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### November 20, 2017 HIGHLIGHTS

- The FCC adopted eight items at its November 16, 2017 [Open Meeting](#), including: a [Report and Order](#) that authorizes voice service providers to block certain types of robocalls that falsely appear to be from telephone numbers that do not or cannot make outgoing calls; a [Report and Order, Declaratory Ruling, and FNPRM and Order \(News\)](#) on further changes to the pole attachment rules, network change disclosure processes, and section 214(a) discontinuance processes; a [Report and Order](#) eliminating the requirement for historic preservation review where utility poles are replaced with substantially identical poles that can support antennas or other wireless communications equipment; and a [Fourth Report and Order, Order on Reconsideration, MO&O, NPRM, and NOI \(News\)](#) adopting and proposing measures to bridge the digital divide for Lifeline subscribers and reduce waste, fraud, and abuse in the Lifeline program. Comments on the robocall call FNPRM are due January 23; replies due February 22, 2018.
- Rep. Frank Pallone, Jr. (D - N.J.) sent a [letter](#) to Chairman Pai urging the FCC to protect federal funding for rural broadband deployment through its high-cost program.
- NTCA [discussed](#) remedying shortfalls in high-cost USF support, and [also discussed](#) the need to address outstanding issues teed up for reconsideration or further action in connection with high-cost USF reforms. TDS Telecom, ITTA, et al. [discussed](#) funding the A-CAM Plan at \$200 per month per location this year. USTelecom [supported](#) both long-term and short-term solutions to ensure sufficiency in the high-cost USF fund to support the shortfalls in funding for rural areas.
- Early reply comments were filed by the [Penn. PUC, Teliix](#), and [the Texas 911 Alliance, et al.](#) to update the record on ICC reform issues raised in the 2011 ICC Transformation FNPRM. Replies are due November 20, 2017. [Order, Public Notice](#).
- NTCA, AT&T, WTA, USTelecom, et al. filed a [letter](#) urging the FCC to adopt rules to require carriers engaging in access stimulation to bear financial responsibility for all terminating switched transport costs between their end office and the tandem switch to which the terminating carrier requires inbound calls to be routed.
- AT&T filed a [Motion](#) to withdraw its [Petition](#) for Forbearance from tariffing requirements for tandem switching and transport and toll-free database query charges.
- NTCA, Windstream, and Frontier [claimed](#) bill-and-keep is an inappropriate methodology for 8YY originating access and database query charges. NCTA, Comcast, Charter, and Cox [suggested](#) the FCC establish a date by which TDM-based providers, rather than IP-based providers, would be held responsible for the costs of any IP-TDM conversion.
- The FCC [released](#) updated data on fixed broadband deployment as of December 31, 2016, which were collected through FCC Form 477.

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### Other Key Upcoming Dates

- Nov. 20 - Replies due on updating the record on ICC reform issues. [Public Notice, Notice](#)
- Nov. 27 - Comments due on NTCA's [petition](#) seeking temporary waiver of the updated minimum service standards for fixed, wireline BIAS 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 \(attachment\)](#)

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## USF Reform

- Rep. Frank Pallone, Jr. (D - N.J.) sent a [letter](#) to Chairman Pai on November 15, 2017, urging the FCC to protect federal funding for rural broadband deployment through its high-cost program.
- NTCA [spoke separately with](#) Advisors to Chairman Pai and Commissioner O’Rielly on November 14, 2017, to highlight the need to remedy shortfalls in high-cost USF support, and urged the Commission to pursue recommended paths toward helping to mitigate the pervasive insufficiency of USF support. NTCA also [spoke separately with](#) Commissioner Rosenworcel and Commissioner Clyburn’s [Legal Advisor](#) on November 13, 2017, to discuss the same issues and the need to address greater prospective confirmation as to the eligibility of certain expenses for cost recovery.
- USTelecom [met with](#) Commissioner Carr’s Legal Advisors on November 13, 2017, to express support for both long-term and short-term solutions to ensure sufficiency within the high-cost USF fund to support the shortfalls in funding for rural areas. It also discussed data showing the decline in capital investment in broadband over the last two years.
- TDS Telecom, Great Plains Communications, Ritter Communications, Blackfoot and ITTA [met with](#) Chairman Pai and his Advisor on November 7, 2017, to discuss funding the A-CAM Plan at \$200 per month per location this year, including the application of additional, specific build-out obligations. They claimed such funding this year would provide A-CAM recipients with certainty regarding the support they will receive over nearly a decade, and will in many cases enable them to engineer their networks for speeds of 25/3 Mbps or greater, thus leading to more future-proof deployment than would occur absent such funding. ITTA also [spoke with](#) Commissioner O’Rielly’s Legal Advisor on November 7, 2017, to discuss the same issues.
- Adak Eagle Enterprises [met with](#) Chairman Pai’s Advisor on October 13, 2017, to discuss its pending [Petition for Reconsideration](#) of the decision to deny it a second offer of A-CAM support pursuant to the December 20, 2016 [Order](#).
- The Salt River Pima-Maricopa Indian Community sent [a letter](#) to Chairman Pai and Commissioners Clyburn, O’Rielly, Carr, and Rosenworcel to express support for the draft Order that would exempt carriers serving primarily tribal lands from the effects of the OpEx limitation rule. It said adoption of this Order is consistent with the Commission’s acknowledgement of the difficulty and higher costs associated with deploying broadband on tribal lands.
- The Columbia Montour Chamber of Commerce filed [a letter](#) on November 15, 2017, to express support for the Pennsylvania PUC and Pennsylvania Department of Community and Economic Development’s Petition to keep nearly \$140 million in CAF funding in Pennsylvania to increase access to high speed internet service in underserved areas of the Commonwealth.
- Hughes Network Systems filed a [letter](#) on November 13, 2017, to further explain its objections to the inclusion of package bidding in the CAF Phase II auction. It claimed package bidding would be more complex because the budget necessitates the Commission give itself the flexibility to accept part of a package bid, but not all of it. It also claimed this would be exacerbated by other auction rules, such as the activity rule and switching rule, which could act as barriers to unbundling package bids.

