



Guide to Telecom Rules

Pending Rules Chart

Part 54 – Universal Service

How to use this document

This Pending Rules Chart is a companion document for use with the NECA Guide to Telecom Rules. It contains rules that have been adopted by the FCC but are not yet effective because they are awaiting Federal Register publication or Office of Management and Budget approval. The GTR will show these with a **(pending text)** link.

The text of the rules in this chart comes primarily from FCC Orders. The final Federal Register version may be different from the Order text and takes precedence. Reasons for changes may include corrections and errata to the rules issued between the publication of the text of the Order and the Federal Register text.

Pending rules

Below are Part 54 sections that currently have rule changes pending. Click on the section you wish to view to jump to that section of the chart.

54.312	USF Reform for RoR Carriers Order
54.313	Lifeline and Link Up Reform and Modernization Order
54.315	CAF Phase II Order on Reconsideration
54.320	CAF Phase II Auction Order
54.504	CAF Mobility Fund and Alaska Fund
54.7	USF for RoR Carriers R&O and Third Order on Reconsideration
54.303	USF for RoR Carriers R&O and Third Order on Reconsideration
54.313	USF for RoR Carriers R&O and Third Order on Reconsideration
54.901	USF for RoR Carriers R&O and Third Order on Reconsideration
54.1305	USF for RoR Carriers R&O and Third Order on Reconsideration
54.1308	USF for RoR Carriers R&O and Third Order on Reconsideration
54.1310	USF for RoR Carriers R&O and Third Order on Reconsideration

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Rule	Pending Text	Effective date	Order
54.310 Connect America Fund in Price Cap Territories—Phase II			
54.310(e)(1)	<p>(e) <u>Provider Eligibility</u>. Any eligible telecommunications carrier is eligible to receive Connect America Phase II support in eligible areas.</p> <p>(1) An entity may obtain eligible telecommunications carrier designation after public notice of winning bidders in a competitive bidding process for the offer of Phase II Connect America support. An applicant in the competitive bidding process shall certify that it is financially and technically qualified to provide the services supported by Connect America Phase II in order to receive such support.</p>	Upon FR notice of OMB approval	<p>R&O, Declaratory Ruling, Order, MO&O, Seventh Order On Recon., and FNPRM FCC 14-54, released 06.10.14</p> <p>Erratum, released 06.26.14 FR Vol 79 39164 (07.09.14)</p>
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54.312 Connect America Fund in Price Cap Territories—Phase I			
54.312(b)(3) and (c)(4)	<p>(b)(3) A carrier may elect to accept or decline incremental support. A holding company may do so on a holding-company basis on behalf of its operating companies that are eligible telecommunications carriers, whose eligibility for incremental support, for these purposes, shall be considered on an aggregated basis. A carrier must provide notice to the Commission, relevant state commissions, and any affected Tribal government, stating the amount of incremental support it wishes to accept and identifying the areas by wire center and census block in which the designated eligible telecommunications carrier will deploy broadband to meet its deployment obligation, or stating that it declines incremental support. Such notification must be made within 90 days of being notified of any incremental support for which it would be eligible. Along with its notification, a carrier accepting incremental support must also submit a certification that the locations to be served to satisfy the deployment obligation are not shown as served by fixed broadband provided by any entity other than the certifying entity or its affiliate on the then current version of the National Broadband Map; that, to the best of the carrier's knowledge, the locations are, in fact, unserved by fixed broadband; that the carrier's current capital improvement plan did not already include plans to complete broadband deployment within the next three years to the locations to be counted to satisfy the deployment obligation; and that incremental support will not be used to satisfy any merger commitment or similar regulatory obligation. If a carrier intends to</p>	Upon FR notice of OMB approval	<p>Order on Reconsideration – CAF FCC 13-97, released 07.16.13</p> <p>FR Vol 78 48622 (08.09.13)</p>



