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Weekly federal regulatory summary | June 20, 2022 highlights

A House appropriations subcommittee [approved](#) a fiscal year 2023 rural development [funding bill](#), which provides \$560 million for the expansion of broadband service, including \$450 million for the ReConnect Program. [summary](#)

The FCC [authorized](#) Rural Digital Opportunity Fund support for 513 winning bids and announced winning bid defaults.

Comments on the [NPRM](#) on a proposal by the ACAM Broadband Coalition are due July 18, 2022; replies are due Aug. 1, 2022. [FR](#)

The Broadband Data Task Force [will hold](#) a [webinar](#) on June 29, 2022, to preview the Broadband Data Collection system.

[Reply comments](#) were filed on CCA's [petition](#) on the requirement for a certified professional engineer to certify Broadband Data Collection maps.

The Wireline Competition Bureau [addressed](#) petitions for waiver by [NTCA](#) and [AT&T](#) for limited waivers of the ACP non-usage rules.

The WCB [reminded](#) non-facilities-based small voice service providers they must implement the STIR/SHAKEN caller ID authentication framework no later than June 30, 2022.

Other key upcoming dates

July 1 – Comments [are due](#) on the state of competition in the communications marketplace for its third communications marketplace report. Replies are due Aug. 1, 2022.

USF reform

- The Wireline Competition Bureau, in conjunction with the Rural Broadband Auctions Task Force, and the Office of Economics and Analytics, issued a [public notice](#) on June 14, 2022, authorizing Rural Digital Opportunity Fund support for the 513 winning bids identified in Attachment A of the public notice. They said a state-level summary will soon be posted under the results tab on [Auction 904](#) and will provide for each long-form applicant the: total support amount over 10 years and total number of locations the applicant is being authorized for in each state; locations to which the authorized support recipient must offer the required voice and broadband services; and eligible census blocks included in the winning bids being authorized in each state. Additionally, they provided a summary of the various obligations of authorized RDOF support recipients and important deadlines. They also listed in Attachment B the winning bidders that do not intend to pursue some or all their winning bids.
- The [NPRM](#) on a proposal by the ACAM Broadband Coalition was published in the [Federal Register](#) on June 16, 2022. Comments are due July 18, 2022; replies are due Aug. 1, 2022.
- ACAM Broadband Coalition members Great Plains Communications and Consolidated Communications [spoke with](#) Office of Economics and Analytics and Wireline Competition Bureau staff on June 14, 2022, regarding the [data relied](#) on and the methodologies contained in the coalition's proposed plan for updating and enhancing the current A-CAM I and A-CAM II programs.
- Siyeh Communications filed a [petition for waiver](#) on June 16, 2022, to permit the Wireline Competition Bureau to issue SiyehCom a corrected A-CAM II offer. Siyeh asserted the requested revision to its A-CAM II offer would reflect only the amount necessary to correct the bureau's inadvertent error in calculating SiyehCom's A-CAM II support level. It said a grant of the waiver and issuance of a corrected A-CAM II support level would help to close the digital divide for an unserved tribal population and advance federal government-wide interests in ensuring sufficient and equitable support levels to tribal areas.
- The Wireline Competition Bureau issued a [public notice](#) on June 17, 2022, granting a Section 214 application by Redwire and AtLink Services, requesting consent to transfer Redwire's CAF Phase II auction support obligations for a portion of its census blocks in Oklahoma to AtLink. The bureau also granted Redwire's request to continue the conditional waiver of the CAF II letter of credit requirement for the assigned census blocks so it may consummate its agreement with AtLink and granted their requested waiver of the upcoming CAF II 40% and 60% service milestones for the assigned census blocks. Additionally, the bureau denied Redwire's requests to continue the conditional waiver of the letter of credit requirement for the remaining areas covered by Redwire's authorized CAF II.
- Douglas Fast Net filed a [petition for waiver](#) on June 10, 2022, of the Rural Broadband Experiment buildout obligations and default rules. It also requested the commission revise DFN's defined deployment obligations and support (on a per-location basis) to reflect the number of actual locations DFN has identified in this petition. DFN asserted its failure to deploy its broadband network to cover the 2,495 locations estimated by the FCC should not trigger the RBE default rules because the FCC's estimate overstates the locations actually present in the census blocks DFN is required to serve. [complete filing](#)

