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## Weekly federal regulatory summary | April 22, 2024 highlights

The FCC issued the [agenda](#) for its April 25, 2024 open meeting. The FCC will consider eight items, including a [declaratory ruling, order, report and order and order on reconsideration](#) to reclassify broadband as Title II.

[NTCA](#), [WTA](#), [USTelecom](#) and [Vantage Point Solutions](#) discussed the [draft item](#) reclassifying broadband as Title II.

The Wireline Competition Bureau [announced](#) certain RDOF and CAF Phase II auction census block groups are now eligible for other funding programs.

[NTCA](#) filed comments on Hilliary Communications' [petition](#) for declaratory ruling on conversion of business data services to incentive regulation. Replies are due April 30, 2024.

Consumers' Research, et al. filed a [petition for review](#) with the United States Court of Appeals for the Fifth Circuit on the FCC's approval of the [second quarter 2024 universal service contribution factor](#).

A House subcommittee [will hold](#) a hearing on the FCC's budget on May 7, 2024. A hearing on NTIA's budget will be held on May 15, 2024.

NTIA [announced](#) it received more than 160 applications in funding requests, totaling more than \$2.64 billion, for the [Tribal Broadband Connectivity Program](#).

NTCA [discussed](#) Next Generation 911 [NPRM](#) cost recovery issues.

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## Other key upcoming dates

**May 21** – [Due date](#) for applications on the ReConnect Program [notice of funding opportunity](#).

## High-cost USF

- Comments were filed on April 15, 2024, on Hilliary Communications' [petition](#) for declaratory ruling on conversion of BDS to incentive regulation. Hilliary asked the FCC to declare Section 61.50(a) and the July 2023 Enhanced A-CAM order do not compel its affiliates, Oklahoma Western Telephone and Medicine Park Telephone, to convert their business data services to incentive regulation merely because they have become affiliated with Southwest Oklahoma Telephone. [NTCA](#) said Hilliary's acquisition of SWOT after SWOT elected incentive regulation for its BDS does not compel all entities affiliated with Hilliary to now do the same. NTCA said had the FCC intended to require entities subsequently affiliated with an electing entity also elect incentive regulation, it is reasonable to assume the FCC would have made that clear. Replies are due April 30, 2024. [public notice](#)
- The Wireline Competition Bureau issued a [public notice](#) on April 15, 2024, announcing certain Rural Digital Opportunity Fund and Connect America Fund Phase II auction census block groups are now eligible for other funding programs. The bureau said RiverStreet Communications of North Carolina notified the FCC it will not fulfill its commitment to offer voice and broadband service to certain CBGs within its CAF Phase II auction supported service area in North Carolina. The bureau also said Cebridge Telecom LA and Cable One VoIP d/b/a Sparklight notified the FCC of their decisions to withdraw from the RDOF support program in all the CBGs covered by their authorized winning bids in Louisiana. The bureau said the carriers will be subject to penalties for their defaults.
- The Coalition of RDOF Winners and Aristotle Unified Communications [spoke with](#) legal advisors to Chairwoman Rosenworcel and Commissioners Starks, Carr, and Gomez on April 15, 2024, regarding the Rural Digital Opportunity Fund letter of credit requirement. They discussed issues contained in the RDOF winners' April 9, 2024 [reply comments](#) regarding the FCC's standby letter of credit value requirements under Section 54.804. The RDOF winners asserted the FCC can grant a waiver that limits the value of the LOC to one year of support (i.e., 10% of the funded amounts) as NTIA did. They claimed because the unforeseeable cost increases place significant strains on RDOF winners to contribute huge amounts of additional funds for RDOF broadband deployments, relief from LOC value requirements is needed.
- Connect the Future filed a [letter](#) on April 19, 2024, on the [request](#) for amnesty on RDOF and CAF defaults filed by a group of ISPs, et al. CTF said with appropriate limits, granting the amnesty proposal could help the FCC meet its goal of connecting every unserved American to reliable, high-speed internet. CFT said if a location currently committed to a recipient under one of the FCC's high-cost programs ultimately cannot or will not be connected using high-cost support, those locations should be identified and removed as quickly as possible from the high-cost support programs so they can be included in the BEAD Program while there is still time to do so.
- Altice USA filed a [letter](#) on April 19, 2024, notifying the FCC of its plans to surrender 22 census blocks awarded RDOF funding in Arkansas, Kentucky and West Virginia. Altice said by relinquishing these CBGs, it helps ensure unserved and underserved locations in these areas are eligible to receive federal funding through programs like NTIA's BEAD Program.
- The Alaska Remote Carrier Coalition filed a [letter](#) on April 15, 2024, to respond to the questions posed by FCC staff to ARCC in a March 14, 2024 [meeting with](#) Wireless Telecommunications Bureau and Wireline Competition Bureau staff regarding performance

testing for the mobility portion of the Alaska Connect Fund. ARCC said propagation models from third party vendors, when properly verified, offer an efficient data set to include in the testing, and any required testing to inaccessible areas should be on a different interval schedule than areas accessible on the road network. ARCC also said the impact of broadband labels, if any, or applicable company marketing assertions in their absence, should be clearly defined in advance of the ACF wireless testing process. Additionally, ARCC said oversubscription parameters and impacts should be defined in advance of the ACF wireless testing process.

