



4423 POINT FOSDICK DRIVE, NW
SUITE 306
GIG HARBOR, WA 98335
TELEPHONE: 253.851.6700
FACSIMILE: 866.474.3630
WWW.MILLERISAR.COM

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Regulatory Review

The Miller Isar, Inc. Regulatory Review is a monthly report designed to provide readers with information regarding regulatory and policy matters that may impact their business operations. The Regulatory Review is provided for informational purposes only and does not constitute legal opinion or legal counsel.

FEDERAL REGULATORY NEWS



CARR NOMINATED AS COMMISSIONER; SENATE COMMITTEE CONSIDERS NOMINATIONS

President Trump has nominated Brendan Carr to serve on the Federal Communications Commission. Mr. Carr has served as the Commission’s general counsel since January. Carr spent three years as Chairman Pai’s legal advisor for wireless, public safety and international issues.

Prior to joining the FCC, Mr. Carr worked as a telecommunications attorney at the Wiley Rein law firm for clients including AT&T Inc., Verizon Communications Inc. and USTelecom.

On July 19, 2017, the Senate Commerce Commission [held](#) a hearing to consider nominations for reappointment to the Commission of [Chairman Pai](#) and former Commissioner [Jessica Rosenworcel](#) and the appointment of General Counsel [Brendan Carr](#) as commissioners. Chairman Pai discussed Commission priorities including: closing the digital divide; making the agency more open and transparent; combatting illegal robocalls; and modernizing the Commission’s rules. Ms. Rosenworcel said the work of the Commission must be guided by public safety, universal access, competition, and consumer protection considerations. Mr. Carr said broadband will be an important issue, as will maintaining the United States’ leadership in wireless services.

COMMISSION PROPOSES SLAMMING-CRAMMING RULE AMENDMENTS

On July 13, 2017, the Commission adopted a Notice of Proposed Rulemaking intended to amend current slamming-cramming rules by adopting additional provisions that explicitly preclude carriers or their agents from misrepresenting “who they are and why they are calling, fraudulently verify carrier changes, and add unauthorized charges, or ‘crams,’ onto consumers’ bills.” Comments are due 30 days following publication in the *Federal Register* and reply comments are due 60 days following publication. (Docket No. 17-169) (See [link](#) to documents)

PAI CALLS FOR ACTION ON LIFELINE FRAUD

On July 11, 2017, Chairman Pai sent a [letter](#) to the acting Universal Service Administrative Company (USAC) Chief Executive Officer and General Counsel Vickie Robinson directing the agency to implement several safeguards against waste, fraud, and abuse in the Lifeline program, including de-enrolling subscribers whose eligibility cannot be verified “as soon as possible.” Pai, citing to his own Lifeline inquiries in 2016 and a June Government Accountability Office (GAO) report finding “weaknesses” in Lifeline program oversight, directed USAC to “identify the top ten [eligible telecommunications carriers] (on a holding company basis) with the highest number of potentially ineligible subscribers according to GAO’s study. USAC shall audit each of these ETCs to determine whether they are properly verifying the eligibility of their subscribers.” Pai also directed USAC to conduct monthly reviews of “a statistically valid sample of subscribers enrolled or recertified by each of these ten ETCs in the prior month to determine whether those subscribers are in fact eligible to participate in the Lifeline program,” focusing on “qualifying programs and states with the highest

potential risk of ineligible subscribers. USAC shall require each ETC to de-enroll any subscribers whose eligibility cannot be verified.” USAC was further asked to direct ETCs identified in the GAO study as having potentially ineligible subscribers to verify subscriber eligibility and to de-enroll those whose eligibility cannot be verified, refer cases of substantial enrollment or recertification of ineligible subscribers to the Commission's Office of Inspector General and to the Enforcement Bureau; to review the addresses and require ETCs to de-enroll subscribers who “cannot verify their residence at a location that could reasonably accommodate them as well as any subscribers that cannot confirm they are ‘independent economic households’ (within the meaning of the Commission's rules) from other subscribers at that address; and explore automating the process of detecting oversubscribed addresses in the [National Lifeline Accountability Database].” USAC was also directed to require ETC sales agents to register with USAC “with sufficient information so that USAC can verify the agent's identity and determine the ETC(s) he or she works for.” and assign a unique identifier to each agent. Agents with “too many invalid subscriber entry attempts,” should be locked out of NLAD “for a set period of time.” Pai’s [Statement](#). Clyburn [Statement](#). O’Rielly [Statement](#).