- The Rural Broadband Auctions Task Force, Wireline Competition Bureau, and the Office of Economics and Analytics issued a [public notice](#) on June 14, 2022, announcing they are ready to authorize Viasat Connect America Fund Phase II auction support for its one winning bid identified in Attachment A of the public notice. Viasat is required to submit a letter of credit and a bankruptcy code opinion letter by June 29, 2022. Viasat's bids in default are listed in Attachment B of the public notice.
- GCI Communication [spoke with](#) Office of Economics and Analytics and Wireless Telecommunications Bureau staff on June 13, 2022, regarding: the drive test sample grid cells selected for GCI and their relationship to the Alaska population-distribution model; the resulting number of grid cells within GCI's sample multiple miles from the nearest road; and elements of the compliance formula not released with the Alaska Plan drive test order. GCI requested the version of the Alaska population-distribution model used to generate the samples conform to the version proposed by the Alaska Telecom Association.
- GCI [spoke with](#) Chairwoman Rosenworcel's legal advisor on June 15, 2022, regarding its concerns with the version of the Alaska population-distribution [model](#) used to generate the set of areas selected for GCI to drive test.

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Broadband

- The House Appropriations Subcommittee on Agriculture Rural Development, Food and Drug Administration, and Related Agencies [approved](#) its fiscal year 2023 [funding bill](#) on June 15, 2022. The bill provides funding of \$27.2 billion, including over \$4.2 billion for rural development programs. The bill invests over \$560 million for the expansion of broadband service, including \$450 million for the ReConnect Program. [summary](#)
- The Broadband Data Task Force issued a [public notice](#) on June 15, 2022, announcing it will hold a [webinar](#) on June 29, 2022, to preview the Broadband Data Collection system for filers who will submit broadband availability data in the inaugural BDC filing window beginning on June 30, 2022. Facilities-based service providers are required to file granular data in the BDC system on where they make mass-market internet access service available as of June 30, 2022, and such data must be submitted into the BDC system by Sept. 1, 2022. The webinar will familiarize filers with how to navigate the BDC system and how to submit their data once the window opens.
- The Enforcement Bureau issued an [advisory](#) on June 15, 2022, to remind all facilities-based providers of fixed or mobile broadband internet access service of their duty to timely file complete and accurate data in the Broadband Data Collection on a biannual basis. Providers may begin submitting their data on June 30, 2022, and must complete their submissions by Sept. 1, 2022. The advisory highlights the BDC filing obligations and said failure to timely file the required data in the new BDC system may lead to enforcement action and/or penalties, absent circumstances beyond a filer's control.
- Reply comments were filed on June 15, 2022, on the Competitive Carriers Association's [petition](#) on the requirement for a certified professional engineer to certify Broadband Data Collection maps. [NTCA](#) urged the FCC to clarify the engineer's certification will be made with respect to network design – that is, the provider's network as designed and

engineered is technically capable of delivering the relevant performance metrics claimed to every location within the asserted geography. The [Vermont DPS](#) generally supported CCA's petition, but said the petition gives rise to other points in need of clarification with respect to broadband availability data submissions and verification. [NRECA](#) said requiring certification by a licensed PE will be onerous and costly for small entities and certification of the technology used to service locations can be done by an engineer, but they should not be required to be licensed PEs. [Pine Belt Communications](#) urged the FCC to grant CCA's petition due to the hardships that rural providers would face in procuring a licensed professional engineer. [Vantage Point Solutions](#) reaffirmed its request the FCC exercise caution to not redefine or weaken the industry-standard and statutory term of professional engineer. It also asked the FCC to carefully consider the best way to achieve the balance between accurate data as the intention of the entire BDC process and the reasonableness of efforts involved to uphold the integrity of such data. [WISPA](#) supported CCA and said the record demonstrates support for grant of a declaratory ruling for all fixed and mobile technologies that recognizes the realities of the marketplace and the absence of any public safety or other aspects of a licensed PE that are simply unnecessary for purposes of BDC certification. [CCA](#) said most commenters agreed there is a need for clarification and/or waiver and support interpreting the BDC certification requirement to allow certification by qualified, non-PE engineers and corporate engineering officers. [all replies available public notice | FR](#)

