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## Regulatory Review

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

### FEDERAL REGULATORY NEWS



#### **3Q23 ROBOCALL TRACEBACK DATA REPORT RELEASED**

On December 29, 2023, the Commission Enforcement Bureau issued a [Report on Traceback Data](#) containing available data collected by the USTelecom's Industry Traceback Consortium, the registered traceback consortium, between July 1, 2023, and September 30, 2023. The Traceback

Consortium conducts call tracebacks at the request of state and federal authorities, including the Commission, telecommunications service providers, and other private parties. The purpose of a traceback is to identify the provider that originated potential robocalls, or in the case of a call made from overseas, the gateway U.S.-provider or point-of-entry provider that first accepted the call. Data is contained at Attachment 1 of the Report. The Bureau stated that the Report was not determinative as to whether the calls identified in the attachment are illegal, or if the parties identified violated federal statutes or Commission rules or engaged in any unlawful conduct.

#### **ROBOTEXT PRA COMMENTS DUE FEBRUARY 1**

On January 2, 2024, a Commission [notice](#) was published in the *Federal Register* seeking Paperwork Reduction Act (PRA) comments on a new information collection regarding robotexts. The new information collection was adopted in the Commission's March 2023 [Report and Order](#) in its Targeting and Eliminating Unlawful Text Messages and Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 proceedings, requiring all mobile wireless providers to block calls using a reasonable do-not-originate list. Following *Federal Register* publication, PRA comments are due February 1, 2024. (CG Docket Nos. 21-402, 02-278)

#### **ROSENWORCEL DISCUSSES COMMISSION 2023 ACHIEVEMENTS**

On December 29, 2023, Chairwoman Rosenworcel released her [2023 in Review: A Note from the Chairwoman](#). The post addresses the Commission's 2023 achievements. Among the Commission's noted achievements were action implementing the Affordable Connectivity Program, action on enhancing the National Broadband Map, and a proposal to reclassify broadband under Title II and robocalls enforcement.

#### **PETITIONER SEEKS RECONSIDERATION OF STARLINK RDOF SUPPORT APPLICATION DENIAL**

On January 3, 2024, Greg Weisiger, an individual, filed a [Petition for Reconsideration](#) of the Commission's [Order on Review](#) denying Starlink Services, LLC's application for review of a Wireline Competition Bureau decision denying the Company's application to be authorized to receive more than \$885 million in Rural Digital Opportunity Fund support. Petitioner Weisiger is not a party to the proceeding but maintains that he has been aggrieved by the decision. Weisiger states that denial of the Starlink application effectively denied him access to universal service funded internet access. He asked the

Commission to restore funding and allow high-cost support for all other eligible locations in Virginia. (WC Docket No. 19-126 OEA Docket No. 20-34 GN Docket 21-231)

#### **SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM REPORT SUBMITTED TO CONGRESS**

On January 5, 2024, the Commission Wireline Competition Bureau submitted its [third Secure and Trusted Communications Networks Reimbursement Program report](#) to the Senate Committee on Commerce, Science, and Transportation House of Representatives Committee on Energy and Commerce. The report provides information on additional steps the Commission has taken to implement the program since the [January](#) and [July](#) 2023 reports were submitted, and provides an update on recipient progress toward removal, replacement and disposal of covered communications equipment or services since July 2023.

#### **FCC RELEASES LOCATION-BASED ROUTING FOR WIRELESS 911 CALLS – SERVICE DISRUPTION FACT SHEETS**

On January 4, 2024, the Commission issued a [Fact Sheet](#) regarding a proposed *Report and Order* in its Location-Based Routing for Wireless 911 Calls proceeding. Under the *Report and Order*, all Commercial Mobile Radio Service (CMRS) providers are to deploy location-based routing technology nationwide for wireless voice calls and real-time text (RTT) communications to 911 originating on their Internet Protocol (IP)-based networks (*i.e.*, 4G LTE, 5G, and subsequent generations of IP-based networks), and use location-based routing to route wireless 911 voice calls and RTT communications to 911 originating on their IP-based networks when location information available to the CMRS provider’s network at time of routing is ascertainable within a radius of 165 meters at a confidence level of at least 90%. In the absence of these conditions, CMRS providers will be required to use alternative routing methods based on “best available” location information, which may include but is not limited to device-based or tower-based location information. The *Report and Order* was adopted in the Commission’s January 25, 2024 open meeting. (PS Docket No. 18-64)

