

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

November 7, 2016 HIGHLIGHTS

- The Wireline Competition Bureau [announced](#) 216 rate-of-return companies elected 274 separate offers of A-CAM support in 43 states. The Bureau said support payments would exceed the overall 10-year budget by more than \$160 million annually and encouraged parties to submit *ex partes* on measures to address the high level of interest in A-CAM model-based support by November 14.
- The WCB [announced](#) corrected offers of support for the 30 companies affected by the Bureau's technical correction to A-CAM, announced in the October 28th [Public Notice](#). The Bureau also published a [corrected list](#) of census blocks eligible for model-based support.
- The WCB issued an [Order on Reconsideration](#), finding that an amount equal to the ARC a LEC could apply to a voice/broadband line should be imputed to a retail broadband Internet access offering regardless of whether the carrier offers a Broadband-only Loop Service.
- The FCC [detailed](#) procedures that parties should follow to obtain access to confidential information provided with access charge tariff filings introducing Broadband-only Loop Service.
- The FCC issued an [Order](#) adopting tailored service obligations for ACS, which elected nearly \$20 million annually in CAF Phase II frozen support in lieu of model-based support for a 10-year term.
- The FCC [denied](#) Baraga Telephone's PFR and Valley Telephone and Copper Valley Telephone's AFR of the March 30, 2016 deadline for submitting corrections to Form 477 data used to determine A-CAM support. The WCB [denied](#) St. Paul Cooperative Telephone's and Hayneville Telephone's requests for waiver of the filing deadline for data used in the final version of A-CAM.
- The WCB [seeks](#) comment on AT&T's [Petition](#) for forbearance from certain access charge tariffing rules. Comments are due December 2; replies due December 19.
- NTCA [discussed](#) the need for action on the A-CAM model elections and resolution of any budget concerns.
- Nebraska companies [discussed](#) how the FCC could implement the proportional reduction method for meeting the A-CAM budget, which they advocated in a previous [ex parte](#).
- [Replies were filed](#) on New York State's [Petition for Waiver](#) of the CAF Phase II auction rules to make available to New York the amount of Phase II model-based support Verizon declined in the state.
- The FCC released the [Report and Order](#) requiring broadband ISPs to protect the privacy of customers, adopted at its October 27, 2016 Open Meeting. [News Release](#)
- Commissioner O'Rielly [spoke](#) at the Catholic University, discussing his concerns with parts of the broadband privacy [Report and Order](#).
- Commissioner Pai [spoke at](#) the CTIA Wireless Foundation Smart Cities Expo, discussing his proposed Digital Empowerment Agenda and removing barriers to broadband deployment.
- USAC filed [Federal Universal Service Support Mechanisms Fund Size Projections](#) for the First Quarter 2017.
- The FCC issued a [Public Notice](#) seeking comment on what rules should be modified or repealed as part of the 2016 biennial review. Comments are due December 5; replies due January 3, 2017.

Other Key Upcoming Dates

- Nov. 14 - Due date for parties to submit *ex partes* on measures to address the high level of interest in A-CAM model-based support. [Public Notice](#)
- Dec. 6 - Comments due on the [FNPRM](#) on eliminating duplicative high-cost funding in areas where more than one carrier is receiving support for the provision of 4G LTE service. Replies due January 5. [FR](#)

