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November 19, 2018 HIGHLIGHTS

- The FCC adopted mostly satellite-related items at its November [Open Meeting](#).
- The USDA issued a [press release](#), announcing it is investing \$91 million in infrastructure projects in a [dozen states](#) to improve e-Connectivity in rural communities
- [Reply comments were filed](#) on proposed approaches to identifying and resolving apparent discrepancies between the number of model-determined funded locations that CAF Phase II auction support recipients are expected to serve and the actual number of locations they can serve.
- NTCA [asked](#) the FCC to adopt and implement a set of reforms to provide high-cost USF support that is both sufficient and predictable for each of the already-existing USF mechanisms. USTelecom, GVTC, et al. [discussed](#) how to address ongoing concerns about the sufficiency and predictability of high-cost USF support, including proposals consistent with the [letter](#) submitted by the associations.
- ITTA [discussed](#) the deployment obligations of current A-CAM participants relative to buildout costs.
- Verizon [urged](#) the FCC to adopt flexible service quality standards for intermediate providers and to eliminate the data recording and retention requirements upon full implementation of the RCC Act.
- [Oppositions were filed](#) to the [petitions for reconsideration](#) of the [Wireless Infrastructure Deployment Order and Declaratory Ruling](#). Replies to oppositions are due November 19, 2018. [Public Notice](#)
- Charter filed a [Response](#) with the Eighth Circuit Court to the Minnesota PUC's [Petition for Rehearing](#) of the Court's [decision](#) affirming the Minnesota district court's ruling that Charter's VoIP service is an information service.
- NARUC [discussed](#) jurisdictional separations and referral to the Federal-State Joint Board, saying any FCC action without a recommended decision does not comply with the plain text of section 410(c), which mandates both a referral and a recommended decision on proposed changes to the separations rules, including extensions of the freeze.
- RUS [announced](#) it is accepting applications for FY 2019 for the Rural Broadband Access Loans and Loan Guarantees Program.
- NTCA [discussed](#) unwanted calls to reassigned telephone numbers and methods by which the Commission could reduce the incidence of such calls as well as mitigate legitimate callers' violations of the TCPA.
- [Comments](#) were filed on November 16, 2018, on the applicability of the [John S. McCain National Defense Authorization Act](#) for Fiscal Year 2019 to the FCC's Protecting Against National Security Threats to the Communications Supply Chain rulemaking and to the programs the Commission oversees.

Other Key Upcoming Dates

- Nov. 28 - Comments due on expanding the list of interoperable devices for discontinued applications. Replies are due December 13, 2018. [Public Notice](#)

