



4304 92ND AVENUE NW
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 clients 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



RESTORING INTERNET FREEDOM ORDER PUBLISHED IN FEDERAL REGISTER

On February 22, 2018, the Commission [published](#) its Restoring Internet Freedom [Declaratory Ruling, Report and Order, and Order](#), released on January 4, 2018, in the *Federal Register*. With its publication, the Order becomes effective April 23, 2018, except for amendatory instructions 2, 3, 5, 6 and 8, which are delayed. The Commission said that it will publish an announcement in the *Federal* containing the effective date(s) of the delayed amendatory instructions, which are contingent on OMB approval of the modified information collection requirements in section 8.1 (amendatory instruction 5). The Commission also noted that the *Declaratory Ruling, Report and Order, and Order* will also be effective upon the publication announcement date.

COMMISSION 2019 BUDGET REQUEST RELEASED TO CONGRESS

On February 12, 2018, the Commission released its fiscal year [2019 budget request](#) to Congress. The Commission requested \$333,118,000 in budget authority from regulatory fee offsetting collections. Its request is a \$21,170,568 or six percent decrease from the fiscal year 2018 annualized continuing appropriation level of \$354,288,568. According to the Commission, the FY 2019 budget request supports the Commission's [Strategic Plan](#) goals including closing the digital divide; promoting innovation; protecting consumers and public safety; and reforming the Commission's processes. [Budget in Brief](#)

Relatedly, on February 14, 2018, the House Energy and Commerce Committee [approved H.R. 4986](#), which reauthorizes the Commission and includes process reforms to ensure the Commission continues to improve its efficiency and transparency.

WIRELINE COMPETITION BUREAU RELEASES 2018 TELECOMMUNICATIONS REPORTING WORKSHEET AND INSTRUCTIONS

On February 15, 2016, the Commission issued a [Public Notice](#) announcing release of the 2018 Telecommunications Reporting Worksheet, [FCC Form 499A](#), the quarterly Telecommunications Reporting Worksheet, [FCC Form 499Q](#), and related FCC Form [499A](#) and FCC Form [499Q](#) instructions. Among the changes to the 2017 forms is the updating of year references and adjustment to the circularity factor based on quarterly contribution factors. (DA No. 18-151). (Docket No. 06-122)

2Q18 USF SUPPORT PROJECTIONS FILED

On January 31, 2018, the Universal Service Administrative Company filed [Federal Universal Service Support Mechanisms Fund Size Projections](#) for the Second Quarter 2018. The High Cost Support Mechanism funding requirements are projected to be \$1.126 billion. ([Appendices are available on USAC's website.](#))

COMMISSION RELEASES BROADBAND DEPLOYMENT, INTERNET ACCESS, AND VOICE TELEPHONE SERVICES REPORTS

On February 2, 2018, the Commission released its [2018 Broadband Deployment Report](#). In the report, the Commission expressed encouragement over the level of broadband deployment, though maintains that too many Americans still lack access to high-speed internet service. The Commission concludes that it must continue to encourage deployment of broadband in rural areas, on tribal lands, and in schools and libraries. Among the Report's findings, fixed terrestrial broadband Internet access was deployed to 29.9 million people who never previously had Internet access. The Report also notes that as of year-end 2016, 92.3 percent of all Americans had access to fixed terrestrial broadband Internet access at speeds of 25 Mbps downloads/3 Mbps uploads. Approximately 98.1 percent of the U.S. has access to some form wireline or wireless broadband Internet access, though rural areas still lag. [News Release](#)

The Commission also released its sixth [International Broadband Data Report](#) on February 2, 2018, providing comparative international information on broadband services and year-to-year measures of the extent of broadband service capability in the U.S. The U.S. was found to be ranked tenth of 28 countries for download speed, seventh of 29 countries for wireline pricing, and tenth of 29 for mobile broadband pricing. The Commission found that mobile services are not currently full substitutes for fixed services. (DA No. 18-99) (Docket No. 17-199).

