



4304 92ND AVENUE NW
GIG HARBOR, WA 98335
253.851.6700
WWW.MILLERISAR.COM

No. 21-03

MARCH 31, 2021

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



2Q21 USF CONTRIBUTION FACTOR SET

On March 2, 2021, the Universal Service Administrative Company (USAC) submitted the [Federal Universal Service Support Mechanisms Quarterly Contribution Base](#) for second quarter 2021. On March 12, 2021, the Office of Managing Director released a [public notice](#), announcing the proposed universal service contribution factor for the second quarter of 2021 will be 33.4%, up from the previous quarter's 31.8% contribution factor. (CC Docket No. 96-45)

COMMISSION IMPLEMENTS EMERGENCY BROADBAND BENEFIT PROGRAM

On February 26, 2021, the Commission issued a [Report and Order](#) establishing the Emergency Broadband Benefit (EBB) Program. The EBB program is a \$3.2 billion initiative designed to provide qualifying households with discounts on Internet service bills and an opportunity to receive a discount on a computer or tablet. Under the EBB, the Commission will provide eligible households with discounts of up to \$50 a month for broadband service, and up to \$75 a month if the household is on tribal lands. It also will provide a one-time discount of up to \$100 on a computer or tablet for eligible households. The Commission said the program is open to: households that participate in an existing low-income or pandemic relief program offered by a broadband provider; Lifeline subscribers, including those on Medicaid or accept SNAP benefits; households with kids receiving free and reduced-price lunch or school breakfast; Pell grant recipients; and those who have lost jobs and seen their income reduced in the last year. Commissioner Simington issued a [statement](#). The Commission also issued a program [fact sheet](#). (WC Docket No. 20-445)

ENFORCEMENT BUREAU PROPOSES FCC FORM 477 VIOLATION FINES

On February 25, 2021, the Enforcement Bureau issued six notices of apparent liability for forfeiture, against [Root Automation](#), [Slopeside Internet](#), [Western Iowa Wireless](#), [Willits Online](#), [MidWay Net](#) and [SandyNet](#) for FCC Form 477 violations. The Bureau said these providers failed to file the form multiple times and/or filed late, and proposed fines against each company.

FINAL RUS ReCONNECT PROGRAM RULE COMMENTS DUE APRIL 27

On February 26, 2021, the Rural Utilities Service (RUS) published a [notice](#) in the *Federal Register* requesting comments on a final rule to establish the Rural eConnectivity program. Under the program, broadband providers may qualify for loans, grants and loan/grant combinations to facilitate broadband deployment in rural areas. The rule describes the eligibility requirements, the application process, the criteria that will be used by RUS to assess applicants' creditworthiness and outlines

the application process. With *Federal Register* publication, comments are due April 27, 2021. The Program becomes effective on April 27, 2021.

PRA COMMENTS ON RESTORING INTERNET FREEDOM DISCLOSURE RULES DUE MARCH 29

On February 26, 2021, a Commission [Notice](#) seeking Paperwork Reduction Act (PRA) comments on an extension of a currently approved information collection regarding disclosure of transparency rules in the Commission's Restoring Internet Freedom order was published in the *Federal Register*. The rules require, among other things, Internet Service Providers (ISPs) to disclose congestion management, application-specific behavior, device attachment rules, and security practices, as well as any blocking, throttling, affiliated prioritization or paid prioritization in which they engage. The commission seeks information collection to include fixed and mobile ISPs. With *Federal Register* notice publication, PRA comments were due March 29, 2021.

PRA COMMENTS ON CALLER ID INFORMATION COLLECTION DUE APRIL 27

On February 26, 2021, a Commission [Notice](#) seeking Paperwork Reduction Act (PRA) comments on an extension of a currently approved information collection on caller ID rules and policies was published in the *Federal Register*. The Commission amended its caller ID rules by requiring carriers to honor privacy requests. The rules would not apply when calling party number delivery is made in connection with a threatening call and would allow non-public emergency services to receive the calling party number of all incoming calls from blocked numbers requesting assistance. PRA comments are due April 27, 2021.