USF Reform

- Reply comments were filed November 13, 2018, on proposed approaches to identifying and resolving apparent discrepancies between the number of model-determined funded locations that CAF Phase II auction support recipients are expected to serve and the actual number of locations they can serve. [NTCA](#) agreed with commenters who support using any or all of the three generally accepted methods of geolocation identified by USAC for identifying actual locations. NTCA said to the extent there are other verifiable, proven methods, however, such as 911 data created by local or state authorities, it supports allowing such methods to be used to identify existing locations as well. NTCA said any methods other than those identified by USAC must be derived from a well-established third-party resource, evidentiary-based, and auditable. NTCA also said all locations, regardless of the method used to identify them, should ultimately be entered into the HUBB portal. [WISPA](#) said the three methods of geolocation utilized by USAC are instructive and may assist certain participants in preparing their data submissions, but suggested the Bureau not limit participants to USAC-endorsed methodologies, nor should it impose overly-prescriptive requirements. WISPA also agreed with Verizon and USTelecom that the Bureau should not require support recipients to count as actual locations any prospective developments. WISPA asserted that requiring such locations to be included would, in some cases, be difficult to obtain and/or be inconsequential if the result is an increase in the actual locations above the amount estimated by the Commission. [Geolinks](#) urged the Wireline Bureau not to require that prospective developments be included in the definition of “actual location.” Geolinks said, however, if a CAF II recipient chooses to include prospective developments in its definition of actual locations, it should be allowed to do so if it can provide information to show that specific prospective locations are more likely than not to be constructed and inhabited within the six-year buildout period. Geolinks also said as long as a CAF recipient’s selected methodology (or methodologies) can be explained, it should not be precluded from using any reasonable method, and it urged the Bureau not to limit available methodologies to verify location data. [All replies available to date.](#)
- NTCA [met with](#) Commissioner Rosenworcel and her Advisor on November 9, 2018, to encourage the Commission to adopt and implement a straightforward set of reforms to provide high-cost USF support that is both sufficient and predictable for each of the already-existing USF mechanisms and continue to promote effective and responsible use of USF resources going forward, consistent with the October 1, 2018 [letter](#) submitted by NTCA and other rural advocates.
- USTelecom, GVTC, Hargray Communications, Smithville Communications, and EPICTOUCH [spoke with](#) Commissioner Carr’s Advisor on November 14, 2018, to discuss how to address ongoing concerns about the sufficiency and predictability of high-cost USF support, including proposals consistent with the October 1, 2018 [letter](#) submitted by the associations. They discussed how the current budget control mechanism affects their ability to plan for CapEx investment both in the near term and in the future.
- ITTA [met with](#) Chairman Pai’s Advisor on November 9, 2018, to discuss the deployment obligations of current A-CAM participants relative to buildout costs. It said the density of a service zone influences the mix of fiber and electronics entailed to achieve deployment at required speeds, and it discussed how this mix influences buildout costs.
- ITTA, Great Plains Communications, and Consolidated Companies [spoke with](#) Chairman Pai’s Advisor and Wireline Competition Bureau staff on November 14 and 15, 2018, to discuss the build-out obligations should the Commission decide to increase funding for current A-CAM companies, particularly if the Commission increases the build-out obligation to 25/3 Mbps for fully funded locations. ITTA argued the terms of any offer of additional support must reflect the costs of deployment in each density zone, and it urged the Commission to adopt a voluntary offer that provides for support of \$200/month per location for at least an additional ten-year term in return for 25/3 Mbps build-out for fully funded locations of 50 percent, 65 percent, and 85 percent for the lowest, medium, and highest density zones respectively. Great Plains, Consolidated, and Matthey Consulting also [met separately with](#) Advisors to Chairman Pai and Commissioner O’Rielly and Wireline Competition Bureau staff on November 14, 2018, to discuss the same issues.

- NARUC will consider a number of [Resolutions](#) at its November 12, 2018 Conference, including one urging the FCC to extend the Mobility Fund Phase II process until March 15, 2019, and to create an improved process in the interim that is transparent and will ensure that areas of the United States represented by NARUC members receive the universal service support required to fulfill the purpose of the Fund.
- Plateau Telecommunications filed a [Second Amendment](#) to its [Petition for Waiver](#) and for modification of rules for the Mobility Fund Phase II on November 13, 2018. The Second Amendment seeks to: withdraw its request for an extension of the three-year deadline for submitting drive test data for the census tracts associated with SACs 498013 and 498014; modify the deadline requested for submitting drive test data for the census tracts associated with SACs 498017 and 498019; and modify the relief requested in connection with the MF I projects in the census tracts associated with SACs 498016, 498018, and 498021 to no longer request that Plateau be allowed to retain the first one-third of support already disbursed for the Three Tracts. Plateau amended its Petition to request the Commission to allow Plateau to repay the support already disbursed for the Three Tracts by netting the repayment amount against the additional amount owed Plateau for the full support in the four census tracts in which Plateau fully completed construction of a 4G network covering at least 75% of the previously unserved road miles. It said this will result in no additional disbursement of MF I support to Plateau, but rather with Plateau repaying some support.

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Call Completion

- Verizon [met with](#) Wireline Competition Bureau staff on November 8, 2018, to discuss the Commission's implementation of the Improving Rural Call Quality and Reliability Act of 2017 and its intercarrier compensation proceedings. Verizon urged the FCC to adopt flexible service quality standards for intermediate providers and to eliminate the data recording and retention requirements upon full implementation of the RCC Act. Verizon said completing intercarrier compensation reform and moving terminating transit and tandem charges to bill-and-keep should reduce or eliminate the financial incentives the Commission has identified.

ICC

- The Wireline Competition Bureau issued a [Protective Order](#) on November 15, 2018, in connection with the Commission's investigation of the tariff revisions filed by South Dakota Network to its interstate access Tariff F.C.C. No. 1, Transmittal No. 13. The Bureau sets forth procedures to limit access to proprietary or confidential information that may be filed in this proceeding.

