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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



REASSIGNED NUMBERS DATABASE RULE COMPLIANCE BEGINS JULY 27

On July 2, 2020, the Consumer and Governmental Affairs Bureau issued a [Public Notice](#), announcing that the compliance date for the Commission's reassigned numbers database is July 27, 2020. According to the Commission, "on December 13, 2018, the Commission released the [Reassigned Numbers Database Order](#) [*Second Report and Order* in its proceeding to target and eliminate unlawful Robocalls], establishing a database that will allow callers to determine whether a telephone number has been permanently disconnected after a date certain and therefore is no longer assigned to the party the caller wants to reach." On June 26, 2020, the order was published in the *Federal Register*. Following publication and Office of Management and Budget approval of the information collection associated with the rules under the Paper Work Reduction Act, beginning July 27, 2020, voice service providers must maintain records of the most recent date each number was permanently disconnected and age telephone numbers for at least 45 days after disconnection and before reassignment. Small business voice providers will have an additional six months to comply. (CG Docket No. 17-59)

WIRELESS INFRASTRUCTURE NPRM COMMENTS DUE JULY 22

On July 2, 2020, the Commission's June 10, 2020 [Declaratory Ruling and Notice of Proposed Rulemaking](#) (NPRM) regarding wireless infrastructure deployment was published in the *Federal Register*. The NPRM seeks comment on allowing applicants to excavate or deploy wireless facilities outside the boundaries of an existing tower site, among other items. Following *Federal Register* publication, comments were due July 22, 2020. Reply comments are due August 3, 2020. (WT Docket No. 19-250, RM-11849)

PRA COMMENTS ON TELECOMMUNICATIONS REPORTING WORKSHEET DUE SEPTEMBER 4

On July 6, 2020, notice of the Commission's request for Paperwork Reduction Act (PRA) comments on an extension of a currently approved information collection associated with FCC Forms 499-A and 499-Q, annual and quarterly telecommunications reporting worksheets, was [published](#) in the *Federal Register*. Following *Federal Register* publication, PRA comments are due September 4, 2020.

TERMINATING DORMANT PROCEEDINGS COMMENTS DUE AUGUST 5

On July 6, 2020, the commission issued a [Public Notice](#) seeking comment on whether 515 pending proceedings should be terminated as dormant. The *Public Notice* was published in the [Federal Register](#) on July 6, 2020, which established an August 5, 2020 comment deadline; reply comments are due August 20, 2020. (CG Docket No. 20-158)

FCC CLOSES HEADQUARTERS FILING WINDOW

On July 7, 2020, the Commission released a [Public Notice](#), announcing permanent closure of its 445 12th Street, S.W., Room, TW-A325, Washington, D.C. headquarters' filing window. Hand-carried documents are to be filed at the Commission office in Annapolis Junction, Maryland. The headquarters filing window for hand-carried documents will be re-opened from 8 a.m. to 4 p.m., Monday through Friday, once COVID-19 restrictions are lifted.

COMMENTS SOUGHT ON *EX PARTE* RULE UPDATES

On July 9, 2020, the Commission issued a [Notice of Proposed Rulemaking](#) requesting comment on updating its *ex parte* rules. Comments are sought on several aspects of its rules, including a proposal to exempt government-to-government consultations between the Commission and federally recognized tribal nations from the rules in certain proceedings, and a proposal to require submission of all written *ex parte* presentations and written summaries of oral *ex parte* presentations before the Sunshine period begins. Comments are due 30 days following publication in the *Federal Register*; replies are due 45 days following publication. (GC Docket No. 20-221)

NATIONAL LIFELINE ACCOUNTABILITY DATABASE – ELIGIBILITY RULES EFFECTIVE OCTOBER 13

On July 13, 2020, notice of the Commission's Office of Management and Budget approval of the information collection requirements stemming from the Commission's November 14, 2019 [Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration and Further Notice of Proposed Rulemaking](#) on Lifeline reform was published in the [Federal Register](#). Information collection has been approved for a three-year period. With *Federal Register* publication the amendments to instructions 6.b. (Section 54.404(b)(12), national Lifeline accountability database), and 11 (Section 54.410(f), subscriber eligibility determination and certification, become effective October 13, 2020. (WC Docket Nos. 17-287, 11-42, and 09-197)

