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### September 25, 2017 HIGHLIGHTS

- The FCC issued the [agenda](#) for its September 26, 2017 Open Meeting. It will consider 10 items, including: an [NPRM](#) to allow for use of auctions to assign certain toll free numbers and other means to modernize the administration and assignment of toll free numbers; an [NOI](#) on the provision of 911 by enterprise communications systems that serve businesses, hotels, educational institutions, and government entities; and a [Report](#) analyzing the state of competition in the mobile wireless industry.
- Chairman Pai [spoke at](#) the Kansas Broadband Conference, discussing the digital divide and connecting rural America.
- Commissioner O'Rielly [spoke](#) at the WTA's Fall Conference, discussing RoR USF reform punch list of technical items that still need to be addressed. He said he could entertain adding some additional funding to the RoR portion of the high-cost budget, but not proposals to broaden the USF contribution base to include broadband absent Congressional direction.
- [Comments were filed](#) on the proposed application and bidding procedures for the CAF Phase II auction. Replies are due October 18, 2017. [Public Notice](#)
- The FCC [released](#) instructions for filing 4G LTE coverage data pursuant to the [MF-II Challenge Process Order](#).
- NTCA [discussed](#) shortfalls in high-cost USF support, and urged the FCC to initiate a comprehensive budgetary review for high-cost USF by year end. GRTI filed [a letter](#) expressing support for NTCA's [ex parte](#) requesting action on the high-cost USF budget. Great Plains, Consolidated Telephone, et al. [urged](#) the FCC to fund the A-CAM plan at \$200 per location and to adopt an FNPRM seeking comment on a second offer of A-CAM funding with a budget of up to \$200 per location. Great Plains, Vantage Point Solutions, et al. [discussed](#) a white paper on satellite broadband technology, asserting satellite broadband is slower and more expensive than the worst broadband provided by landline services in most urban areas and many rural areas. JSI [discussed](#) the reporting requirements for RoR carriers receiving CAF-BLS that do not have defined buildout obligations.
- The FCC issued a [Public Notice](#) clarifying the comment due date for the [FNPRM](#) on how to collect better and more accurate information on Form 477 is October 10, 2017. Reply comments are due October 24, 2017.
- The FCC issued a [Notice](#), stating by operation of the Congressional Review Act, rules submitted by the FCC in the 2016 [Report and Order](#) requiring broadband ISPs to protect the privacy of their customers shall be treated as if they had never taken effect.
- [Comments were filed](#) on the [Thirteenth Section 706 Report NOI](#). Replies are due October 6, 2017.
- Chairman Pai responded to a [letter](#) from Sen. John Thune (R-S.D.), providing information on USF collections and disbursements.
- [Replies were filed](#) on the [NPRM](#) that proposes to amend the Caller ID rules to allow disclosure of blocked Caller ID information to aid law enforcement in investigating threatening calls. [Notice](#)

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### Other Key Upcoming Dates

- Sept. 25 - Replies due on the [Second FNPRM](#) on rural call completion.
- Sept. 26 - Replies due on the [Second NOI](#) that explores methods by which reassigned telephone number data could be made available to callers to avoid making unwanted calls to consumers.
- Sept. 28 - Replies [due](#) on NTCA and USTelecom's [Petition for Forbearance](#) from application of contributions obligations on broadband internet access transmission services pending USF comprehensive contributions reform.
- Oct. 6 - Replies due on a [Thirteenth Section 706 Report Notice of Inquiry](#).