BDS RULE STAY MOTION DENIED

On July 10, 2017, the Commission’s Wireline Competition Bureau released an [Order](#) denying a [Motion](#) filed by the Ad Hoc Telecom Users Committee, BT Americas, Inc., INCOMPAS and Windstream Services, LLC that requested a stay of the effective date of the Commission’s business data services rules, pending judicial review. The Bureau concluded that the petitioners failed to show that they would be likely to prevail on the merits, given that the “substance of their argument” was that the Commission's competitive market test (CMT) violated antitrust principles. The bureau said that the FCC had “analyzed the market relying on more than ten years of record evidence, based its analysis on sound legal ground, and adequately explained its conclusions” and denied the Motion. On June 2, 2017 the Commission had published a [Notice](#) in the *Federal Register* announcing effective dates for the rules adopted in the Business Data Services [Report and Order](#). The new rules become effective August 1, 2017, except for amendments to sections 1.776, 61.45, 61.201, 61.203 and 69.701, which are subject to OMB approval. (Docket No. RM-10593 13-5 05-25 16-143, DA No. 17-663)

COMMISSION ISSUES GUIDANCE ON BROADBAND PRIVACY RULES

On June 29, 2017, the Commission issued an [Order](#) providing guidance on the Commission’s Broadband privacy rules. According to the Commission, its rules implementing section 222 of the 1996 Telecommunications Act, as amended, applicable to telecommunications carriers that were in existence prior to the 2016 Broadband Privacy [Order](#) are again in effect following resolution of disapproval of that Order under the Congressional Review Act. The Commission said the section 222 rules that are in effect are in Appendix A, and include the annual compliance certification and recordkeeping requirements set out in section 64.2009(e) and (c). The Commission reminded ISPs that they remain subject to section 222, but need not comply with the Commission’s implementing rules as a result of the forbearance granted in the [Title II Order](#). Eleven petitions for reconsideration of the 2016 Broadband Privacy Order were rejected as moot. The Commission noted that the Order, and the rules adopted in that order are no longer in effect. [News Release](#)

PRICING POLICY DIVISION DENIES PETITIONS TO REJECT OR SUSPEND ILEC ANNUAL ACCESS TARIFFS

On July 7, 2017, the Commission’s Pricing Policy Division of the Wireline Competition Bureau issued a [Public Notice](#) announcing denial of petitions filed by [Level 3](#), [Sprint](#) and [CenturyLink](#) seeking to reject or to suspend and investigate Verizon, AT&T and CenturyLink annual access tariff transmittals. The Division found that no party presented compelling arguments that the transmittals are so patently unlawful as to require rejection, and none of the parties presented issues that raise significant questions of lawfulness which require their investigation. Applications for review and petitions for reconsideration of these decisions may be filed within 30 days from the date of the Public Notice.

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU URGES BEST PRACTICES ADOPTION TO AVOID OUTAGES

On July 12, 2017, the Commission’s Public Safety and Homeland Security Bureau issued a [Public Notice](#) urging service providers to adopt best practices to “implement appropriate measures to prevent major service disruptions.” The Bureau noted that based on submissions to the Commission's Network Outage Reporting System (NORS) and publicly available data, the Bureau observed a number of major outages caused by minor changes in network management systems. “These so-called ‘sunny day’ outages do not result from a natural weather-related disaster or other unforeseeable catastrophe, and can result in ‘silent failures,’ which are outages that occur without providing explicit notification or alarm to the service provider. In 2014, the Bureau first highlighted the occurrence of major ‘sunny day’ outages affecting users in multiple states. These major outages continue to occur, some affecting users nationwide. Outages that impact 911 service are of particular concern, given the importance of ensuring continuity of 911 service.” The Bureau stated that these outages

could have been prevented with adoption of industry best practices, citing seven best practices recommended by the Communications Security Reliability and Interoperability Council (CSRIC) II, which the Bureau urged providers to adopt. (PS Docket No. 17-68, DA 17-672).

COMMISSION REQUESTS PRA COMMENTS ON ETFS

On July 11, 2017, the Commission issued a [Notice](#) in the *Federal Register* requesting Paperwork Reduction Act (PRA) comments on an extension of a currently approved information collection associated with the Commission's Electronic Tariff Filing System. As of June 2011, all incumbent and competitive local exchange carriers were required to file tariff filings electronically. Comments are due September 11, 2017.

