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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



COMMISSION ISSUES ANNUAL PERFORMANCE REPORT

On February 10, 2020, the Commission issued its [Fiscal Year 2019 annual performance report](#), summarizing the Commission's key initiatives between October 1, 2018 and September 30, 2019. Among the items reported, the Commission address its action on 5G deployment, protecting consumers from robocalls, closing the digital divide, broadband mapping and high-cost universal service support to rural carriers.

BDS COMPETITIVE MARKETS SUPPLEMENT LISTING RELEASED

On January 31, 2020, the Commission Wireline Competition Bureau issued a [public notice](#) announcing release of [supplemental lists](#) of counties served by incumbent price-cap regulated local exchange carriers and study areas served by incumbent rate-of-return-regulated local exchange receiving fixed universal service support. The counties are deemed competitive under the competitive market tests adopted in the 2017 [business data services order](#) for price-cap regulated entities and the 2018 [business data services order](#) for rate of return-regulated entities. The lists are based on updated Form 477 report data. (WC Docket No. 16-143, GN Docket No. 13-5, WC Docket No. 05-25, RM-10593 - Price-cap-regulated ILECs; and WC Docket Nos. 17-144, 16-143, and 05-25 – Rate of Return-regulated ILECs)

COMMISSION ISSUES ROBOCALL TRACE BACK CONSORTIUM NPRM

On February 6, 2020, the Commission issued a [Notice of Proposed Rulemaking](#) to request comments on establishing a registration process for a single consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls, following enactment of the [Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act](#) in February. The Act, among other things, requires carriers to implement call-authentication technology at no charge to consumers and small businesses and would require carriers to provide opt-in or opt-out robocall-blocking at no charge to consumers. The Act also extends the statute of limitations for Commission enforcement action against illegal robocalls to four years, authorizes the Commission to impose penalties of up to \$10,000 per call for those intentionally violating telemarketing restrictions, and directs the Commission to make various reports and recommendations to Congress. The Commission specifically proposes that the Enforcement Bureau issue an annual public notice seeking registration of a single consortium to conduct private-led efforts to trace back the origin of suspected unlawful robocalls, and issue the public notice no later than April 28 annually, as required by the TRACED Act. Comments are due 10 days after publication in the Federal Register; replies are due 15 days after Federal Register. (EB Docket No. 20-22)

USF REPORT ADDRESSES FUND STATUS

On February 4, 2020, the Commission released its [Universal Service Fund \(USF\) Monitoring Report](#), detailing USF contributions and expenses. The report provides information on industry revenues, universal service program funding requirements, contribution factors and the latest data on the low-income, high-cost, schools and libraries, and rural health care support mechanisms. According to the report, interstate and international telecommunications service revenues subject to federal USF contribution assessments fell from \$67.464 billion in 2010 to \$50.928 billion in 2018. USF disbursements for all four USF programs rose from \$7.976 billion to \$8.482 billion, during the same period. In the fourth quarter of 2010, the USF contribution factor, the percentage of revenues subject to USF assessments that a provider must contribute, was 12.9 percent, compared to 20.1 percent in the fourth quarter of 2018 and 25 percent in the fourth quarter of 2019.

VOIP SYMMETRY DECLARATORY RULING EFFECTIVE DATE CORRECTED

On February 10, 2020, the Commission [published](#) a notice in the *Federal Register* to correct the effective date of the Commission's [declaratory ruling](#) on the voice over Internet protocol symmetry rule, originally [published](#) in the Federal Register on January 30, 2020. The effective date of the declaratory ruling is December 17, 2019. (WC Docket No. 10-90; CC Docket No. 01-92)

2020 FCC FORM 499 TELECOMMUNICATIONS REPORTING WORKSHEET INSTRUCTIONS RELEASED

On February 18, 2020, the Commission issued a [public notice](#) to announce release of the 2020 FCC Form 499-A Telecommunications Reporting Worksheet. The released FCC Form 499-A worksheet is to be used by providers for reporting 2019 revenues. FCC Form 499-A submissions are due on or before April 1, 2020.