## USF Reform

- Chairman Pai [spoke at](#) the Kansas Broadband Conference on September 21, 2017, discussing the digital divide and connecting rural America. He noted the funding for the Mobility Fund and the CAF, and said the FCC also wants to modernize its regulations to give companies a stronger business case to build and expand high-speed networks. Pai said when removing burdensome regulation isn't enough to attract network investment, we should consider creating incentives, and noted he proposed last September that Congress create Gigabit Opportunity Zones, which would provide tax incentives to encourage companies to build internet infrastructure in low-income urban and rural areas. He said Senators Shelley Moore Capito (R-W.Va.) and Chris Coons (D-Del.) and Congressman Doug Collins (R-Ga.) have now introduced the Gigabit Opportunity Act.
- Commissioner O'Rielly [spoke](#) at the WTA's Fall Conference on September 19, 2017, discussing RoR USF reform. He discussed the "punch list" of technical items that still need to be addressed, and noted there is an item currently under consideration that would revise the ARC imputation rule. He also expected to address an item specifying in more detail which expenses are not recoverable through universal service or allowable in the rate base. He said he is generally favorable to adding some additional funding to the RoR portion of the high-cost budget, and noted the FCC anticipated in 2011 that it would undertake a review of the entire high-cost budget by the end of 2017. He suggested as part of this budget review, the Commission also should consider the state of the reserves and whether to continue the policy of reserving funding going forward. O'Rielly also said he could not entertain proposals to broaden the USF contribution base to include broadband users absent Congressional direction.
- The Rural Broadband Auctions Task Force and the Wireline Competition and Wireless Telecommunications Bureaus issued a [Public Notice](#) on September 22, 2017, releasing instructions for filing 4G LTE coverage data pursuant to the August 3, 2017 [MF-II Challenge Process Order](#). The Commission will use this data, in conjunction with subsidy data, to establish the map of areas presumptively eligible for MF-II support. The FCC indicated this one-time data collection is subject to OMB approval, and filers must submit the data using the process and format described in the attached instructions no later than 90 days after the Commission publishes notice of OMB's approval in the Federal Register. It said the data must be filed by any entity that previously reported LTE coverage on FCC Form 477 and has qualified 4G LTE coverage based on the specifications established in the MF-II Challenge Process Order. Data must be submitted separately for each FRN used in FCC Form 477 Filings, and entities that previously reported LTE coverage on FCC Form 477 but do not have qualified 4G LTE coverage must respond and certify that their coverage does not qualify.
- NTCA [spoke separately with](#) Wireline Advisors to Chairman Pai and Commissioner Rosenworcel on September 19, 2017, to highlight the need to remedy the shortfalls in high-cost USF support and to urge the Commission to initiate a comprehensive budgetary review for high-cost USF by year end, as contemplated when the overall budget was first adopted in 2011. NTCA also urged the Commission to use any high-cost USF reserves that have not already been expressly allocated pursuant to Commission Order to fill the budget shortfall, pending completion of the review contemplated by the Commission's defense of its budget before the Tenth Circuit.
- GRTI filed [a letter](#) on September 19, 2017, expressing support for NTCA's August 15, 2017 [ex parte](#) that requested action on the high-cost USF budget. GRTI claimed it demonstrates in its request for relief from the NACPL freeze the validity of NTCA's statements concerning the insufficiency of funding currently being provided to RLECs. GRTI argued the only way for the Commission to preserve all options in advance of a budget review is to direct USAC to continue to collect funds at the current overall high-cost USF budgetary limit of \$4.5 billion, and it urged the Commission to give serious consideration to NTCA's request for the Commission to use reserve funds to address the insufficiency of support payments RLECs are receiving.
- Great Plains Communications, Consolidated Telephone, TDS, and ITTA [met separately with](#) Legal Advisors to Commissioners Clyburn, O'Rielly, and Rosenworcel on September 20, 2017, to urge the Commission to fund the A-CAM plan at \$200 per location and to adopt an FNPRM seeking comment

on a second offer of A-CAM funding with a budget of up to \$200 per location. They noted 136 legacy support companies would receive more support under a second round of funding, and if every one opted into the second round of A-CAM, it would have an estimated budgetary impact of \$71.5 million. They also discussed the need for additional funding for legacy RoR support mechanisms.

- Great Plains Communications, Vantage Point Solutions, Consolidated Companies of Nebraska, and Furchtgott-Roth Enterprises [met with](#) Commissioner Clyburn's Legal Advisor on September 19, 2017, to discuss a recently filed whitepaper on satellite broadband technology and their public policy recommendations regarding this technology. They asserted the broadband capabilities provided by satellite services are slower and more expensive than the worst broadband provided by landline services in most urban areas and many rural areas, and argued satellite broadband is not well positioned to meet the current and future consumer demands for critical services such as eHealth, distance education, and many business services. They also [met separately with](#) Legal Advisors to Chairman Pai and Commissioner Rosenworcel, [Commissioner O'Rielly](#) and his Legal Advisor, and [staff](#) from the Wireline Competition and Wireless Telecommunications Bureaus on September 20, 2017, to discuss similar issues.
- JSI [met with](#) Wireline Competition Bureau staff on September 20, 2017, to discuss the reporting requirements for RoR carriers receiving CAF-BLS that do not have defined buildout obligations. It indicated these carriers must report on their annual Form 481 filing "progress on the number of locations where 10/1 Mbps or better broadband service have been deployed within their study area during the prior calendar year." JSI provided recommendations as to how the Bureau can obtain this information in the least burdensome manner, and discussed issues related to implementation of HUBB reporting for RoR carriers with build-out obligations.
- Comments were filed September 18, 2017, on the proposed application and bidding procedures for the CAF Phase II auction, including how interested parties can qualify to participate in the auction, how bidders will submit their bids, and how the FCC will process bids to determine the winners and support amounts. [USTelecom](#) suggested a company should be deemed to have satisfied the short form financial requirements if it already qualified for CAF Phase II model-based support and is substantially meeting the requirements of that program; otherwise, the Commission should eliminate the last three prongs of the proposed five-prong financial test in favor of the following question: "Does the applicant certify that it will not bid for annual support exceeding 50 percent of its average annual GAAP operating cash flow from the prior two fiscal years?" USTelecom also suggested changes to two aspects of the PN; the bidding package and minimum scale percentage, and the switching percentage. [ITTA](#) said the Commission should not impose on applicants experienced in providing voice and broadband services its proposed five-point scale for evaluating financial qualifications, but should limit applicants to bidding on performance tier and latency combinations that they or similar providers are currently offering. ITTA also said in the absence of procedures for reallocating funding forfeited due to a winning bidder's default, the Commission should establish such procedures prior to the auction so that consumers in rural and high-cost areas are not stranded without a service provider in the event a winning bidder defaults. [Vantage Point Solutions](#) urged the Commission to grant four relief mechanisms to successful CAF II bidders impacted by the "locations gap" that exists between the model-indicated locations and the actual number of locations within the CAF II eligible census blocks. It suggested: allowing carriers to deploy to 95% of the required number of locations without reducing support; expanding the definition of "location" to better meet facts on the ground; allowing carriers having service available to all actual locations in a census block to receive credit for having service available to all model-indicated locations within that census block; and allowing carriers to reduce their deployment obligations with a commiserate support reduction. The [Rural Wireless Association](#) supported the use of census block groups over census tracts as the minimum geographic bidding area, but suggested the Commission adopt flexible anti-collusion rules to facilitate participation by small and rural service providers. [The Rural Coalition](#) urged the Commission to take additional measures to encourage participation from providers of all sizes, impose additional, reasonable screening measures to ensure only qualified bidders participate, and adopt rules to facilitate a fair and equitable auction. It suggested, among other things, the Commission adopt a flexible approach to its anti-collusion rules, including, with respect to communications with third parties, a certification approach that is consistent with the anti-collusion rules that New York adopted for its auction. [WISPA](#) recommended several changes to the auction procedures, including: a "safe harbor" that would enable a consultant to

