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### November 28, 2016 HIGHLIGHTS

- The FCC issued a [tentative agenda](#) for its December 15, 2016 Open Meeting. The FCC will consider a Report and Order and FNPRM on the transition from TTY technology to real-time text communication over wireless IP networks and services and a Report and Order and FNPRM to enhance the Emergency Alert System. The FCC stated other items currently on circulation may also be considered unless voted on prior to the December Open Meeting.
- The [Order](#) that adopted tailored service obligations for Alaska Communications Systems, who elected to receive nearly \$20 million annually in CAF Phase II frozen support, [is effective](#) December 22, 2016, except for the certification in paragraph 33, which contains a new information collection requirement that will not be effective until approved by the OMB.
- The FCC [announced](#) ACS filed a [Petition](#) for Reconsideration of the meaning of “high-cost” in the context of the Order establishing voice and broadband service obligations for Alaska Communications. Oppositions are due 15 days after Federal Register publication.
- Oppositions to [NASUCA, et al.](#) and [NTIA](#) Petitions for Reconsideration of the [IP Transitions Order](#) are [due](#) December 8. Replies due December 19.
- The Wireline Competition Bureau [announced](#) NECA provided the Bureau with an updated list of rural and non-rural OCNs for the 2017 calendar year, in accordance with the FCC’s rural call completion rules. The Bureau reminded covered providers that Form 480 filings are due on a quarterly schedule on February 1, May 1, August 1, and November 1 of each year.
- The WCB [provided](#) guidance on filing procedures for ETCs seeking to invoke the forbearance granted by the Lifeline [Order](#) from the requirement for Lifeline-only ETCs to offer Lifeline-supported BIAS services and the requirement for high-cost recipient ETCs to offer Lifeline-supported BIAS in areas where they do not receive high-cost support or do not commercially offer broadband services that meet the Lifeline minimum service standards. AT&T filed a [Notice of Forbearance](#).
- Smart City Telecommunications filed a [Petition for Reconsideration](#) of the [Order](#) denying its Petition for Waiver of section 51.917, the ICC Eligible Recovery rule.
- The Small Company Coalition sent [a letter](#) to Commissioner O’Rielly, providing an updated Federal Compliance Calendar and a suggested list of revisions to reduce the regulatory burden on small companies.

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#### Other Key Upcoming Dates

- Dec. 2 - Comments [due](#) on AT&T’s [Petition](#) for forbearance from certain tariffing rules. Replies due December 19.
- Dec. 5 - Comments due on the 2016 biennial review. Replies due January 3. [Public Notice](#)
- Dec. 6 - Comments due on the [FNPRM](#) on eliminating duplicative high-cost funding in areas where more than one carrier is receiving support for the provision of 4G LTE service. Replies due January 5. [FR](#)

## USF Reform

- The FCC published a [Notice](#) in the Federal Register on November 22, 2016, adopting tailored service obligations for Alaska Communications Systems, who elected to receive nearly \$20 million annually in CAF Phase II frozen support in lieu of model-based support, per the October 31, 2016 [Order](#). ACS will receive Phase II frozen support for a 10-year term and be required to offer voice and broadband service at the same speed, latency, usage and pricing metrics as established for Phase II model-based carriers to at least 31,571 locations, primarily in census blocks identified as high-cost that are unserved by unsubsidized competitors, with limited exceptions. The rules are effective December 22, 2016, except for the certification in paragraph 33, which contains a new information collection requirement that will not be effective until approved by the OMB.
- The FCC issued a [Public Notice](#) on November 25, 2016, seeking comments on ACS's [Petition for Reconsideration](#), which asks the Commission to reconsider the meaning of "high-cost" in the context of the Order establishing voice and broadband service obligations for Alaska Communications. Oppositions are due within 15 days of publication in the Federal Register; replies are due 10 days after the time for filing oppositions has expired.
- The Small Company Coalition sent [a letter](#) to Commissioner O'Rielly on November 18, 2016, to thank him for comments he made in a speech at the Research Conference on Communications, Information, and Internet Policy on September 30, 2016, calling on the FCC to use data to inform and evaluate programs and policies. The SCC provided an updated Federal Compliance Calendar and a suggested list of revisions to reduce the regulatory burden on small companies.
- Frontier [met with](#) Wireline Competition Bureau staff on November 17, 2016, to discuss its response to StarTouch Broadband's challenge regarding the additional CAF Phase I Round 2 census blocks Frontier is seeking to serve. It reiterated that StarTouch's claims regarding serving virtually the entire state of Washington are not credible. Frontier provided an update on its CAF Phase II deployment, discussed the CAF Phase II auction, and encouraged the Commission to allow price cap carriers to identify extremely high-cost census blocks in advance of the auction in which they can guarantee they will deploy. Frontier also discussed the CAF Phase II speed testing framework, and asked the Commission to provide at least nine months of lead time from the time final rules are adopted before speed testing measurements are required.
- Empire State Development and the Washington D.C. Office of New York Governor Andrew Cuomo [met with](#) Commissioner Rosenworcel's Legal Advisor on November 23, 2016, to discuss New York's pending Petition for Expedited Waiver of the CAF Phase II auction rules. They asserted conducting two separate auctions for the same territories would greatly complicate the deployment of broadband infrastructure in rural New York, arguing grant of the Petition would resolve these complications by implementing a simple process through which carriers in New York would receive funding directly from the CAF in coordination with the State's broadband program. They claimed grant of the waiver is not controversial and is urgent because New York must launch its upcoming broadband auction in the very near future. They also had a [conference call](#) with Commissioner Pai's Legal Advisor on November 17, 2016, and [met with](#) Commissioner O'Rielly's Legal Advisor on November 21, 2016, to discuss the same issues.

