



High-cost USF | Broadband | ICC | Robocalls | Open internet | Other universal services |
Miscellaneous | Upcoming filing dates

Weekly federal regulatory summary | Feb. 12, 2024 highlights

- The FCC issued the [agenda](#) for its Feb. 15, 2024 open meeting and will consider six items, including a [report and order and FNPRM](#) on robocalls and robotexts.
- The Wireline Competition Bureau [reminded](#) Affordable Connectivity Program stakeholders of the enrollment freeze beginning Feb. 8, 2024.
- The FCC issued a [declaratory ruling](#) that clarified artificial intelligence-generated human voices used in robocall scams are illegal.
- NTCA [discussed](#) outstanding Enhanced A-CAM location and broadband coverage issues.
- WTA [discussed](#) aspects of the Section 706, USF, open internet and data breach reporting proceedings.
- NTCA, et al. [expressed concerns](#) with the Next Generation 911 [NPRM](#)'s proposed default cost recovery framework and offered an alternative proposal. WTA [supported](#) the alternative proposal.
- Consumers' Research, et al. filed [objections](#) to USAC's proposed [second quarter 2024 universal service fund size projections](#).

Other key upcoming dates

Feb. 15 – Replies [are due](#) on the [NPRM](#) on the next phase of high-cost fixed and mobile support in Alaska.

High-cost USF

- NTCA [spoke with](#) Wireline Competition Bureau staff on Feb. 8, 2024, regarding the resolution of outstanding location and broadband coverage issues under the Enhanced A-CAM Program through the incorporation of mapping data intended to capture service that existed at the time EA-CAM offers were made. It discussed how providers could establish broadband availability or a lack thereof as it existed as of the date specified in the July 2023 [order](#). NTCA asserted if data are imprecise in this regard, its [request](#) for potential relief from certain EA-CAM commitments could become even more important.
- WTA [spoke with](#) Chairwoman Rosenworcel's advisors on Feb. 1, 2024, regarding Section 706, the Universal Service Fund and open internet. WTA supported the FCC's decision to wait a year before reviewing and revising the CAF BLS program and service obligations in light of Enhanced A-CAM revisions and the implementation of various broadband grant programs. WTA also supported the FCC's proposal in the Section 706 proceeding to increase the speed to 100/20 Mbps for fixed broadband service and the recognition that higher long-term broadband speed goals are needed. WTA said scalability is the key to keeping up with broadband speed demands in an expeditious and economical manner, and the provision of 100/20 Mbps service requires most rural LECs to deploy FTTH technology to most or all of their customer locations. WTA said once deployed, FTTH is scalable and can be upgraded rapidly to higher and/or symmetrical speeds without substantial reconstruction cost. Additionally, WTA said if the FCC reclassifies BIAS under Title II, it opposes the proposed forbearance from the imposition of USF contributions upon BIAS and other broadband telecommunications services and the proposed forbearance from the application of the negotiation and arbitration provisions of sections 251 and 252 to IP interconnection. WTA also discussed data breach reporting.
- Chariton Valley Communications Corporation filed a [petition](#) on Feb. 9, 2024, requesting the FCC partially waive certain broadband deployment reporting deadlines to allow all locations to which CVCC deployed broadband service in 2020 to be correctly reflected in the High-Cost Universal Broadband portal and counted toward CVCC's deployment milestones.
- Wavelength filed a [reply](#) on Feb. 7, 2024, to TWN Communications' [opposition](#) to Wavelength's [application for review](#) of the [public notice](#) announcing Wavelength defaulted on its Rural Digital Opportunity Fund bids in Arizona. Wavelength said, contrary to TWN's assertions, the time between the FCC's final request for information (made in May 2023) and its ultimate decision in December 2023 is irrelevant. Wavelength asserted this only suggests the FCC had ample opportunity to seek clarification, and should have, but opted not to. Wavelength also [replied](#) to TWN's [opposition](#) to Wavelength's request for confidentiality filed along with its AFR.
- RiverStreet Communications of Virginia filed a [reply](#) on Feb. 5, 2024, to oppositions by [Brunswick County, Halifax County and Mecklenburg County](#) and [Firefly Fiber Broadband](#) to its [petition](#) for a waiver of certain Part 54 rules regarding its CAF Phase II buildout deadlines and associated certification obligations. RiverStreet asserted the counties and Firefly have provided no evidence to support their claims other CAF II support recipients have not experienced supply chain issues and have generally been able to meet their deployment issues.

