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### November 6, 2017 HIGHLIGHTS

- The Wireline Competition Bureau [directed](#) USAC to retain any excess cash in the high-cost account at the end of 2017, pending further Commission action, and not to take that amount into consideration when determining the contribution factor for the first quarter of 2018.
- The Wireline Competition Bureau [announced](#) it found none of the 13 RoR study areas preliminarily identified as potentially having 100 percent overlap with an unsubsidized competitor were in fact 100 percent served by unsubsidized broadband competitors.
- The FCC [seeks](#) to update on the record on broadband performance measures for certain CAF high-cost USF support recipients, including rate-of-return carriers. Comments are due December 6, 2017.
- Chairman Pai sent [letters](#) to 37 Members of Congress in response to their letter on the lack of sufficient funding in high-cost rural areas, saying the FCC should address the uncertainty caused by the current budget control mechanism. Chairman Pai also sent [letters](#) to Congress in response to their letter on the draft Order on OpEx limitations for rate-of-return carriers serving Tribal lands.
- NTCA and Premier Communications [discussed](#) the need to address the shortfalls in high-cost USF support. Wiggins Telephone, et al. [discussed](#) concerns over reductions in USF support, including the impact of the budget control mechanism. ITTA, Great Plains, and TDS [discussed](#) funding the A-CAM Plan at \$200 per location this year, including the application of additional build-out obligations.
- The FCC [seeks comments](#) on the voluntary remand by the [D.C. Circuit](#) of the FCC's Tariff Investigation [Order](#) pertaining to BDS. Comments due December 4; replies due December 19, 2017.
- Consolidated, Great Plains, TDS, USTelecom, and ITTA [discussed](#) the applicability of the BDS competitive market test to model-based RoR carriers and the prospects for providing model-based RoR carriers interim relief from performing cost studies pending an Order in the BDS proceeding.
- NTCA, WTA, ITTA, Windstream, Frontier, NCTA, and ACA [urged](#) the FCC to address abusive 8YY arbitrage caused by select CLECs. O1 [provided](#) additional input on 8YY access charge reform.
- The FCC [announced](#) the third meeting of the Broadband Deployment Advisory Committee will be held on November 9, 2017.
- NTCA [discussed](#) rural call completion issues and the sudden uptick in complaints over the last few weeks, and urged the FCC not to repeal the current record keeping and reporting requirements until an effective replacement is implemented.
- USAC filed [Federal Universal Service Support Mechanisms Fund Size Projections](#) for the First Quarter 2018. (Appendices available on [USAC's website](#)).

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### Other Key Upcoming Dates

- Nov. 7 - Replies due on Telapex's [Petition for Waiver](#) of part 51 rules to allow it to recalculate the rate bands and charges for local switching, tandem switching, and dedicated transport services for two commonly-owned and merged study areas in the same state, Franklin Telephone and Delta Telephone. [Public Notice](#)
- Nov. 8 - Comments due on the specific parameters and procedures to implement the MF-II challenge process. Replies due November 29, 2017. [Public Notice](#) ([attachment](#))
- Nov. 13 - Replies due on updating the record on ICC reform issues. [Public Notice](#), [Notice](#)

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## USF Reform

- The Wireline Competition Bureau issued a [Public Notice](#) on November 1, 2017, directing USAC to retain any excess cash in the high-cost account at the end of 2017, pending further Commission action, and not to take that amount into consideration when determining the contribution factor for the first quarter of 2018. The Bureau indicated USAC projects it will have approximately \$129 million in excess of funds necessary to cover the prior funding decisions in its high-cost cash account at the end of calendar year 2017. The Bureau said given the Commission's continuing efforts at reforming its high-cost USF support mechanisms, it is necessary to retain the excess funds to cover likely expenses in 2018 without causing unnecessary fluctuations in the contribution factor. This Public Notice will become effective 14 days after release, absent further Commission action.
- The Wireline Competition Bureau issued a [Public Notice](#) on November 2, 2017, announcing it has found that none of the 13 RoR study areas preliminarily identified as potentially having 100 percent overlap with an unsubsidized competitor were in fact 100 percent served by unsubsidized broadband competitors. It said the comments and reply comments did not provide evidence to confirm this. This Public Notice concludes the 100 percent overlap process initiated on August 11, 2017, and indicated the Bureau will conduct another 100 percent overlap process in 2019.
- The Wireline Competition and Wireless Telecommunications Bureaus and the Office of Engineering and Technology issued a [Public Notice](#) on November 6, 2017, seeking to update the record on broadband performance measures for certain CAF high-cost USF support recipients, including price cap carriers, rate-of-return carriers, rural broadband experiment support recipients, and CAF Phase II auction winners. They seek comment on whether the Commission should require the same testing method options and parameters for all high-cost recipients of support to serve fixed locations, and if not, what different options or parameters should it consider. They also seek comment on their previous proposal to require all ETCs subject to fixed broadband performance obligations to use testing parameters for speed similar to those adopted for latency for price cap carriers. They proposed back then to adopt a methodology that would require measurements to be made once hourly during peak periods, 7:00 pm to 11:00 pm daily, local time, over four consecutive weeks, among other things. They also seek comment on USTelecom's [proposal](#) for a broadband measurement reporting and compliance framework as well as the specific parameters that would be appropriate for such testing. Comments are due December 6, 2017.
- Chairman Pai sent [letters](#) to 37 Members of Congress on October 24, 2017, in response to their letter regarding the importance of delivering affordable access to high-speed internet to all Americans, including those in high-cost rural areas. Pai said it has become clear, as the Commission has worked its way through the so-called punch list of lingering issues from the 2016 RoR Reform Order, that more fundamental reforms are needed. He said for those carriers that continue to receive support from the legacy RoR system, he is committed to exploring how this situation can be changed and to determine the appropriate budget levels. He also said the Commission should address the uncertainty caused by the current budget control mechanism, such as guaranteeing at least some minimum level of support to ease the unpredictability and allow reasonable capital planning, while being mindful of mitigating incentives to operate inefficiently.
- Chairman Pai sent [letters](#) to 16 Members of Congress on October 23, 2017, in response to their letter on the draft Order on OpEx limitations for rate-of-return carriers serving Tribal lands. Pai noted he circulated an Order in February 2017 that would allow carriers serving Tribal lands a greater ability to recover operating expenses, thus improving the financial viability of operating a broadband network serving Tribal lands. He said he hoped his colleagues will vote in favor of this Order.
- NTCA and Premier Communications [met separately with](#) Advisors to Chairman Pai and Commissioners Carr and Rosenworcel on October 27, 2017: to discuss the need to address the shortfalls in high-cost USF support; to urge the Commission to initiate a comprehensive budgetary review for high-cost USF as contemplated when the overall budget for that program was first adopted in 2011; and urge it to continue to collect the current overall budget for high-cost USF without interruption. They discussed Form 477 reporting requirements, urging: migration toward annual filing of

