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Regulatory Review

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

FEDERAL REGULATORY NEWS



THIRD QUARTER USF CONTRIBUTION FACTOR SET

On June 12, 2020, the Commission's Office of Managing Director released a [public notice](#), announcing that the universal service contribution factor for the third quarter of 2020 is 26.5%. The second quarter contribution factor was 19.6%. On June 1, 2020, the Universal Service Administrative Company (USAC) submitted [Federal Universal Service Support Mechanisms Quarterly Contribution Base](#), used to determine the universal service fund contribution factor.

USAC had projected collected interstate and international end-user revenue base used in determining the contribution factor for the Universal Service Fund support mechanisms for third quarter 2020 would be \$10,219,123,520, down from \$10,865,131,593 in the previous quarter. (CC Docket No. 96-45).

SHOW CAUSE PROCEEDING RESPONSES FILED

On June 1, 2020, [China Unicom](#) and [Pacific Networks and ComNet](#) filed responses to Commission [show cause](#) orders that had directed the Companies them to explain why the Commission should not initiate revocation of the Companies' domestic and international section authorizations enabling them to operate in the United States. China Unicom maintained that the Commission, "provides no valid grounds for initiating a proceeding to revoke its long-standing section 214 authorizations to provide domestic and international services in the United States. Since it was deemed qualified to do so nearly two decades ago, CUA has a record of complying with Commission regulations, and providing high quality services to its U.S. customers." Pacific Networks and ComNet stated that both Companies operate independently and that "neither Company has been asked by the Chinese government or the Chinese Communist Party to take any action that would 'jeopardize the national security and law enforcement interests of the United States' or suggest that the Companies are vulnerable 'to the exploitation, influence, and control of the Chinese government.'" (GN Docket 20-110)

CHINA TELECOM RESPONDS TO SHOW CAUSE ORDER

On June 8, 2020, China Telecom (Americas) (CTA) filed its [response](#) to the Commission's April 24, 2020 [Order to Show Cause](#) why the Commission should not revoke the Company's domestic and international section 214 authorizations to operate in the United States. CTA asserted the Commission's inquiry unfairly and improperly places the burden on CTA to prove a negative regarding unspecified national security concerns about exploitation and influence of the Chinese government. (GN Docket No. 20-109)

COMMENTS ON NTIA LETTER REGARDING HUAWEI – ZTE DESIGNATIONS FILED ON JUNE 19

On June 9, 2020 the Commission’s Public Safety and Homeland Security Bureau issued a [Public Notice](#) requesting comment on U.S. Department of Commerce’s National Telecommunications and Information Administration (NTIA) [letter](#) to Chairman Pai that provided additional information for the bureau to consider in Commission [proceedings](#) seeking to finalize the designations of Huawei and ZTE as national security threats to the integrity of communications networks and the communications supply chain. Comments were filed June 19, 2020. (PS Docket No. 19-351 (Huawei Designation); PS Docket No. 19-352 (ZTE Designation))

SHARING OF SECURITY RISK INFORMATION COMMENTS DUE JULY 13

On June 12, 2020 a U.S. Department of Commerce’s National Telecommunications and Information Administration (NTIA) [notice](#) was published in the *Federal Register*, requesting comment on how to facilitate security risk information sharing pursuant to section 8 of the Secure and Trusted Communications Network Act of 2019. Section 8 directs NTIA to establish a program to share supply chain security risk information with trusted providers of advanced communications service and suppliers of communications equipment or services. Comments are due July 13, 2020.