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## ICC

- NTCA, WTA, USTelecom, AT&T, NCTA, Windstream, Verizon, and Frontier filed a [letter](#) on November 16, 2017, urging the Commission to adopt rules to require carriers that are engaged in access stimulation to bear financial responsibility for all terminating switched transport costs between their end office and the tandem switch to which the terminating carrier requires inbound calls to be routed. They

indicated under these rules, carriers engaged in access stimulation would be required to pay the terminating tandem switched transport charges in lieu of interexchange carriers for these calls.

- AT&T filed a [Motion](#) on November 16, 2017, to withdraw its September 30, 2016 [Petition](#) for Forbearance from tariffing requirements for tandem switching and transport and toll-free database query charges. AT&T requested the Commission dismiss the Petition without prejudice.
- Reply comments were filed on November 13, 2017, to update 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. The [Pennsylvania PUC](#) said the Commission should refrain from transitioning originating access and all other transport rates to bill-and-keep at this time, and should not adopt a network edge rule that preempts independent state law. It specified that any action on network edges should explicitly ensure a carrier's freedom to choose how it will deliver traffic on its side of the designated edge in order to reduce arbitrage opportunities, while ensuring adequate compensation for use of other carriers' networks. It also opposed a uniform compensatory regime for all third-party services that carriers use for indirect interconnection with a terminating carrier's network until the current reforms are completed and their results evaluated, and does not oppose Sprint's recommendation that ILECs must provide transit service pursuant to § 251(c)(2) at TELRIC rates. [Teliix](#) asserted much of the so-called 8YY aggregation occurs because of IXC conduct, and LECs providing 8YY origination service must incur major legal and regulatory costs, in addition to substantial network and operating costs, to provide 8YY originating service because large IXCs often attempt to obtain free service. It argued before taking any action on originating access reform, the Commission should do so only as a part of a larger proceeding that examines post-Transformation Order access issues, including the effects of the earlier changes on competition and consumers. [The Texas 911 Alliance, the Texas Commission on State Emergency Communications and the Municipal Emergency Communication Districts Association](#) expressed concern regarding the issue of one POI per LATA for TDM interconnection because the need for redundancy might necessitate having two POIs for 911 traffic in a LATA. They said if the Commission decides to act further to facilitate IP transition, the associated issue of NG911 POIs should be considered in the same or a separate proceeding, including interconnection. Replies are due November 20, 2017. [Order](#), [Public Notice](#), [Notice](#).
- NTCA, Windstream, and Frontier [met with](#) Wireline Competition Bureau staff on November 14, 2017, to reiterate the key differences between 8YY calls and traditional originating access traffic, which they assert make a bill-and-keep methodology inappropriate for 8YY originating access and database query charges. They expressed support for targeted solutions to any 8YY arbitrage similar to the Commission's 2011 access stimulation rules, and reiterated that the Commission must evaluate impacts of the 2011 ICC reforms before evaluating more comprehensive reforms.
- NCTA, Comcast, Charter Communications, and Cox Communications [met with](#) Wireline Competition Bureau staff on November 14, 2017, to encourage the Commission to establish a date by which TDM-based providers, rather than IP-based providers, would be held responsible for the costs of any IP-TDM conversion. They also encouraged the Commission to reject ILEC proposals to move the network edge to the ILEC end office and deregulate the rates for transit and transport services between tandem switches and end offices, and to reject AT&T's pending Petition for Forbearance on 8YY database query charges. They suggested the Commission should instead take immediate targeted action to address arbitrage in connection with 8YY charges.

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## Broadband

- The Wireline Competition Bureau issued a [Public Notice](#) on November 16, 2017, announcing it released updated data on fixed broadband deployment as of December 31, 2016. The Bureau said these data were collected through FCC Form 477 and are available on the FCC's Fixed Broadband Deployment Data [webpage](#). Coverage area shapefiles showing mobile voice and broadband network deployment as of December 31, 2016, are available [here](#).