- The Wireline Competition Bureau issued an [order](#) on June 14, 2022, addressing petitions for waiver by [NTCA](#) and [AT&T](#) for limited waivers of the non-usage rules applicable to Affordable Connectivity Program subscribers who receive free-to-the-end-user service. The bureau granted NTCA's request for an extension until Sept. 15, 2022, for small broadband internet access service providers that serve tribal ACP customers to track usage on a rolling 30-day basis for ACP subscribers who receive free-to-the-end-user service, and its request for a retroactive waiver to Jan. 1, 2022, of the Lifeline requirement to track usage on a rolling 30-day basis for subscribers who apply both the Lifeline and ACP benefit to the same service. The bureau also granted AT&T a temporary 60-day waiver to Aug. 13, 2022, of the non-usage rules for AT&T customers who receive free-to-the-end-user ACP service that uses ADSL technology.
- The [public notice](#) seeking comment on the National Lifeline Association's [petition for clarification](#) of the January 2022 [order](#) on the Affordable Connectivity Program was published in the [Federal Register](#) on June 17, 2022. Comments are due July 18, 2022; reply comments are due Aug. 1, 2022.
- NCTA, Comcast, and Cox [spoke with](#) Chairwoman Rosenworcel's legal advisor on June 14, 2022, and Charter spoke with Commissioner Carr's legal advisor on June 15, 2022, regarding broadband consumer labels. They asserted the general content and format of the 2016 labels, with minor modifications, should serve as the model for the required labels. They said additional mandated disclosures are unwarranted and could undermine Congress's objectives by making the labels less effective in assisting consumers in choosing the broadband service that meets their needs. They also said the Commission should remain focused on developing simple and easy-to-understand labels that include the information relevant to purchasing decisions made by everyday consumers.
- The Alaska Telecom Association, OTZ Telephone Cooperative, et al. [spoke with](#) Wireline Competition Bureau, Office of Economics and Analytics, and Wireless Telecommunications Bureau staff on June 7, 2022, regarding the status of testing of low earth orbit service for potential adoption as middle mile transport. They also discussed a new deployment of LEO

service being used in the Emergency Connectivity Fund Program to connect teachers and students in 10 villages.

- The Wireline Competition Bureau issued a [public notice](#) on June 13, 2022, announcing states that have certified they regulate pole attachments. The bureau noted Florida recently certified it has issued and made effective rules and regulations implementing its regulatory authority over pole attachments in the state, including a specific methodology for such regulation that has been made publicly available in the state. The bureau said certification by a state preempts the FCC from accepting pole attachment complaints under Subpart J of Part 1 of its rules.
- The Enforcement Bureau issued an [order](#) on June 14, 2022, closing a pole attachment proceeding involving AT&T and Duke Energy. The bureau said since the Florida PSC has certified it regulates pole attachments, the FCC no longer has jurisdiction over the matters raised in this proceeding. The bureau forwarded the proceeding to the Florida PSC and said all future communications regarding this matter should be directed to the Florida PSC.

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ICC

- Aureon Network Services filed a [letter](#) on June 16, 2022, requesting confidential treatment of its circuit inventory data, circuit information, and financial information in support of its July 1, 2022 annual access charge tariff filing.

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Robocalls

- The Wireline Competition Bureau issued a [public notice](#) on June 13, 2022, to remind non facilities-based small voice service providers they must implement the STIR/SHAKEN caller ID authentication framework in their internet protocol networks no later than June 30, 2022. The bureau said those nonfacilities-based small voice service providers that fail to implement the authentication framework by the deadline may be subject to enforcement action
- The National Consumer Law Center and Electronic Privacy Information Center filed a [reply](#) on June 10, 2022, on letters of intent to conduct private-led efforts to trace back the origin of suspected unlawful robocalls. They asserted the commission should: ensure governance of the consortium is not influenced by any providers that profit from illegal calls; require tracebacks be made public; and require consumers and their representatives have a meaningful role in the governance of the consortium. [public notice](#)

