



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 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



PAI RELEASES STATEMENT REGARDING RESTORING INTERNET FREEDOM ORDER

On January 2, 2019, Chairman Ajit Pai released a [statement](#) regarding Congressional action on the Commission's [Restoring Internet Freedom Order](#). Pai stated that he was "... pleased that a strong bipartisan majority of the U.S. House of Representatives declined regulation." Pai said that the 115th Congress closed without invalidating the Commission's Restoring Internet Freedom Order through

the Congressional Review Act. He maintained that the Commission's "light-touch approach" is working

SUPPLY CHAIN FNRM – COVERED COMPANIES COMMENTS DUE FEBRUARY 3

On January 3, 2020, the Wireline Competition Bureau issued a [public notice](#), announcing deadlines for comment regarding the Commission's November 26, 2019 [Report and Order and Further Notice of Proposed Rulemaking](#) (FNPRM) in its Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs proceeding, following *Federal Register* publication. The FNPRM seeks comment on proposals that would require Eligible Telecommunications Carriers receiving universal service fund support to remove and replace "covered" equipment and services from their networks, and would establish a reimbursement program to offset reasonable transition costs, among other things. Comments are due February 3, 2020; reply comments are due March 3, 2020.

Separately, on January 6, 2020, the Public Safety and Homeland Security Bureau issued a [public notice](#) announcing the comment due date on the initial designation of ZTE Corporation, its parents, affiliates and subsidiaries as a "covered company" under the Commission's *Report and Order* in the proceeding. Under the *Report and Order*, the Commission promulgated Section 54.9 of the Commission's rules, Prohibition on use of funds, prohibiting use of federal universal service fund support to purchase, obtain, maintain, improve, modify or otherwise support equipment or services produced or provided by any company posing a national security threat to the integrity of communications networks or the communications supply chain. The Commission initially designated ZTE Corporation as a "covered company" and directed the Bureau to implement the next steps in the final designation process. On January 3, 2020, a similar [public notice](#) was issued on the Commission's initial designation of Huawei Technologies as a covered company. Comments are due February 3, 2020. (WC Docket No. 18-89, PS Docket Nos. 19-351 and 352)

FCC INSPECTOR GENERAL ISSUES ADVISORY ON LIFELINE USAGE RULE COMPLIANCE

On January 28, 2020, the Commission Office of Inspector General (OIG) [issued](#) an [advisory](#) alerting Lifeline carriers, beneficiaries and the public of the potential for widespread carrier non-compliance with the Lifeline usage rule. The advisory provides examples of usage rule violations OIG has encountered in its ongoing investigations of Lifeline carriers.

UNBUNDLING – RESALE NPRM COMMENTS DUE FEBRUARY 5

On January 6, 2020, the Commission’s November 25, 2019 [Notice of Proposed Rulemaking](#) (NPRM) on updating rules regarding incumbent local exchange carrier network unbundling and resale requirements to reflect the marketplace realities of intermodal voice and broadband competition was published in the [Federal Register](#). With *Federal Register* publication, NPRM comments are due February 5, 2020 and reply comments are due March 6, 2020. (WC Docket No. 19-308)

TRUTH-IN-BILLING RECORD REFRESH COMMENTS DUE FEBRUARY 12

On January 13, 2020, the Commission’s December 13, 2019 [public notice](#) requesting comments to refresh the record on modernization and strengthening the truth-in-billing rules was published in the [Federal Register](#). The Commission seeks comment regarding whether to extend current truth-in-billing rules to wireline and wireless common carriers and to interconnected VoIP service providers. On January 14, 2020, the Consumer and Governmental Affairs Bureau Comments issued a [public notice](#), announcing that the comment due dates are due February 12, 2020 and reply comments are due March 13, 2020. (CC Docket No. 98-170, WC Docket No. 04-36)

COMMENT ON PETITIONS FOR USF/ICC TRANSFORMATION ORDER RECONSIDERATION REQUESTED

On January 14, 2020, the Wireline Competition Bureau issued a [public notice](#) to request comment regarding parties’ continuing interests in [petitions for reconsideration](#) of various aspects of the intercarrier compensation provisions of the 2011 USF/ICC Transformation Order. According to the Bureau, the pending petitions were filed in 2011 and no parties have filed comments or had *ex parte* communications regarding the petitions for several years. The Bureau maintains that the requested relief in the petitions appear to be moot or are otherwise no longer relevant in light of regulatory changes that have occurred since these filings were made. The Bureau said it plans to dismiss each petition with prejudice unless a petitioner files a notice specifying it objects to the dismissal. The deadline for responses is 45 days following publication of the public notice in the *Federal Register*. (WC Docket No. 10-90 *et al.*)

