

NECA's Weekly Federal Regulatory Summary

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

December 2, 2019 HIGHLIGHTS

- The FCC released items that were adopted at its November 22, 2019 Open Meeting, including a [report and order, FNPRM, and order](#) that ensures USF support is not used to purchase equipment or services from companies posing a national security threat to the integrity of communications networks or the communications supply chain, and an [NPRM](#) on updating its unbundling and resale rules to reflect the marketplace realities of intermodal voice and broadband competition.
- The U.S. Court of Appeals, D.C. Circuit [denied](#) Great Lakes Communication, et al.'s [motion for stay](#) of the access arbitration [report and order](#).
- Aureon Network Services filed a [petition for reconsideration](#) of access arbitration [report and order](#).
- PRA comments [are due](#) January 27, 2020, on a revision of a currently approved information collection associated with revisions to rules regarding tariffing of competitive interstate switched access exchange services.
- Sen. Joel Manchin (D-W.V.) sent [letters](#) to Chairman Pai to provide broadband coverage data for various areas in West Virginia.
- The USDA [announced](#) it invested \$5.2 million in high-speed broadband infrastructure that will create or improve rural e-connectivity for 1390 rural households and farms in Kansas. The USDA also [announced](#) an investment of \$4.79 million in Wyoming and an [investment](#) of \$5.13 million in Utah and Colorado.
- The [report and order](#) amending tariffing rules to better align them with the reality of easy electronic access to tariff filings [is effective](#) December 26, 2019.
- Comments are due December 27, 2019, on a Department of Commerce [NPRM](#) on implementation of the [executive order](#) which prohibited any transactions involving information and communications technology or services designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary.

Other Key Upcoming Dates

- Dec. 5 - Comments [due](#) on the effectiveness of the [2012 tribal engagement further guidance](#), steps to assist parties with their engagement efforts, and on pending petitions for reconsideration. Replies due January 6, 2020.
- Dec. 9 - Replies due on the [15th Broadband Deployment Report NOI](#).

USF Reform

- The Wireline Competition Bureau issued an [order](#) on November 27, 2019, designating Hughes Network Services as an ETC in eligible high-cost areas within the State of New York. The Bureau said designation is conditioned upon and limited to Hughes' authorization to receive Connect America Fund support awarded in coordination with New York's New NY Broadband Program.

[Back to Highlights](#)

ICC

- The U.S. Court of Appeals for the D.C. Circuit issued an [order](#) on November 25, 2019, denying a [motion for stay](#) filed by Great Lakes Communication, Northern Valley Communications, et al., of the [report and order](#) that adopted reforms to eliminate access arbitration schemes. The Court said petitioners have not satisfied the requirements for a stay pending court review.
- Aureon Network Services filed a [petition for reconsideration](#) on November 27, 2019, of the [report and order](#) that adopted reforms to eliminate access arbitration schemes. Aureon requested the FCC adopt rules banning all access arbitration and reverse its decision to require access-stimulating LECs to be financially responsible for all tandem switching and transport services. Aureon also requested the FCC reinstitute Aureon's original section 214 certificate and the CEA mandatory use policy for all traffic types, and allow Aureon to fully recover a cost-based rate for CEA service.
- An FCC [notice](#) was published in the Federal Register on November 27, 2019, seeking Paperwork Reduction Act comments on a revision of a currently approved information collection associated with revisions to rules regarding tariffing of competitive interstate switched access exchange services. The revisions to the information collection are necessitated by the access arbitration [order](#), which made access stimulating local exchange carriers financially responsible for the terminating tandem switching and transport service access charges associated with the delivery of traffic from an interexchange carrier to the access-stimulating LEC end office or its functional equivalent. PRA comments are due January 27, 2020.
- USTelecom [spoke with](#) Chairman Pai's wireline advisor and Wireline Competition Bureau staff on November 26, 2019, to discuss 8YY access charge reform. USTelecom expressed its desire to work with the Commission to develop a consensus proposal on 8YY reform and said such a proposal would need to include individual transitions on: database query charges; end office access charges; and tandem and common transport charges. USTelecom also discussed the need for a suitable recovery mechanism that would allow carriers to recover 8YY originating access revenues as intercarrier compensation reforms are implemented.
- Verizon [met with](#) Wireline Competition Bureau staff on November 25, 2019, to discuss the draft [order on remand and declaratory ruling](#) on the VoIP Symmetry Rule, which will be considered at the December 12, 2019 Open Meeting. Verizon supported the draft order's conclusion that the VoIP Symmetry Rule permits LECs to assess end office switched access charges only if the LEC or its VoIP partner provides a physical connection to the last-mile facilities used to serve an end user, and also supported the finding that this ruling should have retroactive effect. It asserted the draft order is consistent with the historical functional equivalence test and will advance the 2011 Transformation Order's goals of reducing market distortions, arbitration, and compensation disputes.
- JSI, on behalf of Inter-Community Telephone Company, filed a [supplement](#) to ICTC's [petition](#) seeking a waiver certain Part 51 rules to recalculate the rate bands and charges for local switching, tandem switching and dedicated transport services for two commonly owned study areas in North Dakota, ICTC and Absaraka Cooperative Telephone. The supplement notified the Commission that mixed support conditions no longer apply.