Separately, on January 4, 2024, the Commission issued a [Fact Sheet](#) regarding its *Second Report and Order and Second Further Notice of Proposed Rulemaking* in its Resilient Networks, Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications, and New Part 4 of the Commission’s Rules Concerning Disruptions to Communications proceedings. Under the *Second Report and Order*, the Commission adopted new requirements regarding its Network Outage Reporting System (NORS) and Disaster Information Reporting System (DIRS). The adopted rules require cable, wireline, wireless, and interconnected Voice over Internet Protocol (VoIP) providers to report their infrastructure status information in DIRS daily during the reporting period when the Commission activates DIRS in geographic areas in which they provide service; suspend NORS reporting obligations when providers are required to report in DIRS during a disaster, so they are not obligated to report twice; and require DIRS filers to provide a single, final summary DIRS report to the Commission, within 24 hours of the Commission’s deactivation of DIRS. The associated *Second Further Notice of Proposed Rulemaking* seeks information regarding whether to require TV and radio broadcasters, satellite providers, and broadband Internet access service (BIAS) providers to report in NORS and/or DIRS; the extent to which the First Responder Network Authority (FirstNet) should be subject to NORS and/or DIRS reporting; Whether providers should be required to supply the Commission with “after action” reports detailing how their networks fared during the emergency or disaster event; Whether providers should be required to report the location of mobile recovery assets during a disaster response, among other items. (PS Dockets No. 21-346, and 15-80; ET Docket No. 04-35)

#### **STIR/SHAKEN SMALL ENTITY COMPLIANCE GUIDE ISSUED**

On January 5, 2024, the Commission issued a [small entity compliance guide](#) addressing its caller ID authentication, call blocking and appeals of STIR/SHAKEN revocation decisions and rules. The guide summarizes rules and technological standards the Commission adopted in orders released between April 2021 and March 2023 to combat illegal robocalls.

#### **ROSENWORCEL RESPONDS TO CONGRESSIONAL BROADBAND CLASSIFICATION, ROBOCALLS/ROBOTEXTS, ACP INQUIRES**

Commission Chairwoman Rosenworcel has responded to Congressional inquiries regarding the Affordable Connectivity Program (ACP), Commission action on halting Robocalls and Robotexts, and on reclassification of broadband Internet access service as a Title II service.

On December 5, 2023, Rosenworcel sent a [letter](#) to Senator Eric S. Schmitt (R-MO) responding to his letter opposing the proposal to reclassify broadband internet access service as a regulated Title II service and requesting information. Rosenworcel maintained that the Commission’s 2017 [Declaratory Ruling, Report and Order and Order](#) repealing net neutrality resulted in no expert agency having responsibility to ensure fast, open and fair Internet access. She noted that the retreat from oversight of broadband services has exposed serious safety and security vulnerabilities that must be addressed.

On December 19, 2023, Chairwoman Rosenworcel sent [letters](#) to twelve members of Congress responding to their letter regarding Commission action to combat illegal robocalls. Rosenworcel addressed recent Commission actions to stop robocalls and texts including adoption of a December 18, 2023 [Second Report and Order](#) in the Commission's Targeting and Eliminating Unlawful Text Messages and related proceedings to stop junk robocalls and robotexts. She also urged that laws governing the Commission's authority to address robocalls and robotexts be updated to give the Commission direct authority to pursue fine collections via the courts to improve collecting imposed penalties.

On January 5, 2024, Rosenworcel sent [letters](#) to Senators John Thune (R-SD), Ted Cruz (R-TX) and Representatives Cathy McMorris Rodgers (R-WA) and Bob Latta (R-OH) responding to their [letter](#) expressing concern with the Commission's ACP management. Rosenworcel addressed the success and impact of the ACP and the Commission's efforts to raise public awareness and increase enrollment. She also provided additional program goals and data compiled by the Commission. Rosenworcel stressed that if Congress does not continue to fund the ACP, ACP benefits will end in April.

And on January 8, 2024, Commission Chairwoman Rosenworcel sent [letters](#) to congressional leaders providing an update on the status of the ACP. Rosenworcel stressed that if Congress does not provide additional funding for the ACP quickly, millions of households will lose the ACP benefit they use to afford internet service. According to Rosenworcel, the Commission expects to begin taking steps to start orderly wind-down procedures to give participating providers, households and other stakeholders sufficient time to prepare for the projected end of the ACP due to the lack of additional funding, and that the projected end date is in less than four months. [Fact Sheet](#) Relatedly, on January 16, 2024, a bipartisan group of 174 mayors sent a [letter](#) to congressional leaders urging legislation to extend the ACP. The mayors said extending the ACP will help close the digital divide, allow Americans to access the resources they need and strengthen the U.S. economy to compete in the 21<sup>st</sup> century.