the Form 477; prospective-only gathering of geocoded location information by all providers upon network installations or upgrades; and the use of sampling to identify subscription trends on statistically valid basis. They also urged action on NTCA and USTelecom's forbearance petition on USF contributions requirements imposed only upon a discrete set of broadband services.

- Wiggins Telephone, PC Telcom, CTA, Congressman Ken Buck's (R-CO) Chief of Staff and Senior Legislative Assistant, and TCA [spoke with](#) Chairman Pai's Legal Advisor and staff from the Wireline Competition Bureau on October 26, 2017, to discuss concerns over reductions in USF support, including the impact of the budget control mechanism. They stressed the urgency of the issue, and asked the FCC to take steps to mitigate the effects of the budget shortfall before the end of the year and to conduct a budgetary review to address the budget shortfall in the long term.
- ITTA, Great Plains Communications, and TDS [met separately with](#) Commissioner O'Rielly and his Legal Advisors and Advisors to Commissioners [Rosenworcel](#) and [Carr](#) on October 26, 2017, to discuss funding the A-CAM Plan at \$200 per location this year, including the application of additional, specific build-out obligations. They estimated that funding the A-CAM Plan at \$200 per location would require slightly more than an additional \$100 million/year.
- Hughes Network Systems [met with](#) Wireline Competition Bureau and Rural Broadband Auctions Task Force staff on October 31, 2017, to discuss the CAF Phase II auction procedures. It argued the Commission should modify the bid-weighting matrix to align weights with the values that consumers actually place on speed, capacity and latency. It also suggested to the extent the proposed auction procedures are consistent with past auction design strategies, they are sound, and new and untested elements should not be implemented. It also suggested if the Commission modifies the auction framework, it should add time-to-deployment to the bid weighting matrix.

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## ICC

- NTCA, WTA, ITTA, Windstream, Frontier, NCTA, and ACA filed [a letter](#) on November 1, 2017, to urge the Commission to address abusive 8YY arbitrage caused by a select few CLECs. They said it would be more prudent to take targeted actions immediately to address such abusive schemes while the Commission more fully examines the appropriate treatment of legitimate 8YY traffic for compensation purposes. They argued transitioning 8YY to bill-and-keep is in tension with the concept of toll-free calling, and claimed the same tension exists when considering transitioning 8YY database dip charges to bill-and-keep.
- O1 Communications filed [a letter](#) on November 1, 2017, to provide additional input to the record on 8YY access charge reform. It asserted modifying 8YY access charges is unnecessary at this time, saying the issues can be dealt with on a case-by-case basis. It argued applying toll charges to the originating side of the call would create pressure for providers to discontinue the service. It also said modifying toll-free query charges on an industry-wide basis is also unnecessary, asserting issues are more appropriately handled in a complaint proceeding.
- Teliix [met with](#) Commissioner Rosenworcel's Legal Advisor on October 30, 2017, to discuss how the existing rules for originating and toll-free access enables quality service, competition, economic growth, employment and innovation, including Teliix's Toll Free Exchange. It also discussed how AT&T's proposal to make end-user customers pay for toll-free calls could result in the demise of toll-free calling.
- The FCC filed an [amicus curiae brief](#) in the Eighth Circuit Court of Appeals on October 27, 2017, in the case reviewing the Minnesota PUC's [appeal](#) of a federal district court's [ruling](#) that Charter's VoIP service should be classified as an information service exempt from state regulation, which overturned the PUC's 2015 Order for Charter to comply with all Minnesota laws and rules applicable to local phone service. The FCC argued the Minnesota PUC overstepped its authority in its attempt to regulate

the interconnected VoIP service provided by Charter, and claimed Minnesota's sweeping assertion of regulatory authority over VoIP service threatens to disrupt the national voice services market. It said relevant FCC orders provide more measured and appropriate mechanisms for regulating VoIP service.