- The FCC's Electromagnetic Compatibility Division/OET filed [a letter](#) on November 3, 2017, to report that Commission staff met with representatives of broadband providers, public interest groups, companies, and other organizations on October 12, 2017, to continue discussions on the fixed Measuring Broadband America program. They discussed the 2017 MBA report update, the 2018 validation period measurement update, and the automated validation update, among other issues.
- The Galena Territory Association sent a [letter](#) to Chairman Pai and the FCC Commissioners on November 9, 2017, claiming more granular data is required on Form 477 if the FCC is to ensure advanced services are being deployed in a timely fashion to all Americans. It argued this would permit support to be targeted to unserved locations and provide the FCC with a more accurate view of how many rural areas truly have adequate broadband access. It asserted not only is the census block group level data inadequate, but the FCC website also reports that 100 percent of locations have access and it is not clear what the percentages apply to.
- AT&T [met with](#) Wireless Telecommunications Bureau staff on November 7, 2017, to propose changes to the [draft Report and Order](#) to allow for replacement poles to be deployed within 10 feet of the original hole and for poles that are up to 10 feet taller than the original pole. AT&T also [met with](#) Commissioner Carr and his Legal Advisor on November 9, 2017, to discuss similar issues.
- T-Mobile [met with](#) Commissioner Carr and his Legal Advisor on November 9, 2017, to discuss spectrum and the [draft Report and Order](#) on replacement poles. T-Mobile supported the solutions offered by others to allow for a replacement pole to be placed near the existing pole. It also said the FCC should relax the pole height limitation to facilitate deployment on poles that lack space to accommodate communications equipment.
- INCOMPAS filed a [letter](#) on November 9, 2017, to suggest the FCC clarify in the [draft Report and Order](#) that the installation of a replacement infrastructure is exempt from the historic preservation review so long as the replacement is installed within 15 feet of the original when it is within a utility or transportation right-of-way, and provide more flexibility in the rules with regard to the increased height allowance.
- Edison Electric Institute filed a [letter](#) on November 9, 2017, to recommend a utility pole replacement be excluded from the requirement for historic review where the replacement pole is no more than 30 feet from the original pole and any associated ground disturbance is either no more than 30 feet from the original pole or within the footprint of the right-of-way designated for above-ground utility poles. It also said any exclusion for utility pole replacements should not be contingent upon limiting the height of the replacement pole.
- Mobilite [met with](#) Legal Advisors to Chairman Pai and Commissioners Carr, O'Rielly and Clyburn on November 8, 2017, to discuss obstacles that constrain wireless providers' design of their networks. It also suggested the draft Report and Order on replacement poles be modified to delete the restrictions that the replacement pole be placed in the same hole as the original pole and be no more than 10 percent higher.
- The Utilities Technology Council [met with](#) Chairman Pai's Legal Advisor on November 7, 2017, to suggest replacement poles be permitted to be placed adjacent to the original poles, and should be permitted to result in a new ground disturbance anywhere within 30 feet of the original pole, provided the new ground disturbance is within the existing right-of-way. UTC also suggested there be no restriction on the increase in height of the new pole. UTC also met with [Legal Advisors](#) to Commissioner O'Rielly and [Carr](#) to discuss the same issues.
- Crown Castle met with Legal Advisors to Commissioners [Clyburn](#), [Carr](#), [Rosenworcel](#), [O'Rielly](#) and [Wireless Telecommunications Bureau staff](#) on November 9, 2017, to request the Commission modify the [draft Report and Order](#) to permit an exemption for replacement poles installed in the vicinity of, but not in the exact location of, the existing pole and up to ten feet higher than the existing pole. Crown Castle also requested the Commission reaffirm its existing position that strand-mounted small cell

antennas are permissible under existing FCC overloading rules. Crown Castle also [met with](#) Wireline Competition Bureau staff on November 8, 2017, to discuss similar issues.

- The National Conference of State Historic Preservation Officers filed a [letter](#) on November 9, 2017, to express concern that the [draft Report and Order](#) was developed without any consultation with it, the Advisory Council on Historic Preservation, or with tribes. It said the FCC's proposed position that the replacement of utility poles will have no potential effect upon historic properties is not supportable.
- The National Association of Tribal Historic Preservation Officers filed [ex parte comments](#) on November 9, 2017, on the [draft Report and Order](#) on replacement poles, asking the FCC to share any studies or documents that support the FCC's assertion that these proposals have no potential to affect historic properties.
- The Lac du Flambeau Band of Lake Superior Chippewa Indians sent a [letter](#) to Chairman Pai on November 13, 2017, on the draft [Report and Order](#) on replacement poles. It requested official government-to-government consultation on issues related to expanded broadband deployment and modifying existing FCC systems without tribal consultation occurring prior to the proposed changes. It also requested the FCC share all data that supports the FCC's assertion that the construction of a replacement for a preexisting utility pole will have no potential to affect historic properties. The Fort Belknap Indian Community sent a [letter](#) to Chairman Pai on November 15, 2017, on the same issues, and the Kaw Nation of Oklahoma also sent a similar [letter](#) to Chairman Pai on November 14, 2017.
- AEP and Georgia Power [met with](#) Legal Advisors to Chairman Pai and Commissioners O'Rielly, Clyburn, Carr and [Rosenworcel](#) on November 7 and 8, 2017, to discuss the need to restore incentives to the providers of pole space, asserting the existing regulatory framework and the constant downward pressure on cost recovery has stifled innovation of deployment solutions. They also discussed revisions to section 1.1424 on joint-use agreements between ILECs and electric utilities, and discussed pole overloading notices.
- Verizon [met with](#) Legal Advisors to Chairman Pai and Commissioners O'Rielly, Clyburn, and Rosenworcel, and staff from the Wireline Competition Bureau and Office of Strategic Planning and Policy Analysis on November 8, 2017, to discuss the draft [Report and Order and FNPRM](#) on pole attachments and Verizon's one-touch make-ready proposal. Verizon asserted its OTMR proposal would allow attachers, as well as pole owners, the option to use pole-owner-approved contractors to coordinate and do all work to add a new attachment or perform other make-ready work.
- Ameren and Oncor Electric [met with](#) Wireline Competition Bureau staff on November 7, 2017, to urge the Commission not to reduce the current 45-day survey period for pole attachments to 15 days, and opposed a force-placed regulatory requirement allowing for OTMR in the power space. They also urged the Commission to continue to allow electric utilities to require advanced notice of overloading.
- Uniti Fiber, Uniti Group, Lightower Fiber Networks, Eagle 1 Resources, FiberLight, Crown Castle and CenturyLink [met with](#) Wireline Competition Bureau on November 8, 2017, to discuss railroad crossing issues and impediments to broadband deployment they can cause.
- Reply comments were filed on November 15, 2017, on the [Notice of Inquiry](#) on providing additional flexible access in spectrum bands between 3.7 and 24 GHz, particularly for wireless broadband services. [AT&T](#) said the FCC must carefully consider whether the mid-band spectrum identified in the NOI is the most suitable for new, flexible uses by undertaking or soliciting thorough, independent technical studies and analyses to ensure that incumbent users in these bands are not harmed. [Verizon](#) said given the growing need for additional mid-band spectrum and the potential value to the 5G effort, it urged the FCC to move quickly to an NPRM on the 3.7-4.2 GHz band. Verizon also said the record supports the FCC moving forward to explore using 500 megahertz of mid-band spectrum in the 5.925-6.425 GHz band for unlicensed use. [NCTA](#) said the FCC should closely examine proposals for expanded use of the C-band, particularly the 3.7-4.2 GHz band, to ensure they would adequately protect incumbent satellite operations. NCTA also said the 6 GHz band is uniquely situated to help alleviate the unlicensed spectrum crunch, provided that incumbent operations can be fully protected. About 60 replies were filed on the NOI. Please visit the [FCC's ECFS webpage](#) to view all the replies.

