



[USF reform](#) | [Broadband](#) | [ICC](#) | [Robocalls](#) | [Open internet](#) | [Other universal services](#) | [Miscellaneous](#) | [Upcoming filing dates](#)

Weekly federal regulatory summary | Oct. 3, 2022 highlights

- | The FCC adopted four items at its Sept. 29, 2022 [open meeting](#).
- | NTCA [discussed](#) updates to the A-CAM and CAF-BLS mechanisms with Chairwoman Rosenworcel's chief legal advisor.
- | Hargray Telephone [discussed](#) reforms to the high-cost program for rate-of-return ILECs.
- | [Oppositions and comments](#) were filed to Starlink's [application for review](#) of the Wireline Competition Bureau's [decision](#) denying its Rural Digital Opportunity Fund application.
- | Sens. Jerry Moran (R-Kan.) and Mark Warner (D-Va.) [introduced](#) legislation to exclude broadband deployment grants awarded through the Infrastructure Investment and Jobs Act and the American Rescue Plan as taxable income.
- | Rep. Cathy McMorris Rodgers (R-Wash.) and Sen. Roger Wicker (R-Miss.) sent a [letter](#) to NTIA urging it to address the permitting processes that may impede the success of the BEAD Program.
- | NTIA [provided tips](#) on the budget and project sections of the application for the Enabling Middle Mile Broadband Infrastructure Program. The application was due Sept. 30, 2022.
- | Rep. McMorris Rogers (R-Wash.) sent a [letter](#) to Chairwoman Rosenworcel on the FCC's rulemaking authority.

Other key upcoming dates

Oct. 14 – Comments are due on NECA's [2023 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#). Replies are due Nov. 1, 2022. [public notice](#)

USF reform

- NTCA [spoke with](#) Chairwoman Rosenworcel's chief legal advisor on Sept. 28, 2022, to urge the FCC to proceed with updates to both the A-CAM and CAF-BLS mechanisms. NTCA said the record supports moving forward to address reforms of both mechanisms, and highlighted how key deadlines are approaching for re-examination of the CAF-BLS budget and service level commitments. NTCA said addressing these two issues now in coordination with A-CAM reforms, rather than waiting several months to address these issues in sequence, would be far more effective and efficient for all involved, including the FCC.
- Hargray Telephone [spoke with](#) Wireline Competition Bureau staff on Sept. 22, 2022, regarding issues on reforms to the high-cost program for rate-of-return ILECs, including updates to the program proposed by the ACAM Coalition and NTCA. Hargray urged the FCC to act swiftly and adopt the proposed reforms to ensure rural communities receive access to robust, reliable broadband as soon as possible.
- State Telephone [spoke with](#) Commissioner Carr's legal advisor on Sept. 22, 2022, regarding its September 2020 [application for review](#) of the [order](#) denying its [petition](#) for a waiver of the March 1, 2019 deadline to upload and certify geocoded location information data with USAC through the HUBB portal. State said a grant of the AFR is fully warranted and a prompt directive should be issued to USAC to make payment to State of the approximately \$1.6 million in withheld CAF BLS support.
- Oppositions and comments were filed on Sept. 27, 2022, to Starlink's [application for review](#) of the Wireline Competition Bureau's [decision](#) denying its Rural Digital Opportunity Fund application. The [Ensuring RDOF Integrity Coalition](#) opposed Starlink's and LTD Broadband's AFRs and requested the FCC hold the AFRs in abeyance until the FCC opens new dockets to facilitate public review of the AFRs and related materials and the FCC's written decisions denying the long form applications. [Viasat](#) said Starlink (SpaceX) has frustrated the ability of Viasat and other parties to file complete oppositions at this time, and the FCC should hold the AFR in abeyance until it has opened a new public docket. Viasat also claimed SpaceX bid well beyond its capabilities and is not able to provide 100/20 Mbps speeds to all households. [TechFreedom](#) supported Starlink's AFR and said the digital divide needs to be closed and changing rules midstream to arbitrarily exclude one class of technology defeats this effort.
- ADTRAN filed a [request](#) on Sept. 26, 2022, for access to the confidential information with regard to Starlink's [application for review](#) of the Wireline Competition Bureau's [decision](#) denying its Rural Digital Opportunity Fund application, along with access to the bureau order addressing Starlink's long-form application. ADTRAN asserted it is limited in its ability to address the claims made in the public version of the AFR because significant portions are redacted and the bureau order Starlink is challenging has not been publicly released.
- Cal.net filed a [response](#) on Sept. 26, 2022, to the California Public Utilities Commission's [letter](#) on Cal.net's [petition for waiver](#) of the eligible telecommunications carrier designation deadline for Rural Digital Opportunity Fund support. Cal.net claimed the PUC letter incorrectly characterized Cal.net's petition as a request to have the FCC decide Cal.net's ETC status in California. Cal.net asserted it does not need the FCC to decide ETC status because the PUC designated it as an ETC in 598 census block groups in 2019, 175 of which fall within Cal.net's service area for RDOF funding.

