 - is likely to erroneously brand some RLECs as access stimulators.
- [Comments were filed](#) on the [NPRM](#) proposing to establish a new Rural Digital Opportunity Fund. Replies are due October 21, 2019.
- TrioTel Communications seeks a [waiver](#) of sections 51.917(b)(1) and 51.917(b)(7) to recalculate for merged study areas the 2011 Interstate Switched Access Revenue Requirement and 2011 Rate-of-Return Carrier Base Period Revenue necessary to determine CAF – ICC support.
- Sen. Edward Markey (D-Mass.) and 29 Democratic senators [urged](#) the FCC to discard the proposed cap on the USF.
- The FCC's Consumer Advisory Committee released robocall-related [recommendations](#) regarding call blocking notification and critical call lists.
- Comments [are due](#) October 4, 2019, on Consolidated Communications' [petition](#) for a waiver of the price cap all-or-nothing rule. Replies are due October 21, 2019.
- NECA and NTCA filed an [amicus brief](#) in support of the FCC in the case addressing the Irregulars, et al.'s [petition for review](#) of the FCC's separations freeze [order](#).

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### Other Key Upcoming Dates

- Oct. 7 - Replies due on the [FNPRM](#) on enhancing the new Digital Opportunity Data Collection.

## USF Reform

- Comments were filed on September 20, 2019, on the [NPRM](#) proposing to establish a new Rural Digital Opportunity Fund that would target support to areas that lack 25/3 Mbps broadband service and distribute \$20.4 billion in high-cost USF support over 10 years using a two-phase reverse auction framework. The [North Dakota Joint Commenters](#) asserted the FCC's proposed point spread of 25 points between the gigabit tier and the above baseline tier (100/20 Mbps) is too low and does not take into account certain factors such as technology longevity, ubiquity of service and service consistency. They claimed a point spread of 50 points would sufficiently account for these distinctions. [NCTA](#) agreed with the FCC's plan to award support through competitive bidding, and to distribute the first batch of funding in census blocks that are wholly unserved. NCTA said the FCC should decline to provide funding to areas that are receiving federal grants from the RUS's ReConnect Program, and should target support to census blocks that have not previously received CAF support versus those where ILECs received funding to provide broadband at slower speeds. The [Pennsylvania PUC, et al.](#) claimed the FCC's auction proposal is based upon flawed data about where broadband is and is not deployed. The PUC said if the FCC decides not to wait until more reliable data is available, the Commission should include all other unserved locations subsequently identified in any subsequent data collection approach that the FCC adopts in the pending data collection proceeding. Replies are due October 21, 2019. [all comments available](#)
- BEK Communications [met with](#) Chairman Pai and his special counsel on September 16, 2019, in conjunction with Chairman Pai's roundtable discussion in Bismarck, North Dakota, hosted by Sen. John Hoeven (R N.D.). BEK discussed its proposed modifications to the performance tiers, latency and weights contained in the [NPRM](#) that seeks to establish a new Rural Digital Opportunity Fund that would target support to areas that lack 25/3 Mbps broadband service. BEK said its proposed modifications would increase the point spread between the Gigabit tier and the above baseline tier (100/20 Mbps) in order to account for several performance and life-span factors such as technology longevity, ubiquity of service and service consistency.
- Visionary Broadband filed a [letter](#) on September 18, 2019, on the [NPRM](#) that seeks to establish a new Rural Digital Opportunity Fund that would target support to areas that lack 25/3 Mbps broadband service. Visionary suggested the FCC exclude satellite from the RDOF auction. It said if the FCC is not willing to do so, it should require that satellite providers demonstrate technical compliance with the voice requirement prior to allowing satellite to participate in the auction. Visionary also said the currently proposed performance tier should be adjusted so that the baseline/high latency tier is 95 or above, so that there is a more likely opportunity for fixed, terrestrial-based networks to win in the auction.
- The Missouri Farm Bureau Federation filed a [letter](#) on September 18, 2019, to provide recommendations on ways to improve the distribution of funds in future reverse auctions. It suggested the Commission improve the determination of eligible areas, increase accountability, take into consideration spectrum needs, and require the use of actual speed. It also said the FCC could benefit from a research program to ensure CAF dollars are being invested in the best manner and recommended funds be allocated annually over the next ten years for competitive grants designed to improve the efficiency of the reverse auction process and the quality of broadband projects selected for funding.

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## Broadband

- Comments are due September 23, 2019, on the [FNPRM](#) on enhancing the new Digital Opportunity Data Collection, incorporating mobile voice and broadband, and improving satellite broadband reporting. Replies are due October 7, 2019.

