

NECA's Weekly Federal Regulatory Summary

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August 30, 2021 HIGHLIGHTS

- Acting Chairwoman Rosenworcel [announced](#) over five million households have enrolled in the Emergency Broadband Benefit program since its launch, and the availability of more granular program enrollment data.
- NTIA announced it [received](#) over 230 applications for the Broadband Infrastructure program, for a total of more than \$2.5 billion in funding requests across 49 states and U.S. territories. NTIA also [announced](#) the establishment of [two new](#) broadband-focused offices.
- Additional [requests](#) were filed seeking waiver of any penalties associated with decisions not to pursue support in certain census blocks where petitioners were the winning bidders in the RDOF auction.
- LTD Broadband [seeks](#) reconsideration of the [order](#) denying its petition for waiver of the deadline requiring RDOF applicants to demonstrate they are an ETC in areas authorized for RDOF support.
- State Telephone [discussed](#) its [application for review](#) of the [order](#) denying its [waiver](#) request of the HUBB filing deadline.
- The Enforcement Bureau [selected](#) USTelecom's Industry Traceback Group to continue as the registered consortium to conduct private-led traceback efforts to combat illegal robocalls.
- NECA filed its [2022 Modification of the Average Schedule Universal Service HCLS Formula](#), which are scheduled to take effect on Jan. 1, 2022, and remain in effect through Dec. 31, 2022.
- The FCC [announced](#) it received requests over \$5 billion to fund 9.1 million connected devices and 5.4 million broadband connections as part of the \$7.17 billion Emergency Connectivity Fund program.
- The Wireline Competition Bureau [announced](#) approval of the first group of funding commitments under Round 2 of the COVID-19 Telehealth program, and issued [guidance](#) on the invoicing requirements and processes.
- The Broadband Data Task Force [extended](#) the comment and reply due dates on the [proposed](#) technical requirements to implement the mobile challenge and crowdsourcing processes required under the Broadband DATA Act. Comments are due Sept. 10, 2021; replies are due Sept. 27, 2021.
- The FCC issued a [report and order](#) adopting a schedule of regulatory fees to assess and collect \$374 million for fiscal year 2021. The accompanying NPRM seeks comment on adopting new fee categories and on calculating fees for small satellites.

Other Key Upcoming Dates

- Sept. 20 - Comments due on the supply chain [NOI and NPRM](#). Replies are due Oct. 18, 2021. [FR](#), [FR](#)

USF Reform

- In addition to requests listed in previous editions of *REGScan*, requests were filed on Aug. 20 and 24, 2021, for waiver of any penalties associated with decisions not to pursue support in certain census blocks where petitioners were the winning bidders in the Rural Digital Opportunity Fund auction. [all requests available](#)
- Cox Communications filed a [supplement](#) on Aug. 25, 2021, to its [petition](#) seeking a waiver of any penalties associated with its decision not to pursue support in certain census blocks where it was the bidding bidder in the Rural Digital Opportunity Fund auction. Cox said it has identified 71 additional census blocks where RDOF support should no longer be pursued.
- LTD Broadband filed a [petition](#) on Aug. 25, 2021, seeking partial reconsideration of the [order](#) denying its petition that sought waiver of the June 7, 2021 deadline requiring RDOF Phase I auction long-form applicants to demonstrate they have been designated as an ETC in each of the geographic areas for which they seek to be authorized for RDOF support. LTD asserted the decision denied relief with respect to three states where LTD has not yet obtained ETC authorization: California; Kansas; and Oklahoma, and asked the Commission to reconsider its decision only as it relates to California.
- Conexon Connect [spoke with](#) Kris Monteith, Chief of the Wireline Competition Bureau on Aug. 23, 2021, regarding steps the Commission should take to expedite the release of RDOF Phase I support. Conexon suggested the Commission release its “Authorized” and “Ready to be Authorized” RDOF public notices more frequently, and release an order granting an RDOF-related ETC petition shortly after the ETC petitioner has satisfied all Commission requirements. Conexon also asked that the rule on or provide further direction regarding its pending [petition for waiver](#), and said it would be willing to withdraw the petition if it would help accelerate review and approval of Conexon Connect’s long-form application as it relates to Colorado.
- Reply comments were filed by [WISPA](#) on Aug. 23, 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 RDOF until the end of 2021. WISPA suggested the FCC grant a permanent waiver to enable CAF Phase II and RBE recipients to mitigate the effects of ongoing pandemic-related hardships and create regulatory parity with the RDOF program. [public notice](#)
- State Telephone [spoke with](#) legal advisors to Commissioners Simington and [Carr](#) on Aug. 25, 2021, regarding its [application for review](#) of the Wireline Competition Bureau [decision](#) denying State’s [waiver](#) request of the HUBB filing deadline. State said asserted it has met its burden as to why a waiver of the HUBB filing deadline is justified, and the withholding of CAF-BLS of approximately \$1.5 million to State should be reversed.
- GCI Communication [spoke with](#) Wireless Telecommunications Bureau and Office of Economics and Analytics staff and acting Chairwoman Rosenworcel’s acting legal advisor on Aug. 25 and 27, 2021, regarding GCI’s [comments](#) on the proposal for on-the-ground testing for certain Alaska Plan mobile recipients. GCI asserted the limited time available for testing after the final drive test requirements and sample sets are available will not allow providers to self-test their compliance and make any necessary network adjustments before the rapidly approaching five-year benchmark. GCI also discussed the challenges of on-the-ground testing in remote Alaska during the winter season.
- Douglas Services filed a [petition](#) on Aug. 23, 2021, seeking a waiver to enable it to report various eligible locations adjustment process information, and submit various other required information to the ELAP module in the High Cost Universal Broadband portal. Douglas Services said it was not able to submit the required information and certifications by the Aug. 3, 2021 deadline.
- Reply comments are due Aug. 30, 2021, 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](#)