#### **ROSENWORCEL RESPONDS TO SENATORS ON POLE ATTACHMENTS AND USF CONTRIBUTION BASE EXPANSION**

On January 9, 2024, Chairwoman Rosenworcel sent letters to Senators [Shelley Moore Capito](#) (R-WV) and [John N. Kennedy](#) (R-LA) in response to their separate inquiries regarding pole attachments. Rosenworcel reported that in December, the Commission took action to expedite the pole attachment process by making the process transparent and more cost-effective through new rules that will allow faster resolution of pole attachment disputes. Rosenworcel noted that pole attachments are regulated at the state level in 23 states, including West Virginia, Louisiana, and the District of Columbia. She said West Virginia and Louisiana currently have full authority under Section 224(c) to regulate pole attachments.

On January 12, 2024, Rosenworcel sent a [letter](#) to Senator Ben Ray Lujan (D-NM) in response to his request for Commission comment on proposals to modify the Universal Service Fund contribution base by expanding the contribution base to assess broadband revenues, edge providers, and digital advertisers. Rosenworcel addressed the impact of the three potential options to reform the contribution system, impacts to the contribution base and factor if reform efforts only leveraged business-to-business transactions, and efforts that would impact predictability of the Universal Service Fund.

#### **CTIA REQUESTS PARTIAL RECONSIDERATION OF SIM SWAP - PORT-OUT FRAUD ORDER**

On January 8, 2024, CTIA filed a [Petition for Partial Reconsideration](#) requesting partial reconsideration of the Commission's November 16, 2023 [Report and Order](#) in its Protecting Consumers from SIM Swap and Port-Out Fraud proceeding. The *Report and Order* adopted new customer proprietary network information and local number portability requirements to protect against subscriber identity module (SIM) swap and port-out fraud. CTIA petitioned the Commission for a 12-month extension to the current six-month compliance deadline to ensure providers have adequate time to develop the comprehensive systems and processes needed to implement the new rules. (WC Docket No. 21-341)

On January 29, 2024, the Commission released a [Public Notice](#) announcing submission of CTIA's petition and opposition filing deadline. Oppositions to the petition are due February 13, 2024, and replies are due February 23, 2024. (WC Docket No. 21-341)

#### **COMMENTS ON NECA PROPOSED AVERAGE SCHEDULE FORMULAS DUE FEBRUARY 8**

On January 9, 2024, the Wireline Competition Bureau issued a [Public Notice](#) seeking comments on the National Exchange Carrier's Association's (NECA) December 21, 2023 [modification of average schedules](#). Pursuant to section 69.606 of the Commission's rules, NECA proposes to revise the formulas for average schedule interstate settlement disbursements in connection with the provision of interstate access services for the one-year period beginning July 1, 2024, through June 30, 2025. Comments regarding the schedules are due February 8, 2024 and reply comments are due February 24, 2024. (WC Docket No. 23-415)

## **CARRIER TO BE REMOVED FROM ROBOCALL MITIGATION DATABASE**

On January 9, 2024, the Commission's Enforcement Bureau issued an [order](#) directing BPO Innovate to demonstrate why it should not be removed from the Robocall Mitigation Database. The Bureau found that the Company failed to respond to traceback requests from the industry traceback consortium and that its robocall mitigation plan does not describe the specific reasonable steps the company has taken to avoid originating illegal robocall traffic. The Bureau said BPO must respond to order within 14 days, and either inform the Bureau that the Company has corrected the deficiencies or explain why its certification should not be removed. (EB-TCD-23-00035608)

## **WIRELINE COMPETITION BUREAU REMINDS SECURE AND TRUSTED NETWORK PROGRAM RECIPIENTS OF FEBRUARY 12 FILING DEADLINE**

On January 10, 2024, the Commission's Wireline Competition Bureau released a [Public Notice](#) reminding recipients in the Secure and Trusted Communications Networks Reimbursement Program of their obligation to file reimbursement spending reports with the Commission within 10 days after the end of January and July starting with the recipient's initial draw down of reimbursement funds. All recipients who have been notified of the approval of a reimbursement claim request must submit their next spending report by February 12, 2024. Recipients must submit their spending reports through the [Supply Chain Reimbursement Program Online Portal](#), by completing FCC Form 5640 Part L: Spending Reports. (WC Docket No. 18-89)