[Back to Highlights](#)

Broadband

- In addition to comments reported in a previous edition of *REGScan*, comments were filed on November 22, 2019, on the [Fifteenth Broadband Deployment Report Notice of Inquiry](#) that initiates the next annual assessment of the availability of advanced telecommunications capability to all Americans in a reasonable and timely fashion. [CTIA](#) recommended the Commission make more spectrum available for 5G, remove barriers to wireless infrastructure access, and ensure that the agency's universal service and mapping resources are optimized to promote deployment in the rural and unserved areas that need support most. [ITTA](#) recommended the Commission maintain the current speed benchmark of 25 Mbps download and 3 Mbps upload for fixed broadband, insofar as it enables "advanced" telecommunications capability as well as continue to evaluate broadband deployment examining both fixed and mobile services. [INCOMPAS](#) said the Commission should adopt 1 Gbps as the fixed broadband benchmark for the nation, and continue to recognize the distinct differences between fixed and mobile broadband networks. Replies are due December 9, 2019. [all comments available](#)
- Sen. Joel Manchin (D-W.V.) sent nine [letters](#) to Chairman Pai on October 23 and 24, 2019, to provide broadband coverage data for various areas in West Virginia, which he said shows broadband speeds are below the Commission's definition of broadband and the advertised speed given by providers. Sen. Manchin said he hoped the Commission would use the data to validate information West Virginia's broadband providers have submitted to the Commission and ensure they are eligible for any broadband grants.
- The USDA [announced](#) on November 25, 2019, it invested \$5.2 million in high-speed broadband infrastructure that will create or improve rural e-connectivity for 1390 rural households and farms in Kansas. The funding is through the USDA's ReConnect Program and will be used to deploy a FTTH broadband network capable of simultaneous transmission rates of 100 Mbps or greater. The funded service areas also include 16 businesses and 23 farms.
- The USDA [announced](#) on November 26, 2019, it invested \$4.79 million in high-speed broadband infrastructure that will create or improve rural e-connectivity for 320 rural households, 20 businesses, 18 farms, and schools in Farson and Granger, Wyoming. The USDA said [All West Communications](#) will use this funding to deploy FTTP technology that is expected to provide services up to 1 Gbps. The USDA also [announced](#) on November 25, 2019, it invested \$5.13 million in two separate broadband projects in Utah and western Colorado. The USDA said [Beehive Telephone](#) is receiving \$2.4 million to develop a FTTP network in Garfield, Wayne and Box Elder counties, and [Emery Telecommunications & Video](#) is receiving \$2.7 million to develop an FTTP network in San Juan County in Utah and Dolores County, Colorado. The funding is through the [USDA's ReConnect pilot program](#).
- Next Century Cities and nine of its members from local governments [spoke with](#) Commissioner Starks and his special advisor on November 25, 2019, to discuss the Digital Opportunity Data Collection. Next Century Cities inquired about how operational tests are conducted at the federal agency level and best practices for operational policy testing, the level of transparency required of providers who accept CAF money for projects in unserved or underserved areas, and the Commission's plans to track pricing data.
- The Enforcement Bureau released a [notice of formal complaint](#) on November 26, 2019, in a [proceeding](#) involving a pole attachment dispute between Verizon Maryland and the Potomac Edison Company. Verizon alleged Potomac Edison collected rates for pole attachments that are higher than the new telecom rate set forth in the pole attachment act, and refused to voluntarily reduce the rates to the new level. Verizon asked the Commission to order Potomac Edison to refund the overages and set Verizon's rate at the just and reasonable new telecom level. The Bureau also set the schedule for the proceeding.

