

NECA's Weekly Federal Regulatory Summary

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June 21, 2021 HIGHLIGHTS

- The FCC adopted six items at its June 17, 2021 Open Meeting, including: an [NPRM and NOI](#) on its equipment authorization and competitive bidding programs; a [report and order](#) on a process to allow private entities to alert the Enforcement Bureau about suspected unlawful robocalls and spoofed caller ID; and a [second report and order](#) on the administration of the Connected Care Pilot Program.
- The U.S. District Court for the Eastern District of New York [granted](#) a [motion](#) for preliminary injunction barring enforcement of a NY budget bill provision requiring broadband providers to offer low-income customers \$15 per month high-speed broadband service.
- NTIA [released](#) a [digital interactive map](#) displaying key indicators of broadband needs across the country.
- The Office of Economics and Analytics [announced](#) it will be launching a modernized Form 477 filing interface in July 2021, and that the filing deadline for Form 477 data as of June 30, 2021, is September 1, 2021.
- Sens. Michael Bennet (D-Colo.), Angus King (I-Maine), and Rob Portman (R-Ohio) [introduced](#) bipartisan [legislation](#) to provide \$40 billion in funding to states, tribal governments, U.S. territories, and D.C. to bridge the digital divide.
- A House subcommittee held a [hearing](#) on broadband infrastructure investments.
- The FCC [announced](#) the 45-day application window for the Emergency Connectivity Fund will open on June 29, 2021, and close on Aug. 13, 2021. The FCC [will hold](#) a [webinar](#) on June 25, 2021, to provide information on the ECF.
- [Replies were filed](#) on CTIA's [petitions](#) for [reconsideration](#) of the January 2021 [third report and order](#) and July 2020 [second report and order](#) on the Digital Opportunity Data Collection.
- NTCA [responded](#) to WISPA's objections to its [recommendations](#) on transparency and accountability measures for use by the FCC in reviewing long-form applications for the RDOF.

Other Key Upcoming Dates

- June 23 - Comments due on the proposed application filing process for the \$1.9 billion Secure and Trusted Communications Networks Reimbursement program. [public notice](#)

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USF Reform

- NTCA sent a [letter](#) to acting Chairwoman Rosenworcel on June 15, 2021, to respond to WISPA's objections to NTCA's [recommendations](#) on transparency and accountability measures for use by the FCC in reviewing long-form applications for the RDOF. NTCA claimed WISPA's attempts to quash calls for greater visibility into the standards by which the FCC is reviewing long-form applications and greater stakeholder input miss the mark and rely upon a fundamental misunderstanding of the proposals.
- The Computer and Communications Industry Association filed a [letter](#) on June 16, 2021, on identifying ineligible areas where RDOF funding has been awarded. Using the methodology from a [report](#) by the Competitive Carriers Association, CCIA claimed it found a number of locations for which SpaceX won RDOF funding which may not be eligible for the program. CCIA asserted the data either shows these areas include no actual locations to be served because no one lives or works there, or areas with existing broadband Internet performance in excess of 25/3 Mbps. CCIA urged the Commission to review the results of RDOF Phase I and ensure only locations that are eligible will receive subsidies.
- The Southern Ute Indian Tribe [spoke with](#) acting Chairwoman Rosenworcel's acting legal advisor on June 10, 2021, regarding broadband on the Southern Ute Indian Reservation. The tribe said while it was pursuing its own broadband network, the FCC auctioned federal universal service support on the reservation without consultation, and the award of RDOF support may block other federal and state funding. The tribe asked the FCC to grant Conexon Connect's [petition for waiver](#) of the RDOF default penalties and give consideration to the tribal consultation processes in advance of its future universal services auctions.
- Charter Communications [spoke with](#) advisors to Commissioners Carr and Simington on June 14 and 15, 2021, to ask the FCC to grant its [petition for limited waiver](#) of the Rural Digital Opportunity Fund application and deployment obligations in Massachusetts, Kentucky, Missouri, Virginia, and Wisconsin.
- Redwire filed a [petition](#) on June 11, 2021, requesting a continuing and conditional waiver of the June 11, 2021 deadline to submit its CAF letter of credit and bankruptcy opinion letter to USAC. Redwire requested an extension of one year, conditioned on it meeting certain obligations and deadlines within that timeframe. Redwire requested it not be found in default of its CAF Phase II obligations during this time, so long as it complies with the conditions.