- The Rural Wireless Association [met with](#) advisors to Commissioner Gomez on Jan. 31, 2024, regarding the 5G Fund for America proceeding. RWA discussed its concerns with the fund framework and claimed the current rules potentially leave legacy high-cost mobile carriers' networks stranded. RWA said as the FCC considers modifications to the fund rules, it should place focus and consideration on providing offers of cost-based support, for at least an eight-year period, to legacy high-cost mobile carriers with two million or fewer subscribers so they can continue to serve their communities with reliable broadband services. RWA said these offers of support would be akin to the A-CAM offers the FCC made to wireline carriers. Additionally, RWA claimed the record fully supports waiting until BEAD projects are awarded by the states before moving forward with the fund's reverse auction.
- The Open RAN Policy Coalition [spoke with](#) Wireless Telecommunications Bureau staff on Feb. 6, 2024, regarding the 5G Fund for Rural America. They provided an update on the current state of open RAN deployments in the United States and internationally and said the fund can accelerate commercial deployment of 5G through projects that support the use of open RAN.
- [Windy City Cellular](#), [Bristol Bay Cellular](#) and [OTZ Telecommunications](#) filed their Alaska Plan quarterly reports on Feb. 1, 2024, and Feb. 6, 2024.

[Back to highlights](#)

Broadband

- The Wireline Competition Bureau issued a [public notice](#) on Feb. 6, 2024, reminding providers, eligible households and all other Affordable Connectivity Program stakeholders of the upcoming enrollment freeze beginning Feb. 8, 2024. The bureau said to receive the ACP benefit, eligible households must be enrolled in the program by Feb. 7, 2024, at 11:59 p.m. ET. The bureau said without additional appropriated funding, April 2024 is currently projected to be the last month for which the ACP can fully reimburse providers for the benefits passed through to enrolled households.
- The Benton Institute for Broadband & Society filed a [letter](#) on Feb. 2, 2024, attaching a report on what ISPs are telling their subscribers on the possible wind-down of the Affordable Connectivity Program due to a lack of Congressional funding. Benton said the report analyzed the initial notices being distributed by the nation's largest ISPs and found they appear to meet the FCC's minimal requirements, but many notifications lack resources and information that would be helpful for those enrollees who are confused, facing unaffordable bills or at risk of falling into debt.
- Vantage Point Solutions [spoke with](#) Wireline Competition Bureau staff on Feb. 7, 2024, regarding its [reply comments](#) on the November 2023 [notice of inquiry](#) initiating the next annual assessment concerning the availability of advanced telecommunications capability to all Americans. VPS discussed the approach it used in calculating the expected national average broadband speeds included in the reply comment filing. It also discussed at a general level the challenge the FCC faces in setting broadband target speeds that may differ from the target speeds currently used by other federal agencies participating in the broadband funding. Additionally, it discussed the timing for the release of the mandated FCC report on Section 706.