## Broadband

- The FCC issued a [Public Notice](#) on October 31, 2017, announcing the third meeting of the Broadband Deployment Advisory Committee will be held on November 9, 2017. The BDAC will hear reports from its Model Code for Municipalities, Model Code for States, Competitive Access to Broadband Infrastructure, Removing State and Local Regulatory Barriers, and Streamlining Federal Siting Working Groups and consider initial recommendations. The BDAC will also continue its discussions on how to accelerate the deployment of broadband by reducing and/or removing regulatory barriers to infrastructure investment.
- L. Elizabeth Bowles, Chair of the Broadband Deployment Advisory Committee, sent a [letter](#) to Chairman Pai on November 1, 2017, stating the BDAC has made tremendous progress in fulfilling its charter, and she expects that at the BDAC's November 9, 2017 meeting each working group will present a detailed, substantive work product for the BDAC to consider. She said this meeting should put the BDAC much closer to finalizing its recommendations in key areas, including model codes.
- Chairman Pai sent [letters](#) to 45 Members of Congress on October 24, 2017, in response to their letter on the section 706 [Notice of Inquiry](#) and their opposition to lowering speeds from the current standard of 25 Mbps /3 Mbps to 10 Mbps/1 Mbps or to find mobile broadband as a universally appropriate replacement for fixed, home broadband. Pai asserted the NOI clearly proposes to maintain the 25 Mbps/3 Mbps standard for fixed broadband. He said the NOI seeks comment on whether the FCC should consider modifying that benchmark and if there are additional benchmarks the FCC should include, such as data allowances, latency, or consistency of service.
- The FCC issued a [Public Notice](#) on November 2, 2017, announcing the Technological Advisory Council will hold a meeting on December 6, 2017, and will discuss progress on work initiatives discussed at a previous meeting.
- USTelecom released a [report](#) on October 31, 2017, entitled *Broadband Investment Continues Trending Down in 2016*. The report found U.S. broadband providers invested approximately \$76.0 billion in network infrastructure in 2016, down from approximately \$77.9 billion in 2015 and \$78.4 billion in 2014. USTelecom said the start of the decline coincided with FCC's 2015 decision to reclassify broadband providers as common carriers under Title II, and claimed the data warrants further investigation into whether Title II reclassification contributed to the decline in broadband capital investment. USTelecom also wrote a [blog](#) on the report.
- Hughes Network Systems [met with](#) staff of the Wireline Competition, Wireless Telecommunications, and International Bureaus on November 1, 2017, to discuss Form 477 data collection. Hughes suggested the Commission should adopt uniform reporting blocks for all broadband reporting documents to reduce the burden on reporting entities. Hughes also said the Commission should maintain its data aggregation practices when disseminating subscriber data to the public, and suggested the Form 477 collections should be reduced in frequency to an annual filing.
- Consumers Energy, Commonwealth Edison, and Hawaiian Electric [met with](#) Legal Advisors to Commissioners Carr and Rosenworcel on October 27, 2017, to discuss the Wireline Infrastructure Deployment NPRM. They said ensuring the safety and reliability of their infrastructure is paramount, and claimed utility poles have already become crowded and will become more so with hundreds of thousands of new 5G wireless and other attachments expected to be installed in the future. They reiterated support for One-Touch Make-Ready, identified attachment management tools that would be useful to address existing communications company delays, and proposed economic and other incentives to encourage utility pole owners to problem solve the numerous anticipated and unanticipated issues that will arise in the future. They also [met with](#) Commissioner O'Rielly's Legal Advisor and Wireline Competition Bureau staff to discuss the same issues.

- Uniti Fiber filed a [letter](#) on October 30, 2017, claiming that despite federal law to the contrary, many localities have implemented moratoria on installing small cells in the public rights-of-way. Uniti [provided a list](#) of 44 local jurisdictions that it claims have implemented moratoria, and said public policies, in the form of local ordinances, that impede small cell deployments due to their complexity, timeframes, capital requirements, and overly-technical design specifications delay the deployment of next generation networks. Uniti Fiber encouraged the FCC to ensure that localities are adopting streamlined, sensible regulations that support and enhance the massive capital outlays that many companies are willing to make.
- The Telecommunications Industry Association [met with](#) Legal Advisers to Chairman Pai and Commissioners O’Rielly and Carr on November 1, 2017, to urge the Commission to remove Title II regulation of broadband and to remove barriers to the siting of wireless facilities. TIA also [met with](#) Commissioner Clyburn and her Legal Advisor to discuss Commission action to remove barriers to the siting of wireless facilities.
- Reply comments were filed on November 1, 2017, 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. The [Institute of Electronic and Electronics Engineers](#) said broadcasters make use of the 6.5 GHz and 7 GHz bands for program distribution, electronic news gathering, and other purposes, and asserted the FCC must not allow unlicensed operations in these bands until proven mechanisms are available that can reliably prevent interference with incumbent users. [Zebra Technologies](#) opposed any new allocation of 5.925-7.125 GHz for unlicensed operation, and said users within this band include police, broadcasters, first responders, C Band satellite systems, as well as tracking systems, such as sports and safety systems. It asserted opening up the band to U-NII type systems would cause a significant increase in unpredictable interference to all of these current users. [Agilion GmbH](#) asked the FCC not to open the 3.7 to 4.2 GHz and 5.925 to 7.125 GHz bands to U-NII usage due to the likely RF interference. [All replies available to date.](#)