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## Open Internet

- USTelecom and twenty-one rural telephone companies sent [a letter](#) to Chairman Pai and all the Commissioners on November 17, 2017, to ask the Commission to make it easier for them and other innovators to offer services that will bridge the digital divide in the communities they serve by returning broadband service to a Title I light-touch framework and properly fund Universal Service support to small towns and rural America. They also said clarity from the Commission that broadband is jurisdictionally interstate is necessary to ensure providers are not burdened with multiple, and possibly conflicting, state and local requirements.
- Verizon [met with](#) Commissioner Carr and his Legal Advisor on November 8, 2017, to assert Title II regulation of broadband services is harmful to investment and innovation. Verizon urged the Commission to create a uniform, national framework for broadband that promotes investment and innovation and ensures states and localities do not undermine that framework with a patchwork of contrary state or local regulation of broadband.
- CTIA [met with](#) FCC General Counsel staff on November 8, 2017, to assert that if the Commission were to reclassify broadband internet access as an integrated information service, it also should hold that state or local broadband-specific regulation is incompatible with, and thus preempted by, the federal policy established by Congress favoring nonregulation of such offerings.
- Comcast [met with](#) Commissioner O’Rielly, his Chief of Staff, and his Legal Advisors on November 13, 2017, to discuss open internet and spectrum. Comcast asserted there is need for a clear, affirmative ruling on federal preemption in the FCC’s Order in the Restoring Internet Freedom proceeding. Comcast claimed the FCC’s preemption analysis regarding interstate services and information services in its amicus brief recently filed in the Eighth Circuit applies with equal force to broadband internet access service.
- Lincoln Network [met with](#) Chairman Pai’s Policy Advisor on November 3, 2017, to assert the internet should not be beholden to burdensome regulation. Lincoln also discussed the Commission’s authority to preempt state-by-state regulation of broadband internet services, and said that authority is supported by a long line of precedent and is necessary to ensure a uniform, consistent approach across the country.
- The Internet Association [met with](#) Legal Advisors to Chairman Pai and Commissioners Rosenworcel, Clyburn and Carr, and Wireline Competition Bureau staff on November 8 and 9, 2017, to assert the existing FCC open internet rules adopted in 2015 are working as intended, and argued the rules and the firm legal basis upon which they rest should not be undone or revisited. IA also claimed there is a lack of empirical evidence in the record showing negative impacts following the 2015 Open Internet [Order](#).
- Jeffrey Eisenach and Roslyn Layton, Visiting Fellows at the American Enterprise Institute, [met with](#) Commissioner O’Rielly, his Chief of Staff, and his Media Advisor on November 14, 2017, to emphasize the importance of the FCC using its authority to preempt states that wish to circumvent Congress’s intent to preserve the vibrant and competitive free market that presently exists for the internet and other interactive computer services, unfettered by Federal or State regulation. They attached an article on the constitutional arguments about federalism in the context of Internet Freedom.
- Akamai Technologies met separately with Legal Advisors to [Chairman Pai](#) and Commissioners [Carr](#), [Rosenworcel](#), and [Clyburn](#) on November 13, and 14, 2017, to ask the Commission to clarify in any final order that content delivery network services differ from paid prioritization. Akamai also reiterated its support for the principles that ensure consumers have unfettered access to the online content of their choice, including protections against blocking and throttling. Akamai Technologies also [met with](#) Commissioner O’Rielly’s Legal Advisor on November 15, 2017, to discuss the same issues.