- The Senate Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee [approved](#) a [FY 2020 agriculture appropriations bill](#) on September 17, 2019. The bill provides discretionary funding of \$23.1 billion and this amount is \$58 million over the FY 2019 enacted level. Sen. Jeff Merkley (D-Ore.) ranking member of the subcommittee said, among other things, this bill “maintains significant investments in rural broadband.” The bill was [approved](#) on September 19, 2019, by the Senate Appropriations Committee.
- The Edison Electric Institute, National Rural Electric Cooperative Association and Utilities Technology Council filed a [motion](#) on September 19, 2019, seeking an extension of time to file comments on the Wireless Infrastructure Association’s petitions for [rulemaking](#) and [declaratory ruling](#) regarding section 6409(a) of the Spectrum Act of 2012 and CTIA’s petition for [declaratory ruling](#) regarding section 6409 and the rules implementing section 224 of the Communications Act. They asked the Commission for an extension until November 14, 2019, and December 16, 2019, and said the petitions raised a broad set of new policy issues and complex factual allegations that require careful deliberation by the electric utility industry so that the Commission can make an informed decision whether and to what extent to proceed forward on the issues that are raised in the petitions.

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## ICC

- NTCA, Golden West Telecommunications, Premier Communications, and Hargray Communications [met with](#) advisors to Chairman Pai and Commissioner O’Rielly, and Commissioner Rosenworcel’s chief of staff on September 13, 2019, to discuss the [draft report and order](#) that would adopt reforms to eliminate access arbitrage schemes. They suggested modifications to the order, including adopting a rebuttable presumption that will enable carriers to show they are not access stimulators under a revised definition, and make clear LECs deemed to be access stimulators are only financially responsible for tandem switching and transport they choose for purposes of subtending an end office. They also asserted RLECs should be subject to a different access stimulation definition given the structural disincentives for such practices, and said the Commission should periodically review any changes to the definition of access stimulation. NTCA [also met with](#) advisors to Commissioners Starks and Carr to discuss the same issues.
- NTCA and AT&T [spoke with](#) Chairman Pai’s advisor and Wireline Competition Bureau staff on September 19, 2019, regarding the [draft report and order](#) that would adopt reforms to eliminate access arbitrage schemes. They offered suggestions for determining whether an RLEC is engaged in access stimulation, and suggested an RLEC should not be presumed to have engaged in access stimulation unless its interstate traffic ratio exceeds 10:1 and its traffic volume exceeds 500,000 terminating interstate minutes per end office per month, both measured over three consecutive months. They also said unless and until the FCC finds that the RLEC is engaged in access stimulation, the financial burden for tandem switching and transport would not shift to the RLEC, and the interexchange carrier would remain liable for the relevant tandem switching and transport and could not engage in self-help practices.
- WTA filed a [letter](#) on September 18, 2019, on the [draft report and order](#) that would adopt reforms to eliminate access arbitrage schemes. WTA asserted the draft order’s addition of a second, alternate test - one that defines access stimulation solely when a local exchange carrier has an interstate terminating-to-originating traffic ratio of at least 6:1 in a calendar month - is likely to erroneously brand some WTA members and other rural LECs as access stimulators. WTA said NECA data indicates approximately three-to-four percent of rural LECs that are not in any manner engaged in access stimulation may have interstate terminating-to-originating traffic ratios that exceed 6:1 during some months. WTA also agreed with NTCA that the contemplated new alternate access stimulation test should be accompanied by a rebuttable presumption that will enable rural LECs and other carriers to show that they are not engaged in access stimulation but rather that the 6:1 ratio test was triggered by economic development, or other factors that were not related to any access stimulation scheme.
- USTelecom filed a [letter](#) on September 18, 2019, to express support for the [draft report and order](#) creating additional mechanisms for identifying and removing arbitrage opportunities from the system.

USTelecom also proposed several changes to improve implementation of the order, including establishing a streamlined process for LECs to demonstrate the legitimacy of their traffic, periodic refreshing of the correct ratios of what should be considered an access stimulator, and addition of a footnote to paragraph 68 to ensure that interexchange carriers can act quickly to end access stimulation arbitrage situations that have been ongoing and taking advantage of the system against the public interest.