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Broadband

- The U.S. District Court for the Eastern District of New York issued a [memorandum opinion and order](#) and [order](#) on June 11, 2021, granting the New York State Telecommunications Association, NTCA, CTIA, USTelecom, et al.'s [motion](#) for preliminarily injunction barring New York State Attorney General Letitia A. James from enforcing the New York State Budget Bill S2506-C, Part NN, section 1, which would require wireline, fixed wireless and satellite broadband providers by June 15, 2021, to offer qualifying low-income customers high-speed broadband service at \$15 per month or higher-speed broadband service at \$20 per month.
- The National Telecommunications and Information Association [announced](#) on June 17, 2021, the release of a [digital interactive map](#) displaying key indicators of broadband needs across the country. NTIA said this is the first interactive, public map that allows users to explore different datasets about where people do not have quality Internet access. The map contains data from public and private sources, aggregated at the county, census tract, and census block level from the U.S. Census Bureau, the FCC, M-Lab, Ookla and Microsoft.
- The Office of Economics and Analytics issued a [public notice](#) on June 17, 2021, announcing it will be launching a modernized Form 477 filing interface in July 2021. The FCC said Form 477 filers should be aware the modernized interface will require an individual CORES username and password to log in,

and filers lacking a CORES username and password can prepare for the launch by visiting the [CORES](#). The OEA also notified all parties required to file Form 477 that the filing deadline for data as of June 30, 2021, is September 1, 2021.

- Sens. Michael Bennet (D-Colo.), Angus King (I-Maine), and Rob Portman (R-Ohio) [introduced](#) bipartisan [legislation](#) on June 15, 2021, to provide \$40 billion in flexible funding to states, tribal governments, U.S. territories, and the District of Columbia to bridge the digital divide. They said the Broadband Reform and Investment to Drive Growth in the Economy (BRIDGE) Act of 2021 would also prioritize unserved, underserved, and high-cost areas with investments in future proof networks that will meet the long-term needs of communities while supporting efforts to promote broadband affordability, adoption, and digital inclusion, among other things. [summary](#)
- The House Committee on Small Business Subcommittee on Underserved, Agricultural, and Rural Development held a [hearing](#) on June 16, 2021, entitled: "Supporting Small Entities through Investments in the National Infrastructure: Broadband." Testimony given by: [Peggy Schaffer, ConnectMaine Authority](#); [Dan Sullivan, Downeast Broadband Utility](#); [Matt Dunne, Center on Rural Innovation](#); and [Tim Waibel, Minnesota Corn Growers Association](#).
- FCC notices were published in the Federal Register on June 16, 2021, announcing the establishment of a computer matching program the FCC and USAC will conduct with the [Minnesota Department of Human Services](#) and the [Tennessee Department of Human Services](#) to verify the eligibility of applicants to and subscribers of the Emergency Broadband Benefit Program, or other federal programs that use qualification for the Lifeline program as an eligibility criterion. This program will commence on July 16, 2021, and will conclude 18 months after becoming effective. Comments are due July 16, 2021.
- T-Mobile filed a [letter](#) on June 16, 2021, to advise the FCC about a technical issue T-Mobile says is threatening Emergency Broadband Benefit enrollment for certain new Lifeline customers in California, Texas, and Oregon - states that have opted out of participating in the National Lifeline Accountability Database. T-Mobile seeks clarification that in the absence of NLAD data to verify EBB eligibility for new Lifeline participants in an opt-out state, a provider may rely upon the Lifeline eligibility determination received from an opt-out state to enroll the customer for as long as technically necessary and that USAC will ensure the NLAD accepts the uploading of such records by the provider.
- ACA Connects, Vyve Broadband and Cable One [spoke with](#) Wireline Competition Bureau staff on June 10, 2021, regarding using a National Verifier application programming interface within the Emergency Broadband Benefit Program. Vyve Broadband and Cable One said the Commission can further expedite customer enrollments by making available to EBB providers a National Verifier API, similar to the API available within the Lifeline program. They claimed by enabling EBB providers to directly connect their systems with the National Verifier, an API would simplify the verification and enrollment process for consumers.
- Replies were filed on June 14, 2021, on CTIA's [petitions](#) for [reconsideration](#) of the January 2021 [third report and order](#) and July 2020 [second report and order](#) on the Digital Opportunity Data Collection. [CTIA](#) claimed the record supports reconsidering the requirement mobile providers submit signal-strength heat maps, and said the Commission already adopted a robust set of mapping requirements and verification processes to produce accurate and granular coverage maps. CTIA also claimed there is unanimous support in the record for granting its request to revise the \$15,000 base forfeiture for BDC violations to better align the Commission's enforcement approach with other comparable programs. [AT&T](#) agreed with CTIA the Commission should reconsider the requirement to file heat maps, the base forfeiture amounts for violation of DODC rules and the requirement to model in-vehicle coverage maps. AT&T asserted for these requirements the burden on providers far outweighs any marginal benefit to the Commission. [FR](#)

