

## NECA's Weekly Federal Regulatory Summary

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### September 20, 2021 HIGHLIGHTS

- The Wireline Competition Bureau [authorized](#) over \$136 million in Rural Digital Opportunity Fund support for 466 winning bids.
- Requests were filed by [GeoLinks](#) and [Socket Telecom](#) 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](#)
- Matthey Consulting, in conjunction with NTCA, INCOMPAS and the SHLB Coalition, [released](#) a [paper](#) on USF contributions reform. The paper recommended adding broadband internet access service revenues to the contribution base as a means of stabilizing the USF program.
- Commissioner Carr issued a [statement](#) on the findings of a [study](#) on subsidizing universal broadband by assessing a digital advertising services fee. Carr said requiring Big Tech to start paying a fair share could eliminate the 30 percent USF charge from consumers' monthly bills.
- [Comments were filed](#) 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.
- Rep. A. Donald McEachin (D-Va.) and Sen. Reverend Raphael Warnock (D-Ga.) [introduced](#) a [bill](#) to authorize the FCC to establish a program to administer up to \$400 vouchers for low-income Americans to purchase laptops, tablets and desktop computers.
- ASTAC [discussed](#) its updated Alaska Plan obligations for wireline operations, middle mile projects, and concerns of potential overlap from anticipated NTIA funding awards.
- The FCC [will hold](#) a public webinar on the Secure and Trusted Communications Networks Reimbursement program on Sept. 27, 2021.

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### Other Key Upcoming Dates

- Oct. 14 - Comments due on the [FNPRM](#) on updating the FCC's rules on direct access to numbers by interconnected VoIP providers to safeguard numbering resources. Replies are due Nov. 15, 2021. [FR](#)

## USF Reform

- The Wireline Competition Bureau, in conjunction with the Rural Broadband Auctions Task Force, and the Office of Economics and Analytics, issued a [public notice](#) on Sept. 15, 2021, authorizing over \$136 million in Rural Digital Opportunity Fund support for 466 winning bids identified in attachment A of the public notice. They said a state-level summary will be posted under the “Results” tab on the [Auction 904 webpage](#) and will provide for each long-form applicant the total support amount over 10 years and total number of locations the applicant is being authorized for in each state, locations to which the authorized support recipient must offer the required voice and broadband services, and the eligible census blocks included in the winning bids authorized in each state. Additionally, they provided a summary of the various obligations of authorized Auction 904 support recipients and important deadlines.
- In addition to requests listed in previous editions of *REGScan*, [GeoLinks](#) and [Socket Telecom](#) filed petitions on Sept. 14 and 16, 2021, respectively, for waiver of any penalties associated with its decision not to pursue support in certain census blocks where it was the winning bidder in the Rural Digital Opportunity Fund auction. [all requests available](#)
- LTD Broadband filed a [reply](#) on Sept. 17, 2021, to oppositions by [ERIC](#) and [Lukas, LaFuria, Gutierrez & Sachs](#) to its [petition](#) for reconsideration of the [order](#) partially denying LTD’s petition for waiver of the deadline requiring RDOF long-form applicants to show they are designated as an ETC in each of the areas for which they seek RDOF support. LTD claimed the procedural and substantive objections raised are meritless and contrary to precedent.
- RHMD and A2D [spoke with](#) acting Chairwoman Rosenworcel’s acting legal advisor on Sept. 14, 2021, regarding A2D’s [petition for waiver](#) to assign RHMD’s winning bids in the RDOF Phase I auction to A2D. RHMD said it supports assignment of the census block groups to A2D, with the understanding that A2D would be responsible for all buildout milestones and RHMD would not be penalized for any default.
- ASTAC and Vantage Point [spoke with](#) Commissioner Simington, his chief of staff, and advisors on Sept. 16, 2021, regarding challenges ASTAC faces in providing service in its wireline and wireless operations. They discussed 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 discussed examples of open middle mile projects, the challenge of construction in an Arctic environment, and concerns of potential overlap from anticipated NTIA funding awards.
- State Telephone [spoke with](#) acting Chairwoman Rosenworcel’s acting chief of staff and acting legal advisor on Sept. 9, 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.