- Alaska Communications [met with](#) Wireline Competition Bureau, Wireless Telecommunications Bureau, Office of Economics and Analytics, Consumer and Governmental Affairs Bureau, and Space Bureau staff on April 17, 2024, regarding the Alaska Connect Fund to urge the FCC to adopt an extension of Alaska Communications' current CAF II Program high-cost support should the ACF not be implemented prior to Dec. 31, 2025. It said frozen support, calculated based on the embedded costs of a voice-only network, bears no relationship to the cost of deploying a scalable high-speed broadband network. It urged the FCC to adapt its existing cost model to Alaska to estimate the cost and support levels necessary to deploy, operate and maintain a high-speed broadband network in the state, and said the use of an Alaska cost model is essential to ensure the performance obligations are consistent with the level of support afforded under the ACF.
- Shenandoah Telephone Company filed a [letter](#) on April 15, 2024, providing an update on its CAF BLS buildout. It said it has deployed 25/3 Mbps service to 4,008 locations, leaving an overall shortfall of 239 locations. Shenandoah said it remains fully committed to fulfilling its buildout requirements and will continue to provide updates on a quarterly basis until the shortfall is eliminated.
- Ookla [met with](#) members of the Broadband Data Task Force on April 10, 2024, regarding the mobile challenge process associated with the 5G Fund for Rural America. It discussed concerns raised by mobile operators and wireless industry organizations about the rules and requirements currently preventing tests from third party apps, including Speedtest by Ookla, from being utilized to capture data needed for challenging claimed coverage reported to the FCC and included on the mobile view of the National Broadband Map. Additionally, Ookla urged the continued and expanded use of crowdsource data as a critical part of the foundation in analyzing both mobile and fixed broadband availability and ensure the funding available to expand this connectivity is directed where it can provide the most public good.
- The Competitive Carriers Association [met with](#) Commissioner Gomez's chief of staff on April 12, 2024, regarding the draft second report and order and FNPRM on the 5G Fund for Rural America. CCA discussed: mapping issues relevant to fund eligibility; eligibility issues; the timing of the trigger to shift from legacy support to fund support to eliminate any potentially harmful funding gaps consistent with congressional instruction; the importance of funding for Open RAN incentives to not remove up to \$900M from the potential nonincentive funding pool; and the importance of sufficient funding for the fund and a definition of 5G more consistent with other FCC proceedings.
- An FCC [notice](#) was published in the Federal Register on April 18, 2024, seeking Paperwork Reduction Act comments on a revision of a currently approved information collection on legacy high-cost support recipient initial report of current service offerings. The FCC said the information and certifications provided in the reports will be used to ensure competitive ETCs receiving legacy high-cost support for mobile wireless services deploy 5G service by

in their subsidized service areas consistent with the rules adopted in the October 2020 5G fund report and order. PRA comments are due June 17, 2024.

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## Broadband

- NTIA [announced](#) on April 18, 2024, it received more than 160 applications in funding requests totaling more than \$2.64 billion for the [second notice of funding opportunity](#) in the Tribal Broadband Connectivity Program. NTIA said it has made available approximately \$980 million from this NOFO.
- The Accurate Broadband Data Alliance filed a [letter](#) on April 12, 2024, claiming LTD Broadband is reporting inaccurate broadband speeds, as compared to Ookla data results, and is intentionally refileing inaccurate data after successful BDC challenges by members of the rural ILEC industry. ABDA asserted the Enforcement Bureau's action in the March 2024 [order](#) on Jefferson County Cable TV should serve as precedent for initiating enforcement actions against more egregious data reporting currently on the record.
- A coalition of 271 civil-society groups and local, state and tribal governments sent a [letter](#) to the House of Representatives on April 15, 2024, urging members to sign a discharge [petition](#) filed by Rep. Yvette Clarke (D-N.Y.) in support of the Affordable Connectivity Program Extension Act. The legislation would provide an additional \$7 billion for the program, which is set to run out of funding in a few weeks. [press release](#)
- An FCC [notice](#) was published in the Federal Register on April 18, 2024, seeking Paperwork Reduction Act comments on an extension of a currently approved information collection on the Emergency Connectivity Fund Program. The FCC said the information provides the FCC and USAC with the necessary information to administer the program, determine the amount of support entities seeking funding are eligible to receive, determine if entities are complying with the FCC's rules and prevent waste, fraud and abuse. The information also allows the FCC to evaluate the extent to which the ECF is meeting the statutory objectives specified in the American Rescue Plan Act and the FCC's performance goals set forth in the ECF report and order, and to evaluate the need for and feasibility of any future revisions to program rules. PRA comments are due June 17, 2024.

