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Weekly federal regulatory summary | June 27, 2022 highlights

The FCC issued a [tentative agenda](#) for its July 14, 2022 open meeting. The FCC will consider six items including an [FNPRM](#) to modify its access stimulation rules to address ongoing arbitrage of the ICC regime that imposes costs ultimately borne by interexchange carriers and their customers.

The Broadband Data Task Force [announced](#) the Broadband Serviceable Location Fabric used for the Broadband Data Collection is now available for providers and governmental entities to access. The task force also [announced](#) providers may obtain early access to certain portions of the BDC system.

NTIA [announced](#) the Enabling Middle Mile Broadband Infrastructure Program is now accepting applications for funding. NTIA also [announced](#) it awarded nine Tribal Broadband Connectivity Program grants totaling over \$7.7 million.

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

The FCC and Institute of Museum and Library Services [announced](#) a [memorandum of understanding](#) to promote public awareness of federal funding opportunities for broadband.

Comments on the [NPRM](#) on an annual data collection relating to the rates of internet service offerings received by households enrolled in the ACP [are due](#) July 25, 2022; reply comments are due Aug. 8, 2022.

[NTCA](#), [Verizon](#), and [INCOMPAS](#) filed ex partes on the future of the Universal Service Fund.

[Briefs were filed](#) with the U.S. Court of Appeals for the Fifth Circuit in a [case](#) appealing the FCC's approval of the [first quarter 2022 universal service contribution factor](#).

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.

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

USF reform

- South Canaan Telephone Company filed a [petition for waiver](#) of Section 54.903(a)(4) on June 10, 2022, so it can revise its 2021 Form 509 that would result in increased CAF BLS settlements of approximately \$216,000.
- Shenandoah Cable Television filed a [petition for waiver](#) on June 20, 2022, of the Rural Digital Opportunity Fund application and deployment requirements. Shentel requested to be relieved of its obligation to seek RDOF support for two census block groups in Virginia and West Virginia and allow it to remove the CBGs from its pending application for RDOF support without penalty or default. In the alternative, Shentel requested it be permitted to default on the CBGs prior to authorization without forfeiture or penalties.
- LTD Broadband filed a [request](#) on June 20, 2022, to withdraw its August 2021 [petition for partial reconsideration](#) of the [order](#) denying its petition for waiver of the deadline for applicants to obtain ETC designation in areas for which they seek to be authorized for RDOF support. LTD said it will not be able to obtain ETC designation from the California PUC for the required census blocks within a reasonable time frame to allow it to meet its RDOF obligations.
- GCI and Alaska Map Science [spoke with](#) Wireless Telecommunications Bureau and Office of Economics and Analytics staff on June 21, 2022, regarding GCI's concerns with the set of areas selected for GCI to drive test and the importance of disclosing all values necessary for GCI to calculate its compliance.

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Broadband

- The Broadband Data Task Force, Wireline Competition Bureau, and Office of Economics and Analytics issued a [public notice](#) on June 23, 2022, announcing the Broadband Serviceable Location Fabric that will be used for the Broadband Data Collection is now available for broadband service providers and governmental entities to access. Broadband availability data as of June 30, 2022, can be submitted in the BDC beginning on June 30, 2022, and are due Sept. 1, 2022.
- The Broadband Data Task Force issued a [public notice](#) on June 23, 2022, announcing fixed and mobile broadband providers and other filers of broadband availability data in the BDC may obtain early access to certain portions of the BDC system to enter identifying entity information in advance of the opening of the broadband availability data filing window on June 30, 2022. The task force said this will enable users associated with service providers and other filers to register their entities in the system and become familiar with how certain parts of the system will work before the filing window opens.
- The Telecommunications Industry Association filed a [letter](#) on June 21, 2022, urging the FCC to take steps to ensure its Broadband Data Collection results in consistent and comparable mobile broadband maps. TIA said to the extent the FCC requires the submission of in-vehicle mobile propagation maps, it urged the FCC to adopt or endorse the use of standardized parameters for in-vehicle mobile mapping, such as those proposed in the industry best practices submitted by [CTIA](#).

