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October 15, 2018 HIGHLIGHTS

- The Wireline Competition Bureau issued a [Public Notice](#) announcing the availability of an interactive CAF [Broadband Map](#) that shows locations where funding recipients have already reported CAF-funded broadband deployment to fixed locations.
- Peñasco Valley Telephone [discussed](#) the impact of the High-Cost Budget Control Mechanism and the Rural Growth Factor on companies like PVT.
- OTZ Telephone Cooperative, et al. [discussed](#) broadband deployment supported by the Alaska Plan.
- ITTA [discussed](#) the draft Business Data Services [Order](#) and said rate-of-return carriers eligible to voluntarily elect to transition their BDS offerings out of RoR regulation should be provided an annual transition opportunity.
- ITTA, et al. [suggested](#) the Commission take targeted actions to address any 8YY arbitrage and abuses, rather than implement the FNPRM's overreaching proposals.
- [Reply comments were filed](#) to refresh the record on the Call Blocking NPRM and NOI that sought comment on additional criteria voice providers could use to identify and block illegal calls. [Public Notice](#)
- The Wireline Competition Bureau issued a [Public Notice](#) announcing that effective October 15, 2018, the National Lifeline Eligibility Verifier will soft launch in Guam, Hawaii, Idaho, New Hampshire, North Dakota and South Dakota. The Bureau [recently announced](#) the National Verifier will fully launch in six other states, effective November 2, 2018.
- [Reply comments were filed](#) on the [Notice of Inquiry](#) on creating a USF pilot program to promote the use of telehealth services among low-income Americans.
- The [Declaratory Ruling and Report and Order](#) on wireless infrastructure [is effective](#) January 14, 2019.

Other Key Upcoming Dates

- Oct. 15 - Replies to oppositions due to Public Knowledge's [Petition for Reconsideration](#) of the June 8, 2018 [Report and Order](#).
- Oct. 15 – Replies due to oppositions to Applications for Review filed by [WTA](#) and [NTCA](#) of the [Network Performance Testing Order](#). [Public Notice](#)
- Oct. 22 - Replies due on [NECA's 2019 Modification of the Average Schedule Universal Service HCL Support Formula](#). [Public Notice](#)

USF Reform

- The Wireline Competition Bureau issued a [Public Notice](#) on October 9, 2018, announcing the availability of an interactive Connect America Fund [Broadband Map](#) that shows locations where funding recipients have already reported CAF-funded broadband deployment to fixed locations. The map illustrates both areas eligible for funding and the specific fixed locations where funding recipients have reported deployment by address and geographic latitude and longitude, including the maximum speed offered and the date of deployment. The map contains broadband deployment data from carriers participating in the following CAF programs: CAF Phase II; A-CAM; CAF-BLS; and the Alaska Plan. The map currently displays broadband deployment as of December 31, 2017, as certified by carriers by March 1, 2018.
- Peñasco Valley Telephone [met separately with](#) Chairman Pai's Advisor, [Advisors to](#) Commissioners Rosenworcel, Carr, and O'Rielly, and Wireline Competition Bureau [staff](#) on October 3 and 4, 2018, to discuss the impact of the High-Cost Budget Control Mechanism and the Rural Growth Factor on companies like PVT. PVT supported a threshold support level of 95%, as adjusted for inflation, saying it would allow the company to meet its loan obligations and to continue building out broadband. It claimed the 90% threshold proposed by WTA would only enable PVT to maintain, not expand, its network. It expressed support for the NTCA proposal to use a three-year trailing average, and discussed proposals to eliminate the RGF entirely, or to modify it to remove the line-loss factor, and suggested freezing it at the 2016 level.
- OTZ Telephone Cooperative, Matanuska Telephone Association, and Cobank [met separately with](#) Commissioner O'Rielly and his Wireline Advisor, Chairman Pai's Advisor, and the Chiefs of Staff to Commissioners Rosenworcel and Carr on October 3, 2018, to discuss broadband deployment supported by the Alaska Plan. OTZ said with the stability provided by the Alaska Plan, it was able to obtain financing to deploy and continue to operate both fixed and wireless broadband service. MTA discussed its broadband deployment during the 2018 construction season supported by the Alaska Plan, and said it deployed or upgraded broadband service to provide 25/3 Mbps service to 4,695 locations and 50/100 Mbps service to 500 locations for a total of 5,195 locations, and will be investing \$250 million in capital improvements over the remaining term of the Plan. CoBank said the stability provided by the Alaska Plan is encouraging renewed and increased investment activity in Alaska.
- Chairman Pai sent [letters](#) to Sens. Tom Udall (D-N.M.) and Martin Heinrich (D-N.M.) and Rep.s Steve Pearce (R-N.M.), Ben Ray Lujan (D-N.M.), and Michelle Lujan Grisham (D-N.M.) on October 3, 2018, in response to their letter that expressed support for the Petitions for Reconsideration filed by Mescalero Apache Telecom and Sacred Wind Communications of the April 2018 Tribal Opex Order. Pai said after a thorough review of the record, he believes it was inappropriate to exclude carriers that did not have 10/1 Mbps broadband service deployed to 90% of their service territory at the time the Order was adopted and has directed staff to circulate an order in the near future to fix this mistake.
- Smith Bagley filed an [Informal Request](#) on October 10, 2018, asking the Commission to investigate Verizon's 4G LTE mobile coverage claims and examine the methodologies that were used to produce Verizon's representations concerning the extent of its 5 Mbps coverage. SBI suggested if the Commission's investigation confirms evidence already in the record that Verizon has substantially overstated its coverage, the Commission must take remedial action. It claimed Verizon's data submission glaringly, systematically, and implausibly overstates the extent to which Verizon is currently delivering 5 Mbps 4G LTE broadband in SBI's Tribal and rural service areas.

