



[USF reform](#) | [Broadband](#) | [ICC](#) | [Robocalls](#) | [Open internet](#) | [Other universal services](#) | [Miscellaneous](#) | [Upcoming filing dates](#)

Weekly federal regulatory summary | May 22, 2023 highlights

President Biden [announced](#) his intent to nominate Anna M. Gomez to be an FCC commissioner, and to renominate Commissioners Starks and Carr.

The FCC adopted three items at the May 18, 2023 [open meeting](#), including a [report and order](#), [FNPRM](#), and [NOI](#) on robocalls.

The FCC issued a [tentative agenda](#) for its June 8, 2023 open meeting, and will consider four items, including an [NPRM](#) on strengthening consumer consent for robocalls and robotexts.

NTCA [urged](#) the FCC to recalibrate the budget control mechanism for the CAF-BLS and HCLS mechanisms at the current level of demand, among other things.

WTA [discussed](#) its request for a waiver of the BCM for CAF-BLS and HCLS for at least the July 2023-to-June 2024 support year.

The FCC [announced](#) June 30, 2023, is the filing deadline for the biennial recertification of study area boundary data.

The FCC [approved](#) NECA's December 2022 proposed revisions to formulas used for average schedule interstate settlement disbursements, for a one-year period beginning July 1, 2023.

The FCC [released](#) the [broadband funding map](#), which contains data received from the USDA, NTIA, and the Department of Treasury, as well as the FCC's own data.

The Treasury [announced](#) approval of \$185.9 million for broadband projects in Delaware and Idaho under the Capital Projects Fund.

A Senate subcommittee held a [hearing](#) on May 17, 2023, on rural broadband. A House subcommittee held a [mark-up session](#) on 28 broadband-related bills.

Rep. Kat Cammack (R-Fla.), et al. [introduced legislation](#) to merge the ReConnect Program with USDA's broadband loan and grant program.

Other key upcoming dates

June 8 – Comments [are due](#) on modifying the calculation of the broadband reasonable comparability benchmarks for the urban rate survey. Replies are due June 23, 2023.

Editor: [Shawn O'Brien](#) | **Assistant Editor:** [Libby Newson](#)

High Cost USF reform

- NTCA [spoke with](#) Chairwoman Rosenworcel's legal advisor on May 12, 2023, regarding CAF-BLS, high-cost loop support, the budget control mechanism, and A-CAM. NTCA urged the FCC to provide relief and recalibrate the budget control mechanism for the CAF-BLS and HCLS mechanisms at the current level of demand. NTCA also urged the FCC to recalculate the existing formulas for service level commitments under CAF-BLS at 100/20 Mbps, and to provide a voluntary option for more stable CAF-BLS and HCLS in exchange for a study area-wide commitment to deliver at least 100/20 Mbps. Additionally, NTCA emphasized the need for the FCC to employ realistic, engineering-backed assessments in identifying areas in need of CAF-BLS/HCLS and A-CAM support to ensure universal service will be achieved and sustained.
- NTCA [spoke with](#) legal advisors to Commissioners Carr, Starks, and Simington on May 16, 2023, regarding CAF-BLS, high-cost loop support, and the budget control mechanism. NTCA urged the FCC to: provide near-term relief from the BCM for the CAF-BLS and high-cost loop support mechanisms; recalibrate the BCM at the current level of demand; recalculate the existing formulas for service level commitments under CAF-BLS at 100/20 Mbps; and provide a voluntary option for more stable CAF-BLS and HCLS support in exchange for a study area-wide commitment to deliver at least 100/20 Mbps.
- WTA spoke with legal advisors to Commissioners [Carr](#), [Simington](#), and [Starks](#) on May 15 and 16, 2023, regarding WTA's previous request for timely waiver of the budget control mechanism for CAF-BLS and high-cost loop support for at least the July 2023-to-June 2024 support year. WTA said without a BCM waiver for the 2023-2024 support year, its members and other RLECs will lose approximately 18 percent of their otherwise applicable high-cost support (ranging from approximately \$400,000 to \$2.7 million for various WTA members).
- Hargray Telephone, on behalf of the Southeastern Rural Broadband Alliance, [spoke with](#) Wireline Competition Bureau staff on May 11, 2023, regarding CAF-BLS reform. The SRBA said use of an inflation index to determine annual support would provide public policy benefits in that it would lower the initial impact to the contribution factor and provide increased support in future years when companies would experience greater operating expenditures due to inflation. SRBA also discussed the importance of timing for CAF-BLS reforms such as a voluntary freeze in support in exchange for a build-out commitment of a scalable network capable of providing at least 100/20 Mbps speeds.
- The Office of Economics and Analytics, in conjunction with the Wireline Competition Bureau, issued a [public notice](#) on May 16, 2023, announcing the filing deadline for the biennial recertification of study area boundary data is June 30, 2023. They said ILECs and state commissions that have voluntarily agreed to file study area boundary data on behalf of some or all ILECs operating within their jurisdictions must review and recertify study area boundary data every two years. They also said ILECs and state commissions that have uploaded and certified new boundaries between Dec. 31, 2022 and March 15, 2023, are not required to recertify their data this year. All other ILECs and state commissions responsible for study area boundary information must recertify.
- Vantage Point [spoke with](#) Wireline Competition Bureau and Wireless Telecommunications Bureau staff on May 16, 2023, regarding the Alaska Remote Carrier Coalition's [petition](#) for rulemaking to address the costs of middle mile transport expenses for portions Alaska by