- AT&T [met with](#) Wireline Competition Bureau and Office of Economics and Analytics staff on September 17, 2019, to express general support for the [draft report and order](#) that would adopt reforms to eliminate access arbitrage schemes. AT&T said the Commission's rationale in adopting new rules requiring access-stimulating LECs to bear the costs for tandem switching and transport associated with the delivery of access-stimulating traffic to the LEC's end office and the Commission's adoption of the new 6:1 trigger are well-supported by the record. It also discussed the draft's conclusions regarding the scope of certain CEAs mandatory carriage requirements for access stimulating traffic. AT&T [also met with](#) advisors to Chairman Pai and Commissioners O'Reilly, Rosenworcel and Carr to discuss similar issues.
- Verizon [spoke with](#) Wireline Competition Bureau staff on September 13, 2019, regarding the [draft report and order](#) that would adopt reforms to eliminate access arbitrage schemes. Verizon expressed support for the clarifications T-Mobile suggested in a recent [letter](#). Verizon asserted the order should make clear that re-originated or aggregated traffic cannot be counted in the originating component of the ratio. Verizon also said the order should make clear it is consistent with and not departing from the 2011 All American Order, which Verizon says the FCC found it has never held that a failure to pay tariffed charges violates the Act itself.
- Sprint [spoke with](#) Commissioner Carr's legal advisor and Wireline Competition Bureau staff on September 13 and 16, 2019, regarding the [draft report and order](#) that would adopt reforms to eliminate access arbitrage schemes. Sprint expressed its support for the decision in the draft order to require access stimulating LECs – rather than IXCs – to bear financial responsibility for all tandem switching and transport service charges associated with the delivery of access-stimulation traffic to the LEC end office or its functional equivalent. Sprint also suggested, among other things, the order affirmatively state that an IXC/wireless carrier satisfies its rural call completion obligation by monitoring the delivery of access-stimulation traffic to the LEC-chosen intermediate access provider.
- Inteliquent [met with](#) Wireline Competition Bureau and Office of Economics and Analytics staff, and Chairman Pai's advisor on September 12, 2019, to discuss the [draft report and order](#) that would adopt reforms to eliminate access arbitrage schemes. It urged the FCC to clarify that a call is deemed complete when an IXC or intermediate provider delivers the call to the tandem specified by the access stimulating LEC in the LERG. It also expressed support for NTCA's proposal for allowing LECs to rebut the presumption that they are engaged in access stimulation and to adopt different triggers (e.g., higher ratios of terminating-to-originating traffic, minimum volume thresholds) for RLECs. Inteliquent also [met separately with](#) advisors to Chairman Pai and Commissioner O'Reilly and Wireline Competition Bureau staff on September 19, 2019, to discuss similar issues.
- HD Tandem [met separately with](#) Chairman Pai, Commissioners O'Reilly and Carr and their legal advisors, Commissioner Rosenworcel's chief of staff, legal advisors to Commissioner Starks, and Wireline Competition Bureau and Office of Economics and Analysis staff on September 11 and 12, 2019, to discuss the draft [report and order and modification of section 214 authorizations](#) that would adopt reforms to eliminate wasteful access arbitrage schemes. HD Tandem asserted the draft order will only eliminate the use of intercarrier compensation for the specific LECs that trip the 6:1 trigger and not other LECs, and the 6:1 trigger alone may trap a much larger number of LECs than the FCC anticipated. HD Tandem said the FCC should revisit the issue of mileage elimination as a primary trigger in determining who is and who is not an access stimulating LEC. Alternatively, HD Tandem said the FCC should focus on moving rate-of-return carriers and CLECs to bill-and-keep immediately. HD Tandem also filed a [letter](#) on September 18, 2019, to follow up on its earlier ex parte.
- Peerless Network and West Telecom Services filed a [letter](#) on September 18, 2019, to express concerns with the [draft report and order](#) that would adopt reforms to eliminate access arbitrage

schemes. They recommended the Commission decline to adopt the proposed traffic-ratio trigger under which a CLEC would be considered engaged in access stimulation, despite not having a revenue sharing agreement, if the CLEC has an interstate terminating-to-originating traffic ratio of at least 6:1 in a calendar month. They also asserted this 6:1 Trigger is flawed, ill-defined, not realistically implementable within the time frame envisioned, and would be unlawful if adopted.

- IDT America Corp filed a [letter](#) on September 18, 2019, to ask the Commission to remove the [draft report and order](#) that would adopt reforms to eliminate access arbitration schemes from its September 26, 2019, open meeting agenda. IDT said this will allow certain policy decisions and rule changes in the draft order to be reviewed and revised, taking into consideration comments filed with the Commission since its issuance on September 5, 2019.
- BTC d/b/a Western Iowa Networks, Goldfield Access Network, Great Lakes Communication, Northern Valley Communications, OmniTel Communications, Louisa Communications, No Cost Conference, Total Bridge, and Sipmeeting filed a [letter](#) on September 19, 2019, on the [draft report and order](#) that would adopt reforms to eliminate access arbitration schemes. They claimed, if adopted, the draft order would not only eliminate free services, but also deprive numerous rural carriers of a business-sustaining revenue stream and subject new carriers to rules that they never anticipated applying to their businesses. They urged the FCC to either adopt a uniform rate for access stimulating traffic that mirrors the rates charged by PacBell or postpone any further action in this docket unless and until it gathers current data and evidence from the relevant parties.
- Eltopia Communications filed a [letter](#) on September 19, 2019, on the [draft report and order](#) that would adopt reforms to eliminate access arbitration schemes. It said based on the draft order, it would fit the definition of traffic stimulator based on suggested 6:1 definition. It suggested the FCC look at rates, especially around mileage-based billing, reconsider the use of blanket traffic ratio-based definition, and review the timeline for implementation.
- Data Tech filed a [letter](#) on September 17, 2019, on the [draft report and order](#) that would adopt reforms to eliminate access arbitration schemes. It claimed the proposed FCC definition of an access stimulator is too general because: many CLECs target business and enterprise customers either primarily or exclusively; with the propagation of wireless use, an increasing number of residential subscribers do not use their landline phones to make calls, but still receive calls often answered by voicemail and checked later; and it does not specify billed minutes vs. recorded minutes. It also asserted the IXCs have proved that they can identify perpetrators and suggested the FCC let IXCs address it through the disputes and settlements process.
- TeleSphere Software, Inc. d/b/a KADENCE filed a [letter](#) on September 18, 2019, on the [draft report and order](#) that would adopt reforms to eliminate access arbitration schemes. It said the draft order proposes changing the definition of an access stimulator and centers on a 6:1 ratio of terminating to originating traffic, and expressed concern with the unintended or misunderstood consequences of implementing such a broad and generalized definition. It claimed a statistically significant sample of its customer portfolio reveals that many would exceed the proposed 6:1 ratio, and asserted these service providers are not willfully nor intentionally undertaking access stimulation practices but rather simply attempting to realize intercarrier compensation revenue based on real world business scenarios and drivers.
- Wide Voice [met with](#) Chairman Pai's legal advisor on September 18, 2019, on the [draft report and order](#) that would adopt reforms to eliminate access arbitration schemes. Wide Voice claimed the draft order will subject the Commission to high amount of dispute resolution procedures. It suggested the FCC address mileage as the root cause of arbitration and use a mileage-based trigger to invoke prong 1. It also suggested the FCC protect LECs from IXC self-help and ensure IXCs provide return access.
- Wide Voice filed a [letter](#) on September 16, 2019, on the [report and order and modification of section 214 authorizations](#) that would adopt reforms to eliminate wasteful access arbitration schemes. Wide Voice claimed the draft order will not curtail access arbitration, but instead, will provide a continued financial incentive to maximize transport related charges. It said the order will steer access stimulation traffic to larger LECs that do not trip the FCC's triggers, rather than eliminate the rate disparities and