Relatedly, on March 3, 2021, a Commission [Notice](#) seeking Paperwork Reduction Act (PRA) comments on a new information collection on caller ID authentication was published in the *Federal Register*. The Notice stated that the commission's October 1, 2020 [Second Report and Order](#) in the Commission's Call Authentication Trust Anchor proceeding, requires voice service providers to maintain proof of participation as a member of a working group, industry standards group, or consortium working to develop a non-IP caller identification authentication solution, or actively testing such a solution, and certify they have either implemented STIR/ SHAKEN or a robocall mitigation program to comply with new rules. PRA comments are due April 2, 2021. (WC Docket No. 17-97)

EMERGENCY BROADBAND BENEFIT MATCHING COMPUTER PROGRAM COMMENTS DUE APRIL 2

On March 3, 2021, a Commission [Notice](#) was published in the *Federal Register*, announcing establishment of a matching computer program the Commission and Universal Service Administrative Company will conduct jointly with the Pennsylvania Department of Human Services to verify eligibility of Emergency Benefit Broadband program applicants and subscribers. The program begins April 2, 2021 and concludes 18 months following the effective date. Comments on the program are due April 2, 2021.

INITIAL MILESTONES FOR EMERGENCY BROADBAND BENEFIT PROGRAM ANNOUNCED

On March 4, 2021, the Wireline Competition Bureau issued a [Public Notice](#), announcing a timeline for submission of information by broadband providers to participate in the Emergency Broadband Benefit program. The *Public Notice* notes that Eligible Telecommunications Carriers (ETCs) and their affiliates may elect to participate in the Emergency Broadband Program by filing required information with the Universal Service Administrative Company (USAC) and do not need to seek approval from the Bureau. Other broadband providers must request approval from the Bureau to participate. The Bureau announced that the Commission's non-ETC provider application and alternative eligibility verification process portal opened on March 8, 2021; the provider election notice inbox opened on March 11, 2021; and the non-ETC provider priority application and alternative eligibility verification process deadline was March 22, 2021. The Bureau will announce in a future public notice the official commencement of the program and provided links to a Commission and USAC website for more details on program participation. (WC Docket No. 20-445)

LIFELINE, EMERGENCY BROADBAND BENEFIT MATCHING COMPUTER PROGRAM COMMENTS DUE APRIL 15

On March 16, 2021, Commission notices were published in the *Federal Register*, announcing establishment of two matching computer programs jointly conducted by the Commission and Universal Service Administrative Company in conjunction with U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services and the [Indiana Family and Social Services Administration Division of Family Resources](#). The matching programs are intended to verify applicant

eligibility and for Lifeline and the new Emergency Broadband Benefit program. Comments are due April 15, 2021, and the computer matching programs become effective on April 15, 2021, and continue for an 18-month period.

TRANSACTION NETWORK SERVICES RELEASES ROBOCALL REPORT

On March 2, 2021, Transaction Network Services (TNS) released its sixth edition, [2021 Robocall Investigation Report](#). According to the report, U.S. consumers received 77 billion robocalls in 2020. This represented a 28 percent reduction from 2019, and suggests that policy, regulatory and industry efforts to stop robocalling have been effective in reducing the number of calls. TNS found that in 2020, bad actors focused on the pandemic and the U.S. presidential election, launching targeted scams and misinformation campaigns. The report concluded that tier 1 U.S. carriers remain a small part of the problem; broader adoption of STIR/SHAKEN by tier 1 providers contributed to the reduction in robocalls; and there were twice as many calls placed to wireline numbers than to wireless numbers.