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## Open Internet

- Commissioners [Clyburn](#) and [Rosenworcel](#) spoke at the Voices for Internet Freedom Coalition event “Internet Freedom Now: The Future of Civil Rights Depends on Net Neutrality,” on November 1, 2017. Clyburn said broadband access is a civil rights issue and access to broadband advances justice. Rosenworcel opposed rolling back net neutrality policies, and said the leadership at the Commission wants to cut the current rules and instead offer broadband providers “the power to favor sites, content, and ideas; the power to discriminate with our traffic; and the power to become censors and gatekeepers for all that is online.”
- Verizon [met with](#) Commissioner O’Rielly’s Legal Advisors on October 26, 2017, to discuss open internet. It asserted Title II regulation of broadband services is harmful to investment and innovation. It encouraged the Commission to create a uniform, national framework for broadband that promotes investment and innovation and ensures that states and localities do not undermine that framework with a patchwork of contrary state or local regulation of broadband.
- NCTA [met with](#) Commissioner Carr and his Legal Advisor on October 30, 2017, to discuss the cable industry’s opposition to the regulation of broadband internet access service under Title II. NCTA claimed Title I’s light regulatory touch had been critical to broadband ISPs’ ability to innovate, attract capital, and make the massive investments necessary to constantly expand the reach and capabilities of their networks. NCTA also discussed broadcast and retransmission issues.
- Comcast [met with](#) Chairman Pai’s Senior Counsel and Chief of Staff on October 30, 2017, to reiterate its support for restoring the prior classification of BIAS as an interstate information service, and suggested the Commission could either adopt bright-line open internet rules under section 706 and

other grants of authority or rely on the FTC's proven oversight and enforcement mechanisms to ensure that ISPs' public commitments to core open internet protections are honored. It also urged the Commission to include a clear, affirmative ruling that confirms the primacy of federal law with respect to BIAS as an interstate information service and that preempts state and local efforts to regulate BIAS either directly or indirectly.

- Gogo [met with](#) Wireline Competition Bureau and Wireless Telecommunications Bureau staff on October 30, 2017, to explain it provides in-flight connectivity under unique constraints that do not apply to typical ISPs. It also discussed how the current Open Internet rules created substantial ambiguity regarding how the rules should apply to services that do not meet the paradigm of cable or fiber internet service, or even terrestrial wireless service. Gogo argued that any rules going forward should exempt services like Gogo's from their applicability.
- Mobile Future filed a [letter](#) on November 2, 2017, to submit the testimony of Robert M. McDowell, its Chief Public Policy Advisor, from the November 1, 2017 House hearing entitled *Net Neutrality and the Role of Antitrust*.
- Public Knowledge [met with](#) Commissioner Clyburn's Legal Advisor on November 1, 2017, to discuss the legal details of the Commission's Open Internet rules. It said in light of the complex doctrines that have governed the relationship of the rights of speakers, the rights of private platforms, and the ability of the government to promote the common good by ensuring that business affected with a public interest actually serve the public, it is clear the Open Internet rules, by permitting providers to continue to offer non-BIAS services, goes even further than is constitutionally required to ensure they still have outlets to provide "curated" services of one kind or the other. PK said BIAS is affected with a public interest and is likely a quasi-public forum, and argued the same doctrines that uphold the regulation of telephones, telegraphs, and broadcasting apply with equal or greater force to broadband. PK said at the same time, the carefully-crafted BIAS definition does not grant leeway to BIAS providers to simply "opt out" of the rules and to offer service that is substantially BIAS, except in name.
- Consumer Action for a Strong Economy filed [a letter](#) on November 1, 2017, expressing support for the FCC's Restoring Internet Freedom proposal. It said it believes that, in addition to reversing the Title II reclassification, the FCC should formally recognize the internet as an interstate service and set a national broadband framework. It claimed this would guard against a "mish-mash" of state-level frameworks that could undermine what should be a politically neutral goal of strengthening investments and ensuring broadband is made readily available to anyone who wants it.
- The National Hispanic Media Coalition [met with](#) Chairman Pai's Wireline Advisor on October 31, 2017, to discuss NHMC's [Joint Motion](#) to make informal open internet complaint documents a part of the record and to set a pleading cycle for comment on them. NHMC said its FOIA request uncovered over 47,000 consumer complaints submitted since implementation of the 2015 Open Internet Order. NHMC claimed these complaints warrant a public notice and a new comment cycle, and asserted the evidence was neither addressed in the NPRM nor made available for review until after the comment and reply comment deadlines expired.
- ADT filed a [letter](#) on October 27, 2017, to urge the Commission to maintain core net neutrality protections for alarm providers, including preventing blocking or throttling and precluding anticompetitive prioritization schemes. ADT asserted the Commission has ancillary jurisdiction to adopt these specific net neutrality protections based on the Commission's mandated responsibility in section 275. ADT also claimed codification of the no blocking, no throttling, and no anticompetitive prioritization of alarm data rules does not require the Commission to classify broadband providers under Title II, nor would it confer common carrier status.