COMMISSION REQUESTED ON CALLER ID FOR LAW ENFORCEMENT AGENCIES

On July 24, 2017 the Consumer and Government Affairs Bureau issued a [Public Notice](#) to announce that comments on the Commission's [NPRM](#) proposing to amend the Caller ID rules to enable called parties and/or law enforcement to obtain blocked Caller ID information in connection with threatening calls are due August 21, 2017. Reply comments are due September 19, 2017.

MICROSOFT WHITE PAPER PROPOSES APPROACH TO ELIMINATE RURAL BROADBAND GAP IN FIVE YEARS

On July 11, 2017, Microsoft [announced](#) release of a [white paper](#) proposing approaches how the rural broadband gap can be eliminated within the next five years. Microsoft proposes a combination of the television white spaces spectrum, fixed wireless and satellite coverage, which it estimates will reduce initial capital and operating costs by approximately 80 percent compared with the cost of using fiber cables alone, and by approximately 50 percent compared with the cost of current long term evolution fixed wireless technology. Microsoft said its model for expanding broadband coverage would bring the total national cost of closing the rural broadband gap to roughly \$10 billion.

COMMISSION ISSUES SECOND NOTICE OF PROPOSED RULEMAKING ON IMPROVING RURAL CALL COMPLETION

On July 14, 2017, the Commission released a [Second Further Notice of Proposed Rulemaking](#) (FNPRM), proposing additional steps to resolve issues associated with failed long distance calls in rural areas. Under proposed rules, interexchange carriers would be held directly responsible for poor performance of intermediate carriers that transport calls they receive from originating carriers. "Covered carriers" would be required to monitor the rural call completion performance of their intermediate providers and to hold them accountable for performance. Comments are requested on how best to enforce this requirement. Comments are also sought on whether smaller providers should be exempted from any new requirements applicable to covered providers. In its 2013 Rural Call Completion Order, the Commission exempted providers that made the initial long-distance call path choice for 100,000 or fewer domestic retail subscriber lines, counting the total of all business and residential fixed subscriber lines and mobile phones and aggregated over all of the provider's affiliates, from the recording, retention, and reporting requirements. Although the Commission acknowledges that rural call completion issues have diminished since 2013 when the Commission initiated its rural call completion investigation, the Commission found that certain issues remain significant. Comments are due 30 days following *Federal Register* publication and Reply comments are due 60 days following publication. (WC Docket No. 13-39) [Pai Statement](#): [Clyburn Statement](#): [O'Rielly Statement](#):

COMMISSION ADOPTS CALLER AUTHENTICATION – REASSIGNED NUMBERS NOTICE OF INQUIRY

On July 13, 2017, the Commission [announced](#) adoption of its [Second Notice of Inquiry](#) to address the issue of robocalls placed to reassigned phone numbers. The Commission is seeking public comment on creation of a comprehensive numbering resource that business and other robocallers may use to avoid accidentally calling numbers that are no longer used by consumers that consented to receive such calls. The Commission noted that robocallers frequently call reassigned numbers that callers do not know have been reassigned, and is proposing creation of a resource that advises callers of the change. According to the Commission, approximately 35 million telephone numbers are disconnected and aged each year, and some 100,000 are reassigned by wireless carriers daily. The Commission proposes a number reassignment requirement on voice service providers and how the reporting requirements would apply. Alternatives including a "queriable database" are also proposed. The Commission also seeks comment on the costs and benefits of its proposals and how they might be funded. Comments are due August 28, 2017 and Reply comments are due September 26, 2017 (CG Docket No. 17-59) [Pai Statement](#), [Clyburn Statement](#), [O'Rielly Statement](#)

IN THE COURTS

PARTIES PETITION EIGHTH CIRCUIT FOR COMMISSION BDS ORDER STAY



On July 3, 2017, Windstream Services, LLC, Ad Hoc Telecom Users Committee, BT Americas, Inc., and Incompas have asked the U.S. Court of Appeals for the Eighth Circuit (St. Louis) to stay the Commission’s business data services (BDS) order, pending judicial review. In their petition, the parties argue that they are likely to succeed in their appeal on the merits of their case because the Commission “erred (1) by arbitrarily and capriciously abandoning rate regulation for low-bandwidth BDS in more than 90% of buildings; (2) eliminating rate regulation of transport services everywhere; and (3) failing to provide adequate notice before sharply departing from the approach proposed in the notice of proposed rulemaking.” Petitioners also maintained that the Commission’s BDS competition market test, “counts firms that are not within a properly-defined geographic market” and “wrongly concludes that duopoly equals competition.” They also maintain that the BDS order “fundamentally misapprehends the nature of ‘transport’” and conclude that that while a stay would not harm other parties and would be in the public interest, they would suffer irreparable harm if the order is allowed to take effect.