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- Hargray Communications, Great Plains Communications, Cincinnati Bell, and ITTA [spoke with](#) Commissioner O'Reilly's staff on October 9, 2018, to reiterate that the Commission should take targeted actions to address any 8YY arbitrage and abuses, rather than implement the FNPRM's

overreaching proposals. They said, in the alternative, the Commission could take the limited but meaningful step of reforming 8YY database query charges. ITTA indicated it would support applying a nationwide cap and allowing only one database query charge per 8YY call. They said if the Commission reforms 8YY originating charges, it should limit the transition to bill-and-keep to originating end office 8YY access charges, provide a transition period of at least six years, and provide an access revenue recovery mechanism.

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Broadband

- The FCC [published](#) in the Federal Register on October 15, 2018, the [Declaratory Ruling and Report and Order](#) that clarified the scope and meaning of sections 253 and 332(c)(7), established shot clocks for state and local approvals for the deployment of small wireless facilities, and provided guidance on streamlining state and local requirements on wireless infrastructure deployment. The Order is effective January 14, 2019.
- The FCC issued a [notice](#) in the Federal Register on October 15, 2018, seeking Paperwork Reduction Act comments on a revision to a currently approved information collection associated with the requirement in section 214 that a carrier must first obtain FCC authorization either to construct, operate, or engage in transmission over a line of communications, or to discontinue, reduce or impair service over a line of communications. The FCC also seeks comments on a revision of a currently approved information collection associated with the requirements in sections 222(e) and 251 that LECs provide their competitors with dialing parity and non-discriminatory access to certain services and functionalities, ILECs' duty to make network information disclosures, and numbering administration. PRA comments are due November 14, 2018.
- The Senate Committee on Commerce, Science, and Transportation held a [hearing](#) on October 12, 2018, entitled "The Race to 5G: A View from the Field." The hearing focused on identifying existing barriers to broadband deployment, ways to streamline infrastructure siting, and ways to encourage investment in next generation communications services. Testimony was given by: [Commissioner Carr](#); [Mayor Paul Tenhaken, Sioux Falls, SD](#); [Dr. José-Marie Griffiths, President, Dakota State University, Madison, South Dakota](#); [Robert Fisher, Verizon](#); [Justin Forde, Midcontinent Communications](#); and [Mark Shlanta, SDN](#).
- The FCC issued a [Public Notice](#) on October 12, 2018, announcing the Technological Advisory Council will hold a meeting on December 5, 2018, to discuss progress on work initiatives discussed at the previous meeting. The TAC is helping the Commission to continue the momentum spurred by the National Broadband Plan to maximize the use of broadband to advance national interests and create jobs.
- Chairman Pai [spoke](#) at the International Institute of Communications' International Regulators Forum in Mexico City, Mexico on October 9, 2018, on closing the digital divide. Pai said the best way to make sure every American has better, faster, cheaper internet access is to set a market-based regulatory framework that promotes competition and increases network investment. Pai said the FCC has removed many regulatory barriers to lower the cost and speed the process of building infrastructure, adopted reforms to make it easier and cheaper for broadband providers to access utility poles, and modernized rules that required carriers to maintain yesterday's copper networks, which frees more money to build tomorrow's fiber networks.
- Chairman Pai [spoke](#) at the Annual Conference of the International Institute of Communications, Mexico City, Mexico on October 10, 2018, to discuss the role of government in advancing technology innovation. Pai said the public interest is best served when the private sector has the incentives and freedom to invest and create. Pai said government should eliminate unnecessary barriers that can stifle new discoveries and services and should aim to minimize regulatory uncertainty, which can deter long-term investment decisions. Pai noted, however, government does have an important role to play

in the communications sector and must take action when it comes to public safety, consumer protection, and digital inclusion.