DELEGATED AUTHORITY TO ACT ON APPLICATIONS FOR REVIEW RULE AMENDMENTS EFFECTIVE APRIL 5

On March 4, 2021, the Commission's January 14, 2021 [Order](#) in its Amendment of Parts 0 and 1 of the Commission's Rules regarding Delegations of Authority to Act on Applications for Review proceeding was published in the [Federal Register](#). The [Order](#) amends Parts 0 and 1 of its rules to codify a uniformly applicable standard for the exercise of delegated authority by various bureaus and offices to dismiss applications for review that do not comply with the procedural requirements of sections 1.115(a), (b), (d) or (f). With [Federal Register](#) publication, the [Order](#) becomes effective April 5, 2021. (GN Docket 21-16)

FORM 481 INFORMATION COLLECTION REVISION DUE APRIL 7 PRA COMMENTS DUE APRIL 7

On March 8, 2021, the Commission published [notice](#) in the [Federal Register](#), seeking Paperwork Reduction Act (PRA) comments on a revision to currently approved FCC Form 481 information collection. The Commission recently amended reporting obligations for high-cost support in several orders including the 2016 Connect America Fund Phase II Auction [Report and Order and Further Notice of Proposed Rulemaking](#), the 2019 Puerto Rico/U.S. Virgin Islands Stage 2 [Report and Order and Order on Reconsideration](#), and the 2019 Supply Chain [Report and Order, Further Notice of Proposed Rulemaking, and Order](#). The Commission proposes to revise related information collection, FCC Form 481 and the accompanying instructions to reflect these new and revised requirements. PRA comments are due April 7, 2021.

CONSUMER CHALLENGE PROCESS RECORDS COMMENTS DUE APRIL 8. APRIL 22

On March 9, 2021, the Commission published [notice](#) in the [Federal Register](#), announcing establishment of a new system of records: FCC/WCB-4, [Consumer Challenge process](#). This system of records contains personally identifiable information submitted by individuals or third parties on behalf of individuals, required to establish accuracy of provider submissions, to give providers sufficient information to respond to a challenge, and to create accurate provider coverage maps or eligible locations. The system of records became effective March 9, 2021, and routine uses provisions become effective on April 8, 2021, unless comments result in a contrary determination. Comments are due April 8, 2021.

Separately, on March 23, 2021, notice was published in the [Federal Register](#), announcing establishment of a new set of records: FCC/WCB-4, Consumer Challenge process. This system of records became effective on March 23, 2021, and the routine uses provisions become effective on April 22, 2021, unless comments are received that require a contrary determination. Comments are due April 22, 2021.

EXTENSION OF TRUTH-IN-BILLING INFORMATION COLLECTION PRA COMMENTS DUE MAY 10

On March 9, 2021, the Commission published a [notice](#) in the [Federal Register](#) on March 9, 2021, seeking Paperwork Reduction Act (PRA) comments on an extension of a currently approved information collection relating to requirements for truth-in-billing, slamming and cramming rules. PRA comments are due May 10, 2021.

“COVERED” EQUIPMENT – SERVICES POSING NATIONAL SECURITY RISK IDENTIFIED

On March 12, 2021, the Commission’s Public Safety and Homeland Security Bureau issued a [Public Notice](#) announcing the publication of a list of communications equipment and services (“Covered List”) deemed to pose an unacceptable risk to national security, pursuant to the Secure and trusted Communications Networks Act of 2019. The listing appears on a Commission [List of Equipment and Services Covered by Section 2 of The Secure Networks Act](#) web site. [news release](#) (WC Docket No. 18-89)

EMERGENCY CONNECTIVITY FUND COMMENTS DUE APRIL 5

On March 16, 2021, the Wireline Competition Bureau issued a [Public Notice](#) requesting comment on the provision of support for devices and connections for education from the Emergency Connectivity Fund. To help schools and libraries provide devices and connectivity to students, school staff, and library patrons during the CV-19 pandemic, Congress established a \$7.171 billion Emergency Connectivity Fund as part of the recently enacted American Rescue Plan Act of 2021. Section 7402 of the American Rescue Plan defines eligible equipment to include Wi-Fi hotspots, modems, routers, devices that combine a modem and router, and connected devices. Section 7402 of the American Rescue Plan further provides that the Commission and the Universal Service Administrative Company are to administer adopted regulations under the Act. The Bureau seeks comment on administration of the fund, eligibility of entities, eligible equipment and services locations, and the application process, among other things. Comments are due April 5, 2021; reply comments are due April 23, 2021. (WC Docket No. 21-93)