represent one bidder in each census block group without being considered a potential conduit for prohibited communications; not requiring a short-form applicant to certify its ability to serve every location in the relevant census blocks; adding other spectrum bands and include spectrum leases in the non-exhaustive list (Appendix B); reject the proposed five-point criteria to screen an applicant's financial qualifications and instead adopt WISPA's recommendation; and extend the benefits of its 2012 Protective Order to eliminate extra processing steps attendant to seeking confidential treatment. [All comments available to date](#). Replies are due October 18, 2017. [Public Notice](#)

- U.S. Cellular [met with](#) Commissioner Carr and his staff on September 13, 2017, to discuss the Mobility Fund II, CAF Phase II, the 3.5 GHz proceeding, and the mid-band spectrum NOI. It expressed support for efforts to provide additional funding beyond the amounts provided in Mobility Fund II, and expressed disappointment with the speed tier weightings adopted by the Commission for the CAF Phase II auction. It also discussed concerns over the potential for the use of statewide package bidding in conjunction with the CAF Phase II auction.

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## Broadband

- The FCC issued a [Notice](#) in the Federal Register on September 21, 2017, in response to Public Law 115–22, which was signed by President Trump on April 3, 2017, that disapproved the rules in the October 27, 2016 [Report and Order](#) requiring broadband ISPs to protect the privacy of their customers. The FCC said by operation of the Congressional Review Act, the rules submitted by the FCC shall be treated as if they had never taken effect, and said because the CRA does not direct the Office of the Federal Register to remove the voided regulatory text and reissue the pre-existing regulatory text, the FCC issued this Notice to effect the removal of any amendments, deletions, or other modifications made by the nullified rules, and the reversion to the text of the regulations in effect immediately prior to the effect date of the Report and Order. This action is effective September 21, 2017.
- The FCC issued a [Public Notice](#) on September 21, 2017, clarifying the comment due date made in the September 19, 2017 Bureaus [Order](#) granting, in part, ACA, NTCA, et al.'s [Joint Petition](#) for an extension of the deadline for comments on the [FNPRM](#) on how to collect better and more accurate information on Form 477. The FCC said because the extended comment deadline of October 9, 2017, falls on a federal holiday, comments will be due on October 10, 2017, by operation of the Commission's rules. Comments are due October 10, 2017; reply comments are due October 24, 2017.
- The Utah Governor's Office of Economic Development filed [comments](#) on September 19, 2017, on the [FNPRM](#) on how to collect better and more accurate information on Form 477. The GOED said the FCC should consider expanding the types of government agencies that may request and be granted access to the data, and suggested the FCC improve the accuracy and granularity with which the data is collected, particularly since Form 477 data is being used in both policy and funding decisions. GOED also said allowing providers to submit data on a sub-census block level is crucial to understanding and evaluating gaps in coverage, especially in rural areas where census blocks can be quite large.
- Comments were filed on September 21, 2017, on the [Thirteenth Section 706 Report NOI](#) on the appropriate metrics and benchmarks by which to measure the deployment of both fixed and mobile services to evaluate the extent to which American consumers have access to advanced telecommunications capabilities. [NTCA](#) said the RLEC High Cost support program is insufficient to enable the delivery of broadband internet access service meeting the current 25/3 speed benchmark to rural consumers or to enable these consumers to procure standalone retail broadband internet access services at reasonably comparable rates. NTCA also discussed steps the Commission can take to remove barriers to deployment of broadband in rural areas, and said the FCC should continue to consider mobile wireless broadband as a service complementary to fixed, wireline broadband service. [ITTA](#) asserted advanced telecommunications capability is not being deployed to all Americans in a reasonable and timely fashion, and said the Commission should allocate increased funding both to model-based and legacy rate-of-return broadband deployment support mechanisms, in the course of holistically reevaluating the high-cost program budget. [USTelecom](#) asserted the evidence suggests



