

NECA's Weekly Federal Regulatory Summary

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August 16, 2021 HIGHLIGHTS

- The Senate [passed](#) the [INVEST in America Act](#), which includes \$65 billion for broadband.
- The USDA [announced](#) it is investing \$167 million to provide broadband in rural areas in 12 states. The [investments](#) are part of the \$550 million Congress allocated to the second round of the ReConnect Program.
- The Wireline Competition Bureau [granted](#) Atlantic Broadband Finance's petition for waiver of the requirement providers submit certified Emergency Broadband Benefit reimbursement claims for June 2021 service by July 15, 2021. The Bureau also extended this waiver to similarly situated providers.
- NTCA [discussed](#) its [petition for rulemaking](#) to relieve certain rate-of-return carriers of the obligation to submit audited financial statements, and parameters for build-out obligations under future iterations for high-cost support.
- [Several providers](#) asked the FCC to waive any penalties associated with their decision to default on certain census blocks for which they were a successful bidder in the RDOF auction.
- A2D [seeks a waiver](#) of the RDOF auction procedures requiring a winning bidder to only assign its winning bids to a related entity named in its short-form application or formed after the deadline.
- GCI filed [comments](#) on proposed drive test parameters and a model for the drive tests required of certain mobile providers participating in the Alaska Plan.
- [Reply comments](#) were filed on the [FNPRM](#) accelerating the date by which small voice service providers that originate large amounts of call traffic must implement the STIR/SHAKEN framework.

Other Key Upcoming Dates

- Aug 23 - Replies [due](#) on extending the waiver of the letter of credit rules for CAF Phase II and RBE support recipients beyond Dec. 31, 2021.
- Aug. 27 - Comments [due](#) on the proposed technical requirements to implement the mobile challenge, verification and crowdsource processes required under the Broadband DATA Act. Replies are due Sept. 13, 2021.

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USF Reform

- NTCA [spoke with](#) Wireline Competition Bureau staff on Aug. 12, 2021, regarding its October 2020 [petition for rulemaking](#) to relieve certain rate-of-return carriers of the obligation to submit audited financial statements to the Commission. NTCA said the requested relief is aimed at carriers that obtain high-cost support through the ACAM or other mechanisms that derive from fixed support and said grant of its request will serve the interests of regulatory parity and reducing unnecessary regulatory burdens. NTCA also discussed approaches to structuring appropriate buildout and universal service obligations under future iterations of high-cost support, including ACAM and CAF-BLS.
- Covington Electric Cooperative filed a [petition](#) on Aug. 10, 2021, requesting the Commission waive any penalties associated with its decision to default on two census blocks for which it was a successful bidder in the Rural Digital Opportunity Fund auction. Covington said it informed the Commission that, based on conditions in these areas, it elected to relinquish these census blocks and authorize the FCC to remove any previously eligible locations contained within the relevant census block boundaries from Covington's proposed RDOF award. [Tallahatchie Valley Internet Services](#) filed a similar petition associated with its decision to default on one census block for which it was a successful bidder in the RDOF auction.
- First Light Fiber filed a [petition](#) on Aug. 11, 2021, requesting the FCC waive any penalties associated with its decision to default on two census blocks for which it was a successful bidder in the Rural Digital Opportunity Fund auction. First Light said it informed the FCC that, based on conditions in these areas, it elected to relinquish these census blocks and authorize the FCC to remove any previously eligible locations contained within the relevant census block boundaries from First Light's proposed RDOF award. [Meriwether Lewis Connect](#) filed a similar petition associated with its decision to default on two census blocks for which it was a successful bidder in the RDOF auction.
- Gibson Connect filed a [petition](#) on Aug. 12, 2021, requesting the FCC waive any penalties associated with its decision to default on one census block for which it was a successful bidder in the Rural Digital Opportunity Fund auction. [Continental Divide Electric Cooperative](#) requested a similar waiver associated with its decision to default on three census blocks for which it was a successful bidder in the RDOF auction.
- A2D filed a [petition for waiver](#) on Aug. 6, 2021, of the RDOF auction procedures requiring a winning bidder in the RDOF auction to only assign its winning bids to a related entity named in its short-form application or formed after the short-form application deadline. A2D requested the RDOF funds awarded to RHMD be assigned to A2D, its joint venture partner for purposes of the RDOF award. A2D asserted RHMD not only has already defaulted on its RDOF obligations, but lacks both the infrastructure, expertise and funding to complete the project on its own. In the alternative, A2D asked the Commission to deny RHMD's application, which will have the effect of allowing the 6,943 locations the opportunity to be included in the RDOF phase II auction or available for funding from other federal subsidy programs.
- JTM Broadband filed a [letter](#) on Aug. 12, 2021, asserting RDOF funding has been granted to Charter to overbuild parts of JTM's current fiber network in Lauderdale County, Alabama. JTM claimed Charter was only able to secure the RDOF money in this area because of the Form 477 filing rules that did not allow JTM to demonstrate the area was just months away from being served with fiber.
- Baca Valley, WTA, and Vantage Point [spoke with](#) Commissioner Simington's chief of staff and acting Chairwoman Rosenworcel's acting wireline advisor on Aug. 10, 2021, regarding Baca's repayment of high cost support. They discussed the challenges Baca Valley is facing in repaying approximately \$304,478, with an initial payment due on Aug. 13, 2021. They reviewed Baca's request for additional time to verify USAC's calculations, and requested the current 36 month payback period be extended to a 72 month payback cycle.
- Vistabeam filed a [petition for waiver](#) on Aug. 11, 2021, of section 54.314(d)(1) so its CAF support can be restored and it can use that support for voice and broadband deployment in areas in Colorado