[Back to highlights](#)

Broadband

- Sens. Jerry Moran (R-Kan.) and Mark Warner (D-Va.) [introduced](#) legislation on Sept. 30, 2022, to exclude broadband deployment grants awarded through the Infrastructure Investment and Jobs Act and the American Rescue Plan as taxable income. They said grants awarded to industry for the purposes of broadband deployment are currently factored into a company's income and will soon be subject to additional taxes due to scheduled changes to the corporate tax code that start next year. They said this legislation moves to exclude these grants from an organization's income, ensuring the entirety of federal dollars awarded to companies for the purpose of deploying broadband can be used wholly for that purpose.
- Rep. Cathy McMorris Rodgers (R-Wash.) and Sen. Roger Wicker (R-Miss.) sent a [letter](#) to NTIA administrator Alan Davidson on Sept. 30, 2022, urging NTIA to address the permitting processes that may impede the success of the Broadband Equity, Access, and Deployment Program. They suggested NTIA require states and territories to work with their local governments to adopt streamlining policies that reduce the burdens associated with obtaining permits. They also asserted NTIA should set a high bar for the other critical policy goals that states and localities can use to justify burdensome permitting regulations so that the exception does not become the rule. [press release](#)
- NTIA [posted blogs](#) on Sept. 28, 2022, providing tips on the budget and project sections of the application for the Enabling Middle Mile Broadband Infrastructure Program. The application is due Sept. 30, 2022.
- USTelecom, CTIA, NCTA, NTCA and ACA Connects [spoke with](#) Wireline Competition Bureau and Office of Economics and Analytics staff on Sept. 21, 2022, regarding the Affordable Connectivity Program. They offered recommendations to maximize the effectiveness of the program's data collection and keep it simple, streamlined and efficient for the benefit of consumers and providers.
- Common Sense and Public Knowledge [spoke with](#) Wireline Competition Bureau staff on Sept. 19, 2022, to recommend USAC make additional types of data available through the Affordable Connectivity Program enrollment claims tracker. They said many governments and digital equity organizations rely on the tracker to help target, evaluate and improve ACP promotional campaigns, but said it currently lacks key types of data to precisely measure the effect of these campaigns or understand the quality of the services and devices purchased.
- USTelecom, AT&T, Frontier, Lumen and Verizon [spoke with](#) legal advisors to Commissioners Simington and [Carr](#) on Sept. 22 and 23, 2022, regarding pole replacements. They expressed opposition to proposals to change the application of the FCC's cost-causation principle and shift most of the costs arising from replacing a pole solely to accommodate a new attachment request from the attacher to the pole owner. They asserted the current rules are simple, effective and easy to apply, and changing them would undermine deployment goals. They also discussed the [analysis](#) prepared by Dr. Timothy Tardiff on the economics of pole replacements. Additionally, they urged the FCC to dismiss Edison Electric Institute's [petition for declaratory ruling](#) on pole attachment complaint refunds. They also [spoke with](#) Wireline Competition Bureau staff and [Commissioner Starks'](#) chief of staff on Sept. 21 and 29 2022, to discuss similar issues.

- ACA Connects [spoke with](#) Chairwoman Rosenworcel's legal advisor and Wireline Competition Bureau staff on Sept. 29, 2022, regarding the [notice of inquiry](#) on elimination of digital discrimination. It discussed the FCC's interpretation of Section 60506 of the Infrastructure Investment and Jobs Act, which gives the FCC circumscribed authority to achieve specified aims related to digital discrimination.