## Broadband

- In addition to comments listed in a previous edition of *REGScan*, comments were filed on Sept. 10, 2021, on the proposed technical requirements to implement the mobile challenge, verification and crowdsourcing processes required under the Broadband DATA Act. [Ookla](#) asserted minor adjustments and clarifications to the FCC’s proposals will allow it to increase the accuracy of its mapping efforts by ensuring its testing parameters permit the use of industry best practices. It also said requiring all apps that submit crowdsourced mobile data to publish their methodology and undergo a 60-day public comment period will shift some of the FCC’s administrative burden onto the public. The [California PUC](#) suggested the FCC revise its proposal regarding methods by which the public and government entities can submit data it will consider a cognizable challenge to provider-submitted coverage maps, claiming the proposal will likely result in only very small areas able to be successfully challenged. [RWA](#) asserted the public notice does not fully capture the issues small and rural providers face in correcting overstated wireless coverage data provided by unsubsidized carriers, nor the concerns with the lack of

crowdsourcing in rural and remote areas where sparsely populated areas do not allow for crowdsource testing via the method proposed by the FCC. Replies are due Sept. 27, 2021. [all comments available](#) | [public notice](#) | [order](#)

- Rep. A. Donald McEachin (D-Va.) and Sen. Reverend Raphael Warnock (D-Ga.) introduced a bicameral [bill](#) on Sept. 14, 2021, which would authorize the FCC to establish a program to administer up to \$400 vouchers for low-income Americans to purchase laptops, tablets and desktop computers. The bill would, among other things, allocate \$5 billion in federal funding for establishment and implementation of the voucher program, permit up to two low-income individuals per household to receive a voucher, and direct the FCC to collaborate with connected device retailers, promote the program to eligible Americans, and provide individualized technical assistance to assist in enrollment. [press release](#)
- Over 120 public interest, consumer, education, and civil rights advocacy groups, sent a [letter](#) to House Energy and Commerce Committee Chair Sen. Maria Cantwell (D-Wash.) and ranking member Sen. Roger Wicker (R-Miss.) on Sept. 17, 2021, urging inclusion of a device voucher program within the budget reconciliation package. They asserted each household should be eligible for more than one device so multiple members of the household can connect simultaneously, and the program should also provide for robust advertising of the benefit as well as enrollment assistance. [press release](#)
- Next Century Cities, et al. [spoke with](#) acting Chairwoman Rosenworcel, her acting chief policy advisor, her acting special advisor and Consumer and Governmental Affairs Bureau staff on Sept. 10, 2021, regarding the Emergency Broadband Benefit program. They discussed implementation challenges among Baltimore residents, noting only 34,734 households in the Baltimore area have registered for the EBB program. They discussed lessons learned from working to facilitate EBB enrollment and ongoing challenges that curb program participation.
- The Wireline Competition Bureau issued an [order](#) on Sept. 14, 2021, granting a request by MCC Iowa and the city of West Des Moines, Iowa, for an extension of time to file comments and replies on Section 254 petitions for declaratory ruling filed 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 Oct. 7, 2021; replies are due Oct. 27, 2021. [public notice](#)
- Aurora Insight [spoke with](#) Commissioner Starks' legal advisor on Sept. 9, 2021, regarding its systems for collection of radio frequency data and applicability to the Commission's ongoing mapping work. Aurora discussed how it could benefit both the Commission and carriers as the FCC's map challenge process progresses.
- The [public notice](#) updating the record on issues raised in the July 2019 [NPRM](#) on improving competitive broadband access to multiple tenant environments was [published](#) in the Federal Register on Sept 20, 2021. The Wireline Competition Bureau seeks comments on revenue sharing agreements, exclusive wiring arrangements, including sale-and-leaseback arrangements, and exclusive marketing arrangements, and other issues. Comments are due Oct. 20, 2021; replies are due Nov. 4, 2021.
- In addition to reply comments listed in a previous edition of *REGScan*, replies were filed on Sept. 10, 2021, on Edison Electric Institute's [petition for declaratory ruling](#) on pole attachment complaint refunds. [Verizon](#) claimed EEI's petition is procedurally barred and meritless as a matter of policy, and granting it would deter broadband deployment by allowing pole owners to avoid liability for charging unreasonable and unjust rates. [ACA Connects](#) said EEI's petition should be dismissed because it presents no controversy or uncertainty for the Commission to resolve through a declaratory ruling. The [Utilities Technology Council](#) claimed granting EEI's petition will eliminate inconsistent, arbitrary and discriminatory treatment towards electric utilities and provide greater regulatory certainty. [all replies available](#) | [public notice](#)