COMMISSION PROPOSES TO MODERNIZE PRIORITY SERVICE RULES

On July 16, 2020, the Commission issued a [Notice of Proposed Rulemaking](#) proposing to modernize and improve Telecommunications Service Priority (TSP) rules for programs that help first responders and other emergency personnel communicate during disasters. According to the Commission, its TSP rules date back to 1988 and were developed for circuit switched technologies. The Commission seeks comment on updating and streamlining priority services rules (Appendix A to Part 64 of the Commission's rules) in light of the increase in IP-based technologies since these rules were last reviewed. Comments are due 30 days following publication in the *Federal Register*; replies are due 45 days following publication. (PS Docket No. 20-187)

COMMISSION ADOPTS BROADBAND MAP ACCURACY RULES – FURTHER NOTICE

On July 16, 2020, the Commission issued a [Release](#) announcing adoption of new rules for the improved broadband availability data collection and mapping through its Digital Opportunity Data Collection to better identify connectivity gaps across the U.S. The *Second Report and Order and Third Further Notice of Proposed Rulemaking* in its digital opportunity data collection and FCC Form 477 data program modernization proceeding adopted during its Open Meeting, implements key provisions of the Broadband DATA Act, including requiring fixed and mobile providers to submit standardized broadband availability maps and taking steps to develop a common dataset of homes and businesses where fixed broadband networks could be deployed, over which service providers' broadband availability maps will be overlaid. In an accompanying Further Notice, the Commission seeks comment on proposals for processes for consumers, governmental entities, and other parties to challenge the availability data represented in the broadband maps and additional processes for verifying broadband availability data submitted by providers. The Further Notice also invites

comment on targeted reforms to the FCC Form 477 subscribership data that broadband and voice providers are required to file biannually, and implementing other requirements of the Broadband DATA Act. (Docket No. 19-195 11-103).

COMMISSION ADOPTS NEW ROBOCALL BLOCKING RULES

On July 17, 2020, the Commission issued a [*Third Report and Order, Order on Reconsideration and Fourth Further Notice of Proposed Rulemaking*](#), adopting rules that allow telecommunications companies to block illegal robocalls adopted during its July 16, 2020 Open Meeting. The rules establish two provider safe harbors to preclude liability for the unintended or inadvertent wanted call blocking. The first safe harbor protects providers that use reasonable analytics, including caller ID authentication information, to identify and block illegal or unwanted calls from liability. The second safe harbor protects providers that block call traffic from bad actor upstream voice service providers that pass illegal or unwanted calls along to other providers, when those upstream providers have been notified but fail to take action to stop such calls. An accompanying *Further Notice of Proposed Rulemaking* requests comment on additional steps to protect consumers from robocalls and better inform them about provider blocking efforts including whether to obligate providers to better police their networks against robocalls, and whether to require providers to provide information about blocked calls to consumers for free, notification and effective redress mechanisms for callers when their calls are blocked, and on whether additional measures are needed to address call mislabeling. Comments are due 30 days after publication in the *Federal Register*; replies are due 60 days following *Federal Register* publication. (Docket No. 17-59).

USTELECOM INDUSTRY TRACEBACK GROUP SELECTED AS TRACEBACK CONSORTIUM

On July 27, 2020, the Commission's Enforcement Bureau issued a [*Report and Order*](#) on July 27, 2020, announcing the selection of USTelecom's Industry Traceback Group as the single consortium registered to conduct private-led traceback efforts to combat illegal robocalls. The bureau found the group fulfills the statutory requirements outlined in the TRACED Act. [*Press Release*](#) (EB Docket No. 20-22)

