

NECA's Weekly Federal Regulatory Summary

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September 7, 2021 HIGHLIGHTS

- The Office of Economics and Analytics [extended](#) the deadline, until Oct. 1, 2021, to submit Form 477 data as of June 30, 2021, for affected filers in Louisiana and Mississippi recovering from Hurricane Ida. For all other filers, the deadline is Sept. 15, 2021.
- The Wireline Competition Bureau [waived](#), on its own motion, certain High Cost, E-Rate, Rural Health Care, Lifeline, Emergency Connectivity Fund, and Emergency Broadband Benefit rules and deadlines, for providers in the areas affected by Hurricane Ida.
- The WCB [announced](#) TRPs for use by rate-of-return carriers that elected incentive regulation for their BDS offerings have been posted on the [FCC's website](#).
- Requests were filed by [Resound Networks](#), [Altice](#), and [Talkie Communications](#) for 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. [all requests available](#)
- The WCB [granted](#), on its own motion, a limited waiver of the EBB program reimbursement rules.
- Comments [are due](#) Oct. 4, 2021, on NECA's [2022 Modification of the Average Schedule Universal Service HCLS Formula](#). Replies are due Oct. 19, 2021.
- The [third report and order](#) establishing a process for voice service providers to file a request for review to the FCC of a token revocation decision of the private STIR/SHAKEN Governance Authority is effective Sept. 30, 2021.
- The WCB [seeks comment](#) on two TRACED Act obligations on caller ID authentication.
- The [public notice](#) adopting final procedures and additional guidance for the application and filing reimbursement process for the \$1.9 billion Secure and Trusted Communications Networks Reimbursement program [is effective](#) Sept. 30, 2021.
- USAC filed the [Federal Universal Service Support Mechanisms Quarterly Contribution Base](#) for fourth quarter 2021.
- Illinois district court [granted Inteliquent's](#) and [T-Mobile's](#) partial motion to dismiss Craigville Telephone's and Consolidated Telephone's [second amended complaint](#) in the case addressing claims on the use of false ring tones.

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 by [Resound Networks](#), [Altice](#), and [Talkie Communications](#) on Aug. 30 and 31, 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](#)
- A2D [spoke with](#) acting Chairwoman Rosenworcel's acting legal advisor on Aug. 31, 2021, regarding its [petition for waiver](#) to assign RHMD's winning bids in the Rural Digital Opportunity Fund Phase I auction to A2D. A2D asserted it was listed on RHMD's RDOF application and vetted by the FCC staff alongside RHMD during the short-form application process. A2D said it is willing and able to meet the RDOF milestones and provide gigabit services to the census block groups in rural Georgia for which RHMD was the winning bidder.
- State Telephone [spoke with](#) Commissioner Starks' legal advisor on Sept. 1, 2021, regarding its [application for review](#) of the Wireline Competition Bureau [decision](#) denying State's [waiver](#) request of the HUBB filing deadlines. State said 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.
- The Wireline Competition Bureau, in conjunction with the Rural Broadband Auctions Task Force and the Office of Economics and Analytics, issued an [order](#) on Sept. 2, 2021, granting Redwire's [petition](#) requesting an extension of the waiver of the letter of credit requirement for the CAF Phase II auction. The Bureau extended the waiver for one year from the release of this order, subject to certain conditions.
- Vantage Point and ASTAC [spoke with](#) Commissioner Simington's chief of staff on Aug. 30, 2021, regarding challenges ASTAC faces in providing service in its wireline and wireless operations. They shared the updated Alaska Plan obligations for the wireline operations, and said the new commitment is evidence ASTAC has effectively leveraged its Alaska Plan funding and will continue to do so for the next five years of the plan. They also shared examples of open middle mile projects and outlined the tremendous challenge of construction in an Arctic environment, and discussed concerns of potential overlap from anticipated NTIA funding awards.

Broadband

- The Office of Economics and Analytics issued a [public notice](#) on Sept. 3, 2021, extending the deadline to Oct. 1, 2021, for the submission of Form 477 data as of June 30, 2021, for affected filers in Louisiana and Mississippi recovering from Hurricane Ida. For all other filers, the OEA established the deadline of Sept. 15, 2021 for their Form 477 submission. The OEA issued a [public notice](#) on Aug. 30, 2021, extending the Sept. 1, 2021 filing deadline for the submission of Form 477 data to allow affected filers time to focus on recovering from Hurricane Ida.
- The Wireline Competition Bureau issued an [order](#) on Sept. 3, 2021, granting, on its own motion, a limited waiver of the Emergency Broadband Benefit program reimbursement rules. The Bureau granted a waiver to participating providers that uploaded their reimbursement claims for discounted service provided in the July 2021 service month by Aug. 16, 2021, but did not certify those claims by the Aug. 16, 2021 deadline. The Bureau said the waiver will allow the limited number of affected providers to certify such claims by the next deadline of Sept. 15, 2021.
- Enablers [spoke with](#) Broadband Data Task Force staff on Aug. 27, 2021, regarding the Commission's efforts to implement the Broadband Data Act and obtain better mobile broadband availability data. Enablers discussed its mobile coverage mapping solution, asserting it could be used by the Commission, mobile operators, public interest groups, state and local governments, and other parties to cost-effectively validate and create highly accurate mobile operator coverage maps in both urban and rural settings.