Separately, on February 7, 2018, the Commission's Wireline Competition Bureau released its [Internet Access Services Report](#). The Report summarizes data regarding Internet access connections in the United States as of December 31, 2016, based on FCC Form 477 submissions. According to the Report, Internet connections increased roughly six percent between December 2015 and December 2016 to 376 million. The majority of the growth in total internet connections was attributable to increased mobile internet access subscribership. Mobile internet connections increased seven percent year-over-year to 270 million in December 2016, while the number of fixed connections grew to 106 million – up about three percent from December 2015.

Also on February 7, 2018, the Wireline Competition Bureau issued its [Voice Telephone Services Report](#) summarizing information collected on telephone services as of December 31, 2016. As of December 2016, there were 58 million end user switched access lines in service, 63 million interconnected VoIP subscriptions and 341 million mobile subscriptions in the U.S. Interconnected VoIP subscriptions increased at a compound annual growth rate of 10 percent, mobile voice subscriptions increased at a compound annual growth rate of three percent and retail switched access lines declined at 12 percent per year over a three year period.

FREE STATE FOUNDATION PAPER SAY NY-MT STATE NET NEUTRALITY CONTRACTING ORDERS PREEMPTED

On February 2, 2018, [The Free State Foundation](#), a “non-profit, nonpartisan think tank,” released a paper concluding that state efforts to impose net neutrality obligations on Internet service providers (ISPs) in contracts to provide services to the states violate the Commission's preemption of state net neutrality actions flowing from the “restoring Internet freedom” order. According to his paper, [State Executive Orders Reimposing Net Neutrality Regulations Are Preempted by the Restoring Internet Freedom Order](#), author Set Cooper maintains that “The New York and Montana executive orders are not narrowly confined to proprietary interests of their governments but instead are 'tantamount to regulating' on a statewide basis broadband Internet service providers' (ISPs) conduct. Because both executive orders are inherently regulatory and seek to advance the repealed net neutrality restrictions as general policy ends, they fail to qualify for immunity from preemption under the Supreme Court's market-participant doctrine. In short, federal law provides the FCC with ample authority to preempt both state executive orders.” He concludes that “... aside from the FCC's authority to preempt, there is a whole separate line of authority not discussed here under the Dormant Commerce Clause jurisprudence that, as a constitutional matter, likely would invalidate the state executive orders and similar state actions.”

BEFORE CONGRESS

HOUSE PASSES RURAL CALL COMPLETION BILL

On February 9, 2018, the House [announced](#) unanimous passage of [S. 96](#), the Improving Rural Call Quality and Reliability Act of 2017. The bill requires the Commission to establish call completion standards for intermediary providers that sometimes have not routed calls properly in rural areas.



FEDERAL INFRASTRUCTURE PLAN – FISCAL YEAR 2019 BUDGET RELEASED

On February 12, 2018 President Trump released his [plan](#) for rebuilding America’s infrastructure and his [FY 2019 budget](#) proposal. The infrastructure plan includes: \$50 billion for a rural infrastructure program that would distribute funds to the states as block grants to be used for infrastructure projects in rural areas with populations of less than 50,000 and \$14 billion from an infrastructure financing program would go to expanding a number of existing credit programs, including TIFIA, WIFIA, RRIF and RUS. [Chairman Pai](#) and [Commissioner Carr](#) issued statements on the infrastructure plan. [White House press release](#).