In May, Windstream and Sprint Corp. filed a protective petition for review of the BDS order “out of concern that there was uncertainty as to when the 60-day period to file a petition for review, and the 10-day period to participate in the judicial lottery procedure [for assignment of the case to a specific circuit if petitions are filed in multiple circuits], begin.” The Company’s petition was due to the order’s determination of the common carrier status of specific providers’ BDS and the scope of regulatory forbearance that applies to specific affiliates of Verizon Communications, Inc., and their successors that could have begun with the April 28 release of the order, rather than upon the pending publication of notice in the *Federal Register*. Windstream and Sprint later agreed to the Commission’s motion to dismiss the protective petition “on the understanding that a decision granting the motion also would determine that the time to appeal or petition for review of all decisions contained in the BDS Order begins to run on the date the BDS Order is published in the Federal Register - and that any arguments to the contrary would be precluded under law-of-the-case and law-of-the-circuit doctrines.”

On July 13, 2017, the Commission filed an [opposition](#) in the Eighth Circuit Court to the [motion](#) seeking a stay of the effective date of the BDS Order, pending judicial review. The Commission said its decision to streamline regulation of BDS prices based on a substantial record and analysis was reasonable and petitioners remain protected by law against unjust, unreasonable or discriminatory rates and terms. The Commission also said Petitioners’ motion for the extraordinary remedy of a stay pending appeal should be denied. AT&T, CenturyLink and USTelecom also filed a [response](#) asking the Court to deny the motion, saying they are unlikely to succeed on the merits and cannot establish irreparable harm. There is a pending motion at the Eighth Circuit to transfer the BDS cases, which were consolidated at the Eighth Circuit by the Judicial Panel on Multidistrict Litigation, to the District of Columbia.

On June 30, 2017 the Commission had filed an [Opposition](#) with the Eighth Circuit Court on transferring Petitions for Review of the Commission’s BDS order to the U.S. Court of Appeals for the D.C. Circuit. The FCC asserted that the D.C. Circuit case reviewing the Commission’s 2016 Tariff Investigation [Order](#) on which parties relied would likely to be remanded or dismissed. Separately, on June 30, 2017 the Commission filed a [Reply](#) with the D.C. Circuit to its [Motion](#) asking the court to remand back to the Commission the case addressing AT&T’s Petition for Review of the May 2016 Tariff Investigation Order that had found certain provisions in tariffed pricing plans for business data services offered by AT&T, CenturyLink, and certain other telecommunications providers unlawful. The Commission argued that in light of change of commissioners since the Commission had issued the order on review, a remand would benefit judicial economy far more than retaining the case.

MICHIGAN DISTRICT COURT REMANDS IP INTERCONNECTION AGREEMENT

On July 10, 2017, U.S. District Court for the Western District of Michigan federal district court partially reversed and remanded a 2014 Michigan Public Service Commission order requiring AT&T Michigan and Sprint Spectrum L.P. to submit an IP-to-IP interconnection agreement. In its ruling, the court found that the Commission’s decision rejecting a negotiated interconnection agreement between the two companies was unlawful, noting that “Rather than simply enforcing the filing requirement by ordering the referenced resolution language to be publicly filed, as it undoubtedly had the authority to do, the Commission rejected the proposed agreement, including the negotiated language, and ordered its own preferred language (as it found required previously under section 251) to be filed.” The court found that AT&T