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Broadband

- The USDA issued a [press release](#) on November 13, 2018, announcing it is investing \$91 million in infrastructure projects in a [dozen states](#) to improve e-Connectivity in rural communities. The 19 projects will benefit more than 27,000 businesses and households in Arkansas, Georgia, Iowa, Kentucky, Minnesota, North Carolina, North Dakota, New Mexico, Oklahoma, Tennessee, Utah, and Virginia.
- The Rural Utilities Services published a [Notice](#) in the Federal Register on November 15, 2018, to announce it is accepting applications for FY 2019 for the Rural Broadband Access Loans and Loan Guarantees Program. Applications for FY 2019 will be accepted on a rolling basis through September 30, 2019.

- In addition to oppositions and comments listed in a previous edition of *REGScan*, oppositions were filed on November 9, 2018, to the [petitions for reconsideration](#) of the August 2018 [Wireless Infrastructure Deployment Order and Declaratory Ruling](#). [ITTA](#) opposed several arguments in the Coalition of Concerned Utilities' Petition, saying the FCC should reject the Coalition's attempt to perpetuate outdated disparities in the pole attachment rate structure. ITTA also said if the Commission grants reconsideration on the issues of immediate replacement of red-tagged poles and double wood situations, it should also implement timelines and ensure its rules pertaining to double wood situations apply equally to electric utilities and communications attachers. ITTA also said the Commission should clarify new attacher cost-sharing obligations as suggested by the Coalition and adopt common sense rules addressing costs to rectify violations. [Verizon](#) opposed the Coalition of Concerned Utilities' Petition, saying while the electric utilities asserted the ILEC is advantaged over its competitors, they have not provided evidentiary support for the claim. Verizon said the FCC should deny the Coalition's request to extend pole attachment timelines for both OTMR and non-OTMR applications. Verizon also asserted the Commission properly applied its moratoria ruling to wireless services and facilities, contrary to claims by the City of New York and Smart Communities. [AT&T](#) opposed the Coalition of Concerned Utilities' Petition, claiming the Coalition provides no evidence that ILECs are overcharging IOUs, much less engaging in price gouging, or any other legitimate basis why ILEC attachment rates should be altered. [All oppositions and comments available to date](#). Replies to oppositions are due November 19, 2018. [Public Notice](#)
- The City of New Orleans, the Virginia Municipal League, the Kentucky League of Cities, et al. filed a [Petition for Reconsideration](#) on November 14, 2018, of the September 2018 [Declaratory Ruling and Third Report and Order](#) on wireless infrastructure deployment. Petitioners claimed the decision fails to take into account legitimate municipal costs, legitimate municipal concerns, or legitimate municipal manpower limitations. They claimed the Commission has manufactured a massive shift of corporate costs from carriers to municipal governments by exaggerating the number of abuses by a limited number of municipalities, while at the same time ignoring abuses by wireless providers.
- Verizon filed a [letter](#) on November 16, 2018, to respond to statements in a [Motion for Stay](#) of the Wireless Infrastructure [Declaratory Ruling and Order](#), asserting the Motion mischaracterized a statement made by a Verizon officer in a different context to suggest that staying the Order will not harm other parties, including wireless providers. Verizon said this claim is wrong and that its public statements about the Order have consistently emphasized that: Verizon plans to lead the U.S. in deploying 5G wireless technology; it plans to continue to invest billions of dollars annually on infrastructure deployment; and FCC action to eliminate cost and other barriers will allow finite capital expenditure budgets to go farther and reach more places.
- Crown Castle filed a [letter](#) on November 15, 2018, regarding a [Motion for Stay](#) filed by the National League of Cities, et al. of the [Declaratory Ruling and Third Report and Order](#) on wireless infrastructure deployment. Crown Castle claimed the stay request is without merit and there is no reason to delay the effective date of the Order. Crown Castle also addressed statements made in the stay request, noting that Crown Castle is not a wireless carrier and is not challenging the Order, and said the suggestion in the stay request that there will be no harm to Crown Castle's deployment from a stay is simply wrong.
- NTCA [met with](#) Legal Advisors to Commissioners Carr and O'Rielly on November 8, 2018, to discuss its support for Commission efforts to address unreasonable barriers to access to public rights-of-way necessary for the provision of communications services. NTCA said while the business case for deployment of rural broadband infrastructure is difficult enough in deeply rural areas, adding in excessive fees beyond those reasonably necessary for state and local jurisdictions to recoup costs or enforcing ROW provisions that invite excessive construction delays can exacerbate the costs for deployment and/or the time required for upgrading existing facilities. NTCA said section 253 provides authority for the Commission to address concerns of this kind and encouraged the Commission to continue to consider means of advancing deployment of communications infrastructure through the authority it has been provided under the Act.
- INCOMPAS [met with](#) Chairman Pai's Wireline Advisor on November 8, 2018, to express concerns with USTelecom's [Petition](#) for Forbearance from certain regulatory obligations imposed on ILECs. INCOMPAS said the competitive provisions of the Telecommunications Act of 1996 are crucial to the