[Back to Highlights](#)

Robocalls

- ATIS filed a [letter](#) on November 25, 2019, to provide input from its industry numbering committee regarding the reassigned number database. ATIS said INC has expertise in developing guidelines and recommendations that are used by the North American Numbering Plan Administration and the national Pooling Administrator in the management of numbering resources and utilized by service providers. It said INC assumes the responsibility to develop service provider guidelines for the RND, and will keep the Commission and the NANC updated on its work. Unless the FCC has any concerns, INC will begin working on these guidelines when the TRD is made public.

Universal Service

- Blanca Telephone filed a [motion](#) on November 25, 2019, seeking an immediate ruling on its [petition](#) for reconsideration and emergency relief of the Commission's December 2017 [order](#) which affirmed the Office of the Managing Directors directive that Blanca Telephone Company must repay \$6,748,280 in universal service support to which it was not entitled.
- The Wireline Competition Bureau released a [public notice](#) on November 27, 2019, granting, denying, and dismissing various petitions related to actions taken by USAC on E-Rate and USF contributions. Petitions for reconsideration or applications for review of the decisions must be filed within 30 days of the public notice.

[Back to Highlights](#)

Misc.

- The FCC released items adopted its November 22, 2019 Open Meeting, including a [report and order, FNPRM, and order](#) that ensures USF support is not used to purchase equipment or services from companies posing a national security threat to the integrity of communications networks or the communications supply chain, proposes additional actions to address national security threats to USF-funded networks, and collects information to help assess the extent to which equipment from covered companies already exists in such networks. The FCC also released: a [fifth report and order and FNPRM](#) that adopts a vertical, or z-axis, location accuracy metric in connection with wireless E911 calls and proposes additional measures to improve E911 location accuracy; an [NPRM](#) on updating its suspension and debarment rules to make them consistent with OMB guidelines, in order to better prevent bad actors from participating in USF programs, TRS programs, and the National Deaf-Blind Equipment Distribution Program; an [NPRM](#) on updating its unbundling and resale rules to reflect the marketplace realities of intermodal voice and broadband competition; an [NPRM](#) on whether to authorize AM stations to transition to an all-digital signal on a voluntary basis; an [NPRM](#) on whether the duplicative programming rule applicable to commonly owned radio stations in the same market should be modified or eliminated given the current broadcasting marketplace; and a [report and order](#) that expands the TRS fund contribution base for covering the costs of providing IP Captioned Telephone Service to include intrastate telecommunications revenue.
- The [report and order](#) amending tariffing rules to better align them with the reality of easy electronic access to tariff filings was published in the [Federal Register](#) on November 26, 2019. The rule changes in the order are effective December 26, 2019.
- The Department of Commerce [published](#) a [notice of proposed rulemaking](#) in the Federal Register on November 26, 2019, seeking comment on implementation of the May 15, 2019 [executive order](#) which prohibited any transactions involving information and communications technology or services designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary. It also said the Secretary will adopt on a case-by-case basis, fact-specific approach to determine which transactions must be prohibited, or which can be mitigated, according to requirements in the executive order. Comments are due December 27, 2019.