and Sprint should be placed back in a negotiating position as they had been prior to the Commission order and be given a window of time in which to negotiate new language for Commission approval. In July 2013, the Commission had petitioned the Commission to arbitrate an interconnection agreement with AT&T. A key issue had been whether AT&T was required to interconnect with Sprint for IP-based services. In December 2013, the Commission determined that AT&T was duty-bound to provide interconnection on an IP basis as well as a TDM basis. The commission gave the carriers 30 days to file conforming interconnection agreements for approval. Sprint and AT&T elected to submit an interconnection agreement that did not include the IP interconnection language that had been addressed in the arbitration case. The agreement made reference to a “contingent resolution” for IP that was approved by the Commission. The Commission rejected the “contingent resolution” language stating that if the carriers’ IP-to-IP interconnection agreement wasn’t filed for approval, other competitors could face expensive and drawn-out negotiations with AT&T to get the same terms and services and set a bad precedent. AT&T appealed the decision in 2014, arguing that the Commission had violated federal Telecommunications Act of 1996 by rejecting the alternative agreement and ordering the carriers to file an agreement with a provision for IP interconnection. The court generally agreed with AT&T, finding that the Commission had “erred when it prematurely rejected the agreement between Sprint and [AT&T Michigan] and instead ordered those companies to submit an interconnection agreement that included the IP interconnection language the Commission preferred.” (“Michigan Bell Telephone Company v. Michigan Public Service Commissioners, and Sprint Spectrum, L.P.,” Case No. 1:14-cv-416)

FIFTH CIRCUIT AFFIRMS SPRINT OBLIGATION TO PAY CENTURYLINK DUE ACCESS CHARGES

On June 28, 2017, the U.S. Court of Appeals for the Fifth Circuit (New Orleans) affirmed a 2016 U.S. District Court for the Western District of Louisiana judgement that had directed Sprint Communications Company LP to pay more than \$12.6 million in access charges and late payment fees. The court found that Sprint was obligated to pay federal and state tariffed rates for traffic that originated as voice-over-Internet-protocol (VoIP) technology. Further, the court affirmed the lower court's award of attorney's fees against Sprint for using “self-help” that had been found to be an “unjust and unreasonable” practice, in violation of the 1996 Act. In its suit against Sprint, CenturyLink alleged that Sprint had refused to pay tariffed \$0.0007 per minute access charge for VoIP traffic beginning in 2009, when Sprint began to dispute the charges. Sprint also disputed the charges retroactively to 2007 and withheld payment of undisputed charges to recover what Sprint maintained was an overpayment. In its ruling, the Fifth Circuit deferred to the Commission's interpretation of the 1996 Act regarding Sprint’s argument that charges did not apply to VoIP as an information service. According to the Court, the Commission made it clear that “telephone calls originating in VoIP format can qualify as telecommunications services even if they terminate in a different format. Therefore, the net-protocol-conversion rule proposed by Sprint fails, and the telecommunications-services-versus-information-services distinction does not resolve the dispute. ...In other words, IXCs were required to pay the higher tariff rates under the pre-1996 regime that was maintained through 47 U.S.C. § 251(g), and information-service providers were not. During the disputed time period, this grandfathered system governed Sprint's VoIP-to-traditional-format transfer service. And, because the district court did not clearly err...in finding Sprint was operating as an IXC in providing this service, rather than as an information-service provider, Sprint was obligated to pay the federal tariff rates billed by CenturyLink.” Regarding the matter of attorney fees, district court had found that the “FCC has recognized that self-help is an unlawful telecommunications practice.” CenturyLink took issue “with Sprint's clawing-back retroactively disputed amounts it had already paid by deducting them from undisputed charges billed by CenturyLink.” According to the Fifth Circuit’s order, the “FCC has not squarely addressed the propriety of the claw-back scheme Sprint utilized,” noting that the terms “unjust or unreasonable” are at issue. Ye the Fifth Circuit also said that “FCC precedent makes clear ‘self-help’ is not necessarily permissible. In this instance, “Sprint took the extraordinary measure of acting on its own to recoup money it had already paid without any judicial or administrative intervention. The parties' stipulated facts establish that, for more than two years, Sprint withheld payments to CenturyLink for undisputed traditional-format-to-traditional-format calls until Sprint had recovered \$4.8 million. Moreover, Sprint's utilization of one month's worth of calls as applicable to all months during a two-year period, without adjustment for seasonal calling trends or other extrapolation, was not reasonable. Accordingly, Sprint's retroactive claw-back against undisputed charges based on unreasonable estimates constitutes unlawful self help.” (“CenturyTel of Chatham, LLC, et al. v. Sprint Communications Company, LP,” Case No. 16-30634)