COMMISSION ADOPTS ADDITIONAL WIRELESS MULTI-STORY BUILDING 911 LOCATION REQUIREMENTS

On July 16, 2020, the Commission issued a [*Release*](#) announcing adoption of additional requirements to help first responders locate wireless 911 callers in multi-story buildings, adopted during its July 16, 2020 Open Meeting. The Commission extended current requirements for wireless providers to include the caller's dispatchable location (such as the street address and apartment number) or coordinate-based vertical ("z-axis") location to public safety access points in major metropolitan service areas nationwide. In November 2019, the Commission established the z-axis location accuracy metric requirement for nationwide wireless providers as plus or minus three meters relative to the handset for 80 percent of indoor wireless 911 calls by April 2021 in the top 25 markets and April 2023 for in the top 50 markets. Providers must now deploy z-axis technology nationwide by April 2025; non-nationwide wireless providers have until April 2026 to comply in their service areas. (PS Docket No. 07-114)

COMMISSION TAKES FURTHER STEPS TO IMPLEMENT SECURE NETWORKS ACT

On July 16, 2020, the Commission approved a *Declaratory Ruling and Second Further Notice of Proposed Rulemaking* to begin integrating elements of the Secure and Trusted Communications Networks Act (Secure Networks Act) enacted in March 2020, into its existing supply chain rulemaking proceeding. According to the Commission's [*Release*](#), the *Declaratory Ruling* finds that the Commission has already fulfilled one of its obligations under the Secure Networks Act, by adopting its November 2019 ban on universal service support for equipment and services produced or provided by companies that pose a national security threat. The Commission has substantially implemented its obligation under the Secure Networks Act to prohibit the use of federal subsidies for covered communications equipment and services. In its accompanying *Second Further Notice of Proposed Rulemaking* the Commission requests comment on implementing various aspects of the Secure Networks Act, including proposals to: (1) create and maintain the list of covered communications equipment and services required by the statute; (2) ban the use of federal subsidies, including USF funding, for any communications equipment or services placed on this list; (3) require all providers of advanced communications services to report on whether they use any covered communications equipment or services; and (4) prevent waste, fraud, and abuse in the reimbursement program that is required by the statute to remove and replace insecure equipment. Comments are due 21 days after publication in the *Federal Register*; replies are due 35 days after *Federal Register* publication. (WC Docket No. 18-89)

988 DESIGNATED FOR NATIONAL SUICIDE PREVENTION HOTLINE

On July 16, 2020, the Commission adopted rules to establish the “988” as a new nationwide three-digit Suicide Prevention Lifeline. The rules now require phone service and VoIP providers to direct all 988 calls to the existing National Suicide Prevention Lifeline immediately. During the transition to 988, Americans who need help should continue to contact the National Suicide Prevention Lifeline by calling 1-800-273-8255 (1-800- 273-TALK) and through online chats. A Commission 2019 staff report to Congress proposed establishing 988 as an easy to remember three-digit code for the National Suicide Prevention Lifeline. Staff analyzed various options and determined 988 was the best option for increasing access to crisis resources and ensuring the fastest possible transition. [Release](#). (WC Docket No. 18-336)

COMMISSION ANNOUNCES ENHANCED PAYMENT PORTAL

On July 17, 2020, the Commission released a [Public Notice](#) announcing plans to make an enhanced payment portal to users available through the updated Commission Registration System (CORES). According to the Commission, the enhancements will allow users to retrieve financial data for the federal registration numbers they manage, including red and green light status, open bills, any other remittances generated from any FCC system that are awaiting payment completion, and payment history; Permit users to select the type of payment they would like to make from an enhanced CORES payment selection screen; Utilize the Department of Treasury’s supported technology to complete online (credit card and ACH) payments; and Enhance and strengthen security. Enhancements will be implemented in three phases beginning July 24, 2020, and provide a comprehensive Commission registration number financial dashboard to improve and simplify how regulated companies view Commission related financial data and make payments. Information is available at <https://apps.fcc.gov/core/publicHome.do?help=true>.