ROSENWORCEL ANNOUNCES ANTI-ROBOCALL AGENDA

On March 17, 2021, Acting Chairwoman Rosenworcel [announced](#) her anti-robocall initiatives, during the Commission’s Open Meeting. Acting Chairwoman Rosenworcel commented on the Commission’s \$225 million fine against Rice Eagle Capital adopted at the Open Meeting, noting that the Commission is also launching a robocall response team comprised of staff from six separate Commission bureaus and offices. She also said the Commission has sent cease and desist letters to six voice providers who the Commission maintains are facilitating illegal robocalls, and sent letters to the Federal Trade Commission, Department of Justice and National Association of State Attorneys General seeking to renew partnerships to combat robocalls.

COMMISSION INITIATES PROCEEDING TO REVOKE CHINESE CONTROLLED CARRIER AUTHORITY – SUPPLY CHAIN PROCEEDING COMMENTS DUE APRIL 12, 26

On March 17, 2021, the Commission issued a [release](#), addressing the Commission’s initiation of a proceeding to revoke U.S. telecommunications operating authority held by Chinese government controlled carriers, China Unicom Americas, Pacific Networks, and ComNet. The Commission noted that after issuing Show Cause Orders to the carriers last year, the Commission determined that the carriers’ responses failed to address the serious national security threats posed by their continued operation in the U.S. By initiating revocation proceedings resulting from this determination, the Commission moves to the final step in a process that could prohibit these carriers from continued operation in the U.S.

In a related matter, on March 22, 2021, the Commission’s [Third Further Notice of Proposed Rulemaking](#) (FNPRM) in its protecting against national security threats to the communications supply chain proceeding, was published in the [Federal Register](#). Through the Consolidated Appropriations Act, 2021, Congress appropriated \$1.9 billion to the Commission to implement the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act), of which \$1.895 billion must be used to remove and replace communications equipment and services that pose a national security risk and reimburse eligible providers for replacement costs. In its Third FNPRM, the Commission seeks comment on program rule amendments including eligibility for participation in the reimbursement program; acceptable uses of program disbursements; the eligibility of certain equipment and services for the program; and a prioritization paradigm in the event applications for disbursements exceed the \$1.895 billion appropriated by Congress. With *Federal Register* publication, comments are due April 12, 2021 and reply comments are due April 26, 2021.

And on March 25, 2021, the Wireline Competition Bureau issued a [Public Notice](#), seeking comment on the supply chain reimbursement program study and preliminary catalog of eligible expenses and estimated costs. Comments will assist the Commission in establishing the secure networks reimbursement program. The Bureau also seeks comment on a preliminary list of categories of suggested replacement equipment and services to aid with the replacement of communications equipment

and services deemed to pose an unacceptable risk to U.S. national security or the security and safety of U.S. persons. The study, catalog and replacement list are attached to the *Public Notice*. Comments are due April 26, 2021.

STATE OF THE LIFELINE MARKETPLACE COMMENTS DUE APRIL 19

On March 19, 2021, the Wireline Competition Bureau issued a [Public Notice](#) soliciting input on the state of the Lifeline marketplace. Information collected by the Bureau will be used to inform the Bureau's review for the report it will submit to the Commission, including the prevalence of subscriptions to various service offerings in the Lifeline program, the affordability of both voice and broadband services, the pace since adoption of the 2016 [Third Report and Order, Further Report and Order and Order on Reconsideration](#) in the Commission's Lifeline proceeding, minimum service standards, and the net benefits of continuing to support voice service as a standalone option. The Bureau also seeks comment on the intersection between the Emergency Broadband Benefit Program and the Lifeline marketplace. Comments are due April 19, 2021; reply comments are due May 4, 2021. (WC Docket No. 11-42)

COMMISSION DEPLOYS CONSUMER BROADBAND EXPERIENCE WEBSITE

On March 22, 2021, the Commission issued [news release](#) to announce that the Commission will begin collecting first-hand accounts on broadband availability and service quality directly from consumers, as part of its Broadband Data Collection program. A new Commission webpage, www.fcc.gov/BroadbandData, explains the program and provides direct links to consumer resources including a [new form](#) for consumers to share their broadband experiences. The Commission also noted that the webpage will serve as an informational hub for the Broadband Data Collection program, highlighting milestones and providing updates for consumers, state, local and tribal government entities, and other industry stakeholders.