provision of faster broadband service to rural, underserved urban, and residential areas. INCOMPAS asserted a grant of USTelecom's Petition would be a drastic reversal from the Commission's strong broadband deployment agenda and would lead to a loss of critical services for consumers across the country.

- U.S. TelePacific, Mpower Communications, and Arrival Communications, all d/b/a TPx Communications, filed a [letter](#) on November 12, 2018, to state CLECs rely on incumbent LECs' operations support systems and 911 UNEs to serve their customers. They claimed the data USTelecom and other ILECs submitted is insufficient to support the [forbearance](#) USTelecom seeks from loop and transport unbundling obligations, and asserted USTelecom did not even attempt to establish the convincing evidence and analysis required to justify forbearance from OSS and 911 unbundling obligations. They said even if the Commission were to determine that ILECs should no longer be required to offer certain UNE loops and/or transport in some areas, the Commission should deny forbearance from OSS and 911 unbundling obligations.
- Puerto Rico Telephone Company [met with](#) Wireline Competition Bureau staff on November 7, 2018, to express support for USTelecom's [Petition](#) for Forbearance from certain regulatory obligations imposed on ILECs. PRTC said the Commission should not exclude Puerto Rico from any forbearance relief that it may grant in response to the Petition and presented data and other information showing that the Puerto Rico market is not an outlier as it relates to the key benchmarks on which the Petition relies to request nationwide forbearance.
- ACT | The App Association and Mend [met with](#) Commissioner Carr and his Chief of Staff on November 7, 2018, to express support for the Commission's recent steps to remove regulatory barriers to realizing next-generation wireless broadband and 5G deployment. They also discussed efforts to advance the uptake of digital health innovations through the [Connected Health Initiative](#) and CHI's support for the Commission's efforts to secure and augment broadband connectivity for healthcare. Mend and the App Association also expressed their support for the Commission's [Connected Care Pilot](#).

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Universal Service

- Comments were filed on November 16, 2018, on the applicability of the [John S. McCain National Defense Authorization Act](#) for Fiscal Year 2019 to the FCC's Protecting Against National Security Threats to the Communications Supply Chain rulemaking and to the programs the Commission oversees. [NTCA](#) said if the Commission moves forward in this proceeding with an equipment prohibition, it must shift its attention to its own compliance with the related statutory requirement under Section 889(b)(2) of the Act to prioritize financial and technical assistance for affected small businesses. NTCA also said prohibiting operators from using USF support for targeted, covered suppliers will result in immediate harm to the affected small telecommunications operators and the rural consumers that they serve. [WTA](#) said if the Commission chooses to move forward with a USF prohibition, it must explain why USF subsidies should be included in the ban when they were specifically separated from "grants and loans" in Section 889(b). [NCTA](#) said the Commission should tailor any action it takes regarding use of its USF administrative authority to address supply chain issues to conform to the directives, limitations, and timeframes of Section 889 of the NDAA. Replies are due December 7, 2018. [Public Notice](#)
- Mark Twain Communications [met with](#) Wireline Competition Bureau staff on November 8, 2018, to discuss the potential negative impact of the proposed rule in the supply chain proceeding on small rural telecommunications companies. Mark Twain said it switched to Huawei equipment after years of using unreliable equipment and has found it to be the most dependable and affordable option, and discussed how it submitted bids in the CAF Phase II auction based on cost estimates for expanding its existing infrastructure, which currently includes Huawei equipment. Mark Twain urged the FCC not to adopt rules that would jeopardize receipt of USF funds by its continued use of Huawei equipment, and asserted if the FCC should tie the use of certain equipment to the USF, Mark Twain would likely be forced to terminate its existing rural wireless network.