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USF Reform

- The Wireline Competition Bureau issued a [Public Notice](#) on November 2, 2016, announcing 216 rate-of-return companies have submitted letters electing 274 separate offers of A-CAM support in 43 states. A list of all carriers that submitted a letter is attached to the Public Notice. The Bureau said it determined support payments would exceed the overall 10-year budget set by the Commission by more than \$160 million annually. The Bureau encouraged parties to submit *ex partes* on what measures should be considered to address the high level of interest in A-CAM model-based support by November 14, 2016.
- The Wireline Competition Bureau issued a [Public Notice](#) on October 31, 2016, announcing corrected offers of A-CAM support for the 30 companies listed in the attachment affected by the Bureau's technical correction to A-CAM, which was announced in the October 28th [Public Notice](#). The Bureau has also published a [corrected list](#) of census blocks eligible for model-based support.
- The Wireline Competition Bureau issued an [Order on Reconsideration](#) on November 4, 2016, finding that an amount equal to the ARC a LEC could apply to a voice/broadband line should be imputed to a retail broadband Internet access offering regardless of whether the carrier offers a Broadband-only Loop Service. The Order corrected a statement on the imputation of ARC revenues made in the recent Tariff [Order](#) establishing tariff filing procedures for RoR ILECs electing to offer broadband-only loop service. The Bureau said imputing an amount equal to the ARC on retail broadband Internet access offerings best reflects the policies underlying adoption of the imputation requirement in the RoR Reform Order and avoids creating an incentive to offer broadband Internet access in a particular manner.
- The FCC released a [Public Notice](#) on November 3, 2016, delineating the procedure that should be followed by interested parties to obtain access to confidential information provided with the access charge tariff filings introducing Broadband-only Loop Service. It said interested parties should use the Protective Order contained in the Tariff Streamlining Order for purposes of obtaining access to this confidential information (attached). It suggested that, because there will be limited time for review, interested parties complete the necessary declaration ahead of time to expedite obtaining and reviewing the confidential information.
- The Commission issued an [Order](#) on October 31, 2016, adopting tailored service obligations for Alaska Communications Systems, who elected to receive nearly \$20 million annually in CAF Phase II frozen support in lieu of model-based support. ACS will receive Phase II frozen support for a 10-year term and be required to offer voice and broadband service at the same speed, latency, usage, and pricing metrics as established for Phase II model-based carriers to at least 31,571 locations, primarily in census blocks identified as high cost that are unserved by unsubsidized competitors, with limited exceptions.
- The Commission issued an [Order on Reconsideration and Memorandum Opinion and Order](#) on October 31, 2016, denying Baraga Telephone's Petition for Reconsideration of the March 30, 2016 deadline for submitting corrections to the FCC Form 477 data used to determine a RoR carrier's percentage of broadband deployment for purposes of making the offer of A-CAM support. The FCC also denied the Application for Review filed by Valley Telephone Cooperative and Copper Valley Telephone of the WCB's Order denying Valley/Copper Valley's request to use FCC Form 477 data filed after March 30, 2016, in the model for its study areas. The FCC said these companies will not be eligible for the offer of A-CAM support. The WCB also issued an [Order](#) denying the request of St. Paul Cooperative Telephone Association for waiver of the Form 477 filing deadline for data used to identify census blocks served by FTTP or cable technologies, and the request of Hayneville Telephone for waiver of the same deadline for data used to determine the percentage of broadband deployment.
- NTCA [met with](#) Commissioner Clyburn's Legal Advisor on November 2, 2016, to emphasize the need for prompt action on the A-CAM model elections and resolution of any budget concerns that may arise should such elections result in anticipated "oversubscription" for the model. It noted such concerns are

particularly acute in the wake of significant USF 2017 “budget cuts” announced last week that will adversely affect the ability of individual carriers to keep investing, to repay loans for investments already made, and to offer affordable, quality broadband services to consumers. NTCA also urged the Commission to provide an extension of the current exemption provided to smaller operators from the “enhanced transparency” requirements adopted in the 2015 Open Internet Order.

- Reynolds Schultheis Consulting and Parrino Consulting [met with](#) Wireline Competition Bureau staff on November 3, 2016, to discuss how the Commission could implement the proportional reduction method for meeting the A-CAM budget, which was advocated by the Nebraska Companies in their October 15 [ex parte](#). They indicated the proportional reduction method would reduce each company’s support by a uniform percentage, and since each company’s offer of support would be reduced, the company’s build-out obligation would likewise have to be adjusted.
- Reply comments were filed on October 31, 2016, on New York State’s [Petition for Expedited Waiver](#) of the CAF Phase II auction rules to make available to New York the amount of Phase II model-based support that Verizon declined in the state. [USTelecom](#) suggested the Commission address concerns raised by states about significant CAF Phase II funding declined by price cap carriers by identifying a support threshold that contemplates some dedicated amount of funding for states where the model-based support was declined. It also said it assumed a similar level of oversight as that attached to other USF funding would attach to any federal USF funding distributed by entities other than the Commission. [NY State](#) said the comments overwhelmingly support grant of its Petition, and the minimal opposition was based on inaccurate factual and legal assertions of the waiver request and the many public interest benefits it would bring. [ACA](#) said nowhere does New York State cite to, or otherwise make a sufficient case for, specific and adequate statutory authority for the Bureau to take the unprecedented step of awarding it control over the allocation and accountability of federal USF funding, and claimed the request is procedurally defective because New York’s request is for a waiver of rules that either do not exist or have nothing to do with the award of Phase II support pursuant to a competitive bidding process. ACA said the Bureau therefore cannot and should not grant the Petition. [Hughes Network Systems](#) said if the Commission concludes that a waiver is necessary, it should condition the waiver on New York’s commitment not to undermine important CAF Phase II goals, including the commitments to use the same eligible areas, reserve prices, and service requirements, as well as an additional condition that support be awarded to bidders in all four CAF service tiers and both latency categories to ensure the waiver does not significantly reduce the number of customers that will receive service under the program. [WISPA](#) opposed the [Penn. PUC’s proposal](#) for similar treatment for other states, asserting that although the Penn. PUC pledges to allocate CAF support to the same unserved census blocks where support was declined, there is no mention of whether it will bind recipients to the performance criteria established by the Commission, no mention of the criteria by which support could be suspended, no commitment for the PUC to have the ability to suspend support, and no proposal for what happens to suspended support. [List of all replies available to date](#).
- No replies were filed on FairPoint’s [Petition for Waiver](#) of the requirement in section 69.3(e)(9) for a carrier intending to file its own Carrier Common Line tariff to notify NECA by March 1 of the year in which the tariff will become effective. [Public Notice](#)
- The Alaska Telephone Association filed a [letter](#) on November 2, 2016, to submit additional information on the performance obligations of its member companies detailing improvements in mobile broadband service that will be enabled through adoption of the Alaska Infrastructure Fund.
- GCI [met with](#) Wireline Competition Bureau staff on October 27, 2016, to discuss the proposed Alaska Plan performance obligations of GCI’s two incumbent LEC affiliates, United Utilities and Yukon Telephone Company. It discussed the potential data allowances and retail prices for locations that UUI upgrades or deploys in fulfillment of its Alaska Plan commitments in areas that are served by microwave or satellite backhaul facilities.
- Valley Telephone Cooperative and Copper Valley Telephone [met with](#) Legal Advisors to Chairman Wheeler and Commissioners Clyburn, O’Rielly, Pai, and Rosenworcel on October 27 and 28, 2016, to discuss their Application for Review and Petition for Limited Stay of the Order denying their request to