that advanced telecommunications capability is being deployed in a timely and reasonable manner, and claimed at least 90 percent of Americans enjoy access to advanced telecommunications capability at the current 25/3 benchmark. USTelecom said if and where the FCC does not find the deployment requirements of section 706 are being met, it must adhere to its limited section 706 authority by adopting policies and imposing only necessary requirements to promote continued broadband deployment by removing barriers to infrastructure investment. [Verizon](#) said the FCC should find that mobile and fixed broadband are widely deployed and generally satisfy the statutory standard for “reasonable and timely” deployment throughout much of the country. Verizon said where there are certain areas of the nation that do not have access to sufficient broadband capabilities, the FCC should continue to pursue policies that: make additional spectrum available quickly; streamline wireless infrastructure siting; reform the pole attachment process; streamline copper retirement and service discontinuance; advance the CAF Phase II and Mobility Fund Phase II universal service efforts; and reverse the decision to subject broadband to common carrier regulation. [AT&T](#) said there are regulatory steps the FCC should take to further accelerate and remove barriers to deployment, including: targeted reforms to the pole attachment process; elimination of network disclosure rules that unnecessarily impede infrastructure modifications and streamline and enhance the remaining network disclosure rules to provide needed flexibility to carriers; and changes in the section 214(a) discontinuance regulations. [New America’s OTI](#) opposed the notion that mobile BIAS is a substitute for fixed BIAS, and claimed mobile BIAS is typically more expensive, less reliable, slower, and subject to data caps and expensive overage fees. OTI asserted the FCC should continue to increase its speed benchmarks to reflect the changing nature of BIAS, and recently recommended a benchmark of 50 Mbps/20 Mbps. [All comments available to date](#). Replies are due October 6, 2017. [Order](#)

- The Government Accountability Office issued a [report](#) on September 19, 2017, recommending the FCC annually solicit and report on stakeholder input regarding its actions to promote broadband competition and how varying levels of broadband deployment affect prices and service quality. The GAO noted the FCC has a process for seeking stakeholders’ and others’ input on broadband-related topics and annually reporting on these views, but does not solicit such input on its actions to promote competition. The GAO said such input could help the FCC determine if any changes are needed to its actions to support competition relative to current and emerging factors in the broadband market. The GAO indicated the FCC concurred with its recommendations.
- GCI [met with](#) Legal Advisors to Chairman Pai and Commissioners O’Rielly, Carr, Clyburn, and Rosenworcel on September 18, 2017, to discuss the importance of continued unencumbered access to the 3.7 GHz Band or C-Band for the provision of communications services throughout Alaska. GCI also addressed issues surrounding wireless infrastructure, and encouraged the Commission to continue to move forward with removing barriers to infrastructure investment and deployment, including implementation of a shorter shot clock and resolving incomplete application issues.
- The American Public Power Association met with Legal Advisors to Commissioners [Clyburn](#) and [Carr](#) and with [Wireline Competition Bureau staff](#) on September 19, 2017, to discuss pole attachments to public power utility poles. APPA said its remarks were consistent with its comments and reply comments in the wireline and wireless infrastructure proceedings. APPA also met with Legal Advisors to Commissioners [Rosenworcel](#) and [O’Rielly](#) on September 21, 2017, to discuss the same issues.
- T-Mobile [met with](#) Wireless Telecommunications and Wireline Competition Bureau staff on September 19, 2017, to discuss the obstacles T-Mobile has encountered in siting wireless facilities and the actions the Commission should take to address those issues. T-Mobile claimed local siting and zoning regulations and requirements are impeding deployment of infrastructure, and asserted many local governments impose exorbitant one-time application fees, annual recurring fees, franchise or use fees, and/or gross revenue fees.