NATOA RELEASES REPORT ON SMALL CELL PREEMPTION

On March 22, 2021, The National Association of Telecommunications Officers and Advisors (NATOA) [announced](#) issuance of a [report](#) issued with assistance from the Communication Workers of America, highlighting the harms of small cell preemption to cities, local governments and millions of low-income Americans nationwide who continue to lack broadband connectivity. According to the report, 40% of all localities reporting preemption had experienced a loss in revenue, among other impacts.

FCC IMPLEMENTS COVID-19 TELEHEALTH PROGRAM ROUND 2

On March 30, 2021, the Commission released a [Report and Order and Order on Reconsideration](#) in its COVID-19 Telehealth program, to implement the second round of the Commission's \$249.95 million program. Round 2 will distribute funding to each state, territory and the District of Columbia, and will have an application filing window so all applicants are on equal footing during the review, and will allow submission of additional information to supplement applications, if necessary. The application window is expected to open within 30 days of release of the order. Round 2 builds on the \$200 million program established under the CARES Act. [news release](#) (WC Docket Nos. 20-89 and 18-213)

USAC SUBMITS ANNUAL – AUDIT RECOVERY REPORTS

On March 31, 2021, The Universal Service Administrative Company (USAC) submitted its [annual report](#) to the Commission. The Report details USAC's operations, activities, and accomplishments for 2019, including information about participation in each of the universal service programs and administrative action intended to ensure program integrity. Separately, USAC filed its [semiannual audit recovery report](#) for the Schools and Libraries program, summarizing the status of all outstanding USAC audit findings.

BEFORE CONGRESS



RURAL BROADBAND BILL INTRODUCED

On February 24 2021, Senators Susan Collins (R, ME) and Jacky Rosen (D, NV) [announced](#) introduced the American Broadband Buildout Act. The bipartisan bill is intended to provide up to \$15 billion in matching grants to assist states and state-approved entities build last-mile infrastructure to bring high-speed broadband directly to homes and businesses in underserved areas. Collins also said projects must be located in unserved areas where broadband is unavailable at speeds that meet the Commission standard, Federal funding

authorized in the bill would be matched through public-private partnerships between the broadband service provider and the home state

BROADBAND CONSUMERS TRANSPARENCY BILL INTRODUCED

On March 4, 2021, Representative Angie Craig (D., MN) [introduced](#) the Broadband Consumer Transparency Act. The Bill would provide consumers with transparent information on available broadband services. All broadband service providers would be required to display information in a uniform and clear manner at the point of sale to allow consumers to easily compare plans and understand what they are purchasing.

COMMUNITY BROADBAND ACT INTRODUCED

On March 9, 2021, Representatives Anna G. Eshoo (D., CA) and Jared Golden (D., ME), and Senator Cory Booker (D, NJ) [introduced](#) the Community Broadband Act. The legislation is intended to empower local communities to ensure their residents have broadband access by removing roadblocks for public-private partnerships and locally-owned broadband systems. Additionally, the measure would nullify state laws that inhibit local governments from building their own broadband, preserving the local right to self-determination in connecting communities.

RDOF APPLICATION LEGISLATION INTRODUCED

On March 8, 2021, Representative Jack Bergman (R., MI) [introduced](#) the “Rural Broadband Window of Opportunity Act.” The legislation would require the Commission to prioritize processing of broadband expansion applications located in areas with shorter build seasons. He said the bill would ensure that Rural Digital Opportunity Fund applications for areas with limited construction seasons are processed more expeditiously than others.

HOUSE PASSES AMENDED AMERICAN RESCUE PLAN ACT

On March 10, 2021, the House [passed](#) the Senate’s amended version of the [American Rescue Plan Act of 2021](#). The Act includes more than \$7 billion for an emergency connectivity fund to support remote learning and support the provision of connected devices, Internet service and hotspots by schools and libraries to students, teachers and library patrons for home and other remote use. The Commission will have sixty days to promulgate rules under its statutory E-rate authority to distribute the support. The bill awaits President Biden’s approval. Statements were issued by [acting Chairwoman Rosenworcel](#) and [Commissioner Starks](#).