mileage charges that create arbitrage opportunities. It also asserted the draft order lacks support in the record and said the Commission has not sought comment or data on the new standalone 6:1 traffic ratio trigger from the industry. Wide Voice also [spoke with](#) Chairman Pai's senior counsel on September 16, 2019, claiming the 6:1 ratio for Prong 1 treatment would create an uneven playing field, benefiting local exchange carriers utilizing long mileage routes. Wide Voice recommended a focus on mileage, and in particular a mileage-based trigger. It said as an alternative the FCC could utilize the framework contained in the draft order to apply the Prong 1 economic reversal only to the mileage charges (and not switching charges) between the tandem switch and LEC end office.

- FailSafe filed a [letter](#) on September 13, 2019, on the [report and order and modification of section 214 authorizations](#) that would adopt reforms to eliminate wasteful access arbitrage schemes. FailSafe expressed concerns about how emergency call traffic to and from the FailSafe cloud might inadvertently be labeled as access stimulation under the rules in the draft order. It claimed the draft order could deprive millions of small and medium sized businesses (SMBs) of a viable and affordable disaster recovery system. FailSafe requested an indefinite exemption from bill and keep for CABS access traffic associated with bona-fide SMB end users with less than 24 phone lines, and requested a three-year phase out of CABS before bill and keep for other services related to emergency communications.
- Aureon Network Services and JSI [spoke with](#) Wireline Competition Bureau staff on September 12, 2019, to discuss Aureon's forthcoming tariff filing, and issues raised by AT&T in its August 20, 2019 [letter](#) that suggested the FCC prescribe a rate for Aureon's Centralized Equal Access service no higher than \$0.00164/min.
- TrioTel Communications filed a [petition](#) on September 18, 2019, seeking a waiver of sections 51.917(b)(1) and 51.917(b)(7) to recalculate for merged study areas the 2011 Interstate Switched Access Revenue Requirement and 2011 Rate-of-Return Carrier Base Period Revenue necessary to determine Connect America Fund – Intercarrier Compensation support. TrioTel said it is not seeking a waiver of section 51.909(a) because the study areas involved in this petition are currently assigned to the same switched access rate bands, and therefore, a waiver is unnecessary. TrioTel said granting of the requested waiver will allow it to implement the planned January 1, 2020 merger of the McCook and Tri-County study areas into TrioTel Communications, Inc.

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## Universal Service

- Sen. Edward Markey (D-Mass.) and twenty-nine Democratic senators sent a [letter](#) to Chairman Pai on September 19, 2019, to urge the FCC to discard the proposed cap on the Universal Service Fund. They said each of these programs is designed to target separate areas of need, providing broadband to schools and libraries or improving health in rural communities and the cap proposal is a direct assault on the FCC's mission of bridging the digital divide. [Press release](#)
- The Wireline Competition Bureau issued an [order](#) on September 18, 2019, designating ViaSat Carrier Services as an ETC in eligible high-cost areas within Alabama, California, Florida, and West Virginia. The Bureau said designation is conditioned upon and limited to Viasat's authorization to receive Connect America support awarded through the Connect America Fund Phase II auction and effective only upon such authorization. The Bureau also waived, on its own motion, the requirement that Viasat submit proof of its ETC designation on or before February 25, 2019.
- The FCC [announced](#) on September 18, 2019, that a nationwide, automated connection between the Medicaid program and the Lifeline National Eligibility Verifier went live on September 17, 2019. The FCC said the connection between the Medicaid and Lifeline databases means that the eligibility of up to 60% of the Lifeline-eligible population can be confirmed automatically. The FCC also said in addition to the connection with Centers for Medicare and Medicaid Services, it has established automated connections with the Department of Housing and Urban Development and with 12 states.