Broadband

- Acting Chairwoman Rosenworcel [announced](#) on Aug. 27, 2021, over five million households have enrolled in the Emergency Broadband Benefit program since its launch. She also said the FCC released more granular enrollment data and includes enrollee demographic information, such as age breakdown, eligibility category, type of broadband service, and [enrollment numbers](#) by five-digit zip code area. Additionally, the EBB Data Dashboard contains information related to nationwide and state-specific enrollment figures, reports the amount of program funds disbursed as participating providers file reimbursement claims, and three-digit zip code data the FCC started releasing in late June. Over 1160 broadband providers have agreed to take part in the program.
- The FCC issued an [alert](#) on Aug. 27, 2021, on a website purportedly run by WiFi Freedom USA that mimics the Emergency Broadband Benefit [enrollment site](#). The FCC said this website falsely claimed to administer the FCC's EBB program, including offering connected devices and services, and the FCC and USAC immediately took steps to have the website disabled and the known social media page removed. The FCC is now working with law enforcement agencies to address this issue.
- NTIA [announced](#) on Aug. 24, 2021, it received more than 230 applications for the Broadband Infrastructure Program, for a total of more than \$2.5 billion in funding requests across 49 states and U.S. territories. NTIA has begun reviewing the applications as part of the \$288 million grant program, which was funded by the 2021 Consolidated Appropriations Act. NTIA said due to the high volume of applications, the award process will be highly competitive, and priority will be given to applications with proposed projects that: provide broadband service to the greatest number of households in an eligible service area; provide broadband service to rural areas; are most cost-effective in providing broadband service; or provide broadband service with at least a speed of 100/20 Mbps.
- NTIA [announced](#) the establishment of two broadband-focused offices; the [Office of Internet Connectivity and Growth](#) and the [Office of Minority Broadband Initiatives](#) on Aug. 25, 2021. The OICG will house all broadband activities at NTIA, including the Broadband Infrastructure Program, the Tribal Broadband Connectivity Program and the Connecting Minority Communities Pilot Program, as well as the BroadbandUSA program. The establishment of the Office of Minority Broadband Initiatives will continue NTIA's efforts to collaborate with federal agencies; state, local and tribal governments; Historically Black Colleges and Universities, Tribal Colleges and Universities and Minority-Serving Institutions; and any interested stakeholders to promote initiatives related to expanding connectivity and digital opportunities for anchor communities.
- The FCC's Broadband Data Task Force and Wireless Telecommunications Bureau issued an [order](#) on Aug. 25, 2021, granting the California PUC's [motion](#) seeking an extension of time to file comments and replies on the proposed technical requirements to implement the mobile challenge, verification and crowdsource processes required under the Broadband DATA Act. They granted a 14-day extension and comments are now due Sept. 10, 2021, and replies are due Sept. 27, 2021. [public notice](#) | [FR](#)
- New America's Open Technology Institute and Public Knowledge [spoke with](#) the Broadband Data Task Force Chair, and Wireline Competition Bureau staff on Aug. 23, 2021, regarding Commission efforts to improve broadband mapping and the [public notice](#) seeking comment on a series of data collection, verification, and challenge processes associated with the development of granular nationwide mobile LTE maps. OTI and PK urged the Commission to ensure the process to collect and challenge data supplied by mobile providers is robust and as burden-free for consumers as possible.
- An FCC [notice](#) was published in the Federal Register on Aug. 25, 2021, announcing the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States will hold its next meeting on Sept. 14, 2021, via conference call. At this meeting, the task force will hear updates from the working group leadership and discuss progress towards recommendations. The FCC also issued a [public notice](#) on Aug. 25, 2021, announcing the meeting.