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## IP Transition

- NTIA filed [ex parte comments](#) on October 27, 2017, on the Wireline Infrastructure Deployment NPRM, supporting the FCC's proposals for streamlining the section 214 service discontinuance process. NTIA urged the FCC to ensure that any changes to copper retirement policies and procedures are fully consistent with Federal agencies' ability to continue performing their mission-critical functions, and suggested the Commission seek focused input from the carriers on how best to ensure that Federal operations are not unexpectedly harmed by a copper retirement.
- CALTEL filed a [letter](#) on November 1, 2017, on the draft [Report and Order, Declaratory Ruling, and FNPRM and Order](#), which will be considered at the November 16, 2017 Open Meeting. CALTEL said it is supportive of some, but not all, of the proposed revisions to the copper retirement rules. CALTEL said the 180-day notice period for retirements that directly affects one or more interconnecting carriers should not be shortened to 90 days. CALTEL also asserted the proposed *force majeure* events exemption to the rules (section 51.333(g)) to deal with emergency conditions creates a number of problems and unanswered questions that should have the benefit of further comment before being adopted.

## Call Completion

- NTCA [met with](#) Commissioner Carr's Legal Advisor on October 27, 2017, to discuss the continued problem of calls not completing to rural consumers and the sudden uptick in complaints over the last few weeks. NTCA urged the Commission not to repeal the current record keeping and reporting requirements until an effective replacement is implemented, and recommended that if the Commission repeals the current requirements, it require providers to actively manage their networks and least cost routers, consistent with the ATIS best practices.

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## Universal Service

- Chairman Pai sent [letters](#) to seven Members of Congress on October 24, 2017, to respond to their letter that asked for Commission assurance that its plan to transfer the USF funds to the Department of the Treasury will not permit USF funds to be spent for other federal programs. Pai said it would be impermissible for USF funds to be spent for any other purpose other than universal service, and the entity holding USF funds has no effect on the fund's status as a permanent, indefinite appropriation.
- Chairman Pai sent a [letter](#) to Sen. Bobby Rush (D-Ill.) on October 23, 2017, to respond to his letter expressing concern over the decision to repeal the federal Lifeline broadband provider designation process and require applicants to seek designation from state commissions. Pai said the Commission must always act within the legal authority given to it by Congress, and said state commissions continue to retain the primary authority to designate Lifeline-only ETCs and ETCs that receive both high-cost and Lifeline funding, which are all eligible to receive Lifeline support for broadband.
- The FCC released an [Order](#) on October 30, 2017, approving emergency assistance to restore connectivity in schools and libraries affected by Hurricanes Harvey, Irma, and Maria through the E-rate program. The FCC said schools and libraries directly impacted by the storms will be able to request additional funding for restoration of broadband services and receive the maximum E-rate discount on services, and will also be provided increased program flexibility as they work to restore services. Schools that are serving storm-displaced students who increase total enrollment by 5 percent or more may also apply for additional funding to defray increased costs. The FCC also said the emergency rules will not apply to future E-rate funding years absent further action by the FCC. [News Release](#)
- The Wireline Competition Bureau released an [Order](#) on October 31, 2017, granting, in part, Puerto Rico Telephone Company's Petition for temporary suspension and waiver of the recertification process

for Lifeline customers with anniversary dates in January, February, and March 2018. The Bureau extended its previously-granted temporary waiver of the Lifeline Program's recertification rules in Puerto Rico and the U.S. Virgin Islands through March 31, 2018. The Bureau said waiver of these rules will allow ETCs serving Lifeline subscribers in Puerto Rico and the USVI additional time to complete the recertification process for those subscribers whose service anniversary dates fall within this waiver period.