## ICC

- On Sept. 15, 2021, the FCC [circulated](#) a memorandum opinion and order in the proceeding investigating the revisions Core Communications made in Transmittal No. 17 to its interstate switched access service Tariff F.C.C. No. 3. The FCC also circulated an item entitled “AT&T Corp., AT&T Services, Inc., and MCI Communications Services LLC v. Wide Voice, LLC.”
- Verizon filed a [letter](#) on Sept. 15, 2021, in the [proceeding](#) investigating the revisions Core Communications made in Transmittal No. 17 to its interstate switched access service Tariff F.C.C. No. 3. Verizon claimed Core’s [recent filings](#) do nothing to cure the factual deficiencies in its direct case or to establish the lawfulness of its new tariff provisions. Verizon asserted the FCC should reject Core’s direct case for failing to comply with the designation order.

## Call Completion

- Inteliquent filed a [motion](#) with the U.S. District Court for the Northern District of Illinois on Sept. 14, 2021, seeking a judgment on the pleadings 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. Inteliquent said the sole remaining claim against Inteliquent is a state law claim for civil conspiracy and should be dismissed, and claimed under the state law that will govern, Inteliquent cannot be held liable under a civil conspiracy theory for someone else’s alleged violation of the Communications Act.

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## Robocalls

- USTelecom [spoke with](#) Consumer and Governmental Affairs Bureau staff on Sept. 10, 2021, regarding its [petition for reconsideration](#) of the December 2020 fourth [report and order](#) on caller ID authentication. USTelecom claimed the best and only viable way to achieve blocking notification in the short and medium term is to rely on SIP Code 603. USTelecom also asserted the Commission should confirm voice service providers: only are required and expected to provide notification when calls are blocked based on analytics programs; should only be required to include in blocked call lists those calls blocked based on opt-in or opt-out analytic programs; and voice service providers serving enterprises and other organizations have the flexibility to work with those customers to determine the best approach to notification on a case-by-case basis. USTelecom also [spoke with](#) acting Chairwoman Rosenworcel’s acting legal advisor on Sept. 15, 2021, regarding similar issues.
- CTIA filed a [letter](#) on Sept. 10, 2021, supporting USTelecom’s [letter](#) on implementation of the blocked-call notification requirement in the fourth [report and order](#). CTIA asserted, consistent with its [reply](#), adopting a flexible approach for implementing the blocked-call notification requirement will allow the Commission and industry to continue to provide effective relief to consumers from illegal and unwanted robocalls, while providing meaningful notice and the ability to seek redress for calling parties. CTIA also supported USTelecom’s [request for clarification](#) that voice service providers are not required to provide notification of blocking beyond the confines of analytics-based blocking.
- ZipDX filed a copy of an [e-mail](#) to the FCC on Sept. 15, 2021, following up on its [previous e-mail](#) that offered suggestions for modifications to paragraph 106 of the draft [FNPRM](#) on imposing obligations on gateway providers to help stop illegal robocalls originating abroad from reaching U.S. consumers and businesses. ZipDX asserted language in the FNPRM indicates the Commission will not be enforcing the foreign provider prohibition during the pendency of this proceeding. ZipDX asserted given that Americans continue to receive foreign-sourced illegal calls in huge volumes, the last sentence of the paragraph should be removed.