RESTORING INTERNET FREEDOM AND LIFELINE RECORD REFRESH COMMENTS REQUESTED

On February 19, 2020 the Wireline Competition Bureau issued a [public notice](#) asking for comments to refresh the record in the Commission's Restoring Internet Freedom (RIF) and Lifeline proceedings, regarding issues remanded to the Commission by the U.S. Court of Appeals for the D.C. Circuit's October 2019 Mozilla appeal [decision](#). Specifically, the Bureau requests comment on how changes adopted in the RIF [order](#) might affect: public safety; the regulation of pole attachments in states subject to federal regulation; and the Lifeline program, consistent with the Court's remand. Comments are due March 30, 2020; reply comments due April 29, 2020. Commissioner Rosenworcel [statement](#). (WC Docket Nos. 17-108, 17-287, 11-42)

PRA COMMENTS SOUGHT ON ROBOCALL RULE INFORMATION COLLECTION

On February 20, 2020, the Commission published a [notice](#) in the *Federal Register*, requesting Paperwork Reduction Act comments on a new information collection requirements resulting from the Commission's December 12, 2018 [Second Report and Order](#) in the Commission's Methods to Target and Eliminate Unlawful Robocalls proceeding. That Order established a database to enable callers to verify whether a telephone number has been disconnected before calling that number to further protect consumers with reassigned numbers from receiving unwanted robocalls. The Commission required all reporting carriers - wireless, wireline and interconnected VoIP providers - that obtain numbers from the North American Numbering Plan administrator to provide permanent disconnect information and the most recent date each telephone number allocated or ported to the reporting carrier was permanently disconnected, among other requirements. PRA comments are due April 20, 2020. (CG Docket No. 17-59)

COMMISSION SETS COMMENT DEADLINE FOR REASSIGN NUMBERS DATABASE FUNDING RECOMMENDATIONS

On February 26, 2020, the Wireline Competition Bureau and Consumer and Government Affairs Bureau issued a [public notice](#) to request comment on recommendations [approved](#) by the North American Numbering Council regarding funding and fee structure for the reassigned numbers database. The Commission noted that the database will enable a caller to determine whether a telephone number has been reassigned and thus avoid calling consumers with reassigned numbers who may not wish to receive their call. The Commission had established the database for reassigned number information under its December 13, 2018 [Second Report and Order](#) in its Advanced Methods to Target and Eliminate Unlawful Robocalls proceeding. Following the public notice, comments are due March 11, 2020. CG Docket No. 17-59

COMMENT DEADLINE ON DIGITAL OPPORTUNITY DATA COLLECTION ORDER CORRECTED

On February 20, 2020, the Commission published a [notice](#) in the *Federal Register* to correct a [notice](#) that set the deadline for filings oppositions and replies to the petitions for reconsideration of the [Report and Order](#) establishing the Digital Opportunity Data Collection. Petitions were filed by [Microsoft](#) and [INCOMPAS](#). As corrected, oppositions to the petitions were due February 14, 2020. Replies to oppositions are due February 24, 2020. (WC Docket No. 19-195) WC Docket No. 11-10

PRA COMMENTS ON LIFELINE INFORMATION COLLECTION REVISION REQUESTED

On February 20, 2020, the Commission published a [notice](#) in the *Federal Register*, requesting Paperwork Reduction Act (PRA) comments on a revision to a currently approved information collection associated with FCC Forms 481, 497, 555, 5629, 5630 and 5631, resulting the Commission's November 2019 Lifeline [Fifth Report and Order](#). That order restored traditional state and federal roles in designating Eligible Telecommunications Carriers and eliminated the Lifeline Broadband Provider category, codified a requirement that enrollment representatives must register with the Universal Service Administrative Company (USAC) before interacting with USAC's systems, and implemented several process and procedural changes to further bolster program integrity efforts. PRA comments are due April 20, 2020. (WC Docket No. 17-287, WC Docket No. 11-42, WC Docket No. 09-197)