[Back to highlights](#)

ICC

- Reply comments [are due](#) Oct. 3, 2022, on the [FNPRM](#) seeking to modify the FCC's access stimulation rules to address ongoing arbitrage of the FCC's ICC regime.

[Back to highlights](#)

Robocalls

- Comments [are due](#) Oct. 3, 2022, on two TRACED Act obligations regarding caller authentication Replies are due Oct. 21, 2022.
- The FCC [announced](#) on Sept. 26, 2022, Chairwoman Rosenworcel signed a memorandum of understanding with the National Telecommunications Agency of Brazil to work together in combatting unwanted robocalls and promote advanced communications such as 5G and 6G. Rosenworcel also signed a similar MOU with Romania's National Authority for Management and Regulation in Communications.
- The FCC issued a [notice of proposed rulemaking](#) on Sept. 27, 2022, proposing new rules to fight malicious robotext campaigns. The FCC proposes to require mobile wireless providers to block illegal text messages at the network level that purport to be from invalid, unallocated or unused numbers, and numbers on a Do-Not-Originate list. The FCC also seeks comment on: the extent spoofing is a problem with regard to text messaging today and whether there are measures the FCC can take to encourage providers to identify and block texts that appear to come from spoofed numbers; and applying caller ID authentication standards to text messaging. Comments are due 30 days after publication in the Federal Register; replies are due 45 days after publication. [news release](#)

[Back to highlights](#)

Other universal services

- The Wireline Competition Bureau issued an [order](#) on Sept. 30, 2022, extending waivers of the Lifeline recertification and reverification requirements for those Lifeline subscribers residing on tribal lands through Jan. 31, 2023. The waiver also addressed the potential impact it may have on subscribers of both the Lifeline and Affordable Connectivity Programs that were required to undergo recertification for calendar year 2022.

- The Wireline Competition Bureau released a [public notice](#) on Sept 30, 2022, granting, denying and dismissing various petitions related to actions taken by USAC on E-Rate, the Emergency Connectivity Fund, USF contributions, Rural Health Care, and the Connect Care Pilot Program.
- USAC filed its semiannual audit recovery [report](#) for the E-Rate Program on Sept. 30, 2022, which summarizes the status of all outstanding audit findings.
- [TechFreedom](#) and the [Competitive Enterprise Institute, et al.](#) filed amicus briefs on Sept. 29, 2022, with the U.S. Court of Appeals for the Sixth Circuit, in support of petitioners, in the case addressing Consumers' Research, et al.'s [petition for review](#) of the FCC's approval of the proposed fourth quarter 2021 universal service contribution factor.
- No comments were filed on T-Mobile's petitions seeking to relinquish its eligible telecommunications carrier designations in [Virginia](#) and [Florida](#). Replies due Oct. 12, 2022. [public notice](#)
- Commissioner Carr [delivered](#) keynote remarks at a technology forum in Brussels, Belgium, on Sept. 26, 2022, on the need for Big Tech to contribute toward network builds, and national security threats posed by TikTok. Carr asserted large technology companies benefit tremendously from high-speed networks and generate most of the network traffic in Europe and the U.S. Carr will also meet with regulators from the European Commission, European Parliament, state regulatory bodies and other stakeholders in Brussels to discuss the same issues.

[Back to highlights](#)

Miscellaneous

- The FCC adopted the following items at its Sept. 29, 2022 [open meeting](#): a [second report and order](#) adopting rules requiring low-earth orbit space station operators planning disposal through uncontrolled atmospheric re-entry to complete disposal as soon as practicable, adopt a grandfathering period of two years, and address the potential for waivers for certain types of research and scientific missions; a [report and order and FNPRM](#) to improve access to communications for incarcerated people with disabilities and reduce the financial burdens created by certain calling service charges and practices; a [report and order](#) to improve the clarity and accessibility of Emergency Alert System visual messages to the public, including persons who are deaf or hard of hearing as well as others who are unable to access the audio message; and an [NPRM](#) that would amend Part 73 of its rules for television and Class A television broadcast stations to remove obsolete rules for analog TV operations.
- House Energy and Commerce Committee ranking member, Cathy McMorris Rogers (R-Wash.) sent a [letter](#) to Chairwoman Rosenworcel on Sept. 23, 2022, regarding a recent Supreme Court decision regarding the limitations of certain agency action. McMorris Rodgers said the court case affirmed the executive branch cannot usurp Congress's Article I power to write the nation's laws. She asked the FCC to provide information on all pending or expected rulemakings and the specific congressional authority for each rulemaking, and all pending or expected declaratory rulings issued by a bureau or office of the FCC on delegated authority. McMorris Rogers sent similar letters to seven other agencies, including the Federal Trade Commission. [press release](#)