incorporate into the A-CAM Form 477 data filed after March 30, 2016, for the Valley Group's study areas. This request was denied by the FCC's October 31, 2016 [Memorandum Opinion and Order](#).

- The National Tribal Telecommunications Association and Gila River Telecommunications [met with](#) Wireline Competition Bureau staff on October 28, 2016, to discuss tribal broadband deployment proposals.
- Smith Bagley [met with](#) Legal Advisors to Chairman Wheeler and Commissioners Pai, O'Rielly, Clyburn, and Rosenworcel, and Office of General Counsel and Wireless Telecommunications Bureau staff on November 1-2, 2016, to urge the Commission to afford special treatment for Tribal Lands in the Lower 48, similar to that provided in the recent "Alaska Plan" Order. SBI proposed a Tribal Lands Plan, modeled on the FCC's recent Alaska Plan, a copy of which was provided to the staff and was enclosed with this letter. It also committed to provide data that would enable the Commission to determine the cost of a Tribal Lands Plan and identify potentially affected covered locations.
- Cox Communications filed a [letter](#) on November 3, 2016 to notify the FCC and CenturyLink that it currently serves 135 census blocks with broadband at speeds of 3 Mbps/768 kbps that were identified by CenturyLink in its modified CAF Phase I Round 2 deployment plan. It said these census blocks should be considered served by Cox and thus ineligible for CAF funding. [NextGen Communications](#), [Armstrong Utilities](#), and [Range Telephone Coop](#) filed similar letters on November 3-4, 2016.
- Consolidated Telephone Company (MN) filed a [letter](#) on November 3, 2016, to provide notice to the FCC and CenturyLink that it is a local exchange carrier currently offering qualifying broadband service in some of the 9,703 "unserved" and "underserved" census blocks CenturyLink recently proposed to serve using CAF Phase I incremental support. It said the census block identified should be considered "served" for the purposes of CenturyLink's upcoming 54.312(c)(4) certification.
- H&B Cable filed a [letter](#) on October 13, 2016, to notify CenturyLink and the FCC that it currently offers fixed voice and broadband Internet service at speeds of 100 Mbps/768 kbps to a census block identified by CenturyLink in its modified CAF Phase I Round 2 deployment plan.
- Puerto Rico Telephone Company filed a [letter](#) on October 31, 2016, to provide notice that it will not meet the October 31, 2016 final build-out requirement for its CAF Phase I, Round 2 broadband deployment plan. PRTC said although it deployed the required 4/1 Mbps broadband to the majority of its 40,736 CAF Phase I Round 2 locations, less than 25 percent of these locations remain to be served. PRTC said it will deploy 10/1 Mbps broadband to the remaining locations before the end of the second quarter of 2017.
- The Rural Wireless Association [spoke with](#) Chairman Wheeler's Legal Advisor on October 27, 2016, to urge consideration of a Mobility Fund II Order with an FNPRM to consider items such as Form 477 coverage data accuracy, the appropriate bidding and performance metric used to determine coverage, the area eligibility challenge process, the transition from current legacy support, and the CDMA/GSM technological incompatibility issue. RWA also expressed concern with the Wireless Telecommunications Bureau's proposal regarding the transition from current support, suggesting a continued halt of the legacy support phase-down until 50 percent of MF II funds have been disbursed to carriers. RWA also [met with](#) Legal Advisors to Chairman Wheeler and Commissioners Clyburn, O'Rielly, Rosenworcel, and Pai to discuss similar issues.
- The Rural Wireless Association [met via conference call](#) with James Schlichting, Senior Deputy Bureau Chief of the Wireless Telecommunications Bureau, on October 31, 2016, to discuss changes to the proposed Mobility Fund Phase II Order, including the budget increase and transition time length. RWA reiterated its concerns regarding the lack of an objective reporting standard for Form 477 data, and urged adoption of an objective engineering standard for Form 477 data reporting. It noted a need to give preference to "preservation of service" bids over other bids in the reverse auction mechanism. RWA also discussed the fact that the concept of support disaggregation will be tremendously important when the Commission later determines census block reserve prices, and urged that these issues be addressed in a FNPRM.