where it is obligated to deploy service. Vistabeam claimed the FCC reduced its CAF support for Colorado because the Colorado Public Utilities Commission omitted Vistabeam from its annual certification filed in Sept. 2020. Vistabeam said on February 10, 2021, the PUC updated its annual report to include Vistabeam.

- GCI filed [comments](#) on Aug. 12, 2021, on proposed drive test parameters and a model for the drive tests required of certain mobile providers participating in the Alaska Plan. GCI said any new drive testing methodology will require time to plan and implement, with additional time for data verification and formatting. GCI asserted there are multiple obstacles to completing these tasks within the short time remaining, including the upcoming winter weather and shortened daylight hours, which affect the ability to fly to communities not connected to the road system and work outdoors. [public notice](#)
- In addition to comments by the [Connect America Fund Phase II Coalition](#) that was listed in a previous edition of *REGScan*, comments were filed by [USTelecom](#) on Aug. 6, 2021, on extending the waiver of the letter of credit rules for CAF Phase II and Rural Broadband Experiments support recipients beyond Dec. 31, 2021. In June 2020, the WCB [directed](#) providers to comply with the less financially burdensome LOC rules for the Rural Digital Opportunity Fund until the end of 2021. USTelecom said although the pandemic is reason enough to extend the requested relief, it is also equitable and good policy to conform the revisions to the RDOF LOC requirements to recipients of CAF II and RBE support recipients by extending the current relief and permanently aligning the rules. Reply comments are due Aug. 23, 2021. [public notice](#)
- To date, no comments were filed on Hughes Network Systems' [petition](#) for an extension time to comply with its tribal engagement obligations as a recipient of CAF Phase II support via the New NY Broadband Program in New York. Replies are due Aug. 30, 2021. [public notice](#)

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Broadband

- The Senate [passed](#) the [INVEST in America Act](#) on Aug. 10, 2021. The legislation includes \$550 billion of new federal investment in America's infrastructure, including \$65 billion for broadband. The bill now moves to the House for consideration.
- The USDA [announced](#) on Aug. 11, 2021, it is investing \$167 million to provide broadband service in rural areas in Alaska, Arizona, Colorado, Georgia, Missouri, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, Utah and Virginia. The [investments](#) are part of the \$550 million Congress allocated to the second round of the ReConnect Program.
- The Wireline Competition Bureau issued an [order](#) on Aug. 10, 2021, granting Atlantic Broadband Finance's petition for a limited waiver of the Emergency Broadband Benefit Program reimbursement rules. ABF requested a waiver of the requirement providers submit certified reimbursement claims for June 2021 service by July 15, 2021. The Bureau also extended this waiver to similarly situated participating providers. The Bureau said this waiver permits all participating providers that uploaded their reimbursement claims for discounted service provided in May and/or June 2021 by July 15, 2021, but were unable to complete the certification of those claims by the July 15, 2021 deadline, to certify such claims by Aug. 16, 2021.
- Microsoft [spoke with](#) acting Chairwoman Rosenworcel and her acting special advisor on Aug. 6, 2021, regarding the Commission's broadband mapping efforts. Microsoft provided data analysis estimating in October 2020 approximately 120.4 million people in the United States were not using the internet at broadband speeds (greater than or equal to 25 Mbps). Microsoft also estimated there were roughly 19 million children in households not using the internet at broadband speeds during the height of the pandemic lockdown. It said broadband usage and availability, while not the same, are highly correlated, and described how to use machine learning models to predict broadband availability and improve mapping quality.