HUAWEI-ZTE DESIGNATED AS “COVERED COMPANIES” FOR USF FUNDING PROHIBITION

On June 30, 2020, the Commission’s Public Safety and Homeland Security Bureau released two orders, formally designating [Huawei Technologies](#) and [ZTE Corporation](#) as “covered companies” under the Commission’s November 2019 [Report and Order, Further Notice of Proposed Rulemaking, and Order](#) that prohibited against use of universal service support to purchase equipment or services from vendors deemed covered companies, posing a national security threat. With the “covered companies” designation, USF funds may no longer be used to purchase, obtain, maintain, improve, modify or otherwise support equipment or services produced or provided by these suppliers. The designations became effective immediately. Commissioners [Starks](#) and [Carr](#) issued statements. [public notice](#) | [news release](#) (WC Docket No. 18-89, PS Docket Nos. 19-351 and 19-352)

5G FUND ORDER EFFECTIVE JUNE 5

On June 5, 2020 the Commission’s April 24, 2020 [Notice of Proposed Rulemaking and Order](#) in its proceeding to establish a 5G Fund for Rural America was published in the *Federal Register*. The *Order* directed the Office of Economics and Analytics (OEA) and the Wireline Competition Bureau to propose and seek public comment on methodologies for use of an adjustment factor and disaggregation of legacy high-cost support for mobile carriers and implement those methodologies to the extent such action is supported by the resulting record of the 5G proceeding. The Commission also announced the closing of WT Docket No. 10-208 (Mobility Fund), opening of new docket GN Docket No. 20-104 and made administrative amendments to Part 0 of the Commission’s rules to clarify OEA’s functions and delegated authority. With *Federal Register* publication, the *Order* became effective June 5, 2020. (GN Docket No. 20-32)

5G FUND ADJUSTMENT FACTORS COMMENTS DUE JULY 7

On June 5, 2020 the Commission’s Office of Economics and Analytics and the Wireline Competition Bureau issued a [Public Notice](#), requesting comment on adjustment factor values for the new 5G fund established under the Commission’s April 24, 2020 [Notice of Proposed Rulemaking and Order](#) in its 5G Fund for Rural America proceeding. The Commission proposed to apply an adjustment factor to make the most difficult areas to serve more attractive at auction and to encourage more bidding by accounting for the relative costs of serving areas that vary in terrain characteristics and potential business cases. The Commission noted that the adjustment factor would also be used to transition legacy high-cost support to 5G Fund support. The *Public Notice* seeking comment on adjustment factor values for the 5G Fund was published in the *Federal Register* on June 17, 2020. Comments are due July 7, 2020; reply comments are due August 6, 2020 (GN Docket No. 20-32)

REQUESTS FOR WAIVER OF ACCESS STIMULATION DEFINITION PROCEEDING PROTECTIVE ORDER RELEASED

On June 5, 2020 the Wireline Competition Bureau issued a [Protective Order](#) establishing procedures to limit access to proprietary or confidential information filed in the Commission’s Updating the Intercarrier Compensation Regime to

Eliminate Access Arbitrage proceeding, regarding waiver requests related to the access stimulation definition in section 61.3(bbb) of the Commission's rules. (WC Docket No. 18-155)

OMB APPROVES ACCESS STIMULATION ORDER INFORMATION COLLECTION

On June 9, 2020, a Commission notice announcing the Office of Management and Budget three year approval of the information collection associated with rules for notifications related to access stimulation adopted in the September 2019 [Report and Order and Modification of Section 214 Authorizations](#) was published in the [Federal Register](#). With *Federal Register* publication, Section 51.914(b) and (e), additional provisions applicable to access stimulation traffic, became effective on June 9, 2020; Section 51.914(f) of the Commission's rules, which established that compliance was not required until OMB information collection approval had been granted was removed. (WC Docket No. 18-155)

COMMISSION ANNOUNCES MAGICJACK USF CONTRIBUTION VIOLATIONS SETTLEMENT

On June 5, 2020, the Commission [announced](#) a \$5 million [settlement](#) with voice over Internet provider (VoIP) magicJack regarding its failure to report interstate revenues and contribute to the Universal Service Fund. The company, which sells a voice over Internet protocol service, agreed to the settlement, along with an extensive three-year compliance plan. (File No.: EB-IHD-14-0001488)

COMMISSION ESTABLISHING HOSPITAL ROBOCALL PROTECTION GROUP

On June 4, 2020 a Commission [notice](#) was published in the *Federal Register*, announcing the Commission's intent to establish a federal Hospital Robocall Protection Group advisory committee, as required by the [TRACED Act](#). The Group is to issue best practices for voice service providers to combat unlawful robocalls made to hospitals, for hospitals to better protect themselves from robocalls, and for federal and state governments to help combat robocalls. The best practices are to be issued within 80 days from the date the group is established. ([Public Notice](#))