BEFORE CONGRESS

HEARING ON COMMISSION OVERSIGHT – REAUTHORIZATION HELD

On July 25, 2017, the House Subcommittee on Communications and Technology held a Commission Oversight and Reauthorization [hearing](#). Chairman Pai and Commissioners Clyburn and O’Rielly testified before the Subcommittee. Chairman Pai [discussed](#) reauthorizing the agency and holding repacked broadcasters harmless after the incentive auction. He stated that August will be Rural Broadband Month, noting that the Commission will consider the next steps towards

implementing the Connect America Fund and Mobility Fund reverse auctions at the August 3 Open Meeting. An anticipated \$6.5 billion is to be allocated for rural broadband expansion over the next decade. Commissioner Clyburn [discussed](#) the open internet and implications of undoing Title II, Lifeline modernization, inmate calling reform, diversity and Connect2Health. And Commissioner O’Rielly [discussed](#) FCC reauthorization and processes improvements, pirate radio stations, broadcast incentive auction repack and infrastructure deployment, suggesting the Commission’s high-cost program be used as a mechanism to distribute any new infrastructure funding. [House Subcommittee draft FCC reauthorization bill](#)

STATE REGULATORY NEWS



FLORIDA – Relay Service Surcharge Reduced

The Florida Public Service Commission has reduced the monthly Florida Relay System (FRS) surcharge for wireline subscribers from \$0.11 to \$0.10 per line per month. The Commission also reduced Florida Telecommunications Relay Inc.’s - the agency overseeing the state’s relay services program - proposed budget by more than \$115,000, adjusting its legal and regional distribution center expenses. The new surcharges become effective September 1.

MICHIGAN – Service Disconnection Rules Proposed

The Michigan Public Service Commission has released proposed rules governing basic local service provider obligations when ceasing to provide the service. The proposed rules are to apply to basic local exchange service providers that cease to provide service to any “segment of end users or geographic area, go out of business, or withdraw from the state, or that transfer subscribers to other providers, or in instances where providers reclaim unused telephone numbers.” Under the proposed rules, providers that plan to disconnect another provider’s service due to a dispute are to notify the Commission and provider of the disconnection in writing at least 45 days prior. The provider must further provide periodic status updates of service disconnection and the transition of customers. A hearing on the proposed rules is scheduled for August 29, 2019. Written and electronic comments are due no later than September 12, 2012. (Case No. U-18360)

NEW YORK – Ten Digit Dialing Begins for New 828 Area Code

The New York Public Service Commission has announced that beginning August 19, 2017, callers in New York’s current 518 area code will be subject to ten-digit dialing as part of the new 828 area code overlay being implemented on September 19. The overlay was approved in September 2016 and applies to 17 counties located in eastern New York including Albany, Clinton, Columbia, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Warren, and Washington counties. Permissive dialing has been in effect since March. (Docket 16-C-0297)

VERMONT – Board Changes Name

On July 3, 2017, the Vermont Public Service Board announced that it was changing its name to the Vermont Public Utility Commission effective July 1, 2017. All contact information and existing rules remain unchanged.

WASHINGTON – Commission Implements Mandatory Ten-Digit Dialing for New 564 NPA

The Washington Utilities and Transportation Commission has announced that mandatory ten-digit dialing for Washington’s new 564 area code is to begin July 29, 2017. All calls placed within western Washington will be required to dial full ten digits. In May 2016, the Commission adopted an overlay plan initially for the 360 NPA to alleviate anticipated number exhaustion. According to the Commission, 564 area code numbers will be assigned in the 206, 253, and 425 area code territories, to meet the demand as needed. The 564 area code will be assigned to new telephone lines or services beginning August 28. (Docket UT-143787)

WEST VIRGINIA – New Commissioner Appointed

Governor Jim Justice (D) has appointed Renee Larrick to the West Virginia Public Service Commission. Ms. Larrick replaces Commissioner Kara Cunningham Williams, whose term expired June 30, 2017. Ms. Larrick’s term became

effective July 1. Ms. Larrick has served as the business manager for a private law practice in West Virginia for the past 21 years.

COMPLIANCE REPORTING AUGUST

The following report listing has been compiled from past reporting requirements and is provided exclusively for informational purposes. Reporting requirements are subject to change and should be verified by filers

FEDERAL REPORTS DUE IN AUGUST

FCC Form 499-Q Telecommunications Reporting Worksheet due August 1

499Q *de minimis* determination notice due August 1 and ad hoc as may apply.