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## Open internet

- Commissioner Carr issued a [statement](#) on April 19, 2024, asserting the internet is not broken and the [draft item](#) to reclassify broadband as Title II will not fix it. Carr asserted when the net neutrality rules were repealed in 2017, broadband speeds increased, prices decreased, competition intensified and years of record-breaking infrastructure builds brought millions across the digital divide. He provided data he says supports his position.
- NTCA [spoke with](#) legal advisors to Commissioners Starks and Gomez on April 17, 2024, regarding the [draft item](#) reclassifying broadband as Title II. NTCA raised concerns regarding potential forbearance by the FCC from the application of a mandatory universal service contribution obligation under Section 254(d) in connection with the reclassification of broadband internet access service. NTCA asserted the FCC would be on sounder legal

footing and advance the public interest as a practical and policy matter if it were to issue a FNPRM to consider how and whether to reform universal service contributions. NTCA recommended, in lieu of forbearance, the FCC adopt a procedural approach that will enable more careful consideration of the merits of contribution reforms and potential impacts while also precluding even the slightest risk of major upheaval as some claim exists prior to more careful review. NTCA also provided proposed modifications to the draft order. NTCA also [spoke with](#) Chairwoman Rosenworcel's legal advisor on April 18, 2024, regarding the same issues.

- WTA [met with](#) Commissioner Starks' legal advisor on April 15, 2024, regarding the proposal in the [draft open internet item](#) on forbearance from assessing Universal Service Fund contributions on broadband internet access service. WTA said given the USF contribution system needs to be reassessed and modified to provide equitable and sufficient support for a broad range of broadband services, it urged the FCC not to make it more difficult to assess USF contributions upon BIAS services by forbearing from the first sentence of Section 254(d). WTA urged the FCC to delete any discussion of forbearance and instead include the question of whether and how to assess USF contributions upon BIAS as part of a broad rulemaking looking to reform and expand the USF contribution system. WTA also [met with](#) Commissioner Gomez's legal advisor on April 17, 2024 regarding the same issues.
- Vantage Point Solutions [spoke with](#) Commissioner Gomez's advisors on April 17, 2024, regarding the proposed forbearance from assessing Universal Service Fund contributions on broadband internet access service revenues if the change is made to classify BIAS as a telecommunications service, in lieu of seeking further comment on how to implement such a necessary obligation in the furtherance of universal service in rural and remote areas. VPS discussed the short-term implications of the proposed forbearance on issues including the Affordable Connectivity Program and the potential impacts in the long term of such forbearance on the USF program in total. Additionally, VPS discussed the shortcomings and long-term costs of relying on temporary solutions not future focused on reasonable policy goals for the FCC.
- USTelecom [met with](#) Commissioner Starks' legal advisor on April 16, 2024, regarding the [draft item](#) to reclassify broadband as Title II. USTelecom offered suggestions on: sections 214 and 254(d) forbearance; internet traffic exchange; USF contribution requirements; preemption; transparency rule enhancements; and domain name system. USTelecom also [met separately with](#) advisors to Chairwoman Rosenworcel and Commissioners Carr, Simington and Gomez, and Wireline Competition Bureau, General Counsel, Office of International Affairs and Public Safety and Homeland Security Bureau staff on April 11, 12 and 15, 2024, regarding the same issues.
- USTelecom filed a [letter](#) on April 18, 2024, responding to ex partes on the [draft item](#) reclassifying broadband as Title II filed by Public Knowledge and INCOMPAS. USTelecom said if the FCC does reclassify broadband as proposed in the draft order, it urged the FCC not to make the changes Public Knowledge and INCOMPAS proposed. USTelecom also filed a [letter](#) on April 18, 2024, submitting a supplemental report from Recon Analytics attached to USTelecom's reply comments.
- INCOMPAS [spoke with](#) Commissioner Starks and his chief of staff and legal advisor, and legal advisors to Chairwoman Rosenworcel and Commissioner Gomez on April 12 and 15, 2024, to offer suggestions on the [draft item](#) to reclassify broadband as Title II. INCOMPAS suggested the FCC should not forbear from Section 254(d) and instead temporarily waive the new rules from immediately applying to BIAS providers to develop a fuller contribution



reform record in the future. INCOMPAS also requested the FCC remove any findings regarding the impact of assessing BIAS, specifically its finding rates could rise if BIAS is assessed for USF purposes. It claimed the draft order does not give a fair representation of the record on contribution reform as it ignores findings in the USForward Report, the Brattle Report and the Affordable Broadband Campaign's ex parte recommendations.