COMMISSION PROPOSES STEEP FINE FOR ROBOCALLER

On June 9, 2020, the Commission [issued](#) a *Notice of Apparent Liability* for forfeiture against Texas-based health insurance telemarketers Rising Eagle and JSquared Telecom at its Open Meeting. The Commission proposes to fine the Companies \$225 million for apparently making approximately 1 billion illegally robocalls. This is the largest proposed fine in the Commission's 86-year history, reflecting the seriousness of the apparent violations by John C. Spiller and Jakob A. Mears, who used business names including Rising Eagle and JSquared Telecom. The *Notice of Apparent Liability* is not yet released. Statements were issued by Chairman [Pai](#) and Commissioners [Carr](#), [Rosenworcel](#) and [Starks](#). Pai also issued a [statement](#) supporting a [lawsuit](#) filed by state attorneys general against Rising Eagle and JSquared Telecom for their illegal robocalls.

COMMENTS ON ROBOCALL CONSORTIUM PROCESS DUE JULY 10

On June 10, 2020, the Commission's March 27, 2020 [Report and Order and Further Notice of Proposed Rulemaking](#) regarding implementation of Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) was published in the [Federal Register](#). With *Federal Register* publication, comments regarding a single consortium to conduct private-led efforts to traceback the origin of illegal robocalls are due July 10, 2020. Reply Comments are due July 27, 2020 (EB Docket No. 20-22)

CALL BLOCKING REPORT RELEASED

On June 25, 2020, the Commission Consumer and Government Relations Bureau released its [call blocking report](#) on the availability and effectiveness of call blocking tools offered to consumers. The Report concludes that call blocking tools are now substantially available to consumers at no or low cost. The Report also addresses call labeling, which allows consumers to choose which calls to answer by displaying categories for potentially unwanted or illegal calls such as spam or scam likely on the caller ID display and highlights the Commission's aggressive enforcement action against illegal robocallers. (CG Docket No. 17-59)

RULE TERMINATING ROBOCALL WARNING EFFECTIVE JULY 27

On June 26, 2020, the Commission's May 1, 2020 [Order](#) adopting amendments to Section 1.80, forfeiture proceedings, of the Commission's rule was published in the [Federal Register](#). The amendments end the Commission's practice of warning most robocallers before issuing penalties for violating the law and for harassing consumers with unwanted robocalls. Following publication in the *Federal Register* the amendments become effective July 27, 2020. (Implementing Section 3 of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act))

RDOF PHASE I APPLICATION PROCEDURES – TECHNICAL GUIDE RELEASED

On June 9, 2020, the Commission released a [Public Notice](#) containing final application procedures for Phase I of the Rural Digital Opportunity Fund auction, auction 904, adopted at the Commission's June 9, 2020 Open Meeting. The auction will award an estimated \$16 billion in support for the deployment of fixed broadband networks over a ten-year period. Auction bidding begins on October 29, 2020. The application window for potential bidders opens July 1, 2020. Relatedly, on June 11, 2020, the Commission's Office of Economics and Analytics, the Rural Broadband Auctions Task Force and the Wireline Competition Bureau issued a [Public Notice](#), providing a technical guide and mathematical details regarding the bidding procedures for Phase I. (AU Docket No. 20-34 WC Docket No. 19-126 WC Docket No. 10-90)

APPLICATION FOR CAF PHASE II, RDOF SUPPORT PRA COMMENTS DUE JULY 22

On June 22, 2020, a Commission [notice](#) was published in the *Federal Register*, requesting Paperwork Reduction Act (PRA) comments on a revision of a currently approved FCC Form 683, application for CAF Phase II and Rural Digital Opportunity Fund (RDOF) auction support information collection. The Commission proposes to reduce the number of respondents subject to the collection, now the CAF Phase II auction winning bidders have been announced. Additionally, the proposed revision requests approval of the disclosures and certifications that must be made by winning bidders seeking to become authorized for RDOF support. PRA comments are due July 22, 2020.