- Verizon [met separately](#) with the Legal Advisors to Commissioners O’Rielly and Pai on November 2, 2016, to discuss the Mobility Fund II. Verizon suggested the Commission set the service obligations for Mobility Fund recipients in order to attract a broad range of bidders. It claimed a requirement for recipients to cover 90 percent of road miles, rather than the 75 percent of road miles standard adopted for Mobility Fund Phase I, could discourage bids or raise bid amounts and a requirement that bidders deliver speeds of 10 Mbps/1 Mbps could also discourage bids or raise bid amounts.
- Atlantic Tele-Network [met with](#) Legal Advisors to Chairman Wheeler and Commissioners Clyburn, Rosenworcel, Pai, and O’Rielly on November 1, 2016, to discuss the Mobility Fund Phase II. It suggested support should be provided through a reverse auction to extend wireless service where customers lack access to advanced wireless services and where only subsidized service is available.
- INCOMPAS [met with](#) Commissioner Pai’s Legal Advisor on November 1, 2016, to discuss its support for implementation of the Mobility Fund II to ensure that consumers are connected to mobile broadband in rural areas where there otherwise is not a business case for providers to serve. It emphasized it is critical the Commission’s implementation of Mobility Fund II be based on accurate and verifiable data for mobile coverage to ensure that as many consumers benefit as possible.
- Union Telephone filed an [amendment](#) on October 31, 2016, to its [Petition](#) seeking a limited waiver and an extension of compliance deadlines for Mobility Fund Phase I public interest obligations. Union requested a one month extension of the three-year deadline for the submission of drive test data reports. It indicated this amendment applies only with respect to certain census tracts for which Union was a winning bidder in Auction No. 901.

[Back to Highlights](#)

ICC

- The Wireline Competition Bureau issued a [Public Notice](#) on November 2, 2016, seeking comments on AT&T’s [Petition](#) asking the FCC to forbear from the tariffing of access charges for tandem switching and tandem-switched transport for all LECs, including intermediate LECs, on all calls to or from LECs engaged in access stimulation. AT&T also asked the Commission to forbear from its rules allowing LECs to assess per query database dip charges on toll-free calls, and asked the FCC to issue new rules to address what AT&T says are the remaining inefficiencies and arbitrage activities in the FCC’s hybrid ICC system. Comments are due December 2; replies due December 19.

Broadband

- The FCC released the [Report and Order](#) containing rules requiring broadband ISPs to protect the privacy of their customers that was adopted at its October 27, 2016 Open Meeting. The rules separate the use and sharing of information into three categories: opt-in, opt-out, and exceptions to consent requirements. The rules also include transparency requirements, a requirement that broadband providers engage in reasonable data security practices, guidelines on steps ISPs should consider taking, and common-sense data breach notification requirements. The scope of the rules is limited to broadband service providers and other telecommunications carriers, and do not apply to the privacy practices of web sites and other edge services over which the FTC has authority. [News Release](#)
- Commissioner O’Rielly [spoke](#) at a Catholic University, Columbus School of Law, Technology Institute Panel entitled “Protecting Consumer Privacy and Promoting Innovation in the Internet Era” on November 2, 2016. Commissioner O’Rielly discussed his concerns with parts of the recent broadband privacy [Report and Order](#), saying he disagreed with the notion that there is an existing problem worthy of Commission action. He also asserted the FCC’s attempt to fit broadband into current law,

specifically section 222, is fundamentally flawed, saying the plain language of the statute speaks in terms of telephone service, and claimed no other section is remotely relevant to authorize FCC action.

- Commissioner Pai [spoke at](#) the CTIA Wireless Foundation Smart Cities Expo on November 2, 2016, to discuss his proposed Digital Empowerment Agenda and removing barriers to broadband deployment. He suggested the FCC: aggressively use its statutory authority to ensure that local governments do not stand in the way of broadband deployment; reform its rules governing pole attachments; and develop a model code for cities and towns that want to encourage broadband deployment and competitive entry. He also suggested the federal government speed up the deployment of broadband on federal lands and make “dig once” a central tenet of the nation’s transportation policy.
- N.Y. PSC Commissioner Gregg C. Sayre, State Chair of the Federal-State Joint Conference on Advanced Services, filed a [letter](#) on November 1, 2016, providing an updated version of the State Member’s May 2016 Survey on the status of State broadband programs. Commissioner Gregg stated the update has new information since their [September filing](#) and contains information on all 50 States and the District of Columbia, 37 of which have updated information as of 2016.
- Blackfoot Telephone Cooperative and its subsidiary, Fremont Telecom, filed [a letter](#) on November 1, 2016, to notify the FCC of its intention to cease offering its broadband internet transmission service as a separate component of its broadband internet access service effective January 1, 2017. It said the FCC made clear in its March 2016 RoR Reform Order as well as the Clarification Order that a RoR carrier could make the offering described above and thus the revenues associated with the broadband internet transmission service would no longer be subject to the federal USF assessment.
- The following companies filed notices of their intent to discontinue offering wireline broadband internet transmission service on a tariffed basis effective January 1, 2017. They said they plan to offer broadband internet access service on a permissive de-tariffed, common carriage basis. [Runestone Telephone Association](#) , [Upsala Cooperative Telephone Association](#), [Lonsdale Telephone and Video Ventures](#), [Consolidated Telephone Company](#), [Manchester-Hartland Telephone Company](#), [Benton Communications](#), [Crosslake Communications](#), [Farmers Mutual Telephone Co](#)