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## Open Internet

- The National Hispanic Media Coalition, et al. filed a [Motion](#) on September 18, 2017, seeking to make informal Open Internet complaint documents a part of the record and to set a pleading cycle for comment on them. NHMC, et al. said the documents at issue are the approximately: 50,000 Open Internet consumer complaints; 18,000 carrier responses; 1,500 documents related to the Open Internet Ombudsperson's interactions with internet users; and 10 spreadsheets containing data for all customer complaints that NHMC asked the Commission to produce in its FOIA requests filed between May 1 and May 17, 2017. NHMC said the Commission has provided some of the requested documents, but because of the sheer volume of the production it has had no opportunity to review the entirety of the relevant information or incorporate the results of any such review into reply comments that were due by August 30, 2017.
- Tech Knowledge [met with](#) Chairman Pai's Legal Advisors on September 15, 2017, to discuss its Open Internet comments and reply comments. It reiterated that the Commission should conclude that broadband internet transmissions are not "telecommunications" within the meaning of 47 U.S.C. § 153(50), saying resolving the issue as a matter of law would have the benefit of foreclosing the application of Title II to broadband internet transmissions absent Congressional action.
- Citizens Against Government Waste [released Prime Cuts 2017](#) on September 19, 2017, which details its federal government waste-cutting recommendations. Among CAGW's recommendations is one to eliminate the Rural Utilities Service. CAGW also expressed support for the proposal to reinstate the classification of internet services as information services under Title I.

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## Universal Service

- Chairman Pai responded to a [letter](#) from Sen. John Thune (R-SD) on September 5, 2017, providing information the Senator requested on USF collections and disbursements. Sen. Thune asked for: annual USF collections since 2010; disbursements of USF and the cumulative total of undisbursed funds at the end of each year for each USF program; for the most current annual period for which figures are available, the total amount of undisbursed funds expected to be on-hand for each of the five years following that period for each USF program; for any program for which the Commission has allocated any undisbursed funds, the amount and frequency of the allocation and a citation to the relevant Order(s) making such allocation(s); and a description of any regulations limiting allocation of undisbursed USF funds to a particular program or use.
- The Wireline Competition Bureau issued a [Public Notice](#) on September 22, 2017, seeking comment on the sufficiency of budgets for Category Two services under the E-rate program. The Bureau seeks comment on how applicants have used their budgets and the percentage of Category Two services purchased by applicants that were or will be covered by the budget. Comments are due October 23, 2017; replies are due November 7, 2017.
- TracFone [met with](#) Chairman Pai's Legal Advisor on September 19, 2017, to propose the Commission clarify Lifeline providers may meet the Lifeline minimum service standards scheduled to become effective December 1, 2017, through a "units" plan. TracFone said in the Wireline Bureau's September 30, 2016 [Public Notice](#), it stated such a units plan would not be acceptable. Tracfone claimed this proposal was never the subject of public comment and was never considered by the full Commission. TracFone also said because its units plan proposal is fully consistent with the current rules it could be adopted by the Commission through a declaratory ruling or clarification notice, and would not require a rulemaking proceeding.
- The Lifeline Connects Coalition [met with](#) Commissioner Clyburn's Legal Advisor on September 18, 2017, to discuss the Lifeline National Eligibility Verifier. The Coalition discussed improvements to the timing of subscriber proof of eligibility for migration to the National Verifier, upcoming changes to the

minimum service standard, and its concerns with a recent USAC webinar regarding the eligibility of ETCs to receive reimbursement for Lifeline subscribers who are in a non-usage cure period on the snapshot date. It also discussed the GAO's call in its [2017 Lifeline Report](#) for the Commission to shift to an enforcement regime that is not arbitrary and unfair to service providers and to act on a backlog of compliance plans and federal ETC petitions.

- The California Lifeline Coalition filed a [letter](#) on September 18, 2017, to respond to the California PUC's [motion](#) seeking an extension of time to implement changes to the Commission's Lifeline eligibility rules, which were adopted in the 2016 Lifeline Order. The Coalition said if the Commission grants the motion it should delay the effectiveness of the grant until such time as the CPUC can demonstrate to the Commission that it has properly implemented the Commission's port freeze rules, including a 12-month port freeze and an exceptions process that is consistent with the Commission's rules and USAC's implementing guidance.
- TracFone Wireless filed an [Amendment](#) on September 18, 2017, to its [Petition](#) asking the Commission to expand its designation as an ETC to include Tribal lands in Alabama, Connecticut, Massachusetts, New York, North Carolina, and Virginia. TracFone said it was advised by the Massachusetts Department of Telecommunications and Cable that it has asserted jurisdiction over ETC designations pursuant to section 214(e)(2) and state law, and thus amends its Petition to delete all references to Massachusetts. It advised the Commission it does not seek to expand its ETC designation to include Tribal lands within Massachusetts.
- Interstate Telecommunications Cooperative and CenturyLink filed a [Petition](#) on September 20, 2017, seeking a waiver of the frozen study area boundaries between their serving areas in South Dakota to address a recently-discovered discrepancy between the Study Area Boundary Map and actual practice. They seek permission for Century Link to remove a small portion of its study area and for ITC to add the same.
- STS Media filed an Emergency [Request](#) for Waiver of the 45-day Form 499-Q revision filing deadline on September 21, 2017, to allow it to correct an error in its May 2017 Form 499-Q. It also requested the FCC require USAC to refund excess USF contribution payments resulting from the error. STS said its original filing included a significant clerical error that resulted in grossly inflated interstate end user revenues being reported on its May 2017 Form 499-Q, resulting in approximately \$180K erroneously owed.
- Sunesys filed an Emergency [Request](#) for waiver of the 45-day Form 499-Q revision filing deadline to allow it to correct an error in its May 2017 Form 499-Q. It also requested the FCC require USAC to refund excess USF contribution payments resulting from the error. Sunesys said its original filing included a significant clerical error which resulted in grossly inflated interstate end user revenues being reported on its May 2017 Form 499-Q, which increased Sunesys' quarterly contribution base nearly 1200 percent compared to its February 2017 Form 499-Q.