- INCOMPAS filed a [letter](#) on April 18, 2024, in support of NTCA's April 17, 2024 [letter](#) that concerns regarding potential forbearance by the FCC from the application of a mandatory universal service contribution obligation under Section 254(d) in connection with the reclassification of broadband internet access service. INCOMPAS agreed with NTCA's proposed edits to paragraphs 359-364 of the draft order, saying they are consistent with INCOMPAS's April 16, 2024 [letter](#).
- Altice [spoke separately with](#) advisors to Chairwoman Rosenworcel and Commissioners Carr, Starks, Simington and Gomez on April 15, 16 and 17, 2024, regarding the draft item reclassifying broadband as Title II. Altice discussed the FCC's approach to preemption and said exposing Altice and other providers to a patchwork of state broadband regulations inconsistent with federal rules would undermine provider deployment incentives and frustrate the goal of affordable broadband for everyone. Altice urged the FCC to preempt inconsistent state and local regulation as it has done before.
- Lumen [spoke with](#) advisors to Chairwoman Rosenworcel and Commissioner Starks on April 15 and 17, 2024, regarding the proposal to reclassify broadband as Title II. Lumen reiterated the importance of addressing BIAS providers' internet traffic exchange practices in any policy framework to protect the open internet. Lumen also said an appropriate framework would continue to permit providers generally to negotiate arrangements as they see fit, with a limited federal backstop to ensure the very largest BIAS providers do not abuse their gatekeeper power over access to their customers to impose unjustifiable tolls simply to deliver internet traffic to their customers.
- Verizon [spoke separately with](#) advisors to Commissioners Gomez and Starks on April 15, 2024, regarding the draft item reclassifying broadband as Title II. Verizon reiterated its opposition to the FCC's proposal and noted reclassification would be both unnecessary and unlawful. Verizon also said if the FCC does reclassify broadband, it should: maintain its longstanding, technology-neutral definition of BIAS; reinstate the same approach to non-BIAS data services it adopted in 2010 and 2015; and refrain from heightened rules or guidance for non-BIAS data services.
- AT&T [met separately with](#) advisors to Commissioners Gomez, Starks and Simington on April 16 and 17, 2024, regarding 5G network slicing, video throttling and transparency. AT&T asserted network slicing can increase the amount of usable spectrum and the intensity with which it is used and can significantly increase the speeds and quality of service for best-efforts mobile BIAS. AT&T also urged the FCC to restore language from the 2015 order that made clear choices made by consumers to purchase plans that offer varying levels of video resolution at different price points do not constitute throttling. Additionally, AT&T claimed the FCC has greatly underestimated the burdens of the proposed collection and reporting requirements.
- AT&T met separately with advisors to [Chairwoman Rosenworcel](#) and [Commissioner Carr](#) on April 11 and 13, 2024, regarding 5G network slicing, video throttling and transparency. AT&T asserted network slicing can increase the amount of usable spectrum and the intensity with which it is used and can significantly increase the speeds and quality of service for best-efforts mobile broadband internet access services. AT&T also urged the

FCC to restore language from the 2015 order that made clear choices made by consumers to purchase plans that offer varying levels of video resolution at different price points do not constitute throttling. Additionally, AT&T claimed the FCC has greatly underestimated the burdens of the proposed collection and reporting requirements.

