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## Weekly federal regulatory summary | Aug. 28, 2023 highlights

- Comments on the Enhanced A-CAM [notice of inquiry](#) are [due](#) Oct. 23, 2023; replies are due Nov. 21, 2023.
- The FCC issued a [small entity guide](#) on the Enhanced A-CAM Program, which provides information on compliance, recordkeeping and reporting requirements, and the implementation date.
- WTA, et al. [asserted](#) ReConnect Program grants should be deemed to be complementary to, rather than duplicative of, Enhanced A-CAM support.
- KPU Telecom, et al. [discussed](#) ATA's [petition for expedited rulemaking](#) to update and extend the current Alaska Plan.
- Comments are due Sept. 1, 2023, on a Commerce department [proposal](#) to issue a limited [waiver](#) of the [Build America, Buy America](#) procurement preference to recipients of federal financial assistance under the BEAD Program.
- NTIA [seeks comment](#) on adding questions on equipment purchases to the Enabling Middle Mile Broadband Infrastructure Program bi-annual performance reports. Comments are due Oct. 23, 2023.
- [Comments were filed](#) with the Senate USF Working Group on various [USF topics](#).
- The FCC [committed](#) over \$68 million in additional Emergency Connectivity Fund support.
- The Office of Management and Budget [approved](#) the Affordable Connectivity Program transparency [data collection](#).

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## Other key upcoming dates

**Sept. 18** – Comments are [due](#) on the Enhanced A-CAM Program [NPRM](#). Replies are due Oct. 2, 2023.

## High Cost USF reform

- The Enhanced A-CAM [notice of inquiry](#) was published in the [Federal Register](#) on Aug. 23, 2023. The NOI seeks to explore methods for modifying the USF High-Cost Program to promote affordable and available broadband services. Comments are due Oct. 23, 2023, and replies are due Nov. 21, 2023.
- The FCC issued a [small entity compliance guide](#) on Aug. 24, 2023, on the Enhanced A-CAM Program. The guide provides information on compliance requirements, recordkeeping and reporting requirements, and the implementation date. The Enhanced A-CAM [report and order](#) became [effective](#) on Aug. 17, 2023, except for sections 54.308(e)(2), 54.308(e)(6) (broadband public interest obligations for recipients of high-cost support), 54.313(f)(1)(i), 54.313(f)(6)(i), 54.313(f)(6)(ii), 54.313(f)(6)(iii) (annual reporting requirements), 54.316(a)(9) and 54.316(b)(8) (broadband deployment reporting and certification requirements), which require Office of Management and Budget approval.
- WTA, et al. [spoke with](#) Wireline Competition Bureau and Office of Economics and Analytics staff on Aug. 17, 2023, regarding Enhanced A-CAM. WTA, et al. said ReConnect Program grants should be deemed to be complementary to, rather than duplicative of, Enhanced A-CAM support. They also urged partial ReConnect grants be deemed to be complementary and the locations involved eligible for Enhanced A-CAM support. Additionally, they said areas receiving enforceable commitments for ReConnect awards that are 100% grant should be eligible for the same 50%-75% amount of current A-CAM support being offered to ILECs for locations where they have completed 100/20 Mbps deployment. Finally, they discussed the likelihood supply chain shortages, scheduling delays and weather-restricted construction seasons will make it difficult to meet the buildout timetables and are discouraging some potential Enhanced A-CAM recipients from opting into the program.
- Pacific Dataport filed a [letter](#) on Aug. 23, 2023, regarding methodologies for preventing duplication of support services between legacy high-cost universal support mechanisms and funding provided by other federal and state agencies for broadband deployment. Pacific Dataport asserted virtually all U.S. mainland last mile providers have secondary sources of middle mile and requiring a backup source in Alaska must be part of any legacy support mechanism reform, even if it requires some duplication of facilities.
- KPU Telecom, et al. [spoke with](#) Wireline Competition Bureau and Wireless Telecommunications Bureau staff on Aug. 17, 2023, regarding ATA's [petition for expedited rulemaking](#) to update and extend the current Alaska Plan. They asked the FCC to move forward on the petition and issue an NPRM. They said an NPRM will provide the opportunity to review the proposals and develop an extended plan that will allow participants to proceed with planning for future deployment and upgrades, and participate in the Broadband Equity, Access and Deployment Program.
- The Wireline Competition Bureau issued a [public notice](#) on Aug. 22, 2023, announcing [Cuba City Telephone](#) and [Cal-Ore Communications](#) notified the FCC of their decisions to withdraw from the Rural Digital Opportunity Fund Program. The bureau said Cuba City and Cal-Ore's letters constitute notification they are defaulting on their obligations to meet their service milestones and directed USAC to suspend future support payments to Cuba City and Cal-Ore and recover their RDOF support. The bureau also said Cuba City and Cal-Ore remain subject to recordkeeping rules for the high-cost program and to all ETC

obligations unless they follow the procedures to relinquish their designations. Additionally, the bureau said they cannot discontinue voice service without FCC approval.