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## Misc.

- The FCC issued the [agenda](#) for its September 26, 2017 Open Meeting. The FCC will consider: an [NPRM](#) proposing to eliminate rules requiring certain broadcast and cable entities to maintain paper copies of FCC rules; a [Report and Order](#) modernizing cable TV technical rules; a [Third Report and Order](#) to relax or eliminate certain rules pertaining to AM broadcasters employing and maintaining directional antenna arrays; a [Report and Order and FNPRM](#) to update and streamline rules on the licensing of next generation non-geostationary, fixed-satellite service systems; an [NPRM](#) seeking comment on revisions to the wireless hearing aid compatibility annual reporting requirement; an [NPRM](#) proposing to amend the rules to allow for use of auctions to assign certain toll free numbers and other means to modernize the administration and assignment of toll free numbers; an [NOI](#) seeking comment on the provision of 911 by enterprise communications systems that serve businesses, hotels,

educational institutions, and government entities; and [a Report](#) analyzing the state of competition in the mobile wireless industry. The FCC will also consider an enforcement action, and will receive a briefing from the Public Safety & Homeland Security Bureau on the Commission's response to recent hurricanes.

- The FCC [announced](#) it deleted the following items from the September 26, 2017 Open Meeting [agenda](#); a [Report and Order](#) modernizing cable TV technical rules and a [Third Report and Order](#) to relax or eliminate certain rules pertaining to AM broadcasters employing and maintaining directional antenna arrays. These two items have already been adopted by the FCC.
- Reply comments were filed September 19, 2017, on the [NPRM](#) that proposes to amend the Caller ID rules to allow disclosure of blocked Caller ID information to aid law enforcement in investigating threatening calls. [NTCA](#) supported amending Caller ID privacy rules to permit small carriers to voluntarily disclose blocked Caller ID information to law enforcement or authorized first responders, or other recipients if necessary under emergency circumstances, but said any changes to Commission rules should avoid tension with Electronic Communications Privacy Act requirements and provide protections to carriers acting in good faith in what appears to be an emergency situation. [NCTA](#) supported the proposal to adopt an exception to the caller ID rules to allow disclosure of blocked CPN related to threatening calls, but urged the Commission to ensure that: a "threatening call" is defined consistent with ECPA; law enforcement authorities determine whether a call meets this definition; and blocked CPNs under this exception are made available only to law enforcement personnel. [CenturyLink](#) supported permitting providers to disclose caller ID information to law enforcement in response to a valid law enforcement request that satisfies the requirements of the Electronic Communications Privacy Act, and agreed with AT&T's recommendation to explicitly align disclosure of blocked caller ID information with permitted disclosures under the ECPA. CenturyLink also supported limiting disclosure of any caller ID information to law enforcement, and defining what constitutes a valid law enforcement request, as has been done with CALEA. [All replies available to date. Notice](#)
- The FCC's Consumer Advisory Committee adopted a [recommendation](#) regarding blocking of unwanted calls on September 18, 2017. The CAC recommended, among other things, the FCC permit and encourage voice service providers to: block robocalls in certain specified circumstances to protect subscribers from suspected illegal robocalls; block calls when the subscriber to the originating number has requested calls be blocked; and block calls in circumstances when calls originate from invalid numbers, from numbers not allocated to any provider, and from numbers that are allocated to a provider, but not assigned to a subscriber.
- AT&T filed [a letter](#) on September 22, 2017, to provide FCC staff with information requested at its August 29, 2017 meeting on: the contractual language on which AT&T relies to enable blocking through its wholesale IP service; the signal or message, if any, heard by the calling party when AT&T blocks a call on its IP network; AT&T's process for responding to unblock requests; and whether AT&T only blocks calls terminating to AT&T customers.
- The Colonial Penn Life Insurance Company [met with](#) Consumer and Government Affairs Bureau staff on September 19, 2017, to discuss the Commission's request for comment on the best way to ensure that legitimate callers are white listed so their legal call attempts are not blocked by carriers, VoIP providers, or call blocking service providers. CPL emphasized the need to ensure that legitimate calls by companies like CPL are not blocked, asserting there is a lack of transparency in the decision to block certain calls. It suggested the Commission establish guidelines to ensure that numbers are not blacklisted in the first instance, and said the Commission should act quickly to implement white listing and other reforms necessary to encourage essential commercial and political activities.
- ATIS and Neustar issued a [Press Release](#) on September 19, 2017, announcing that testing of caller authentication standards is underway, with nineteen participants to date having signed on to test in the [ATIS Robocalling Testbed](#). They said the testbed was launched to support efforts of the FCC's Industry Robocall Strike Force, and the caller authentication standards developed by IETF, together with the SHAKEN framework developed by the joint [ATIS/SIP Forum IP-NNI Task Force](#), will give service providers the ability to authenticate, digitally sign, and verify calling party numbers. They also indicated



Neustar's virtualized interoperability testing platform is being used to validate industry standards and the new SHAKEN framework.