PRA COMMENTS ON COVID-19 TELEHEALTH INFORMATION COLLECTION DUE AUGUST 17

On June 12, 2020 a Commission [notice](#) was published in the *Federal Register*, requesting Paperwork Reduction Act (PRA) comments on a revised information collection pertaining to the Commission's COVID-19 [telehealth Report and Order](#) (FCC Forms 460, 461, 462 and 463), needed to facilitate the Commission's and the Universal Service Administrative Company's administration of the programs and prevent waste, fraud and abuse. The information also will allow the Commission to evaluate the extent to which the programs are complying with the applicable rules and procedures for each program, and the CARES Act. PRA comments are due August 17, 2020. (WC Docket No. 18-213, WC Docket No. 20-89)

PRA COMMENTS ON INFRASTRUCTURE SHARING DUE AUGUST 17

On June 16, 2020, the Commission published a [notice](#) was published in the *Federal Register* to request Paperwork Reduction Act (PRA) comments on extension of a currently approved collection associated with Part 59, infrastructure sharing, of the Commission's rules. The reporting and third-party disclosure requirements under section 259 of the Communications Act of 1934, as amended include filing of tariffs, contracts or arrangements; providing information concerning deployment of new services and equipment; and notice upon termination of section 259 agreements. PRA comments are due August 17, 2020.

RURAL HEALTH CARE INFORMATION COLLECTION APPROVED

On June 19, 2020, the Commission published a [notice](#) in the *Federal Register*, announcing Office of Management and Budget three year approval of the information collection associated with the rules for the Commission's Telecommunications and Healthcare Connect Fund programs contained in the Promoting Telehealth in Rural America [Report and Order](#). With *Federal Register* publication, Sections 54.622(d) and (e)(2), (4) and (5) (competitive bidding requirements and exemptions), 54.623(a)(2) through (4)(funding requests), 54.624 (site and service substitutions), 54.626(b) (service delivery deadline and extension requests), 54.627(b)(invoicing process and certifications) and 54.631(d)(audits and recordkeeping) of the Commission's rules became effective June 19, 2020. (WC Docket No. 17-310)

PAI REQUESTS PROVIDER KEEP AMERICANS CONNECTED PLEDGE FUNDING

On June 19, 2020, the Commission [announced](#) that Chairman Pai had sent [letters](#) to congressional leaders requesting legislation for carrier funding as part of the Keep Americans Connected pledge, set to expire on June 30, 2020. Pai said that smaller broadband and telephone companies in particular, cannot continue to provide service without being paid for an indefinite period of time. Pai asserted the Broadband Connectivity and Digital Equity [framework](#) proposed by Rep. Greg Walden (R. OR) and Sen. Roger Wicker (R. MS) will ensure all Americans remain connected until the pandemic ends.

FY 2020 REGULATORY FEES ORDER BECOMES EFFECTIVE JULY 22

On June 22, 2020, the Commission's May 13, 2020 [Report and Order and Notice of Proposed Rulemaking](#) regarding fiscal year 2020 regulatory fees was published in the [Federal Register](#). The *Report and Order*, among other things, is intended to level the playing field between domestic and foreign licensed space stations fees by assessing a regulatory fee on non-U.S. licensed space stations with United States market access. The *Report and Order* also adjusts the fulltime equivalent employee allocation for the international bearer circuit category. The Commission declined to grant a categorically lower regulatory fee for VHF stations to account for signal limitations. With *Federal Register* publication, the order becomes effective July 22, 2020. (MD Docket No. 20-105, MD Docket No. 19-105)

