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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



#### **PAI PROPOSES CALLER ID SPOOFING RULES**

On July 8, 2019 Commission Chairman Pai [proposed](#) new rules that would explicitly prohibit malicious caller ID spoofing of text messages and international calls. The proposed rules would implement the Truth in Caller ID legislation by extending current prohibitions to text messages, calls originating from outside the United States to recipients within the United States, and certain voice calls, such as one-way interconnected VoIP calls. Pai's proposal follows a bipartisan request from more than 40 state attorneys general for the Commission to adopt expanded anti-spoofing rules. Pai's proposal will be addressed at the Commission's August 1, 2019 Open Meeting.

#### **NEW MULTI-TENANT ENVIRONMENT PAPER RELEASED**

On July 8, 2019, the Commission's Office of Economics and Analytics (OEA) released an [analysis](#) of a broadband access in residential multi-tenant environments (MTE). According to the analysis, those living in MTEs are generally slightly less likely to obtain a wireline broadband subscription than those in non-MTEs. The OEA also determined that when mandatory access laws apply, there is a higher subscription rate for terrestrial fixed broadband regardless of whether subscribers reside in MTEs and non-MTEs. The OEA concluded that this increase in subscription rates may be a result of a reduction in the marginal, or fixed, cost of supplying broadband or the result of increased consumer choices.

#### **COMMISSION ENDS DS1-DS3 UNBUNDLING REQUIREMENTS, DETARIFFS PRICE CAP REGULATED TDM**

On July 10, 2019, the Commission released a [Report and Order on Remand and Memorandum Opinion and Order](#) eliminating *ex ante* pricing regulation for business data service (BDS) Time Division Multiplexing (TDM) transport services provided by price cap-regulate local exchange carriers. In 2017, the Commission adopted a BDS framework that applied *ex ante* pricing regulation only where competition was "expected to materially fail to ensure just and reasonable rates" and found that competition for TDM transport services was "sufficiently pervasive at the local level in areas served by price cap LECs to justify relief from pricing regulation nationwide." On appeal, the U.S. Court of Appeals for the Eighth Circuit, held that the Commission had not provided adequate notice on the issue of ending *ex ante* pricing regulation of TDM transport services and remanded the issue to the Commission. Citing to a growth in the demand of transport and "competitive array of transport providers" since its original 2017 BDS order, the Commission concluded that *ex ante* regulation was no longer necessary for BDS TDM transport services. The Commission also granted that portion of USTelecom's forbearance request seeking forbearance relief from unbundled network element price cap regulated incumbent LEC DS1/DS3 Transport requirements between certain wire centers where the Commission found that such obligations were no longer necessary to further the local market opening provisions of the

1996 Telecommunications Act. In granting DS1/DS3 Transport forbearance, the Commission implemented a six-month transition period during which competitive carriers can place new orders for DS1 and DS3 unbundled transport and a concurrent three-year transition period to enable carriers to arrange for alternative transport options. [News Release](#) (WC Docket Nos. 16-143, 05. 25, 18-141, GN Docket No. 13-5, RM-10593)

## **BEFORE CONGRESS**

### **BROADBAND ECONOMIC IMPACT STUDY BILL INTRODUCED**



On July 10, 2019, Representatives Ro Khanna (D, CA), Brian Fitzpatrick (R, PA), Anna Eshoo (D, CA), Peter Welch (D, VT) and Yvette Clarke (D, NY.) [announced](#) introduction of the “Measuring the Economic Impact of Broadband Act.” The bill would direct the Commission’s Bureau of Economic Analysis to conduct a study of the effects of broadband deployment and adoption on the U.S. economy. A Senate [companion bill](#) is being introduced by Senators Amy Klobuchar (D, MN) and Shelley Moore Capito (R, WV).