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	<p>deploy to census blocks not initially identified at the time of election, it must inform the Commission, the Administrator, relevant state commissions, and any affected Tribal government of the change at least 90 days prior to commencing deployment in the new census blocks. No sooner than 46 days after the Wireline Competition Bureau issues a public notice announcing the updated deployment plans but prior to commencing deployment, the carrier must make the certifications described in this paragraph with respect to the new census blocks. If a carrier no longer intends to deploy to a previously identified census block, it must inform the Commission, the Administrator, relevant state commission, and any affected Tribal government prior to filing its certification pursuant to § 54.313(b)(2).</p> <p>(c)(4) A carrier may elect to accept or decline incremental support. A holding company may do so on a holding-company basis on behalf of its operating companies that are eligible telecommunications carriers, whose eligibility for incremental support, for these purposes, shall be considered on an aggregated basis. A carrier must provide notice to the Commission, the Administrator, relevant state commissions, and any affected Tribal government, stating the amount of incremental support it wishes to accept, the number of locations at the \$775 amount, and the number of locations at the \$550 amount, and identifying the areas by wire center and census block in which the designated eligible telecommunications carrier will deploy broadband to meet its deployment obligation; or stating that it declines incremental support. Such notification must be made within 75 days of being notified of any incremental support for which it would be eligible. If a carrier intends to deploy to census blocks not initially identified at the time of election, it must inform the Commission, the Administrator, relevant state commissions, and any affected Tribal government of the change at least 90 days prior to commencing deployment in the new census blocks. No sooner than 46 days after the Wireline Competition Bureau issues a public notice announcing the updated deployment plans but prior to commencing deployment, the carrier must make the certifications described in paragraph (c)(5) of this section with respect to the new census blocks. If a carrier no longer intends to deploy to a previously identified census block, it must inform the Commission, the Administrator, relevant state commission, and any affected Tribal government prior to filing its certification pursuant to § 54.313(b)(2).</p>		

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54.313 Annual reporting requirements for high-cost recipients			
54.313(a)(12)	<p>a) * * *</p> <p>(12) A certification that the pricing of a service that meets the Commission's broadband public interest obligations is no more than the applicable benchmark to be announced annually in a public notice issued by the Wireline Competition Bureau, or is no more than the non-promotional price charged for a comparable fixed wireline service in urban areas in the states or U.S. Territories where the eligible telecommunications carrier receives support.</p> <p>* * * * *</p>	Upon FR notice of OMB approval	Report and Order , FCC 14-190, released 12.18.14 80 FR 4476 (01.27.15)
54.313(e)(1)-(2)	<p>(e) In addition to the information and certifications in paragraph (a) of this section, any price cap carrier that elects to receive Connect America Phase II model-based support shall provide:</p> <p>(1) On July 1, 2016 an initial service quality improvement plan that includes a list of the geocoded locations already meeting the § 54.309 public interest obligations at the end of calendar year 2015, and the total amount of Phase II support, if any, the price cap carrier used for capital expenditures in 2015.</p> <p>(2) On July 1, 2017 and every year thereafter ending July 1, 2021, a progress report on the company's service quality improvement plan, including the following information:</p> <p>(i) A certification that it is meeting the interim deployment milestones as set forth;</p> <p>(ii) The number, names, and addresses of community anchor institutions to which the eligible telecommunications carrier newly began providing access to broadband service in the preceding calendar year;</p> <p>(iii) A list of the geocoded locations to which the eligible telecommunications carrier newly deployed facilities capable of delivering broadband meeting the § 54.309 public interest obligations with Connect America support in the prior year. The final progress report filed on July 1, 2021 must include the total number</p>	Upon FR notice of OMB approval	Report and Order , FCC 14-190, released 12.18.14 80 FR 4476 (01.27.15)