## **COMMISSION ANNOUNCES ENHANCED A-CAM CYBERSECURITY – SUPPLY CHAIN PLAN RULE**

On January 11 2024, a Commission [notice](#) was published in the *Federal Register* announcing the effective date of Section 54.308(e)(2) and (6) governing the Enhanced Alternative Connect America Cost Model (A-CAM) cybersecurity and supply chain risk management plan requirements. The Office of Management and Budget (OMB) approved the plan information collection on January 2, 2024, for a period of three years. Per the Commission's July 2023 *Report and Order* in the Commission's Expanding Broadband Service Through the ACAM Program and related proceedings, Enhanced A-CAM carriers were to implement operational plans by January 1, 2024, submit their plans to the Universal Service Administrative Company, and certify they had done so within 30 days of OMB approval. Following *Federal Register* publication, the amendments to Section 54.308(e)(2) and (6) became effective January 11, 2024. More information regarding certifying and submitting the plans using USAC's Enhanced A-CAM Cybersecurity and Supply Chain Risk Management Plan Certification Filing System is available at: <https://www.usac.org/wp-content/uploads/high-cost/documents/Tools/EACAM-CSCRMP-CertificationFiling-System-User-Guide.pdf>. [Public Notice](#) (WC Docket Nos. 10-90, 14-58, 09-197, and 16-271, RM-11868)

## **RURAL HEALTH CARE PROGRAM ORDER EFFECTIVE FEBRUARY 12**

On January 11 2024, the Commission's December 14, 2023 [Third Report and Order](#) in its Promoting Telehealth in Rural America proceeding was published in the *Federal Register*. The *Report and Order* adopted four revisions to the Rural Health Care Program as proposed in the *Second Further Notice of Proposed Rulemaking* aimed at facilitating participation in and improving the administration of the Program. Following *Federal Register* publication, the *Third Report and Order* becomes effective February 12, 2024, except for Sections 54.601(b) and (c), health care provider eligibility, and 54.622(e)(1)(i) through (ii) and (i)(3)(iv), competitive bidding requirements and exemptions, which are delayed indefinitely. (WC Docket No. 17-310)

## **COLLOCATION PRA COMMENTS DUE FEBRUARY 11**

On January 11 2024, a Commission [notice](#) was published in the *Federal Register*, seeking Paperwork Reduction Act (PRA) comments on an extension of a currently approved collection on collocation. The Commission said the information collection requirements implement Section 201 and Section 251 of the Communications Act of 1996, as amended, to provide for physical collocation on rates, terms and conditions that are just, reasonable, and nondiscriminatory, and promote deployment of advanced telecommunications services without significantly degrading the performance of other services. The information will be used by the Commission and competitive local exchange carriers to facilitate the deployment of telecommunications services. Following *Federal Register* publication, PRA comments are due February 11, 2024.

## **AFFORDABLE CONNECTIVITY PROGRAM PHASEOUT GUIDANCE ANNOUNCED**

On January 11 2024, The Wireline Competition Bureau issued an [Order](#) in its Affordable Connectivity Program proceeding, announcing requirements and guidance for the phasing out the Affordable Connectivity Program (ACP). The Commission stated that unless Congress continues to continue funding the Program, ACP funding will run out in April 2024. According to the *Order* new enrollments will be frozen beginning February 8, 2024. Enrolled ACP households will be informed about the impact of program termination on their broadband service and bills. The public will also be informed regarding the freezing

of new enrollments. The *Order* also provides guidance to providers regarding outreach requirements, the timing of claims submissions and participation during a possible partially funded month of ACP. [news release](#) (WC Docket No. 21-450)

#### **POLE ATTACHMENT REPORT AND ORDER EFFECTIVE FEBRUARY 12**

On January 12, 2024, the Commission's [Fourth Report and Order](#) in its Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment proceeding was published in the [Federal Register](#). The *Report and Order* established a new process for Commission review and assessment of pole attachment disputes that impede or delay broadband deployment. The process is intended to expedite resolution of disputes and provide information about the status of the utility poles providers plan to use in mapping broadband buildouts. Following *Federal Register* publication, the order becomes effective February 12, 2024, except for Section 1.1411(c)(4), timeline for access to utility poles, and Section 1.1415, dispute resolution procedures, which are delayed indefinitely. (WC Docket No. 17-84)

#### **PHYSICAL COLLOCATION PRA COMMENTS DUE MARCH 12**

On January 12, 2024, a Commission [notice](#) was published in the *Federal Register* seeking Paperwork Reduction Act (PRA) comments on an extension of a currently approved information collection regarding physical collocation. Collected information will be used by the Commission, state commissions, and competitive carriers to facilitate deployment of advanced services and other telecommunications services in implementation of Section 251(c)(6) of the Communications Act, as amended. Following *Federal Register* publication, PRA comments are due March 12, 2024.