STATE REPORTS DUE IN AUGUST

Due Date	Jurisdiction	Report Name
August	Alaska	Access Minutes Report
August	Alaska	Carrier and Area Specific Bulk Billed Report
August	Missouri	Relay Missouri Statement
August	Rhode Island	Telecommunication Education Access Fund
August	Rhode Island	Telecommunications Relay Service Report
August 1	Idaho	ID Universal Service Fund Form
August 1	Massachusetts	E911 Report
August 9	California	Combined California PUC Telephone Surcharge Transmittal
August 9	Oregon	Oregon Universal Service Contribution Worksheet
August 10	Alaska	Alaska Telecommunications Relay Services Fund - Remittance of Surcharges Collected
August 10	Arkansas	State of Arkansas Universal Service Fund
August 10	California	Employee Compensation, Dues, and Subscriptions
August 10	Georgia	Local Service Indicators Data Requests
August 10	New York	Service Quality Performance
August 14	Missouri	Quarterly Quality of Service Report
August 14	North Carolina	Public Utility Regulatory Fee Report
August 14	Texas	CTP (Certified Telecommunications Provider) Quarterly Reporting pursuant to HB 1777
August 14	Utah	Hearing and/or Speech Impaired Relay Report
August 15	Alabama	Revised Survey of Competitive Local Exchange Carriers
August 15	Florida	Florida Telecommunications Relay, Inc. (FTRI) Monthly Surcharge Collection Report

Due Date	Jurisdiction	Report Name
August 15	Georgia	Georgia Telecommunications Relay Service (TRS) Monthly Surcharge Collection Report
August 15	Illinois	Staff Data Request - Intrastate Retail Telecommunications Billed Revenue
August 15	Kansas	Kansas Universal Service Fund 2004/2005 Wireless and Wireline Carrier Remittance Worksheet
August 15	Kentucky	Commonwealth of Kentucky Telecommunications Relay Service Fund Telecommunications Devices for the Deaf Distribution Fund
August 15	Kentucky	Commonwealth of Kentucky Universal Service Fund
August 15	Maine	Maine Telecommunications Education Access Fund
August 15	Maine	Maine Universal Service Fund
August 15	Nebraska	Nebraska USF & E911 Remittance Worksheet
August 15	North Carolina	North Carolina Access Line Report - Rule 17-2(K)
August 15	North Carolina	Questions for Competing Carriers Report
August 15	Oklahoma	State of Oklahoma Universal Service Fund Carrier Remittance Worksheet
August 15	Pennsylvania	Pennsylvania Universal Service Fund, FY2004 Carrier Remittance Monthly Worksheet
August 15	Puerto Rico	Puerto Rico Universal Service Fund July 2004 - December 2004 Carrier Remittance Worksheet
August 15	Rhode Island	E911
August 15	South Carolina	The Public Service Commission of South Carolina SC Dual Party Relay System Invoice
August 15	Vermont	Vermont Universal Service Fund Carrier Remittance Worksheet
August 15	Virginia	Telecommunications Relay Service Monthly Report
August 20	Alaska	State of Alaska Universal Service Fund Monthly Carrier Remittance Worksheet
August 20	Arizona	Arizona Universal Service Fund Carrier Remittance Worksheet
August 20	Colorado	CO Telecommunications Relay Service Surcharge
August 20	Idaho	Idaho Telecommunications Service Assistance Plan (ITSAP)
August 20	New Hampshire	Telecommunications Relay Service Remittance
August 20	Pennsylvania	Remittance Form for Monthly Telecommunications Relay Service (TRS) Surcharge Collections
August 20	Utah	Utah Universal Service Fund Surcharge Remittal Statement

Due Date	Jurisdiction	Report Name
August 20	Washington	Telecommunications Relay Service, Washington Telecommunications Assistance Program, and E911
August 21	New York	TAF Adjustment Input Form
August 21	New York	Targeted Accessibility Fund Monthly Online Reporting Form
August 21	Oregon	Residential Services Protection Fund Surcharge Remittance Form
August 22	Arkansas	Arkansas Intrastate Carrier Common Line Pool Report
August 25	Minnesota	Minnesota Annual 911/TAM/TAP Fees Report Form
August 25	Texas	Texas Universal Service Fund Worksheet
August 30	Mississippi	Mississippi Dual Party Fund Statement of Revenues
August 30	Nebraska	State of Nebraska Dual Party Relay Surcharge Form
August 30	South Carolina	South Carolina Universal Fund Contribution Worksheet
August 30	Tennessee	Wireline Activity Tennessee-CCN Authority
August 30	Vermont	Monthly Disconnect Report
August 30	Vermont	Vermont Service Quality Performance Index Report
August 30	Virginia	Service Quality Report
August 30	Wyoming	Telecommunication Companies Revenue & Assessment Report (Wyoming Universal Service Fund)
August 31	Oregon	Oregon Telephone Assistance Program Reimbursement Form
August 31	South Carolina	South Carolina Public Service Commission (Statement of Earnings-Total Intrastate Regulated) Gross Receipts