- NTIA [announced](#) on June 22, 2022, the Enabling Middle Mile Broadband Infrastructure Program is now accepting applications for funding, and the availability of an application checklist and packet of templates and the program application [guidance](#). Applications are due by Sept. 30, 2022. The \$1 billion grant program will provide funding to expand middle mile infrastructure and reduce the cost of connecting unserved and underserved areas.
- NTIA [announced](#) on June 23, 2022, it awarded nine grants in six states, totaling over \$7.7 million, as part of the Tribal Broadband Connectivity Program. NTIA has made a total of 43 awards, totaling more than \$91 million in funding through the program.
- The House Appropriations Committee [approved](#) the fiscal year 2023 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies [funding bill](#) on June 23, 2022. The bill provides over \$4.2 billion for rural development programs and invests over \$560 million for the expansion of broadband service, including \$450 million for the ReConnect Program. [bill summary](#). The committee [released](#) reports accompanying the fiscal year 2023 appropriations bills, including the rural development [funding bill \(bill report\)](#) on June 22, 2022, and were considered at a June 23, 2022 full committee markup session.
- The FCC and Institute of Museum and Library Services [announced](#) on June 24, 2022, a [memorandum of understanding](#) to promote public awareness of federal funding opportunities for broadband. The MOU includes commitments to: share data about participation in the E-Rate and Emergency Connectivity Fund programs, IMLS' grant programs and availability of high-speed broadband services; publicize information about federal broadband funding opportunities and resources available; and connect underserved communities to digital resources and services, among other things.
- The FCC issued a [public notice](#) on June 23, 2022, announcing the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States will hold its next meeting on July 21, 2022. The meeting will be available to the public via [live feed](#). At this meeting, the task force will hear presentations on cybersecurity, the future of agriculture production in the U.S., and updates from the working group leadership on their progress. An [notice](#) announcing the task force meeting was published in the Federal register on June 23, 2022.
- The [NPRM](#) on an annual data collection relating to the price and subscription rates of internet service offerings received by households enrolled in the Affordable Connectivity Program from participating providers was published in the [Federal Register](#) on June 23, 2022. The FCC seeks comment on the data to be collected, mechanism for collecting this data, and format for the data's publication. Comments are due July 25, 2022; reply comments are due Aug. 8, 2022.
- EducationSuperHighway [spoke with](#) Commissioner Starks' chief of staff and advisor on June 16, 2022, regarding various challenges households face as they seek to enroll in the ACP. They discussed a technical solution that could integrate with USAC's National Verifier system to provide a better household user experience for potential enrollees. ESH recommended the FCC pilot this technical solution as part of the proposed Federal Public Housing Authority pilot proposed by the FCC. ESH attached a presentation on improving ACP enrollment.
- NCTA, Comcast and Charter [spoke with](#) Commissioner Simington's advisor and, along with Cox, spoke with Commissioner Starks' advisor on June 17, 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 FCC should remain focused on developing simple and easy-to-understand labels that include the information relevant to purchasing decisions made by everyday consumers.

- Next Century Cities, Consumer Reports, and the National Consumer Law Center [spoke with](#) Commissioner Starks' legal advisor on June 17, 2022, regarding broadband consumer labels. They discussed the need for consumers to be able to compare service options, particularly as it relates to speeds, bandwidth, and pricing, and for existing customers to be able to review and compare their existing plans against what appears on their monthly bill.
- Comments are due June 27, 2022, 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](#)