- Comments were filed on Aug. 23, 2021, on Edison Electric Institute's [petition for declaratory ruling](#) on pole attachment complaint refunds. [USTelecom](#) said the petition should be rejected, claiming there is no uncertainty, lack of guidance, or other need for the FCC to clarify matters, as required when seeking a declaratory ruling. The [Pennsylvania PUC](#) said while it does not take a position on the petition, it generally agreed a reasonable and transparent limitation should be placed on the length of the refund period in pole attachment dispute proceedings. [NCTA](#) opposed the petition, claiming the issues raised were conclusively addressed by the FCC as recently as six months before the petition was filed and there is no controversy that would warrant a declaratory ruling. The [Utilities Technology Council](#) supported the petition, claiming EEI's requested clarifications will eliminate inconsistent, arbitrary and discriminatory treatment towards electric utilities, and provide greater regulatory certainty. [WEC Energy Group](#) supported the petition, asserting clarity on the applicability of the two-year refund period will allow WEC to avoid unnecessary disputes and, ultimately, avoid unnecessary and unfair customer impact. [Berkshire Hathaway Energy](#) supported the petition and said the FCC should clarify refunds in pole attachment complaint proceedings are not appropriate for any period preceding good faith notice of a dispute. Replies are due Sept. 7, 2021. [all comments available](#) | [public notice](#)
- The Enforcement Bureau issued a [memorandum opinion and order](#) on Aug. 27, 2021, granting in part, AT&T's [complaint](#) against Duke Energy Florida that alleged the rates AT&T pays for the use of Duke's poles are unjust and unreasonable. The Bureau ruled, among other things, AT&T is entitled to a refund and interest extending for a period of five years prior to the filing of the complaint, and AT&T and Duke are directed to negotiate in good faith to reach an agreement on the amount of AT&T's refund consistent with this order AT&T.
- The Edison Electric Institute filed a [motion](#) on Aug. 27, 2021, asking the FCC to extend the deadline for filing reply comments on its [petition for declaratory ruling](#) on pole attachment complaint refunds. EEI requested an extension from the current deadline of Sept. 7, 2021, until Sept. 10, 2021, noting Sept. 6th is Labor Day, and Sept. 7th and 8th are Jewish holidays.
- The FCC issued a [news release](#) on Aug. 23, 2021, announcing the Wireless Telecommunications Bureau granted an additional six spectrum licenses to tribal entities in Alaska that filed applications during the 2.5 GHz band Rural Tribal Priority Window. The FCC said the licenses granted will afford rural Alaska Native communities the opportunity to deploy 5G and other advanced wireless services. The FCC said to date, it has granted 270 spectrum licenses to tribal entities.
- The FCC issued a [public notice](#) on Aug. 23, 2021, extending the deadline to submit applications to fill tribal vacancies on the Native Nations Communications Task Force from Aug. 27, 2021, to Sept. 27, 2021. Applicants must be elected leaders from federally recognized tribal governments or governmental entities, or their designated employees. Members appointed by the acting Chairwoman Rosenworcel to fill the vacancies will serve through the end of the task force's current term, which runs through October 2022.

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ICC

- Core Communications [spoke with](#) Wireline Competition Bureau staff on Aug. 24, 2021, regarding the [investigation](#) into the lawfulness of its tariff revisions. Core asserted even though Verizon and AT&T refuse to pay any access charges billed by Core for 8YY traffic delivered by Core, they bill full retail 8YY charges to their own end-user customers for this very same traffic. Core discussed how its tariff filing was intended to curb this behavior and provide a simple, clear path for refunds when an IXC claims certain traffic is non-compensable.

Call Completion

- An FCC [notice](#) was published in the Federal Register on Aug. 24, 2021, seeking Paperwork Reduction Act comments on an extension of a currently approved information collection on the intermediate provider registry. The Improving Rural Call Quality and Reliability Act of 2017 required the FCC to establish a registry for intermediate providers and requires intermediate providers register with the

FCC before offering to transmit covered voice communications. The information collected will be used to implement Congress' direction to the FCC to establish an intermediate provider registry. PRA comments are due Oct. 25, 2021.