- The Rural Wireless Association [spoke with](#) legal advisors to Chairwoman Rosenworcel on Aug. 21, 2023, regarding the status of the 5G Fund for rural America and issues with the Broadband Data Collection's maps and challenge process. RWA asserted the 5G Fund, as currently constructed, will undermine efforts of its members to deliver mobile service to rural customers that are not served by the nationwide providers. Additionally, RWA opposed the [petition](#) by the CCA and USTelecom for an extension of a waiver granting an exemption for three filing cycles from the FCC's requirement that BDC filings be verified by a licensed professional engineer.

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## Broadband

- NTIA issued a [notice](#) on Aug. 22, 2023, seeking comment on a Department of Commerce proposal to issue a limited [waiver](#) of the [Build America, Buy America](#) procurement preference to recipients of federal financial assistance under NTIA's BEAD Program. NTIA said the waiver promotes broad participation and ensures program awardees will have access to the manufactured products necessary to fulfill their obligations, among other things. Comments are due Sept. 21, 2023.
- An NTIA [notice](#) was published in the Federal Register on Aug. 23, 2023, seeking comment on adding 11 questions on equipment purchases to the Enabling Middle Mile Broadband Infrastructure Program bi-annual performance reports. Comments are due Oct. 23, 2023.
- NTIA [announced](#) on Aug. 24, 2023, it awarded nearly \$3.5 million to 7 tribes as part of the Tribal Broadband Connectivity Program. These new grants bring the total of the program to over \$1.79 billion awarded to 198 tribal entities.
- The Government Accountability Office issued a [report](#) on Aug. 24, 2023, recommending NTIA provide TBCP applicants in the first round of funding with constructive feedback. The GAO said NTIA has not provided feedback to applicants that received equitable distribution grants for the program. The GAO said feedback could help applicants understand why they did not receive full funding and improve their applications in the second round of funding.
- The FCC issued a [news release](#) on Aug. 23, 2023, announcing it committed over \$68 million in additional Emergency Connectivity Fund support, bringing total program commitments to approximately \$6.93 billion.
- The [order](#) granting T-Mobile's petition for limited waiver of the Emergency Connectivity Fund Program invoice filing deadline was published in the [Federal Register](#) on Aug. 28, 2023. The order directed USAC to provide an automatic, one-time extension of the invoice filing deadline to Oct. 30, 2023, for any funding requests with an invoice filing deadline occurring before Oct. 30, 2023. The order also modified Section 54.1711(d) (requests for reimbursement) to provide 60 days to submit invoices from the date of the notification by USAC that a refund request is processed by USAC. The order is effective Aug. 28, 2023.
- An FCC [notice](#) was published in the Federal Register on Aug. 23, 2023, announcing the Office of Management and Budget approved, for a period of three years, the Affordable

Connectivity Program transparency data collection contained in the November 2022 [fourth report and order](#). The amendments to Section 54.1813(b) through (d) and Section 54.1813(c) and (g) are effective Aug. 23, 2023.