- The Wireline Competition Bureau issued an [order](#) on September 16, 2019, granting, on its own motion, a waiver of the filing deadline for the Florida Public Service Commission to certify eligible telecommunications carriers. The Bureau said due to Hurricane Dorian, the Florida PSC's meeting to vote on whether to certify to the Commission that federal high-cost support awarded to 11 ETCs within Florida had been properly used in anticipation of the October 1, 2019 certification deadline was rescheduled. The Bureau extended the deadline for the certification submission until October 11, 2019.
- In addition to reply comments listed in a previous edition of *REGScan*, [New America's Open Technology Institute](#) filed reply comments on September 13, 2019, on NTCA's [petition](#) for a waiver of the updated minimum service speed standard applicable to fixed wireline broadband internet access service eligible for support under the Lifeline program. OTI opposed the petition and said NTCA has unsuccessfully filed two previous petitions seeking the same relief. It said, however, NTCA raised an important issue regarding the voice phase down and suggested the Commission review and address the potential impact of the voice phase-down on Lifeline providers and consumers. [public notice all comments available](#)
- The FCC issued a [public notice](#) on September 17, 2019, announcing the Bureau of Labor Statistics [is seeking access](#) to certain carrier revenue information for 2017 that the Commission collected from wired carriers on FCC Form 499-A. The BLS requested all data for 2017 that wired carriers reported in blocks 3 (Carrier's Carrier Revenue Information) and 4 (End-User and Non-Telecommunications Revenue Information, and Total Revenue and Uncollectible Revenue Information) of that form. Affected parties have until September 27, 2019, to oppose disclosure of Form 499-A data to the BLS. If the Commission receives no opposition from affected parties, it will disclose the information.
- Comments were filed on September 16, 2019, on Network Communications International's [petition](#) for forbearance from the application of USF contribution requirements with respect to the provision of interstate and international inmate calling services. [Pay Tel Communications](#) said granting the petition would help ensure that ICS rates are just, reasonable, and not discriminatory, protect consumers, and serve the public interest. The [Wright Petitioners](#) claimed it is unfair and a violation of the FCC's Universal Service directives to require ICS customers to contribute to the USF, when a significant portion of these very same ICS customers actually receive assistance from the programs supported and maintained through the USF. [Securus Technologies](#) said granting the forbearance will promote reasonable rates for ICS and make services more affordable for users. Securus said if the FCC grants the petition, it is critical that the FCC clarifies resellers can continue to provide exemption certificates to their underlying carriers for services resold to provide ICS, even though they will no longer be contributing to USF based on revenues from these services. Replies are due October 1, 2019. [all comments available. public notice](#)
- USTelecom, AT&T, CenturyLink, Frontier, Alaska Communications and Consolidated [met with](#) Wireline Competition Bureau staff on September 11, 2019, to discuss the August 2019 [report and order](#) on telehealth. They discussed the need for clarification of how the median rural rate is meant to operate and clarification on the Commission's intent in indirectly prohibiting service providers from utilizing commission- or incentive-based consultants or third parties to help sell to health care providers who may ultimately decide to participate in the Commission's RHC Programs. They also asked the Commission to harmonize the service provider certification rules between the Telecom and Healthcare Connect Fund programs.
- Reply comments were filed on September 18, 2019, on the proposed eligible services list for the schools and libraries universal service support program for funding year 2020. [Adtec, Administrative and Technical Consulting, Inc](#) and [NCTA](#) expressed support for Cox Communication's recommendation that the Bureau include in the ESL network security equipment and services. [NRECA](#) expressed support for Commission action to streamline E-Rate funding requests and the continued availability of Category 2 services. All reply comments available [public notice All replies available](#)
- AASA-the School Superintendents Association, and representatives of seven New York school districts [met separately with](#) advisors to Chairman Pai and Commissioner Carr on September 12, 2019, to express concerns with the [proposal](#) to cap the USF and to establish a subcap for the Rural Health Care and E-Rate programs. They also discussed the category two formula [NPRM](#) and expressed support for making permanent the category two E-Rate budget approach.