- CTIA [spoke with](#) legal advisors to Chairwoman Rosenworcel and Commissioners Carr, Starks, Simington and Gomez on April 12, 15 and 16, 2024, regarding the [draft item](#) to reclassify broadband as Title II. CTIA claimed the draft order presents no evidence of any harms that could warrant reimposing Title II or investment and innovation-stifling internet conduct rules. CTIA said: the FCC should not go beyond the 2015 framework for non-BIAS data services; the draft order ignores clear reasons not to require wireless BIAS providers to report packet loss, geographically granular data or peak period usage; the FCC should ensure its approach to preemption is consistent with its commitment to a nationwide framework for BIAS; and the FCC should not upend consumer choice and network management practices for mobile video.
- CTIA [spoke with](#) Commissioners Carr and Simington and their advisors on April 17, 2024, regarding the [draft item](#) reclassifying broadband as Title II. CTIA asserted the final order should avoid new guidance or warning language in the non-BIAS and no-throttling rule discussions; modify the preemption discussion to hew more closely to the FCC's commitment to a nationwide framework; and ensure transparency requirements and reasonable network management account for the unique attributes of both mobile and fixed wireless broadband. CTIA also said the 5G Fund for Rural America auction should be scheduled after final funding decisions are made in the BEAD Program, should incorporate the best available data and avoid prescriptive requirements that could increase costs and complexity for providers.
- ACA Connects [spoke with](#) Chairwoman Rosenworcel's legal advisor on April 12, 2024, on the draft item to reclassify broadband as Title II. ACA Connects said the FCC's proposed return to Title II regulation of broadband internet access service is unsound as a matter of law and policy. It said if the FCC moves forward, it should defer enforcement of broad Title II mandates, specifically sections 201 and 202 of the act and the general conduct rule, for at least six months from the effective date of any order, especially for smaller broadband providers. It said immediate enforcement of the broad Title II mandates against ACA Connects members and similarly situated providers is unnecessary to protect the open internet and would impose costs that outweigh any possible benefits.
- NCTA, Comcast, Charter and Cox Enterprises [met separately with](#) advisors to Chairwoman Rosenworcel, commissioners Carr, Starks and Simington, Wireline Competition Bureau and General Counsel staff on April 11, 12 and 15, 2024, regarding the proposal to reclassify broadband as Title II. NCTA, et al. expressed legal and policy concerns with the proposal, as well as preemption and reasonable network management.
- NCTA, USTelecom and CTIA filed a [letter](#) on April 18, 2024, regarding allegations in the draft order from parties supporting reclassification of broadband under Title II have leveled against ISPs. NCTA, et al. asserted most of these claims are a decade old, and the record is lacking actual, recent examples of ISPs' purportedly harmful conduct that the proposed rules the FCC is proposing to adopt would address.
- The Computer & Communications Industry Association filed a [letter](#) on April 17, 2024, on the draft item to reclassify broadband as Title II. CCIA requested the FCC remove any statement indicating it will forbear from applying any provision of Section 254(d) to BIAS, as well as any proposed grounds or rationale for such forbearance. CCIA asserted at a time

when the sustainability of USF is a concern and the demand for funding is higher than ever, the question whether the FCC should expressly exempt BIAS from Section 254(d) warrants a rulemaking.

- WISPA spoke with advisors to [Chairwoman Rosenworcel](#) and [Commissioner Carr](#) on April 16, 2024, regarding the [draft item](#) reclassifying broadband as Title II. WISPA said the draft item does not adequately consider the extent of the burdens being placed on small BIAS providers by these compliance obligations and urged the FCC to fully explore the issues related to whether BIAS providers with 250,000 or fewer subscribers should be exempt from the proposed rules. WISPA also urged the FCC to consider permanently exempting small providers from the bright line and general conduct rules, and the new transparency requirements. Additionally, WISPA urged the FCC to revise the draft item to adopt streamlined enforcement procedures for smaller providers, adopt specific time frames for filing and resolving complaints filed with the FCC and establish clearly stated forfeiture amounts for violations of the Part 8 rules. WISPA also [met with](#) Commissioner Starks' legal advisor on April 18, 2024, regarding the same issues.
- WISPA spoke with advisors to Commissioners [Simington](#) and [Gomez](#) on April 15, 2024, regarding the proposal to reclassify broadband as Title II. WISPA expressed concern the proposal does not adequately consider the extent of the burdens being placed on small BIAS providers by these compliance obligations and urged the FCC to fully explore the issues related to whether BIAS providers with 250,000 or fewer subscribers should be exempt from the rules proposed in the draft item. WISPA also urged the FCC to consider permanently exempting small providers from the bright line and general conduct rules, and the new transparency requirements. WISPA also [spoke with](#) Wireline Competition Bureau and Wireless Telecommunications Bureau, General Counsel and Office of International Affairs staff on April 12, 2024, regarding the draft item's approach to Section 310(b) (license ownership restrictions).
- LARIAT, the OCA-Asian Pacific National Advocates, DojoNetworks and TechFreedom [spoke with](#) Commissioner Gomez and her advisors on April 12, 2024, regarding the proposal to reclassify broadband as Title II. LARIAT, et al. urged the FCC, if it does reclassify internet access under Title II, to take into account the limited resources of small and local ISPs and the danger of driving them out of business via excessive regulation, leaving consumers with fewer choices.
- Public Knowledge [met with](#) Chairwoman Rosenworcel's legal advisor on April 12, 2024, regarding the [draft item](#) to reclassify broadband as Title II. It said for clarity, the order could note state laws that go further than the FCC's rules are not incompatible with FCC rules and therefore not preempted. It also said the draft order's emphasis on forbearing from ex post as well as ex ante price regulation creates confusion with regard to the FCC's proposed exercise of consumer protection under sections 201 and 202. Additionally, PK said although emerging non-BIAS technologies can be compatible with the new open internet rules, innovation must not be used as a pretext to justify the creation of a two-tiered internet.
- The Open Technology Institute at New America [spoke with](#) Chairwoman Rosenworcel's advisors and Wireline Competition Bureau and Wireless Telecommunications Bureau staff on April 11 and 15, 2024, regarding the draft item reclassifying broadband as Title II. OTI discussed specialized services, throttling, zero rating, interconnection, affordability and forbearance from Section 254(d).