BROADBAND INFRASTRUCTURE LEGISLATION INTRODUCED

On March 11, 2021, Senator. Amy Klobuchar (D., MN) and Representative. James E. Clyburn (D., SC) [announced](#) introduction of broadband infrastructure legislation that would invest more than \$94 billion to build high-speed broadband infrastructure in unserved and underserved. The legislation, among other things: authorizes \$80 billion to deploy high-speed broadband infrastructure nationwide; allocates \$5 billion over five years for low-interest financing of broadband deployment through a new secured loan program; and authorizes an additional \$6 billion for the FCC’s Emergency Broadband Connectivity Fund.

Relatedly, on March 11, 2021, Democratic members of the House Energy and Commerce Committee [introduced](#) the [Leading Infrastructure For Tomorrow’s America Act](#). The bill would invest more than \$312 billion in clean energy, energy efficiency, drinking water, broadband and health care infrastructure. The bill, among other things, provides: \$80 billion for the deployment of secure and resilient high-speed broadband; \$5 billion in federal funding for low-interest financing of broadband deployment with a new program that would allow eligible entities to apply for secured loans, lines of credit or loan guarantees to finance broadband infrastructure buildout projects; and \$9.3 billion for broadband affordability and adoption.

On March 23, 2021, Senators Joe Manchin (D., WV) and John Cornyn (R., TX) [reintroduced](#) the [Eliminate the Digital Divide Act](#). The bill would distribute \$10 billion to states to build out broadband infrastructure in unserved areas, create a process to deliver funds directly to states based on their proportion of unserved areas and include a \$1 billion set-aside for high-cost areas. The bill will also require the Commission to update coverage maps to reflect the Broadband Data Act and allow local and state governments to challenge the Commission maps.

Relatedly on March 31, 2021, President Biden [announced](#), the American Jobs Plan, infrastructure investment proposal. The Plan includes a \$100 billion allocation for broadband to build out full coverage high-speed broadband. The plan prioritizes building “future proof” broadband infrastructure in unserved and underserved areas; reducing the cost of broadband internet service; and promoting more widespread adoption. It will also prioritize support for broadband networks owned, operated by or affiliated with local governments, non-profits and co-operatives, and promote transparency and competition. [fact sheet](#)

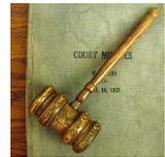
WYDEN BILL WOULD ADD \$6B IN EMERGENCY BROADBAND BENEFIT PROGRAM

On March 25, 2021, Senator. Ron Wyden (D., OR) [announced](#) that he and 15 other Democratic senators had introduced legislation that would authorize an additional \$6 billion for the Emergency Broadband Benefit program to accommodate high demand during the pandemic. Wyden said the bill would expedite approvals by providing funding to help states participate in the national Lifeline eligibility verifier and requiring the FCC to coordinate with the U.S. Department of Agriculture to set up automated connections between the national verifier and the National Accuracy Clearinghouse for the Supplemental Nutrition Assistance Program.

IN THE COURTS

CALIFORNIA NET NEUTRALITY LAW APPEAL BRIEFING SCHEDULE SET

On March 11, 2021, the U.S. Court of Appeals for the Ninth Circuit (San Francisco) issued an [order](#), setting the briefing schedule in an [appeal](#) filed by ACA Connects, *et al.* regarding a California district court order that denied a motion for preliminary injunction to prohibit enforcement of California’s net neutrality law. The opening brief is due April 6, 2021, and answer brief is due May 4, 2021, or 28 days after service of the opening brief. The optional reply brief is due within 21 days of service of the answering brief.