adopting a Alaska Middle Mile Expense Support plan. Vantage Point provided additional detail on the petition and discussed ASTAC's future performance commitments for phase 2 of the Alaska Plan and how approval of the AMMES petition will provide ASTAC the ability to commit to enhanced performance obligations with relief from ultra-high middle mile transport costs.

- The Wireline Competition Bureau issued an [order](#) on May 17, 2023, granting East Central Vermont Telecommunications District's (ECFiber) [petition](#) requesting a six-month waiver of the requirement Rural Digital Opportunity Fund auction recipients obtain letters of credit from banks that maintain a Weiss bank safety rating of B- or better. The bureau said this waiver will allow ECFiber to maintain its LOC with its current bank until Nov. 1, 2023.

[Back to highlights](#)

Broadband

- The Office of Economics and Analytics, in conjunction with the Wireline Competition Bureau, issued a [public notice](#) on May 15, 2023, announcing the release of the [broadband funding map](#). The funding map contains data received from the USDA, NTIA, and the Department of Treasury, as well as the FCC's own data. The FCC said any funding data submitted by other federal agencies in the future will be added to the map as part of regular updates the FCC will make to the map. The map allows users to identify, search, and filter federal funding programs by the ISP receiving funding, the duration timeline, the number of locations included in the project, and the download and upload speeds. The map contains broadband availability data as of June 30, 2022- the same data that currently appear on the National Broadband Map.
- The U.S. Department of the Treasury [announced](#) on May 15, 2023, approval of \$185.9 million for broadband projects in Delaware and Idaho under the American Rescue Plan's Capital Projects Fund. Delaware will receive \$65.9 million and Idaho will receive \$120 million. To date, 41 states have been approved to invest over \$6.5 billion of CPF funding.
- Chairwoman Rosenworcel sent [letters](#) to 14 senators on May 5, 2023, in response to their letter on the FCC's effort to develop the National Broadband Map. Rosenworcel said if the FCC were to pursue monthly updates to the Broadband Serviceable Location Fabric, providers would be under no obligation to report availability data for Fabric locations updated outside of the biannual reporting period because the Broadband DATA Act establishes a biannual cadence for the collection of availability data. Rosenworcel said this would result in updates with zero data about whether or not broadband service is available.
- The Senate Committee on Agriculture, Nutrition and Forestry's Subcommittee on Rural Development and Energy held a [hearing](#) on May 17, 2023, on rural broadband. Witnesses included: [Roger Nishi](#), Waitsfield and Champlain Valley Telecom; [Fred Johnson](#), Farmers Telecommunications Cooperative; [Justin Forde](#), Midcontinent Communications; [Jesse L. Shekleton](#), Jo-Carroll Energy; and [Christa Shute](#), NEK Broadband.
- The House Energy and Commerce Committee's Communications and Technology Subcommittee held a [mark-up session](#) on May 17, 2023, on 28 broadband-related bills.
- Reps. Kat Cammack (R-Fla.), Darren Soto (D-Fla.), Ronny Jackson (R-Texas), and Marie Gluesenkamp Perez (D-Wash.) [introduced](#) the [Rural Internet Improvement Act of 2023](#) on