REASSIGNED NUMBERS DATABASE COMPLIANCE RULE EFFECTIVE JULY 27

On June 26, 2020 the Commission published a notice in the [Federal Register](#), announcing Office of Management and Budget approval of the information collection associated with rules governing information to be provided to the reassigned numbers database adopted under the Commission's December 13, 2018 [Second Report and Order](#) in its Advanced Methods to Target and Eliminate Unlawful Robocalls proceeding. The Commission also announced compliance with the rules for aging numbers and maintaining records of the most recent date of permanent disconnection is now required. A notice announcing the compliance date for reporting will be published in the *Federal Register*. Compliance with sections 52.15(f)(1)(ii) and (f)(8) (central office code administration), 52.103(d)(lag times) and 64.1200(l)(1)(delivery restrictions) is required as of July 27, 2020. (CG Docket 17-59)

COMMENTS ON ICONNECTIVE TOLL-FREE NUMBER ADMINISTRATOR PROCUREMENT PETITION DUE JULY 27

On June 29, 2020, the Wireline Competition Bureau issued a [Public Notice](#) requesting seeking comment on iconectiv's [Petition for Competitive Procurement of the Toll Free Numbering Administrator](#) through which the company asks the Commission to conduct a competitive procurement process to select the toll-free numbering administrator to ensure users of the service management system database are charged efficient, competitive rates. Comments are due July 29, 2020; replies are due August 13, 2020. (WC Docket No. 17-192, CC Docket No. 95-155)

IN THE COURTS

COMMISSION FILES BRIEF IN FIFTH CIRCUIT SUPPLY CHAIN REVIEW CASE

On June 1, 2020, the Commission filed its [brief](#) with the U.S. Court of Appeals for the Fifth Circuit (New Orleans) in a *Petition for Review* of the Commission's November 26, 2019 supply chain [Report and Order Further Notice of Proposed Rulemaking, and Order](#) filed by Huawei Technologies USA, Inc and its affiliates (Huawei). The Commission's *Report and Order* adopted a rule "that prospectively prohibits the use of universal service funds to purchase or obtain any equipment or services produced or provided by a covered company posing a national security threat to the integrity of communications networks or the communications supply chain." The Commission initially designated Huawei Technologies Company (Huawei) and ZTE Corporation as "covered" companies for purposes of the rule and established a process for designating additional covered companies in the future. In its brief, the Commission argued that the court lacks jurisdiction over Huawei's petition because it is not ripe for review, and separately over the portion of the order initially designating Huawei as a covered company because that is not final action. (No. 19-60896)



FIFTH CIRCUIT REMANDS INTRAMTA ACCESS CHARGE APPEAL

The U.S. Court of Appeals for the Fifth Circuit has remanded a suit filed by Sprint Communications Corp. and Verizon Communications against AT&T Corp. and hundreds of other local exchange carriers regarding improperly billed switched access charges pertaining to intra Major Trading Area (MTA) calls terminated by the carriers. In suits consolidated before U.S. District Court for the Northern District of Texas, Sprint and Verizon argued that the local exchange carriers could not assess access charges on wireless traffic that originated and terminated within the same MTA, but rather that the traffic should be subject to reciprocal compensation. The district court ruled against Sprint and Verizon, concluding that federal law and FCC orders prohibited local exchange carriers from imposing access charges on intraMTA traffic and largely dismissed the claims. On appeal, the Fifth Circuit affirmed the dismissal of Sprint and Verizon's claims for damages and affirmed summary judgment on the local exchange carriers' claims and counterclaims. The court did vacate in part the lower court's decision, holding that Sprint and Verizon "could be entitled to declaratory relief as to at least some of the LECs," and remanded the dismissal of Sprint and Verizon's claim for declaratory relief. In affirming the lower court's decision, the Fifth Circuit reiterated that the LECs were permitted, under federal law, to impose access charges on IXCs for intraMTA wireless-to-wireline traffic. The court added that "they could do so, both before and after the comprehensive reform order was promulgated. Therefore, because the LECs filed access charge tariffs with the FCC and state regulators, the filed-rate doctrine requires Sprint, Verizon, and Level 3 to pay those charges." The Fifth Circuit did find that "Sprint's and Verizon's claim for declaratory relief is another matter," stating that it was possible that Sprint and Verizon were entitled to declaratory relief from some of the LECs, and remanded this issue to the district court. ([In Re: IntraMTA Switched Access Charges Litigation](#), MDL Case No. 02587)