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Robocalls

- The Enforcement Bureau issued an [order](#) on Aug. 25, 2021, selecting USTelecom's Industry Traceback Group to continue as the registered consortium to conduct private-led traceback efforts to combat illegal robocalls. The Bureau said it found the Traceback Group best meets the criteria to serve as the registered traceback consortium.
- The FCC issued a [notice of apparent liability for forfeiture](#) on Aug. 24, 2021, proposing a forfeiture of \$5,134,500 against John M. Burkman, Jacob Alexander Wohl and J.M. Burkman & Associates for apparently making 1,141 unlawful robocalls to wireless numbers. The recorded messages, made on Aug. 26 and Sept. 14, 2020, told potential voters if they voted by mail, their personal information will be part of a public database that will be used by police departments to track down old warrants and be used by credit card companies to collect outstanding debts. The FCC also issued a [news release](#) on the proposed fine, noting this is the largest Telephone Consumer Protection Act robocall fine ever proposed by the FCC, and is the first action where the FCC was not required to warn robocallers before violations could be counted toward a proposed fine.
- Transaction Network Services [spoke with](#) Consumer and Governmental Affairs Bureau staff on Aug. 24, 2021, regarding USTelecom's [petition](#) for reconsideration of the [report and order](#) on caller ID authentication. TNS said it agreed with USTelecom that in the near term, use of SIP Code 603 is the only way providers can reasonably implement call blocking notification. TNS asserted the Commission should clarify its rules or, if necessary, modify the rules to allow use of SIP Code 603 exclusively for call blocking notifications.

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Other Universal Service

- NECA filed its [2022 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#) on Aug. 27, 2021. These modifications are scheduled to take effect on Jan. 1, 2022, and remain in effect through Dec. 31, 2022.
- The FCC [announced](#) on Aug. 25, 2021, it has received requests for \$5.137 billion to fund 9.1 million connected devices and 5.4 million broadband connections as part of the \$7.17 billion Emergency Connectivity Fund Program in all 50 states, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands and the District of Columbia, and provided a state-by-state breakdown of funding demand. The Commission also said it will open a second 15 day application filing window for the current 2021-22 school year, which will run from Sept. 28 – Oct. 13, 2021.
- The Wireline Competition Bureau issued a [public notice](#) on Aug. 26, 2021, announcing approval of the first group of funding commitments under Round 2 of the COVID-19 Telehealth program. The Bureau committed \$41,980,345 in funding to 62 health care providers in every state, territory, and the District of Columbia, which will be awarded in two phases. In the initial commitment phase, at least \$150 million will be awarded based in part on geographic considerations and on the objective evaluation metrics in the second COVID-19 [report and order](#). In the second phase, funding will be committed to the highest-scoring applications, in descending order. [news release](#). The Bureau, along with the Office of Managing Director, issued a second [public notice](#) on Aug. 26, 2021, providing guidance on the invoicing requirements and processes for Round 2 of the program.
- The Wireline Competition Bureau issued a [public notice](#) on Aug. 27, 2021, seeking comment on the proposed E-Rate eligible services list for funding year 2022. The Bureau identified two changes made between FY 2021 ESL and the proposed FY 2022 ESL: the addition of a new note to Eligible Broadband Internal Connections for supporting software; and a note under the Eligibility Explanations

for Certain Category One and Category Two Services section guiding applicants to this list of covered equipment and services. Comments are due Sept. 27, 2021; replies are due Oct. 12, 2021.

- The Wireline Competition Bureau issued a [public notice](#) on Aug. 27, 2021, announcing there is sufficient funding available to fully meet USAC's estimated demand for Category One and Category Two requests for E-Rate supported services for FY 2021. The Bureau directed USAC to fully fund eligible Category One and Category Two requests, using the \$500 million in E-Rate funds unused from prior years, and any additional funds needed under the current funding cap to fully meet demand for such services.
- Telrite filed a [request](#) on Aug. 20, 2021, for the Wireline Competition Bureau to review and vacate USAC's decision to recover alleged overpayments in connection with a review of Telrite's Lifeline service. Telrite said USAC's decision alleges Telrite sought Lifeline reimbursements for individuals who were deceased before it enrolled and sought reimbursements for the subscribers. Telrite asserted there is not a rule or requirement that ETCs check the Social Security Administration's death master file when enrolling subscribers into the Lifeline program.
- The Wireline Competition Bureau issued a [public notice](#) on Aug. 27, 2021, seeking comment on Puerto Rico Telephone's [application for review](#) of the [public notice](#) announcing PRTC and Liberty Cablevision as the winning applicants of the Stage 2 competitive process of the Puerto Rico Fund. The public notice also outlines the process to obtain highly confidential and confidential information contained in the application for review. The Bureau also issued a [protective order](#) in the proceeding, outlining procedures to limit access to proprietary or confidential information. Oppositions are due Sept. 13, 2021; replies are due Sept. 23, 2021.
- Helen Farabee Centers and ENA Healthcare Services filed a [request for review and/or waiver](#) on Aug. 26, 2021, of a USAC rural health care funding decision for FY 2018. They asked the FCC to reverse USAC's decision so HFC may receive funding for the service for the full funding year, or, in the alternative, grant a waiver of the rules to the extent necessary to grant the requested relief.