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Other universal services

- The FCC filed a [brief](#) with the U.S. Court of Appeals for the Fifth Circuit on June 10, 2022, in a [case](#) appealing the FCC's approval of the [proposed first quarter 2022 universal service contribution factor](#) and for review of the proposed USF factor. The FCC argued the court lacks jurisdiction because the petition for review is untimely.
- Consumer's Research, Cause Based Commerce, et al. filed [comments and objections](#) on June 14, 2022, to the [public notice](#) announcing the proposed third quarter 2022 universal service contribution factor. They said, among other things, the commission should reject the proposed contribution factor, set it at 0% and refuse to permit additional revenue to be collected and paid into the fund.
- Matthey Consulting, et al. [spoke with](#) Wireline Competition Bureau and Office of Economics and Analytics staff on June 13, 2022, regarding findings in the USForward Report, which recommended the Commission expand the Universal Service Fund contribution base to include broadband internet access service revenues. They asserted given the urgency of the USF contribution crisis, the Commission should not wait for congressional action, and recommended it expand the contribution base now to include BIAS. They also urged the FCC to include contributions reform in its upcoming report to Congress on the future of USF.
- AT&T [spoke with](#) staff from the Wireline Competition Bureau, Office of Economics and Analytics and Office of General Counsel on June 13, 2022, regarding the future of the USF. AT&T expressed support for commenters that argued the Commission should not advance new high-cost fixed or mobile broadband deployment programs or extend existing programs until the recently appropriated Congressional funding is distributed and evaluated. AT&T also discussed contributions and urged the Commission in its report to Congress to recommend Congress update Section 254(d) to expand the Commission's express authority to assess a broader base of companies operating in the internet ecosystem.
- Verizon [spoke with](#) legal advisors to Commissioners Carr and Simington and Wireline Competition Bureau staff on June 14 and 16, 2022, regarding the future of the Universal Service Fund. Verizon urged the FCC to defer consideration of any new high-cost support until funds from the Broadband Equity, Access, and Deployment Program and other new broadband programs have been fully awarded. Additionally, Verizon urged the FCC to recommend Congress appropriate additional funds to extend the Affordable Connectivity Program after the initial ACP appropriation has been expended and extend the USF funding model with substantial appropriations for the ACP and other programs.
- INCOMPAS [spoke with](#) Commissioner Carr's advisor and staff from the Wireline Competition Bureau and Office of Economics and Analytics on June 10 and 13, 2022, regarding the state of the USF and contributions reform. Consistent with its [comments](#) and [reply comments](#), INCOMPAS said the FCC's report to Congress presents an opportunity to conduct an in-depth analysis of how new funding may affect the USF. INCOMPAS recommended the FCC: continue its coordination efforts with other federal and state agencies; and to the extent the report covers USF contribution reform, adopt the proposal put forth in the USForward Report to expand the USF contribution base to include broadband internet access service revenues and not assess USF contributions to edge providers.

- The House Subcommittee on Communications and Technology of the Committee on Energy and Commerce [held](#) a markup session on June 15, 2022, on seven bills. The bills include: the [Preventing Disruptions to Universal Service Funds Act](#), which would extend the Anti-Deficiency Act exemption for the Universal Service Fund; the [Ensuring Phone and Internet Access for SNAP Recipients Act](#), which would require the FCC to work with the USDA on a report on SNAP recipient's Lifeline enrollment; and the [Spectrum Innovation Act of 2022](#) to provide additional funding for Secure and Trusted Communications Networks Reimbursement Program. [summary](#)
- Viya [spoke with](#) Wireline Competition Bureau staff on June 8, 2022, regarding its [petition for waiver](#) to align the phase-down of Viya's support in the U.S. Virgin Islands more closely with the assumption of enforceable obligations by the new Stage 2 support recipient. Viya discussed the changes in circumstances since the [adoption](#) of the transition schedule in 2019, and asserted the transition is inconsistent with the goals for broadband access and digital equity. Viya also noted the petition is unopposed and urged the commission to grant the petition without delay.
- USAC sent a [letter](#) to the Wireline Competition Bureau on June 14, 2022, providing non-confidential information on the availability of Rural Health Care unused funds for funding year 2022. It said as of March 31, 2022, total funds available for carry-forward for RHC Program are \$328.50 million.