IN THE COURTS

NINTH CIRCUIT AFFIRMS FTC ISP AUTHORITY

On February 26, 2018, the U.S. Court of Appeals for the Ninth Circuit (San Francisco) dismissed a Federal Trade Commission (FTC) unfair business practices lawsuit against AT&T Mobility under the FTC Act’s common carrier exemption. The ruling has implications for concluding that the FTC has Internet Service Provider (ISP) oversight authority regarding unfair business practices. In its suit against AT&T Mobility, the FTC had alleged that AT&T Mobility engaged in “throttling” wireless broadband customer having “unlimited” data plans, a practice the FTC maintained constituted an unfair business practice under section 5 of the FTC Act, and that its marketing of data plans as unlimited when they are subject to throttling was a deceptive business practice. On appeal to the U.S. District Court for the Northern District of California AT&T unsuccessfully argued that it was entitled to the FTC Act’s exemption for common carriers that are “subject to the Acts to regulate commerce,” such as the Communications Act. In its brief before the Ninth Circuit, the FTC urged an “activity-based” interpretation of the FTC Act exemption, where the exemption would only apply to entities providing common carrier services, and not when providing services that are not classified as common carrier services. AT&T argued for a “status-based” interpretation where a common carrier would be entitled to the exemption even if engaged in providing services that are not classified as common carrier services. Circuit Judge M. Margaret McKeown writing for the unanimous *en banc* court stated, “Looking to the FTC Act’s text, the meaning of ‘common carrier’ according to the courts around the time the statute was passed in 1914, decades of judicial interpretation, the expertise of the FTC and Federal Communications Commission (FCC), and legislative history, we conclude that the exemption is activity-based. The phrase ‘common carriers subject to the Acts to regulate commerce’ thus provides immunity from FTC regulation only to the extent that a common carrier is engaging in common-carrier services.” In a footnote, Judge McKeown noted that the FCC reversed its 2015 common carrier classification of broadband Internet access service “‘only on a prospective basis.’ ... The parties spar over whether this order moots the appeal. AT&T renews its argument that the FTC lost jurisdiction to press this suit after the FCC’s 2015 Order and so all litigation must cease. We conclude the appeal is not moot. The FTC derived its jurisdiction from the FTC Act, and neither of the FCC’s Reclassification Orders applies retroactively.” Judge McKeown went on to note that the court’s statutory interpretation of the common carrier exemption “accords with common sense. The FTC is the leading federal consumer protection agency and, for many decades, has been the chief federal agency on privacy policy and enforcement. Permitting the FTC to oversee unfair and deceptive non-common-carriage practices of telecommunications companies has practical ramifications. New technologies have spawned new regulatory challenges. A phone company is no longer just a phone company. The transformation of information services and the ubiquity of digital technology mean that telecommunications operators have expanded into website operation, video distribution, news and entertainment production, interactive entertainment services and devices, home security and more. Reaffirming FTC jurisdiction over activities that fall outside of common-carrier services avoids regulatory gaps and provides consistency and predictability in regulatory enforcement.” The Ninth Circuit overturned the District Court ruling and sent the case back to the District Court for further proceedings. ([FTC v. AT&T Mobility LLC, Case No. 15-16585](#)) Commission Chairman Pai Chairman Pai issued a [statement](#) on February 26, 2018, noting that the decision “reaffirms that the Federal Trade Commission will once again be able to police Internet service providers after the Restoring Internet Freedom Order takes effect.”



CALIFORNIA COMMISSION APPEALS RESTORING INTERNET FREEDOM ORDER

On February 22, 2018, the California Public Utilities Commission filed an appeal of the Federal Communications Commission’s Restoring Internet Freedom order with the U.S. Court of Appeals for the Ninth Circuit (San Francisco). In its Appeal, the California Commission stated that the FCC’s order is “arbitrary, capricious, and an abuse of discretion within the meaning of the Administrative Procedure Act,” and violates federal law. The order is also appealed because it conflicts with the notice-and-comment rulemaking requirements of 5 U.S.C. § 553; and is otherwise contrary to law.” According to a California Commission statement, “The [Commission] strongly objects to the FCC’s actions, and had urged the FCC to keep

the non-discriminatory rules adopted in 2015, which are consistent with California's continued efforts to promote fairness and access in the telecommunications market.” (“California Public Utilities Commission v. Federal Communications Commission, and United States of America,” Case 18-70510).

On February 9, 2018, the Commission had filed motions with the [D.C.](#), [First](#) and [Ninth](#) Circuit Courts seeking dismissal of [petitions for review](#) of the Restoring Internet Freedom [Order](#) filed by New America Foundation’s Open Technology Institute (and consolidated cases), the County of Santa Clara, *et al.* and Free Press. The Commission asserted the petitions are premature because the Order results from a rulemaking proceeding and a summary of the Order and the text of the amended rules had not yet been published in the Federal Register.

STATE REGULATORY NEWS



ALASKA – LISANKIE RETURNS TO THE COMMISSION

The Regulatory Commission of Alaska has announced that former Commissioner Paul Lisankie is assuming the remainder of Commissioner Norman Rokeberg term following Rokeberg’s retirement from the Commission. Commissioner Rokeberg served five years of his six-year term as a commissioner. His term expires in March 2019. Commissioner Lisankie previously served as a commissioner from 2009 to 2015. He was first appointed to the commission by Governor Sarah Palin (R).

COLORADO – TRS SURCHARGE REDUCED

The Colorado Public Utilities Commission has ordered a reduction in the State’s Telecommunications Relay Service surcharge to \$0.04, effective March 1, 2018. The surcharge represents a \$0.01 reduction from the current surcharge, due to the expanded number of contributing customers, now including wireless and interconnected VoIP subscribers, following adoption of HB 1414 in 2016. (Docket 18M-0109T)

VERMONT – COMMISSION FINDS INTERCONNECTED VOIP IS A TELECOMMUNICATIONS SERVICE.

The Vermont Public Utility Commission has released an order finding that interconnected Voice over Internet Protocol (VoIP) services are (regulated) telecommunications services rather than information services, under federal law. Although the Commission has previously reached this finding in 2010 and determined that its authority was not preempted under federal law, on appeal by Comcast Phone of Vermont, the state Supreme Court reversed and remanded the order, concluding that the Commission had authority to impose certain regulations on interconnected VoIP providers. The court had upheld the Commission’s finding that interconnected VoIP service was a telecommunications service under state law, but directed the Commission to determine if interconnected VoIP was a telecommunications or an information service under federal law. According to the Commission’s order, a call placed using a fixed VoIP provider involves “several transformations (analog phone signal to IP, to TDM, back to IP, and then to the receiving analog format), with the transition to TDM largely for the purpose of interconnection between the companies. This means that the conversion of the signal would not occur within the interconnected VoIP provider's network, but rather within the network of the incumbent local exchange carrier (which would have to convert any remaining TDM transmission to IP for interconnection)....This technological evolution raises significant questions when applied to Comcast's arguments that its conversion from IP to TDM is the legally significant event that classifies the VoIP service as an information service... It also means that the board's ruling in this case would have a significant impact beyond cable providers offering telephone services using VoIP over their cable infrastructure.” The Commission went on to note that there were “practical considerations that show it would be poor regulatory policy to classify VoIP as an information service due to a net protocol conversion.”...“Even under Comcast's paradigm, only some calls actually undergo any net protocol conversion. Calls between Comcast customers using VoIP service undergo no protocol conversion. Similarly, many customers of local exchange carriers, such as the independents, are now served by fiber-optic facilities, with service provided using VoIP. A call from a Comcast customer to these customers would also undergo no net protocol conversion. Extending the logic, a call from one customer of an independent served by TDM to an independent customer served by VoIP would be an information service under Comcast's view of the law.” The decision resolves Phase I of the commission's proceeding. The second phase of the Commission’s proceeding will determine what, if any, regulation should apply to VoIP service. (Docket 7316)

WEST VIRGINIA – ANNUAL INTEREST RATE SET

The West Virginia Public Service Commission has released its final [Order](#) setting a 1.55 percent simple interest rate of on all utilizes, effective January 24, 2018. [Add more](#) (General Order 157.81)

COMPLIANCE REPORTING MARCH 2015

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 MARCH

Due Date	Jurisdiction	Report Name
March 1	Federal	Local Competition and Broadband Reporting FCC Form 477
March 1	Federal	Customer Proprietary Network Information Compliance Certification
March 31	Federal	Circuit Status Report (facilities based international carriers).
April 1	Federal	FCC Form 499A

STATE REPORTS DUE IN MARCH

Due Date	Jurisdiction	Report Name
March	Alaska	Access Minutes Report
March	Alaska	Access Minutes Report
March	Alaska	Carrier and Area Specific Bulk Billed Report
March	Missouri	Relay Missouri Statement
March	Rhode Island	Telecommunication Education Access Fund
March	Rhode Island	Telecommunications Relay Service Report
March 1	Arkansas	Annual "Ad Valorem Tax" Report
March 1	California	Women, Minority and Disabled Veteran Business Enterprises (WMDVBE) Annual Report G.O. 156
March 1	Idaho	ID Universal Service Fund Form
March 1	Illinois	Annual Report on Competition
March 1	Ohio	CLEC Data (Report)
March 10	Alaska	Alaska Telecommunications Relay Services Fund - Remittance of Surcharges Collected
March 10	Arkansas	State of Arkansas Universal Service Fund
March 10	California	Employee Compensation, Dues, and Subscriptions
March 10	Georgia	Local Service Indicators Data Requests
March 10	New York	Service Quality Performance

Due Date	Jurisdiction	Report Name
March 12	California	Combined California PUC Telephone Surcharge Transmittal
March 15	Alabama	Revised Survey of Competitive Local Exchange Carriers
March 15	Florida	Florida Telecommunications Relay, Inc. (FTRI) Monthly Surcharge Collection Report
March 15	Georgia	Georgia Telecommunications Relay Service (TRS) Monthly Surcharge Collection Report
March 15	Kansas	Kansas Universal Service Fund 2004/2005 Wireless and Wireline Carrier Remittance Worksheet
March 15	Kentucky	Commonwealth of Kentucky Telecommunications Relay Service Fund Telecommunications Devices for the Deaf Distribution Fund
March 15	Kentucky	Commonwealth of Kentucky Universal Service Fund
March 15	Nebraska	Nebraska USF & E911 Remittance Worksheet
March 15	North Carolina	North Carolina Access Line Report - Rule 17-2(K)
March 15	North Carolina	Questions for Competing Carriers Report
March 15	Oklahoma	Annual Affidavit of Switchless Reseller to the Oklahoma Intrastate High Cost Fund
March 15	Oklahoma	Oklahoma High Cost Fund Interexchange Carrier Annual Retail Billed Minutes of Use Report
March 15	Oklahoma	State of Oklahoma Universal Service Fund Carrier Remittance Worksheet
March 15	Pennsylvania	Pennsylvania Universal Service Fund, FY2004 Carrier Remittance Monthly Worksheet
March 15	Puerto Rico	Puerto Rico Universal Service Fund July 2004 - December 2004 Carrier Remittance Worksheet
March 15	Rhode Island	E911
March 15	South Carolina	The Public Service Commission of South Carolina SC Dual Party Relay System Invoice
March 15	Vermont	Vermont Universal Service Fund Carrier Remittance Worksheet
March 15	Virginia	Telecommunications Relay Service Monthly Report
March 20	Alaska	State of Alaska Universal Service Fund Monthly Carrier Remittance Worksheet

Due Date	Jurisdiction	Report Name	Due Date	Jurisdiction	Report Name
March 20	Arizona	Arizona Universal Service Fund Carrier Remittance Worksheet	March 31	Colorado	CO High Cost Support Mechanism Worksheet
March 20	Colorado	CO Telecommunications Relay Service Surcharge	March 31	Delaware	Annual Gross Revenue Return and Statement of Assessment
March 20	Idaho	Idaho Telecommunications Service Assistance Plan (ITSAP)	March 31	Hawaii	State of Hawaii PSC Annual Report of Resellers and Various Telecommunications Services
March 20	New Hampshire	Telecommunications Relay Service Remittance	March 31	Illinois	Amended and Annual Gross Revenue Return for Public Utilities and Rail Carriers
March 20	Pennsylvania	Remittance Form for Monthly Telecommunications Relay Service (TRS) Surcharge Collections	March 31	Illinois	Annual Report of Certain Telecommunications Carriers
March 20	Utah	Utah Universal Service Fund Surcharge Remittal Statement	March 31	Indiana	Indiana Utility Regulatory Commission Local Competition Survey
March 20	Washington	Telecommunications Relay Service, Washington Telecommunications Assistance Program, and E911	March 31	Kansas	Supply Line Report
March 21	New York	TAF Adjustment Input Form	March 31	Kentucky	Annual Report
March 21	New York	Targeted Accessibility Fund Monthly Online Reporting Form	March 31	Kentucky	Kentucky Public Service Commission Report of Gross Operating Revenues Derived From Intra-Kentucky Business for the Year Ending December 31, 20__
March 21	Oregon	Residential Services Protection Fund Surcharge Remittance Form			Local Exchange Carriers and Competitive Local Exchange Carriers
March 22	Arkansas	Arkansas Intrastate Carrier Common Line Pool Report	March 31	Kentucky	Kentucky Public Service Commission Report of Gross Operating Revenues Derived From Intra-Kentucky Business for the Year Ending December 31, 20__
March 25	Minnesota	Minnesota Annual 911/TAM/TAP Fees Report Form			Long Distance Carriers and Operator Services
March 25	Texas	Texas Universal Service Fund Worksheet	March 31	Louisiana	Service Standard Report
March 30	Mississippi	Mississippi Dual Party Fund Statement of Revenues	March 31	Maryland	Interexchange Carrier Annual Report
March 30	Nebraska	State of Nebraska Dual Party Relay Surcharge Form	March 31	Maryland	Maryland CLEC Financial Statements
March 30	Tennessee	Wireline Activity Tennessee-CCN Authority	March 31	Massachusetts	Annual Return and Revenue Statement, IPP Revenue Statement (Department of Telecommunications and Energy Annual Report)
March 30	Vermont	Monthly Disconnect Report	March 31	Missouri	Statement of Revenue
March 30	Vermont	Vermont Service Quality Performance Index Report	March 31	New Hampshire	Annual Quality of Service Report Card
March 30	Virginia	Service Quality Report	March 31	New Hampshire	CLEC FX Eligibility Report
March 30	Wyoming	Telecommunication Companies Revenue & Assessment Report (Wyoming Universal Service Fund)	March 31	New Hampshire	Contact Information Sheet
March 31	Alaska	Regulatory Cost Charge Annual Report for Telecommunication Intrastate Inter-Exchange Carriers (IXCs)	March 31	New Hampshire	Telecommunications Companies Competitive Local Exchange Carrier/Competitive Toll Provider Annual Report
March 31	Alaska	Regulatory Cost Charge Annual Report for Telecommunication Local Exchange Carriers (LECs)	March 31	New Jersey	Annual Report
March 31	Arkansas	Arkansas Public Service Commission Company Contacts and General Information for Interexchange Carriers and Private Pay Telephone Providers Report on Gross Revenue	March 31	New York	Statement of Gross Intrastate Operating Revenues
March 31	Arkansas	Arkansas Reseller Shortform	March 31	New York	Telecommunications Monitoring Report
March 31	Arkansas	Local Telephone Company Annual Report	March 31	Oregon	Oregon Telephone Assistance Program Reimbursement Form
March 31	California	Estimate of Billing Base Subject to Surcharge	March 31	Pennsylvania	Development of Assessment Worksheet
March 31	California	Operational and Financial Information Report			

<u>Due Date</u>	<u>Jurisdiction</u>	<u>Report Name</u>
March 31	Pennsylvania	Pennsylvania Public Utility Commission Assessment Report
March 31	Puerto Rico	Puerto Rico Telecommunications Reporting Worksheet
March 31	Utah	Competitive Local Exchange Carrier Annual Report
March 31	West Virginia	West Virginia Financial and Statistical Report
March 31	CANADA	CRTC Telecommunications Industry Data Collection, Contribution Collection Mechanism (CCM), (High Cost Funding)
March 31	CANADA	CRTC Telecommunications Industry Data Collection, Financial Statement Forms
March 31	CANADA	CRTC Telecommunications Industry Data Collection, Local and Access
March 31	CANADA	CRTC Telecommunications Industry Data Collection, Long Distance
March 31	CANADA	CRTC Telecommunications Industry Data Collection, Telecom Fees

The following articles are reprinted with the expressed consent of the author and CCMI. The author and CCMI have authorized reprinting of these and future articles by Mr. Regitsky as a regular *Regulatory Review* feature.

[California Issues Net Neutrality Challenge to FCC](#) By Andrew Regitsky, Feb 2, 2018 9:44:00 AM In a recent [CCMI webinar](#) I stated that the worst possible outcome for Internet regulation for the country would be for each of the 50 states to legislate their own net neutrality rules in opposition to the FCC's Internet Freedom Order, while Congress sits on its hands and does nothing. Unfortunately, more and more, that seems to be the likely outcome. Already, within the last couple of weeks, 21 states and the District of Columbia have appealed the Order to the Federal courts while New York and Montana have introduced bills that would bar state agencies from contracted with ISPs unless they agreed to comply with the "bright line" net neutrality rules. While it could be argued that the proposed legislation in those states does not directly challenge the Commission's Order (I'm sure the FCC thinks otherwise), the same cannot be said about the bill recently passed by the California Senate. SB-460, contains provisions that directly conflict with the Commission's removal of the bright line rules. [Read more »](#)

[FCC Claims It Has "Fixed" Broadband Deployment Issues](#) By Andrew Regitsky, Feb 9, 2018 9:45:00 AM Section 706 of the Telecommunications Act requires the FCC to determine and report annually on "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion." The Commission began this year's determination last August when it released a Notice of Inquiry (NOI) in Docket 17-199. That NOI received a tremendous amount of negative

industry attention when the Commission made three controversial proposals: First, the Commission proposed to make the availability of either fixed or mobile broadband in an area sufficient to meet the requirement that broadband is available; Second, the Commission proposed to continue the current speed benchmark of 25 Mbps download, 3 Mbps upload (25 Mbps/3 Mbps) for fixed broadband, while establishing for the first time a mobile speed benchmark of 10 Mbps/1 Mbps. [Read more »](#)

[AT&T Wants Immediate Action on 8YY Query Charges](#) By Andrew Regitsky, Feb 16, 2018 10:06:22 AM Even with inter-carrier compensation reform, some bad actors continue to abuse the remaining price differences in switched access charges to enrich themselves. These arbitrage opportunities exist because rural ILECs were not required to reduce terminating tandem-switched transport to bill-and-keep maintaining their access revenues and originating switched access charges were never reformed at all by the FCC. On the terminating side, some LECs continue to contract out with enterprises that generate large numbers of terminating calls and split the excess access revenues. Next week, we will discuss this issue of access stimulation (or traffic pumping) and review a current case where the FCC will determine whether IXCs must utilize the tariffs of LECs engaged in such a practice. [Read more »](#)

[Can a CLEC Force an IXC to Buy Switched Access](#) By Andrew Regitsky, Feb 23, 2018 10:00:00 AM Industry comments are due on March 14, 2018, involving one of the weirdest filings to come before the FCC in a long time. In a Petition for Expedited Declaratory Ruling (Petition) filed by South Dakota Networks (SDN) on February 7, 2018 in Docket 18-41, SDN requests the Commission to issue a declaratory ruling asserting that in a dispute between it and Northern Valley Communications, Inc. (NVC) involving interstate switched access traffic: A contract between SDN and AT&T, negotiated to terminate large volumes of traffic originally bound to a CLEC (NVC) engaged in access stimulation is lawful; and, CLECs, such as NVC, enjoy no exclusive right to transport terminating traffic to their end offices (or elsewhere). Moreover, the filing of a federal tariff by a CLEC, does not confer a right to compel other carriers to use the tariffed services. [Read more »](#)

LIGHT READING

The following legal and corporate items are reprinted from *Corporate Counsel Update*:

[A 'Tsunami' of Website Accessibility Cases Means Compliance Challenges for Companies](#) Pharrell Williams is the latest to experience the litigation that can come along with the issue of website accessibility... [READ MORE »](#)

[Verizon GC Talks Approach to Yahoo Deal and How Breaches Impacted Strategy](#) Craig Silliman of Verizon

spoke about the process of the negotiations with Yahoo and what it was like to navigate through... [READ MORE »](#)

Founder's values set the pace for IKEA's growth IKEA executives credit the company's late founder, Ingvar Kamprad, and his beliefs in cost efficiency, company culture and a lasting corporate structure for propelling the company's growth, writes Tom Turula. "He was always very much about the customer experience, which was his greatness," says executive Hakan Svedman. [Business Insider](#) (1/29)

For additional information, please contact Andrew Isar at aisar@millerisar.com, or call 253.851.6700.