- Media Freedom filed a [letter](#) on November 13, 2017, to express support for the proposed repeal of the 2015 Open Internet [Order](#). Media Freedom claimed provision of broadband internet access service is an interstate communications/information service, and said Congress has given the FCC exclusive jurisdiction to regulate this field. Media Freedom also said the FCC has ample authority to preempt state or local legislation that interferes with its overarching, regulatory framework.
- The American Legislative Exchange Council filed a [letter](#) on November 9, 2017, to suggest as the Commission contemplates open internet policies, it is imperative it consider both broad and specific regulatory frameworks. ALEC discussed some of the primary cost drivers impacting broadband deployment, and provided an op-ed in the November 6, 2017 issue of the Washington Examiner on universal access to broadband and a model resolution passed by ALEC's Communication and Technology Task Force encouraging state and local governments to cooperate with respect to small cell, or 5G, deployment.
- The Association of Research Libraries [met with](#) Commissioner Rosenworcel and her Legal Advisor on November 8, 2017, to emphasize the legal certainty provided by a Title II network neutrality regime as well as the importance of a strong, pro-consumer no blocking principle should the Commission invoke a source of authority other than Title II of the Communications Act. ARL also expressed opposition to an approach that would reverse the Commission's existing rules and replace them with a policy grounded in consumer transparency alone.
- The Benton Foundation filed a [letter](#) on November 17, 2017, to discuss a review it conducted of SEC filings of publicly-traded companies that depend on their customers' continued and unimpeded access to the internet. Benton said if the Commission eliminates or narrows the 2015 Open Internet rules, these companies believe BIAS providers could, among other things: restrict or prohibit use of their infrastructure; block, degrade, or charge for access to, or bandwidth use of, certain products and services; impose onerous restrictions on the customers' ability to use services; and favor their own content or services over that of other companies.
- Citizens Against Government Waste met with Commissioner Clyburn's [Legal Advisor](#) on November 16, 2017, to discuss spectrum, federal motor vehicle safety standards, and open internet issues. CAGW discussed a letter it sent to the Commission that requested reserving some of the TV white space during the spectrum repacking for innovative uses related to bridging the digital divide. It asserted that an open internet is not equivalent to a Title II designation, and discussed the need for a legislative solution to help guide the FCC in the future for all communications platforms. CAGW [also met with](#) another of Commissioner Clyburn's Legal Advisors to discuss open internet issues.

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## IP Transition

- USTelecom, CenturyLink, Verizon and AT&T [met with](#) Wireline Competition Bureau staff on November 8, 2017, to discuss the draft [Report and Order, Declaratory Ruling, and FNPRM](#) on the network change disclosure processes and section 214(a) service discontinuance. They asserted the draft Order correctly concludes that 90 days' notice for copper retirements will adequately protect customers, and opposed CalTel's request to seek further comment on the FCC's force majeure exemption proposal. They also responded to recent filings by ADT, Public Knowledge and the Pennsylvania PUC. USTelecom separately [responded](#) to [ADT](#), who asked the FCC not to grant ILECs relief from section 51.325(c).
- USTelecom [met separately with](#) Commissioners O'Rielly and [Clyburn](#), their Legal Advisors, and Commissioner Rosenworcel's [Legal Advisor](#) on November 8, 2017, to discuss the draft [Order and FNPRM](#) on the network change disclosure processes and section 214(a) service discontinuance. USTelecom asserted that by removing unnecessary regulatory burdens to retiring outmoded copper networks and streamlining other processes, this item will incent investment in upgraded broadband facilities and make possible further extensions of modern broadband networks to communities that

currently lack access to those networks. USTelecom said a recent study prepared for Corning found that copper retirement can result in savings of \$45-50 per home passed per year

- Windstream [met with](#) Chairman Pai's Advisor on November 9, 2017, to express support for the copper retirement notification process adopted in the 2015 Technology Transitions Order. Windstream requested the Commission modify the draft Order and FNPRM to make clear that an ILEC must provide notice of network changes and copper retirements to "those wholesale entities whose circuits are directly affected by the planned network changes or copper retirements," and requested the Commission ask questions about whether it should extend the waiting period for copper retirements that affect large numbers of circuits used by wholesale entities to provide retail service.
- The Maryland Office of People's Counsel filed a [letter](#) on November 9, 2017, claiming the draft [Order and FNPRM](#) on the network change disclosure processes and section 214(a) service discontinuance mischaracterizes its comments filed on June 14, 2017, saying the notice requirements did not cause confusion and delay - rather, the failure of Verizon to comply with the requirements caused these. Maryland OPC supports the notice requirements for consumers during the technology transition.
- The Alarm Industry Communications Committee filed a [letter](#) on November 9, 2017, expressing concern that decision in the draft [Order and FNPRM](#) to eliminate the prohibition on communicating information about upcoming network changes to affiliated entities, prior to the public notice date, will frustrate the nondiscrimination provisions of section 275 and will have a negative impact on competition in the alarm industry. AICC also believes the Commission's decision to reverse the functional test is not in the public interest.

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## Universal Service

- Commissioner Clyburn issued a [statement](#) on November 15, 2017, expressing opposition to several of the actions being considered at the November 16, 2017 Open Meeting. She claimed in the first ten months of 2017, the FCC has given the green light to more than a dozen actions that are a direct attack on consumers and small businesses. She also said what consumers want is fast, affordable broadband access, access to a free and open internet without fear of being throttled or assessed a toll by their broadband service provider, and programming options that reflect the diversity of their community.
- Eleven Democratic Senators sent a [letter](#) to Chairman Pai on November 17, 2017, to urge the Commission to protect the E-rate program and resist any proposal to prematurely modify Category Two funding. They said the expanded funding for Category Two services has only been available to schools and libraries for three filing periods, and as applicants can file for these services anytime in the five-year window, it is impossible to fully evaluate the program's effectiveness at this time. [Press release](#)
- GCI [met with](#) Legal Advisors to Commissioners Clyburn, Rosenworcel, O'Rielly and Carr on November 8 and 9, 2017, to discuss the draft Lifeline [Order](#). GCI said the proposed change to limit tribal lands Lifeline support to rural areas as defined under the E-rate program will have a significant impact in Alaska, and recommended the Commission phase down tribal lands support in the non-rural areas to allow GCI and other providers to provide a more gradual change in their plans.
- Smith Bagley [met with](#) Wireline Competition Bureau staff and Legal Advisors to Chairman Pai and Commissioner Rosenworcel on November 8 and 9, 2017, to assert the draft Lifeline [Order](#) limits enhanced tribal Lifeline support to rural tribal lands, and it discussed the proposal to limit Lifeline support to customers served by facilities-based providers.
- T-Mobile [spoke](#) with Legal Advisors to Chairman Pai and Commissioners Clyburn, O'Rielly, Carr and Rosenworcel on November 8 and 9, 2017, to urge the Commission to evaluate ways to better leverage