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ICC

- The FCC filed a [brief](#) with the U.S. Court of Appeals for the D.C. Circuit on June 16, 2021, in the case addressing Inteliquent's [petition for review](#) of the 8YY access charge reform [report and order](#). The FCC asserted its \$0.001 per-minute rate cap for tandem switching and transport charges for toll-free calls is reasonable and that it was not required to establish a rate cap using carriers' average rates.
- AT&T filed an [opposition](#) on June 11, 2021, to Telengy's [petition](#) for a waiver of section 61.3(bbb)(1)(ii) to ensure it is not deemed to be engaged in access stimulation due to high demand for conference calling services during the pandemic. AT&T claimed Telengy presents no facts as to why good cause exists to grant its request, and relies on unsupported and conclusory statements regarding the nature of Telengy's business.

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Robocalls

- The Enforcement Bureau issued a [public notice](#) on June 17, 2021, seeking comment on the selection of the industry-led registered consortium to conduct tracebacks of calls that use spoofed caller ID. Comments are due July 2, 2021.
- The Consumer and Governmental Affairs Bureau issued a [public notice](#) on June 15, 2021, announcing a beta test period for the Reassigned Numbers Database from July 1, 2021, through September 30, 2021, during which callers and caller agents may use the database without charge. Participation in the beta test will enable callers and caller agents to understand their usage needs prior to signing up for a paid subscription, test the system and provide feedback to the administrator, while allowing callers to qualify for a safe harbor from Telephone Consumer Protection Act liability as provided in the Commission's rules. The Bureau said the beta test will also enable the administrator to determine appropriate subscription tiers and rates for the database when it is fully operational for paid users.
- Replies were filed on June 14, 2021, on USTelecom's [petition for reconsideration](#) of the fourth [report and order](#) on caller ID authentication. [CTIA](#) supported the petition and urged the Commission to adopt a more flexible approach for implementing the blocked-call notification requirement, which could include enabling voice service providers to send release codes, play a voice message to callers or utilize other similar options proposed in the petition. [Somos](#) supported the petition's request that calls blocked pursuant to a do-not-originate list not be included in the requirement to notify the calling party such call was blocked. [USTelecom](#) asserted with additional flexibility and more fully vetted approaches, providers will best be able to meet callers' demands for notification without undermining the demands of their subscribers. [NCTA](#) agreed with USTelecom the Commission should rescind the requirement that terminating voice service providers return SIP code 607 or 608 when blocking calls on an IP network (or use on ISUP code 21 when blocking calls on a TDM network). NCTA also asserted the Commission should make clear originating voice service providers have flexibility in determining how best to convey to their customers any return codes or other blocking notifications received from terminating or intermediate providers. [FR](#) | [all replies available](#)
- The National Opinion Research Center at the University of Chicago filed a [letter](#) on June 17, 2021, expressing concern with USTelecom's [petition for reconsideration](#) of the [fourth report and order](#) on caller ID authentication. NORC asserted the Commission should not revert its rules to allow service providers sole discretion of how to notify callers that their calls have been blocked. It also disagreed with USTelecom's suggestion the FCC provide originating voice service providers flexibility to work with their customers to determine the best means and approaches for notifying those customers if their calls are blocked.

