

## NECA's Weekly Federal Regulatory Summary

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

### December 30, 2019 HIGHLIGHTS

- PRA comments on a revision of a currently approved information collection associated with the survey of urban rates [are due](#) January 27, 2020.
- WTA [offered suggestions](#) on the Rural Digital Opportunity Fund. NTCA, et al. [discussed](#) weighting and tiering structures for the RDOF auction. Frontier, USTelecom, et al. [asserted](#) the FCC can promote competition at the 100 Mbps tier and make RDOF dollars reach further by adjusting the upload deployment target from 20 Mbps to 10 Mbps. USTelecom, AT&T, et al. [discussed](#) location count accuracy in the RDOF auction.
- Comments on the Commission's first staff report on call blocking [are due](#) January 29, 2020. Replies are due February 28, 2020.
- NECA filed its [2020 Modification of Average Schedules](#), which are proposed to become effective for a one-year period beginning July 1, 2020.
- The November 2019 [report and order](#) that made reforms to the Lifeline program [is effective](#) January 27, 2020, except for sections 54.406(b) and 54.406(a), which have a later effective date. Sections 54.404(b)(12) and 54.410(f) are delayed.
- Comments on the [NPRM](#) on additional measures to combat waste, fraud, and abuse in the Lifeline program [are due](#) January 27, 2020. Replies are due February 25, 2020.
- PRA comments on a new information collection associated with the November 2019 [order](#) on supply chain [are due](#) January 29, 2020.

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### Other Key Upcoming Dates

- Jan. 6 - Replies [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.

## USF Reform

- An [FCC notice](#) was published in the Federal Register on December 26, 2019, seeking Paperwork Reduction Act comments on a revision of a currently approved information collection associated with the survey of urban rates. The revisions to the information collection are necessitated by the April 2013 [order](#) that adopted the form and content for a survey of urban rates for fixed voice and fixed broadband residential services, to be used by the Commission in implementation of USF reforms. PRA comments are due January 27, 2020.
- WTA met with [Chairman Pai's advisor](#) on December 18, 2019, to discuss the Rural Digital Opportunity Fund. WTA expressed concern that the application of virtually the same mechanism to RDOF areas served by 10/1 Mbps wireline broadband networks will result in the displacement and withdrawal of many existing wireline service providers. WTA proposed a bidding credit for existing 10/1 Mbps broadband networks receiving high-cost support that had met their build-out obligations under the pre-auction support mechanism. WTA also proposed several additions and changes to RDOF weighting factors in order to increase the likelihood that the RDOF auctions will select proposals that will provide quality services aimed at meeting long-term customer needs. WTA also proposed a weighting advantage for proposals for symmetric network, and expressed concerns about the adverse impact of irrevocable letters of credit upon small bidders. WTA also met with advisors to Commissioners [O'Rielly](#), [Starks](#), [Carr](#), and [Rosenworcel](#) and [Wireline Competition Bureau, Rural Broadband Auctions Task Force, and Office of Economics and Analysis staff](#) to discuss the same issues.
- NTCA, ACA Connects, Fiber Broadband Association, and NRECA [met with](#) Chairman Pai's broadband advisor on December 19, 2019, to discuss weighting and tiering structures for the Rural Digital Opportunity Fund auction and to suggest increasing the spread of weights between tiers proposed in the NPRM. They claimed targeted adjustments to weighting structures would create an auction environment in which technologies of all kinds have a meaningful opportunity to prevail – and still fit within any budget set for the auction while delivering higher quality broadband services to as many consumers as possible. They asserted failure to make such narrow adjustments could deter certain providers from participating and result in far less effective use of the available budget.
- Frontier, Windstream, USTelecom, and LYA [spoke with](#) Rural Broadband Auction Task Force and Wireline Competition Bureau staff on December 19, 2019, regarding the RDOF auction. They asserted when considering network build-out using fixed wireless technologies, an upload target of 20 Mbps likely drives significant additional deployment costs compared to a 10 Mbps upload target. They claimed a 20 Mbps upload target provides little to no additional benefits to the end user customer as all key upload use cases, including HD streaming, video conferencing, and gaming can similarly be accomplished with 10 Mbps. They asserted by adjusting the upload deployment target from 20 Mbps to 10 Mbps, the FCC can promote competition at the 100 Mbps tier, incentivize additional broadband deployment, and make limited RDOF dollars reach further.
- USTelecom, AT&T, CenturyLink, Frontier, Verizon and Windstream [met with](#) Wireline Competition Bureau and Rural Broadband Auctions Task Staff on December 20, 2019, to follow up on their December 11, 2019, [meeting](#) which discussed location count accuracy in the RDOF auction. USTelecom discussed its "RDOF Location Count Rationalization" proposal as a method of adjusting location counts. USTelecom said the proposal also outlines what types of deployments would not be considered reasonable, the implementation process for the winning carrier and the Commission to determine accurate location counts and serve them, and the compliance regime associated with end-of-term deployment milestones.
- Cincinnati Bell Telephone and Hawaiian Telcom [spoke separately with](#) Chairman Pai's advisor and Wireline Competition Bureau staff on December 19 and 20, 2019, to request the Commission consider appropriate mechanisms for continuing to support networks constructed by price-cap carriers in high-cost areas where the carriers elected CAF Phase II statewide offer funding. CBT said if the Commission does not allow for RDOF funding in areas where the only carrier providing 25/3 Mbps service is a price-cap carrier that received CAF Phase II state-wide offer funding, the Commission must

