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Weekly federal regulatory summary | Nov. 13, 2023 highlights

The FCC issued the [agenda](#) for the Nov. 15, 2023, open meeting and will consider nine items including a [report and order and FNPRM](#) on preventing and eliminating digital discrimination, an [NOI](#) on the implications of artificial intelligence for robocalls and robotexts, and a [declaratory ruling and order](#) granting MIEAC relief from dominant carrier regulation regarding its provision of CEA service, and regulate it as a nondominant CLEC.

The Alaska Remote Carrier Coalition, Artic Slope Telephone Association Cooperative and OTZ Telecommunications [discussed](#) the [NPRM](#) on the Alaska Connect Fund.

Chairwoman Rosenworcel [responded](#) to 12 members of Congress on the April 2023 [GAO report](#) recommending the FCC provide consistent communication in its reporting on how the FCC determines whether advanced telecommunications capability is being deployed and when updating the metrics the FCC uses to assess broadband speeds and deployment.

The Wireline Competition Bureau [extended](#) until Nov. 30, 2023, the data submission deadline for Affordable Connectivity Program transparency data collection data based on a reference or snapshot date of Aug. 1, 2023.

Commissioner Carr issued a [statement](#) expressing concerns about the [draft report and order and FNPRM](#) on digital discrimination.

Numerous ex partes were filed on the [draft report and order and FNPRM](#) on digital discrimination, including [NTCA](#), [USTelecom](#), [Verizon](#), [AT&T](#), [NCTA, et al.](#), [CTIA](#), and [state telecom associations](#).

Chairwoman Rosenworcel sent [letters](#) to 27 members of Congress to respond to their letter opposing the FCC's proposal to reclassify broadband services under Title II.

Other key upcoming dates

Nov. 21 – Reply comments [are due](#) on the Enhanced A-CAM [NOI](#).

Dec. 14 – Comments are due on the [NPRM](#) to reclassify broadband under Title II. Replies are due Jan. 17, 2024.

High Cost USF reform

- The Alaska Remote Carrier Coalition, Artic Slope Telephone Association Cooperative and OTZ Telecommunications [met with](#) Wireless Telecommunications and Wireline Competition Bureau staff on Nov. 7, 2023, regarding the [NPRM](#) on the Alaska Connect Fund. ARCC discussed its proposed Alaska Broadband Checklist it said details the obligations that should be required of any ACF recipient. ARCC also discussed the benefit of the Alaska Middle Mile Expense Support allocator to capture the challenge of price, performance, and speed in Alaska in general and in the remote markets in specific.
- Carr Telephone filed a [letter](#) on Nov. 6, 2023, explaining how it came into compliance with its Dec. 31, 2022 interim buildout obligation. It said between Jan. 1, 2023, and June 30, 2023, it reported 397 additional locations meeting its 10/1 obligation. Carr said after reporting and certifying those locations in the HUBB, it came into compliance with its buildout obligations.
- The FCC [circulated](#) an item on Nov. 9, 2023, on LTD Broadband's [application for review](#) of the Wireline Competition Bureau [decision](#) denying LTD's application for Rural Digital Opportunity Fund support.
- Alaska Communications [spoke with](#) Wireline Competition Bureau staff on Nov. 6, 2023, regarding its operations under its CAF Phase II frozen support plan and possible approaches after the plan has ended. Alaska Communications said it expects to fully meet its performance obligations under its CAF II plan by December 2025, which is the end of the term of the plan. Additionally, it said it hopes to be able to participate in the proposed Alaska Connect Fund upon expiration of its CAF II plan and said if the Alaska Connect Fund is not adopted and implemented until after its CAF II plan has expired, it will require an interim support plan.
- Bristol Bay Cellular Partnership filed its [quarterly report](#) on Nov. 3, 2023, documenting its efforts to date to meet its Alaska Plan commitments. It said the report contains information on its speed test results, a map showing the areas where it has completed the deployment of 4G LTE service, and a list of additional census blocks not previously reported and in which it has now completed the deployment of LTE service. Bristol Bay also said it filed revised, alternative performance commitments that reflect the extent of service coverage it anticipates it will be able to accomplish if it is unable to complete its deployment of fiber optic facilities pursuant to its current schedule.
- The Wireless Infrastructure Association [spoke with](#) Chairwoman Rosenworcel's advisor on Nov. 1, 2023, regarding support for high-cost mobile deployments. WIA discussed the recently adopted 5G Fund for Rural America [FNPRM](#) and how improvements to service maps should enable the FCC to precisely target funds to areas needing it most.