- The Wireline Competition Bureau released an [Order](#) on November 16, 2018, granting the [Petition](#) filed by the Florida Public Service Commission requesting a temporary four-month waiver of the Lifeline program's non-usage and recertification rules for subscribers in 12 counties in Florida affected by Hurricane Michael starting October 10, 2018.
- TruConnect and Telrite [met with](#) Chairman Pai and Commissioner Carr and their Advisors on November 8, 2018, to discuss the Lifeline National Verifier. They said the National Verifier should implement application programming interfaces to improve the enrollment process from that originally proposed. They asserted, however, the roll-out has many challenges that, if not corrected, will be expensive for USAC and may contribute to increased waste, fraud, and abuse because currently databases are difficult to access, are sometimes unreliable, and the current design requires multiple steps necessitating engaging a sales representative. They also discussed elimination of resellers from the Lifeline program and port freezes.
- The National Lifeline Association [met with](#) Wireline Competition Bureau staff on November 7, 2018, to discuss Lifeline reform issues. It said the Commission should ensure it implements a robust and effective National Verifier, reverse phase-out support for essential voice services, and restore consumers' ability to choose the most affordable service package that meets their needs. It also said the Commission must balance integrity and consumer access to communications services through Lifeline. The National Lifeline Association also [met with](#) Chairman Pai's Advisor on November 13, 2018, to discuss the same issues.
- CTIA [met with](#) Wireline Competition Bureau staff on November 7, 2018, to discuss Lifeline issues and to express support for the Commission's goal of closing the digital divide, particularly through the use of mobile wireless technologies. CTIA encouraged the Commission to act on its [Petition](#) seeking reconsideration of the 2016 Lifeline [Order](#) by adopting a more economically justifiable long-term minimum service standard for mobile broadband data usage allowances.
- No comments were filed on Mid-Hudson Data's [Petition](#) seeking ETC designation in the State of New York in all areas in which it has been awarded CAF Phase II support via the New NY Broadband Program. Reply comments are due November 20, 2018. [Public Notice](#)
- Sunset Digital Communications filed a [Petition](#) on November 15, 2018, seeking ETC designation in Tennessee and Virginia for the purpose of receiving CAF Phase II support. Sunset was awarded the support via Auction 903 and requested expedited action to conform to the requirement that winning bidders obtain ETC designation.
- Plains Internet filed a [Petition](#) on November 13, 2018, seeking ETC designation in Texas for the purpose of receiving CAF Phase II support. Plains Internet was awarded the support via Auction 903 and requested expedited action to conform to the requirement that winning bidders obtain ETC designation.
- Plains Internet filed letters on November 9, 2018, to withdraw its Petitions seeking ETC designation in [New Mexico](#) and [Oklahoma](#) to receive CAF Phase II support. Plains said in both states, the state regulatory commissions will exercise jurisdiction for the ETC designation.
- AeroNet Wireless Broadband filed a [letter](#) on November 13, 2018, to discuss Stage 2 Funding for Puerto Rico. AeroNet said price should be the primary objective the Commission considers when selecting winning Puerto Rico Fund proposals, but other factors, including network resiliency, network deployment timing, and network performance also need to be taken into account. AeroNet also said the Commission should consider funding the development of networks recognized for their reliability, and it urged the Commission to select recipients based on a minimum geographic area no smaller than census tracts.
- GCI filed an [Application for Review](#) on November 9, 2018, of a Wireline Competition Bureau [decision](#) that retroactively prescribed interstate interexchange rates for Funding Year 2017 services to rural Health Care Providers at levels \$28 million below the rates established through competitive bidding.

GCI claimed the Bureau's decision purports to prescribe a rate setting methodology for 2017, 2018, 2019, and later years, but advances no explanation of that methodology and announces funding levels based on manufactured rates. GCI asserted the decision: unlawfully misinterprets section 54.607's guidance for determining rural rates; prescribes an economically and legally unsound cost model and rate of return; violates elemental principles of administrative law; exceeds the Bureau's delegated authority; prescribes rates in violation of section 205; and unlawfully applies a new approach to rate setting retrospectively without providing GCI fair notice in advance.