- The FCC issued a [public notice](#) on Sept. 29, 2022, on procedures for filing requests for waiver, reduction, deferral and installment payment of regulatory fees due to the pandemic. The FY 2022 regulatory fees filing due date was extended to Sept. 30, 2022.
- The FCC issued a [public notice](#) on Sept. 28, 2022, extending the Fiscal Year 2022 regulatory fee filing deadline, until Sept. 30, 2022, for all entities that are required to pay annual regulatory fees. The FCC said Hurricane Ian may cause substantial damage to the communications network, resulting in service disruptions and outages throughout areas in Florida, and is mindful of the effect on regulatory fee payors located in affected areas. Additionally, the FCC said it is aware of other technical challenges entities are currently facing in paying their regulatory fees.
- The Wireline Competition Bureau issued a [public notice](#) on Sept. 27, 2022, granting a Section 214 application filed by WIN, f/k/a Wisconsin Independent Network, and Wisconsin Telcom Switching, requesting consent to transfer a portion of WIN's business and facilities to WTS. WIN is wholly owned by Communications Management Group, which is wholly owned by 31 Wisconsin-based rural ILECs, including four ILECs that own WTS.
- The Wireline Competition Bureau issued a [public notice](#) on Sept. 26, 2022, granting the transfer of control of Westelcom Communications, parent company of Westelcom Network, from Chazy and Westport Telephone to Atlas Connectivity. The bureau also granted the transfer of control of Wilkes Telephone & Electric Company and Wilkes Communications, Inc. d/b/a Wilkes Long Distance Service.
- The FCC filed a [brief](#) on Sept. 27, 2022, with the U.S. Court of Appeals for the Ninth Circuit, in the case addressing China Unicom (Americas)'s [petition for review](#) of the [order](#) revoking its ability to provide telecommunications services within the United States. The FCC asserted China Unicom's retention of Section 214 authorizations posed a substantial and unacceptable threat to national security and asked the court to deny the petition.
- The [public notice](#) on filing equipment replacement program status updates was published in the [Federal Register](#) on Sept. 30, 2022. The public notice reminded recipients in the Secure and Trusted Communications Networks Reimbursement Program of their obligation to file status updates with the FCC every 90 days, beginning on the date the bureau approved their applications, until the obligation to file expires. All initial status updates are due on Oct. 13, 2022.
- Dahua Technologies [spoke with](#) Commissioner Starks' chief of staff on Sept. 22, 2022, regarding its product offerings and applications in the U.S., cybersecurity practices and proposed safeguards for ensuring National Defense Authorization Act compliance. Dahua also asserted not all its equipment falls within the scope of covered telecommunications equipment or services under the NDAA. Dahua also [spoke with](#) Commissioner Simington's advisors on Sept. 23, 2022, to discuss the same issues.
- Dahua filed a [letter](#) on Sept. 30, 2022, to respond to [Motorola Solutions, Inc.](#) on equipment authorization. Dahua responded to MSI's arguments that Dahua and Hikvision's claims their equipment is secure from cyberattacks are not relevant to the key issues facing the FCC.
- The FCC issued a [public notice](#) on Sept. 27, 2022, announcing the next meeting of the North American Numbering Council will be held Feb. 28, 2023. At the meeting, the NANC will consider and vote on a report and recommendations from the Numbering Administration Oversight Working Group on the feasibility of individual telephone number

pooling trials and other options for numbering resource conservation. Chairwoman Rosenworcel also appointed additional members to the NANC and its working groups, as listed in the notice.

- An FCC [notice](#) was published in the Federal Register on Sept. 30, 2022, correcting the deadline for filing reply comments on Sonic Telecom's [petition for reconsideration](#) of the Oct. 27, 2020 [report and order](#) on modernizing the FCC's unbundling and resale requirements. Comments and oppositions are due Oct. 4, 2022; replies are due Oct. 14, 2022.
- Chairwoman Rosenworcel [announced](#) on Sept. 27, 2022, Denise Bambi Kraus will serve as chief of the Office of Native Affairs and Policy. As chief, she will oversee the work of the Native Nations Communications Task Force. Prior to joining the FCC, Kraus served as the national tribal affairs advisor for the Federal Emergency Management Agency.