STATE REGULATORY NEWS



CALIFORNIA – Privacy Protection Agency Board Appointed

Governor Gavin Newsom (D) has announced establishment of a five-member board to oversee the California Privacy Protection Agency (CPPA). The CPPA assumes responsibility to oversee, implement, and enforce California’s privacy protections. The new agency was created as part of the state’s consumer privacy laws and consists of experts in privacy, technology, and consumer rights. Newly appointed CPPA members include Jennifer Urban, who will serve as chair of the board. Ms. Urban has been a professor of law and director of policy initiatives for the Samuelson Law, Technology and Public Policy Clinic at the University of California-Berkeley law school since 2009. Angela Sierra, who recently served as chief assistant attorney general of the AG’s Public Rights Division, will also serve on the board. John Christopher Thompson, senior vice president-government relations at LA 2028, was appointed to the board by Gov. Newsom. And Lydia de la Torre, a professor at Santa Clara University Law School; and Vinhcent Le, a technology equity attorney at the Greenlining Institute, were also named to the board.

CALIFORNIA – Commission Initiates Surcharge Mechanism Update Proceeding

On March 5, 2021, the California Public Utilities Commission approved initiation of a rulemaking to update surcharge mechanisms for public purpose programs (PPP). The Commission is considering moving California away from revenue-based surcharges and consider mechanisms employed in other states such as a per access line charge. According to the Commission, intrastate revenue billing base declined by more than 58% between 2012 and 2020. The proceeding will be conducted in two phases. Phase I will review reforming the surcharge mechanism for the state public purpose programs and user fees “from the existing revenue-based approach to a per access-line flat-rate end-user mechanism by January 1, 2022. Phase II will review of the “reasonableness of the PPP surcharges and user fees that telecommunications service providers impose on end users, as well as additional taxes, fees, and surcharges assessed by federal, state, and local governments.”

NEW YORK – Interim Commission Chair Appointed

Governor Andrew Cuomo (D.) recently appointed John Howard as the interim chair of the Public Service Commission and interim chief executive officer of the Department of Public Service. Mr. Howard fills the vacancy following departure of

John B. Rhodes, whose term as chair and CEO expired last month, On July 19, 2019, Mr. Howard was appointed commissioner of the Commission to a term that runs through Feb. 1, 2024. Before his appointment to the Commission, Mr. Howard served as director of chamber operations to Governor Cuomo.

PENNSYLVANIA – Mandatory Ten-Digit Dialing to Begin in 814 Area Code

The Pennsylvania Public Utility Commission has announced that mandatory ten-digit dialing will begin on April 3 for all calls placed in the “814” area code. Ten-digit dialing is part of the new 582 area code overlay adopted in May 2020 to relieve area code exhaustion. The new 582 area code goes into service on May 1.

WASHINGTON – Mandatory Ten-Digit Dialing to Begin in 509 Area Code

The Washington Utilities and Transportation Commission has announced that mandatory ten-digit dialing for callers located within Washington’s 509 area code will begin in April. Ten-digit dialing will enable adoption of the new 988 three-digit code to reach the National Suicide Prevention Lifeline launching in 2022. The commission noted that 36 states were transitioning to 10-digit dialing in 82 area codes to prepare for the 988 hotline.

WEST VIRGINIA – Commission Issues Annual Line Count Reminder

On March 18, 2020, the West Virginia Public Service Commission issued a reminder that local exchange carriers are required by West Virginia state law (§24-6-6b(c)) to provide landline data to the West Virginia Public Service Commission on a county-by-county basis and as of March 1 of the reporting year and by no later than April 7. In 2021, the deadline was moved to of March 1. Required data includes local access lines which are assigned to subscribers. Facilities which are not assigned should not be counted. Both residential and business lines, as well as administrative 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 truck-to-line ratio). If applicable, VoIP lines should be counted. Please keep VoIP results separate from land line information. There is no prescribed form to use, though the Commission links a sample [Line Count Form](#). Small companies may write a narrative.

REGULATORY REPORTING APRIL

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

Rural Call Completion Data Collection Report due May 1.

FCC Form 499-A Telecommunications Reporting Worksheet due April 1.

[Communications and Video Accessibility Act of 2010](#) Compliance certification due April 1.

FCC Annual Rate Integration Letter due May 1.

FCC Form 499Q due May 1

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