- The Wireline Competition Bureau released a [Public Notice](#) on October 31, 2017, granting, denying, and dismissing various petitions related to actions taken by USAC on the E-rate program. Petitions for reconsideration or applications for review of these decisions must be filed within 30 days of the Public Notice.
- The FCC published a [Notice](#) in the Federal Register on November 3, 2017, seeking Paperwork Reduction Act comments on an extension of a currently approved information collection associated with Telecommunications Reporting Worksheets, FCC Forms 499–A and 499–Q. PRA comments are due December 4, 2017.
- USAC filed [Federal Universal Service Support Mechanisms Fund Size Projections](#) for the First Quarter 2018 on November 2, 2017. The High Cost Support Mechanism funding requirements are projected to be \$1.125 billion. (Appendices available on [USAC's website](#)).
- In addition to nominations listed in a previous edition of *REGScan*, nominations were filed on October 27, 2017, for three of the six members of the USAC Board of Directors by [NASUCA](#), [EdLiNC](#), the [Association of Educational Service Agencies](#), and [Wisconsin Gov. Scott Walker](#). [Public Notice](#). [All nominations available to date](#).
- Gila River Telecommunications [met with](#) Chairman Pai's Wireline Advisor and Wireline Competition Bureau and Office of Native Affairs and Policy staff on October 30, 2017, to discuss the draft [Fourth Report and Order, Order on Reconsideration, MO&O, NPRM, and NOI](#) on Lifeline, which will be considered at the November 16, 2017 Open Meeting. GRTI discussed the need for enhanced Lifeline given the economic challenges faced by residents living on tribal lands. GRTI also discussed the proposal to define "rural Tribal lands" using the definition for rural that is utilized for the Schools and Libraries program, and suggested the Commission should consider increasing the support amount for broadband services.
- Free Press [met with](#) Commissioner Rosenworcel's Advisor on October 30, 2017, to discuss several items on the agenda for the November Open Meeting. It asserted the Reconsideration Order on broadcast ownership rules, coupled with the steps already undertaken this year to reinstate the obsolete UHF discount, but eliminate the main studio rule, and fast-track a specific advanced TV standard, all pave the way for increased media consolidation. It claimed a program-wide cap on Lifeline that could slash benefits to all beneficiaries is "absurd," and the suggestion of an individual lifetime benefit limit is "obscene." It also asserted eliminating resale carriers from Lifeline would eliminate participation by providers currently serving no less than two-thirds or even three-quarters of the current Lifeline subscriber base.
- The Lifeline Connects Coalition [met with](#) Commissioner Clyburn's Legal Advisor on October 26, 2017, to discuss the [draft Lifeline NPRM](#) that will be considered at the November 16, 2017 Open Meeting. The Coalition said because the NPRM proposes to eliminate resellers from the Tribal Lifeline program and the entire Lifeline program, it urged Commissioner Clyburn's office to work to change the item so that it does not threaten to suddenly and dramatically widen the affordability gap that places tens of millions of low-income Americans on the wrong side of the digital divide.
- GCI [met with](#) Chairman Pai's Legal Advisor on October 31, 2017, to express concern that the proposed change to limit Tribal Lands Lifeline to "rural" areas, as defined under the E-Rate program, in the draft [Lifeline NPRM](#) will have a significant impact in Alaska. GCI estimated that as many as two-thirds of Alaska's Lifeline consumers will lose Tribal Lifeline support, and if adopted, GCI will have to revise significantly its Alaska Lifeline offerings, which currently are uniform throughout the state. GCI

suggested the Commission phase-down Tribal Lands support in the non-rural areas, which would allow GCI and other providers with current Tribal Lifeline customers in non-rural areas to provide a more gradual change in their plans.

- TracFone Wireless filed a [Petition](#) on November 3, 2017, seeking an emergency waiver of section 54.408(b), which established service standards for fixed and mobile Lifeline service and for voice and broadband service, and is set to increase on December 1, 2017. TracFone asked the Commission to grant its [units proposal](#) on an interim basis pending completion of the rulemaking proceeding.
- Citizens Against Government Waste met with Commissioners [Carr](#) and [O’Rielly](#) and their Legal Advisors on October 30, 2017, to discuss the Lifeline item that will be considered at the November Open Meeting. It also discussed the potential use of television white space channels to help bridge the digital divide and comments filed in the Open Internet proceeding. Citizens Against Government Waste also sent a [letter](#) to Chairman Pai and Commissioners Clyburn, O’Rielly, Rosenworcel, and Carr on November 2, 2017, to express support for Commission efforts to reform and refine the Lifeline program.
- GCI [met with](#) Chairman Pai’s Legal Advisor on October 31, 2017, to discuss the need for a stable, long-term solution to budgetary issues surrounding the Rural Healthcare support mechanism. GCI submitted a proposal that would create priority for payment of commitments to “Highly Rural” HCPs, while at the same time increase the minimum payment required for Highly Rural HCPs.

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## State Actions

- The Nebraska PSC issued an [Order](#) on October 31, 2017, adopting a connections-based contribution mechanism for the Nebraska USF. The revised contribution mechanism will be based on intrastate voice connections and not on standalone broadband internet access services. The PSC also adopted definitions of “connection” and “assessable service.” The PSC said while it adopts a connections-based mechanism in this Order, it has several other issues to consider prior to a workable transition to a connections-based contribution mechanism, and until those decisions have been made it will continue to require NUSF remittances be filed pursuant to the existing revenues-based methodology.

## Misc.

- The FCC issued a [Memorandum Opinion and Order](#) on October 30, 2017, approving CenturyLink’s and Level 3 Communications’ applications to transfer control of various licenses and authorizations held by operating subsidiaries of Level 3 to CenturyLink. The FCC said the transaction will expand the on-net reach of the newly combined firm resulting in a more effective and stronger competitor against larger cable and incumbent LEC competitors, and will advance the public interest by expanding the reach and capacity of the newly-combined complementary fiber facilities and services to the benefit of enterprise customers.
- The Wireline Competition Bureau issued a [Public Notice](#) on November 3, 2017, seeking comments on the voluntary remand by the [D.C. Circuit Court](#) of the FCC’s Tariff Investigation [Order](#) that found certain provisions in tariffed pricing plans for business data services offered by AT&T, CenturyLink, Frontier, and Verizon were unlawful. The FCC asked parties to address issues that will permit the Commission to consider the extent to which the reasoning in the Order is compatible with the *BellSouth* decision or to otherwise reconsider its determination that the tariff provisions in question were unlawful. Comments are due December 4; replies are due December 19, 2017.
- The FCC published a [Notice](#) in the Federal Register on October 31, 2017, announcing the OMB approved the information collection associated with the Business Data Services [Order](#). The Order, among other things, amended section 61.45(b)(1)(iv), adopted an X-factor of two percent, and required price cap ILECs to make a one-time filing to revise their TRPs to implement the new X-factor to

become effective on December 1, 2017. The amendment to section 61.45(b)(1)(iv) is effective October 31, 2017.