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## ICC

- Smart City Telecommunications filed a [Petition for Reconsideration](#) on November 21, 2016, of the [Order](#) denying its Petition for Waiver of section 51.917, the ICC Eligible Recovery rule. Smart City sought to include in its 2011 Base Period Revenue an amount received after March 31, 2012, in settlement of unpaid switched access charges for service provided during Fiscal Year 2011, explaining

Verizon Business had disputed the charges, claiming the minutes were “VoIP traffic” when Smart City claimed they were not, and the two companies reached a settlement in late 2012. Smart City said it would be arbitrary and capricious for the Commission to deny relief based on an erroneous assumption that could easily be corrected by obtaining information available from a carrier under the Commission’s jurisdiction, and asserted the Commission’s refusal to consider a settlement agreement in the absence of a court or commission order is irrational and unsound public policy.

- Emery Telephone filed [a letter](#) on November 22, 2016, providing notice that it filed in ETFS the corrected Tariff Review Plan worksheets for its Tariff No. 1 and its amended Eligible Recovery Amounts and the required certifications, pursuant to the October 20, 2016 [Order](#) that granted Emery’s Waiver Petition to adjust the base period revenue amounts used to calculate Eligible Recovery.
- NECA [spoke with](#) Commissioner Pai’s Legal Advisor on November 18, 2016, to discuss the proceeding addressing Sandwich Isles Communications’ Petition for Declaratory Ruling. NECA urged the Commission to promptly resolve the outstanding issues in this proceeding.
- Sandwich Isles Communications sent [letters](#) to Chairman Wheeler and the FCC Commissioners on November 16, 2016, on the two orders currently on FCC circulation addressing SIC: Sandwich Isles Communications, Inc. and AT&T Application for Review; Sandwich Isles Communications, Inc. Petition for Declaratory Ruling.

## IP Transition

- The FCC [published](#) in the Federal Register on November 23, 2016, the [Public Notice](#) announcing [NASUCA, et al.](#) and [NTIA](#) filed Petitions for Reconsideration of the [IP Transitions Order](#) that updated the FCC’s review and notice procedures governing the filing and processing of section 214 applications to discontinue, reduce, or impair service. Oppositions to petitions for reconsideration are due December 8; replies due December 19.

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## Call Completion

- The Wireline Competition Bureau issued a [Public Notice](#) on November 22, 2016, announcing NECA has provided the Bureau with an updated list of rural and non-rural operating company numbers (OCNs) for the 2017 calendar year, in accordance with the FCC’s rural call completion rules. The Bureau stated the NECA OCN lists are provided to facilitate compliance with the call completion recordkeeping, retention, and reporting required by the Commission’s rules. The Bureau reminded covered providers that Form 480 filings are due on a quarterly schedule on February 1, May 1, August 1, and November 1 of each year, and said providers failing to submit timely Form 480 reports may be subject to enforcement action.

## USF

- The Wireline Competition Bureau issued a [Public Notice](#) on November 22, 2016, to provide guidance regarding filing procedures for ETCs seeking to invoke the forbearance granted by the Lifeline [Order](#) from the requirement for Lifeline-only ETCs to offer Lifeline-supported BIAS services and the requirement for high-cost recipient ETCs to offer Lifeline-supported BIAS in areas where they do not receive high-cost support or do not commercially offer broadband services that meet the Lifeline minimum service standards. The notice provides guidance on: the scope of forbearance relief, the forbearance notification requirement, the timing and content of forbearance notifications, and the filing process.