- The Wireline Competition Bureau issued an [order](#) on Sept. 2, 2021, granting Edison Electric Institute's [motion](#) for an extension of the deadline for filing reply comments, until Sept. 10, 2021, on its [petition for declaratory ruling](#) on pole attachment complaint refunds.
- Dominion Energy and Xcel Energy filed a [letter](#) on Aug. 31, 2021, in support of Edison Electric Institute's [motion](#) to extend the deadline for filing reply comments, until Sept. 10, 2021, on EEI's [petition for declaratory ruling](#) on pole attachment complaint refunds. They asserted good cause exists to grant this extension request, and no party would be prejudiced.
- Lumen [spoke with](#) Commissioner Carr's legal advisor on Aug. 27, 2021, regarding the request of NCTA and Charter to initiate a rulemaking to address the issues raised in NCTA's [petition for declaratory ruling](#) on pole replacement costs. Lumen claimed the FCC lacks authority to adopt the changes to its pole attachment rules sought by NCTA, asserting they would upend long-settled law, would not reduce barriers to broadband deployment, and would just shift the cost of pole replacements caused solely by cable to pole owners. Lumen also spoke with [Commissioner Simington's chief of staff](#) on Aug. 31, 2021, to discuss the same issues.
- The Schools, Health & Libraries Broadband Coalition filed a [letter](#) on Sept. 2, 2021, attaching proposed pole attachment principles to expedite broadband deployment to anchor institutions and their communities. The proposed principles stated: all pole owners should be subject to comparable rules governing pole access; electronic and telephone easements and public rights of way should be made available for broadband; and, federal, state and local infrastructure funding should be made available to help defray pole make-ready and pole replacement cost, among other things.

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Call Completion

- The U.S. District Court for the Northern District of Illinois issued a [memorandum opinion and order](#) on Aug. 31, 2021, in the case addressing a complaint by Craigville Telephone and Consolidated Telephone alleging T-Mobile's provision of false ring tones resulted in lost opportunities for plaintiffs to seek intercarrier compensation. The court granted [Inteliquent's](#) and [T-Mobile's](#) partial motion to dismiss plaintiffs' [second amended complaint](#). The court dismissed Counts IV through VII against the defendants, saying plaintiffs either failed to state a claim or because they have no cause of action, and dismissed Counts II and III because plaintiffs failed to allege violations of the Communications Act by Inteliquent.

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Robocalls

- The [third report and order](#) establishing a process for voice service providers to file a request for review to the FCC of a token revocation decision of the private STIR/SHAKEN Governance Authority was published in the [Federal Register](#) on Aug. 31, 2021. The order is effective Sept. 30, 2021.
- The Wireline Competition Bureau issued a [public notice](#) on Sept. 3, 2021, seeking comment on two TRACED Act obligations regarding caller ID authentication. The Bureau seeks comment on STIR/SHAKEN implementation extensions granted to small voice providers, including whether the extension should be revised or extended. The Bureau also provided directions and filing instructions for the implementation verification certifications that voice service providers granted an exemption from the Commission's caller ID authentication rule must file. Comments on the implementation extensions are due 30 days after publication in the Federal Register; replies are due 45 days after. Comments on verification exemptions are due Oct. 4, 2021.
- ACA Connects [spoke with](#) Wireline Competition Bureau staff on Sept. 1, 2021, regarding the May 2021 [Third FNPRM](#) on accelerating the date by which small voice service providers that originate large amounts of call traffic must implement the STIR/SHAKEN framework. ACA Connects supported the

proposal to curtail the June 30, 2023 implementation deadline for those small voice providers that are at heightened risk of originating large volumes of illegal robocalls. It also suggested the FCC impose an earlier deadline only on providers that are not facilities-based and require any provider that does not have a Form 477 on file or that has reported on its most recent Form 477 a lack of any facilities-based voice connections, to meet the earlier deadline.