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## Other Universal Service

- Matthey Consulting, in conjunction with NTCA, INCOMPAS and the SHLB Coalition, released a [paper](#), entitled “USForward” on Sept. 14, 2021, offering suggestions on USF contributions reform. The paper recommends adding broadband internet access service revenues as a means of stabilizing the USF program, and said doing so would result in the contribution factor falling significantly and remaining under 4% over the next several years. The paper offered several reasons to expand the existing revenues-based USF contributions methodology to assess broadband internet access service revenues, including: BIAS revenues are expected to be stable in the future, with the potential for some modest growth; it is a solution that can be implemented more quickly than the alternatives; and assessing both BIAS and voice services removes the incentives of providers to arbitrarily allocate revenues from bundled services to one service and not the other, among other things. [press release](#)
- The FCC issued a [news release](#) on Sept. 15, 2021, on a [new study](#) by economist Hal Singer, Ph.D and Ted Tatos examining whether large technology companies should start contributing to the Universal Service Fund. The study compared the current funding method to two alternative approaches, analyzing levying a new service fee on digital advertising, or shifting the funding base to landline ISPs. The study concluded assessing a service fee on digital advertising revenues constitutes the best policy option. Commissioner Carr provided a statement on the study, saying the current funding mechanism for the USF is unfair and unsustainable and the study shows requiring Big Tech to start paying a fair share could eliminate the 30 percent USF charge from consumers’ monthly bills.
- Smith Bagley filed a [request](#) on Sept. 13, 2021, for a six-month extension of the Lifeline rule waivers governing documentation requirements for subscribers residing on tribal lands for recertification, reverification, general deenrollment and income documentation. SBI said these waivers are set to expire Sept. 30, 2021, but the rise of COVID-19 cases could increase the need for critical communications and broadband connectivity for remote learning, telehealth and other needs.
- Red Pocket [spoke with](#) Wireline Competition Bureau staff on Sept. 10, 2021, regarding its pending Lifeline compliance plan. It confirmed it will provide Lifeline service as a common carrier and seeks expeditious approval of the plan.
- Liberty Communications of Puerto Rico filed an [opposition](#) on Sept. 13, 2021, to 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. Liberty asserted there is no merit to PRTC’s objections to how the Wireline Competition Bureau scored PRTC’s proposal on the network performance metric. Liberty also argued while PRTC is correct its pricing bids for the challenged municipios were lower than Liberty’s, the FCC was clear price was only one of the factors considered in deciding which proposal to accept. Replies are due Sept. 23, 2021. [public notice](#)
- GCI filed a [request for review and waiver](#) on Sept. 16, 2021, of a USAC Rural Health Care funding decision relating to Yukon Kuskokwim Health. GCI asserted USAC’s funding denial was made in error and GCI provided sufficient documentation to justify the rate pursuant to the 2019 RHC order. GCI urged the Commission to review and reverse USAC’s denial and waive the rule requiring appeals of USAC decisions to be filed within 60 days.

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## Misc.

- The FCC issued a [public notice](#) on Sept. 16, 2021, announcing it will hold a public webinar on the Secure and Trusted Communications Networks Reimbursement program on Sept. 27, 2021. The webinar will provide an overview of the reimbursement program, provider eligibility information, and application procedures for participating parties. The FCC will also discuss the online portal for filing application requests for funding allocation, the user guide for parties participating in the reimbursement program, and the outreach tool kit materials. The [webinar](#) can be viewed live.