NCTA POLE REPLACEMENT PETITION COMMENTS DUE AUGUST 19 – ATTACHMENT DECLARATORY RULING ISSUED

On July 20, 2020, the Commission’s Wireline Competition Bureau issued a [Public Notice](#) to request comment on NCTA – The Internet & Television Association’s July 16, 2020 [Petition for Expedited Declaratory Ruling](#) requesting that the Commission to declare that: (1) pole owners must share in the cost of pole replacements in unserved areas pursuant to section 224 of the Communications Act, section 1.1408(b) of the Commission’s rules, and Commission precedent; (2) pole attachment complaints arising in unserved areas should be prioritized through placement on the Accelerated Docket under section 1.736 of the Commission’s rules; and (3) section 1.1407(b) of the Commission’s rules authorizes the Commission to order any pole owner to complete a pole replacement within a specified period of time or designate an authorized contractor to do so. Comments are due August 19, 2020; replies are due September 3, 2020.

Relatedly, on July 29, 2020, the Wireline Competition Bureau issued a [Declaratory Ruling](#) response to CTIA’s September 2019 [petition](#) for clarification of certain issues raised in the Commission’s [2018 Wireline Infrastructure Order](#). The Bureau clarified that utilities may not impose categorical bans on pole access that do not require the utility to provide a reason for denying access specific to the pole or attachment in question. Additionally, the Bureau found that although utilities and attachers have the flexibility to negotiate terms in their pole attachment agreements that differ from the requirements in the Commission’s rules, a utility cannot use its negotiating leverage to require an attacher to give up rights to which the attacher is entitled under the rules without the attacher obtaining a corresponding benefit. (WC Docket No. 17-84)

ATIS COMMITTEE COMPLETES REASSIGNED NUMBER DATABASE GUIDELINES

On July 22, 2020, the Alliance for Telecommunications Industry Solutions (ATIS) submitted a [letter](#) to the Commission to provide an update from its Industry Numbering Committee on the Committee’s efforts to support the reassigned number database. ATIS said its Committee has completed the reassigned number database guidelines for service provider reporting of permanently disconnected number data, which was also [published](#) on July 22, 2020.

WIRELESS INFRASTRUCTURE DECLARATORY RULING PUBLISHED IN FEDERAL REGISTER

On July 27, 2020, the Commission's June 10, 2020 wireless infrastructure [Declaratory Ruling and Notice of Proposed Rulemaking](#) on was [published](#) in the *Federal Register*. The ruling clarifies when the 60-day shot clock begins for local governments to review and approve an eligible modification; what constitutes a substantial change; and whether an environmental assessment is required when an impact to historic properties has already been mitigated in the Commission's historic preservation review process. The *Declaratory Ruling* became effective June 10, 2020. (WT Docket No. 19-250, RM-11849)

IN THE COURTS

COMMISSION SUPPORTS DEBT COLLECTION ACTION BEFORE TENTH CIRCUIT

On July 1, 2020, the Commission filed a [brief](#) with the U.S. Court of Appeals for the Tenth Circuit (Denver, CO) in Blanca Telephone's [petition for review](#) of two [orders](#) that [affirmed](#) the Commission's Office of the Managing Director's directive ordering Blanca to repay \$6.7 million in universal service support to which it was not entitled. The Commission stated that, "Blanca's challenges to the agency orders at issue here are meritless. Its assertions that it was entitled to all of the subsidies it received rest on continued mischaracterizations of the service it provided and of the longstanding rules governing those subsidies."