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	<p>and geocodes of all the supported locations that a price cap carrier has built out to with service meeting the § 54.309 public interest obligations; and</p> <p>(iv) The total amount of Phase II support, if any, the price cap carrier used for capital expenditures in the previous calendar year.</p> <p>*****</p>		
54.319 – Elimination of high-cost support in areas with 100 percent coverage by an unsubsidized competitor			
54.319(g)	<p>*****</p> <p>(g) For any incumbent local exchange carrier for which the disaggregated support for competitive census blocks represents 25 percent or more of the support the carrier would have received in the study area in the absence of this rule, support shall be reduced for each competitive census block according to the following schedule:</p> <p>*****</p>	30 days after publication in the FR	Second Order on Reconsideration and Clarification , FCC 18-13, rel. 02/16/18
54.320 - Compliance and record keeping for the high-cost program			
54.320(d)	<p>(d) Eligible telecommunications carriers subject to defined build-out milestones must notify the Commission and USAC, and the relevant state, U.S. Territory, or Tribal government, if applicable, within 10 business days after the applicable deadline if they have failed to meet a build-out milestone.</p> <p>(1) Interim build-out milestones. Upon notification that an eligible telecommunications carrier has defaulted on an interim build-out milestone after it has begun receiving high-cost support, the Wireline Competition Bureau will issue a letter evidencing the default. The issuance of this letter shall initiate reporting obligations and withholding of a percentage of the eligible</p>	Upon FR notice of OMB approval	Report and Order – CAF II FCC 14-190, released 12.18.14 FR Vol 80 4446 (01.27.15)



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	<p>telecommunication carrier's total monthly high-cost support, if applicable, starting the month following the issuance of the letter:</p> <p>(i) Tier One. If an eligible telecommunications carrier has a compliance gap of at least five percent but less than 15 percent of the number of locations that the eligible telecommunications carrier is required to have built out to by the interim milestone, the Wireline Competition Bureau will issue a letter to that effect. Starting three months after the issuance of this letter, the eligible telecommunications carrier will be required to file a report every three months identifying the geocoded locations to which the eligible telecommunications carrier has newly deployed facilities capable of delivering broadband meeting the requisite requirements with Connect America support in the previous quarter. Eligible telecommunications carriers that do not file these quarterly reports on time will be subject to support reductions as specified in § 54.313(j). The eligible telecommunications carrier must continue to file quarterly reports until the eligible telecommunications carrier reports that it has reduced the compliance gap to less than five percent of the required number of locations for that interim milestone and the Wireline Competition Bureau issues a letter to that effect.</p> <p>(ii) Tier Two. If an eligible telecommunications carrier has a compliance gap of at least 15 percent but less than 25 percent of the number of locations that the eligible telecommunications carrier is required to have built out to by the interim milestone, USAC will withhold 15 percent of the eligible telecommunications carrier's monthly support for that state and the eligible telecommunications carrier will be required to file quarterly reports. Once the eligible telecommunications carrier has reported that it has reduced the compliance gap to less than 15 percent of the required number of locations for that interim milestone for that state, the Wireline Competition Bureau will issue a letter to that effect, USAC will stop withholding support, and the eligible telecommunications carrier will receive all of the support that had been withheld. The eligible telecommunications carrier will then move to Tier 1 status.</p> <p>(iii) Tier Three. If an eligible telecommunications carrier has a compliance gap of at least 25 percent but less than 50 percent of the number of locations that the eligible telecommunications carrier is required to have built out to by the interim milestone, USAC will withhold 25 percent of the eligible telecommunications carrier's</p>		



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	<p>monthly support for that state and the eligible telecommunications carrier will be required to file quarterly reports. Once the eligible telecommunications carrier has reported that it has reduced the compliance gap to less than 25 percent of the required number of locations for that interim milestone for that state, the Wireline Competition Bureau will issue a letter to that effect, the eligible telecommunications carrier will move to Tier 2 status.</p> <p>(iv) Tier Four. If an eligible telecommunications carrier has a compliance gap of 50 percent or more of the number of locations that the eligible telecommunications carrier is required to have built out to by the interim milestone:</p> <p>(A) USAC will withhold 50 percent of the eligible telecommunications carrier's monthly support for that state, and the eligible telecommunications carrier will be required to file quarterly reports. As with the other tiers, as the eligible telecommunications carrier reports that it has lessened the extent of its non-compliance, and the Wireline Competition Bureau issues a letter to that effect, it will move down the tiers until it reaches Tier 1 (or no longer is out of compliance with the relevant interim milestone).</p> <p>(B) If after having 50 percent of its support withheld for six months the eligible telecommunications carrier has not reported that it is eligible for Tier 3 status (or one of the other lower tiers), USAC will withhold 100 percent of the eligible telecommunications carrier's monthly support and will commence a recovery action for a percentage of support that is equal to the eligible telecommunications carrier's compliance gap plus 10 percent of the ETC's support that has been disbursed to that date.</p> <p>(v) If at any point during the support term, the eligible telecommunications carrier reports that it is eligible for Tier 1 status, it will have its support fully restored, USAC will repay any funds that were recovered or withheld, and it will move to Tier 1 status.</p> <p>(2) Final build-out milestone. Upon notification that the eligible telecommunications carrier has not met a final build-out milestone, the eligible telecommunications carrier will have twelve months from</p>		