Other Universal Service

- The FCC [announced](#) on June 15, 2021, the 45-day application window for the Emergency Connectivity Fund will open on June 29, 2021, and close on Aug. 13, 2021. Schools and libraries can apply for financial support to purchase laptops and tablets, Wi-Fi hotspots, modems, routers and broadband connections for off-campus use by students, school staff and library patrons for the 2021-2022 school year. The FCC also issued a [public notice](#) announcing it will hold a [virtual webinar](#) on June 25, 2021, to provide information on the ECF, including applicant eligibility, supported equipment and services, reasonable support amounts and the invoicing process.
- The FCC issued a [public notice](#) on June 17, 2021, announcing the selection of the second set of projects for the Connected Care Pilot Program, which includes 36 separate applications requesting \$31.3 million. Commissioner Carr issued a [statement](#).
- Smith Bagley, Inc. filed a [request](#) on June 13, 2021, seeking a six-month extension of the waiver of Lifeline program rules on recertification, reverification, general de-enrollment and income documentation, currently scheduled to expire on June 30, 2021. SBI asserted the continuing health crisis and economic disruptions on tribal lands served by SBI continue to present obstacles in providing service and complying with Lifeline rules.
- Comments are due June 21, 2021, on Comcast's [petition for waiver](#) of certain E-Rate rules to allow it to conduct a pilot program to expand its Lift Zone initiative. Replies are due July 6, 2021. [public notice](#)
- The SHLB Coalition [spoke with](#) acting Chairwoman Rosenworcel's acting legal advisor on June 15, 2021, regarding its [petition](#) seeking a waiver for special construction projects with a June 30, 2021 implementation deadline. SHLB asserted granting the waiver will not harm any other applicant or the E-Rate program. It also said there are numerous funding requests still pending from prior funding years so allowing applicants additional time would not affect administration of the program.
- LTD Broadband filed a [supplement](#) on June 16, 2021, to its [petition](#) seeking a waiver of the June 7, 2021, deadline to file proof of ETC designation, as required as a winning bidder in the RDOF Phase I auction. LTD said the Texas PUC approved its application for ETC designation on June 15, 2021, and provided a copy of the notice of approval.
- Corporate Satellite Communications of Florida filed a [request for review](#) on June 15, 2021, of a USAC decision and waiver of the deadline to file revisions to its FCC Form 499-A. CSC said as a result of the pandemic, it was unable to retrieve records from its office necessary to accurately complete its initial and revised filings, and when it filed a third, correct filing, USAC already assessed fees derived from CSC's inaccurate data. CSC asked the Commission to direct USAC to allow CSC to submit its corrected 2020 Form 499-A as timely submitted, recalculate CSC's 2020 annual contribution, and refund its overpayment stemming from the erroneous 2020 calculation.

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Misc.

- The FCC adopted the following items at its June 17, 2021 [Open Meeting](#): an [NPRM and NOI \(news\)](#) on steps it could take to secure the nation's critical communications networks through its equipment authorization and competitive bidding programs; a [report and order \(news\)](#) adopting a streamlined process that will allow private entities to alert the FCC's Enforcement Bureau about suspected unlawful robocalls and spoofed caller ID; a [second report and order](#) to provide guidance on the administration of the Connected Care Pilot Program and further instructions to program participants; a [report and order \(news\)](#) adopting changes to the equipment authorization rules to allow expanded marketing and importation of radiofrequency devices prior to certification, with conditions; a [report and order and FNPRM \(news\)](#) on improving the way the public receives emergency alerts on their mobile phones, televisions, and radios; and a [memorandum opinion and order \(news\)](#) denying a petition from HobbyKing asking the FCC to reconsider its \$2,861,128 fine for marketing drone transmitters that did

not comply with FCC equipment marketing rules.

- The FCC [deleted](#) the following items from its June 17, 2021 Open Meeting [agenda](#): an [NPRM](#) to explore whether to authorize devices that can be used to mark fishing equipment for use on automatic identification system channels consistent with the core purpose of the AIS to prevent maritime accidents; and an [order on reconsideration](#) of a proceeding to modernize the LPFM technical rules. The items have been adopted and released.
- Advocacy groups sent a [letter](#) to President Biden on June 11, 2021, to urge him to nominate a fifth FCC commissioner. They claimed failing to nominate a final commissioner leaves the FCC less than fully operational and limits its capacity to most effectively: help guide the deployment of new broadband infrastructure built with federal dollars to make it as effective as possible; approve emergency waivers for E-rate funded infrastructure to be opened up for remote education; and reclassify broadband internet access as a Title II service, among other things.
- Reps. Steve Scalise (R-La.) and Anna Eshoo (D-Calif.) introduced a [bill](#) on June 15, 2021, to prohibit the FCC from reviewing or issuing new equipment licenses to companies on the FCC's covered equipment or services list that pose a national security threat. They said the bill would prevent equipment manufactured by Chinese state-backed firms such as Huawei, ZTE, Hytera, Hikvision and Dahua from being further utilized and marketed in the United States. [press release](#) | [Commissioner Carr statement](#)
- Reply comments were filed on June 18, 2021, on the [NPRM](#) proposing to collect \$374,000,000 in regulatory fees for FY 2021, and further improving the regulatory fee process to make it less burdensome for all entities, among other things. [Spire Global](#) supported [Myriota's](#) request that the FCC clarify integrated NGSO systems with multiple call signs, including those composed of satellites operated by multiple regulatees, are subject to a single regulatory fee and that the satellite bus operator in the shared spacecraft context is not additionally subject to regulatory fees for the payload(s) of that integrated system.
- The FCC issued a [public notice](#) on June 17, 2021, announcing an extension of filing deadlines due to the observed June 18, 2021 Juneteenth federal holiday. The FCC said all filing deadlines that would have occurred on June 18, 2021, will now occur on June 21, 2021. Additionally, June 18, 2021, will not count in computing filing periods of less than seven days.