FCC MAINTAINS CITY OF BERKLEY, CA WIRELESS CELLPHONE WARNING IS PREEMPTED

The FCC, in a brief filed with the U.S. District Court for the Northern District of California, maintained that the City of Berkeley, CA's ordinance requiring retailers to post health warnings about cellphone usage, is preempted by federal law. In its brief, filed in support of CTIA's legal challenge to the ordinance, the Commission stated that the City's ordinance notice "inaccurately describes the safety of cellphones and may inhibit the broad availability of safe wireless communications devices," and therefore "conflicts with, and is preempted by, federal law." "The Berkeley ordinance conflicts with the FCC's determination that the information provided on its website and in cellphone user manuals is sufficient to inform consumers about the risk of RF exposure and that additional notices risk 'overwarning' and misleading consumers into believing that RF emissions from FCC-certified cellphones are unsafe," the FCC said. CTIA has argued that the 2015 ordinance, violates the First Amendment and is preempted by federal law. According to CTIA, the ordinance "requires retailers to make unsubstantiated and false statements about the alleged effects of cellphones, which would contradict the findings from independent health and scientific organizations." The U.S. Supreme Court recently refused to review a U.S. Court of Appeals for the Ninth Circuit's ruling denying CTIA's request for preliminary injunctive relief from the ordinance. (*The Wireless Association, v. City of Berkeley, et al.*, cases 16-15141, 3:15-cv-02529-EMC)

BEFORE CONGRESS



RDOF NETWORK DEPLOYMENT BILL INTRODUCED IN SENATE

On June 22, 2020, Senators Roger Wicker (R. MS), Shelley Moore Capito (R. WV), and Marsha Blackburn (R. TN) [introduced](#) the [Accelerating Broadband Connectivity Act of 2020](#). The bill would create a fund to be used by the Commission following the Rural Digital Opportunity Fund (RDOF) Phase I auction to create an incentive for winning bidders to complete their buildout obligations on an accelerated timeline. The bill would also build upon the existing RDOF process to expedite delivery of high-speed broadband service to rural consumers much faster than the current timetable for deployment using RDOF dollars and require service providers who receive funds from the ABC Fund to meet a series of accelerated milestones for their RDOF deployments.

BROADBAND BILLS INTRODUCED IN HOUSE-SENATE

On June 11, 2020, Representative G. K. Butterfield (D. NC) [introduced](#) the Expanding Opportunities for Broadband Deployment Act. The bill is intended to increase access to, and speed the deployment of, broadband to households and small businesses currently without service. Butterfield said that the bill would enable more broadband service providers to participate in the FCC universal service fund (USF) programs by eliminating a requirement that only internet service

providers designated as eligible telecommunications carriers (ETCs) may receive USF dollars. He said expanding eligibility to non-ETCs would enable more efficient deployment of broadband infrastructure spurring greater competition.

On June 25, 2020, Representative Greg Walden (R. OR) and Bob Latta (R. OH) [announced](#) a comprehensive package of 26 bills intended to streamline broadband infrastructure deployment. The bills promote new and upgraded infrastructure deployments, incentivize competition and consumer choice, right-size regulations for building infrastructure across industries, and facilitate broadband deployment on federal lands. [Commissioner Carr](#) issued a statement in support of the bills. [Bill Summary](#)

Separately, on June 22, 2020, House Democrats [introduced](#) the [Moving Forward Act](#) bill, which proposes allocating \$1.5 trillion in funding to rebuild U.S. communities with infrastructure and innovation. The bill would allocate \$100 billion to promote competition for broadband internet infrastructure in unserved and underserved communities.

On June 24, 2020, Representative James E. Clyburn (D. SC) and members of the House Rural Broadband Task Force and House Democrats [introduced](#) the [Accessible, Affordable Internet for All Act](#). The bill would call for \$100 billion in funding to build high-speed broadband infrastructure in unserved and underserved communities and ensure the resulting internet service is affordable. A total of \$80 billion would be allocated to deploy high-speed broadband infrastructure nationwide, a \$50 monthly discount on plans for low-income consumers, and over \$1 billion would be allocated to establish grant programs for states to close gaps in broadband adoption, among other things.