- Free Press filed a [letter](#) on April 15, 2024, regarding the draft item reclassifying broadband as Title II. Free Press supported the FCC's proposal to forbear from Section 254(d) (USF contributions). Free Press asserted the temporary forbearance will protect hardworking families from bill shock that would force many to curtail or drop broadband and wireless services.
- Akamai Technologies [met with](#) Commissioner Starks' chief of staff on April 15, 2024, regarding the draft item reclassifying broadband as Title II. It commended the FCC for explicitly stating in the draft order content delivery networks are outside the scope of broadband internet access service. It also urged the FCC to expressly reaffirm its conclusion in the 2015 Open Internet Order an ISP agreement with a CDN to store content locally within the ISP's network does not constitute paid prioritization. It claimed there have been no changes to CDN technology or the marketplace since 2015 that would warrant a different approach.
- Akamai Technologies [met with](#) Commissioner Gomez's legal advisor on April 16, 2024, commending the FCC for explicitly stating in the [draft open internet order](#) content delivery networks are outside the scope of BIAS. Akamai said to eliminate any uncertainty regarding the use of CDNs, it offered language to be added to the final order.
- The Alarm Industry Communications Committee filed a [letter](#) on April 16, 2024, claiming there is an error regarding AICC's position in the [draft open internet order](#). AICC asserted it does not support forbearance from Section 275. AICC said it did not argue excluding Section 275 from forbearance would actively strip the alarm industry of protections, but rather failure to exclude Section 275 from forbearance would strip those same protections.
- Barbara van Schewick, professor at Stanford Law School, spoke separately with advisors to [Chairwoman Rosenworcel](#) and [Commissioner Starks](#) on April 15, 2024, regarding the draft order's approach to evaluating speeding up apps or classes of apps under the no throttling rule. She asserted for speeding up and other forms of preferential treatment, the draft order turns the bright line no-throttling rule into a new, vague case-by-case standard. She urged the FCC to clarify the no-throttling rule also prohibits ISPs from speeding up apps or classes of apps. She also asserted there are ways to offer network-slicing enabled services as part of BIAS, non-BIAS data services and enterprise service offerings in ways that do not harm the open internet.
- SpaceX [spoke with](#) advisors to Chairwoman Rosenworcel and Commissioners Carr, Starks, Simington and Gomez on April 15, 16 and 17, 2024, regarding the draft item reclassifying broadband as Title II. SpaceX expressed support for retaining the reasonable network management exception and adopting a flexible standard that recognizes the unique network management requirements of next-generation satellite systems.
- WISPA, Digital Liberty, the Information Technology and Innovation Foundation, TechFreedom and R Street filed their testimony given at [roundtable discussions](#) held by Commissioner Gomez on April 10 and 11, 2024, on open internet. [WISPA](#) suggested the FCC temporarily exempt BIAS providers with 250,000 or fewer subscribers to afford the FCC time to explore the issues in the FNPRM. [Digital Liberty](#) asserted consumers are benefitting from faster speeds at lower prices without a Title II regulatory regime in place. [ITIF](#) opposed the proposal to reclassify broadband as a Title II service, saying there was a free and open internet prior to the 2015 order and have had one since 2018. [TechFreedom](#) said only Congress can resolve the debate over net neutrality with legislation that provides clear authority to the FCC and avoids the need for the FCC to invoke Title II. [R Street](#)

asserted the proposed rule will deter investment, weaken competition and reduce incentives to develop innovative solutions to connect.

- Ex partes and letters were also filed on the [draft item](#) to reclassify broadband as Title II by [ACA Connects](#), the [ACLU \(ACLU\)](#), [CTIA](#), [CWA](#), [Free Press \(FP\)](#), [ITI](#), the [Leadership Conference on Civil and Human Rights](#), [Lumen](#), [NCTA \(NCTA, NCTA\)](#), [the Open Technology Institute at New America](#), [Phoenix Center](#), [Public Knowledge](#), [Faith Net](#), [WGA West](#), [Internet Society and the Global Cyber Alliance](#), and [Title II Civil Society and Partners](#).