provide alternative USF support for the ongoing costs to provision, maintain, and offer service in these high-cost areas.

- Conexon [met with](#) Commissioner Rosenworcel's chief of staff on December 20, 2019, to discuss the Rural Digital Opportunity Fund auction. It asserted that during the budget clearing phase of the proposed RDOF auction, the FCC weighting scheme takes no account for asset life, and during the bidder selection phase, the weighting scheme takes no account for consumer preference. Conexon also asserted that if its budget clearing round proposal been in place during the CAF II auction, the same number of locations would have received broadband funding, and more would have been funded at the gigabit tier for far less money than the FCC currently spends on 4/1, Mbps, 10/1 and 25/3 Mbps service. It asserted the current FCC auction design will leave millions of rural homes without fiber service.
- ViaSat and Mehlman Capitol Strategies [met with](#) advisors to Chairman Pai and Commissioners O'Rielly, Carr, Starks, and Rosenworcel on December 19 and 20, 2019, to discuss the Rural Digital Opportunity Fund. They discussed issues in their December 19, 2019, ex parte, which urged the Commission to reject calls to increase the latency penalty imposed on satellite providers from the 25-point weight applied in the CAF Phase II auction and asserted imposing a 40-point or higher latency penalty in RDOF would give satellite providers virtually no chance of participating successfully in the auction. They also reiterated that the Commission should bolster the competitiveness of the RDOF auction by facilitating the use of hybrid technologies. They urged the Commission to amend its rules so that if a provider meets the Mean Opinion Score of four requirement for VoIP service and routes other latency-sensitive traffic over low-latency links that provide 100 ms of latency for 95 percent of all peak period measurements, it is deemed to satisfy the low latency threshold for bidding purposes, and no latency penalty at all should apply to a bid to provide that type of service in the auction.
- Lake County Minnesota filed a [petition](#) on December 24, 2019, requesting the Commission revise its December 18, 2019 [order](#) directing USAC to draw on Lake County's letter of credit to recover rural broadband experiments funds disbursed to Lake County. Lake County requested the FCC waive its rules and allow Lake County to directly repay the disbursed RBE funds rather than having such funds collected from Lake County's LOC.

[Back to Highlights](#)

## ICC

- Inteliquent filed a [letter](#) on December 20, 2019, on access arbitrage. Inteliquent made a number of suggestions, including not adopting bill-and-keep for 8YY tandem switching and transport charges, and suggesting the Commission adopt its alternative proposal of capping 8YY-related tandem switching and transport charges. It also expressed opposition to the proposal to reduce originating end office charges for 8YY traffic to bill-and-keep.

[Back to Highlights](#)

## Robocalls

- The FCC's [public notice](#) on collecting information for the Commission's first staff report on call blocking was published in the [Federal Register](#) on December 30, 2019. The Commission seeks comment on the availability and effectiveness of call blocking tools, the impact of FCC actions, the impact on 911 services and public safety, and information that may inform the Commission's analysis of the state of deployment of advanced methods and tools to eliminate illegal and unwanted calls. Comments are due January 29, 2020; replies are due February 28, 2020.

[Back to Highlights](#)

## Universal Service

- The November 2019 [report and order](#) that made reforms to the Lifeline program [was published](#) in the Federal Register on December 27, 2019. Reforms included: prohibiting participating carriers from paying commissions to employees or sales agents based on the number of consumers who apply for or are enrolled in the Lifeline program with that carrier; and restoring the role of states in designating carriers to participate in the Lifeline program, among other things. The order is effective January 27, 2020, except for section 54.406(b), which is effective February 25, 2020, and section 54.406(a), which is effective March 26, 2020. Sections 54.404(b)(12) and 54.410(f) are delayed, and the FCC will publish a document announcing the effective date.
- The [NPRM](#) seeking comment on additional measures to combat waste, fraud, and abuse in the Lifeline program [was published](#) in the Federal Register on December 27, 2019. Comments are due January 27, 2020; replies are due February 25, 2020.
- The Wireline Competition Bureau issued a [public notice](#) on December 26, 2019, seeking comment on proposed changes to the annual and quarterly telecommunications reporting worksheets (FCC Forms 499-A and 499-Q), and accompanying instructions, to be used in 2020 to report 2019 revenues. Comments are due January 27, 2020.