- The Wireline Competition Bureau released an [Order](#) on November 16, 2018, to announce it adopted the Eligible Services list for funding year 2019 for the E-Rate program. The Bureau adopted the proposals set forth in the Bureau's [Public Notice](#) on the proposed ESL for FY2019, and it released the ESL for FY2019 and authorized USAC to open the annual application filing window no earlier than 60 days after the release of this Order.
- Primary Healthcare Centers filed a [Request for Review](#) on November 13, 2018, of a USAC decision that denied Funding Year 2016 applications submitted by PHC under the Rural Health Care Program. PHC argued that, contrary to USAC's findings, it did not fail to provide adequate documentation of rural rates, but complied fully with the rules, responded to information requests in a timely manner, and provided documentation to support the rural rates that complied with USAC guidance. PHC asked the Commission to reverse USAC's finding and remand the applications to USAC for commitment. PHC also said if the Commission finds that PHC did not meet a program rule, it requested a waiver of the Commission's rules to the extent necessary to grant the requested relief.

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Misc.

- The FCC adopted the following items at its November 15, 2018 [Open Meeting](#): an [Order](#) (released) addressing waivers of certain satellite licensing requirements for receive-only earth stations operating with the Galileo Radio Navigation-Satellite Service; an [NPRM](#) to update the orbital debris rules for all Commission-authorized satellites; an [NPRM](#) (released) addressing rules to facilitate the deployment of non-geostationary orbit fixed-satellite service earth stations that transmit while in motion; a [Memorandum Opinion, Order, and Authorization](#) granting SpaceX's request to deploy and operate a proposed non-geostationary constellation to provide broadband services around the world; an [Order and Declaratory Ruling](#) granting Kepler's request for U.S. market access to offer global connectivity for the Internet of Things using a proposed constellation of non-geostationary orbit satellites; an [Order and Declaratory Ruling](#) granting Telesat's request to access the U.S. market to provide broadband services; an [Order and Declaratory Ruling](#) granting LeoSat's request for U.S. market access to provide satellite broadband services; an [NPRM](#) (released) to streamline space and earth station licensing rules; a [Report and Order](#) (released) modernizing certain consumer notice provisions in Part 76 governing multichannel video and cable television service; and a [Report and Order](#) (released) replacing requirements for wireless service providers to report annually on their offerings of hearing aid-compatible handsets with a requirement to provide enhanced information on their websites and to certify annually whether they are in full compliance with the hearing aid compatibility rules. Except as indicated, the items are not yet released.
- The FCC [deleted](#) the [NPRM](#) to align the DBS licensing procedures with those of the geostationary fixed-satellite service from the November 15, 2018 Open Meeting [agenda](#). The FCC said the item has already been adopted and released by the Commission.
- Charter filed a [Response](#) with the Eighth Circuit Court on November 13, 2018, to the Minnesota PUC's [Petition for Rehearing](#) of the Court's affirmation of a District Court's decision that Charter's Spectrum Voice service is an information service because it "mak[es] available information via telecommunications by providing the capability to transform that information through net protocol conversion." Charter said the Court correctly affirmed the District Court's ruling that the MPUC was preempted from extending its state-law telephone regulations to Spectrum Voice. It argued the MPUC incorrectly contends the decision conflicts with a 2006 FCC Order and this Court's decision in *Vonage*

III, claiming both that FCC Order and *Vonage III* make clear that the preemption question presented here remained undecided. It asserted there is no conflict, and said every federal court to have decided this question, i.e., whether interconnected VoIP services are “information services” under federal law, has reached the same conclusion as the panel.