- The California PUC filed a [motion](#) on Aug. 11, 2021, for an extension of time to file comments on the [proposed technical requirements](#) to implement the mobile challenge, verification, and crowdsource processes required under the Broadband DATA Act. The PUC requested the FCC extend the comment deadline to Sept. 27, 2021, and reply comment deadline to Oct. 12, 2021. [FR](#)
- Charter Communications [spoke with](#) Commissioner Starks' legal advisor on Aug. 9, 2021, regarding NCTA's [petition for a declaratory ruling](#) on the allocation of costs for pole replacements in unserved areas. Charter discussed the continued importance of the issues raised by the petition and urged the Commission to move forward with prompt action to address them.
- The Wireline Competition Bureau issued a [public notice](#) on Aug. 13, 2021, seeking comment on petitions for declaratory ruling by [Bluebird Network](#) and [Mediacom](#). Bluebird asked the FCC to preempt a per linear foot fee charged by the city of Columbia, Missouri for use of its rights of way on the grounds that the fee requirement violates section 253(a). Mediacom asserted rights and privileges conferred to one ISP under a contract with the city of West Des Moines, Iowa for the construction of a conduit network, together with regulatory and other burdens imposed on other ISPs by the city, effectively prohibit Mediacom from providing telecommunications services in violation of section 253(a). Comments are due Sept. 22, 2021; replies are due Oct. 12, 2021.

ICC

- Marne Elk Horn Telephone filed a [letter](#) on Aug. 11, 2021, to correct an incorrect SAC in its [petition](#) for waiver of certain Part 51 rules to modify access rate bands and charges, and 2011 switched access revenue requirement and 2011 base period revenue in connection with the merger of affiliated study areas in Iowa. It said an incorrect SAC of 359078 was identified for Marne Elk Horn Telephone, and the correct SAC is 351237.

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Robocalls

- Reply comments were filed on Aug. 9, 2021, on the [FNPRM](#) accelerating the date by which small voice service providers that originate large amounts of call traffic must implement the STIR/SHAKEN framework. [NTCA](#) suggested the FCC require operators that are not facilities-based voice providers to adopt STIR/SHAKEN on a more accelerated timeframe. NTCA said the June 2023 deadline for other providers as adopted in the October 2020 [report and order](#) should be retained. [USTelecom](#) urged the FCC to move forward with an approach consistent with NTCA's [proposal](#) to shorten the extension for non-facilities-based providers. USTelecom asserted this will ensure the small providers most likely responsible for high volumes of robocalls deploy STIR/SHAKEN more rapidly. [ACA Connects](#) suggested the FCC affirm facilities-based providers may continue working toward the June 30, 2023 deadline, define the class of providers that will receive an earlier STIR/SHAKEN deadline as narrowly as possible, and adopt the streamlined method it [proposed](#) for tracking compliance with any expedited deadline it may adopt for some providers. The [Competitive Carriers Association](#) said the FCC should adopt an approach narrowly tailored to the targeted problematic actors and does not inadvertently include the small providers working in good faith to implement robocall mitigation solutions. [51 state attorneys general](#) said for those small voice service providers shown to be carrying high volumes of illegal robocalls on their networks, the FCC must require those providers to implement STIR/SHAKEN without further delay. [NCTA](#) said to ensure small providers working in good faith are not subject to undue STIR/SHAKEN implementation burdens, the FCC should, with limited exceptions, allow all facilities-based small providers to retain the current June 30, 2023 deadline. [ZipDX](#) said the FCC should have the discretion to rapidly constrain a provider known to be a facilitator of these calls by eliminating their STIR/SHAKEN compliance extension. ZipDX recommended a history of no illegal-call tracebacks and no warning letters be prerequisites for any extension. [FR](#) | [all replies available](#)
- USTelecom [spoke with](#) acting Chairwoman Rosenworcel's acting legal advisor on Aug. 10, 2021, regarding the robocall Industry Traceback Group. Consistent with its [comments](#), USTelecom discussed the proven track record of the ITG, including its efforts to ensure and improve on a structure of accountability for the ITG's traceback operations and its investments in technology. USTelecom also

explained why the ITG should remain the registered consortium.