[Back to Highlights](#)

Open Internet

- The Competitive Carriers Association [met with](#) Legal Advisors to Chairman Wheeler and Commissioners Pai, Clyburn, O’Rielly, and Rosenworcel on November 1-3, 2016, to discuss the small business exemption to the enhanced transparency requirements adopted in the 2015 Open Internet Order. CCA expressed strong support for establishing an automatic waiver for currently-exempt small carriers until the Commission fully resolves the issue, and urged it to tentatively conclude that small providers should be permanently exempt from the enhanced network performance and enhanced network practices requirements of the transparency rules. CCA also voiced support for the Commission’s intent to seek comment on alternative definitions of a “small provider,” expressing a preference for the SBA definition of small telecommunications provider.

USF

- USAC filed [Federal Universal Service Support Mechanisms Fund Size Projections](#) for the First Quarter 2017 on November 2, 2016. The High Cost Support Mechanism funding requirements are projected as follows; \$158.95 million for HCL Support, \$240.94 million for CAF BLS, \$41.69 million for frozen Price Cap Carrier Support, \$397.22 for CAF Phase II, \$0.77 for Rural Broadband Experiments, \$146.85 million for frozen CETC Support, 69 \$107.72 million for CAF/ICC Support, and \$30.86 million for the High Cost account, resulting in total High Cost Support Mechanism projected demand of \$1,125.00 million. (Appendices available on [USACs’ website](#)).

- The FCC released a [Notice of Apparent Liability for Forfeiture and Order](#) on November 4, 2016, proposing to fine Network Services Solutions and its chief executive \$21,691,499 for apparent violations involving the USF Rural Health Care Program and to require NSS to refund \$3.5 million in improper payments received through the program. The FCC said NSS violated the program's competitive bidding rules, using forged and false documents to seek funding from the program, and violated the federal wire fraud statute. The FCC indicated this is the FCC's first enforcement action involving the RHC Program and the first time the Commission has proposed a fine for wire fraud in connection with a USF Program. [News Release](#)
- NTCA and WTA [met with](#) Legal Advisors to Chairman Wheeler and WCB staff, and Legal Advisors to Commissioners [Clyburn](#), [Rosenworcel](#), and [Pai](#) on November 2, 2016, to discuss their [Petition for Reconsideration](#) of the Lifeline Reform [Order](#). They discussed issues raised in their petition, such as reconsideration of the exception to the fixed broadband minimum speed standard, the phasing out of support for voice-only fixed and mobile service, the rolling recertification requirement, and the port freeze provisions. They also expressed support for USTelecom's [Petition for Reconsideration](#) and [Petition for Waiver](#) asking the FCC to delay the effective date of the streamlined eligibility criteria in states most effected by the new Lifeline rules.
- Comments were filed on November 3, 2016, on petitions filed by [Microsoft, et al.](#) and the [Boulder Valley School District and Samuelson-Glushko Technology Law & Policy Clinic](#) requesting the FCC allow E-rate subsidized broadband networks to be accessed by students at home for educational purposes. [NTCA](#) opposed the petitions, claiming grant of the petitions would attempt to solve with E-rate funds problems that Congress intended the High-Cost program to tackle, undermining the operations and effectiveness and even the integrity of both programs. [WTA](#) also opposed the petitions, claiming they present novel questions of fact, law and policy, which must be addressed by the full Commission, and said permitting off-campus use of E-rate-supported networks without cost allocation would be unlawful and unwise as a matter of effective implementation of overall universal service policy. [ITTA](#) opposed the petitions, claiming the proposals are problematic under the statutory scheme of section 254 and are unnecessary in light of alternative approaches that can be employed that do not involve usage of E-rate funding. The [BVSD and Samuelson-Glushko](#) claimed their Petition is consistent with the goals of the Commission's E-Rate program and waiving the cost allocation requirement in section 54.504(e) under these circumstances meets the "good cause" requirement of section 1.3. The [Benton Foundation](#) supported the Petitions, saying the projects will help bridge the homework gap in low-income and underserved communities at no additional cost to the E-rate fund. [Sprint](#) supported the petitions, claiming the proposals to extend schools' E-rate supported networks to certain off-campus locations will help to address the homework gap, will simplify program administration, and will not add to the USF cost burden. [List of all comments available to date](#). Replies are due December 5. [Public Notice](#)
- The California Public Utilities Commission filed a [Petition](#) on October 28, 2016, seeking a temporary waiver of the revised Lifeline eligibility rules and the Lifeline benefit portability rules that are scheduled to go into effect December 2, 2016. The CPUC asked for a waiver until October 31, 2017, asserting the California Lifeline Administrator and the California Lifeline providers need more time to make technical, administrative, and operational changes.
- The Public Service Commission of Wisconsin filed a [Petition for Waiver](#) on November 3, 2016, of the revised sections 54.400(j) and 54.409(a), and applicable sections of the Lifeline Order, to permit Lifeline providers in Wisconsin to continue enrolling low-income consumers in the federal Lifeline program based on current federal and state-specific program and income eligibility criteria. The PSC said this waiver should expire at the earlier of 24 months from its grant or 60 days after the PSC notifies the FCC and all ETCs in the state that it has realigned its eligibility criteria with the federal criteria and provided for state-only Lifeline qualification and benefits.
- The Vermont DPS filed a [letter](#) on November 3, 2016, seeking a waiver, until October 31, 2017, of the changed eligibility requirements of the Lifeline Order that prohibit Lifeline providers from continuing to enroll consumers in the federal Lifeline program based on state-specific program and state-specific income eligibility criteria. The DPS said a waiver is necessary because the Vermont Legislature meets

