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## Regulatory Review

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

### FEDERAL REGULATORY NEWS



#### **2Q19 USF SUPPORT MECHANISMS QUARTERLY CONTRIBUTION BASE FILED – CONTRIBUTION SET**

On March 1, 2019, the Universal Service Administrative Company submitted the [Federal Universal Service Support Mechanisms Quarterly Contribution Base](#) for Second Quarter 2019. The total projected collected interstate and international end-user revenue base to be used in determining the contribution factor for the universal service fund support mechanisms for Second Quarter 2019 is \$12,266,461,604 down from \$12,289,162,461 in the first quarter.

On March 3, 2019, the Commission [announced](#) that the Second Quarter 2019 universal service fund contribution factor will be 18.8 percent of jurisdictional revenues.

#### **DIRECT ACCESS TO NUMBERING RESOURCES INFORMATION COLLECTION PRA COMMENTS DUE**

On March 20, 2019, the Commission published a [notice](#) in the *Federal Register* requesting Paperwork Reduction Act (PRA) comments on an extension of a currently approved information collection associated with direct access to numbering resources. The Commission said the data, information and documents obtained through the information collection process will allow interconnected VoIP providers to obtain numbers with minimal burden or delay while also preventing providers from obtaining numbers without first demonstrating they can deploy and properly utilize such resources. PRA comments are due May 20, 2019.

#### **COMMISSION RELEASES RURAL CALL COMPLETION ORDER**

On March 15, 2019, the Commission released its [Fourth Report and Order](#) regarding rural call completion. The Commission adopted service quality standards for intermediate providers that complement rules already established for “covered providers.” Additionally, remaining call data recording and retention rules will sunset one year after the service quality standards become effective. Commissioner Starks noted, “So, I was disappointed to see that the product of the Commission’s year-long effort to create service quality standards for intermediate providers was weak tea. We essentially tell them: ‘complete these calls and keep an eye on each other.’...I fear that the Order doesn’t do enough to fix rural call completion problems that stem from intermediate provider behavior.” The Order completes the Commission’s implementation of the Improving Rural Call Quality and Reliability Act of 2017. (Docket No. 13-39) (FCC No. 19-23). Statements from Commissioners [Pai](#), [O’Rielly](#), [Carr](#), [Rosenworcel](#), and [Starks](#).

## BEFORE CONGRESS



### **BILL TO REINSTATE NET NEUTRALITY RULES INTRODUCED**

On March 6, 2019, House and Senate Democratic leaders [introduced](#) the “[Save the Internet Act](#),” which seeks to reverse the Commission’s January 2018 *Restoring Internet Freedom* order that repealed the Commission’s net neutrality rules. The Act establishes three principles: no blocking, no throttling and no paid prioritization. It empowers the Commission to prohibit unjust, unreasonable and discriminatory practices and ensures consumers can make informed decisions when shopping for internet plans. The bill would also restore the Commission’s authority to fund broadband access and deployment, particularly for rural communities and struggling Americans. [Chairman Pai](#) and Commissioners [Rosenworcel](#) and [Starks](#) released statements on the bill.

### **SENATE BIPARTISAN NET NEUTRALITY WORKING GROUP FORMATION ANNOUNCED**

On March 12, 2019, Senators Roger Wicker (R, MS), chairman of the Senate Committee on Commerce, Science, and Transportation, and Kyrsten Sinema (D, AZ) [announced](#) the formation of a Senate bipartisan net neutrality working group. The working group is developing a net neutrality proposal to encourage innovation, boost investment and close the digital divide. According to Senator Wicker, clear rules that prohibit providers from blocking or throttling access to lawful content and provide transparency and consumer choice are needed.

## IN THE COURTS

### **NINTH CIRCUIT CONSOLIDATES POLE ATTACHMENT AND WIRELESS INFRASTRUCTURE APPEALS**



On March 20, 2019 the U.S. Court of Appeals for the Ninth Circuit (San Francisco) issued an [order](#) granting a Commission motion to consolidate [American Electric Power Corporation, et al.](#) and the [city of Portland, Oregon](#), petitions for review of the Commission’s August 3, 2018 [report and order and declaratory ruling](#) that allowed one-touch make-ready for most pole attachments and made further reforms to the pole attachment process. The two petition were assigned to the panel that is addressing [petitions for review](#) of the FCC’s September 2018 [order](#) on wireless infrastructure deployment.

Separately, on March 20, 2019, the Ninth Circuit issued an [order](#) granting in part a Commission [motion](#) to consolidate [petitions for review](#) of the Commission’s September 2018 [declaratory ruling and report and order](#) on wireless infrastructure deployment. The court assigned these consolidated petitions to the panel assigned to decide the merits of the two petitions for review of the [order](#) on pole attachments. Both matters were referred the consolidated cases to the court’s special master to conduct a case management conference with the parties. The proceedings are stayed pending the case management conference.

## STATE REGULATORY NEWS



### **IOWA – Competitiveness Threshold Rule Amendment Adopted**

The Iowa Utilities Board has adopted amendments to its Procedure for Determining the Competitiveness of a Communications Service or Facility rules. The amendments include what information is to be contained in petitions seeking a determination of competition and establish that the Board will docket petitions when filed and will set a procedural schedule. The current rule requires a formal notice-and-comment proceeding. The new rule provides that all comments must be filed within 30 days, and reply comments may be allowed at the discretion of the board. The amendments are part of the Board’s review and elimination of rules that outdated, redundant, or inconsistent or incompatible with statute or other administrative rules. (Docket RMU-2016-0021)

### **NEW MEXICO – Commission Initiates Consumer Protection and Service Quality Rulemaking**

The New Mexico Public Regulation Commission has initiated a new rulemaking proceeding to address consumer protection and service quality markets, over CenturyLink objections. In 2017, the Commission initiated a rulemaking proceeding to implement SB 53, that eliminated the mid-sized carrier classification, and limit Commission jurisdiction to regulate incumbents serving 50,000 or more access lines. Commission staff recently proposed a discussion draft proposal for

regulation of former mid-sized carriers, including CenturyLink. The incumbent had maintained that since no rules resulted from the 2017 rulemaking, the carrier has not been subject to service quality or consumer protection rules. CenturyLink asked the Commission to address potential conflicts between the proposed staff rule and SB 53 before reinitiating the rulemaking proceeding. The Commission found that alternative proposals could be made during the rulemaking proceeding rather than delaying the proceeding, while taking “issue with CenturyLink’s remark that no consumer protection or quality of service rules have applied to CenturyLink since the act was amended in 2017. The commission noted that commission rules 17.11.16 NMAC, ‘Consumer Protection,’ and 17.11.22 NMAC, ‘Quality of Service,’ apply, by their express provisions, to all local exchange carriers other than incumbent rural telecommunications carriers and carriers subject to AFOR provisions.” Comments on staff’s proposed rules are due May 17, and reply comments are due May 31. In addition, a public hearing on the proposed rules is currently scheduled for June 19. (Case 17-00186-UT)

## **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



With the introduction of CCMI’s expanded Blog, readers are invited to access CCMI’s additional content, including Andy Regitsky’s weekly regulatory blog and back copies of the Miller Isar, Inc. *Regulatory Review* at the [CCMI HUB Blog web site](#).

### ***From Corporate Counsel Daily Update***

#### **Real World Scenarios for the California Consumer Privacy Act**

By Kelly Wilkins

The California Consumer Privacy Act (CCPA) launches on Jan. 1, 2020. Businesses are wisely beginning to prepare. As...

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By Dan Clark

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By Marshall Phelps

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By Dan Clark

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