COMMISSION SEEKS REJECTION OF MASSACHUSETTS COMMISSION CHARTER COMMUNICATIONS APPEAL RULING

The Commission has [petitioned](#) the U.S. Court of Appeals for the First Circuit (Boston, MA) to reject the Massachusetts Department of Telecommunications and Cable's appeal of a 2019 Commission decision that found Charter Communications, Inc., faced effective competition from AT&T and was entitled to relief from basic rate regulation in the last two areas of the country where a cable TV provider still faced regulation, in parts of Massachusetts and Hawaii. In its petition, the Commission maintained that it reasonably interpreted Section 623 of the Communications Act of 1934, as amended, and it rules in concluding that that Charter is subject to 'effective competition' in Massachusetts and Kauai. According to the Commission, the Department's, "... challenges to the Order are predicated on a cramped reading of the statutory and regulatory text that would so circumscribe the LEC Test as to render only facilities-based cable operators effective competitors. That unduly narrow reading of the LEC Test is not only atextual but is inconsistent with Congress's explicit preference that cable rates be set by competition rather than regulation." In 2016, the Commission created a rebuttable presumption that "effective competition" existed, which prohibited local cable rate protection, the FCC noted. It concluded systems in those states were subject to effective competition, under the "LEC Test" under Section 623(l)(1)(D) of the Communications Act. According to the Commission, the LEC test establishes that effective competition exists when a local exchange carrier or its affiliate offers video programming services to subscribers by any means, other than direct-to-home satellite TV services, as long as those services are comparable to those offered by the cable operator in the area. The Commission noted that there nothing in the legislative history suggesting that Congress intended the law to require LECs or their affiliates to use their own facilities to be considered effective competition. (Case No. 19-2282)

BEFORE CONGRESS

SENATE COMMITTEE APPROVES O'RIELLY NOMINATION



On July 22, 2020, the Senate Committee on Commerce, Science, and Transportation approved legislative measures and presidential nominations, including the nomination of Commissioner O'Rielly for a five-year term from July 1, 2019 during an [executive session](#). The bills and nominations are now subject to approval by the full Senate. Commissioner O'Rielly issued a [statement](#). On July 28, 2020, Senator Jim Inhofe (R. OK) [announced](#) that he placed a hold on O'Rielly's nomination until O'Rielly publicly commits to vote to overturn the April 2020 [Ligado order](#).

RURAL ELECTRIC COOP – TELECOMMUNICATIONS RUS DEBT REFINANCING SENATE BILL INTRODUCED

On July 2, 2020, Senators John Hoeven (R., ND), John Boozman (R., AR), Tina Smith (D., MN) and Kyrsten Sinema (D. AZ) [introduced](#) the Flexible Financing for Rural America Act. The bill would allow electric cooperatives and small, rural

telecommunications providers to refinance their Rural Utilities Service debt at current market rates without penalty. The bill's sponsors maintain that rural cooperatives and businesses would gain the flexibility to better manage cash-flows, allow them to invest in rural communities and pass savings on to customers. Identical legislation was introduced in the House by Representatives Vicky Hartzler (R., MO) and Tom O'Halloran (D. AZ).

CONNECTIVITY BILL INTRODUCED IN HOUSE

On July 6, 2020, Representatives Tom O'Halloran (R., AZ) and Bill Johnson (R., OH) [introduced](#) a [bill](#) designed to leverage public-private partnerships in refurbishing Internet-capable devices for students and underserved families through donation, lending, or low-cost purchasing programs. The bill directs National Telecommunications and Information Administration to work with states, tribes and the Commission to develop best practices to increase broadband adoption rates among underserved groups, to increase awareness about current low-cost broadband programs; and expand technical training programs for individuals to learn how to use internet-capable devices.

FCC MAPPING – BROADBAND DEPLOYMENT FUNDING BILL INTRODUCED IN HOUSE

On July 7, 2020, the House Appropriations Committee [released](#) the draft fiscal year [2021 Financial Services and General Government funding bill](#). The draft bill includes \$376.1 million for the FCC funding, an increase of \$37.1 million above the fiscal year (FY) 2020 enacted level, and includes funding to implement new broadband mapping legislation. Additionally, the bill includes \$61 billion in emergency funding for the Commission to expand availability of broadband to unserved areas through September 30, 2025, as well as multi-year funding for broadband mapping and replacement of telecommunications equipment deemed to pose a national security threat to the United States. The bill includes \$33 million to implement the Broadband Data Act as part of the Commission's allocation, while an additional \$40 million would be available until September 30, 2025, if the "amount is designated by Congress as being for an emergency requirement pursuant to section 251 (b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985." Funds could not be used to implement the 5G Fund for Rural America or any similar proposed support mechanism until the Commission "completes the creation of the map that depicts the availability of mobile broadband internet access service" required by the Broadband DATA Act. Funding to modify rules for universal service support payments to implement 2004 recommendations of the Federal-State Joint Board on Universal Service concerning single connection or primary line restrictions. would also be prohibited. The bill also would extend for a year a suspension of the Anti-Deficiency Act for the FCC universal service expenditures. The House Appropriations Subcommittee on Financial Services and General Government [approved](#) the b by voice vote on July 8, 2020.