- Consolidated Communications, Great Plains Communications, TDS Telecom, USTelecom, and ITTA [met with](#) Wireline Competition Bureau staff on October 31, 2017, to discuss the applicability of the business data services competitive market test to model-based RoR carriers, the sophistication of BDS customers, and the prospects for providing model-based RoR carriers some interim relief from performing cost studies pending an Order in the BDS proceeding.
- Terral Telephone Company filed redacted updated [financial information](#) on October 31, 2017, in support of its August 2012 Petition for Waiver of the Part 36 separations category relationship freeze. It provided detail on the shifts in revenues between ICLS/CAF BLS, HCLS, special access, and Oklahoma State USF support if the waiver is granted.
- YouMail [met with](#) Legal Advisors to Chairman Pai and Commissioners O’Rielly and Rosenworcel and the FCC’s Chief Technology Officer on November 2, 2017, to discuss how its intelligent enhanced services apps and platform are used to stop unwanted robocalls. It indicated it uses various databases, customer feedback, and smart algorithms to classify calls as high, medium and low risk; with customers always having the option to white list wanted callers. YouMail said its service works with wireless carriers and VoIP providers that expose conditional call forwarding, and claimed its Robocall Index is used by the FCC and others to determine robocall quantities nationally and locally.
- ZipDX [met with](#) FCC staff on October 31 and November 2, 2017, to discuss robocalls. It advocated the FCC catalyze a cooperative effort to develop rules for originating providers to: constrain the circumstances under which customers can make large volumes of calls; use the Charge Number information element (or the SIP equivalent) to label all calls as to their PSTN point of entry; and provide expeditious response to industry traceback queries.
- Neustar [met with](#) Legal Advisors to Chairman Pai and Commissioners Clyburn, O’Rielly, Rosenworcel, and Carr on November 2, 2017, to discuss robocalls. Neustar asserted the creation of a new database of reassigned phone numbers is not the solution, noting there are many commercial offerings in the market today that provide telephone number disconnect information and identity verification, including products offered by Neustar. Neustar also urged the Commission to adopt a safe harbor protecting entities that use commercially-available TCPA-compliance products that include wireless disconnect data.
- Chairman Pai [announced](#) Ashley Boizelle has been named Deputy General Counsel, with responsibility for administrative law issues. Ms. Boizelle joins the Commission from the Washington, D.C. office of Gibson, Dunn & Crutcher, where she focused on litigation, appeals, and constitutional and administrative law matters.
- Commissioner Rosenworcel [announced](#) the appointment of Umair Javed as her Legal Advisor, with primary responsibility for wireless and international issues. Before joining the Commission, Mr. Javed was an Associate in the Telecom, Media, and Technology practice group at Wiley Rein, LLP, where he focused on domestic and international telecommunications issues and spectrum policy.
- The FCC published the FNPRM in [the Federal Register](#) on November 1, 2017, that seeks further comment on the appropriate tiers for calculating terrestrial and satellite international bearer circuit fees and the methodology for calculating cable TV subscribers in multiple dwelling units. It also seeks comment on the proposal to adopt a regulatory fee for all holders of section 214 international authorizations. Comments are due December 1, 2017; replies are due December 18, 2017. The FCC also issued a [Public Notice](#) on November 2, 2017, announcing the comment and reply dates for the [FNPRM](#).
- The Wireline Competition Bureau issued a [Public Notice](#) on October 31, 2017, announcing PriceWaterhouseCoopers, LLP, the Transition Oversight Manager for the LNPA transition, will host the

22<sup>nd</sup> LNP Administrator Transition Outreach and Education Plan webcast on November 7, 2017. Interested parties may register for the webcast [here](#).

- The North American Portability Management filed a [letter](#) on October 31, 2017, to provide a summary of the NAPM's status updates to the FCC on the transition of the current LNPA, Neustar, to the new LNPA, Telcordia d/b/a/ iconectiv. NAPM said it will continue to file updates of this report with the FCC at the end of each month until the transition is complete.