- The Wireline Competition Bureau issued an [order](#) on Feb. 6, 2024, waiving and extending deadlines for six requests for waiver filed by Emergency Connectivity Fund Program applicants. The bureau directed USAC to extend any necessary deadlines for the petitioners' first and second window ECF funding requests.
- An [FCC notice](#) was published in the Federal Register on Feb. 9, 2024, correcting the Jan. 29, 2024 [FR notice](#) announcing the Edison Electric Institute filed a [petition for reconsideration](#) of the December 2023 [declaratory ruling](#) on pole attachments. The notice corrected the reply due date. Oppositions to the petition are due Feb. 13, 2024; replies are due Feb. 23, 2024.
- The Wireline Competition Bureau issued an [erratum](#) on Feb. 6, 2024, correcting the December 2023 [fourth report and order and declaratory ruling](#) on pole attachments. The erratum corrected Paragraph 50 of the order.
- The town of Bourne, Massachusetts, filed a [letter](#) on Feb. 7, 2024, regarding the [FNPRM](#) on pole attachments. The town expressed concerns with and offered recommendations on: the 3,000 pole threshold for large orders; workforce challenges; self-help and contractor availability; and equitable treatment and support for small communities, among other things.

[Back to highlights](#)

Open internet

- The Computer & Communications Industry Association [met with](#) Commissioner Carr's legal advisor on Feb. 1, 2024, regarding the proposal to reclassify broadband as Title II. CCIA expressed support for the FCC's proposal to readopt the open internet protections against throttling, blocking, paid prioritization and unreasonable conduct in the provisioning of broadband internet access service. CCIA also discussed its Jan. 24, 2024 [letter](#) that addressed issues relevant to the NPRM. CCIA also [met with](#) Chairwoman Rosenworcel's legal advisors on Feb. 5, 2024, regarding the same issues.
- Akamai Technologies [met with](#) Wireline Competition Bureau and Public Safety and Homeland Security Bureau staff on Feb. 1, 2024, regarding the FCC's proposal to reclassify broadband under Title II. Akamai asserted the FCC should clearly exclude independent, third-party content delivery networks from the scope of open internet regulations. Akamai said taking a different approach would undermine the security and resiliency of the internet and upend global internet policy.
- Barbara van Schewick, director of Stanford Law School Center for Internet and Society, [spoke with](#) Chairwoman Rosenworcel's chief legal advisor on Jan. 26, 2024, and [with](#) Wireline Competition Bureau and Wireless Telecommunications Bureau staff on Feb. 5, 2024, regarding the relationship between net neutrality and 5G network slicing. She said the FCC should reject requests made in comments and replies from mobile carriers, their trade groups and equipment vendors that asked the FCC to change its rules to let them use 5G network slicing. She asserted net neutrality already provides a balanced framework for dealing with differential treatment by ISPs, including with 5G network slices.

[Back to highlights](#)

Robocalls

- The FCC issued a [declaratory ruling](#) on Feb. 8, 2024, clarifying the application of the Telephone Consumer Protection Act to artificial intelligence technologies and confirmed the TCPA's restrictions on the use of artificial or prerecorded voice encompass current AI technologies that generate human voices. The FCC said calls that use such technologies fall under the TCPA and the FCC's implementing rules and require the prior express consent of the called party to initiate such calls absent an emergency purpose or exemption. [news release](#)
- The Enforcement Bureau sent a [cease and desist letter](#) to Lingo Telecom on Feb. 6, 2024, asserting it apparently originated illegal robocall traffic on behalf of one or more of its clients. The bureau provided legal obligations and steps Lingo must take to address the apparent illegal traffic and stated failure to comply with the steps in the letter may result in downstream voice service providers blocking all its traffic permanently. Additionally, the bureau issued a [public notice](#) on Feb. 6, 2024, to notify all U.S.-based voice providers about significant apparently unlawful robocalls originating from or transmitted by Lingo. The bureau said if Lingo fails to effectively mitigate illegal traffic within 48 hours of the date of this public notice, providers may block voice calls or cease to accept traffic from Lingo without liability. [news release](#)
- ACA International, et al. filed a [letter](#) on Feb. 7, 2024, regarding the draft [report and order and FNPRM](#) on robocalls and robotexts that will be considered at the Feb. 15, 2024 [open meeting](#). They claimed the draft order fails to strike an appropriate balance resulting in potential harms to both consumers and businesses and recommended several revisions.
- Transaction Network Services [spoke with](#) Commissioner Starks' advisor on Feb. 1, 2024, regarding call analytics technologies. TNS described how its analytics works, the types of inputs that power it and its accuracy. TNS also said its algorithm that drives blocking and labeling is highly sophisticated, and utilizes machine learning and artificial intelligence tools to analyze telephone numbers and individual voice calls.
- Transaction Network Services [spoke with](#) Commissioner Carr's legal advisor on Feb. 6, 2024, regarding call analytics technologies. TNS described how its analytics works, the types of inputs that power it and its accuracy. TNS said its algorithm that drives blocking and labeling is highly sophisticated and telephone numbers used for debt collection are given reputations in the algorithm using the same criteria as apply to other telephone numbers.