- The VON Coalition filed a [letter](#) on Aug. 6, 2021, on AT&T's [request](#) for a six-month extension of the requirement to block calls from foreign voice service providers not in the robocall mitigation database, if a requesting provider shows they made a good faith effort to educate their foreign service provider partners. VON asserted while it supports the extension, a more prudent approach would be to grant the petitions for reconsideration filed by [CTIA](#) and [VON](#) and seek additional comments on the requirement. VON asserted while six months may be sufficient time for foreign carriers to determine how and whether they could comply, a fuller development of the record on this issue is more likely to have a favorable long-term outcome.

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Other Universal Service

- The FCC issued a [news release](#) on Aug. 11, 2021, to remind schools and libraries of the deadline to file applications for the Emergency Connectivity Fund for remote learning resources. The application window will close on Aug. 13, 2021, at 11:59 pm, and instructions for the application process can be found on the FCC's [website](#).
- An FCC [notice](#) was published in the Federal Register on Aug. 12, 2021, announcing a new matching program the FCC and USAC will conduct with the Iowa Department of Human Services Department to verify the eligibility of applicants to and subscribers of the Lifeline and Emergency Broadband Benefit programs. Comments are due Sept. 13, 2021, and will conclude 18 months after becoming effective.
- Charter Communications filed a [second supplement](#) on Aug. 10, 2021, to its [petition](#) seeking a waiver of the June 7, 2021 deadline to file proof of ETC designation, required as a winning bidder in the RDOF Phase I auction. Charter said now that the state commission in Wisconsin has issued a final order, its ETC designation is complete in all five states that were the subject of its initial petition.
- LTD Broadband filed a [fourth supplement](#) on Aug. 11, 2021, to its [petition](#) seeking an extension 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 provided two declarations, including one from its president, CEO and owner.
- The Wireline Competition Bureau issued an [order](#) on Aug. 12, 2021, addressing CenturyLink's request for review of a USAC decision that approved a USAC final report for its audit of the universal service contributions reported by Embarq Payphone Services, CenturyLink's predecessor, on its 2012 FCC Form 499-A. The Bureau affirmed USAC's decision to the extent it finds CenturyLink is the telecommunications provider for the debit and prepaid services at issue, and has the regulatory obligation to contribute to the fund on revenues from those services
- IPC Network Services filed a [letter](#) on Aug. 12, 2021, appealing sanctions imposed for its late filing of its FCC Form 499. IPC said the deadline was missed due to its officer dealing with COVID-19 and asked the Commission to remove the penalty for missing the filing deadline.
- The Wireline Competition Bureau issued an [order](#) on Aug. 13, 2021, addressing [a petition for reconsideration](#) by the Utah Education and Telehealth Network for review of the Wireline Competition Bureau's [decision](#) to deny its request for a waiver of the Rural Health Care program's competitive bidding requirements. The Bureau said although it upheld its prior decision that there was no applicable exemption to the competitive bidding requirements, it waived the competitive bidding requirements as they apply to the funding requests at issue. The Bureau also remanded seven funding requests listed in appendix A to USAC for further action.
- Valley Family Health Care and ENA Healthcare Services filed a [request for review](#) on Aug. 9, 2021, of two USAC rural health care funding decisions. They asked the Commission to direct USAC to adjust Valley Family's funding commitments to reflect the replacement urban rate provided in response to USAC's information request.

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- Sen. Roger Wicker (R-Miss.) sent a [letter](#) to the U.S. Department of Commerce's Bureau of Industry and Security on Aug. 11, 2021, asking for information regarding implementation of a [final rule](#) restricting access by Huawei to U.S. technologies. Wicker said his staff reviewed evidence suggesting possible non-compliance with the rule, and asked for information on: how many companies have sought a license to ship to Huawei or its affiliates under this final rule; how many of those applications have been processed and granted; and, how many applications have been denied. [press release](#)
- The Wireline Competition Bureau issued a [public notice](#) on Aug. 9, 2021, to announce the proposed North American Numbering Plan Administration fund size estimate and contribution factor for fiscal year 2022. The Bureau said the proposed fund size will be \$8,635,136, and the proposed overall contribution factor is 0.0000535.
- The [public notice](#) announcing the next meeting of the North American Numbering Council was published in the [Federal Register](#) on Aug. 16, 2021. The meeting is on Oct. 13, 2021, and members will hear an overview of the working groups and receive guidance from the Commission's Offices of General Counsel and Managing Director concerning federal advisory committee best practices. They will also consider and vote on recommendations from the Call Authentication Trust Anchor working group on the deployment of STIR/SHAKEN by small voice service providers during the pendency of their extension from the STIR/SHAKEN implementation deadline.
- The Wireline Competition Bureau issued public notices on Aug. 9, 2021, seeking comment on applications filed by [Intrado IP Communications](#), [Advanced Communications](#) and [NUSO](#) for authorization to obtain NANP telephone numbers directly from the numbering administrator for their iVoIP service. Comments are due Aug. 24, 2021.