- EdLiNC, AASA, the School Superintendents Organization, et al. [met separately with](#) Commissioner Rosenworcel and her advisor, and advisors to Chairman Pai and Commissioner Carr on September 16, 2019, to discuss the [NPRM](#) on the category two E-Rate budget approach. They suggested the FCC conclude this rulemaking as soon as possible in order to afford applicants sufficient time to plan and make decisions regarding the next E-Rate application cycle. They also expressed their opposition to the [proposal](#) to cap the USF and to establish a subcap for the Rural Health Care and E-Rate programs.
- EdLiNC, AASA, the School Superintendents Organization, et al. [met with](#) Commissioner O’Rielly’s advisor on September 17, 2019, to discuss the [NPRM](#) on the category two E-Rate budget approach. They suggested the FCC conclude this rulemaking as soon as possible in order to afford applicants sufficient time to plan and make decisions regarding the next E-Rate application cycle. They also expressed their opposition to the [proposal](#) to cap the USF and to establish a subcap for the Rural Health Care and E-Rate programs.
- Puerto Rico Telephone Company [met with](#) Chairman Pai’s special counsel and Wireline Competition Bureau staff on September 16, 2019, to discuss the [draft order](#) that would allocate \$950 million in fixed and mobile high-cost universal service support for stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund in Puerto Rico and the U.S. Virgin Islands. PRTC discussed its recommendations and proposals on the proposed one-year location adjustment process, the weighting matrix, and elimination of frozen support to fixed providers.
- Viya and ATN [met separately](#) with Commissioners Carr and O’Rielly and their legal advisors, and advisors to Commissioners Starks and Rosenworcel on September 12 and 13, 2019, to discuss the [draft order](#) that would allocate \$950 million in fixed and mobile high-cost universal service support for stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund in Puerto Rico and the U.S. Virgin Islands. Viya and ATN discussed strengthening resiliency and redundancy requirements, among other things. Viya also filed a [letter](#) on September 17, 2019, to provide specific recommendations on draft order.
- The Coalition to Fund CPR filed a [letter](#) on September 18, 2019, to discuss the proposed [draft order](#) that would allocate \$950 million in fixed and mobile high-cost universal service support for stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund in Puerto Rico and the U.S. Virgin Islands. It made several recommendations such as: including locally based satellite telecommunications facilities in stage one funding; providing funding to include new entrants with exciting technology better able to withstand extreme weather and natural disasters; providing stage two and later rounds of funding to new entrants; and, allowing for innovative, independent community based and multi sector emergency telecommunications networks to be eligible to participate in the funding process.
- Broadband VI filed a [letter](#) on September 18, 2019, to respond to recent letters filed by Viya, on the [draft order](#) that would allocate \$950 million in fixed and mobile high-cost universal service support for stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund in Puerto Rico and the U.S. Virgin Islands. BBVI said changes proposed by Viya would, if implemented at this late stage, alter the regulatory regime crafted by the Commission.
- Hughes Network Services met separately with advisors to Commissioners [Carr](#) and [Rosenworcel](#) on September 16, 2019, to discuss the [draft order](#) that would allocate \$950 million in fixed and mobile high-cost universal service support for stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund in Puerto Rico and the U.S. Virgin Islands. Hughes asserted the FCC should find satellite broadband to be a resilient technology for purposes of its scoring methodology.
- WorldNet Telecommunications filed a [letter](#) on September 16, 2019, on the [draft order](#) that would allocate \$950 million in fixed and mobile high-cost universal service support for stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund in Puerto Rico and the U.S. Virgin Islands. WorldNet recommended the FCC re-prioritize and re-score the three proposed factors (price, network performance, and network resiliency) for selecting winning applicants in the second stage bidding



process. WorldNet also asked the FCC to reverse its proposed decision in the draft order that denies its [petition](#) for clarification or reconsideration of the June 2018 [order](#).

- WorldNet [met separately with](#) advisors to Commissioners O’Rielly, Starks, and Rosenworcel, Chairman Pai’s special counsel, and Wireline Competition Bureau staff on September 17, 2019, to discuss changes to the [draft order](#) that would allocate \$950 million in fixed and mobile high-cost universal service support for stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund in Puerto Rico and the U.S. Virgin Islands.
- To date, no comments were filed on Hood Canal Communications and CenturyLink’s [petition](#) for a study area waiver to permit CenturyLink to remove an area that is originally within its Washington study area and for the same area to be recognized as part of HCC’s Washington study area. Replies are due October 7, 2019. [public notice](#)
- CoBank [met with](#) Commissioner Starks’ advisor on September 16, 2019, to provide an update on CoBank’s financial performance and its role in lending to rural broadband providers. CoBank also discussed the creation of the Rural Telehealth Initiative to replicate the telehealth pilot program it sponsored in rural Southwest Georgia and the lessons learned. CoBank also provided a copy of its report on the Rural Telehealth Initiative it is co-sponsoring with the WTA Foundation and Perry Health. CoBank also met with advisors to Commissioners [Carr](#) and [Rosenworcel](#) to discuss the same issues.
- The Consumer Technology Association and several of its member companies [met with](#) Commissioner Carr’s advisor and the Commission’s Connect2HealthFCC Task Force on September 17, 2019, to discuss telehealth issues. CTA members also discussed how they are each developing and deploying digital health and telehealth solutions.
- Huawei filed a [written ex parte](#) on September 18, 2019, on supply chain issues. Huawei provided documents it claims demonstrates numerous telecommunications companies have connections with China that are equally or, in many cases, more significant than those of Huawei. It asserted this information highlights the arbitrariness of premising any exclusion of Huawei from the USF program on Huawei’s supposed connections with China. Huawei also provided a report on supply chain vulnerabilities prepared by Interos Solutions, which Huawei asserted identifies 15 entities of concern with relations to the Chinese government that pose supply-chain risks to U.S. information networks.