from January to April, and claimed implementation of the streamlined federal eligibility rules without similar changes at the state level will create confusion and the potential for duplication of benefits.

- TracFone Wireless filed a [Petition](#) on October 31, 2016, seeking designation as a Lifeline broadband provider in all 50 states, Puerto Rico, and the District of Columbia. TracFone said it meets all the requirements for designation as a LBP and is a common carrier that will offer broadband Lifeline services by reselling the services of underlying carriers.
- SelecTel Wireless filed a [Petition](#) on November 4, 2016, requesting designation as a Lifeline Broadband Provider ETC in California, Iowa, Kentucky, Ohio, Missouri, Nebraska, and Texas. SelecTel said the LBP designation is only for purposes of participation in the Lifeline program, and said it will not seek High-Cost support.
- Q LINK Wireless filed a [Supplement](#) on November 2, 2016, to its [Petition](#) seeking designation as a Lifeline Broadband Provider ETC. Q LINK supplemented its Petition to categorize the zip codes in its proposed LBP coverage area by jurisdiction.
- Kajeet filed an amended [Petition](#) on November 1, 2016, for designation as a Lifeline Broadband ETC in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, for the purpose of receiving Lifeline support for the provision of broadband internet access service. Kajeet said the amended petition provides additional specificity on the proposed service area for which Kajeet seeks designation as a Lifeline Broadband Provider by identifying the zip codes in which it will offer Lifeline-discounted BIAS.

[Back to Highlights](#)

Misc.

- The FCC issued a [Public Notice](#) on November 3, 2016, seeking comment on what rules should be modified or repealed as part of the 2016 biennial review. The FCC said each Bureau and Office will issue a biennial report within four months after the filing of reply comments, and the FCC intends to adopt all implementing NPRMs addressing recommendations contained in the biennial reports within five months of a report's release. Comments are due December 5; replies due January 3, 2017.
- USTelecom filed a [letter](#) on November 4, 2016, to urge the Commission to reject demands to force a mandatory wholesale discount structure on the business data services marketplace. USTelecom said market realities do not support creation of a wholesale discount, Commission precedent recognizes that volume and term commitments create savings, and suggested wholesale discounts may be anticompetitive.
- USTelecom filed a [letter](#) on November 3, 2016, to claim it and other parties have made the case that there is robust competition in the business data services marketplace, especially for Ethernet services. USTelecom said in light of filings in the record claiming that low-bandwidth Ethernet services are not competitive, it urged the Commission not to ignore this and other clear evidence of Ethernet competition.
- Windstream filed a [letter](#) on October 31, 2016, to respond to AT&T's October 6, 2016, [letter](#), which critiqued Prof. Baker's declarations on the regression analysis. Windstream claimed AT&T relied on inappropriate interpretations of specific components of the regression results, and asserted the regressions confirm that incumbent LECs have market power in the provision of business data services.
- Windstream [met with](#) Chairman Wheeler and Commissioner Rosenworcel on October 31, 2016, to urge the Commission to ensure its new regulatory framework for business data services preserves the availability of competitive choice and affirms existing protections against unjust and unreasonable price increases. Windstream asserted the Commission should adopt rules that make clear that incumbent

providers cannot unreasonably discriminate against competitors by charging more for last-mile connectivity when purchased on a wholesale basis and maintain measures that protect customers of DS1 and DS3 service from price shocks when their incumbent providers switch to IP-based services.