[Back to Highlights](#)

## Misc.

- NECA filed its [2020 Modification of Average Schedules](#) on December 23, 2019, that contain proposed revisions to formulas used for average schedule interstate settlement disbursements. The revisions are proposed to become effective for a one-year period beginning July 1, 2020.
- An FCC [notice](#) was published in the Federal Register on December 30, 2019, seeking Paperwork Reduction Act comments on a new information collection associated with the November 2019 [order](#) that prohibited the use of USF monies to purchase, maintain, improve, modify, obtain, or otherwise support any equipment or services produced or provided by a company that poses a national security threat to the integrity of communications networks. The Commission proposes to collect information to determine the extent to which potentially prohibited equipment exists in current networks and the costs associated with removing such equipment and replacing it with equivalent equipment. PRA comments are due January 29, 2020.
- The Wireline Competition Bureau issued a [public notice](#) on December 23, 2019, granting a section 214 application filed by [James A. Smith, Timothy J. Smith, and Oregon Telephone Corporation](#), requesting consent to transfer control of Helix Telephone Company from James A. Smith and Timothy J. Smith to OTC. The bureau also granted an application filed by [Charles W. Crow, Ruth Ann Crow, and David R. Crow and New Florence](#) requesting consent to transfer control of Farber Telephone Company from Transferors to New Florence.
- The Wireline Competition Bureau issued a [public notice](#) on December 23, 2019, seeking comment on a section 214 application filed by Patricia Stewart, the Estates of William and Allen George, Ironton Telephone Company, Ironton Global Networks, LLC, Ironton Long Distance Company, and Service Electric Telephone Company, LLC, requesting consent to transfer control of ITC from Estates to Stewart. Comments are due January 6, 2020; reply comment are due January 13, 2020.

[Back to Highlights](#)

## Upcoming Filing Dates

- Dec. 31 - Comments due on [Twilio's](#) and [Voice Application Network's](#) application for authorization to obtain NANP telephone numbers directly from the numbering administrators for its iVoIP service.

- Jan. 2 - Oppositions due to petitions for reconsideration of the July 2019 [report and order](#) on the rural tribal priority window for the 2.5 GHz band. Replies are due January 13, 2020.
- Jan. 3 - Oppositions due to petitions for reconsideration of the August 2019 rural health care [order](#). Replies are due January 13, 2020 [FR](#)
- 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 - Comments due on a section 214 application filed by Patricia Stewart, the Estates of William and Allen George, Ironton Telephone, Ironton Global Networks, Ironton Long Distance, and Service Electric Telephone Company, requesting consent to transfer control of ITC from Estates to Stewart. Reply comments are due January 13, 2020. [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. 7 - Oppositions due on Aureon Network Services' [petition for reconsideration](#) of the September 2019 access arbitration [report and order](#). Replies are due January 17, 2020. [FR](#)
- Jan. 10 - 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, notice](#)
- 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. 13 - Replies due on a section 214 application filed by Patricia Stewart, the Estates of William and Allen George, Ironton Telephone, Ironton Global Networks, Ironton Long Distance, and Service Electric Telephone Company, requesting consent to transfer control of ITC from Estates to Stewart. [public notice](#)
- Jan. 13 - Replies to oppositions to petitions for reconsideration of the August 2019 rural health care [order](#). [FR](#)
- Jan. 17 - Replies due to oppositions to Aureon Network Services' [petition for reconsideration](#) of the September 2019 access arbitration [report and order](#). Replies are due January 17, 2020. [FR](#)
- Jan. 20 - Replies due to oppositions to petitions for reconsideration of the July 2019 [report and order](#) on the rural tribal priority window for the 2.5 GHz band.
- Jan. 27 - Comments due on the [NPRM](#) on additional measures to combat waste, fraud, and abuse in the Lifeline program. Replies are due February 25, 2020. [FR](#)
- Jan. 27 - Comments due on proposed changes to the annual and quarterly telecommunications reporting worksheets (FCC Forms 499-A and 499-Q), and accompanying instructions, to be used in 2020 to report 2019 revenues. [public 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 arbitration [order](#). [notice](#)

- Jan. 27 - PRA comments due on a revision of a currently approved information collection associated with the survey of urban rates. [FCC notice](#)
- Jan. 29 - PRA comments due on a new information collection associated with the November 2019 [order](#) on supply chain. [FR](#)
- Jan. 29 - Comments due on the Commission's first staff report on call blocking. Replies are due February 28, 2020. [FR](#), [public notice](#)
- Feb. 25 - Replies due on the [NPRM](#) on additional measures to combat waste, fraud, and abuse in the Lifeline program. [FR](#)
- Feb. 28 - Replies due on the Commission's first staff report on call blocking. [FR](#), [public notice](#)

[Back to Highlights](#)

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