PRA COMMENTS ON TARIFF INFORMATION COLLECTION REQUESTED

On February 4, 2020, the Commission published a [notice](#) in the *Federal Register* to request Paperwork Reduction Act (PRA) comments on a revision of a currently approved information collection associated with Part 61 tariffing regulations. The revisions to the information collection are required under the Commission's September 27, 2019 [Report and Order and Modification of Section 214 Authorizations](#). The *Report and Order* made access stimulating local exchange carriers financially responsible for the terminating tandem switching and transport service access charges associated with the delivery of traffic from an interexchange carrier to the access-stimulating LEC end office or its functional equivalent. PRA comments are due March 5, 2020. (WC Docket No. 18-155)

PRA COMMENTS ON RDOF APPLICATION FORM REQUESTED

On February 5, 2020, the Commission published a [notice](#) in the *Federal Register* to request Paperwork Reduction Act (PRA) comments on a revision of a currently approved information collection on FCC Form 183, the application to participate in the rural digital opportunity fund (RDOF) auction. The Commission noted that it will review Form 183 information as part of the pre-auction process, prior to auction initiation, and determine whether each applicant satisfies the Commission's requirements to participate in the auction for RDOF support. PRA comments are due April 6, 2020.

OEA UPDATES MARKETPLACE REPORT

On February 20, 2020, the Commission Office of Economics and Analytics (OEA) issued a [public notice](#), releasing [updated](#) data regarding fixed and mobile broadband deployment and speeds, as of December 31, 2018. The OEA said that the data updates applied to certain figures included in the first [Communications Marketplace Report](#), which primarily presented year-end 2017 information. The Commission also issued a [news release](#) on the updated data, stating it shows the digital divide substantially narrowed during the first two years of Chairman Pai's leadership. (GN Docket No. 18-231, WT Docket No. 18-203, MB Docket No. 17-214, MB Docket No. 18-227, IB Docket No. 18-251)

SUPPLY CHAIN INFORMATION REPORTING DUE APRIL 22

On February 26, 2020, the Wireline Competition Bureau and Office of Economics and Analytics issued a [public notice](#), [announcing](#) the opening of a [reporting portal](#) for supply chain information, required under the Commission's 2019 supply chain proceeding [Report and Order](#). The Commission said reporting is mandatory for all Eligible Telecommunications Carriers (ETC). ETCs must report the extent to which their networks contain or use potentially prohibited equipment or services provided by Huawei or ZTE or their subsidiaries, parents or affiliates, and the costs associated with removing such equipment and replacing it with equivalent equipment. ETCs that do not use Huawei or ZTE equipment must also

affirmatively report that they do not use such services or equipment. The deadline for reporting is April 22, 2020. (WC Docket No. 18-89, PS Docket No. 19-351, PS Docket No. 19-352)

IN THE COURTS

NY DISTRICT COURT APPROVES T-MOBILE/ SPRINT MERGER



On February 11, 2020, the U.S. District Court for the Southern District of New York issued a [decision and order](#) and [judgment](#), rejecting a suit filed by the states of New York, California, *et al.* that claimed the proposed T-Mobile/Sprint merger would substantially lessen competition in the mobile wireless telecommunications market. The Court found that that the merger, "... is not reasonably likely to substantially lessen competition in the ["retail mobile wireless telecommunications services"] market." Chairman [Pai](#) and Commissioners [Starks](#), [O’Rielly](#), [Carr](#) and [Rosenworcel](#) issued statements.

D.C. COURT OF APPEALS DENIES RIF REHEARING

On February 6, 2020, the U.S. Court of appeals for the D.C. Circuit released [two orders](#) denying [petitions](#) for rehearing and petitions for rehearing *en banc* of its October 1, 2019 [decision](#) that upheld a majority of the Commission’s January 4, 2018 Restoring Internet Freedom [Declaratory Ruling, Report and Order and Order](#).