HOUSE APPROPRIATIONS COMMITTEE APPROVES FUNDING BILL, BROADBAND INVESTMENTS

On July 9, 2020, the House Appropriations Committee [approved](#) the fiscal year 2021 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies bill. The bill allocates more than \$4.214 billion for [rural development programs](#), including \$1.055 billion to expand broadband service, \$990 million of which is allocated to the ReConnect program. On July 24, 2020, the House [passed](#) fiscal year 2021 appropriations bills including \$4.214 billion for [rural development programs](#).

SENATORS TO INTRODUCE INCREASED FUNDING FOR LIBRARY BROADBAND HOTSPOTS IN RURAL AREAS BILL

On July 8, 2020, Senators Joe Manchin (D., WV) and Susan Collins (R., ME) [announced](#) that they will be introducing at the next Senate session a [bill](#), which would create a two year, \$160 million hotspot pilot program with a minimum allotment of \$1.6 million per state to allow states, tribes and territories to purchase and distribute internet-connected devices to libraries in low-income and rural areas.

NATIONAL BROADBAND PLAN UPDATE BILL INTRODUCED

On July 9, 2020, Representative Anna G. Eshoo (D. CA) [introduced](#) the [National Broadband Plan for the Future Act](#). The bill instructs the Commission to update the National Broadband Plan to expand Internet access across the U.S. and study how the coronavirus pandemic has changed the online lives of Americans.

RURAL BROADBAND BILL INTRODUCED

On July 23, 2020, Senator Cory Gardner (R. CO) introduced a "[The Developing Economic Prosperity and Linking Our Youth through \(DEPLOY\) Broadband Act](#)," designed to immediately fund broadband deployment in unserved and rural areas. The bill appropriate s\$6.5 billion for buildout in unserved areas and will establish a minimum 10% rural dividend for future spectrum auctions and ensure funding cannot be combined with any other funds at the Commission.

STATE REGULATORY NEWS



CALIFORNIA – Proposed Decision Would Open Small ILEC Territories to Competition

A proposed decision released by Commissioner Martha Guzman Aceves, if adopted, will open up thirteen small incumbent local exchange carrier service territories to competition. Under the proposed decision, competitive local exchange carriers seeking to enter the smaller incumbent's territory would be required to satisfy general conditions adopted in the Commission Decision 95-07-054 including preservation of universal service, protection of public safety, continued service quality and safeguarding consumer rights. The Commission acknowledged the potential impact on incumbent carriers and plans to consider additional location-specific conditions, as needed. Comments on the proposed decision may be filed with the Commission prior to its scheduled vote during the Commission's August 6, 2020 open meeting. (Rulemaking 11-11-007)

CALIFORNIA – Wireless Carriers Directed to Submit Resiliency Plan

The California Public Utilities Commission has ordered wireless companies operating in the state to develop "comprehensive resiliency plans" to ensure they make plans and investments needed to ensure their networks maintain service to customers during disasters and power outages, including Public Safety Shut-Offs (PSPS). The Commission also directs wireless service providers to submit plans detailing emergency operations protocols for responding to disasters to the California Governor's Office of Emergency Services and local emergency response agencies within sixty days. Wireless carriers are also to submit "contact, verification of annual emergency preparedness exercises, and plans for communicating with the public during disasters and outages impacting their networks," and must adopt a 72-hour backup power requirement "to ensure that a minimum level of service and coverage is maintained during disasters or power outages in Tier 2 and Tier 3 High Fire Threat Districts" within twelve months. Wireless companies must also file comprehensive Communications Resiliency Plans with the Commission detailing their ability to "maintain a minimum level of service and coverage during a disaster or power outage," Plans must be updated annual. (Docket R. 18-03-011)