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## Robocalls

- The Enforcement Bureau sent a cease and desist [letter](#) to DigitalIPvoice on April 17, 2024, asserting it apparently is transmitting illegal robocall traffic pertaining to student loan services. The bureau provided legal obligations and steps DigitalIPvoice must take to address the apparent illegal traffic and stated failure to comply may result in downstream voice service providers blocking all its traffic permanently. Additionally, the bureau issued a [public notice](#) on April 17, 2024, to notify all U.S.-based voice providers about substantial amounts of apparently unlawful robocalls transmitted by DigitalIPvoice. The bureau said if DigitalIPvoice 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 DigitalIPvoice without liability. [news release](#)
- INCOMPAS, the Cloud Communications Alliance, Google and Telnix [spoke with](#) Consumer and Governmental Affairs Bureau staff on April 10, 2024, regarding robocalls. They expressed concern over the possibility, absent increased FCC oversight, terminating providers and their analytics engines could mislabel or manipulate the presentation of inbound calls in a manner that discriminates against competitive providers' and their customers. They urged the FCC to establish a redress framework for labeling issues, such as mislabeling or manipulation of rich call data. They also suggested the FCC standardize the inclusion of rich call data and ensure the industry is not overly burdened by individual, proprietary solutions that allow certain segments to fundamentally control the distribution and delivery of enterprise communications.

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## Other universal services

- Consumers' Research, et al. filed a [petition for review](#) with the U.S. Circuit Court of Appeals for the Fifth Circuit on April 3, 2024, on the FCC's approval of the [second quarter 2024 universal service contribution factor](#). Petitioners claimed the FCC's approval of the USF factor exceeded the FCC's statutory authority and violated the Constitution and other federal laws.
- The Wireline Competition Bureau issued an [order](#) on April 18, 2024, addressing four requests for waiver of the Rural Health Care Program funding deadline filed by Bartlett Regional Hospital, Community Counseling Services, Heart of Texas Region MHMR and Hiawatha Behavioral Health. The bureau granted Bartlett and Hiawatha's requests and denied Heart of Texas and CCS's requests, saying they did not file funding requests or

waiver requests within 14 days after the filing window deadline.

- The American Library Association [met with](#) Chairwoman Rosenworcel's advisor on April 18, 2024, regarding the use of E-Rate funds for Wi-Fi hotspots. ALA recommended the FCC adopt straightforward rules that do not require libraries to develop hotspot-specific policies or procedures but allow them to incorporate new or additional Wi-Fi hotspots into existing practices. ALA also urged the FCC to be inclusive of alternative off-premises solutions.
- Lumen Technologies [spoke with](#) Wireline Competition Bureau staff on April 12, 2024, regarding the E-Rate cybersecurity pilot program. Lumen discussed the increasingly integral nature of zero trust architecture in cybersecurity protections, the types of cybersecurity services Lumen commonly sells to educational institutions and the benefits of implementing whole-of-state cybersecurity systems. Lumen also said, given the prevalence of internet nationwide and the growing coordination of Regional Education Networks with K-12 institutions, RENs should be made eligible for funding under the pilot program so that K-12 institutions can benefit from partnerships with such institutions.
- The Schools, Health & Libraries Broadband Coalition, the American Library Association and the Consortium for School Networking filed a [letter](#) on April 15, 2024, to respond to the Heritage Foundation's [opposition](#) to the FCC's proposal to allow E-Rate funding for wireless broadband connectivity off-campus. SHLB, et al. asserted the proposal is a cost-effective way to bring high-speed internet access to low-income families and students who cannot otherwise afford it.
- USAC sent a [letter](#) to the Wireline Competition Bureau on April 15, 2024, providing funding reports containing [two sets of data](#): E-Rate firewall C1 funding report for 2016-2023; and E-Rate firewall C2 funding report for 2016-2023.
- Q Link Wireless filed a [sixth amended petition](#) on April 15, 2024, for designation as an eligible telecommunications carrier in Connecticut, Delaware, Florida, New Hampshire, North Carolina and the District of Columbia. Q Link said the updated petition is so it can provide its Affordable Connectivity Program customers in these states a Lifeline alternative if Congress does not appropriate additional funds for ACP.

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## Miscellaneous

- The FCC issued the [agenda](#) on April 18, 2024, for its April 25, 2024 open meeting. The FCC will consider a [declaratory ruling, order, report and order and order on reconsideration](#) to: classify broadband internet access service as a telecommunications service and mobile broadband internet access service as a commercial mobile service; reinstate straightforward, clear rules that prohibit blocking, throttling or engaging in paid or affiliated prioritization arrangements; and adopt certain enhancements to the transparency rule. The order on reconsideration will partially grant and otherwise dismiss as moot several petitions for reconsideration filed in response to the RIF remand order. The FCC will also consider: a [second FNPRM](#) requiring implementation of one or more georouting solutions for wireless calls to the 988 Suicide & Crisis Lifeline to ensure calls are routed based on the geographic location for the origin of the call, rather than the area code and exchange associated with a wireless phone; and six enforcement bureau actions.