[Back to highlights](#)

Other universal services

- Consumers' Research, et al. filed [comments and objections](#) on Feb. 5, 2024, to USAC's proposed [second quarter 2024 universal service fund size projections](#). They asserted the Office of Managing Director should set the proposed second quarter 2024 contribution factor at zero and do the same for all future proposed contribution factors.
- DISH Wireless [met with](#) Wireline Competition Bureau staff on Jan. 31, 2024, regarding its [amended petition](#) for ETC designation in Connecticut, Delaware, Florida, New Hampshire, North Carolina and the District of Columbia. DISH asserted, with the impending end of the

ACP, it is important for the FCC to swiftly approve DISH's ETC application to enable DISH to offer ACP subscribers an alternative to the ACP service.

- North American Local [spoke separately with](#) Wireline Competition Bureau and Office of Native Affairs and Policy staff on Jan. 30 and 31, 2024, regarding its provision of affordable telephone and broadband internet service on tribal lands through the Lifeline Program and ACP. NAL said as a facilities-based carrier, it provides Lifeline service in several states, but is not able to provide Lifeline service in states where it is not an ETC or where NAL is an ETC but not considered a facilities-based carrier.
- The American Library Association, et al. filed a [letter](#) on Feb. 8, 2024, supporting the [proposal](#) to allow E-Rate to fund Wi-Fi hotspots and wireless internet services to address the remote learning needs of students and library patrons. They urged the FCC to ensure E-Rate funding supports any cost-effective wireless technology and service that provides internet access off-premises. They also said incorporating current E-Rate regulations, such as the competitive bidding process and requiring applicants to pay their nondiscounted share of the cost of service, can ensure applicants make the most cost-effective decision and safeguard the program against wasteful spending.
- Comments are due Feb. 12, 2024, on Cheyenne River Sioux Tribe Telephone Authority's [petition](#) for recognition as an ETC. Replies are due Feb. 26, 2024. [public notice](#)

[Back to highlights](#)

Miscellaneous

- The FCC issued the [agenda](#) on Feb. 8, 2024, for its Feb. 15, 2024 open meeting. The FCC will consider: a [report and order and FNPRM](#) 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; and seeks comment on clarifying the TCPA applies to robocalls and robotexts from wireless providers to their own subscribers and proposes to give consumers the ability to revoke consent. The FCC will also consider: an [NPRM](#) intended to simplify the process for alert originators to send multilingual emergency alerts over television and radio; a [report and order](#) to revise the Part 15 and Part 74 technical rules to permit recently developed and more efficient wireless microphone technology; an [NPRM](#) proposing a framework for licensing space stations engaged in in-space servicing, assembly and manufacturing operations; a restricted adjudicatory matter from the Media Bureau; and an Enforcement Bureau action.
- NTCA, et al. filed a [letter](#) on Feb. 6, 2024, regarding the Next Generation 911 [NPRM](#). They said the NPRM's proposed default cost recovery framework raises significant legal, factual, and public policy concerns and asserted these concerns can be resolved by adoption of the "RLEC Alternative Proposal." They said the foundational elements of their proposal include: the POI for NG911 connections would be at a technically feasible point within the RLEC's network; the RLEC's transport and cost responsibility would be to provide the connectivity to its side of the POI, and NG911 providers would assume the transport costs associated with delivering NG911 calls beyond those POIs; and the NG911 network provider and the RLEC would utilize the Section 251/252 framework to establish the terms and conditions

for such NG911 connectivity, among other things. WTA filed a [letter](#) on Feb. 8, 2024, in support of the RLEC Alternative Proposal.