the universal service programs to facilitate connecting low-income consumers with access to affordable voice and broadband services. T-Mobile also urged the FCC to include questions in the draft Lifeline [Order](#) exploring coordination between the E-rate and Lifeline programs.

- The National Digital Inclusion Alliance sent a [letter](#) to Chairman Pai and Commissioners Clyburn, O’Rielly, Carr and Rosenworcel on November 11, 2017, asserting the draft Lifeline [Order](#) intends to dismantle most of the 2016 Lifeline Order.
- The Lifeline Connects Coalition, National Lifeline Association, Boomerang Wireless and Easy Wireless [met with](#) Commissioner Carr’s Chief of Staff on November 7, 2017, to recommend the proposal in the draft Lifeline [Order](#) to eliminate resellers from the Lifeline program should be removed or moved to the NOI. They also met separately with [Chairman Pai’s](#) Legal Advisor, [Commissioner O’Reilly](#) and his Legal Advisor, and [Wireline Competition Bureau](#) staff on November 9, 2017, to discuss similar issues.
- TracFone Wireless [met with](#) Commissioner Rosenworcel and her Legal Advisor on November 7, 2017, to assert that if certain proposals in the draft Lifeline [Order](#) are adopted, it would hamper the ability of telecommunications providers to offer Lifeline services, and reduce choice and competition in the Lifeline market.
- The Multicultural Media, Telecom and Internet Council, et al. met separately with [Chairman Pai](#) and Commissioner Carr and their Legal Advisors, Commissioners [Rosenworcel and O’Rielly](#) and their Legal Advisors, and Commissioner Clyburn’s Legal Advisor on November 8 and 9, 2017, to express concern with several elements of the draft Lifeline [Order](#).
- Telrite filed a [letter](#) on November 9, 2017, urging the Commission to clarify premium Wi-Fi service is mobile BIAS that qualifies for the 12-month benefit port freeze in the draft Lifeline [Order](#).
- Assist Wireless, Boomerang Wireless and Easy Telephone filed a [letter](#) on November 9, 2017, to suggest that if adopted as currently written, the draft Lifeline [Order](#) would have a widespread and severe impact on low-income consumers residing on tribal lands.
- The [Association for Retired Americans](#) and [National Association of American Veterans](#) sent letters to Chairman Pai and Commissioners Clyburn, Carr, O’Rielly and Rosenworcel on November 9, 2017, asking the Commission to reject the draft Lifeline [Order](#). ARA claimed the proposed Order will destroy Lifeline’s promise to bring affordable communications services to many of its constituents. NAAV asserted the proposal would weaken Lifeline and hurt veterans and their families who use the program.
- The Lifeline Connects Coalition, National Lifeline Association, Boomerang Wireless and Easy Wireless filed a [letter](#) on November 9, 2017, to express support for TracFone’s [Petition](#) 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. They also said to the extent the Commission grants the interim waiver proposed by TracFone, the waiver should apply to all Lifeline ETCs.
- The Public Services Commission of the U.S. Virgin Islands filed [comments](#) on November 10, 2017, supporting both ATN International’s and Telrite’s separate Emergency Petitions for Waiver, which requested a comprehensive USF Lifeline relief package similar to that made available to low-income victims of Hurricane Katrina. Both Petitions requested an enhanced Lifeline discount equal to that available to ETCs in tribal areas, \$34.25 per month, a \$30 one-time credit for handsets, and temporary modification of the one-per-household rule. The PSC urged the FCC to make a Lifeline enhanced package available for at least six months.
- Virgin Islands Telephone Company, dba Viya Telephone, and its parent company, ATN International, [met with](#) Chairman Pai and his staff on November 13, 2017, to thank the Chairman for the quick and decisive action to aid carriers affected by Hurricanes Irma and Maria, and urged the Chairman to authorize the disbursement of additional USF support for the restoration of essential services, both wireless and wireline, in the Virgin Islands. Viya also [met with](#) Wireline Competition Bureau staff on

November 14, 2017, to discuss the service obligations associated with its frozen CAF support and additional support for the recovery of essential services following the hurricanes.