- Former FCC acting general counsel and chief counsel for cybersecurity sent a [letter](#) to acting Chairwoman Rosenworcel and Commissioners Carr, Starks and Simington on Sept. 14, 2021, regarding the covered equipment list. They urged the FCC to take action in close coordination with industry and interagency partners and recommended the FCC: base any prohibitions of future authorizations of covered equipment only on the Secure and Trusted Communications Networks Act and additional provisions in the pending Secure Equipment Act; and promote IoT security entirely outside the equipment authorization process through efforts coordinated with industry and federal partners.
- The Rural Wireless Association [spoke with](#) Wireless Telecommunications Bureau staff on Sept. 13, 2021, regarding the process for the disposal, destruction and recycling of covered equipment. RWA said some of its members have already completed the destruction of, or are in the process of disposing of, such equipment and urged the Bureau to make clear in any guidance issued that such guidance is prospective in nature and companies that have already initiated the destruction process will not be expected to meet any new standards issued in connection with that equipment.
- Hytera Communications and its subsidiary, PowerTrunk, [spoke with](#) Commissioner Carr's policy advisor on Sept. 16, 2021, regarding the addition of Hytera on the [supply chain covered list](#) of equipment and services. Hytera asserted the covered list includes Hytera by name, but only with respect to video surveillance and telecommunications equipment, and clearly excludes the two-way, private land mobile radio equipment Hytera markets. Hytera asked the Commission to update the covered list with a plain wording definition of what exactly is covered equipment.
- Teltech Group filed a [letter](#) on Sept. 17, 2021, on its capabilities regarding disposal and destruction of covered equipment. Teltech provided an overview of the company and services it provides and detailed past projects it worked on.
- Comments are due Sept. 20, 2021, on the supply chain [NOI and NPRM](#). Replies are due Oct. 18, 2021. [FR, FR](#)
- [GCS Electronics and Communications](#), [Metrotalk](#) and [Alpha Prime Communications](#) filed letters on Sept. 11 and 13, 2021, to express concern with the inclusion of Hytera Communications on the supply chain [covered list](#) of equipment and services.
- The [FNPRM](#) to update the FCC's rules on direct access to numbers by interconnected VoIP providers to safeguard the nation's finite numbering resources, curb illegal robocalls, protect national security and further promote public safety was published in the [Federal Register](#) on Sept. 14, 2021. Comments are due Oct. 14, 2021; replies are due Nov. 15, 2021. Comments on PRA proposed information collection requirements are due Nov. 15, 2021.
- Comments were filed on Sept. 17, 2021, 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 on a trial basis and on refreshing the record on New Hampshire PUC's [petition](#) requesting authority to implement number optimization measures in the 603 area code. [CTIA](#) said the FCC should deny Maine's petition, asserting the ITN pooling discussed in Maine's petition is not contemplated by current Commission rules, and no standards or procedures exist to implement ITN pooling. The [North Dakota Public Service Commission](#) supported the Maine and NHPUC's petitions and asked the FCC to grant it the same relief to implement ITN pooling for its 701 area code. The Massachusetts Department of Telecommunications and Cable filed a [letter](#), attaching its July 2019 comments supporting NHPUC's petition and the Maine PUC's June 2019 [petition](#) to implement similar number optimization measures. Replies are due Oct. 4, 2021. [public notice](#) | [all comments available](#)
- No comments were filed 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](#)
- To date, no reply comments were filed on a section 214 application requesting consent to transfer certain assets of Vexus Fiber to Poka Lambro. [public notice](#)

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## Upcoming Filing Dates

- 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. 24 - Comments due on a section 214 application requesting consent to transfer control of Nebraska Central Telephone Company and Nebraska Central Telecom from Holdings to Nedelco. Replies are due Oct. 1, 2021. [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. 1 - Replies due on a section 214 application requesting consent to transfer control of Nebraska Central Telephone Company and Nebraska Central Telecom from Holdings to Nedelco. Replies are due Oct. 1, 2021. [public notice](#)
- Oct. 4 - Comments due on NECA's [2022 Modification of the Average Schedule Universal Service HCLS Formula](#). 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. 7 - Comments due on section 253 petitions for declaratory ruling by [Bluebird Network](#) and [Mediacom](#). Replies are due Oct. 12, 2021. [public notice](#) | [order](#)
- Oct. 12 - Replies due on the proposed E-Rate eligible services list for funding year 2022. [public notice](#)
- Oct. 14 - Comments due on the [FNPRM](#) on updating the FCC's rules on direct access to numbers by interconnected VoIP providers. Replies are due Nov. 15, 2021. Comments on the proposed information collection requirements are due Nov. 15, 2021. [FR](#)
- 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 - Replies due on NECA's [2022 Modification of the Average Schedule Universal Service HCLS Formula](#). [public notice](#)
- Oct. 20 - Comments due on updating the record on issues raised in the July 2019 [NPRM](#) on improving competitive broadband access to multiple tenant environments. Reply comments are due Nov. 4, 2021. [FR](#) [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](#)
- Oct. 27 - Replies due on section 253 petitions for declaratory ruling by [Bluebird Network](#) and [Mediacom](#). [public notice](#)
- Nov. 4 - Replies due on updating the record on issues raised in the July 2019 [NPRM](#) on improving competitive broadband access to multiple tenant environments. [FR](#) [public notice](#)
- Nov. 8 - Nominations due for a USAC board member position to represent CMRS providers. [public notice](#)
- Nov. 9 - Comments due on the USDA's final rule to help expand access to capital to deploy broadband infrastructure in rural areas. [FR](#)
- Nov. 15 - Replies due on the [FNPRM](#) to update the FCC's rules on direct access to numbers by interconnected VoIP providers. [FR](#)
- Nov. 15 - PRA comments due on the proposed information collection requirements in the [FNPRM](#) on updating the FCC's rules on direct access to numbers by interconnected VoIP providers. [FR](#)

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