- AT&T filed a [Notice of Forbearance](#) on November 23, 2016, from Lifeline broadband internet access service requirements. AT&T said its CLEC and Mobility entities, listed in Attachment A, accept the FCC's forbearance relief from any requirement to offer Lifeline discounts on BIAS in all of the census blocks within their ETC service areas, and seek blanket forbearance everywhere they are an ETC. AT&T said its ILECs listed in Attachment B receive no CAF II high-cost support and seek blanket forbearance in all of the census blocks within their ETC service areas. It also indicated the other AT&T ILEC entities in the remaining 18 ILEC States accept the FCC's forbearance relief from any requirement to offer Lifeline discounts on BIAS in all of the census blocks within their ETC service areas, except in the CAF II-funded census blocks which are listed in [Attachment C](#).
- NARUC sent a [letter](#) to Chairman Wheeler and the FCC Commissioners on November 23, 2016, noting NARUC recently passed a resolution urging the FCC to grant requested waivers of the effective date of the federal eligibility criteria to allow the parties to resolve the eligibility differences between State and federal Lifeline programs. NARUC said 11 NARUC member commissions have filed requests for extensions of the Lifeline Order's December 2, 2016 deadline, and said all support USTelecom's Petition seeking a reasonable extension of that deadline. NARUC claimed absent FCC action, ETCs and state administrators in affected States will face significant confusion and increased administrative overhead, which could undermine efficiencies intended by the FCC.
- The Washington Utilities and Transportation Commission filed a [letter](#) on November 22, 2016, requesting a delay of the December 2016 effective date for Lifeline verification so that the database currently required by the UTC for ETC Lifeline-only wireless resellers will provide accurate eligibility determination. The WUTC said because the current database includes certain state-specific eligibility programs that will no longer be qualifying programs pursuant to the FCC's recent [Order](#), responses from the database in determining customer eligibility could provide false positives and will not be in compliance with current rules.
- The Maryland PSC filed a [letter](#) on November 22, 2016, to express support for USTelecom's [Petition](#) for waiver of the new Lifeline rules. The PSC urged the Commission to grant the Petition with respect to Maryland and extend such waiver for up to nine months or the maximum extent allowed under Commission rules.
- The Public Utility Division of the Oklahoma Corporation Commission filed a [Request](#) on November 18, 2016, for the FCC to hold in abeyance Cintex Wireless' [Petition](#) seeking streamlined designation as a Lifeline Broadband Provider. The PUD said there are two critical issues pending: whether or not the FCC has authority to preempt the states in this area and to issue its own ETC designations; and what role, if any, state regulatory agencies will have in monitoring the activities of these federally designated LBP's and enforcing applicable state and federal Lifeline rules. The PUD asserted the Petition should be held in abeyance until these issues are resolved.
- The Public Utility Division of the Oklahoma Corporation Commission filed a [Response](#) on November 18, 2016, to Kajeet's amended [Petition](#) for designation as a Lifeline Broadband ETC. The PUD said Kajeet's amended Petition highlights additional reasons why it should be removed from the automatic grant process, suggesting this step would allow the FCC adequate time to properly analyze and process Kajeet's amended petition in accordance with statutory requirements, which cannot be accomplished within the 60-day streamlined process.
- Assist Wireless, Boomerang Wireless, et al. filed a [letter](#) on November 21, 2016, to express support for the Lifeline Connects Coalition's Petition for Waiver of the revised Lifeline non-usage rule. They claimed the Coalition is correct that the Commission failed to adequately weigh the potential consumer harms of shortening the non-usage period to 30 days, and said until the FCC rules on TracFone's Petition for Reconsideration, the Bureau should waive rules 54.405(e)(3) and 54.407(c)(2). They also said the Coalition's concerns about recent USAC guidance have merit, and said ETCs should all be operating under the same rules and those rules must be consistent with what the FCC has ordered.

- KonaTel filed a [Petition](#) on November 18, 2016, seeking streamlined designation as a Lifeline Broadband Provider ETC in 15 states for the limited purpose of providing mobile broadband Internet access service supported by the Lifeline program.
- EducationSuperHighway met separately with [Chairman Wheeler](#) and Jon Wilkins, Chief of the Wireless Telecommunications Bureau, [Commissioner Clyburn](#) and her Chief of Staff, and Legal Advisors to Commissioners [O'Rielly](#) and [Pai](#) on November 15, 2016, to discuss an analysis of the cost to the E-rate program of the request from the governors of Texas, New Mexico, and New Hampshire to increase the discount rate to 90 percent for all E-rate applications for non-recurring costs related to fiber builds to schools without fiber when states provide 10 percent of the funding. It also provided feedback it received from states and districts regarding the challenges they are experiencing with state matching funds and fiber project approvals.

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### Misc.