### **SENATE COMMERCE COMMITTEE APPROVES BROADBAND – 5G BILLS**

On July 24, 2019, the U.S. Senate Committee on Commerce, Science, and Transportation [approved](#) separate broadband and 5G-related bills. The bills include: [S. 1822](#), Broadband Deployment Accuracy and Technological Availability (DATA) Act; [S. 893](#), Secure 5G and Beyond Act; and [S. 1625](#), the United States 5G Leadership Act.

### **HOUSE PASSES ROBOCALL BILL**

On July 24, 2019, the House of Representatives [passed](#) H.R. 3375, in a near unanimous vote. The bill requires telephone service providers to implement call authentication technology at no charge to consumers. The Bill includes a process to help rural carriers implement the technology. Additionally, the Bill directs the Commission to promulgate rules that protect consumers from calls they did not agree to receive, ensure that consumers can withdraw consent for such calls, and enact safeguards to preclude abusive robocall exemptions.

## **STATE REGULATORY NEWS**



### **CALIFORNIA – Batjer Named Commission President**

California Governor Gavin Newsom (D) has named Marybel Batjer president of the Public Utilities Commission. Batjer currently serves as the state's government operations secretary. She replaces current President Michael Picker. In late May, Picker announced that he would be stepping down from the commission later this year. Picker has served as Commission President since December 2014. Ms. Batjer was appointed secretary of the California Government Operations in 2013 and has held positions in state government including cabinet secretary to Governor Arnold Schwarzenegger and chief of staff to Nevada Governor Kenny Guinn.

### **HAWAII – Regulatory Flexibility Law Enacted**

Hawaii Governor David Ige (D) has signed [SB 991](#), a telecommunications regulatory flexibility bill, into law. The new law allows basic local landline telephone service providers serving rural areas to increase rates up to a cap without Public Utilities Commission approval. Providers may increase monthly basic service rates in any county with a population of less than 500,000 up to the \$6.50 cap. Increases that exceed the cap are subject to PUC approval. Local exchange carriers must post all rates, fees, bundled service offerings, and service terms and conditions on company web sites. Additionally, the new law allows service providers to issue securities, sell property and stock and engage in competitive procurement without Commission approval.

## MASSACHUSETTS – Pole Attachment Rulemaking Initiated

The Massachusetts Department of Telecommunications and Department of Public Utilities Commission have initiated a joint rulemaking to consider amendments to the Department’s pole attachment and right-of-way rules, 220 CMR 45.00. Specifically, the Departments are looking to amend the definition of “department” to reflect the joint oversight by both Departments, amend “commercial building” and “utility” definitions, and to rescind 220 CMR 45.04(2)(h) governing complaints received regarding access to commercial and multiple dwelling unit buildings. Public comments are due August 20. A public hearing will be held on September 10, and post-hearing briefs are due September 24. The rulemaking follows a 2015 Governor’s executive order directing a statewide review of regulations “mandated by law or essential to the health, safety, environment, or welfare of the commonwealth’s residents.” (Docket DTC. 19-4)



Order Opening  
Rulemaking for Pole

## MICHIGAN – Philips Appointed to Commission

Governor Gretchen Whitmer (D.) has appointed Tremaine Phillips to the Public Service Commission for a six-year term, beginning September 9, 2019. Mr. Phillips is currently the director of the Cincinnati 2030 District and the former vice president-strategic initiatives for Empower Gas and Electric LLC. Phillips succeeds Norm Saari whose term expired July 2.

## MONTANA – Commission Debuts New Electronic Docket Database – Providers to Reregister

On July 26, 2019, the Montana Public Service Commission announced the debut of its new Electronic Database for Docket Information (EDDI). The Commission notes that anyone who interacts with the Commission will be required to create a one time profile and login in the EDDI, and has created a [training video](#) for prospective users. All telecommunications providers, service providers and billing aggregators are required to re-register with the Commission via email.

### 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

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

CORRECTION – The June *Regulatory Review* incorrectly noted that the FCC international traffic data report was due on July 31. This reporting requirement was [suspended](#) in 2017 and has not been reinstated.

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