And in the Senate, on June 29, 2020, Senators Wyden (D. OR), Richard Blumenthal (D. CT), Mazie Hirono (D. HI) and Chuck Schumer (D. NY) [introduced](#) the [Emergency Broadband Connections Act](#). The bill would provide a \$50 per month benefit to workers laid off or furloughed during the pandemic, and additional assistance to ensure families can access critical online services. The legislation parallels [provisions of the May 2020 House HEROES Act](#) and the Emergency Broadband Connections Act by Representative Marc Veasey (D. TX). [summary of bill](#)

HOUSE ENERGY AND COMMERCE COMMITTEE REPUBLICANS REQUEST FUNDS FOR BROADBAND MAPPING

On June 10, 2020, House Energy and Commerce Committee Leader Greg Walden (R. OR) Communications and Technology Subcommittee Leader Bob Latta (R. OH) and subcommittee Republican members sent a [letter](#) to the House Committee on Appropriations, urging the Committee to provide funding for improved broadband mapping. The Representatives urged the Committee to fully fund the Broadband DATA Act, which requires the Commission to work to collect broadband availability data. They said while the Commission is initiating implementation, it cannot fully implement law until Congress passes needed funding. [press release](#)

SENATE COMMERCE COMMITTEE HOLDS FCC OVERSIGHT HEARING

On June 24, 2020, the Senate Commerce Committee held an “Oversight of the Federal Communications Commission” hearing. Chairman Pai and Commissioners O’Rielly, Rosenworcel, Carr and Starks testified and provided written statements. Chairman [Pai](#) addressed the Rural Digital Opportunity Fund (RDOF), the Keep America Connected pledge and the COVID-19 telehealth program. [O’Rielly](#) discussed broadband expansion and spectrum; [Rosenworcel](#) discussed broadband mapping, the RDOF and closing the homework gap; [Carr](#) discussed 5G, telehealth and spectrum; and [Starks](#) discussed connectivity issues and Lifeline.

STATE REGULATORY NEWS



CALIFORNIA – Wireless Provider Resiliency Standards Proposed

The California Public Utilities Commission has released a draft decision that if adopted will require wireless service providers operating in the state to develop “comprehensive resiliency plans” to prepare for catastrophic disasters and power outages, including public safety power shut-offs. The requirement stems from the historic wildfires experienced in the state over the past years and need to maintain “dependable communications networks during catastrophic events” and “ensure the public’s ability to reliably communicate and receive critical information,” according to Commission President Marybel Batjer. Under the proposed decision, providers would be required to maintain on-site emergency backup power to support all essential communications equipment necessary to maintain service for a minimum of 72 hours immediately following a power outage. Providers would have 60 days to

submit emergency operations plans for disaster response including details on their ability to maintain minimum service levels during an emergency; strategies used to maintain operations such as backup power, redundancy, network hardening, temporary facilities, preparedness planning, and communication and coordination with other utilities, emergency responders, and the public emergency points of contact; verification of annual emergency preparedness exercises; plans for communicating with the public during disasters and outages impacting their networks; information on provider ability to receive emergency alerts and warnings; and plans on providing access evacuation and de-energization websites. Plan updates would be required annually. The companies would have one year to implement approved plans. Comments on the proposed decision are due July 1, 2020, and reply comments are due July 6, 2020. (Rulemaking 18-03-011)

CONNECTICUT – Monthly FY 2020-2021 E911 Surcharge Set

The Public Utilities Regulatory Authority has approved a \$0.68 per access line E911 surcharge for the 2020-2021 fiscal year. The surcharge is assessed on local telephone service, commercial mobile radio service, customer-owned coin operated telephone service, and voice-over-Internet protocol subscribers to fund the development and administration of the state's E911 program. Subscriber are to be assessed a monthly fee ranging from \$0.14 for 100 or more access lines to \$0.68 per single access line, per month, depending on the number of access lines, VoIP, wireless, or telephone numbers subscribed as of January 1, 2020. (Docket 20-01-35)