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- Aug. 17 - Reply comments due on refreshing the record on NASUCA's [petition for reconsideration](#) of the 2016 Lifeline [order](#). [public notice](#)
- Aug. 19 - Petitions due to deny six additional Rural Tribal Priority Window applications. Oppositions to a petition to deny are due Aug. 30, 2021; replies are due Sept. 7, 2021. [public notice](#)
- Aug. 23 - Comments due a [petition for declaratory ruling](#) filed by the Edison Electric Institute on pole attachment complaint refunds. Replies are due Sept. 7, 2021. [public notice](#)
- Aug 23 - Reply comments due on extending the waiver of the letter of credit rules for CAF Phase II and RBE support recipients beyond Dec. 31, 2021. [public notice](#)
- Aug. 23 - PRA comments due on a new information collection associated with the fourth call blocking [report and order](#). [FR](#)
- Aug. 24 - Comments due on applications filed by [Intrado IP Communications](#), [Advanced Communications](#) and [NUSO](#) for authorization to obtain NANP telephone numbers directly from the numbering administrator for their iVoIP service.
- Aug. 25 - PRA comments due on a revision of a currently-approved information collection on rural call completion. [FR](#)
- Aug. 27 - Comments due on the proposed technical requirements to implement the mobile challenge, verification and crowdsource processes required under the Broadband DATA Act. Replies are due

Sept. 13, 2021. [public notice](#)

- Aug. 30 - Replies due on Hughes Network Systems' [petition](#) for an extension time to comply with its tribal engagement obligations as a recipient of CAF Phase II support via the New NY Broadband Program in New York. [public notice](#)
- Aug. 30 - Oppositions due to petitions to deny six additional Rural Tribal Priority Window applications. Replies are due Sept. 7, 2021. [public notice](#)
- Sept. 2 - PRA comments due on a revision of a currently approved information collection on supply chain. [FR](#)
- Sept. 7 - Replies due to oppositions to petitions to deny six additional Rural Tribal Priority Window applications. [public notice](#)
- Sept. 7 - Replies due a [petition for declaratory ruling](#) filed by the Edison Electric Institute on pole attachment complaint refunds. [public notice](#)
- Sept. 13 - Replies due on the proposed technical requirements to implement the mobile challenge, verification and crowdsource processes required under the Broadband DATA Act. [public notice](#)
- Sept. 13 - PRA comments due on a revision of a currently approved information collection associated with FCC Form 492, rate-of-return monitoring report. [notice](#)
- Sept. 13 - Comments due on a new matching program the FCC and USAC will conduct with the Iowa Department of Human Services Department to verify the eligibility of applicants to and subscribers of the Lifeline and EBB programs. [FR](#)
- Sept. 14 - PRA comments due on an extension of a currently approved information collection associated with section 214 applications. [FR](#)
- Sept. 17 - PRA comments due on a new information collection relating to the establishment of a private entity robocall and spoofing information submission portal, required by June 2021 [report and order](#). [FR](#)
- Sept. 17 - PRA comments due on an extension of a currently approved information collection relating to the FCC Forms 471, 472, 474, and 500, for the Emergency Connectivity Fund. [FR](#)
- Sept. 17 - PRA comments due on an extension of a currently approved information collection regarding auditor's attestation and certification of cost allocation manuals. [FR](#)
- Sept. 20 - PRA comments due on an extension of a currently approved information collection regarding network change disclosure rules. [FR](#)
- Sept. 22 - Comments due on section 253 petitions for declaratory ruling by [Bluebird Network](#) and [Mediacom](#). Replies are due Oct. 12, 2021. [public notice](#)
- Oct. 12 - Replies due on section 253 petitions for declaratory ruling by [Bluebird Network](#) and [Mediacom](#). [public notice](#)

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