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Misc.

- The FCC issued a [report and order and NPRM](#) on Aug. 26, 2021, adopting a schedule of regulatory fees to assess and collect \$374 million in regulatory fees for fiscal year 2021. The order will become effective upon publication in the Federal Register. The FNPRM seeks comment on adopting new fee categories and on a methodology for calculating regulatory fees for small satellites for future fiscal years. Comments are due 30 days after Federal Register publication; replies are due 60 days after FR publication.
- An FCC [notice](#) was published in the Federal Register on Aug. 25, 2021, announcing the charter of the North American Numbering Council will be renewed for a two-year period, beginning on or before Sept. 13, 2021.
- The Wireline Competition Bureau issued a [public notice](#) on Aug. 27, 2021, seeking comment on a section 214 application by NTS Communications, d/b/a Vexus Fiber and Poka Lambro Telecommunications, requesting consent to transfer certain assets of Vexus to Poka Lambro. Comments are due Sept. 10, 2021; reply comments are due Sept. 17, 2021.
- An FCC [notice](#) was published in the Federal Register on Aug. 24, 2021, seeking Paperwork Reduction Act comments on an extension of a currently approved information collection on the ARMIS operating data report. The FCC said the information contained in the report facilitates the timely and efficient analysis of revenue requirements, rates of return and price caps, and provides an improved basis for auditing and other oversight functions. PRA comments are due Oct. 25, 2021.
- No comments were filed 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.

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Upcoming Filing Dates

- 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. 10 - Comments due on the proposed technical requirements to implement the mobile challenge, verification and crowdsourcing processes required under the Broadband DATA Act. Replies are due Sept. 27, 2021. [public notice](#) | [order](#)
- Sept. 10 - Comments due on a section 214 application requesting consent to transfer certain assets of Vexus Fiber to Poka Lambro. Reply comments are due Sept. 17, 2021. [public notice](#)
- Sept. 13 - Oppositions due on PRTC's [application for review](#) of the [public notice](#) announcing PRTC and Liberty Cablevision as the winning applicants of the Stage 2 competitive process of the Puerto Rico Fund. Replies are due Sept. 23, 2021. [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 - Comments due on the Maine PUC's [petition](#) asking the FCC to direct the NANPA to report on the requirements to implement individual telephone number pooling for the 207 area code. Replies are due Oct. 4, 2021. [public notice](#)
- Sept. 17 - Replies due on a section 214 application requesting consent to transfer certain assets of Vexus Fiber to Poka Lambro. [public notice](#)
- 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](#).
- 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 - Comments due on the supply chain [NOI and NPRM](#). Replies are due Oct. 18, 2021. [FR](#), [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](#) | [order](#)
- Sept. 23 - Replies due to oppositions on PRTC's [application for review](#) of the [public notice](#) announcing PRTC and Liberty Cablevision as the winning applicants of the Stage 2 competitive process of the Puerto Rico Fund. [public notice](#)
- Sept. 27 - Comments due on the proposed E-Rate eligible services list for funding year 2022. Replies are due Oct. 12, 2021. [public notice](#)
- Sept. 27 - Replies due on the proposed technical requirements to implement the mobile challenge, verification and crowdsource processes required under the Broadband DATA Act. [public notice](#)
- Oct. 4 - Replies due on the Maine PUC's [petition](#) asking the FCC to direct the NANPA to report on the requirements to implement individual telephone number pooling for the 207 area code. [public notice](#)
- Oct. 12 - Replies due on the proposed E-Rate eligible services list for funding year 2022. [public notice](#)
- Oct. 12 - Replies due on section 253 petitions for declaratory ruling by [Bluebird Network](#) and [Mediacom](#). [public notice](#)
- Oct. 18 - Replies due on the supply chain [NOI and NPRM](#). [FR](#), [FR](#)
- Oct. 18 - PRA comments due on a proposed supply chain information collection. [FR](#)
- Oct. 25 - PRA comments due on an extension of a currently approved information collection on the intermediate provider registry. [FR](#)
- Oct. 25 - PRA comments due on an extension of a currently approved information collection on the ARMIS operating data report. [FR](#)

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