CALIFORNIA – Commission Adopts Affordability Measures

The California Public Utilities Commission has adopted measures intended to assess the relative affordability of utilities for residential subscribers. Noting rising income inequality in California, the Commission seeks to evaluate consumer costs for essential utility services. In its Decision, the Commission defines affordability as the "degree to which a representative household is able to pay for an essential utility service," given socioeconomic status. The metrics include a Socioeconomic Vulnerability Index, an Affordability Ratio, and an Hours at Minimum Wage determination. According to the Commission, the Socioeconomic Vulnerability Index will "highlight potential inequities and disadvantageous socioeconomic conditions of specific communities in a utility's service territory in an easily understood form like a map." The Affordability Ratio will be used to determine the ratio of essential utility service charges to disposable household income, by quantifying "the percent of a household's income that is required to pay for an essential utility service after housing costs are removed from the household's income." And the Hours at Minimum Wage metric will evaluate how many hours must be worked at minimum wage to pay for essential utility services. The Commission plans to publish an annual Affordability Report that includes its findings. (Rulemaking 18-07-006)

COLORADO –911 Assessment Amendments Bill Enacted

HB 1293, a bill that amends requirements for assessment of emergency 911 surcharges imposed by local 911 governing bodies has been sent to Gov. Jared Polis (D) for signature. The bill authorizes the Public Utilities Commission to establish the authorized threshold amount for the 911 surcharge annually. A local governing body may impose the charge in an amount up to the authorized threshold. If a governing body determines it needs to impose a higher charge to fund

911 operations in its jurisdiction, it must seek Commission approval. Formerly, any governing body seeking to impose a surcharge of more than \$0.70 a month would be required to request PUC approval. The bill also amends the allowed uses 911 surcharges to include upgrades to wireless 911 service in unserved areas, and provides that the broadband deployment board may award money to projects to allow wireless carriers to upgrade infrastructure, software, and technology to provide wireless 911 service in unserved areas.

MICHIGAN – Scripps Appointed Commission Chair

Michigan Governor Gretchen Whitmer (D.) appointed current Commissioner Dan Scripps as chair of the Public Service Commission, effective July 27, 2020. Commissioner Scripps replaces Commission Salley Talberg as chair.

KENTUCKY – Monthly State Lifeline Benefit Increased

The Kentucky Public Service Commission has temporarily increased state universal service fund payments by \$4.50 to \$8.00 per Lifeline Customer for carriers providing unlimited voice services, effective August 1, 2020. The temporary increase is intended to offer added assistance in the wake of the Covid-19 Pandemic. The increase payment is to extend through July 31, 2021, subject to review by March 1, 2021. A majority of State Eligible Telecommunications Carriers had reported an increase in voice and data usage during the Pandemic. The Commission limited support for additional voice and data usage, noting that doing so would require a significant increase in the universal service fund surcharge.

UTAH – USF Surcharge Decreased

The Utah Public Service Commission has decreased the monthly Utah Universal Service Fund surcharge from \$0.60 to \$0.54 per month, effective July 8, 2020. The Commission found that the lowered surcharge was appropriate to maintain current funding requirements. (Docket 20-R008-01)

VERMONT – CPG Sunset Extension Law Enacted

Vermont Governor Phil Scott (R) has signed SB 301, a bill repealing a sunset on the certificate of public good process for telecommunications facilities under state statute, into law. The new law is effective immediately. Under the new law, no new applications for certificates of public good may be considered by the Public Utility Commission, after July 1, 2025, thereby extending the current sunset date by five years. The bill also requires the State’s E911 Board to adopt a rule establishing protocols to “obtain or be apprised of, in a timely manner, system outages applicable to wireless service providers, providers of facilities-based, fixed voice service that is not line-powered, and to electric companies for the purpose of enabling the E911 Board to assess 911 service availability during such outages.” The rule would be due by September 30, 2020.

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

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.

For additional information, please contact Andrew Isar at aisar@millerisar.com, or call 253.851.6700.