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## Upcoming Filing Dates

- Nov. 7 - Replies due on the sufficiency of budgets for Category Two services under the E-rate program. [Public Notice](#)
- Nov. 7 - Replies due on Telapex's [Petition for Waiver](#) of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7), to allow it to recalculate the rate bands and charges for local switching, tandem switching, and dedicated transport services for two commonly-owned and merged study areas in the same state, Franklin Telephone and Delta Telephone. [Public Notice](#)
- Nov. 8 - Comments due on the specific parameters and procedures to implement the MF-II challenge process. Replies due November 29, 2017. [Public Notice \(attachment\)](#)
- Nov. 9 - Replies due on the [Public Notice](#) seeking data, information, and comment for the FCC's Nineteenth Report on the status of competition in the market for the delivery of video programming.
- Nov. 13 - Comments due on the [NPRM](#) allowing the FCC to assign toll-free numbers by auction, on a first-come, first-served basis, by an alternative assignment methodology, or by a combination of methodologies. Replies are due December 12, 2017. [Federal Register](#)
- 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. 13 - Replies due on updating the record on ICC reform issues raised in the 2011 ICC Transformation FNPRM regarding the network edge for traffic that interconnects with the PSTN, tandem switching and transport, and transit. [Public Notice](#), [Notice](#)
- Nov. 13 - Replies due on the [NPRM](#) proposing 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. [FR](#)
- 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](#)
- Nov. 23 - Comments due on the joint [petition](#) of Cheyenne River Sioux Tribe Telephone Authority and CenturyLink QC for a study area waiver. Replies are due December 8, 2017. [Public Notice](#)
- Nov. 23 - Comments due on the joint [petition](#) of CenturyLink and Nunn Telephone for a study area waiver to permit CenturyLink to transfer a portion of its Eaton-Ault Exchange with four subscriber lines

and four other non-active end-user locations from CenturyLink to Nunn. Replies due December 8, 2017 [Public Notice](#)

- Nov. 24 - PRA comments due on a revised information collection associated with its February 24, 2017 Order that revised Part 32 reporting requirements. [Notice](#)
- Nov. 27 - PRA comments due on revisions to a currently approved information collection to meet the requirement that certain carriers with high cost reporting obligations file information about their locations which meet their broadband deployment obligations via USAC's electronic portal. [Notice](#)
- Nov. 27 - Comments due on NTCA [petition](#) seeking temporary waiver of the updated minimum service standards applicable to fixed, wireline broadband access service eligible for lifeline Support. Replies due December 12 [Public Notice](#)
- Nov. 29 - Replies due on the specific parameters and procedures to implement the MF-II challenge process. [Public Notice \(attachment\)](#)
- Dec. 1 - Comments due on the [FNPRM](#) on the appropriate tiers for calculating terrestrial and satellite international bearer circuit fees and the methodology for calculating cable TV subscribers in multiple dwelling units. It also seeks comment on the proposal to adopt a regulatory fee for all holders of section 214 international authorizations. Replies are due December 18, 2017. [Public Notice](#)
- Dec. 4 - Comments due on the voluntary remand by the [D.C. Circuit Court](#) of the FCC's Tariff Investigation [Order](#) that found certain provisions in tariffed pricing plans for business data services offered by AT&T, CenturyLink, Frontier, and Verizon were unlawful. Replies are due December 19, 2017. [Public Notice](#)
- Dec. 4 - PRA comments due on an extension of a currently approved information collection associated with Telecommunications Reporting Worksheets, FCC Forms 499-A and 499-Q. [Notice](#)
- Dec. 5 - PRA comments due on a new information collection associated with the Mobility Fund Phase II challenge process. [Notice](#)
- Dec. 6 - Comments due on updating the record on broadband performance measures for certain CAF high-cost USF support recipients, including price cap carriers, rate-of-return carriers, rural broadband experiment support recipients, and CAF Phase II auction winners. [Public Notice](#)
- Dec. 8 - Replies due on the joint [petition](#) of Cheyenne River Sioux Tribe Telephone Authority and CenturyLink QC for a study area waiver. [Public Notice](#)
- Dec. 8 - Replies due on the joint [petition](#) of CenturyLink and Nunn Telephone for a study area waiver to permit CenturyLink to transfer a portion of its Eaton-Ault Exchange with four subscriber lines and four other non-active end-user locations from CenturyLink to Nunn. [Public Notice](#)
- Dec. 12 - PRA comments on an extension of a currently approved information collection associated with qualified 4G LTE coverage data collection for Mobility Fund Phase II. [Notice](#)
- Dec. 12 - Replies due on the [NPRM](#) allowing the FCC to assign toll-free numbers by auction, on a first-come, first-served basis, by an alternative assignment methodology, or by a combination of methodologies. [Federal Register](#)
- Dec. 12 - Replies due on NTCA [petition](#) seeking temporary waiver of the updated minimum service standards applicable to fixed, wireline broadband access service eligible for lifeline Support. [Public Notice](#)
- Dec. 15 - PRA comments due on an extension of a previously approved information collection associated with Form 480 (Rural Call Completion Data). [Notice](#)

- Dec. 18 - Replies due on the [FNPRM](#) on the appropriate tiers for calculating terrestrial and satellite international bearer circuit fees and the methodology for calculating cable TV subscribers in multiple dwelling units. It also seeks comment on the proposal to adopt a regulatory fee for all holders of section 214 international authorizations. [Public Notice](#)
- Dec. 19 - Replies due on the voluntary remand by the [D.C. Circuit Court](#) of the FCC's Tariff Investigation [Order](#) that found certain provisions in tariffed pricing plans for business data services offered by AT&T, CenturyLink, Frontier, and Verizon were unlawful. [Public Notice](#)
- Dec. 26 - PRA comments due on the information collection requirements to implement sections 201 and 251, to provide for physical collocation on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, and to promote deployment of advanced telecommunications services without significantly degrading the performance of other services. [Notice](#)
- Jan. 4 - Due date for the filing of 4G LTE coverage data pursuant to the Mobility Fund II Challenge Process Order. [Public Notice](#)

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