- The New York Department of Public Service and New York Office of Temporary and Disability Assistance [met with](#) Wireline Competition Bureau staff on November 2, 2017, to discuss the New York PSC's [request](#) for an extension of the waiver granted in 2016 regarding implementation of the changes in Lifeline Eligibility criteria. They claimed if an additional extension is not granted, there will be a gap in time where OTDA's matching service may qualify individuals that do not qualify for Lifeline service under the FCC's new criteria.
- The New York PSC filed a [letter](#) on November 16, 2017, to follow up on its [previous letter](#) and provide additional information to the Commission on challenges faced by the New York Office of Temporary and Disability Assistance in implementing the Lifeline Modernization [Order](#), and to clarify what has been accomplished by the OTDA to date. The PSC said this information provides additional support for its [request](#) for an extension of the waiver granted in 2016 regarding implementation of the changes in Lifeline eligibility criteria.
- Venture Communications Cooperative filed a [letter](#) on November 14, 2017, to notify the FCC that effective January 1, 2018, the company will consolidate two study areas in South Dakota, with SA 391680 being the surviving study area. It said pursuant to FCC precedent, no prior approval is required when commonly owned existing study areas in the same state are consolidated.

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## Misc.

- The FCC adopted the following items at its November 16, 2017 [Open Meeting](#): a [Report and Order](#) that authorizes voice service providers to block certain types of robocalls that falsely appear to be from telephone numbers that do not or cannot make outgoing calls; a [Second Report and Order, Order on Reconsideration, and MO&O and Order \(News\)](#) on spectrum bands above 24 GHz; a [Report and Order](#) eliminating the requirement for historic preservation review where utility poles are replaced with substantially identical poles that can support antennas or other wireless communications equipment; a [Report and Order, Declaratory Ruling, and FNPRM and Order \(News\)](#) on further changes to the pole attachment rules, network change disclosure processes, and section 214(a) discontinuance processes; a [Fourth Report and Order, Order on Reconsideration, MO&O, NPRM, and NOI \(News\)](#) adopting and proposing measures to bridge the digital divide for Lifeline subscribers and reduce waste, fraud, and abuse in the Lifeline program; an [Order on Reconsideration and NPRM \(News\)](#) updating the broadcast ownership and attribution rules; and a [Report and Order and FNPRM \(News\)](#) authorizing television broadcasters to use the Next Generation TV transmission standard (ATSC 3.0) on a voluntary, market-driven basis. The FCC released the [NPRM](#) that was adopted at the Open Meeting on whether to eliminate Form 325, Annual Report of Cable Television Systems.
- ATIS filed [letters](#) on November 13, 2017, to correct its November 6, 2017 ex partes regarding meetings with Chairman Pai's office and [Wireless Competition Bureau staff](#) at which it discussed industry efforts to combat unlawful robocalling, including efforts to progress the SHAKEN framework and the SHAKEN Governance and Certification Authorities. It indicated it omitted from these filings the presentation given at the meetings and attached corrected ex partes that include the presentation.
- The Insights Association [met with](#) Chairman Pai's staff on November 7, 2017, to discuss: Telephone Consumer Protection Act reform; call blocking and tagging; a reassigned cell phone numbers database; and its [Petition for Declaratory Ruling](#) filed jointly with the American Association for Public Opinion Research on October 30, 2017. It said its Petition seeks a ruling that: communications should not be presumed to be marketing under the TCPA simply because they are sent by a for-profit company; the presence in a communication, ancillary document or webpage that can be mischaracterized as advertising does not make the communication dual-purpose; the FCC's "vicarious liability" regime does not apply to survey, opinion, and market research firms; and survey, opinion, and

market research studies are not goods or services provided to a research respondent, even if the studies involve an incentive for participation.

- INCOMPAS filed a [letter](#) on November 9, 2017, saying until the Commission can ensure the precise call blocking rules it has proposed protect legal calls, it should resist appeals to include in its proposed Order a safe harbor that offers voice service providers shelter from potential liability for blocking calls that fall outside the scope of the proposed rules. It argued until the Commission is assured the proposed rules are effective in meeting the dual purpose of eliminating robocalls and protecting legitimate traffic, it would be premature to consider a safe harbor for call blocking.
- The Professional Association for Customer Engagement, Sirius XM Radio and Noble Systems [met with](#) Chairman Pai's Advisor on November 7, 2017, to discuss call blocking and labeling programs they claim are stifling legal and legitimate communications and inadvertently disrupting the ubiquity of the national telecommunications infrastructure. They urged the Commission to allow industry efforts, such as the PACE-led Communication Protection Coalition, to continue working over the next several months to develop best practices the Commission could consider when formulating rules and regulations to protect legal communications, and asked the Commission to take no action to impede progress on technology solutions, such as SHAKEN and STIR.
- Sirius XM [met with](#) Advisors to Chairman Pai and Commissioners Rosenworcel, Carr, O'Rielly and Clyburn on November 8, 2017 to express concern that over-blocking of calls is already occurring and will increase if the Commission adopts the draft Robocall Order. It suggested a process for unblocking lawful calls blocked in error should be required rather than merely encouraged, and it suggested the draft Order require a clear process for carriers to unblock lawful calls blocked in error as part of extending safe harbor liability protection to carriers for inadvertent over-blocking of lawful calls. It suggested elements for an un-blocking process, including notice, a designated contact person, procedures and a reasonable response time.
- Reply comments were filed on November 13, 2017, 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. [ITTA](#) supported the NPRM's proposals, but said to ensure these procedures do not discourage the utilization of the formal complaint resource, the FCC should refine new section 1.723 to not require pleadings related to damages in the initial formal complaint filing. [USTelecom](#) encouraged the FCC to adopt a shot clock for all formal complaints, and said a 180-day shot clock would be appropriate for most formal complaints. It also encouraged the FCC to initiate a broader overhaul of its enforcement procedures to ensure consistency, due process, and transparency in every aspect of the enforcement process. [ACA](#) said the FCC should ease the burdens on smaller providers by imposing a 180-day shot clock on all pole attachment complaints, make pole attachment complaints eligible for Accelerated Docket treatment, establish an automatic waiver process, and ensure new discovery tools do not result in unnecessary litigation costs. Replies also filed by: [Consumer Groups and RERCs](#) and [Crown Castle](#).
- Champaign Telephone filed a [Petition for Waiver](#) on November 17, 2017, of the requirement adopted in the 1980s' Cost Separation proceeding that "investments once allocated to nonregulated use may not be reallocated to regulated use," consistent with the waiver process contemplated at that time. It said by granting this waiver, CTC would be allowed to allocate its loop investment to regulated costs, which will bring CTC into compliance with the Commission's cost separations requirements, be consistent with the Commission's RoR Reform Order, and further the Commission's objective of supporting broadband-capable networks in areas served by RoR carriers.
- The FCC issued a [Public Notice](#) on November 14, 2017, announcing Chairman Pai has appointed members to serve on the North American Numbering Council. Chairman Pai designated Travis Kavulla, Commissioner, Montana PSC, to serve as Chair of the NANC and Diane Griffin Holland, Vice President, Law and Policy, USTelecom, to serve as Vice Chair. Pai also announced four NANC working groups: Numbering Administration Oversight; Call Authentication Trust Anchor Issues; Toll Free Number Modernization Issues; and Nationwide Number Portability Issues. [News release](#).