May 11, 2023. The bill would eliminate duplicative broadband programs at the USDA by merging and codifying the ReConnect Program with USDA's broadband loan and grant program.

- The FCC issued a [news release](#) on May 17, 2023, announcing the Wireline Competition Bureau wrote to the largest Affordable Connectivity Program providers ([Charter](#), [Cox](#), [Starry](#)) using alternate verification processes to request a subscriber eligibility crosscheck with the National Verifier system. The bureau also requested information on these providers' continued need to use an alternative verification process and how the process is sufficient to protect program funds. The FCC also announced additional steps to protect the integrity of the ACP.
- Comments were filed on May 15, 2023, on a draft of the data fields to be collected under the Affordable Connectivity Program transparency data collection. [Cox](#) asked the Wireline Competition Bureau to: release the final required format as soon as possible, but no later than 30 days before the applicable snapshot date and 60 days before the filing deadline; release before then specific details regarding how such information is to be submitted electronically; and allow providers to utilize an application program interface to access snapshot data. [public notice](#), [FR](#)
- Reply comments were filed on May 12, 2023, on the [NPRM](#) on utilizing the Lifeline and Affordable Connectivity programs to support survivors of domestic and sexual violence. [USTelecom](#) said with regard to the proposed privacy rule requiring calls and texts to covered hotlines be removed from consumer-facing logs, there is substantial support for the FCC's proposal to stand up a centralized database of covered hotlines with a single administrator. USTelecom said to ensure this protection is properly effectuated, the FCC should provide adequate time for implementation. [NCTA](#) said the FCC should: provide clarity on key definitions of statutory terms like business day and enterprise services; permit reasonable authentication measures to safeguard against fraud; and provide sufficient time and flexibility for providers to comply with the requirements of the Safe Connections Act and any new rules. [CTIA](#) suggested the FCC provide sufficient time and opportunity for providers, survivor advocates, and the FCC to take a collaborative approach toward reaching consensus on these complex issues, taking into account different processes, capabilities, and system limitations while also understanding each survivor's experience is unique. [all replies available](#)
- Lumen filed a [letter](#) on May 12, 2023, regarding broadband consumer labels. Lumen submitted additional data it says shows the FCC's Paperwork Reduction Act burden estimate understated the burdens imposed by the consumer label rules recently adopted. Lumen said the FCC should, at a minimum, grant the [petition for reconsideration](#) filed by ACA Connects, et al., and address the concerns raised in the Lumen, AT&T, and Verizon April 27, 2023 [meeting](#).
- Chairwoman Rosenworcel sent a [letter](#) to Sen. Ron Johnson (R- Wis.) on May 1, 2023, in response to his letter on pole attachments. She said last year the FCC adopted a rulemaking that sought comment on questions concerning the allocation of pole replacement costs between utilities and attachers. She said FCC staff is currently reviewing the record and will take into consideration the issues and concerns presented by all stakeholders.