- The FCC issued a [NPRM](#) on September 18, 2017, seeking comment on creating a uniform set of procedural rules for certain formal complaint proceedings delegated to the Enforcement Bureau and currently handled by its Market Disputes Resolution Division and Telecommunications Consumers Division. The FCC said three separate sets of procedural rules currently govern such proceedings, the rules are not congruent, and the inconsistencies can lead to needless confusion. The NPRM proposes to streamline and consolidate the procedural rules governing formal complaints filed under section 208, pole attachment complaints filed under section 224, and formal advanced communications services and equipment complaints filed under sections 255, 716, and 718. Comments are due 30 days after publication in the Federal Register; replies are due 45 days after Federal Register.
- The FCC published a [Notice](#) in the Federal Register on September 22, 2017, revising its Schedule of Regulatory Fees to recover an amount of \$356,710,992 that Congress has required the Commission to collect for fiscal year 2017, pursuant to the FCC's September 5, 2017 [Report and Order](#). The Order is effective September 22, 2017. To avoid penalties and interest, regulatory fees should be paid by the due date of September 26, 2017.
- Free Press sent a [letter](#) to Chairman Pai on September 19, 2017, to assert the [draft](#) of the 20th Annual Report to Congress on the state of competition in the U.S. mobile wireless industry falsely suggests a connection between investment and mobile broadband's proper classification as a Title II telecommunications service. Free Press said the investment section in the draft text only references the change in the wireless industry's collective capital expenditures over the prior year, instead of reporting the change over the past several years. Free Press claimed the pending report reduced the amount of information on investment to hide the reality of the situation.
- Free Press [spoke with](#) Legal Advisors to Commissioners Clyburn and Rosenworcel on September 19, 2017, to discuss its [letter](#) that claimed the draft of the forthcoming annual wireless competition report had deleted historical context for wireless investment over the course of the past several years. Free Press asserted the report focused improperly on a single year's investment changes, deleted passages routinely included in prior years' annual reports on the cyclical nature of such investments, and the impropriety of expecting capital expenditures to increase by the same amount year after year.
- CTIA [spoke with](#) Legal Advisors to Chairman Pai and Commissioners O'Rielly, Carr, and Rosenworcel on September 19, 2017, to discuss the mobile wireless marketplace. CTIA expressed its support for the FCC's draft finding of effective competition in the provision of mobile wireless services. CTIA said to further spur additional innovation and secure America's place as a leader in 5G, the Commission should act to allocate additional low-, mid-, and high-band spectrum for exclusive, licensed use. CTIA also said restoring internet freedom by repealing utility-style regulations and promoting core Open Internet principles will ensure that mobile broadband service providers continue to invest in their networks and deploy robust services to their customers.
- Commissioner O'Rielly [announced](#) on September 20, 2017, Brooke Ericson will serve as his Chief of Staff, press contact and media advisor. O'Rielly said Ms. Ericson intends to begin work on October 2, 2017, and is currently employed as Deputy Chief of Staff for Senator Ron Johnson (R -Wis.).
- Commissioner Clyburn [announced](#) on September 20, 2017, the appointment of Louis Peraertz as her Senior Legal Advisor covering wireless, international, and public safety issues, and announced the departure of Daudeline Meme, who has served as the Commissioner's wireless, international, and public safety Legal Advisor since March 2016. Mr. Peraertz first served in Clyburn's office from October 2009 to March 2016, and prior to his tenure in Clyburn's office, Mr. Peraertz served as a Special Counsel in the FCC's Wireless Telecommunications Bureau and Office of General Counsel.