- No comments were filed on NECA's Dec. 21, 2023 modification of average schedules. Replies are due Feb. 24, 2024. [public notice](#)
- An [FCC notice](#) was published in the Federal Register on Feb. 9, 2024, listing significant rulemaking proceedings under development or review pertaining to the Regulatory Flexibility Act. The list is published twice a year.
- The Wireline Competition Bureau issued a [public notice](#) on Feb. 9, 2024, announcing publication of an additional user guide for the Secure and Trusted Communications Networks Reimbursement Program. This user guide, as well as existing user guides and other important documents related to the reimbursement program are available on the [FCC website](#).
- The Wireline Competition Bureau issued an [order](#) on Feb. 6, 2024, adopting the process for selecting the entity that will serve as the Local Number Portability Administrator at the conclusion of the contract with the present LNPA, iconectiv. The bureau also approved the contract extension under which iconectiv will remain the LNPA during the selection process.
- The Enforcement Bureau issued a [public notice](#) on Feb. 9, 2024, to remind telecommunications carriers and interconnected VoIP providers of their obligation to file their annual certification documenting compliance with the customer proprietary network information rules by March 1, 2024. The bureau also provided FAQs, a CPNI certification template and text of the CPNI rules.
- An FCC [notice](#) was published in the Federal Register on Feb. 8, 2024, correcting the Jan. 29, 2024 [FR notice](#) announcing CTIA filed a [petition](#) for partial reconsideration of the [report and order](#) adopting new customer proprietary network information and local number portability rules addressing SIM swap and port-out fraud. The notice corrected the reply due date, FCC contact information and the proceeding description. Oppositions to the petition are due Feb. 13, 2024; replies are due Feb. 23, 2024.
- Replies are due Feb. 12, 2024, on the [FNPRM](#) on SIM swap and port-out fraud. [FR notice](#)
- The Consumer and Governmental Affairs Bureau issued [two orders](#) on Feb. 7, 2024, addressing separate complaints alleging Clear Rate Communications changed complainants' telecommunications service providers without obtaining authorization and verification from the complainants as required by FCC rules. The bureau found Clear Rate's actions violated the FCC's slamming rules and granted both complaints.
- The Consumer and Governmental Affairs Bureau issued six orders on Feb. 9, 2024, addressing separate complaints alleging Clear Rate Communications changed complainants' telecommunications service providers without obtaining authorization and verification from the complainants as required by FCC rules. In five of the orders ([order](#), [order](#), [order](#), [order](#), [order](#)), the bureau found Clear Rate's actions violated the FCC's slamming rules and granted the complaints. In one of the orders, the [bureau found](#) Clear Rate's actions did not violate FCC slamming rules and denied the complaint.

[Back to highlights](#)