- Windstream and the Ad Hoc Telecommunications Users Committee filed a [letter](#) on November 3, 2016, to underscore the importance of preserving access for business, government, and non-profit end users to just and reasonable rates for business data services whether those users purchase such services from a market leader or from a competitive provider. They also said the Commission should make clear that, under the parity pricing rule, the wholesale rates available to a market leader's carrier customers should also be available to end user customers that purchase the same or substantially similar business data services and agree to substantially similar terms and conditions of service.
- Verizon filed a [letter](#) on October 31, 2016, to claim there is no need for the Commission to mandate a discounted rate for ILEC wholesale Ethernet service, and no factual or legal basis for the Commission to do so. Verizon submitted a declaration from J. Gregory Sidak, who argued Windstream's [proposed "Pricing Parity Standard"](#) for wholesale Ethernet services is based on a series of errors. Verizon claimed the proposed rule is unworkable, requiring administratively burdensome studies and arbitrary distinctions between wholesale costs and retail costs, and also conflicts with the Commission's intended framework for Ethernet services.
- Consolidated Communications [met with](#) Legal Advisors to Chairman Wheeler and Commissioner Rosenworcel and Wireline Competition Bureau staff on October 25, 2016, to suggest the proposed 11 percent one-time downward adjustment to the price cap index for all price cap carriers should be prorated for non-CALLS incumbent LECs that have not been regulated under price caps for the entire period of efficiency gains that the downward adjustment purports to address.
- Frontier [met with](#) Chairman Wheeler's Counselor on October 31, 2016, to urge the Commission to fully consider what it says are the disparate impacts that would occur if the Commission instituted a uniform rate reduction for BDS across providers with differing business models and revenue streams, particularly those ILECs that lack wireless or significant CLEC operations. Frontier also discussed the need for the Commission to consider a transition period and limited BDS rate reductions for mid-size ILECs who stand to be disproportionately affected by recent regulatory reform.
- Frontier and CenturyLink [met with](#) Wireline Competition Bureau staff on October 31, 2016, to discuss the ways they claim the draft BDS proposal would unduly affect mid-size ILECs. They also discussed the importance of the Commission carefully considering the current state of market competition in how it implements any reform to existing grants of Phase II pricing flexibility.
- Sprint [spoke with](#) General Counsel staff on November 1, 2016, to assert the Commission is justified in adopting rules that impose price caps in all areas for BDS at or below 50 Mbps. Sprint said this mechanism will allow the Commission to account for the small number of locations that have or develop adequate competition for low-capacity TDM services. Sprint also said with respect to the 3 percent X-factor and the 11 percent one-time adjustment, it and others have shown that a higher X-factor and a larger one-time adjustment were more appropriate, and said the rationale these parties provided for their recommendations would certainly suffice to support the selection of the very conservative 3 percent and 11 percent figures.
- INCOMPAS [met with](#) Commissioner Pai's Legal Advisor on November 1, 2016, to assert the market for business data services at and below 50 Mbps is noncompetitive and reform is needed regardless of the technology. INCOMPAS also said there is sufficient record evidence for the Commission to find that wholesale services should be less than retail services.
- BT Americas [met with](#) Chairman Wheeler's Legal Advisors on October 31, 2016, to discuss Verizon's merger with XO and business data services. BT asked the Commission to require Verizon to agree to maintain XO's EoC platform for a period of five years after the close of the transaction, at existing rates, terms, conditions, speeds and coverage. Alternatively, BT asked that Verizon agree to provide an equivalent service at comparable rates, terms, conditions, speeds and coverage, and asked the

Commission to apply the BDS TDM rate cuts over a two-year period beginning in January 2017. BT also met with Legal Advisors to Commissioner [Clyburn](#) and [General Counsel and Wireline Competition Bureau staff](#) to discuss the same issues.