## Upcoming Filing Dates

- Sept. 25 - Replies due on the [Second FNPRM](#) on rural call completion. [Notice](#)
- Sept. 26 - Replies due on the [Second Notice of Inquiry](#) that explores methods by which reassigned telephone number data could be made available to callers to avoid making unwanted calls to consumers.
- Sept. 28 - Replies due on NTCA and USTelecom's [Petition for Forbearance](#) from application of contributions obligations on broadband internet access transmission services pending USF comprehensive contributions reform. [Public Notice](#)
- Oct. 2 - Comments due on the [Notice of Inquiry](#) on potential opportunities for additional flexible access in spectrum bands between 3.7 and 24 GHz, particularly for wireless broadband services. Replies are due November 1, 2017.
- Oct. 2 - PRA comments due on a revision of a currently approved information collection associated with auctions for USF support. The Commission is revising the currently approved information collection to remove the information collection requirements that apply specifically to bidding for Mobility Fund Phase I and Tribal Mobility Fund Phase I support, and to retain only those information collection requirements that apply generally to applicants seeking to participate in competitive bidding for universal service support. [Notice](#)
- Oct. 5 - Comments due on NECA's [2018 Modification](#) of the Average Schedule Universal Service High Cost Loop Support Formula. Replies are due October 20, 2017. [Public Notice](#)
- Oct. 6 - Replies due on a [Thirteenth Section 706 Report Notice of Inquiry](#) on the appropriate metrics and benchmarks by which to measure the deployment of both fixed and mobile services in order to evaluate the extent to which American consumers have access to advanced telecommunications capabilities.
- Oct. 9 - Comments due on Gila River Telecommunications' [Petition for Expedited Waiver](#) of the National Average Cost Per Loop freeze decision and its two submissions of revised information for the same purpose. [Public Notice](#) Replies are due October 24, 2017.
- Oct. 10 - Replies due on a list of 13 rate-of-return study areas identified as potentially having 100 percent overlapped by an unsubsidized competitor or combination of unsubsidized competitors. [Public Notice](#)
- Oct. 10 - Comments due on the [FNPRM](#) that seeks comment on how to collect better and more accurate information on Form 477. Replies due October 24, 2017. [FR](#), [Order](#), [PN](#)
- Oct. 10 - Comments due on the [Public Notice](#) seeking data, information, and comment for the Commission's Nineteenth Report on the status of competition in the market for the delivery of video programming. Replies due November 9, 2017.
- Oct. 13 - Replies due on the [NPRM](#) that proposes to amend rules to prohibit carriers from misrepresenting themselves when placing telemarketing sales calls to consumers and placing unauthorized charges on their phone bills (slamming and cramming). [Notice](#)
- Oct. 16 - PRA comments on a revised information collection associated with the Business Data Services [Order](#). The information collection reforms the business data services/special access regulations for incumbent and competitive LECs. [Notice](#)
- Oct. 16 - PRA comments due on an extension of a currently approved information collection implementing the statutory obligations of section 222 regarding CPNI. [Notice](#)

- Oct. 18 - Replies due on the proposed application and bidding procedures for the auction, including how interested parties can qualify to participate in the auction, how bidders will submit their bids, and how the FCC will process bids to determine the winners and support amounts. [Public Notice](#)
- Oct. 20 - Replies due on NECA's [2018 Modification](#) of the Average Schedule Universal Service High Cost Loop Support Formula. [Public Notice](#)
- Oct. 23 - PRA comments due on information collections relating to Telecommunications Reporting Worksheets and Related Collections, FCC Forms 499–A and 499–Q. This information collection requires contributors to the Federal Universal Service Fund, Telecommunications Relay Service Fund, and Numbering Administration to file a Telecommunications Reporting Worksheet on an annual basis (Form 499–A) and/or on a quarterly basis (Form 499–Q). [Notice](#)
- Oct. 23 - Comments due on the sufficiency of budgets for Category Two services under the E-rate program. Replies are due November 7, 2017. [Public Notice](#)
- Oct. 24 - Replies due on Gila River Telecommunications' [Petition for Expedited Waiver](#) of the National Average Cost Per Loop freeze decision and its two submissions of revised information for the same purpose. [Public Notice](#)
- Oct. 24 - Replies due on the [FNPRM](#) that seeks comment on how to collect better and more accurate information on Form 477. [FR](#), [Order](#)
- Oct. 27 - Nominations due for six members for the USAC Board of Directors. [Public Notice](#)
- Nov. 1 - Replies due on the [Notice of Inquiry](#) on potential opportunities for additional flexible access in spectrum bands between 3.7 and 24 GHz, particularly for wireless broadband services. Replies are due November 1, 2017.
- Nov. 7 - Replies due on the sufficiency of budgets for Category Two services under the E-rate program. [Public Notice](#)
- Nov. 9 - Replies due on the [Public Notice](#) seeking data, information, and comment for the Commission's Nineteenth Report on the status of competition in the market for the delivery of video programming.
- Nov. 13 - PRA comments due on an extension of a currently approved information collection on the application for Mobility Fund Phase I Support, FCC Form 680. [Notice](#)
- Nov. 13 - PRA comments due on a revised information collection associated with new forms for the Lifeline program for consumer enrollment and certification, recertification, and one-per household verification. This revision also implements the transition to payment of the Lifeline reimbursement to ETCs based on data from USAC's NLAD database. [Notice](#)
- Nov. 14 - PRA comments due on an extension of a currently approved information collection on actual speeds and performance of fixed and mobile broadband connections delivered to consumers by ISPs. [Notice](#)

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