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Upcoming Filing Dates

- June 22 - PRA comments due on an extension of a currently approved information collection associated with selecting USAC Board of Directors, and to ensure that requests for review are filed properly with the Commission. [notice](#)
- June 22 - Comments due on applications filed by [ECG](#) and [TelNet Worldwide](#) for authorization to obtain NANP telephone numbers directly from the numbering administrator for their iVoIP service.
- June 23 - Comments due on the proposed application filing process for the \$1.9 billion Secure and Trusted Communications Networks Reimbursement program. [public notice](#) [FR](#)
- June 23 - Petitions due to suspend or reject annual access tariff filings on 15-days' notice; replies are due June 28, 2021. [order](#)
- June 25 - PRA comments due on a revision of a currently approved information collection on supply chain. [FR](#).
- June 28 - Replies due to petitions to suspend or reject annual access tariff filings on 15-days' notice. [order](#)

- June 28 - Oppositions due to [Viasat's application for review](#) on its participation in the RDOF Phase I auction. Replies to oppositions are due July 19, 2021. [public notice](#)
- June 28 - PRA comments due on an extension of a currently approved information collection associated with physical collocation. [FR](#)
- June 28 - PRA comments due on an extension of a currently approved information collection associated with the Do-Not-Call registry. [FR](#)
- July 1 - Comments due on refreshing the record on NASUCA's [petition for reconsideration](#) of the 2016 Lifeline [order](#). Replies are due July 16, 2021. [public notice](#)
- July 2 - Comments due on the selection of the industry-led registered consortium to conduct tracebacks of calls that use spoofed caller ID. [public notice](#)
- July 6 - Replies due on Comcast's [petition for waiver](#) of certain E-Rate rules to allow it to conduct a pilot program to expand its Lift Zone initiative. [public notice](#)
- July 7 - PRA comments due on a new information collection on the current service offerings of competitive ETCs receiving legacy high-cost support for mobile wireless services. [FR](#)
- July 8 - Comments due on Yukon-Waltz Telephone's [petition](#) for waiver of section 69.605(c) to allow it to convert all current cost-based ratemaking and revenue settlements to average schedule methods. Reply comments are due July 23, 2021. [public notice](#)
- July 9 - Comments due on the [FNPRM](#) on accelerating the date by which small voice service providers that originate large amounts of call traffic must implement the STIR/SHAKEN framework. Replies are due Aug. 9, 2021. [FR](#)
- July 16 - Reply comments due on refreshing the record on NASUCA's [petition for reconsideration](#) of the 2016 Lifeline [order](#). [public notice](#)
- July 16 – Comments due on the establishment of a computer matching program the FCC and USAC will conduct with the [Minnesota Department of Human Services](#) and the [Tennessee Department of Human Services](#) to verify the eligibility of applicants to and subscribers of the Emergency Broadband Benefit Program.
- July 16 - PRA comments due on a currently approved information collection on rural call completion. [FR](#)
- July 19 - [Replies](#) to oppositions due on [Viasat's application for review](#) on its participation in the RDOF Phase I auction. [public notice](#)
- July 19 - PRA comments due on a new information collection as a result of the [fourth report and order](#) on caller ID authentication. [FR](#)
- July 23 - Reply comments due on Yukon-Waltz Telephone's [petition](#) for waiver of section 69.605(c) to allow it to convert all current cost-based ratemaking and revenue settlements to average schedule methods. [public notice](#)
- Aug. 2 - PRA comments due on an extension of a currently approved information collection regarding FCC Form 498. [FR](#)
- Aug. 9 - Replies due on the [FNPRM](#) on accelerating the date by which small voice service providers that originate large amounts of call traffic must implement the STIR/SHAKEN framework. [FR](#)

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