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## Robocalls

- The FCC’s Consumer Advisory Committee released [recommendations](#) adopted at its [September 16, 2019 meeting](#) regarding block notification and critical call list on September 18, 2019. They recommended: consumers be appropriately notified if calls intended for them are blocked; service providers supply consumers with clear disclosures with respect to the types of calls they can expect will be blocked; service providers should maintain a webpage that includes information about opt-out blocking and labeling tools; and customer service personnel should be trained to explain to consumers their anti-robocall options.
- The Alarm Industry Communications Committee [met separately with](#) advisors to Chairman Pai and Commissioner O’Rielly, and Wireline Competition Bureau staff on September 12, 2019, to discuss its concerns regarding the likelihood of calls made by central station alarm monitoring centers being blocked or mislabeled by the major voice service providers implementing call blocking analytics. AICC emphasized the need for a mechanism to ensure that calls made by central station alarm monitoring centers in response to alarm signals are never blocked, such as through a critical call list. AICC also [met separately with](#) advisors to Commissioners Rosenworcel and Carr on September 17, 2019, to discuss the same issues.

**Misc.**

- The FCC issued the [agenda](#) on September 19, 2019, for its September 26, 2019 Open Meeting. The FCC will consider a [report and order and modification of section 214 authorizations](#) that would adopt reforms to eliminate access arbitrage schemes, and a [report and order and order on reconsideration](#) that would allocate \$950 million in fixed and mobile high-cost universal service support for stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund in Puerto Rico and the U.S. Virgin Islands, and disposes two petitions related to these two funds. The FCC will also consider: a [public notice](#) that would seek comment on procedures to be used for Auction 105, the auction of Priority Access Licenses in the 3550-3650 MHz band; a [further notice of proposed rulemaking](#) that would propose to modernize and simplify the written and on-air public notices broadcasters must provide upon the filing of certain applications; and a [report and order](#) that would align the Direct Broadcast Satellite licensing procedures with those of the geostationary orbit fixed-satellite service satellites.
- The Senate Appropriations Subcommittee on Financial Services and General Government [approved](#) a [FY 2020 spending bill](#) on September 17, 2019, which funds the U.S. Treasury Department, the Executive Office of the President, and numerous independent agencies. The bill, among other things, includes \$339 million for the FCC, which is offset by regulatory fees, and provides \$132.5 million for the spectrum auctions program. The bill was [approved](#) by the Senate Appropriations Committee on September 19, 2019.
- NECA and NTCA filed an [amicus brief](#) in support of the FCC on September 19, 2019, with the U.S. Court of Appeals, D.C. Circuit, in the case addressing the Irregulars, et al.'s [petition for review](#) of the FCC's [order](#) extending the separations freeze. NECA and NTCA argued that elimination of the separations freeze would be burdensome to smaller rate-of-return carriers and costly to ratepayers, with no assurance of concomitant benefits. They also argued the one-time option to permit rate of return carriers to "unfreeze" category relationships was reasonable.
- The Wireline Competition Bureau issued a [public notice](#) on September 19, 2019, seeking comment on Consolidated Communications [petition](#) seeking a waiver of sections 61.41(c)(2) and (c)(3) to the extent necessary to permit the companies to continue operating under bifurcated interstate access charge regulation, following the merger of Marianna and Scenery Hill Telephone Company and Bentleyville Communications Corp. with and into CCP, and the merger of Community Service Telephone Company with and into CCMC. Comments are due October 4, 2019; replies are due October 21, 2019.
- The Wireline Competition Bureau issued a [public notice](#) on September 9, 2019, seeking comments on a section 214 application filed by Lynch Telephone and CIBL, requesting consent to transfer control of Lynch's wholly owned subsidiaries, Bretton Woods Telephone and World Surfer, to CIBL. Comments are due October 1, 2019; replies are due October 8, 2019.
- The Wireline Competition Bureau issued a [public notice](#) on September 18, 2019, seeking comments on a section 214 application filed by Cable Bahamas, Ltd. and Summit Ultimate Holdings, LLC, to transfer control of Summit Vista and its wholly owned subsidiary, Orlando Telephone d/b/a Summit Broadband, to Summit Ultimate. Comments are due October 2, 2019; replies are due October 9, 2019.
- No comments were filed on an application filed by MLGC and Polar Telecom, pursuant to section 214, to transfer certain telecommunications assets of MLGC to Polar. Replies are due September 26, 2019. [public notice](#)
- To date, no replies were filed on an application filed by Arcadia Telephone, Monarc Technologies, Westside Independent Telephone, and BTC, pursuant to section 214, to transfer telecommunications assets of Arcadia and Monarc to Westside and BTC, respectively. [public notice](#)
- Comments are due September 23, 2019, on a section 214 application filed by E. Ritter & Company and Ritter Communications Ultimate Holdings, to transfer control of E. Ritter's direct subsidiary and

wholly owned subsidiaries of Ritter Holdings, to Ritter Ultimate. Replies are due September 30, 2019. [public notice](#)

- The FCC released a [fact sheet](#) on September 18, 2019, on procedures for filing waivers, reductions, and deferments of FY 2019 regulatory fees, which are due September 24, 2019.