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Other Universal Service

- The Wireline Competition Bureau issued an [order](#) on Sept. 3, 2021, waiving, on its own motion, certain E-Rate, Rural Health Care, Lifeline, High Cost, Emergency Connectivity Fund, and Emergency Broadband Benefit rules and deadlines, to assist participants and providers located in the areas affected by Hurricane Ida. The waivers include: high cost universal service support performance measures testing and pre-testing for third and fourth quarter 2021; E-Rate program filing deadlines and service implementation deadline rules; Lifeline non-usage rules; and, certain ECF program deadlines, among other things.
- The Wireline Competition Bureau issued a [public notice](#) on Sept. 2, 2021, seeking comment on NECA's [2022 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#), scheduled to take effect on Jan. 1, 2022, and remain in effect through Dec. 31, 2022. Comments are due Oct. 4, 2021; reply comments are due Oct. 19, 2021.
- USAC filed the [Federal Universal Service Support Mechanisms Quarterly Contribution Base](#) for fourth quarter 2021 on Sept. 1, 2021.
- The Wireline Competition Bureau released a [public notice](#) on Aug. 31, 2021, granting, denying and dismissing various petitions related to actions taken by USAC on E-Rate, rural health care and USF contributions. The Bureau also granted Viasat's request for waiver of the high cost annual certification deadline. Petitions for reconsideration or applications for review of these decisions must be filed within 30 days of the public notice.
- Lake Region Technology and Communications filed a [status update](#) on Sept. 1, 2021, to its [request for waiver](#) of the June 7, 2021 deadline to file proof of ETC designation, required as a winning bidder in the RDOF Phase I auction. Lake Region said the Oklahoma Public Utility Division of the Oklahoma Corporation Commission is working to review and process the ETC application, and anticipates it will be ready for final disposition in the near future.

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Misc.

- The Wireline Competition Bureau issued a [public notice](#) on Sept. 2, 2021, announcing tariff review plans for use by rate-of-return carriers that have elected incentive regulation for their business data services offerings pursuant to the 2018 [RoR BDS order](#) have been posted on the [FCC's website](#). The [2021 TRP order](#) required RoR carriers electing incentive regulation pursuant to the RoR BDS order to file TRPs reflecting any exogenous cost adjustment for TRS, NANPA, and regulatory fees in rates to be effective Oct. 1, 2021. The Bureau also required the exogenous cost adjustment for TRS to be grossed up to spread the entire adjustment over the remaining months in the tariff year. It said, however, the Oct. 1, 2021 exogenous cost filing and rate adjustment is optional for electing carriers if the total amount of such exogenous cost adjustments would either increase rates or meet a *de minimus* threshold of \$960.00, which is the current tariff filing fee.
- The Wireline Competition Bureau's [public notice](#) adopting final procedures and additional guidance for the application and filing reimbursement process for the \$1.9 billion Secure and Trusted Communications Networks Reimbursement Program was published in the [Federal Register](#) on Aug. 31, 2021. The Bureau also: adopted final versions of FCC Form 5640, which will be used to submit request funding allocations and disbursements from the program; and finalized the catalog of eligible expenses and estimated costs and the list of categories of suggested replacement equipment and

services. The procedures are effective on Sept. 30, 2021, except for Form 5640, which is subject to OMB approval.

- The U.S. Court of Appeals for the Fifth Circuit issued an [order](#) on Sept. 1, 2021, granting Huawei's [motion to dismiss](#) its [petition for review](#) of the December 2020 [order](#) affirming the designation of Huawei as a national security threat. Huawei said the respondents do not oppose the motion.
- The Wireline Competition Bureau issued a [public notice](#) on Sept. 1, 2021, seeking comment on a section 214 application requesting the transfer of control of Chesnee Telephone from Skyline Telephone to Comporium. Comments are due Sept. 15, 2021; reply comments are due Sept. 22, 2021.
- The Wireline Competition Bureau issued an [order](#) on Aug. 29, 2021, granting a temporary waiver of the FCC's numbering rules to allow carriers in the states of Louisiana and Mississippi affected by Hurricane Ida and the numbering administrators that support them to port telephone numbers geographically outside of rate centers during this period of service disruption. The waiver is in effect for 90 days, beginning Aug. 29, 2021, and ending Nov. 27, 2021.
- The Wireline Competition Bureau issued an [order](#) on Aug. 31, 2021, 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 Louisiana and Mississippi affected by Hurricane Ida. The aging rule states service providers may only age telephone numbers that have been disconnected for up to 90 days before assigning them to other customers. This waiver is in effect for a nine-month period, expiring on May 31, 2022, and will also apply to residential customers in other areas for which President Biden declares states of emergency, either due to Hurricane Ida or to later storms during the 2021-2022 hurricane season.

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Upcoming Filing Dates

- Sept. 10 - 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. 27, 2021. [public notice](#) | [order](#)
- Sept. 10 - 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 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. 15 - Comments due on a section 214 application requesting the transfer of control of Chesnee Telephone from Skyline Telephone to Comporium. Replies are due Sept. 22, 2021. [public notice](#)

- 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. 22 - Reply comments due on a section 214 application requesting the transfer of control of Chesnee Telephone from Skyline Telephone to Comporium [public notice](#)
- 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 - Comments due on NECA's [2022 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#), scheduled to take effect on Jan. 1, 2022, and remain in effect through Dec. 31, 2022. Replies are due Oct. 19, 2021. [public notice](#)
- Oct. 4 - Comments due on caller ID authentication exemption verification certifications. [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. 19 - Reply comments due on NECA's [2022 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#), scheduled to take effect on Jan. 1, 2022, and remain in effect through Dec. 31, 2022. [public notice](#)
- 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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