- NTCA filed [comments](#) on October 12, 2018, on the FCC's [Public Notice](#) on promoting broadband internet access service for veterans. NTCA asserted data indicate veterans' use of broadband is increasing, consistent with general national trends, and said the prevalence of veterans in rural areas drives a need for connectivity that enables veterans' use of telehealth services. NTCA also said its Virtual Living Room demonstrates the effective partnering of private industries to increase effective use of V.A. telehealth and other online services. Replies are due October 29, 2018.
- Charter [met with](#) Wireline Competition Bureau and Media Bureau staff on October 4, 2018, to discuss its support for [NCTA's request](#) to extend the legal analysis of section 253 in the [Wireless Infrastructure Declaratory Ruling](#) to all "commingled" facilities that are capable of providing telecommunications services, including cable systems that utilize their facilities to provide telecommunications services along with cable, broadband, and/or VoIP services. Charter asserted duplicate authorizations and excessive fees in addition to cable's franchise and franchise fee obligations impose undue burdens and costs that impede the ability of cable operators to provide telecommunications services and so are preempted by section 253.
- The Wireless Infrastructure Association [met with](#) Chairman Pai and Commissioners O'Rielly and Rosenworcel on October 3, 2018, to discuss the [Declaratory Ruling and Third Report and Order](#) on wireless infrastructure deployment and urged the Commissioners to support additional items that address the wireless infrastructure deployment issues raised in WIA's recent ex partes. WIA asked the Commission to harmonize the differing rules that apply to compound expansions, and asserted its members continue to face regulatory hurdles when applying for Eligible Facilities Requests under section 6409 of the Spectrum Act.

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Open Internet

- The FCC filed a [brief](#) on October 11, 2018, in the D.C. Circuit Court in the appeal of the Restoring Internet Freedom [Order](#). The Commission argued it reasonably classified broadband internet access service as an information service and mobile broadband internet access service as a private mobile service.

Universal Service

- The Wireline Competition Bureau issued a [Public Notice](#) on October 11, 2018, announcing that effective October 15, 2018, the National Lifeline Eligibility Verifier will have a soft launch in Guam, Hawaii, Idaho, New Hampshire, North Dakota and South Dakota. The Bureau said the soft launch period will allow ETCs to become familiar with and adjust and test their systems and business processes with the National Verifier online portal before its use becomes mandatory. The Bureau [recently announced](#) the National Verifier will fully launch in six other states, effective November 2, 2018.
- The FCC published a [notice](#) in the Federal Register on October 15, 2018, to announce the establishment of a new computer matching program the Commission and USAC will conduct with four non-Federal agencies: the Missouri Department of Social Services; the North Carolina Department of Health and Human Services; the Pennsylvania Department of Human Services; and the Tennessee Department of Human Services. The purpose of this matching program is to verify the eligibility of applicants to and subscribers of the Lifeline program. This computer matching program will commence on November 14, 2018, unless comments are received that require a contrary determination, and will conclude on April 15, 2020. Comments are due November 14, 2018.