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Robocalls

- USTelecom [spoke with](#) Enforcement Bureau staff on June 17, 2022, stating the bureau should re-designate USTelecom's Industry Traceback Group as the registered traceback consortium. USTelecom asserted the ITG's track record demonstrates it continues to meet the criteria established in the TRACED Act for the registered consortium and the ITG remains the best candidate for the role. It also responded to comments regarding the ITG's neutrality and competence, claiming no commenter has provided any evidence the ITG failed to act neutrally or lacks the competence to be the traceback consortium.
- USTelecom filed a [letter](#) on June 23, 2022, on SIP codes. USTelecom asserted SIP Code 603+ can be deployed more quickly than alternatives, will most rapidly meet callers' needs, and is more future-proof than practical implementations of alternatives. USTelecom urged the FCC to require SIP Code 603+ in lieu of SIP Code 608 to allow providers and callers to focus their efforts on rapid implementation.
- WWT filed a [petition](#) on June 23, 2022, requesting a 30-day extension of time for it to fully implement STIR/SHAKEN in authentication framework in the IP portion of its voice network. WWT said unforeseen technical obstacles beyond its control is preventing it from meeting the June 30, 2022 deadline.
- The American Bankers Association, American Express, et al. [spoke with](#) Consumer and Governmental Affairs Bureau staff on June 16, 2022, regarding adoption of SIP Code 608 to provide notification of analytics-based blocking. They also attached a letter they sent to the ATIS and the SIP Forum NNI Task Force identifying criteria for any enhancement of SIP Code 603, and asserted to the extent the FCC continues to allow use of SIP Code 603 to provide immediate notification of blocking, they asked the FCC to require terminating providers that block calls in the network using analytics to transmit an enhanced version of SIP Code 603 that conforms to the criteria identified in the letter.

- Shockey Consulting filed a [letter](#) on June 21, 2022, regarding the proposed requirement in the sixth [NPRM](#) that telephone companies make notifications to calling parties if a call has been blocked based on analytics using either the SIP 603 or SIP 607-608 codes. It said a new and more comprehensive SIP code 603, known as 603 Plus, could contain to satisfy the necessary requirements of certain financial institutions.

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Other universal services

- NTCA [spoke with](#) staff from the Wireline Competition Bureau and Office of Economics and Analytics staff on June 17, 2022, regarding the future of the Universal Service Fund. NTCA asserted the FCC should consider the high-cost USF program first and foremost as a sustainability initiative, aimed both at getting customers connected and keeping them connected. NTCA also said there is no need or basis to hold off on certain USF reforms pending the creation, implementation, and execution of new grant programs, as some areas in which USF support is being provided for smaller rural operators will not be eligible for new grant awards. Additionally, NTCA urged the FCC to expand the contribution base to include retail broadband Internet access service revenues. NTCA also spoke with advisors to [Chairwoman Rosenworcel](#) and [Commissioners Simington](#) and [Carr](#) regarding the same issues.
- Verizon [spoke with](#) Commissioner Starks' legal advisor and interns on June 17, 2022, regarding the future of the USF. 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 filed a [letter](#) on June 22, 2022, on estimated savings on operating expenses experienced by broadband internet access service providers that have deployed fiber to the premise networks. INCOMPAS provided a study it claims shows the op-ex savings are significant. INCOMPAS suggested in its future of the USF report, the FCC commit to: pausing any new High-Cost program funding until it conducts a comprehensive analysis of any remaining broadband network availability needs in the U.S. after reviewing the investments being made to deploy broadband through Congressional funding; and analyzing BIAS providers' and their experts' claims they cannot earn enough revenue to cover their operating costs without ongoing op-ex support.
- Briefs were filed with the U.S. Court of Appeals for the Fifth Circuit on June 17, 2022, in a [case](#) appealing the FCC's approval of the [first quarter 2022 universal service contribution factor](#). Amicus briefs were filed by [10 members of Congress](#), [Public Knowledge](#) and [Emeritus Professor Robert Frieden](#) in support of the FCC. The congressional [brief](#) asserted dismantling the USF system would have disastrous consequences and cause Americans to lose the essential services on which they rely. Intervenor's briefs were also filed by [USTelecom, NTCA and the CCA](#) and the [Schools, Health & Libraries Broadband Coalition, et al.](#) in support of the FCC. [USTelecom, et al.](#) argued the Section 254 directive that the FCC preserve and advance universal service is constitutional, and said the contributions collected in furtherance of Section 254 are fees and not taxes.