- The FCC announced the [tentative agenda](#) for its December 15, 2016 Open Meeting. The Commission will consider a Report and Order and FNPRM on the transition from TTY technology to real-time text communication over wireless IP networks and services and a Report and Order and FNPRM to enhance the Emergency Alert System as a tool for community emergency preparedness. A number of additional items that are currently on circulation may be considered unless voted on prior to the December Open Meeting, including an Order on improving the resiliency of Mobile Wireless Communications Networks.
- Vonage [met with](#) Wireline Competition Bureau staff on November 17, 2016, to discuss its efforts to migrate numbers from numbering partners to Vonage, achieve IP interconnection with other providers, and otherwise implement direct access to numbers. Vonage detailed its successes in implementing direct access, as well as challenges it has faced and strategies for overcoming those challenges. Vonage said it did not discuss the merits or outcome of the pending appeal of the VoIP Numbering [Order](#).
- Locus Telecommunications filed a [Request for Review](#) on November 21, 2016, of the rejection of its TRS, LNP and NANPA fee invoices. Locus asked the FCC to direct Rolka Loubé, Neustar, and Welch & Company (the Program Administrators) to recognize Locus as a private carrier, exempt from Title II program fees on private carriage revenue, and issue refunds for Title II program fees paid in error due to the Program Administrators' imposition of fees on private carriage revenue, and to calculate all future Title II program fees based exclusively on Locus's interstate and international end-user common carrier revenues, as reported on its Forms 499-A, until such time as Locus no longer provides services on a private carrier basis. Locus also filed a [Petition](#) asking the FCC to declare that carriers have the legal right to ensure that revenues derived from private carriage offerings are exempted from Title II Program fees, USAC's policy of sharing Form 499-A data with the Title II Program Administrators is unlawful, and carriers must be afforded an opportunity for redress both retroactively and prospectively.
- Neustar filed a [letter](#) on November 18, 2016, attaching a *Number Portability Administration Center Transition Status Report* prepared by the IT transition experts supporting Neustar's Transition Project Management Office. The authors of the report claimed the NAPM and the Transition Oversight Manager have failed to share transition governance, risk, and schedule information, and said this lack of sharing has the potential to significantly delay project completion. They claimed without such communication and transparency, this project does not appear to be on a path to meet even the high-level milestones provided by the NAPM and the TOM in the most recent timeline, claiming without changes it is reasonable to conclude that the transition will not be completed until sometime in 2019.

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## Upcoming Filing Dates

- Dec. 2 - Comments due on AT&T's [Petition](#) for forbearance from certain tariffing rules. Replies due December 19. [Public Notice](#)
- Dec. 5 - PRA comments on a revision to a currently approved information collection associated with changes to notices of planned copper retirements, which were adopted in the August 2015 [Report and Order](#), and [revised](#) in July 2016. [Notice](#)
- Dec. 5 - Replies due on petitions filed by [Microsoft, et al.](#) and the [Samuelson-Glushko Technology Law & Policy Clinic](#), requesting the FCC allow E-rate subsidized broadband networks to be accessed by students at home for educational purposes. [Public Notice](#)
- Dec. 5 - Comments due on what rules should be modified or repealed as part of the 2016 biennial review. Replies due January 3, 2017. [Public Notice](#)
- Dec. 6 - Comments due on the [FNPRM](#) on the process to eliminate duplicative high-cost funding in areas where more than one carrier is receiving support for the provision of 4G LTE service. Replies are due January 5, 2017. [FR](#)
- Dec. 8 - Oppositions due on Petitions for Reconsideration filed by [NASUCA, et al.](#) and [NTIA](#) of the [IP Transitions Order](#) that updated the FCC's review and notice procedures governing the filing and processing of section 214 applications to discontinue, reduce, or impair service. Replies due December 19. [FR](#), [Public Notice](#)
- Dec. 9 - Comments due on proposed changes to the annual and quarterly Telecommunications Reporting Worksheets (FCC Forms 499-A, 499-Q) and accompanying instructions to be used in 2017 to report 2016 revenues. [Public Notice](#)
- Dec. 19 - Replies due to oppositions on Petitions for Reconsideration filed by [NASUCA, et al.](#) and [NTIA](#) of the [IP Transitions Order](#) that updated the FCC's review and notice procedures governing the filing and processing of section 214 applications to discontinue, reduce, or impair service. [FR](#), [Public Notice](#)
- Dec. 19 - Due date for broadband-only loop service tariffs made on 15-days' notice; petitions due Dec. 27; replies due Dec. 30. [Order](#)
- Dec. 19 - Replies due on AT&T's [Petition](#) for forbearance from certain tariffing rules. Replies due December 19. [Public Notice](#)
- Dec. 27 - Due date for broadband-only loop service tariffs made on 7-days' notice; petitions due December 29; and replies due December 30. [Order](#)
- Jan. 3 - Replies due on what rules should be modified or repealed as part of the 2016 biennial review. [Public Notice](#)
- Jan. 5 - Replies due on the [FNPRM](#) on the process to eliminate duplicative high-cost funding in areas where more than one carrier is receiving support for the provision of 4G LTE service. [FR](#)

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