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	<p>the date of the final build-out milestone deadline to come into full compliance with this milestone. If the eligible telecommunications carrier does not report that it has come into full compliance with this milestone within twelve months, the Wireline Competition Bureau will issue a letter to this effect. USAC will then recover the percentage of support that is equal to 1.89 times the average amount of support per location received in the state over the six-year term for the relevant number of locations plus 10 percent of the eligible telecommunications carrier's total Phase II support over the six-year term for that state.</p> <p>(3) Compliance reviews. If subsequent to the eligible telecommunications carrier's support term, USAC determines in the course of a compliance review that the eligible telecommunications carrier does not have sufficient evidence to demonstrate that it has built out to all of the locations required by the final build-out milestone, USAC shall recover a percentage of support from the eligible telecommunications carrier as specified in paragraph (d)(2) of this section.</p>		
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Mobility Fund Phase II Order			
Adds §§ 54.1016 to Subpart L	See attachment for pending revised text and effective dates	54.1016 (a)(1)(ii) is subject to OMB approval	Report and Order and FNPRM – FCC 17-11, rel. 03/07/17 FR notice – rel 3/27/17 Corrected FR notice – rel 4/4/17
54.403 Lifeline support amount			
54.403(a)(3)	<p>(a) * * *</p> <p>* * * * *</p> <p>(3) <u>Tribal lands support amount</u>. Additional federal Lifeline support of up to \$25 per month will be made available to a eligible telecommunications carrier providing facilities-based Lifeline service to an eligible resident of Tribal lands, as defined in § 54.400(e), if the subscriber's residential location is rural, as defined in § 54.505(b)(3)(i)-(ii), and the eligible telecommunications carrier certifies to the Administrator that it will pass through the full Tribal lands support amount to the qualifying eligible resident of Tribal lands and that it has received any non-federal regulatory approvals necessary to implement the required rate reduction.</p>	Upon OMB approval	Bridging the Digital Divide for Low-Income Consumers et al. Fourth Report and Order, et al., FCC 17-155 , rel. 12/01/17



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54.413	Link Up for Rural Tribal Lands		



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54.413(a)(1) and (2), (b)	<p>(a) Definition. For purposes of this subpart, the term “Tribal Link Up” means an assistance program for eligible residents of Tribal lands, if the subscriber’s location is rural, as defined in § 54.505(b)(3)(i)-(ii), seeking telecommunications service from a telecommunications carrier that is receiving high-cost support on rural Tribal lands, pursuant to subpart D of this part, that provides:</p> <p>(1) A 100 percent reduction, up to \$100, of the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber’s principal place of residence imposed by an eligible telecommunications carrier that is also receiving high-cost support on rural Tribal lands, pursuant to subpart D of this part. For purposes of this subpart, a “customary charge for commencing telecommunications service” is the ordinary charge an eligible telecommunications carrier imposes and collects from all subscribers to initiate service with that eligible telecommunications carrier. A charge imposed only on qualifying low-income consumers to initiate service is not a customary charge for commencing telecommunications service. Activation charges routinely waived, reduced, or eliminated with the purchase of additional products, services, or minutes are not customary charges eligible for universal service support; and</p> <p>(2) A deferred schedule of payments of the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber’s principal place of residence imposed by an eligible telecommunications carrier that is also receiving high-cost support on rural Tribal lands, pursuant to subpart D of this part, for which the eligible resident of rural Tribal lands does not pay interest. The interest charges not assessed to the eligible resident of rural Tribal lands shall be for a customary charge for connecting the telecommunications service of up to \$200 and such interest charges shall be deferred for a period not to exceed one year.</p> <p>(b) An eligible resident of rural Tribal lands may receive the benefit of the Tribal Link Up program for a second or subsequent time only for otherwise qualifying commencement of telecommunications service at a principal place of residence with an address different from the address for which Tribal Link Up assistance was provided previously.</p>	Effective upon OMB approval	Bridging the Digital Divide for Low-Income Consumers et al. Fourth Report and Order, et al., FCC 17-155 , rel. 12/01/17