#### **FORFEITURE PENALTIES INFLATION ADJUSTMENT ORDER EFFECTIVE JANUARY 12**

On January 12, 2024, the Commission's [Order](#) in its Amendment of Section 1.80(b) of the Commission's Rules - Adjustment of Civil Monetary Penalties to Reflect Inflation proceeding was published in the [Federal Register](#). The *Order* amended Section 1.80(b) of the Commission's rules governing forfeiture proceedings to adjust the forfeiture penalties for inflation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to adjust the civil monetary penalties annually and publish the annual adjustments by January 15. The adjustments in civil monetary penalties adopted in the *Order* apply only to penalties assessed on and after January 15, 2024. Following *Federal Register* publication, the order became effective on January 12, 2024.

#### **STATE DIGITAL EQUITY CAPACITY GRANT PROGRAM INFORMATION COLLECTION PRA COMMENTS**

On January 16, 2024, a National Telecommunications and Information Administration (NTIA) [notice](#) was published in the *Federal Register*, seeking Paperwork Reduction Act comments on a new information collection regarding the State Digital Equity Capacity Grant Program. NTIA will utilize collected information review Program applications and budgets to evaluate alignment with Program requirements and priorities. Following *Federal Register* publication, PRA comments are due February 16, 2024.

#### **BEAD CHALLENGE INFORMATION DASHBOARD UPDATED**

On January 18, 2024, the National Telecommunications and Information Administration (NTIA) updated its [Broadband Equity Access and Deployment](#) (BEAD) Program [dashboard](#) to include information on the broadband map challenge process. The dashboard is updated weekly and allows the public to track how BEAD Program eligible entities are progressing through the major milestones. To date, Louisiana and Virginia have completed their challenge processes.

#### **BROADBAND DATA COLLECTION CHALLENGE PROCESSES COMMENTS DUE FEBRUARY 19**

On January 19, 2024, the Broadband Data Task Force, in coordination with the Commission's Wireless Telecommunications Bureau, Wireline Competition Bureau, and Office of Economics and Analytics issued a [Public Notice](#) seeking comment regarding the Broadband Data Collection challenge processes. Comment is requested regarding the extent to which stakeholders are participating in the challenge processes, whether stakeholders find the processes to be user-friendly, and if not, what improvements the Commission can make; and the effectiveness of the challenge processes in improving the quality and accuracy of broadband availability data. Comments are due February 19, 2024, and reply comments are due March 5, 2024. (WC Docket Nos. 11-10, 19-195)



## DIGITAL DISCRIMINATION PREVENTION REPORT AND ORDER EFFECTIVE MARCH 22

On January 22, 2024, the Commission's November 20, 2023 [Report and Order](#) in its Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination proceeding was published in the [Federal Register](#). The *Report and Order* adopted rules pursuant to section 60506 of the Infrastructure Act that establish a framework to facilitate equal access to broadband internet access service by preventing digital access discrimination. Following *Federal Register* publication, the order is effective March 22, 2024, except for the amendment to Section 1.717, procedure on complaints, of the Commission's rules which is delayed indefinitely. The Commission will publish a notice in the Federal Register announcing the effective date for Section 1.717. (GN Docket No. 22-69)

## JANUARY COMMISSION OPEN MEETING ITEMS RELEASED – FEBRUARY OPEN MEETING TENTATIVE AGENDA ISSUED

On January 5, 2024, the Commission released the following items adopted at its [open meeting](#):

- a [Second Report and order and Second Notice of Proposed Rulemaking](#) in its Resilient Networks and related proceedings. Under the *Second Report and Order*, certain service providers must report on their infrastructure status during emergencies and crises in the Disaster Information Reporting System (DIRS) when activated and to submit a final report to the Commission within 24 hours of DIRS deactivation. The Second Further Notice seeks to more fully develop the record and seeks comment to support future Commission action on select Network Outage Reporting System - and DIRS-specific follow-up matters. (PS Docket No. 21-346, PS Docket No. 15-80, ET Docket No. 04-35)
- a [Report and Order](#) in its Location-Based Routing for Wireless 911 Calls proceeding. Under the *Report and Order*, wireless providers are to implement location-based routing for wireless calls and real-time texts to 911 to reduce misrouting and improve emergency response times. With this requirement, 911 voice calls and real-time texts will be routed based on the location of the caller as opposed to the location of the cell tower that handles that call. On January 25, 2024, the Commission issued a [release](#) announcing Commission adoption of rules. (PS Docket No. 18-64)
- an [Order on Reconsideration](#) in its Mitigation of Orbital Debris in the New Space Age proceeding, addressing issues raised in petitions for reconsideration filed in response to a 2020 order that comprehensively updated the Commission's existing rules regarding orbital debris mitigation.( IB Docket No. 18-313 )

And the Commission also issued five Notices of Apparent Liability against Florida-based pirate radio operators totaling over \$3.5 million.