[Back to highlights](#)

ICC

- The Wireline Competition Bureau issued a [public notice](#) on May 16, 2023, reminding CLECs to file interstate tariff revisions, as necessary, removing interstate toll free (8YY) originating end office access service rates and reducing database query charges by July 18, 2023. The bureau suggested CLECs to make this filing after the competing ILEC's changes to their interstate access charge tariffs filed on 7-days' notice become effective on July 3, 2023. The bureau also reminded CLECs submitting this tariff filing to pay the \$1,040 standard tariff filing fee through the Commission's Registration System.
- Wide Voice filed a [motion](#) on May 15, 2023, requesting the FCC issue a clarification of its June 9, 2021 [memorandum opinion and order](#) on access stimulation. Wide Voice asked the FCC to clarify: the traffic at issue was certain access stimulation traffic migrated to Wide Voice customer HD Carrier when rural LECs ceased operations; and the order applies for the period of time from January 2020 through the enactment of the FCC's latest access stimulation regulations in the April 21, 2023 [second report and order](#).

[Back to highlights](#)

Robocalls

- INCOMPAS and Microsoft [spoke with](#) legal advisors to Chairwoman Rosenworcel and Commissioners Carr, and Simington and Consumer and Governmental Affairs Bureau staff on May 10, 2023, regarding the draft [report and order, FNPRM, and NOI](#) on robocalls, which will be considered at the May 18, 2023 open meeting. They asserted the FCC should modify the proposed 24-hour traceback requirement in the draft order given concerns that the deadline may adversely impact the quality of a provider's response to an entity seeking traceback and lead to a situation in which a provider submits insufficient or incomplete data. They suggested the FCC replace the 24-hour traceback requirement with a 48-hour deadline.
- Verizon filed a [petition](#) on May 17, 2023, asking the FCC to extend to June 30, 2024, the deadline for its subsidiary XO Communications to discontinue certain legacy services for which it has filed a Section 214 application, thereby extending its obligation to implement STIR/SHAKEN for these services. Verizon said an extension is necessary to accommodate the sole customer using these services, the United States Postal Service, as it completes a transition to a more modern Verizon solution that supports STIR/SHAKEN. Verizon said the USPS supported a prior, related extension [petition](#) and supports this petition as well.

[Back to highlights](#)

Other universal services

- The Enforcement Bureau issued a [notice of apparent liability of forfeiture and order](#) on May 19, 2023, against RevTel Communications, for repeatedly failing to respond to directives from USAC to provide documentation supporting information reported in its annual telecommunications reporting worksheets for 2020, 2021, and 2022. The bureau proposed

a forfeiture penalty of \$100,000 against RevTel for its failure to cooperate with documentation requirements in apparent violation of section 54.711(a) of the rules.

- The Wireline Competition Bureau issued a [public notice](#) on May 19, 2023, announcing there is sufficient funding available to fully meet USAC's estimated demand for category one and category two requests for E-Rate supported services for funding year 2023. The bureau directed USAC to fully fund eligible requests submitted for funding year 2023 and to use \$250 million in E-Rate funds unused from prior years to offset the collection requirements needed to fully meet demand for such services.
- Replies are due May 22, 2023, on the second [FNPRM](#) on the RHC Telecommunications Program. [notice](#)
- Puerto Rico Telephone Company d/b/a/ Claro filed a [letter](#) on May 19, 2023, submitting its election to receive transitional mobile support from the Uniendo a Puerto Rico Fund, pursuant to the April 19, 2023 [order](#) and May 5, 2023 [public notice](#). PRTC said it commits to maintaining its network coverage area as of June 30, 2023, or 100 percent of its network coverage area prior to Hurricanes Maria and Irma as specified whichever is greater, and to providing a minimum level of service that meets or exceeds network levels and at reasonably comparable levels to those services and rates available in urban areas.
- T-Mobile, on behalf of its affiliates, filed a [letter](#) on May 17, 2023, notifying the FCC it elects to receive transitional mobile support from the Uniendo a Puerto Rico Fund.
- The Michigan PSC filed a [letter](#) on May 18, 2023, informing the FCC that on April 21, 2023, Xiber requested its eligible telecommunications carrier certification for the purpose of receiving high cost and Lifeline support in Michigan be relinquished effective May 18, 2023. The PSC said it approved Xiber's request.