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Miscellaneous

- The House Appropriations Subcommittee on Financial Services and General Government [approved](#) its fiscal year [2023 funding bill](#) on June 16, 2022. The bill provides annual funding for certain federal agencies, including the FCC. The bill includes \$390 million for the FCC, an increase of \$8 million above the FY 2022 enacted level, to support efforts to expand broadband access, improve the security of U.S. telecommunications networks, and administer COVID-19 relief programs. [summary](#)
- Chairwoman Rosenworcel sent [letters](#) to eight members of Congress on June 15, 2022, providing a further update on the current status of the equipment reimbursement program. Rosenworcel said the FCC notified applicants whose applications were initially materially deficient they will have a 15-day period to amend and cure these defects, the FCC will review any amended applications, and it expects to complete this process by July 15, 2022. Rosenworcel also said the FCC will provide Congress with an updated cost estimate for the reimbursement program, and continues to believe total demand will exceed the amount appropriated for the reimbursement program.
- Chairwoman Rosenworcel sent a [letter](#) to Sen. Marco Rubio (R-Fla.) on June 6, 2022, in response to his letter expressing concern with national security risks posed by certain Chinese-owned telecommunications providers. Rosenworcel said the FCC established a process for revoking a foreign carrier's existing authorization when national security concerns arise, and over the past year, revoked the authorization of four companies.
- No reply comments were filed on a Section 214 application filed by Emmental, et al. and Rural Telephone Service Company, requesting approval for the transfer of control of the

Transferors to RTSC. [public notice](#)

- No reply comments were filed on a Section 214 application filed by Endurance Parent, et al. and North Penn Long Distance, requesting consent to transfer control of Empire Telephone, ELD, North Penn Telephone, and NPLD to Endurance. [public notice](#)

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Upcoming filing dates

- June 27 – Comments due on the second [FNPRM](#) on the allocation of pole replacement costs between utilities and attachers and ways to expedite the resolution of pole replacement disputes. Replies are due July 27, 2022. [FR](#)
- June 30 – Comments due on a modified system of records entitled FCC/OSP-1, Broadband Dead Zone Report and Consumer Broadband Test, in order to implement the Broadband Data Collection Program. [FR](#)
- July 1 – Comments due on the state of competition in the communications marketplace for its third communications marketplace report. Replies are due Aug. 1, 2022. [public notice](#)
- July 1 – PRA comments due on a revision of a currently approved collection on FCC Form 481. [FR](#).
- July 1 – PRA comments due on a new information collection on disclosure of exclusive marketing arrangements in multiple tenant environments. [FR](#)
- July 5 – Comments due on the FY 2022 regulatory fees [NPRM](#). Replies are due July 18, 2022.
- July 7 – PRA comments due on a revision of a currently approved information collection on local number portability. [FR](#)
- July 11 – PRA comments due on a new information collection as it pertains to the May 2022 [report and order](#) on addressing foreign-originated robocalls. [FR](#)
- July 11 – PRA comment due on an extension of a currently approved information collection on FCC Form 502 (numbering resource utilization forecast). [FR](#)
- July 18 – Comments due on the [NPRM](#) on a proposal by the ACAM Broadband Coalition. Replies are due Aug. 1, 2022. [FR](#)
- July 18 – Comments due on the National Lifeline Association’s [petition for clarification](#) of the January 2022 [order](#) on the ACP. Replies are due Aug. 1, 2022. [public notice](#), [FR](#)
- Aug. 1 – Reply comments due on the National Lifeline Association’s [petition for clarification](#) of the January 2022 [order](#) on the ACP. [public notice](#), [FR](#)
- July 18 – Reply comments due on the FY 2022 regulatory fees [NPRM](#).

- July 27 – Replies due on the second [FNPRM](#) on the allocation of pole replacement costs between utilities and attachers and ways to expedite the resolution of pole replacement disputes. [FR](#)
- Aug. 1 – Reply comments due on the [NPRM](#) on a proposal by the ACAM Broadband Coalition. [FR](#)
- Aug. 1 - Replies due on the state of competition in the communications marketplace for its third communications marketplace report. [public notice](#)

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