[Back to highlights](#)

Upcoming filing dates

- Oct. 4 - Comments and oppositions due on Sonic Telecom's [petition for reconsideration](#) of the Oct. 2020 [report and order](#) on modernizing the FCC's unbundling and resale requirements. [FR](#) Replies are due Oct. 14, 2022.
- Oct. 4 - Comments due on a Section 214 application requesting consent to transfer control of Atlas Connectivity, Nicholville Telco, and SLIC Network Solutions to SDC Atlas Acquisition. Replies are due Oct. 11, 2022. [public notice](#)
- Oct. 6 - Replies due on the merits of extending the [waiver](#) of the letter of credit rules for CAF II support recipients beyond Dec. 31, 2022. [public notice](#)
- Oct. 6 - Replies due on the proposed E-Rate eligible services list for funding year 2023. [public notice](#)
- Oct. 6 - Comments due on the establishment of new matching programs between the FCC and USAC, and the [North Carolina Department of Health and Human Services](#), [Tennessee Department of Human Services](#), and [Missouri Department of Social Services](#), to verify the eligibility of applicants to and subscribers of Lifeline, and the ACP.
- Oct. 6 - PRA comments due on a revision of a currently approved information collection on compliance with the non-IP call authentication solution rules and the robocall mitigation database. [FR](#)
- Oct. 7 - PRA comments due on an extension of a currently approved information collection relating to numbering resource optimization. [notice](#)
- Oct. 11 - PRA comments due on an extension of a currently approved information collection on the survey of urban rates. [FR](#)
- Oct. 11 - Replies due on a Section 214 application requesting consent to transfer control of Atlas Connectivity, Nicholville Telco, and SLIC Network Solutions to SDC Atlas Acquisition. [public notice](#)

- Oct. 11 – Comments due on the establishment of new matching programs between the FCC and USAC, and the [Mississippi Department of Human Services](#), [Utah Department of Workforce Services](#), and [Colorado Governor’s Office of Information Technology](#), to verify the eligibility of applicants to and subscribers of Lifeline, and the ACP.
- Oct. 12 – Replies due on T-Mobile’s petitions seeking to relinquish its eligible telecommunications carrier designations in [Virginia](#) and [Florida](#). [public notice](#)
- Oct. 14 – Comments due on NECA’s [2023 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#), scheduled to take effect on Jan. 1, 2023, and remain in effect through Dec. 31, 2023. Replies are due Nov. 1, 2022. [public notice](#)
- Oct. 14 – Replies are due on Sonic Telecom’s [petition for reconsideration](#) of the Oct. 2020 [report and order](#) on modernizing the FCC’s unbundling and resale requirements. [FR](#)
- Oct. 17 – PRA comments due on a new information collection as it pertains to the May 2022 [report and order](#) on addressing foreign-originated robocalls. [FR](#)
- Oct. 21 – Replies due on two TRACED Act obligations regarding caller authentication. [FR](#)
- Oct. 24 – Nominations due for six positions on the USAC board of directors for a three-year term. [public notice](#)
- Oct. 24 – PRA comments due on a revision to a currently approved collection on procedures for applicants requiring Section 214 authorization for domestic interstate transmission lines acquired through a transfer of control. [public notice](#)
- Oct. 26 – Comments due on the [notice of inquiry](#) seeking further comment on the FCC’s methodology for allocating indirect fulltime equivalents. Replies are due Nov. 25, 2022. [FR](#)
- Nov. 1 – Replies due on NECA’s [2023 Modification of the Average Schedule Universal Service High Cost Loop Support Formula](#), scheduled to take effect on Jan. 1, 2023, and remain in effect through Dec. 31, 2023. [public notice](#)
- Nov. 7 – PRA comments due on an extension of a currently approved information collection relating to several robocall mitigation requirements adopted the May 2022 [report and order](#). [FR](#)
- Nov. 25 – Replies due on the [notice of inquiry](#) seeking further comment on the FCC’s methodology for allocating indirect fulltime equivalents. [FR](#)

[Back to highlights](#)