- NARUC [spoke with](#) Commissioner Rosenworcel’s Advisor and [Office of Intergovernmental Affairs, Consumer and Governmental Affairs staff](#) on November 7 and 12, 2018, to discuss jurisdictional separations and referral to the Federal-State Joint Board. It said it is illogical for the FCC to suggest that extending the freeze is not changing the FCC rules and at the same time propose specific changes to the rules to extend the freeze. It claimed any FCC action without a recommended decision does not comply with the plain text of 410(c), which mandates both a referral and a recommended decision on proposed changes to the separations rules, including extensions of the freeze. It suggested a partial solution is well within reach, as the proposals to modify the separations rules to allow one time or periodic freezes of the category relations are squarely within the scope of the existing referral and a recommendation by the Joint Board on this issue, and other separations issues, is not just probable, but likely in a relatively short time frame.
- Sen. John Thune (R-S.D.), Chairman of the Senate Commerce, Science, and Transportation Committee, and Sen. Ed Markey (D-Mass.) [announced](#) the [introduction of S. 3655](#), the Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, on November 16, 2018. The TRACED Act would give regulators more time to find scammers, increase civil forfeiture penalties for those caught, promote call authentication and blocking adoptions, and bring relevant federal agencies and state attorneys general together to address impediments to criminal prosecution of robocallers who intentionally flout laws.
- ATIS send [a letter](#) to Chairman Pai and Commissioners O’Rielly, Carr, and Rosenworcel on November 15, 2018, announcing that the Secure Telephone Identity Governance Authority Board of Directors has announced that it has issued a Request for Proposal to select a Secure Telephone Identity Policy Administrator. The STI-PA applies and enforces the rules governing the SHAKEN framework established by the STI-GA consistent with underlying technical requirements. It said the RFP and associated documents have been posted on the STI-GA website at <http://www.atis.org/sti-ga/rfp/>, and the deadline for bidders to submit their proposals is February 4, 2019, with the winning bidder to be selected in May 2019.
- NTCA [spoke with](#) Chairman Pai’s Advisor on November 13, 2018, to discuss unwanted calls to reassigned telephone numbers and methods by which the Commission could reduce the incidence of such calls as well as mitigate legitimate callers’ violations of the Telephone Consumer Protection Act. NTCA asserted Commission action to encourage the expanded use of already operating commercial reassigned telephone numbers databases is the most expeditious path to addressing the problem of unwanted calls and is a solution that properly allocates the costs of providing callers access to such data. NTCA said this solution also ensures that rural carriers are compensated for this data, allowing them to recover costs that would otherwise be passed on to their end-users.
- ACA [met separately with](#) Chairman Pai’s Advisor and Office of Strategic Planning and Policy Analysis and Consumer and Governmental Affairs Bureau staff on November 8, 2018, to discuss its proposal for the Commission to affirm voice providers’ ability to offer robocall blocking tools to their customers on an informed opt-out basis. It argued empowering voice providers to offer robocall-blocking tools on an opt-out basis, so long as such tools are made available for free, would encourage providers to offer such tools more widely to their customers. ACA requested that the Commission promptly issue a declaratory ruling that affirms voice providers’ ability to offer robocall blocking tools to their customers on an informed opt-out basis.
- ACA International and Action Collection Agencies [met with](#) Commissioner O’Rielly’s Advisor on November 15, 2018, to discuss the Telephone Consumer Protection Act in light of the D.C. Circuit’s ACA International decision and robocalls. They claimed FCC interpretations of the TCPA over the past two decades have gone far beyond the scope of what Congress intended and litigation following the D.C. Circuit’s ACA March decision has created a patchwork of requirements that has left legal businesses subject to frivolous litigation emboldened by circuit splits and unclear requirements. They

urged the FCC to act on its Public Notice concerning the ACA D.C. Circuit decision and provide the clarity requested by ACA and encouraged by the D.C. Circuit.

- Transaction Network Services [spoke with](#) Consumer and Government Affairs Bureau staff on November 9, 2018, to discuss its Call Guard solution for robocalls. It claimed only about 34% of inbound traffic received by a typical carrier originates from a Tier 1 carrier committed to implementing the SHAKEN/STIR solution. It claimed it is the signaling provider for most of the other carriers and can provide those operators with a pre-SHAKEN/STIR solution that authenticates calls originating from their networks as another method to help eliminate robocalls.
- The Wireline Competition Bureau issued a [Public Notice](#) on November 15, 2018, granting, subject to condition, approval for the transfer of control of Smart City Telecommunications, Smart City Solutions, Smart City Networks, Smart City of Washington D.C., and Convention Communications Provisioners to Sapphire Intermediate Holdings. The Bureau imposed the condition adopted in the Hargray/ComSouth Order, saying the combined operating expense for purposes of HCLS and CAF-BLS support of Alteva NJ and any other rate-of-return affiliates shall be capped at the averaged combined operating expense of the three calendar years preceding the transaction closing date for which the operating expense data are available.
- Curtis H. Hunt and Herman C. Roark (Transferors) and Hilliary Acquisition B2B (Transferee) filed an [application](#) on November 13, 2018, for transfer of control of Border to Border Communications from Transferors to Hilliary and the blanket domestic 214 authorization held by Transferors to Hilliary.
- To date no comments filed on the [Public Notice](#) requesting comments on whether certain docketed proceedings listed in the attachment to the Public Notice should be terminated as dormant. Replies due December 3, 2018. [FR](#)
- The FCC released its [FY 2018 Agency Financial Report](#) on November 15, 2018, which provides financial and performance information about the FCC's activities over the course of FY 2018. Chairman Pai said under his leadership, the FCC has acted to link its mission to its strategic goals, including closing the digital divide, promoting innovation, protecting consumers and public safety, and reforming the FCC's processes. Pai also noted for the 13th straight year the FCC has received an "unmodified" opinion on its financial statements from the FCC's Office of Inspector General's independent auditors.
- The FCC [published](#) in the Federal Register on November 16, 2018, a Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act (U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the internet in a searchable format at www.reginfo.gov.
- The Wireline Competition Bureau issued a [Public Notice](#) on November 16, 2018, granting Electric Lightwave, dba Allstream's application for direct access to numbering resources for its interconnected VoIP service. The Bureau said this proceeding will be terminated, and the docket will be closed, 60 days from the date of this Public Notice if there are no further filings in this proceeding or, if there are additional filings, after 60 days of inactivity in the record.