SUSPENSION AND DEBARMENT NPRM COMMENTS DUE FEBRUARY 13

On January 15, 2020, the Consumer and Governmental Affairs Bureau issued a [public notice](#) announcing comment due dates for the [Notice of Proposed Rulemaking](#) to update the Commission’s suspension and debarment rules to make them consistent with Office of Management and Budget guidelines to better prohibit unscrupulous individuals from participating in universal Service Fund programs, Telecommunications Relay Service programs, and the National Deaf-Blind Equipment Distribution Program. A summary of the public notice was published in the [Federal Register](#) on January 14, 2020. Comments are now due February 13, 2020; replies are due March 16, 2020. (Docket No. GN 19-309)

PRA COMMENTS SOUGHT ON 477 AMENDMENTS

On January 21, 2020, a Commission [notice](#) was published in the *Federal Register* requesting Paperwork Reduction Act (PRA) comments regarding a revision of currently approved information collection associated with FCC Form 477, Local Telephone Competition and Broadband Reporting. The revisions to the information collection are required under the August 2019 [Report and Order](#) on the new Digital Opportunity Data Collection. The *Report and Order* made changes to the existing Form 477 data collection to reduce reporting burdens for all filers and incorporate new technologies. PRA comments are due February 20, 2020. (WC Docket Nos. 19-195, 11-10)

SLAMMING INFORMATION COLLECTION PRA COMMENTS DUE MARCH 2

On December 31, 2019, the Commission published a [notice](#) in the *Federal Register* requesting Paperwork Reduction Act comments regarding an extension of a currently approved information collection associated with the Commission’s unauthorized telecommunications carrier change – “slamming” rules. Comments are due March 2, 2020. (CC Docket No. 94–129, CG Docket 17–169)

PRA COMMENTS SOUGHT ON PART 54, 69 FILING REQUIREMENTS

Also on January 21, 2020, [notice](#) was published in the *Federal Register* requesting Paperwork Reduction Act comments on an extension of a currently approved information collection associated with Parts 54 and 69 filing requirements associated with regulation of interstate services of non-price cap incumbent local exchange and interexchange carriers. According to the Commission, the Universal Service Administrative Company requires rate-of-return carriers to collect projected cost and revenue data for administration of the Interstate Common Line Support mechanism. Carriers are required to submit tariff data, including certain cost studies, to ensure their rates are just and reasonable. Comments are due March 23, 2020.

PRA COMMENTS SOUGHT ON NUMBERING RESOURCES

And on January 21, 2020, [notice](#) was published in the *Federal Register* requesting Paperwork Reduction Act comments on an extension of a currently approved information collection regarding access to numbering resource application information. The Commission said the information collected will be used by the Commission, state commissions, the North American Numbering Plan Administrator, and the pooling administrator, to verify the validity and accuracy of data and assist state commissions in carrying out their numbering responsibilities including area code relief. Comments are due March 23, 2020.

REASSIGNED NUMBER DATABASE TECHNICAL REQUIREMENT COMMENTS DUE FEBRUARY 24

On January 24, 2020, the Wireline Competition and Consumer and Governmental Affairs Bureaus issued a [public notice](#) to request comment on technical requirements associated with the Commission's reassigned numbers database, established under the 2018 robocall [Second Report and Order](#). Comments are due February 24, 2020; replies are due March 9, 2020. (CG Docket No. 17-59)

PRA COMMENTS ON PAYPHONE COMPENSATION DUE MARCH 24

On January 24, 2020, a Commission [notice](#) was published in the *Federal Register*, requesting Paperwork Reduction Act (PRA) Comments on an extension of a currently approved information collection associated with payphone compensation. With *Federal Register* notice publication, PRA comments are due March 24, 2020. (WC Docket No. 17-141 et al.)

JUSTICE DEPARTMENT FILES ACTIONS AGAINST ROBOCALL CARRIERS

On January 28, 2020, the U.S. Department of Justice (DoJ) [announced](#) that it has sought restraining orders against five companies and three individuals allegedly responsible for carrying hundreds of millions of fraudulent robocalls. The DoJ argued that the companies and individuals were warned that they were found to be carrying fraudulent robocalls and continued to carry those calls and facilitate foreign-based fraud schemes targeting Americans, despite directives to cease engaging in those practices.

FCC FORM 477 DATA RELEASED

On January 8, 2020, the Commission Office of Economics and Analytics, the Wireline Competition Bureau and the Wireless Telecommunications Bureau issued a [public notice](#) announcing release of updated data on fixed broadband deployment and mobile voice and broadband deployment as of December 30, 2018, based on Form 477 data. [Fixed deployment data](#) includes revisions made by filers through December 3, 2019; [mobile deployment data](#) includes revisions made by filers through June 11, 2019.

VOIP SYMMETRY ORDER IN REMAND EFFECTIVE JANUARY 30

On January 30, 2020, the Commission's December 17, 2019 [Order on Remand and Declaratory Ruling](#) promulgating the VoIP symmetry rule was published in the *Federal Register*. Under the VoIP symmetry rule, a local exchange carrier providing retail service with a VoIP provider partner that provides the functional equivalent of end office switching may assess end office switched access charges only if either the local exchange carrier or its VoIP partner provides a physical connection to the last-mile facilities used to serve the end user. Following *Federal Register* publication, the order became effective January 30, 2020. (WC Docket No. 10-90 CC Docket No. 01-92)

BEFORE CONGRESS



COTTON PROPOSES HUAWEI RESTRICTIONS BILL

On January 8, 2020, Senator Tom Cotton (R., AK) [introduced](#) a [bill](#) that would prohibit the United States from sharing intelligence with countries that allow Huawei to operate their 5G networks.