Upcoming filing dates

- Feb. 13 – Comments due on the [FNPRM](#) on pole attachments. Replies are due Feb. 28, 2024.
- Feb. 13 – Oppositions due to CTIA’s [petition](#) for partial reconsideration of the [report and order](#) adopting new customer proprietary network information and local number portability addressing SIM swap and port-out fraud. Replies are due Feb. 23, 2024. [notice](#)
- Feb. 13 – Comments due on the [third FNPRM](#) on ways to further facilitate the processing of pole attachment applications and make-ready to enable faster broadband deployment. Replies are due Feb. 28, 2024. PRA comments on the proposed information collection requirements are due March 11, 2024. [FR](#)
- Feb. 13 – Oppositions due to Edison Electric Institute’s [petition for reconsideration](#) of the [declaratory ruling](#) on pole attachments. Replies are due Feb. 23, 2024. [notice](#)
- Feb. 13 – Comments due on a Section 214 application by La Porte City Telephone Company and Alpine Acquisition Group requesting consent to transfer control of LPC to AAG. Replies are due Feb. 20, 2024. [public notice](#)
- Feb. 15 – Replies due on the [NPRM](#) on the next phase of high-cost fixed and mobile support in Alaska. [notice](#)
- Feb. 16 – PRA comments due on a new information collection on NTIA’s State Digital Equity Capacity Grant Program. [notice](#)
- Feb. 19 – Comments due on the Broadband Data Collection challenge processes. Replies are due March 5, 2024. [public notice](#)
- Feb. 20 – Replies due on a Section 214 application by La Porte City Telephone Company and Alpine Acquisition Group requesting consent to transfer control of LPC to AAG. [public notice](#)
- Feb. 20 – PRA comments due on a new information collection relating to FCC Form 184 (application to participate in a 5G Fund for Rural America auction.) [FR notice](#)
- Feb. 23 – Replies to oppositions due to CTIA’s [petition](#) for partial reconsideration of the [report and order](#) adopting new customer proprietary network information and local number portability addressing SIM swap and port-out fraud. [notice](#)
- Feb. 23 – Replies due to oppositions to Edison Electric Institute’s [petition for reconsideration](#) of the [declaratory ruling](#) on pole attachments. [notice](#)
- Feb. 24 - Replies due on NECA’s Dec. 21, 2023 modification of average schedules. [public notice](#)
- Feb. 26 – Comments due on the [FNPRM](#) on text blocking and text message authentication. Replies are due March 11, 2024. [notice](#)

- Feb. 26 - PRA comments due on a revision of a currently approved information collection on direct access to numbers. [FR notice](#)
- Feb. 26 - Replies due on Cheyenne River Sioux Tribe Telephone Authority's [petition](#) for recognition as an ETC. [public notice](#)
- Feb. 27 – Replies due on the [NPRM](#) on the creation of a Schools and Libraries Cybersecurity Pilot Program. [notice](#)
- Feb. 27 – PRA comments due on the proposed information collection on the [NPRM](#) on the creation of a Schools and Libraries Cybersecurity Pilot Program. [notice](#)
- Feb. 28 – Replies due on the [FNPRM](#) on pole attachments.
- Feb. 28 – Replies due on the [third FNPRM](#) on ways to further facilitate the processing of pole attachment applications and make-ready to enable faster broadband deployment. PRA comments on the proposed information collection requirements are due March 11, 2024. [FR](#)
- March 4 – Comments due on the [FNPRM](#) on preventing and eliminating digital discrimination. Replies are due April 1, 2024. PRA comments on the information collection requirements are due April 1, 2024. [notice](#)
- March 5 – Replies due on the Broadband Data Collection challenge processes. [public notice](#)
- March 11 – Replies due on the [FNPRM](#) on text blocking and text message authentication. [notice](#)
- March 11 – PRA comments due on the proposed information collection in [third FNPRM](#) on pole attachments. [FR](#)
- March 12 – PRA comments due on an extension of a currently approved information collection on physical collocation. [notice](#)
- April 1 – Replies due on the [FNPRM](#) on preventing and eliminating digital discrimination. PRA comments on the information collection requirements are due April 1, 2024. [notice](#)
- April 1 – PRA comments due on the information requirements in the [FNPRM](#) on preventing and eliminating digital discrimination. [notice](#)
- April 5 – PRA comments due on an extension of a currently approved information collection on regarding disclosure of transparency rules in the [RIF order](#). [notice](#)

[Back to highlights](#)