The Commission also issued a [tentative agenda](#) for its February 15, 2024 open meeting. Items to be considered include:

- a [report and order and further notice of proposed rulemaking](#) on new rules to strengthen the ability of consumers to decide which robocalls and robotexts they wish to receive, codify past guidance on consent to make these requirements easily accessible and apparent to callers and consumers, and require callers and texters to implement requests in a timely manner. The notice of proposed rulemaking would seek comment regarding clarifying whether the Telephone Consumer Protection Act applies to robocalls and robotexts from wireless providers to their own subscribers, and proposes to give consumers the ability to revoke consent (CG Docket No. 02-278)
- an [notice of proposed rulemaking](#) regarding simplifying the process for alert originators to send multilingual emergency alerts over television and radio in addition to the Commission's Emergency Alert System (PS Docket No. 15-94)
- a [report and order](#) to revise the Part 15 and Part 74 technical rules to permit recently developed and more efficient wireless microphone technology (ET Docket No. 21-115)
- a [notice of proposed rulemaking](#) proposing a framework for licensing space stations engaged in in-space servicing, assembly and manufacturing operations (ET Docket No. 21-115)

The Commission will also consider a restricted adjudicatory matter from the Media Bureau and an Enforcement Bureau action.

## CALL AUTHENTICATION - ROBOCALL RULES EFFECTIVE FEBRUARY 26

On January 25, 2024, a Commission [notice](#) was published in the *Federal Register* announcing an Office of Management and Budget approved an information collection associated with the March 2023 [Sixth Report and Order](#) in the Commission's Call Authentication Trust Anchor proceeding and May 2023 [Seventh Report and Order](#). The *Sixth Report and Order* required non-gateway intermediate providers that receive unauthenticated calls directly from an originating provider to use STIR/SHAKEN to authenticate those calls, and expanded robocall mitigation requirements for all providers, including those that have not yet implemented STIR/SHAKEN because they lack the necessary infrastructure or are subject to an implementation extension. The *Seventh Report and Order* extended the 24-hour traceback requirement to cover all voice service providers in the call path, enhance the existing requirement to effectively mitigate illegal traffic when notified by the Commission to require originating providers to block this traffic and make it clear that, while terminating and non-gateway intermediate providers are not generally required to block, they are required to respond and provide accurate information regarding where they received the traffic. Additionally, voice service providers downstream from a provider that fails to comply with the Commission's directive are required to block their traffic. Further, the Commission expanded its know-your-upstream-provider requirement to include all voice service providers and required voice service providers update the information that voice service providers must file in the Robocall Mitigation Database (RMD) and commit to in their filing and mitigation plan to reflect the new traceback requirements. **Providers newly required to file in the RMD must submit their initial filings containing all required information and certifications by February 26, 2024. Existing filers must update their RMD submissions to provide all newly required information and certifications by the same date.** Following *Federal Register* publication, amendments to sections 64.6303(c), Caller ID authentication in non-IP networks, 64.6305(d), (e), (f) and (g), Robocall mitigation and certification, and 64.6305(d)(2)(ii) and (iii), (e)(2)(ii) and (f)(2)(iii) become effective February 26, 2024. Section 64.6305(g) becomes effective May 24, 2024. (CG Docket No. 17-59, WC Docket No. 17-97)

## ENHANCED A-CAM LOCATION AND BROADBAND COVERAGE GUIDANCE ANNOUNCED

On January 25, 2024, the Wireline Competition Bureau issued a [Public Notice](#) providing guidance regarding resolution of outstanding location and broadband coverage issues in the Enhanced Alternative Connect America Model (A-CAM) mechanism. The Bureau provided guidance about which Broadband Serviceable Location Fabric location and Broadband Data Collection availability data will be used to determine final deployment obligations and support amounts for Enhanced A-CAM recipients. The Bureau also addressed outstanding issues related to the assignment of specific locations to Enhanced A-CAM recipients' study areas: the treatment of locations outside a carrier's study area included in calculations of Enhanced A-CAM offers; the treatment of locations within two Enhanced A-CAM study areas due to overlaps in the certified study area boundaries submitted to the FCC; and the identification of locations in tribal lands. And the Bureau announced the release of files documenting the effects of these issues on the status of specific locations in Enhanced A-CAM carrier service areas. (WC Docket No. 10-90)

## LEVERAGING BROADBAND SERVICEABLE LOCATION FABRIC DATA COMMENTS SOUGHT

On January 25, 2024, the Commission's Wireline Competition Bureau issued a [Public Notice](#) seeking comment on using the data included in the Broadband Serviceable Location Fabric (Fabric) to update and verify compliance with certain High-Cost program support recipients' deployment obligations. The Commission proposes to leverage the Fabric to provide support recipients with a reliable data source for determining locations and to maximize the number of consumers that are served by recipients of various High-Cost support mechanisms. Comments are due 30 days following publication in the Federal Register and reply comments are due 45 days following Federal Register publication.