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Broadband

- Chairwoman Rosenworcel sent [letters](#) to 12e members of Congress on Nov. 1, 2023, regarding the April 2023 [GAO report](#) recommending the FCC provide consistent communication in its reporting on how the FCC determines whether advanced

telecommunications capability is being deployed and when updating the metrics the FCC uses to assess broadband speeds and deployment. Rosenworcel said the GAO observed Section 706 requires the FCC to assess broadband deployment by issuing a notice of inquiry and determining whether advanced telecommunications capability is being deployed in a reasonable and timely fashion to all Americans. She also said the FCC recently adopted the Seventeenth Section 706 report [notice of inquiry](#), and the FCC expects a robust record in this proceeding.

- The Wireline Competition Bureau issued a [public notice](#) on Nov. 9, 2023, extending the Nov. 9, 2023 data submission deadline for Affordable Connectivity Program transparency data collection data based on a reference or snapshot date of Aug. 1, 2023. The bureau said USAC identified technical issues that may have affected certain filers and extending the data submission deadline until Nov. 30, 2023 will allow USAC to confirm that technical issues have been mitigated and will allow affected filers additional time to submit any remaining data.
- Commissioner Carr issued a [statement](#) on Nov. 6, 2023, expressing concerns about the [draft report and order and FNPRM](#) on digital discrimination. Carr asserted President Biden's instructions to the FCC to implement a one page section of the 2021 Infrastructure Investment and Jobs Act by adopting new digital equity rules would give the federal government a roving mandate to micromanage nearly every aspect of how the internet functions. Carr also said Biden's plan allows the FCC to impose unfunded build mandates on ISPs, includes price controls, and adopts an expansive and disfavored theory of liability that Congress neither directed nor authorized the FCC to adopt, among other things.
- NTCA filed a [letter](#) on Nov. 7, 2023, regarding the [draft report and order](#) on preventing digital discrimination. NTCA asserted the draft order articulates considerations and criteria that would substitute agency oversight for private business judgement and minimizes the applicability and practical effectiveness of these statutory carve outs. NTCA urged the FCC to: set aside the disparate outcome standard; preserve the ability of private firms to make rational business decisions in accord with the statute's explicit recognition of technical and economic infeasibility; and to create a safe harbor for providers subject to buildout and Lifeline obligations pursuant to Universal Service Fund or other programs.
- USTelecom [spoke with](#) Commissioner Carr on Nov. 1, 2023, regarding the [draft report and order](#) on preventing digital discrimination. It discussed concerns and said it is too expansive in ways inconsistent with the law and will undermine Congress' and the FCC's connectivity goals. USTelecom claimed as a matter of law and sound policy, the FCC may not: adopt a disparate impact standard; consider issues unrelated to deployment, including price; or impose forfeitures or similar penalties in this context. It also asserted the scope of the draft order is impermissibly broad, encompassing virtually every aspect of the provision of broadband service, which will create regulatory overhang on every decision made by a broadband provider.
- USTelecom [met separately](#) with Chairwoman Rosenworcel's advisors, Consumer and Governmental Affairs Bureau, the FCC's Task Force to Prevent Digital Discrimination, the Commission for Digital Equity and Inclusion, and Wireline Competition Bureau staff on Nov. 6, 2023; Commissioners Simington, Starks and Gomez and their advisors on Nov. 7, 2023, and Chairwoman Rosenworcel and her chief of staff and advisors on Nov. 8, 2023, regarding the [draft report and order](#) on preventing digital discrimination. USTelecom asserted the draft order is too expansive in ways that are inconsistent with the law and that will undermine Congress' and the FCC's connectivity goals. Consistent with its prior filings, USTelecom said, as a matter of law and sound policy, the FCC may not adopt a

disparate impact standard, consider issues unrelated to deployment, including price, or impose forfeitures or similar penalties in this context.