- Reply comments were filed on October 10, 2018, on the [Notice of Inquiry](#) on creating a USF pilot program to promote the use of telehealth services among low-income Americans. [NTCA](#) encouraged the Commission to direct the proposed pilot program toward rural areas, asserting this would make the best use of universal service funds the Commission has already allocated to bring broadband services to rural areas. [WTA](#) said advancements in telehealth are not possible without a reliable internet connection between the patient and the physician, and in rural America that connection is not possible without sufficient and predictable funding from the USF High Cost program. WTA said the FCC should consider the need to make sure the High Cost fund is sustainable into the future. [ACA](#) said leveraging existing broadband infrastructure will make the best use of the pilot program's limited funds, and all capable broadband providers should be eligible to participate in the delivery of connected care. [TracFone](#) urged the FCC to ensure non-facilities based ETCs can participate in the Connected Care Pilot Program, and said the Pilot Program's limited resources should be used to increase adoption of telehealth services and devices and not for furthering infrastructure development. The [Mayo Clinic](#) recommended the Commission prioritize projects that directly enhance broadband connectivity in rural areas as well as projects that leverage health systems across the U.S. that encompass wide networks and established telehealth service lines. The [Federation of American Hospitals](#) urged the Commission to permit investor-owned hospitals to apply for the program funding. [Geisinger](#) urged the Commission to keep a broad definition of "rural" for the pilot by using the patient's area and/or home rather than provider clinic to determine eligibility. It also urged the Commission to include urban sites where broadband is also a concern and allow for additional items beyond network equipment in the pilot budget. [Ochsner Health System](#) said a pilot program should be flexible and encourage broad participation by a variety of entities to provide the FCC with useful data. It argued the value of a pilot program will be limited if the Commission places strict parameters on the types of telehealth that can be funded under the pilot. [Michigan Medicine](#) urged the Commission to include transitional community telehealth kiosks as a part of this program to extend the impact of the funding. [All replies available to date.](#)
- The Wireline Competition Bureau [announced](#) on October 10, 2018, it has approved \$78 million in rural health care funding for GCI. The Bureau said GCI's response to an information request asking it to substantiate the rural rates in their funding year 2017 requests provided sufficient information to justify \$77.8 million in RHC funding for FY 2017, a 26 percent reduction from the \$105 million originally sought.
- TruConnect [met with](#) Commissioner O'Rielly on October 4, 2018, to discuss the [Order and NPRM](#) on Lifeline and the [NOI](#) on telehealth. TruConnect expressed support for the Commission's decision to implement a National Verifier and suggested it allow time for it to be fully implemented before making any changes to the status of resellers in the Lifeline program.
- Twenty-five nominations were filed for five of the six open seats on the USAC Board of Directors. [All nominations available to date.](#)
- Puerto Rico Telephone Company [met with](#) Commissioners Rosenworcel and Carr and their Advisors, and Advisors to Chairman Pai and Commissioner O'Rielly on October 9, 2018, to explain progress PRTC has made rebuilding its network and restoring service to customers and the challenges that remain. PRTC suggested the Commission increase the Stage 2 budget for fixed providers, and discussed the benefits of offering the right of first refusal to PRTC and how the Commission might structure an alternative competitive request for proposal process, if necessary.

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Misc.

- ITTA [met with](#) Commissioner Carr's Legal Advisor on October 5, 2018, to discuss the draft Business Data Services [Report and Order](#). It reiterated that rate-of-return carriers eligible to voluntarily elect to transition their business data services offerings out of RoR regulation should be provided an annual

transition opportunity, consistent with their longstanding ability to convert to price cap regulation at any time.