[Back to highlights](#)

Miscellaneous

- The White House issued a [press release](#) on May 22, 2023, announcing President Biden's intent to nominate Anna M. Gomez to be an FCC commissioner. Gomez serves as a senior advisor for International Information and Communications Policy in the Bureau of Cyberspace and Digital Policy. Gomez had served as the NTIA deputy administrator from 2009 to 2013 and served for 12 years in various positions at the FCC. Biden also intends to renominate Commissioner Geoffrey Starks, whose term ended on June 30, 2022, and Commissioner Brendan Carr, whose term will end on June 30, 2023. [Chairwoman Rosenworcel](#) and Commissioners [Carr](#) and [Starks](#) issued statements.
- The FCC adopted items at the May 18, 2023 [open meeting](#). The FCC adopted a [report and order, FNPRM, and NOI](#) to: expand call blocking requirements by extending the 24-hour traceback requirement to cover all voice providers in the call path; enhance existing requirements to effectively mitigate illegal traffic upon FCC notification and expand the know-your-upstream-provider requirements to all voice service providers; and seek comment on other options to further enhance consumer protections. The FCC also adopted: a [report and order](#) to provide new opportunities for unlicensed field disturbance sensor devices to operate in the 57-71 GHz band and foster innovative products and services while ensuring coexistence with other unlicensed technologies and federal

incumbents in the band; and a [report and order and FNPRM and NPRM and order](#) to ensure current and future satellite services are preserved and protected in the 12.2-12.7 GHz band by declining to authorize mobile operations in the band and proposing to authorize the 12.7-13.25 GHz for mobile broadband and other expanded uses.

- The FCC [deleted](#) a restricted adjudicatory matter from its May 18, 2023 open meeting [agenda](#). The item was adopted prior to the meeting.
- The FCC issued a [tentative agenda](#) on May 18, 2023, for its June 8, 2023 open meeting. The FCC will consider an [NPRM](#) proposing rules to strengthen the ability of consumers to decide which robocalls and robotexts they wish to receive by exercising their right to grant and revoke consent to callers, and proposes to codify the FCC's past guidance on prior express consent to make these requirements more apparent to callers and consumers. The FCC will also consider: an [NPRM](#) that would expedite the transition to NG911 and help ensure the nation's 911 system functions effectively and with the most advanced capabilities available; an [NPRM](#) that would explore how spectrum in the 42 GHz band (42-42.5 GHz) might be made available through one of several innovative, non-exclusive spectrum access models which have the potential to provide solutions in this evolving space; and a restricted adjudicatory matter. Chairwoman Rosenworcel [announced](#) on May 17, 2023, items the FCC will consider at the June 8, 2023 open meeting.
- The Pricing Policy Division of the Wireline Competition Bureau issued an [order](#) on May 18, 2023, approving NECA's December 2022 proposed revisions to formulas used for average schedule interstate settlement disbursements, for a one-year period beginning July 1, 2023.
- The Rural Wireless Association filed a [letter](#) on May 16, 2023, attaching a recent article RWA says highlights how critical it is that Congress move quickly to fully fund the reimbursement program. RWA said many rural carrier participants, including Pine Belt, as mentioned in the article, are struggling to continue to provide adequate service to their customers as they attempt to rip out their unsecure equipment and install new equipment with limited funding. RWA asked the FCC to grant all reimbursement program participants the blanket six-month extension of the one-year completion deadline as affected companies work diligently to complete this effort with limited time.
- Midcontinent Communications [spoke with](#) Commissioner Carr's legal advisor on May 9, 2023, regarding its [petition for declaratory ruling](#) on interconnection. It said the FCC should apply its previous holdings in Time Warner and CRC Communications that any telecommunications carrier can obtain interconnection for the purpose of offering wholesale local interconnection services to other providers. Midcontinent also said the FCC can act on delegated authority because it seeks only to affirm the continuing applicability of previous orders.
- The FCC issued a [report and order and NPRM](#) on May 15, 2023, on regulatory fees. In the report and order, the FCC codified several of the temporary measures it implemented in the last three fiscal years to permanently simplify and streamline the process for filing waiver, deferral, reduction and installment payment requests for regulatory fees. In the NPRM, the FCC seeks comment on regulatory fees for FY 2023 as set forth in appendices B and C, including its proposal to increase the number of FCC employees that are allocated as direct full-time equivalents to the licensing bureaus by almost 19 percent. Comments are due June 14, 2023; reply comments are due June 29, 2023.