DOJ CHARGES HUAWEI, WHILE DEPARTMENT OF COMMERCE EXTENDS COMPANY’S TEMPORARY GENERAL LICENSE

On February 13, 2020, the U. S. Department of Justice [announced](#) that a [superseding indictment](#) was filed against Huawei Technologies for conspiracy to violate the Racketeer Influenced and Corrupt Organizations Act. The 16-count superseding indictment also added a charge of conspiracy to steal trade secrets stemming from the China-based company’s alleged long-running practice of using fraud and deception to misappropriate sophisticated technology from U.S. counterparts. The indicted defendants include Huawei and four official and unofficial subsidiaries — Huawei Device Co. Ltd. (Huawei Device), Huawei Device USA Inc. (Huawei USA), Futurewei Technologies Inc. (Futurewei) and Skycom Tech Co. Ltd. (Skycom) — as well as Huawei’s Chief Financial Officer (CFO) Wanzhou Meng (Meng). The new superseding indictment also contains the charges from the prior superseding indictment, which was unsealed in January 2019.

Separately, on February 13, 2020, the U.S. Department of Commerce’s Bureau of Industry and Security [announced](#) that it would renew the temporary general license authorizing specific, limited engagements in transactions involving the export, reexport and transfer of items – under the Export Administration Regulations– to Huawei and its non-U.S. affiliates subject to the Entity List for 45 days. The Bureau said the extension is necessary to allow telecommunication providers—particularly those in rural U.S. communities—the ability to continue to temporarily and securely operate existing networks while they identify alternatives to Huawei for future operation.

STATE REGULATORY NEWS



MICHIGAN – COMMISSION INCREASES CONTRIBUTION FACTOR

The Michigan Public Service Commission has approved increasing the State’s restructuring mechanism contribution factor from 0.51 percent to 0.78 percent, effective April 14, 2020. The increase was deemed necessary to maintain current funding obligations, taking into account reduced contributions. Providers will be subject to the adjusted contribution percentage beginning with the contributions due May 13, 2020. (Case No. U-16183)

VIRGINIA – 757 NPA OVERLAY APPROVED

The Virginia State Corporation Commission has approved an overlay plan proposed by the North American Numbering Plan Administrator (NANPA) for the 757 numbering plan area (NPA). Available telephone numbers in the existing 757 NPA were forecasted for exhaustion in 2021 without a numbering relief plan. The numbering overlay plan is anticipated to add another 41 years before reaching numbering exhaustion. NANPA also proposed a 13-month implementation schedule, including six months for network preparation and customer education, six months for permissive ten-digit dialing and continued customer education, and activation for the new area code one month following implementation of mandatory ten-digit dialing." (Case PUR-2019-00059)

WEST VIRGINIA – COMMISSION REMINDS CARRIERS TO PROVIDE LINE COUNTS BY APRIL 7

On February 4, 2020, the West Virginia Public Service Commission reminded local exchange carriers to provide landline data to the Commission on a county-by-county basis and as of March 1, no later than April 7. According to the Commission, “the data needed pertains to local exchange (*i.e.*, dial tone) access lines which are actually assigned to subscribers. Facilities which are not assigned should not be counted. Both residential and business lines, as well as so-called “company official” lines should be counted. Payphone lines should be counted whether they are used by phone company public telephones or by public telephones provided by competitive payphone service providers. CENTREX line equivalents should be provided rather than the actual numbers of CENTREX trunks in service (usually CENTREX uses an 8 to 1 trunk-to-line ratio).” The Commission noted that, “a good rule of thumb is to count all lines and line equivalents for which a 9-1-1 fee is levied.” There is no prescribed for the report, though reporting entities may use the Commission’s general [line count form](#).

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

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