- Verizon [spoke with](#) advisors to Chairwoman Rosenworcel and Commissioner Carr on Nov. 1 and 2, 2023, regarding the [draft report and order](#) on preventing digital discrimination. Verizon expressed concerns with several aspects, including its process for evaluating and investigating complaints rooted in discriminatory effect. Verizon also asserted the draft order adopts a sweeping definition of other quality of service metrics and improperly includes pricing as one of the metrics that must be comparable to avoid a claim of discrimination.
- Verizon [spoke separately with](#) Wireline Competition Bureau staff and Commissioner Simington's legal advisor on Nov. 3, 2023, regarding the [draft report and order](#) on preventing digital discrimination. Verizon expressed concerns with several aspects, including its process for evaluating and investigating complaints rooted in discriminatory effect. Verizon also asserted the draft order adopts a sweeping definition of other quality of service metrics and improperly includes pricing as one of the metrics that must be comparable to avoid a claim of discrimination.
- AT&T [spoke separately with](#) advisors to Commissioners Carr, Simington and Gomez and Wireline Competition Bureau staff on Nov. 2 and 3, 2023, regarding preventing digital discrimination. AT&T shared its concerns about the FCC's interpretation of Section 60506 to include disparate impact that AT&T raised previously. AT&T also discussed concerns about rules that are overbroad or indeterminate in scope instead of focused on issues of deployment. AT&T said the FCC should contemplate ways the complaint resolution process can allow room for solutions-based, collaborative engagement to help ensure minority and low-income communities have equal access to broadband.
- AT&T [spoke separately](#) with Commissioner Starks' advisor, Chairwoman Rosenworcel's advisors and the FCC's Diversity and Inclusions Task Force and Wireline Competition Bureau staff on Nov. 6, 7, and 8, 2023, regarding the [draft report and order](#) on preventing digital discrimination. AT&T asserted the draft rules ignore the statute's clear focus on broadband deployment and instead cast a net so wide it would capture every business decision a broadband provider makes. AT&T also reiterated its concern about the FCC's interpretation of Section 60506 to include disparate impact. AT&T also discussed the draft [report and order](#) adopting rules to protect cell phone consumers from SIM swap and port-out fraud and said a blanket notification requirement before completing any SIM swap is unnecessary and will have deleterious consequences.
- NCTA, et al. [spoke with](#) Wireline Competition Bureau staff on Nov. 1, 2023, regarding the [draft report and order](#) on preventing digital discrimination. They asserted the draft order would apply a disparate impact standard to a remarkably expansive list of covered service elements and expose broadband providers to liability for many legitimate, nondiscriminatory business practices. They also asserted given that the draft order would impose liability on providers based on impact rather than intent, they urged the FCC to include guideposts for what would not constitute digital discrimination. NCTA et al., also spoke with [Chairwoman Rosenworcel's](#) advisors and chief of staff and met with [Commissioner Simington](#) and his legal advisor to discuss the same issues.
- ACA Connects filed a [letter](#) on Nov. 7, 2023, regarding the [draft report and order](#) on preventing digital discrimination. ACA asserted it has urged the FCC to adopt rules that comply with Section 60506 of the Infrastructure Investment and Jobs Act and that are well designed to promote equal access to broadband service, but that the draft order misses

the mark in both respects. ACA urged the FCC to make certain clarifications to the order, including make clear that it will assess technical and economic feasibility based on broadband service providers industry-standard, multi-year upgrade and build cycles, and affirm that a BSP that takes measures to compete more effectively against other providers in a given area.

- ACA Connects filed a [letter](#) on Nov. 7, 2023, regarding the [draft report and order](#) on preventing digital discrimination. ACA asserted it has urged the FCC to adopt rules that comply with Section 60506 of the Infrastructure Investment and Jobs Act and are well designed to promote equal access to broadband service, but the draft order misses the mark in both respects. ACA also asserted draft order lacks a serious analysis of the extent to which prevailing broadband industry practices already facilitate equal access to broadband service and exceeds the limits of the statute in other ways, including adopting rules that encompass virtually every aspect of the provision of the broadband service, including pricing.
- Comcast [spoke with](#) Chairwoman Rosenworcel's advisors, Digital Equity and Inclusion, and Office of General Counsel staff on Nov. 7, 2023, regarding the [draft report and order](#) on preventing digital discrimination. Comcast asserted the inclusive communities framework is the correct framework to apply for disparate impact complaints and enforcement actions, but that the draft order incorrectly applies inclusive communities in two ways: it fails to make clear that available defenses include legitimate, nondiscriminatory business rationales; and mischaracterizes the burden-shifting framework described by the Supreme Court.
- CTIA [spoke with](#) advisors to Chairwoman Rosenworcel and Commissioners Simington and Carr on Nov. 2 and 6, 2023, regarding the [draft report and order](#) on preventing digital discrimination. CTIA asserted the draft order creates a significant new regulatory regime that is inconsistent with and far outstrips Congress' intent, and would regulate virtually everything a broadband provider does in the course of deploying and providing service. CTIA also expressed concern with the inclusion of price regulation. Additionally, CTIA urged the FCC to modify the complaint process.
- The Wireless Infrastructure Association [spoke with](#) Commissioner Carr's advisor on Nov. 1, 2023, regarding the [draft report and order](#) on preventing digital discrimination. WIA opposed the use of a disparate impact standard and highlighted its concerns the scope of covered entities subject to digital discrimination of access rules extends well beyond the intent of Congress in the IIJA. WIA also suggested language that could be added to the order. WIA also [spoke separately with](#) advisors to Chairwoman Rosenworcel and Commissioners Starks and Gomez on Nov. 2, 2023, regarding the same issues.
- State telecom associations representing broadband providers in Alabama, Mississippi, Minnesota, