



4304 92ND AVENUE NW
GIG HARBOR, WA 98335
TELEPHONE: 253.851.6700
FACSIMILE: 866.474.3630
WWW.MILLERISAR.COM

No. 18-03

MARCH 29, 2018

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 counsel.

FEDERAL REGULATORY NEWS



COMMISSION INITIATES COMMUNICATIONS SUPPLY CHAIN PROTECTIONS PROCEEDING

On March 28, 2018, the Commission issued a [Public Notice](#) announcing initiation of its “Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs” proceeding. Chairman Pai is pursuing an initiative that would prohibit telecommunications service providers receiving Commission universal service support from purchasing telecommunications equipment or services from companies deemed to pose a national security threat to U.S. communications networks or supply chains. A [draft Notice of Proposed Rulemaking](#) being circulated by the Chairman proposes three potential approaches: 1) relying on prior identifications of companies that pose national security risks by Congress under the National Defense Authorization Act or elsewhere; relying on prior identifications of such companies by other federal agencies; or relying on another federal agency with national security expertise to maintain a list for the Commission. Congress has already directed or advised federal agencies and contractors not to do business with China-based Huawei Technologies Co. Ltd., and ZTE Corp., among other foreign telecommunications equipment or services providers. The Department of Homeland Security has also directed all civilian federal agencies to purge their systems of computer security software provided by Russia-based Kaspersky Labs, a ruling Kaspersky is currently challenging before the U.S. District Court for the District of Columbia. Pai is seeking a vote during the April 17 open meeting. (WC Docket No. 18-89)

USAC SUBMITS 2Q18 USF CONTRIBUTION BASE

On March 5, 2018 the Universal Service Administrative Company submitted the [Federal Universal Service Support Mechanism Quarterly Contribution Base](#) for Second Quarter 2018. Total collected interstate and international end user revenue base for Second Quarter 2018 is estimated at \$12,805,676,391, down from \$12,871,991,125 in the previous quarter. The estimate is used in determining the contribution factor for the Universal Service Fund (USF) support mechanisms. On March 9, 2018, the Commission [set](#) the proposed Second Quarter 2018 contribution factor at 18.4 percent. (DA No. 18-234; Docket No. 96-45)

COMMISSION ROBOCALL NPRM PROPOSES RE-ASSIGNED NUMBER DATABASE

On March 23, 2018, the Commission released a [Second Further Notice of Proposed Rulemaking](#) (FNPRM) in its “Robocall” proceeding, requesting comment on ways to address unsolicited marketing calls to reassigned numbers. Citing to continued unwanted calls intended for consumers whose telephone numbers had been reassigned to others, the Commission requested comment on three alternative approaches for service provider reporting of reassigned numbers: (1) mandatory reporting to a single, Commission-designated database; (2) mandatory reporting to one or more commercial data aggregators; or (3) voluntary reporting to commercial data aggregators. The Commission also requested comment on what information calling parties would need to avoid calling a reassigned number and whether and how the Commission may adopt a liability safe-harbor for robocallers that use the reassigned number database. Earlier this month, the U.S. Court of Appeals for the District

of Columbia Circuit rejected as “unreasonable” elements of the Commission’s 2015 robocalling order (see In the Courts, below), including holding callers liable for using an automatic telephone dialing system - autodialers - to call a reassigned phone number for which they received consent to call from a previous subscriber and allowing only for one call after the reassignment, regardless of whether the caller is aware of the reassignment. The Court also rejected the Commission’s interpretation of the kinds of phone equipment covered by the Telephone Consumer Protection Act’s autodialer restrictions on calling cellphones. According to the Court, the Commission’s interpretation would have meant that anyone using a smartphone to call or text another wireless phone without consent would have violated the TCPA. Commissioner Mignon L. Clyburn expressed her desire to establish a single, comprehensive reassigned numbers database. Commissioner Rosenworcel said that the proposals in the second FNPRM would not do enough to protect consumers. (CG Docket No. 17-59)

COMMISSION ISSUES TRUTH-IN-BILLING DECLARATORY RULING

On March 15, 2018, the Commission issued a [Declaratory Ruling](#) in response to eight questions posed by the Eastern District Court of Michigan in *Manasher et al. v. NECC Telecom*. The Court’s questions pertain to telecommunications provider bill descriptions and whether providers violate the Commission’s truth-in-billing rules, [47 C.F.R. §§64.2400 et seq.](#), and section 201(b) of the Communications Act, based on the specificity of the charge description. The Commission found that any unclear description of a charge is also deemed to be in violation of Commission rules. Further, the Commission found that the listing of charges on a bill with no accompanying description violates its rules “except where context and the mere name of the charge makes its nature so obvious to the consumer that no description is necessary.” Bill line items referred to as a “recurring fee” or “other fee” without additional description were also found to constitute a violation of Commission rules, though a “late fee” without added description would not in violate Commission rules.

RESTORING INTERNET FREEDOM ORDER TRANSPARENCY PRA COMMENT DATE SET

On March 28, 2018, the Commission released a [notice](#) in the *Federal Register* requesting Paperwork Reduction Act (PRA) comments on revised information collection requirements applicable to transparency rule disclosures for Internet Service Providers amended in the 2018 Restoring Internet Freedom [Order](#). The Order eliminated the additional information collection requirements and added limited discrete elements to the 2010 [Open Internet Order’s](#) information collection requirements. PRA comments are due April 27, 2018.

PRA COMMENTS ON SECTION 214 DISCONTINUANCE NOTICE DUE APRIL 20

On March 21, 2018, the FCC issued a [notice](#) in the Federal Register requesting Paperwork Reduction Act comments on a revision of a currently approved information collection associated with section 214(a) discontinuance of service procedures. The Commission will use the information to determine if affected respondents are in compliance with its rules and the requirements of section 214. PRA comments are due April 20, 2018.

BEFORE CONGRESS



IMPROVING RURAL CALL QUALITY AND RELIABILITY ACT ENACTED

President Trump has signed the Improving Rural Call Quality and Reliability Act ([S. 96](#)). The new law “requires third-party intermediate providers who offer the capability of transmitting covered voice communication to register with the Federal Communications Commission ... The bill also requires the FCC to issue rules establishing service quality standards for those providers, in an attempt to increase phone service reliability in rural areas.” In a statement, Commission Chairman Pai said that the new law “...gives the FCC another tool to tackle this problem head-on. The new law empowers the agency to oversee a significant source of rural call completion failures: so-called ‘intermediate’ carriers who carry calls between originating carriers (on the caller’s side) and terminating carriers (on the recipient’s side). The FCC now can also establish service quality standards for call completion by intermediate carriers, and the tools to hold them accountable.”

SCHUMER CONSIDERING STARKS AS CLYBURN REPLACEMENT

Senate Minority Leader Chuck Schumer (D-NY) is reportedly is considering filling the Federal Communications Commission Commissioner’s Mignon Clyburn seat with Geoffrey Starks. Starks currently serves in the Commission’s Enforcement Bureau. Clyburn’s term officially ended last summer.

SENATE – HOUSE ANNOUNCE COMMISSION REAUTHORIZATION BILL AGREEMENT

The House Energy and Commerce Committee and the Senate Commerce, Science, and Transportation Committee have [announced](#) reaching a bipartisan, bicameral agreement on [RAY BAUM'S Act \(H.R. 4986\)](#). The legislation, among other things: reauthorizes the Commission and includes provisions to ensure the Commission continues to improve its efficiency and transparency; enacts key provisions from the Senate-approved MOBILE NOW Act (S. 19) to boost the development of next-generation 5G wireless broadband by identifying more spectrum; directs the FCC to craft a national policy for unlicensed spectrum that includes certain specific considerations and recommendations; and advances proposals that would help the FCC and law enforcement protect consumers from fraudulent telephone calls. The Bill passed the House on March 6.

IN THE COURTS

NINTH CIRCUIT CONSOLIDATES RESTORING INTERNET FREEDOM ORDER –TRANSFERS TO D.C. CIRCUIT



On March 8, 2018, the U.S. Judicial Panel on Multidistrict Litigation issued an [Order](#), announcing that the U.S. Court of Appeals for the Ninth Circuit (San Francisco) was randomly selected to consolidate [petitions for review](#) of the Commission's Restoring Internet Freedom [Order](#) that had been filed in the Ninth and D.C. Circuits. Petitions were filed by the [Benton Foundation](#), [Free Press](#), [Mozilla](#), the [National Hispanic Media Coalition](#), [NTCH](#), [Open Technology Institute at New America](#), [Public Knowledge](#), [Etsy](#), the [Coalition for Internet Openness](#), the [Center For Democracy and Technology](#), [State of New York, et al.](#) and [Vimeo](#) in the D.C. Circuit, and the [California PUC](#) and [County of Santa Clara, California, et al.](#) in the Ninth Circuit. On March 15, 2018 the Court issued an [Order](#) consolidating petition for review. The Court directed petitioners' and petitioner-intervenors to file their consolidated opening brief by May 29, 2018. Respondents were directed to file a consolidated answering brief by June 28, 2018, and petitioners' and petitioner-intervenors to file their consolidated optional reply brief 28 days after service of respondents' brief. [NCTA](#), [CTIA](#) and [USTelecom](#) also filed motions for leave to intervene on March 15, 2018.

On March 16, 2016, Mozilla, Coalition for Internet Openness, Etsy, Benton Foundation, Free Press, Vimeo, Public Knowledge, National Hispanic Media Coalition, Open Technology Institute, Center for Democracy & Technology, Ad Hoc Telecom Users Committee, NTCH and the states of New York, et al. filed a [motion](#) with the Ninth Circuit Court requesting transfer of the proceeding on the Petitions for Review of the Restoring Internet Freedom [Order](#) to the D.C. Circuit Court. The Petitioners claimed that a transfer is warranted by all of the factors considered by the court, including the convenience of the parties, the choice of forum made by the majority of the petitioners, and the fact the court's sister court for the D.C. Circuit has considered virtually identical issues in inter-related proceedings. On March 28, 2018 the Ninth Circuit released an [Order](#) transferring the consolidated petitions to the D.C. Circuit as requested.

D.C. CIRCUIT RULES ON ROBOCALL ORDER APPEAL

On March 16, 2018, the U.S. Court of Appeals for the District of Columbia released its [Decision](#) on petitions for review of the Commission's 2015 "Robocall" Order. The Order had clarified aspects of the Telephone Consumer Protection Act's (of 1991) prohibition against using automated dialing devices to place unsolicited calls. In its ruling, the Court upheld the Commission's approach to consent revocations, under which individuals may revoke "consent through any reasonable means clearly expressing a desire to receive no further messages from the caller," and sustained the scope of the Commission's exemption for time-sensitive health care calls. The Court, however, set aside the Commission's effort to clarify the types of calling equipment that fall within TCPA restrictions and vacated the Commission's approach to calls made to a phone number previously assigned to a person who had given consent but since reassigned to another, non-consenting individual. The Court further found that the Commission's one-call compliance safe harbor, as defended in the Order, was arbitrary and capricious. [Chairman Pai](#) and Commissioners [O'Rielly](#), [Rosenworcel](#) and [Carr](#) issued statements.

STATE REGULATORY NEWS



DISTRICT OF COLUMBIA – New Outage Reporting Rules Adopted

The District of Columbia Public Service Commission has released a notice of third proposed rulemaking to promulgate outage reporting rule amendments. The proposed amendments would require carriers to submit a report to the Commission identifying the date and time that the service outage occurred, the most specific network location where the service outage occurred at the time the report is filed, geographic location affected by the outage, estimated number of customers out of service, a preliminary assessment as to the cause of the service outage, and the estimated repair and/or restoration time. A follow up report would be due five days following resolution of the outage that

would include a provider self-assessment of the cause and steps taken to resolve. The proposed rules had been released in 2017, though Verizon and other providers objected to including specific network outage location to the street location, stating that it would be unable to comply in most instances, and even if the Company could comply, the information could raise security concerns if filed publicly. The Office of the People's Counsel supports the proposed rules, citing to a 2016 FCC order updating the FCC's service outage rules. (RM27-2017-01)

GEORGIA – Senate Passes Georgia Emergency Communications Authority Act

The Georgia State Senate has passed HB 751, the Georgia Emergency Communications Authority Act. The Act, among other things, establishes the Georgia Emergency Communications Authority within the Georgia Emergency Management and Homeland Security Agency to oversee the administration and provision of 911 service in the state, effective July 1, 2018. All local governments are designated as members of the Authority. The Authority is tasked to “administer, collect, audit, and remit 911 revenues for the benefit of local governments ... and on such terms and conditions as may be determined to be in the best interest of the operation of local governments in light of the following factors: (1) providing cost-efficient collection of revenue; (2) increasing compliance; (3) easing the administrative burden; (4) and other factors as are “in the public interest and welfare of the citizens of Georgia.”

LOUISIANA – Telecommunications Deaf Fund Surcharge Bill Pending Governor Signature

HB 27, a bill that increases the Louisiana Telecommunications for the Deaf Fund surcharge from \$0.045 to \$0.05 has been passed and is pending Governor John Bel Edwards' (D) signature. The surcharge applies to each wireline access line and telephone number for each wireless handset device on all local exchange or wireless residential and business subscribers in the State.

MICHIGAN – New Telecommunications Customer Migration Rules Adopted

On March 15, 2018, the Michigan Public Service Commission adopted new rules governing customer migrations in instances when a carrier ceases to provide service. The Responsibilities of Providers of Basic Local Exchange Service That Cease to Provide the Service rules are intended to give wireline subscribers sufficient time to find a new service provider if facing a potential loss in service due to a dispute between carriers. Under the new rules, service providers must seek to resolve disputes. If unsuccessful, the underlying carrier must notify the Commission and the retail carrier at least 45 days prior to a service disconnection to the retail provider. Within ten days of receiving the notification, the retail provider must notify its customers, the Commission and the Governor's office regarding an anticipated service termination in accordance with federal rules, and must provide the Commission with information regarding its subscriber base. The rules also govern transfers of a service provider's subscribers to another company and process for reclaiming telephone numbers. ([Case No. U-18360](#))

NEBRASKA – 2018 TRS Surcharge Adopted

On March 29, 2018, the Nebraska Public Service Commission ordered that the 2018 Telecommunications Relay Service Fund surcharge remain unchanged at \$0.01 per month per access line to fund the Nebraska Specialized Telecommunications Equipment Program for the Deaf. The surcharge becomes effective July 1, 2018. (Case C-4967)

REGULATORY REPORTING APRIL

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

Rural Call Completion Data Collection Report due May 1.

FCC Form 499-A Telecommunications Reporting Worksheet due April 1.

[Communications and Video Accessibility Act of 2010](#) Compliance certification due April 1.

FCC Annual Rate Integration Letter due May 1.

FCC Form 499Q due May 1

STATE REPORTS DUE IN APRIL

April	AK	Access Minutes Report	April 1	WI	Public Service Commission of Wisconsin - Alternative Telecommunications Utility – Telecommunication Reseller Annual Report
April	AK	Carrier and Area Specific Bulk Billed Report	April 1	WY	Interexchange Carrier Annual Report
April	MO	Relay Missouri Statement	April 1	WY	Local Exchange Carrier Annual Report
April	RI	Telecommunication Education Access Fund	April 9	CA	Combined California PUC Telephone Surcharge Transmittal
April	RI	Telecommunications Relay Service Report	April 10	AK	Alaska Telecommunications Relay Services Fund – Remittance of Surcharges Collected
April 1	SD	South Dakota Public Utilities Commission Gross Receipt Tax Fund Assessment	April 10	AR	State of Arkansas Universal Service Fund
April 1	AL	Annual Financial Reporting Information	April 10	CA	Employee Compensation, Dues, and Subscriptions
April 1	ID	ID Gross Intrastate Revenue Letter	April 10	GA	Local Service Indicators Data Requests
April 1	ID	ID Universal Service Fund Form	April 10	NY	Service Quality Performance
April 1	IA	Iowa Utilities Board Telephone Utility Annual Report	April 15	AL	Revised Survey of Competitive Local Exchange Carriers Annual Report
April 1	LA	Local Interconnection Terminating Traffic Report	April 15	AR	AR
April 1	LA	Telecommunications Annual Service Report	April 15	CA	Quarterly Fee Statement for CPUC Utilities Reimbursement Account
April 1	ME	Public Utility Authorized as Competitive Local Exchange Carrier and Interexchange Carrier Annual Report to Maine PUC	April 15	DC	District of Columbia CLEC Annual Report
April 1	MI	Lifeline Telephone Assistance Program Revenue/Expenses Annual Report Form	April 15	FL	Florida Telecommunications Relay, Inc. (FTRI) Monthly Surcharge Collection Report
April 1	MS	Annual Report Class B to the MS Public Service Commission	April 15	GA	Georgia Telecommunications Relay Service (TRS) Monthly Surcharge Collection Report
April 1	MS	Interexchange Carriers Operator Service Providers and Other Telecommunications Companies Annual Report to the Mississippi Public Service Commission	April 15	GA	Revised Universal Access Fund Quarterly Deposit Report
April 1	MI	Mississippi Public Service Regulatory Tax Gross Revenue Report	April 15	KS	Kansas Universal Service Fund 2004/2005 Wireless and Wireline Carrier Remittance Worksheet
April 1	NM	New Mexico Public Regulation Commission Intrastate Long Distance Provider and CLEC Annual Report Form	April 15	KY	Commonwealth of Kentucky Telecommunications Relay Service Fund Telecommunications Devices for the Deaf Distribution Fund
April 1	OR	Annual Report for Competitive Providers	April 15	KY	Commonwealth of Kentucky Universal Service Fund
April 1	OR	Annual Report for Local Exchange Carriers	April 15	MO	Interexchange Telecommunications Carrier Annual Report to the Missouri Public Service Commission
April 1	OR	Gross Revenue Fee Statement	April 15	NB	Nebraska USF & E911 Remittance Worksheet
April 1	SC	Annual Information On South Carolina Operations For Interexchange Companies and AOS	April 15	NV	Nevada Universal Service Fund Carrier Remittance Worksheet
April 1	SC	Annual Report of Competitive Local Exchange Carriers Operating in the State of South Carolina	April 15	NC	North Carolina Access Line Report – Rule 17-2(K)
April 1	TN	Small and Minority Owned Telecommunications Business Participation Plan	April 15	NC	Questions for Competing Carriers Report
April 1	TN	Tennessee Regulatory Authority Statement of Gross Earnings and Computation of Inspection Fee	April 15	OK	State of Oklahoma Universal Service Fund Carrier Remittance Worksheet
April 1	WI	2004 Web Annual Report Program for No Activity in Wisconsin Alternative Telecommunications Utility – Other Telecommunications Providers (OTH)	April 15	PA	Pennsylvania Universal Service Fund, FY2004 Carrier Remittance Monthly Worksheet
			April 15	PA	Slamming Cramming Complaint Form
			April 15	PR	Puerto Rico Universal Service Fund July 2004 - December 2004 Carrier Remittance Worksheet
			April 15	RI	E911

April 15	SC	The Public Service Commission of South Carolina SC Dual Party Relay System Invoice	April 30	IL	Section 757, Exhibit A LEC Quarterly Report to Commission
April 15	UT	Report of Gross Revenue	April 30	IN	Utility Annual Report
April 15	VT	State of Vermont Department of Public Service	April 30	MI	Michigan Public Service Commission Annual Report
April 15	VT	Telecommunications Annual Report	April 30	MS	Mississippi Dual Party Fund Statement of Revenues
April 15	VT	Vermont Universal Service Fund Carrier Remittance Worksheet	April 30	NE	Nebraska Public Service Commission Annual Report Compliance
April 15	VA	Annual Tax Report of Telecommunications Companies	April 30	NE	Nebraska Public Service Commission Annual Report Compliance
April 15	VA	Telecommunications Relay Service Monthly Report	April 30	NE	State of Nebraska Dual Party Relay Surcharge Form
April 20	AK	State of Alaska Universal Service Fund Monthly Carrier Remittance Worksheet	April 30	NV	TDD Surcharge for Assistance to Persons With Impaired Speech or Hearing Report Form
April 20	AR	Arizona Universal Service Fund Carrier Remittance Worksheet	April 30	OR	Oregon Telephone Assistance Program Reimbursement Form
April 20	CO	CO Telecommunications Relay Service Surcharge	April 30	OR	Assistance Program Reimbursement Form
April 20	ID	Idaho Telecommunications Service Assistance Plan (ITSAP)	April 30	PA	(TRS) Annual Access Line Report
April 20	NH	Telecommunications Relay Service Remittance	April 30	PA	(TRS) Annual Tracking Report
April 20	NC	Service Quality Objectives Report	April 30	PA	Annual Report of Interexchange Carriers
April 20	PA	Remittance Form for Monthly Telecommunications Relay Service (TRS) Surcharge Collections	April 30	PA	CLEC Class C Annual Report
April 20	UT	Utah Universal Service Fund Surcharge Remittal Statement	April 30	PA	Physical & Cyber Security Planning Self Certification
April 20	WA	Telecommunications Relay Service, Washington Telecommunications Assistance Program, and E911	April 30	PR	Income Statement of Telecommunications Companies
April 21	NY	TAF Adjustment Input Form	April 30	PR	Informe de Revendedores de Servicio (Reseller List)
April 21	NY	Targeted Accessibility Fund Monthly Online Reporting Form	April 30	SC	SCPSC CLEC Quarterly Service Quality Report
April 21	OR	Residential Services Protection Fund Surcharge Remittance Form	April 30	TN	Wireline Activity Tennessee-CCN Authority
April 21	OR	Residential Services Protection Fund Surcharge Remittance Form	April 30	VT	Monthly Disconnect Report
April 22	AR	Arkansas Intrastate Carrier Common Line Pool Report	April 30	VT	Vermont Service Quality Performance Index Report
April 25	MN	Minnesota Annual 911/TAM/TAP Fees Report Form	April 30	VA	Service Quality Report
April 25	TX	Texas Universal Service Fund Worksheet	April 30	WY	Telecommunication Companies Revenue & Assessment Report (Wyoming Universal Service Fund)
April 30	AK	Regulatory Cost Charge Quarterly Return			
April 30	AR	Annual Affidavit of Switchless Reseller to the Carrier Common Line Pool			
April 30	Canada	CRTC Telecommunications Industry Data Collection, Compliance and Renewal of International Basic Telecommunications License			
April 30	Canada	CRTC Telecommunications Industry Data Collection, Registration List Contact Information			
April 30	CO	Colorado PUC Annual Report of Telecommunications			
April 30	CO	Declaration of De Minimis Form for the CO High Cost Support Mechanism			
April 30	CO	Low Income Telephone Assistance Program			
April 30	CT	Department of Public Utility Control Annual Report			
April 30	DE	Annual Financial Report			
April 30	GA	Quarterly Report of Georgia Operations (no formal name)			

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.



[Ninth Circuit Decision is Big Victory for FTC and FCC](#) By Andrew Regitsky, Mar 2, 2018 10:09:02 AM In a February 26, 2018 Opinion, the full Ninth Circuit Court in San Francisco gave the Federal Trade Commission (FTC) a huge victory when it found that a company is regulated as if it were a common carrier based on a specific "activity" rather than by "status." In other words, a non-common carrier cannot become a common carrier and escape FTC regulation for its non-common carrier services simply by providing a single common carrier service. Instead, as per usual, its common carrier services would be regulated by the FCC, but

its non-common carrier services would fall under FTC authority. The significance of this is clear. The non-common carrier services such as broadband Internet access service provided by ISPs like AT&T and Verizon will be regulated under section 5 of the FTC rules, as the FCC envisioned in its recently released Restoring Internet Freedom Order. Here is the background for this important Opinion. [Read more »](#)

[Industry Trashes FCC Plan to Limit Lifeline to Facilities Providers](#) By Andrew Regitsky, Mar 9, 2018 10:00:00 AM I admit it, I admire Ajit Pai. The FCC Chairman speaks and writes brilliantly, can charm any crowd and is steadfast in his belief that telecom regulation is harmful even while facing incredible public pressure, and sadly, even death threats. However, after observing Pai for several years now, it is obvious he is his own worst enemy. His attempts to move directly from point A to point Z on every issue, infuriate the industry, while a compromise at point P would have enabled him to reach most of his goals without the public angst. For example, he could have eliminated the most troublesome aspect of net neutrality by simply reclassifying broadband Internet access as an information service. However, he went too far by eliminating the "bright line" rules forbidding blocking, throttling and paid prioritization of Internet traffic. [Read more »](#)

[Net Neutrality: Congress Simply will not Compromise](#) By Andrew Regitsky, Mar 16, 2018 10:00:00 AM It has been a frustrating few weeks for those of us who want to put the issue of Internet regulation behind us. On February 22, 2018 the Restoring Internet Freedom Order was finally published in the Federal Register. While that would normally provide an effective date for the Order, it did not, because the FCC is still waiting for final approval from the Office of Management and Budget (OMB) which could take several more months. The Federal Register publication did allow parties to file appeals of the Order and many were filed by states, consumer groups, and tech companies. Appeals were

filed in several courts, with the Ninth Circuit Court in San Francisco set to hear the case after winning a random draw. All the appeals have been consolidated into one, and a schedule to hear the case is pending. [Read more »](#)

[FCC Settles Price Cap ILEC Tandem Transport Access Issue](#) By Andrew Regitsky, Mar 23, 2018 10:00:00 AM Last year's ILEC Annual Access Filings brought a lot of confusion to the industry. It was Year 6 in the transition to bill –and-keep for most terminating switched access charges, and it was an important step for the tandem-switched transport rates of price cap ILECs. According to part 51.907(g)(2) of the FCC's rules, effective July 1, 2017, price cap ILECs were required to: Establish, for interstate 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. [Read more »](#)

LIGHT READING

The following articles have been selected from *Corporate Counsel Update*, unless otherwise noted, to give readers additional perspectives on compliance.

[The Six Data Privacy Principles of the GDPR](#) By Amy Lewis **Data privacy and personal data breaches have been in the news a lot recently. Over the past few years, companies have...** [READ MORE](#)

[Copyright Liability for Website Owners and Users](#) | [New York Law Journal](#) New York Law Journal A recent SDNY federal court decision has led to new copyright liability concerns among website owners and their counsel.... [Read More](#)