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Upcoming Filing Dates

- Nov. 19 - PRA comments due on a new information collection to establish an intermediate provider registry. [Notice](#)
- Nov. 19 - Replies due to oppositions to [petitions for reconsideration](#) of the [Wireless Infrastructure Deployment Order and Declaratory Ruling](#). [Public Notice](#)

- Nov. 19 - Replies due to Petitions for Reconsideration of the Network Testing [Order](#). [FR](#)
- Nov. 20 - Replies due on Mid-Hudson Data's [Petition](#) seeking ETC designation in the State of New York in all areas in which it has been awarded CAF Phase II support via the New NY Broadband Program. [Public Notice](#)
- Nov. 23 - Comments due on Q Link Wireless' [Petition](#) for a limited waiver to use an alternative means to obtain National Verifier confirmation of a Lifeline applicant's eligibility in states in which a "hard launch" of the National Verifier occurs prior to resolution of Q Link's [Petition](#). Replies are due November 30, 2018. [Public Notice](#)
- Nov. 27 - Comments due on Interstate Telecommunications Cooperative's [Petition](#) for a 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 study areas it seeks to merge on January 1, 2019. Replies are due December 12, 2018. [Public Notice](#)
- Nov. 28 - Comments due on expanding the list of key applications and functionalities for which a carrier must demonstrate interoperability when requesting to discontinue a legacy voice service pursuant to the adequate replacement test. Reply comments are due December 13, 2018. [Public Notice](#)
- Nov. 30 - Replies due on Q Link Wireless' [Petition](#) for a limited waiver to use an alternative means to obtain National Verifier confirmation of a Lifeline applicant's eligibility in states in which a "hard launch" of the National Verifier occurs prior to resolution of Q Link's [Petition](#). [Public Notice](#)
- Dec. 3 - PRA comments due on an extension of a currently approved information collection associated with FCC Forms 492 and 492-A, Rate-of-Return Monitoring Reports. [Notice](#)
- Dec. 3 - Replies due on the [Public Notice](#) requesting comments on whether certain docketed proceedings listed in the attachment to the Public Notice should be terminated as dormant. [FR](#)
- Dec. 5 - Oppositions due to Aureon's direct case in connection with its Tariff No. 1 revisions filed on September 24, 2018. [Order](#)
- Dec. 7 - Replies due on the applicability of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019](#) to the FCC's Protecting Against National Security Threats to the Communications Supply Chain rulemaking and to the programs the Commission oversees. [Public Notice](#)
- Dec. 10 - PRA comments due on an extension of a currently approved information collection associated with Part 64 pay-per-call rules. [Notice](#)
- Dec. 12 - Replies due on Interstate Telecommunications Cooperative's [Petition](#) for a 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 study areas it seeks to merge on January 1, 2019. [Public Notice](#)
- Dec. 13 - Replies due on expanding the list of key applications and functionalities for which a carrier must demonstrate interoperability when requesting to discontinue a legacy voice service pursuant to the adequate replacement test. [Public Notice](#)
- Dec. 24 - PRA comments due on an extension of a currently approved information collection regarding section 51.803, Procedures for Commission Notification of a State Commission's Failure to Act and Supplemental Procedures for Petitions Pursuant to section 252(e)(5). [FR](#)

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