- Crown Castle [spoke with](#) Commissioner Starks' chief of staff and legal advisors to Commissioners Carr and Simington on Aug. 22 and 23, 2023, regarding altafiber, et al.'s [petition for clarification or reconsideration](#) of the [report and order](#) on broadband consumer labels. Crown urged the FCC to grant the petition and clarify enterprise and special access services provided through the E-Rate and Rural Health Care programs are not subject to the label requirement.
- The FCC issued a [public notice](#) on Aug. 21, 2023, seeking nominations for membership on the Task Force for Reviewing Connectivity and Technology Needs of Precision Agriculture in the United States. Nominations to the task force or its working groups [are due](#) Sept. 20, 2023. The FCC said it anticipates renewing the task force charter by Dec. 2, 2023, and a termination date of Jan. 1, 2025. A [news release](#) was issued on Chairwoman Rosenworcel's intent to recharter the task force.
- The [public notice](#) seeking comment on the Competitive Carriers Association and USTelecom's [petition](#) on the requirement for a professional engineer to certify Broadband Data Collection maps was published in the [Federal Register](#) on Aug. 22, 2023. They seek an extension of a waiver granting an exemption for three filing cycles from the FCC's requirement that BDC filings be verified by a licensed professional engineer. Comments are due Sept. 1, 2023; reply comments are due Sept. 11, 2023.
- The FCC issued a [public notice](#) on Aug. 24, 2023, seeking nominations for membership on the Technological Advisory Council. The FCC said it anticipates renewing the charter of the TAC, for a period of two years starting on or about Sept. 7, 2023, and the first meeting will be in December 2023. Nominations are due Sept. 22, 2023.

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## Other universal services

- Comments were submitted to the Senate USF Working Group on various [USF topics](#) on Aug. 25, 2023. Separately, [NTCA](#) and [WTA](#) each commented on: the effectiveness of the existing USF programs in achieving universal service goals for broadband; the extent existing USF programs have been effective in carrying out Section 254; transparency and accountability of the USF programs; reforms necessary to address inefficiencies and waste, fraud, and abuse in each of the USF programs; whether to eliminate the requirement a provider must be an ETC to receive USF subsidies; USF contributions; and improving coordination between programs at the FCC, NTIA, and other agencies. The [National Lifeline Association](#) said Congress and the FCC should either consolidate the Lifeline Program with the Affordable Connectivity Program or reform both so they better serve the goal of making essential communications services affordable each and every month. Comments were also submitted by [Free State Foundation](#) and [ITI](#).
- The Wireline Competition Bureau issued a [public notice](#) on Aug. 24, 2023, seeking nominations for six positions on the USAC board of directors for a three-year term. The bureau seeks nominations for representatives for: ILECs (non-Bell Operating Companies) with \$40 million or less in annual revenues; CLECs; low-income consumers; IXCs with

annual operating revenues of \$3 billion or less; schools eligible to receive discounts; and rural health care providers. Nominations are due Oct. 24, 2023.

- The FCC issued an [order](#) on Aug. 25, 2023, temporarily waiving certain Lifeline Program eligibility rules in areas of Hawaii affected by wildfires. The FCC waived, for a period of six months the Lifeline eligibility requirements in Section 54.409(a)-(b)(consumer qualification for Lifeline) for households receiving individual assistance from FEMA's Individuals and Households Program as a result of the wildfires. The FCC also waived definitional portions of the rules referencing requirements at Section 54.409(a)-(b) and the de-enrollment requirements tied to the existing Lifeline eligibility standards for those households seeking to enter the program under this waiver.
- Chairwoman Rosenworcel sent [letters](#) to Sens. Ted Cruz (R-Texas.) and Cathy McMorris Rodgers (R-Wash.) on Aug. 14, 2023, to respond to their letter claiming a [circulated NPRM](#) to allow E-Rate support for Wi-Fi hotspots and Wi-Fi on school buses violates federal law and duplicates programs across the federal government. Rosenworcel asserted the NPRM is consistent with agency precedent dating back more than 25 years that concluded the E-Rate Program may include support for equipment necessary to facilitate internet service access.
- [Virgin Islands Telephone d/b/a Viya](#), [Vitelcom Cellular d/b/a/ Viya Wireless](#), and [Choice Communications d/b/a/ Viya Wireless](#) filed revised disaster preparedness and restoration plans on Aug. 22, 2023, in connection with their elections to receive Connect USVI Stage 2 mobile support. The plans document the actions to be taken by the Viya companies and their employees in preparation for, and restoration from, any disaster affecting the U.S. Virgin Islands.
- Reply comments are due Aug. 28, 2023, on the Osage Nation's [petition](#) for designation as an eligible telecommunications carrier. [public notice](#)

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## Miscellaneous

- Hikvision filed a [letter](#) on Aug. 25, 2023, responding to [Motorola Solutions'](#) and [IPVM's](#) oppositions to its [request for confidential treatment](#) of its compliance plan. Hikvision asserted neither party demonstrates grounds for denying Hikvision's request for confidential treatment of the commercially sensitive information in its plan. Additionally, Hikvision asserted IPVM's filing merely attaches the same claims it made against Dahua Technology's request for confidential treatment of its compliance plan.
- RWA [spoke with](#) Wireline Competition Bureau staff on Aug. 22, 2023, regarding difficulties and delays its members have experienced with the Secure and Trusted Communications Networks Reimbursement Program. RWA suggested the FCC re-negotiate its contract with the fund administrator so the proper resources and personnel are available and the program can be completed quickly and efficiently.