## CONSUMER BUREAU PROVIDES ADDITIONAL GUIDANCE ON REASSIGNED NUMBERS DATABASE

On January 25, 2024, the Commission's Consumer and Governmental Affairs Bureau issued a [Public Notice](#) providing additional guidance to reassigned numbers database (RND) users. The Bureau said the notice supplements previous guidance on the RND to reiterate the permanent disconnection reporting rule requires every service provider to file a monthly report even if it does not have permanent disconnections to disclose. (CG Docket No. 17-59)

## **ROBOTEXT ORDER EFFECTIVE MARCH 26; COMMENTS ON TEXT BLOCKING - AUTHENTICATION DUE FEBRUARY 26**

On January 26, 2024, the Commission issued a [Public Notice](#) announcing that its December 18, 2023 [Second Report and Order](#) in its Targeting and Eliminating Unlawful Text Messages and related proceedings, was published in the [Federal Register](#). The [Second Report and Order](#) requires terminating mobile wireless providers to block text messages from a particular number following notification from the Commission and codifies the National Do-Not-Call Registry's protections extend to text messages. Following [Federal Register](#) publication, the rules become effective March 26, 2024, except for amendment to Section 64.1200(s)(delivery restrictions), which is effective July 24, 2024, and the amendment to Section 64.1200(f)(9), which is effective Jan. 27, 2025. (CG Docket No. 21-402 CG Docket No. 02-278 CG Docket No. 17-59)

Also on January 26, 2024, the Commission's [Second Further Notice of Proposed Rulemaking](#) in its Targeting and Eliminating Unlawful Text Messages and related proceedings, was published in the [Federal Register](#). The Commission seeks comment on other options for requiring providers to block unwanted or illegal texts, on text message authentication, including the status of any industry standards in development. And on the Commission's proposed requirement for providers to make email-to-text services opt-in, rather than offering as an option. Following [Federal Register](#) publication, comments are due February 26, 2024, and reply comments are due March 11, 2024.

## **COMMISSION ISSUES NOTICES OF APPARENT LIABILITY FOR ACP – EBB RULE VIOLATION**

On January 26, 2024, the Commission issued two notices of apparent liability of forfeiture on to [Tone Communications Services](#) and [City Communications](#) for apparent violation of the Commission's Emergency Broadband Benefit (EBB) Program and Affordable Connectivity Program (ACP) rules and for federal wire fraud statute violations. The Commission alleged that Tone and City sought and received ACP (and EBB for City) funding for subscribers improperly enrolled in the program by using fake or false identifying information. The Commission proposed a penalty of \$14 million against Tone and \$16.9 million against City.

## **TEXT BLOCKING – AUTHENTICATION DUE FEBRUARY 26**

On January 26, 2024, the Commission released a [Public Notice](#) announcing that the Commission's December 18, 2023 [Second Further Notice of Proposed Rulemaking](#) in its Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 proceeding was published in the [Federal Register](#). Following [Federal Register](#) publication, Comments are due February 26, 2024, and reply comments are due March 11, 2024. (CG Docket Nos. 02-278, 21-402, 17-59)

## **COMMISSION ANNOUNCES OUTCOME OF COORDINATED ACTION WITH FTC TO COMBAT INTERNATIONAL ROBOCALLS**

On January 30, 2024, the Commission issued a [press release](#), announcing that its recent actions with the Federal Trade Commission to combat international robocalls appear to have reduced apparently illegal robocall traffic across multiple networks. According to the release, coordinated efforts by the Commission and FTC in November 2023 appear to have resulted in a decrease in the volume of apparently illegal robocalls reportedly transmitting the networks of the seven gateway providers warned by the agencies.