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54.414 Reimbursement for Tribal Link Up			
54.414(b)	<p>* * * * *</p> <p>(b) In order to receive universal support reimbursement for providing Tribal Link Up, eligible telecommunications carriers must use the maps made available by the Administrator to determine an eligible resident of rural Tribal lands' initial eligibility for Tribal Link Up. Eligible telecommunications carriers must obtain a certification form from each eligible resident of Tribal lands that complies with § 54.410 prior to enrolling him or her in Tribal Link Up.</p> <p>* * * * *</p>	Effective upon OMB approval	Bridging the Digital Divide for Low-Income Consumers et al. Fourth Report and Order, et al., FCC 17-155 , rel. 12/01/17
USF for RoR Carriers R&O and Third Order on Reconsideration			
54.1305 Submission of information to the National Exchange Carrier Administration			
54.1305(j)	<p>*****</p> <p>(j) The number of consumer broadband-only loops for each study area, as defined in section 54.901(g), calculated as of December 31st of the calendar year preceding each July 31st filing.</p>	upon OMB approval	USF for RoR Carriers R&O and Third Order on Reconsideration , FCC 18-29, rel. 03/23/18 FR notice
54.302, 54.303, 54.308, 54.311, 54.313, 54.316, 54.319, 54.643, 54.901, 54.903, 54.1310	See attached for rule changes	Effective 03/21/19, except for 54.643 which is effective 01/01/20 and 54.313 and 54.316 which are subject to OMB approval.	Report and Order, Further Notice of Proposed Rulemaking and Order on Reconsideration , FCC 18-176, rel. 12/13/18 FR notice
54.307, 54.312, 54.313	See attached for rules changes	4/10/19 except for 54.313(m) which is subject to OMB approval	Report and Order , FCC 19-8, rel. 02/15/19 FR notice



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Rule	Pending Text	Effective date	Order
Revised §§ 54.600-54.605, 54.607, 54.609, 54.613, 54.615, 54.619, 54.623, 54.625 and 54.630-54.633. Added §§ 54.606, 54.608, 54.610-54.612, 54.614, 54.616-54.618, 54.620-54.622, 54.624, and 54.626-54.629	See attached for rule changes	effective November 12, 2019, except for Sec. Sec. 54.622(d), 54.622(e)(2), 54.622(e)(4), 54.622(e)(5), 54.623(a)(2), 54.623(a)(3), 54.623(a)(4), 54.624, 54.626(b), 54.627(b), 54.631(d), which are subject to OMB approval	Rural Telehealth Order , FCC 19-78, rel. 08/20/19
Added new Subpart N – The Digital Opportunity Data Collection			
Added §§ 54.1400, 54.1401, 54.1402 and 54.1403	See attached for rule changes	09/23/19, except for §§ 54.1401, 54.1402(b),(c), (d)(2), and (e), which are subject to OMB approval	Digital Opportunity Data Collection , FCC 19-79, rel. 08/06/19
Uniendo a Puerto Rico Fund and the Connect USVI Fund			
Revised §§54.313, 54.316 and added new subpart N, 54.1501-1515	See attached for rule changes	12/09/19, except for sections: 54.313, 54.316, 54.1503, 54.1505, 54.1508, and 54.1513 through 54.1515 which are subject to OMB approval.	Uniendo a Puerto Rico Fund and the Connect USVI Fund , FCC 19-95, rel. 09/30/19
Network Testing order on reconsideration			
Revised 54.320(d)(1) and (2)	See attached for rule text	30 days after publication in the Federal Register	Network Testing order on reconsideration , FCC 19-104, released 10/31/19