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## Upcoming filing dates

- Aug. 31 – Comments due on a Section 214 application filed by the Farmers & Merchants Mutual Telephone and Communications Network, Inc. requesting consent to transfer control of Farmers to CNI. Replies are due Sept. 7, 2023. [public notice](#)
- Sept. 1 – Comments due on the CCA and USTelecom’s [petition](#) for an extension of the waiver granting an exemption for three filing cycles from the requirement for a professional engineer to certify BDC maps. Replies are due Sept. 11, 2023. [notice](#)
- Sept. 7 - Replies due on a Section 214 application filed by the Farmers & Merchants Mutual Telephone and Communications Network, Inc. requesting consent to transfer control of Farmers to CNI. [public notice](#)
- Sept. 8 - Replies due on the [FNPRM and NOI](#) seeking comments on options to further combat robocalls. [FR](#)
- Sept. 11 – Replies due on the CCA and USTelecom’s [petition](#) for an extension of the waiver granting an exemption for three filing cycles from the requirement for a professional engineer to certify BDC maps. [notice](#)
- Sept. 11 – Comments due on the merits of extending beyond Dec. 31, 2023, the waiver of the letter of credit rules for CAF Phase II auction support recipients. Replies are due Sept. 26, 2023. [public notice](#)
- Sept. 13 – Comments due on a new computer matching program between the FCC and USAC and the Pennsylvania Department of Human Services to verify the eligibility of applicants to and subscribers of the Affordable Connectivity Program and Lifeline Program. [notice](#)
- Sept. 15 – Comments due on a new computer matching program between the FCC and USAC and the Indiana Family and Social Services Administration Division of Family Resources to verify the eligibility of applicants to and subscribers of the ACP and Lifeline Program. [notice](#)
- Sept. 18 – Comments due on the Enhanced A-CAM Program [NPRM](#). Replies are due Oct. 2, 2023. [notice](#)
- Sept. 21 – Comments due on an NTIA [notice](#) on a Department of Commerce proposal to issue a limited [waiver](#) of the [Build America, Buy America](#) procurement preference to recipients of federal financial assistance under NTIA’s BEAD Program.
- Sept. 22 - Nominations due for membership on the Technological Advisory Council. [public notice](#)
- Sept. 25 – Comments due on the [FNPRM](#) on rule changes and clarifications to further streamline and improve the application process for all E-Rate applicants, including tribal and other small, rural entities. Replies are due Oct. 23, 2023. [notice](#)



- Sept. 26 – Replies due on the merits of extending beyond Dec. 31, 2023, the waiver of the letter of credit rules for CAF Phase II auction support recipients. [public notice](#)
- Oct. 2 – Replies due on the Enhanced A-CAM Program [NPRM](#). [notice](#)
- Oct. 2 - PRA comments due on an extension of a currently approved collection on the Connect America Fund Eligible Locations Adjustment Process. [notice](#)
- Oct. 2 – PRA comments due on an extension of a currently approved information collection on ex parte presentations, pursuant to Section 1.1206 (Permit-but-Disclose Proceedings). [notice](#)
- Oct. 13 – PRA comments due on a revision of a currently approved information collection on Rural Health Care forms. [notice](#)
- Oct. 17 – PRA comments due on an extension of a currently approved information collection for FCC Form 485 (complaint intake form) for formal complaints. [notice](#)
- Oct. 23 – Replies due on the [FNPRM](#) seeking comment on rule changes and clarifications to further streamline and improve the application process for all E-Rate applicants, including tribal and other small, rural entities. [notice](#)
- Oct. 23 – Comments due on the Enhanced A-CAM [notice of inquiry](#). Replies are due Nov. 21, 2023. [notice](#)
- Oct. 23 – Comments due on NTIA adding 11 questions on equipment purchases to the Enabling Middle Mile Broadband Infrastructure Program bi-annual performance reports. [notice](#)
- Oct. 24 - Nominations due for six positions on the USAC board of directors for a three-year term. [public notice](#)
- Nov. 21 – Replies due on the Enhanced A-CAM [notice of inquiry](#). [notice](#)

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