5G BILLS PASS HOUSE

On January 8, 2020, House Energy and Commerce Committee Chairman Frank Pallone, Jr. (D., NJ) and Communications and Technology Subcommittee Chairman Mike Doyle (D. PA) [announced](#) House passage of several 5G security bills: [H.R. 2881](#), the Secure 5G and Beyond Act of 2019; [H.R. 4500](#), the Promoting United States Wireless Leadership Act of 2019; and [H. Res. 575](#).

HUAWEI – ZTE ALTERNATIVES BILL INTRODUCED

On January 14, 2020, Senator Mark Warner (D., VA) [announced](#) introduction of the [Utilizing Strategic Allied \(USA\) Telecommunications Act](#), a bipartisan bill intended to encourage and support U.S. 5G innovation. The bill provides over \$1 billion to invest in Western-based alternatives to Chinese equipment providers Huawei and ZTE.

IN THE COURTS

NINTH CIRCUIT SAYS PARTIES LACK STANDING TO APPEAL COPPER RETIREMENT ORDER

The U.S. Court of Appeals for the Ninth Circuit (San Francisco) has denied public interest group appeals of the Commission's 2017 wireline broadband development order, for lack of standing in the proceeding. The Commission's [Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking](#) in WC Docket 17-84 eliminated incumbent local exchange carrier copper retirement notification requirements originally adopted in 2015. The “*de facto* retirement” rule, pertaining to facility retirement caused by lack of maintenance, and the “functional test” rule, which determined when service change amounts to discontinuation, reduction, or impairment under section 214 of the Communications Act, were also removed under the *Report and Order*. Public Knowledge, the Greenlining Institute, The Utility Reform Network (TURN), and the National Association of State Utility Consumer Advocates (NASUCA) had sought reconsideration of the *Report and Order*, arguing that the Commission had violated the Communications Act and the Administrative Procedure Act (APA) by ignoring the record or rejecting evidence in the proceeding. Circuit judges M. Margaret McKeown and Jay S. Bybee and Senior District Judge Joe Gaitan Jr. for the Western District of Missouri, sitting by designation, said that the organizations lacked independent standing, noting that independent of the interests of members the organizations represent, “they offer no estimate of the resources that will be diverted as a result of the order, let alone ‘uncontradicted evidence’ that the proposed actions ‘required, and will continue to require, a diversion of resources, independent of expenses for this litigation, from their other initiatives.’” Commission Chairman Ajit Pai responded to the court ruling, saying, “I am pleased that the Ninth Circuit has rejected this challenge to the FCC’s efforts to expedite the transition from the networks of yesterday to the networks of tomorrow. This is a victory for American consumers, who will benefit from faster fiber deployment and the increased availability of next-generation services.” (*Greenlining Institute et al. v. FCC* (Case 17-73283))



STATE REGULATORY NEWS



MISSOURI – COMMISSION SUSPENDS USF ASSESSMENTS

The Missouri Public Service Commission has advised carriers of its issuing two orders that temporarily suspend state universal service fund assessments effective January 1, 2020. The suspension is in effect through January 31, 2021. According to the Commission, providers are required to remit to the fund administrator any assessments collected through 12/31/2019, no matter the providers’ remittance cycle. Additional information and links to the two orders may be accessed at the Commission’s [assessments web site](#). (Case No. TO-2019-0346)

NEW YORK – MTLs BILL ENACTED

Governor Andrew Cuomo (D.) has enacted SB 4756, a bill to require that public buildings with multi-line telephone systems (MLTS) configure their system hardware to allow any call placed to 911 to be directly connected to a public safety answering point. The new law does not apply to any public building operating on a MLTS that would be required to upgrade the hardware of the telephone network to meet the new requirement. Yet every telephone in an exempt building will be required to carry an instructional sticker on or near each telephone informing users of the phone's inability to directly dial 911 and the procedures to follow to connect to a 911 PSAP in case of emergency.

Compliance Reporting February

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 FEBRUARY

<u>Due Date</u>	<u>Jurisdiction</u>	<u>Report Name</u>
February 1	Federal	499Q <i>de minimis</i> determination notice (ad hoc as may apply)
February 1	Federal	FCC Form 499-Q Telecommunications Reporting Worksheet (Quarterly)
February 1	Federal	FCC Form 502 due NANPA
March 1	Federal	FCC Form 477 Statement of Number and Type of Private Lines Connected to the US public switched network

Companies should also be anticipating FCC Form 499A, the annual universal service fund (worksheet) report, submissions on or before April 1.