- Lightower Fiber Networks, Lumos Networks, and Unite Private Networks met [with](#) Chairman Wheeler's Counselor and Legal Advisor, Legal Advisors to Commissioners O'Rielly, Pai, and Clyburn, and Wireline Competition Bureau staff on November 1, 2016, to discuss concerns with recent filings proposing ex ante price regulation of ILEC packet-based BDS below 50 Mbps. They urged the Commission to ensure that to the extent it adopts any ex ante regulation of packet-based BDS prices, it maintain the light touch regulatory regime summarized in the [Fact Sheet](#) for competitive fiber providers. They also expressed opposition to the definition of new entrant proposed by Verizon and to AT&T's claim it and other ILECs are new entrants.
- Public Knowledge and New America's Open Technology Institute [met with](#) Commissioner Clyburn's Legal Advisor on November 1, 2016, to express support for Chairman Wheeler's plan to prevent BDS providers from exercising market power with regards to TDM services. They said the Commission should address what they claim is the high cost of Ethernet services, and said any reforms should be technologically-neutral and future proof. They also urged the Commission to adopt rules that prevent incumbent providers from unreasonably discriminating against competitors by charging higher rates for wholesale access than they charge to retail customers.
- New Networks Institute filed a [letter](#) on November 3, 2016, to submit into the record two reports: *The Hartman Memorandum* and *The History & Rules of Setting Phone Rates in America —The FCC's 'Big Freeze' & Cross Subsidies*. New Networks Institute claimed the memorandum shows that prices for special access services are not just and reasonable because the FCC's own cost allocation rules create massive financial cross subsidies between and among the state-based wired utilities and the companies' other lines of business, such as special access. NNI asked the FCC to investigate the impacts these rules have had on special access services and the cross-subsidies that impact all communications services.
- The Schools, Health & Libraries Broadband Coalition met with Commissioner [Rosenworcel](#) and her Legal Advisor and Legal Advisors to Commissioners [Clyburn](#) and [O'Rielly](#) on October 31, November 2, and 3, 2016, to suggest the final BDS decision should be technology-neutral and should lower prices for Ethernet services and TDM services in order to ensure that small and rural anchor institutions can receive lower rates for their broadband services. It also discussed the importance of planning and coordination among the USF programs and collaboration with private sector broadband companies to leverage, and not duplicate, facilities funded from the CAF. SHLB also discussed the Rural Healthcare program and pending E-rate petitions.
- NTCA [met with](#) FCC staff on November 2, 2016, to discuss its support for proposals that would update the ITSP category to include wireless revenues. NTCA also discussed potential alternatives, including measures that would allocate Wireless Telecommunications Bureau expenses to the Wireline Competition Bureau based proportionally upon WTB FTE work on WCB dockets. NTCA attached the results of a recent survey asking its member companies about resources they must devote to completing mandatory data requests.
- Replies were due November 4, 2016, on Warm Springs Telecom's [Petition](#) for an order declaring WST to be an incumbent LEC in the Warm Springs Wire Center and Wanapine Exchange. [Public Notice](#)
- The FCC issued a [Public Notice](#) on October 31, 2016, announcing the renewal of the charter of its Consumer Advisory Committee and appointment of 29 members to the Committee. All appointments and reappointments are effective October 21, 2016, and shall terminate October 21, 2018, or when the Committee is terminated, whichever is earlier. The first meeting of the Committee under its renewed charter will take place on January 27, 2017.
- The North American Portability Management filed a [letter](#) on October 31, 2016, 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.

- The FCC issued a [Public Notice](#) on November 1, 2016, announcing the next meeting of the North American Numbering Council will be held on December 1, 2016. Items on the agenda include reports from the North American Numbering Plan Administrator, the National Thousands Block Pooling Administrator, the Numbering Oversight Working Group, the Toll Free Number Administrator, and the North American Numbering Plan Billing and Collection Agent, among other things.

[Back to Highlights](#)

Upcoming Filing Dates

- Nov. 7 - Deadline for providers to notify CenturyLink they already serve the census blocks [identified](#) in CenturyLink's modified CAF Phase I Round 2 broadband deployment plans. [PN](#)
- Nov. 14 - Due date for parties to submit *ex partes* on measures to address the high level of interest in A-CAM model-based support. [Public Notice](#)
- Dec. 2 - Comments due on AT&T's [Petition](#) for forbearance from certain tariffing rules. Replies due December 19. [Public Notice](#)
- Dec. 5 - PRA comments on a revision to a currently approved information collection associated with changes to notices of planned copper retirements, which were adopted in the August 2015 [Report and Order](#), and [revised](#) in July 2016. [Notice](#)
- Dec. 5 - Replies due on petitions filed by [Microsoft, et al.](#) and the [Samuelson-Glushko Technology Law & Policy Clinic](#), requesting the FCC allow E-rate subsidized broadband networks to be accessed by students at home for educational purposes. [Public Notice](#)
- Dec. 5 - Comments due on what rules should be modified or repealed as part of the 2016 biennial review. Replies due January 3, 2017. [Public Notice](#)
- Dec. 6 - Comments due on the [FNPRM](#) on the process to eliminate duplicative high-cost funding in areas where more than one carrier is receiving support for the provision of 4G LTE service. Replies are due January 5, 2017. [FR](#)
- Dec. 19 - Due date for broadband-only loop service tariffs made on 15-days' notice; petitions due Dec. 27; replies due Dec. 30. [Order](#)
- Dec. 19 - Replies due on AT&T's [Petition](#) for forbearance from certain tariffing rules. Replies due December 19. [Public Notice](#)
- Dec. 27 - Due date for broadband-only loop service tariffs made on 7-days' notice; petitions due December 29; and replies due December 30. [Order](#)
- Jan. 3 - Replies due on what rules should be modified or repealed as part of the 2016 biennial review. [Public Notice](#)
- Jan. 5 - Replies due on the [FNPRM](#) on the process to eliminate duplicative high-cost funding in areas where more than one carrier is receiving support for the provision of 4G LTE service. [FR](#)

[Back to Highlights](#)

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