- The House Energy and Commerce Committee [announced](#) on April 19, 2024, the Subcommittee on Communications and Technology will hold a hearing on the FCC budget on May 7, 2024. Chairwoman Rosenworcel and the FCC commissioners will testify. On May 15, 2024, the subcommittee will hold a hearing with NTIA. Alan Davidson will testify.
- NTCA [met with](#) Wireline Competition Bureau, Public Safety and Homeland Security Bureau staff on April 15, 2024, regarding the [NPRM](#) on Next Generation 911. NTCA stated the NPRM's proposed default cost recovery framework, requiring originating service providers to assume all financial responsibility for the routing of 911 calls in the absence of a state cost recovery mechanism, should be set aside in favor of a default framework that mirrors the apportionment of financial responsibility today for the origination of such calls. NTCA also discussed the need for the FCC to be attentive to the disproportionate impact the proposed default cost allocation rule would have on rural end users. It said the adoption of a default rule for apportionment of interconnection costs along the lines of that proposed by NTCA, at least for smaller providers operating in the most rural high-cost areas of the country, if not for all OSPs, should be considered.
- The FCC filed an [opposition](#) in the U.S. Court of Appeals for the Eleventh Circuit on April 15, 2024, to the Insurance Marketing Coalition's [motion for stay pending appeal](#) of the December 2023 [order](#) on robotexts. IMC sought a stay of the effect of the order on closing the lead generator loophole and the corresponding revisions to Section 64.1200 (delivery restrictions), pending disposition of this litigation. The FCC asserted IMC has not shown any likelihood of success on the merits or adequately substantiated its various theories of irreparable harm.
- Replies were due on April 19, 2024, on the [FNPRM](#) on robocalls and robotexts. PRA comments are due May 6, 2024. [public notice](#)
- No replies were filed on a Section 214 application by Buckland Telephone and Hanson Communications, Inc., requesting consent for the transfer of control of Buckland to HCI. [public notice](#)
- No comments were filed on an application by the Estate of Meshell L. Schloss (estate), Daniel E. Schloss and Elizabeth L. Burchfield (transferees), requesting approval for the involuntary transfer of control of Ligonier Telephone and LigTel Communications from the decedent's estate to Daniel E. Schloss and Elizabeth L. Burchfield. Replies are due April 26, 2024. [public notice](#)
- The Wireline Competition Bureau issued a [public notice](#) on April 18, 2024, seeking comment on an application by TNS Transline for authorization to obtain North American Numbering Plan telephone numbers directly from the numbering administrator for their VoIP service. Comments are due May 3, 2024.
- No comments were filed on an application by Union Telephone Company for authorization to obtain North American Numbering Plan telephone numbers directly from the numbering administrator for their VoIP service. [public notice](#)

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## Upcoming filing dates

- April 26 - Replies due on an application by the Estate of Meshell L. Schloss (estate), Daniel E. Schloss and Elizabeth L. Burchfield (transferees), requesting approval for the involuntary transfer of control of Ligonier Telephone and LigTel Communications from the decedent's estate to Daniel E. Schloss and Elizabeth L. Burchfield. [public notice](#)
- April 29 - PRA comments due on a revision of a currently approved collection on pole attachment access and dispute resolution requirements. [notice](#)
- April 29 - PRA comments due on an extension of a currently approved information collection relating to requirements for truth-in-billing. [notice](#)
- April 29 – Due date for applications on Distance Learning and Telemedicine Program funding for fiscal year 2024. [notice](#)
- April 30 - Replies due on Hilliary Communications' [petition](#) for declaratory ruling on conversion of BDS to incentive regulation. [public notice](#)
- May 2 – Comments due on a new computer matching program between the FCC and USAC and the Connecticut Department of Social Services to verify the eligibility of applicants to and subscribers of the ACP and Lifeline Program. [notice](#)
- May 3 – Comments due on an application by TNS Transline for authorization to obtain North American Numbering Plan telephone numbers directly from the numbering administrator for their VoIP service. [public notice](#)
- May 6 – PRA comments due on the [FNPRM](#) on robocalls and robotexts. [public notice](#)
- May 8 – Comments due on a new computer matching program between the FCC and USAC and the Georgia Department of Human Services, Department of Family and Children Services to verify the eligibility of applicants to and subscribers of the ACP and Lifeline Program. [notice](#)
- May 15 – PRA comments due on an extension of a currently approved information collection regarding disclosure of transparency rules made in the [Restoring Internet Freedom order](#). [notice](#)
- May 21 – Due date for applications on the [notice of funding opportunity](#) for the ReConnect Program for fiscal year 2024. [notice](#)
- June 3 – PRA comments due on an extension of a currently approved collection associated with Part 64 cost allocation manual auditor's attestation and certification. [notice](#)
- June 6 – PRA comments due on a revision of a currently approved information collection on FCC Form 5629 (Lifeline application). [notice](#)
- June 17 – PRA comments due on a revision of a currently approved information collection on legacy high-cost support recipient initial report of current service offerings. [notice](#)



- June 17 - PRA comments due on an extension of a currently approved information collection on the Emergency Connectivity Fund Program. [notice](#).

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