- Reply comments were filed on November 9, 2017, on the status of competition in the market for the delivery of video programming. [Verizon](#) said the FCC should reform the retransmission consent regime, maintain protections for competitive video distributors to ensure reasonable access to programming, and affirm that OVDs are not subject to legacy cable regulation. [Charter](#) agreed with NCTA, urging the Commission to conclude the marketplace is highly competitive, eliminate regulations premised on a lack of competition in the video market, and explore ways to ensure regulatory parity so that all competitors are on a level playing field. [Comcast and NBC Universal](#) said the FCC should conclude that the video programming marketplace is highly competitive at all levels, and should reject ACA's claims regarding NBCUniversal's contractual terms with certain of ACA's members and its request for regulatory measures that Comcast claims are both beyond the scope of the report and unwarranted. Replies also filed by: [National Association of Broadcasters](#), [NCTA](#), and [INSP LLC](#). [Public Notice](#)
- Comments were filed on November 13, 2017, on the [NPRM](#) seeking comment on 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. [CenturyLink](#) expressed concern with use of an auction to assign toll-free numbers, claiming it would create more inefficiencies than it would resolve. [Verizon](#) said if the FCC moves ahead with its proposal to auction popular toll-free numbers, it should do so in a targeted manner and in a way that preserves the benefits and efficiencies of the current system. [ATIS](#) opposed the use of auctions to allocate toll free numbers given the success of the current allocation methodologies and the significant and unknown impacts that this proposal could have on the toll-free industry and on toll free subscribers. [Comet Media](#) claimed changing the status quo would adversely impact its business and put thousands of jobs in jeopardy. [Ten Digit Communications](#) questioned whether the public is adequately served by the current toll-free number administrator, Somos, in a competitively neutral and cost-effective manner, and recommended the Commission review the process by which the rates per toll-free number are calculated. [Somos](#) said to the extent the Commission adopts new auction-based and/or market-based mechanisms to govern the assignment of TFNs, it will be critical to maintain continuity and stability in TFN administration to ensure any changes are overseen by an experienced and impartial entity. The [Coalition of Canadian Resporgs](#) expressed support for the FCC's recommendation that the proceeds of any toll-free number auction be used to offset the costs of toll-free number administration. [All comments available to date](#). [Federal Register](#) Replies are due December 12, 2017.
- The Wireline Competition Bureau issued a [Public Notice](#) on November 13, 2017, granting Invoxio's application seeking authorization to obtain North American Numbering Plan telephone numbers directly from the numbering administrators for its iVoIP service. This proceeding will be terminated if there are no filings 60 days from the date of this Public Notice.
- Neustar filed [a letter](#) on November 16, 2017, to respond to the Transition Oversight Manager and North American Portability Management LNP Administrator transition status reports. Neustar claimed stakeholders have no visibility into the quality and readiness of iconectiv's Number Portability Administration Center, the effect compressed timelines will have on testing and validation of that NPAC, and the impact of the lack of an agreed-upon, viable rollback solution should the transition to that NPAC fail.
- The FCC issued a [News Release](#) on November 13, 2017, announcing the appointment of Matthew Duchesne to serve as the Chief of the FCC's Office of Native Affairs and Policy. The Office of Native Affairs and Policy serves as the Commission's catalyst to help improve the level of broadband, telecommunications, and broadcast deployment throughout Indian country, and represents the FCC in government-to-government consultation with sovereign Tribal nations. Duchesne previously served as Program Manager for Native American and International Affairs at the U.S. Bureau of Reclamation, and worked as a senior policy official at the Department of Energy with a portfolio that included serving as a negotiator with tribal and state governments on behalf of the United States.

## Upcoming Filing Dates

- Nov. 20 - 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. [Order](#), [Public Notice](#), [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. 11- Comments due on Verizon's [Petition for Waiver](#) of rule 61.74(a) when one of Verizon's FCC tariffs references another. Replies are due January 10, 2018. [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](#)
- Jan. 10 - Replies due on Verizon's [Petition for Waiver](#) of rule 61.74(a) when one of Verizon's FCC tariffs references another. [Public Notice](#)

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