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## Upcoming Filing Dates

- Sept. 26 - Replies due on an application filed by MLGC and Polar Telecom, pursuant to section 214, to transfer certain telecommunications assets of MLGC to Polar. [public notice](#)
- Sept. 27 - Oppositions due to a [request](#) by the Bureau of Labor Statistics to access certain carrier revenue information for 2017 that the FCC collected from wired carriers on FCC Form 499-A. [public notice](#)
- Sept. 30 - Replies due on a section 214 application filed by E. Ritter & Company and Ritter Communications Ultimate Holdings, to transfer control of E. Ritter's direct subsidiary and wholly owned subsidiaries of Ritter Holdings, to Ritter Ultimate. [public notice](#)
- Sept. 30 - Comments due on NECA's [2020 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#). Replies due October 15, 2019. [public notice](#)
- Sept. 30 - Replies due on the [NPRM](#) proposing a connected care pilot. [FR](#)
- Sept. 30 - Replies due on the [NPRM](#) on the deployment of broadband to multiple tenant environments, including exclusive marketing and wiring arrangements, revenue sharing agreements, and state and local regulations, among other things. [public notice](#)
- Oct. 1 - Replies due on Network Communications International's [petition](#) for forbearance from the application of USF contribution requirements with respect to the provision of interstate and international inmate calling services. [public notice](#)
- Oct. 1 - Comments due on a section 214 application filed by Lynch Telephone and CIBL, requesting consent to transfer control of Lynch's wholly owned subsidiaries, Bretton Woods Telephone and World Surfer, to CIBL. Replies are due October 8, 2019. [public notice](#)
- Oct. 2 - Comments due on a section 214 application filed by Cable Bahamas, Ltd. and Summit Ultimate Holdings, LLC, to transfer control of Summit Vista and its wholly owned subsidiary, Orlando Telephone d/b/a Summit Broadband, to Summit Ultimate. Replies are due October 9, 2019. [public notice](#)
- Oct. 4 - Comments due on Consolidated's petition for waiver of the all-or-nothing rule. Replies are due October 21, 2019. [public notice](#)
- Oct. 7 - Replies due on the [FNPRM](#) on enhancing the new Digital Opportunity Data Collection, incorporating mobile voice and broadband, and improving satellite broadband reporting.
- Oct. 7 - PRA comments due on letters of authorization in order to verify the relationship between the responsible organization and the potential subscriber, and on collecting data on secondary market transactions that will be used in toll free number auctions. [FR](#)
- Oct. 7 - Replies due on Hood Canal Communications and CenturyLink's [petition](#) for a study area waiver to permit CenturyLink to remove an area that is originally within its Washington study area and for the same area to be recognized as part of HCC's Washington study area. [public notice](#)

- Oct. 8 - Replies due on a section 214 application filed by Lynch Telephone and CIBL, requesting consent to transfer control of Lynch's wholly owned subsidiaries, Bretton Woods Telephone and World Surfer, to CIBL. [public notice](#)
- Oct. 9 - Replies due on a section 214 application filed by Cable Bahamas, Ltd. and Summit Ultimate Holdings, LLC, to transfer control of Summit Vista and its wholly owned subsidiary, Orlando Telephone d/b/a Summit Broadband, to Summit Ultimate. [public notice](#)
- Oct. 15 - Replies due on NECA's [2020 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#). [public notice](#)
- Oct. 15 - Comments due on WIA's petitions for [rulemaking](#) and [declaratory ruling](#) regarding section 6409(a) of the Spectrum Act of 2012, and CTIA's [petition for declaratory ruling](#) regarding section 6409 and the rules implementing section 224 of the Communications Act. Reply comments are due October 30, 2019. [public notice](#)
- Oct. 21 - Replies due on the [NPRM](#) proposing to establish a new Rural Digital Opportunity Fund, which would target support to areas that lack 25/3 Mbps broadband service and distribute \$20.4 billion in high-cost USF support over 10 years using a two-phase reverse auction framework. [FR](#)
- Oct. 21- Replies are on Consolidated's petition for waiver of the all-or-nothing rule. [public notice](#)
- Oct. 21 - PRA comments due on the information collection requirements in the [FNPRM](#) on the new Digital Opportunity Data Collection.
- Oct. 30 - Replies due on WIA's petitions for [rulemaking](#) and [declaratory ruling](#) regarding section 6409(a) of the Spectrum Act of 2012, and CTIA's [petition for declaratory ruling](#) regarding section 6409 and the rules implementing section 224 of the Communications Act. [public notice](#)

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