- Commissioner Carr [spoke at](#) a press briefing entitled *Ensuring the Security of 5G Networks* event on November 26, 2019, and discussed network security and supply chain issues. He said the Commission has taken steps to address threats to our networks, including adoption of the recent supply chain [order](#), which prohibits carriers from using federal dollars to purchase any equipment or services from companies that pose a national security threat.
- The FCC issued a [public notice](#) on November 26, 2019, to announce membership and the first meeting of the re-chartered North American Numbering Council. Chairman Pai designated Jennifer K. McKee of NCTA to serve as Chair of the NANC, and the Honorable R. Bruce Williamson, Commissioner, Maine Public Utilities Commission, to serve as Vice Chair. The notice also seeks additional working group nominations. The re-chartered NANC will hold its first meeting on December 16, 2019.
- The Wireline Competition Bureau issued a [public notice](#) on November 29, 2019, granting a section 214 application filed by [Blue Mountain Networks and Dan Bubb](#), requesting consent to transfer control of Axxis Communication, from Mr. Bubb to Blue Mountain Networks. The Bureau also granted an application by [Blue Mountain Networks and Eastern Oregon Holding Company](#), to transfer control of Eastern Oregon Telecom from Eastern Oregon Holding to Blue Mountain Networks.
- No replies were filed on a section 214 application filed by James A. Smith, Timothy J. Smith, and Oregon Telephone Corporation, requesting consent to transfer control of Helix Telephone from James A. Smith and Timothy J. Smith to OTC. [public notice](#)

[Back to Highlights](#)

Upcoming Filing Dates

- Dec. 4 - Comments due on a section 214 application filed by Charles W. Crow, Ruth Ann Crow, and David R. Crow (transferors) and New Florence Telephone, requesting consent to transfer control of Farber Telephone from transferors to New Florence. Reply comments are due December 11, 2019. [public notice](#)
- Dec. 5 - Comments due on the effectiveness of the FCC's [2012 tribal engagement further guidance](#), steps the FCC can take to assist parties with their engagement efforts, and refreshing the record on pending petitions for reconsideration that were filed on the tribal engagement obligation reporting. Replies are due January 6, 2020. [public notice](#)
- Dec. 6 - Comments due on the [FNPRM](#) on proposals to amend the FCC's schedule of regulatory fees for FY 2020. Reply comments are due January 6, 2020. [FR order](#)
- Dec. 9 - Replies due on the [15th Broadband Deployment Report Notice of Inquiry](#) that initiates the next annual assessment of the availability of advanced telecommunications capability to all Americans in a reasonable and timely fashion.
- Dec. 11 - Replies due on a section 214 application filed by Charles W. Crow, Ruth Ann Crow, and David R. Crow (transferors) and New Florence Telephone, requesting consent to transfer control of Farber Telephone from transferors to New Florence. [public notice](#)
- Dec. 16 - PRA comments due on a revision of a currently approved information collection associated with the [urban rates survey](#). [notice](#)
- Dec. 16 - PRA comments due on an extension of a currently approved information collection associated with section 69.123, density pricing zone plans. [notice](#)
- Dec 24 - PRA comments due on an extension of a currently approved information collection associated with FCC Form 833, application to participate in a toll-free number auction. [FR](#)

- Dec. 24 - PRA comments due on an extension of a currently approved information collection associated with numbering resource optimization- phase 3. [FR](#)
- Dec. 27 - Comments due on Department of Commerce notice of proposed rulemaking seeking comment on implementation of the May 15, 2019 [executive order](#) which prohibited any transactions involving information and communications technology or services designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary. [notice](#)
- Jan. 6 - Replies due on the effectiveness of the FCC's [2012 tribal engagement further guidance](#), steps the FCC can take to assist parties with their engagement efforts, and refreshing the record on pending petitions for reconsideration that were filed on the tribal engagement obligation reporting. [public notice](#)
- Jan. 6 - Replies due on the [FNPRM](#) on proposals to amend the FCC's schedule of regulatory fees for FY 2020. [FR, order](#)
- Jan. 13 - PRA comments due on a revision of a currently approved information collection associated with FCC Form 477, Local Telephone Competition and Broadband Reporting. The revisions to the information collection are necessitated by the August 2019 [report and order](#) on the new Digital Opportunity Data Collection. [notice](#)
- Jan. 27 - PRA comments due on a revision of a currently approved information collection associated with tariffing rules. The revisions to the information collection are necessitated by the access arbitrage [order](#). [notice](#)

[Back to Highlights](#)

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