NEBRASKA – Universal Service Fund Surcharge Remains Unchanged

The Nebraska Public Service Commission concluded that the current state universal service fund surcharges would remain unchanged for the 2020-2021 fiscal year. Effective July 1, 2020, the universal service fund surcharges will remain at \$1.75 per connection for residential services and 6.95% of revenues for business services. The Commission plans to initiate a proceeding to “consider the advisability of implementing a connections-based methodology for business services.” (Case NUSF-4)

NEW MEXICO – Commission Initiates Formal USF Rulemaking

The New Mexico Public Regulation Commission has initiated a rulemaking proceeding to consider changes to the State Rural Universal Service Fund (SRUSF). Proposed amendments apply to the State Broadband Program (17.11.10.31 NMAC) and the Federal Communications Commission's recent elimination of the urban rate floor, which impacts the SRUSF through the affordability benchmark rates (17.11.10.9 NMAC). The proposed amendments include in a number of related definition amendments. Comments on the proposed amendments are due August 3, 2020. Reply comments are due August 17, 2020. A hearing is scheduled for September 2, 2020. (Docket 19-00286-UT)

OREGON – New RSPF Online System Announced

On June 4, 2020, the Oregon Public Utility Commission announced a new web address for Residential Service Protection Fund (RSPF) reporting. Effective June 5, 2020, the new RSPF reporting website is <https://rspf.puc.state.or.us>. The RSPF provides supplemental state universal service funding.

OREGON – VoIP-Wireless USF Assessment Bill Passed

The Oregon Legislature has passed [SB 1603](#), a bill that requires interconnected Voice over Internet Protocol and commercial mobile radio service providers to contribute to the State's Universal Service Fund. The bill also reduces the surcharge cap from 8.5 to 6 percent. Additionally, the bill directs the Public Utility Commission to transfer up to \$5 million per year from the Universal Service Fund to a Broadband Fund. The Oregon Business Development Department will provide grants and loans and administer the program related to broadband. The Broadband Fund, transfer of funds, and the grant and loan program become effective on January 1, 2021, and sunset on Jan. 2, 2030.

VIRGINIA – 540 NPA Overlay Plan Approved

The Virginia Corporation Commission has approved an overlay for the 540 numbering plan area (NPA) to avoid number exhaustion. The North American Numbering Plan administrator determined that 540 NPA numbers would be exhausted by 2022, unless a new NPA is opened. A 13-month implementation of an all-services distributed overlay for the 540 area code was also approved by the Commission. (Case PUR-2019-00148)

WEST VIRGINIA – Commission Released COVID-19-Related Consumer Service Termination Order

On June 17, 2020, the West Virginia Public Service Commission issued *General Order No. 262.5* regarding procedures for utility consumer service terminations during the COVID-19 Pandemic. According to the Order, West Virginia utilities that voluntarily suspended utility service terminations as requested by the Commission may begin the notice of termination process effective July 1, 2020, if they choose to do so, subject to the following guidelines: Termination notices issued prior to July 1, 2020 will not be considered valid; Utilities desiring to terminate service may, starting on and after July 1, 2020, issue a new notice of termination to customers who are subject to termination pursuant to the applicable Commission rules and regulations; A utility must provide notice to its customers that it is restarting the termination of service process effective with termination notices issued after July 1, 2020. This additional notice should be provided on the actual termination notice, if possible, or in instances where programming changes to termination notices is not possible, the utility may issue a news release notifying customers of the restart of the termination of the utility service process; Utilities should not assess late payment fees for balances accrued during the voluntary termination suspension period. Utilities are required to negotiate “reasonable deferred payment plans with customers who have significant past-due balances.”

COMPLIANCE REPORTING JULY

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 JULY

- 1 [FCC Form 481](#) (Eligible Telecommunications Carriers – High Cost Funding)
- 31 International Traffic Data Report

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