LIGHT READING FROM CORPORATE COUNSEL DAILY UPDATE

[Businesses, Complaining About 'Joint Employer' Rules, Call for Clarity](#) A FedEx Ground executive on Wednesday urged federal lawmakers to confront business uncertainty over labor regulators' ... **[READ MORE »](#)**

[How Paul Sieminski of WordPress Takes On the Challenges of Protecting User Data](#) Sieminski's company recently got a high rating from the Electronic Frontier Foundation on protection of user data. **[READ MORE »](#)**

[Verizon Data Exposure Incident Highlights Importance of Third-Party Due Diligence](#) The news that a Verizon Communications vendor exposed millions of customer records highlights the serious risks related... **[READ MORE »](#)**

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[FCC Once Again Addresses Rural Call Completion Problem](#) By Andrew Regitsky, Jun 30, 2017 10:00:00 AM It's mid-2017 and yet Americans continue to have a problem completing long-distance phone calls to rural areas of the country. These problems can manifest themselves in various ways. As the FCC notes, "a call may be significantly delayed, the called party's phone may never ring, or the caller may hear a false ring tone or busy signals." **[Read more »](#)**

[Trump Nominates New Commissioners for FCC as Key Decisions Near](#) By Andrew Regitsky, Jul 7, 2017 10:00:00 AM Since Donald Trump became President the FCC has been operating with only three commissioners. And while that has not stopped the agency from taking important action on contentious issues such as net neutrality and business data services (BDS), that is not the natural order of things. By law, the Commission must have five commissioners, three from the party that holds the presidency. The Commissioner deficiency is about to end as Trump has nominated Brenden Carr to be the third Republican commissioner while re-nominating Jessica Rosenworcel to be the second Democrat. **[Read more »](#)**

[Access Customers Lose Tandem-Switched Transport Dispute](#) By Andrew Regitsky, Jul 14, 2017 10:30:00 AM There was little doubt that this year's ILEC Annual Access Filings (AAF) were going to be confusing and potentially very contentious. After all we are in Step 6 in the ongoing transition of most terminating access charges to bill-and-keep. For price cap ILECs, this is an important step. Per part 51.907(g)(2) of the FCC rules, effective July 1, 2017, price cap ILECs must establish, for intrastate and intrastate terminating traffic traversing a tandem switch that the terminating carrier or its affiliates owns, Tandem-Switched Transport Access Service rates no greater than \$0.0007 per minute. The controversy enveloping this year's filing has to do with whether the tandem-switched transport rates apply to all a price cap ILEC's affiliates. Some access customers, including Sprint and Level 3 believe that AT&T, Verizon, CenturyLink and Cincinnati Bell have failed to apply the maximum \$0.0007 per minute charge to all their affiliates including CLECs and CMRS providers. Thus, they requested that the FCC either reject or suspend and investigate the new July 1, 2017 access rates for these ILECs. As Sprint explained: **[Read more »](#)**

[The FCC's Net Neutrality Comments: Don't Read Them!](#) By Andrew Regitsky, Jul 21, 2017 10:00:00 AM It is summertime and I am sure that most of you would rather

spend your free time outside rather than reading the thousands of industry comments filed this week regarding the FCC's proposed Restoring Internet Freedom Order. Here's the deal, go outside! Like actors playing their assigned roles, each major industry participant filed predictable comments that could have been written easily by a computer. The only difference between these comments and ones these companies previously filed is this time, each side of the net neutrality argument spent big bucks to hire economic experts to (surprise!) parrot their well-known positions. [Read more »](#)

[The Invisible Proceeding – Removing Barriers to Broadband Deployment](#) By Andrew Regitsky, Jul 28, 2017 10:00:00 AM Tuesday, your faithful scribe made the ultimate sacrifice – sitting through hours of C-Span's coverage of the U.S. House of Representatives grilling the FCC about various topics in the latest Congressional oversight hearing. As to be expected, the most popular topic among the Congressmen and women was the proposed net neutrality rules. A close second, however, was the Commission's efforts to bring broadband to rural Americans. In fact, for Representatives from states that are heavily rural, this was clearly issue number one. [Read more »](#)