## **CAF BLS RECIPIENT DEPLOYMENT OBLIGATION TERM DEFERMENT ORDER EFFECTIVE JANUARY 31**

On January 31, 2024, the Commission's December 27, 2023 [Second Report and Order](#) in its Connect America Fund: A National Broadband Plan for our Future High-Cost Universal Service Support proceeding was published in the [Federal Register](#). The [Second Report and Order](#) deferred commencement of the next five-year deployment obligation term for legacy rate-of-return carriers receiving Connect America Fund Broadband Loop Support (CAF BLS) in 2024 until January 1, 2025, while the Commission considers general program reforms in the ongoing [Notice of Proposed Rulemaking](#) proceeding. The Commission stated that legacy carriers will remain subject to Commission rules requiring the offering of broadband service at actual speeds of at least 25/3 Mbps to the previously determined number of unserved locations under the current five-year term that ends on December 31, 2023. The order is effective January 31, 2024. (WC Docket No. 10-90)



## BEFORE CONGRESS



### ACP FUNDING LEGISLATION INTRODUCED

On January 10, 2024, Senators Peter Welch (D-VT) JD Vance (R-OH), Jacky Rosen (D-NV) and Kevin Cramer (R-ND) and Representatives Yvette D. Clarke (D-NY) and Brian Fitzpatrick (R-PA) [introduced](#) bicameral, bipartisan legislation to refund the Affordable Connectivity Program funding. The Affordable Connectivity Program Extension Act would provide \$7 billion for the ACP, which is projected to be exhausted by April 2024 without additional funding. Commissioner Starks issued a [statement](#).

### AMERICAN CONSUMER INSTITUTE CENTER ADVOCATES TELECOM POLICY PRIORITIES

On January 23, 2024, the American Consumer Institute (ACI) Center for Citizen Research sent a [letter](#) to congressional leaders urging telecommunications policy priorities for the second session of the 118<sup>th</sup> Congress. ACI maintained that Congress should not allow the Affordable Connectivity Program to expire and should fully fund the program. ACI also suggested if the Commission adopts new net neutrality regulations, Congress should repeal the rules through a Congressional Review Act resolution and then work on passing a forward-looking bipartisan bill that ends the uncertainty that has impacted businesses and consumers. Additionally, ACI suggested Congress fully restore the FCC's spectrum auction authority. [news release](#)

### ROBOCALL BILL INTRODUCED

On January 29, 2024, Senator Frank Pallone (D-NJ) [introduced](#) the [Do Not Disturb Act](#) to further curb robocalls. The bill would expand anti-robocall protections and close loopholes that scammers exploit, combat the use of artificial intelligence for scams, and alleviate the cost of robocall blocking technology for consumers. [bill summary](#)

### CARR TESTIFIES BEFORE HOUSE SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY

In January, Commissioner Carr's November 30, 2023 [testimony](#), "Oversight of President Biden's Broadband Takeover" before the House Subcommittee on Communications and Technology was released. Carr expressed his opposition to Title II broadband service regulation and also addressed freeing up airways for wireless services.

## IN THE NEWS



### [Industry looks ahead to 6G](#)

Telecoms are starting to invest in next-generation 6G technology but are taking a measured approach to ensure they are meeting consumer needs. Executives tout 6G's potential for AI-powered energy savings, network management and its ability to support passive internet of things devices. **Full Story:** [Light Reading](#) (12/29)

### [YouMail: Dec. robocalls fell by 16% from previous month](#)

Robocalls in December declined to their lowest level since February 2022 to 3.8 billion, 20% below the average for all of 2023 and a 16% dip from November, the YouMail Robocall Index reports. The number of scam calls fell by 38% year-on-year. **Full Story:** [Telecompetitor](#) (1/9)

### [The cable industry is paving the way for safer internet routing](#) By Julia King

This week a cohort of cable operators joined CableLabs and NCTA – The Internet & Television Association to introduce a new framework for internet routing security.

### [Parks: Broadband homes average 17 connected devices](#)

US broadband homes had an average of 17 connected devices with 42% owning at least one smart device, according to a Parks Associates survey from 2023's third quarter. Of the 8,000 respondents, 66% had a smart TV and for the first time, more homes owned a smartphone than a TV set. **Full Story:** [Media Play News](#) (1/10)

### [Electric co-ops are ready to compete in broadband market](#) By Martha DeGrasse

Many electric co-ops are standing up telco subsidiaries to offer broadband, but there's debate over how fast these new networks need to be.

## Compliance Reporting February

The following report listing has been compiled from past reporting requirements and is provided exclusively for informational purposes. Reporting requirements are subject to change and should be verified by filers.

### FEDERAL REPORTS DUE IN FEBRUARY

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

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

For additional information, please contact Andrew Isar at [aisar@millerisar.com](mailto:aisar@millerisar.com), or call 253.851.6700.