- Reply comments were filed October 8, 2018, to refreshing the record on the Call Blocking NPRM and NOI that sought comment on additional criteria voice providers could use to identify and block illegal calls. [NTCA](#) urged the Commission to proceed with caution and an eye towards protecting consumers from the dangers of “false positives,” noting the rural call competition problems. It suggested the Commission require every provider utilizing call blocking tools to adopt a robust, clearly articulated resolution process, saying in no case should the Commission rely solely on its informal complaint process in lieu of a direct provider resolution process. NTCA also suggested the Commission require larger providers to report the quantity of “false positives” on a quarterly basis and proceed carefully on any proposed “safe harbors” for providers that inadvertently block legitimate calls. [Thirty-Five State Attorneys General](#) encouraged the FCC to adopt new rules authorizing voice service providers to block illegally spoofed calls beyond what is currently authorized in the 2017 Call Blocking Order. They encouraged all providers to use all available tools to accurately identify illegal calls, including continually monitoring call traffic patterns to develop and refine criteria for identifying such calls and continually updating and developing technology in the event current systems and solutions become obsolete. They said providers who offer blocking or labeling tools should distribute to consumers, especially seniors, adequate information about the availability of these tools, how they function, and what effect they can have. [NCTA](#) said the record demonstrates the Commission can make progress on fighting unlawful robocalls by identifying targeted situations where the consumer benefits of permitting blocking will outweigh any risk of interference with lawful calls. It suggested the Commission adopt a rule expressly authorizing voice providers to block unauthenticated calls where authentication fails and the originating and terminating providers have implemented SHAKEN/STIR for the type of call at issue. [CTIA](#) said the FCC must give carriers the flexibility to combat these calls in multi-faceted and creative ways. It also said carriers that are combatting illegal robocalls in good faith must have protection from associated legal and regulatory liability and the ecosystem should not be stifled by rules aimed at addressing false positives, an issue that is not fully understood and that is unlikely to be caused by carrier-initiated blocking. [Neustar](#) said it is better to use the Caller ID system to provide information to consumers regarding suspicions about a call, and then armed with information, consumers can make the determination for themselves whether to answer a call that is labeled as SPAM or FRAUD. Neustar also said SHAKEN/STIR, once substantially deployed across VoIP networks, will significantly streamline the traceback process. [ACA International](#) claimed consumers are being channeled to block calls without measures in place requiring proper disclosures or provision of sufficient information to allow consumers to make an informed decision and carriers do not notify callers when their calls are blocked. It argued carriers must not be able to block calls until the FCC issues rules for callers to challenge erroneously blocked or mislabeled calls. It suggested the FCC consider mandatory corroboration prior to blocking calls and seek data from app providers and carriers to assess the criteria used to block and mislabel calls. [All replies available to date. Public Notice](#)
- Chairman Pai sent [a letter](#) to Rep. Sensenbrenner (R-IL) on October 5, 2018, in response to his letter on unwanted robocalls. Pai said this is consumers' top complaint to the FCC, and the FCC has accordingly made combating illegal robocalls the FCC's top consumer protection priority. He discussed actions the FCC has taken on the issue, and said the FCC continues to attack this issue on several fronts - through enforcement, regulation, and collaboration with other government agencies and industry.
- The Wireline Competition Bureau issued a [Public Notice](#) on October 9, 2018, announcing it granted section 214 applications for transfer of control of United Telephone Company d/b/a United Communications to MTE Holdings, and BCM One, f/k/a McGraw Communications to Thompson Street Capital Partners.
- The FCC issued a [Notice](#) in the Federal Register on October 10, 2018, seeking Paperwork Reduction Act comments on an extension of a currently approved information collection associated with Part 64 pay-per-call rules. These rules: restrict the manner in which toll-free numbers may be used to charge telephone subscribers for information services; require common carriers that assign telephone numbers to pay-per-call services must disclose to all interested parties, upon request, a list of all assigned pay-per-call numbers; and require telephone bills containing charges for interstate pay-per-

call and other information services to include information detailing consumers' rights and responsibilities with respect to these charges. PRA comments are due by December 10, 2018.

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Upcoming Filing Dates

- Oct. 15 - Replies to oppositions due to Public Knowledge's [Petition for Reconsideration](#) of the section 214(a) service discontinuance rules promulgated in the June 8, 2018 [Report and Order](#). [FR](#)
- Oct. 15 - Replies due to oppositions to Applications for Review filed by [WTA](#) and [NTCA](#) of the [Network Performance Testing Order](#). [Public Notice](#)
- Oct. 17 - Comments due on 10 petitions seeking ETC designation for the purpose of becoming eligible to receive CAF Phase II auction support. Replies are due October 24, 2018. [Public Notice](#)
- Oct. 22 - Replies due on [NECA's 2019 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#). [Public Notice](#)
- Oct. 24 - Replies due on 10 petitions seeking ETC designation for the purpose of becoming eligible to receive CAF Phase II auction support. [Public Notice](#)
- Oct. 29 - Comments due on whether the rules adopted in 2005-2006 should be continued without change, amended, or rescinded, consistent with the stated objective of section 610 of the Regulatory Flexibility Act. [Public Notice](#) | [Federal Register](#)
- Oct. 29 - Replies due for the FCC's report on promoting broadband internet access service for veterans. [Public Notice](#)
- Oct. 29 - Comments due on proposed approaches to identifying and resolving apparent discrepancies between the number of model-determined funded locations that Phase II auction support recipients are expected to serve and the actual number of locations that support recipients can serve. Reply comments are due November 13, 2018. [Public Notice FR](#)
- Nov. 13 - Reply comments due on proposed approaches to identifying and resolving apparent discrepancies between the number of model-determined funded locations that Phase II auction support recipients are expected to serve and the actual number of locations that support recipients can serve. [Public Notice FR](#)
- Nov. 14 - PRA comments due on revisions to currently approved information collections associated with sections 214, 222(e) and 251. [FR](#)
- Nov. 19 - PRA comments due on a new information collection to establish an intermediate provider registry. [Notice](#)
- Dec. 3 - PRA comments due on an extension of a currently approved information collection associated with FCC Forms 492 and 492-A, Rate-of-Return Monitoring Reports. [Notice](#)
- Dec. 10 - PRA comments due on an extension of a currently approved information collection associated with Part 64 pay-per-call rules. [Notice](#)

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