- An FCC [notice](#) was published in the Federal Register on June 21, 2022, seeking Paperwork Reduction Act comments on a revision of a currently approved information collection relating to Rural Health Care Program Forms 460, 461, 462 and 463. The FCC said this collection is necessary to ensure compliance with the rules and procedures applicable to the Connected Care Pilot Program. PRA comments are due July 21, 2022.

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Miscellaneous

- The FCC issued a [tentative agenda](#) on June 23, 2022, for its July 14, 2022 open meeting. The FCC will consider: an [FNPRM](#) to modify its access stimulation rules to address ongoing harmful arbitrage of the FCC's intercarrier compensation regime that imposes costs ultimately borne by interexchange carriers and their customers; a [report and order and second further NPRM](#) that would establish an Enhanced Competition Incentive Program for wireless services to encourage licensees to partition, disaggregate, or lease spectrum to small carriers and tribal nations to provide services in rural areas; an [NOI](#) on ways to assist survivors of domestic and sexual violence through the Lifeline and Affordable Connectivity programs and seeks comment on how to protect survivors' communications records with support organizations; an [NPRM](#) on updating its rules to use the most up-to-date market information for determining a television station's local market for carriage purposes; an [order and sixth NPRM](#) to amend its Part 74 rules for low-power television and television translators to remove obsolete rules for analog TV operations; and an Enforcement Bureau action. Chairwoman Rosenworcel [announced](#) on June 22, 2022, items the FCC will consider at its July 14, 2022 open meeting.
- The Wireline Competition Bureau issued a [public notice](#) on June 24, 2022, granting a Section 214 application filed by Sterling Family and Metzger Associates, and Worth Telecoms Holdings, requesting consent to transfer control of Plant Telephone and its wholly-owned subsidiaries, Plant TiftNet, Plant Long Distance, and Plant Telenet, from Sterling Family and Metzger Associates, to Worth Telecoms. The bureau conditioned grant the application on compliance with the commitments set out in the [letter of agreement](#) filed with the [petition](#) by the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector.
- The Wireline Competition Bureau issued an [order](#) on June 23, 2022, granting, on its own motion, a waiver of the FCC's telephone number aging rule (Section 52.15(f)(ii)) to all companies that provide service in areas of New Mexico affected by wildfires in April 2022. This waiver is in effect immediately and for a 270-day period, expiring on March 20, 2023. The waivers of the aging rule will also apply to residential customers in other areas subject to future major disaster or emergency declarations signed by President Biden due to wildfires during 2022.
- The [erratum](#) to the [report and order and NPRM](#) on regulatory fees was published in the [Federal Register](#) on June 21, 2022. The erratum corrected the date of August 31, 2022 in Paragraph 72 of the ordering clause to read September 1, 2022.
- Motorola Solutions filed a [letter](#) on June 17, 2022, responding to [Hytera's](#) letter on equipment replacement. Motorola asserted Hytera's claim it does not make its equipment available to the public safety sector is false, and there are numerous real world examples of sales of Hytera equipment to public safety customers.

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Upcoming filing dates

- 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 comments 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 – PRA 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](#)
- July 18 – Replies due on the FY 2022 regulatory fees [NPRM](#).
- July 21 – PRA comments due on a revision of a currently approved information collection relating to Rural Health Care Program Forms 460, 461, 462 and 463. [FR](#)
- July 25 – Comments due on the [NPRM](#) on an annual data collection relating to the price and subscription rates of internet service offerings received by households enrolled in the Affordable Connectivity Program from participating providers. Reply comments are due Aug. 8, 2022. [FR](#)
- 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 – Replies due on the National Lifeline Association’s [petition for clarification](#) of the January 2022 [order](#) on the ACP. [public notice](#), [FR](#)
- Aug. 1 – Replies 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](#)
- Aug. 8 – Replies due on the [NPRM](#) on an annual data collection relating to the price and subscription rates of internet service offerings received by households enrolled in the Affordable Connectivity Program from participating providers. [FR](#)

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