- The Managing Director issued an [erratum](#) on May 16, 2023, to the [report and order and NPRM](#) on regulatory fees. The erratum corrected the reply comment date in the caption of the document to replace July 29, 2023, with June 29, 2023.
- The Public Safety and Homeland Security Bureau issued an [order](#) on May 15, 2023, to amend the FCC's rules to require electronic filing of new and updated system security and integrity policies and procedures by covered entities under the Communications Assistance for Law Enforcement Act. The new rule, Section 1.20005(c), will require electronic filing of SSI plans in the new CALEA electronic filing system and become effective 30 days after it is published in the Federal Register.
- No comments were filed on the transfer of control of All West from its current shareholders to Novacap Holdings. Replies are due May 26, 2023. [public notice](#)

[Back to highlights](#)

Upcoming filing dates

- May 23 – Replies due on the [NPRM](#) on ways to improve E-Rate Program rules and encourage greater tribal participation in the program. [notice](#)
- May 23 – Comments due on applications by [46 Labs Communications](#), [Vested Networks](#), [BARR TELL USA](#), [First Communications](#) and [Waddell Solutions Group](#) for authorization to obtain North American Numbering Plan telephone numbers directly from the administrator for their VoIP services.
- May 24 – Letters of intent due to be the registered industry consortium for robocall tracebacks. Comments on the letters are due June 8, 2023; replies are due June 15, 2023. [public notice](#)
- May 26 – Replies due on the transfer of control of All West from its current shareholders to Novacap Holdings. [public notice](#)
- June 2 – PRA comments due on a revision to a currently approved information collection on the application for CAF Phase II and Rural Digital Opportunity Fund support. [notice](#)
- June 2 – PRA comments due on an extension of a currently approved information collection relating to tariff review plans. [notice](#)
- June 5 – Comments due on further enhancing the effectiveness of the STIR/SHAKEN framework. Replies are due July 5, 2023. PRA comments are due July 5, 2023. [FNPRM](#)
- June 6 – Replies due on the [FNPRM](#) on robotexts. [notice](#)
- June 8 – Comments due on modifying the calculation of the broadband reasonable comparability benchmarks for the urban rate survey. Replies are due June 23, 2023. [public notice](#)
- June 8 – Comments due on letters of intent to be the registered industry consortium for robocall tracebacks. Replies are due June 15, 2023. [public notice](#)

- June 14 – Comments due on the [NPRM](#) on FY 2023 regulatory fees. Replies are due June 29, 2023.
- June 15 – Replies due on letters of intent to be the registered industry consortium for robocall tracebacks. [public notice](#)
- June 16 – PRA comments due on a revision of a currently approved information collection on the Secure and Trusted Communications Networks Reimbursement Program. [notice](#)
- June 23 – Replies due on the [FNPRM](#) on robotexts. [notice](#)
- June 23 – Repliers due on modifying the calculation of the broadband reasonable comparability benchmarks for the urban rate survey. [public notice](#)
- June 29 - Replies due on the [NPRM](#) on FY 2023 regulatory fees.
- July 3 – PRA comments due on an extension of a currently approved information collection relating to FCC Forms 499-A and 499-Q. [notice](#)
- July 5 – Comments due on further enhancing the effectiveness of the STIR/SHAKEN framework. PRA comments are due July 5, 2023. [FNPRM](#)

[Back to highlights](#)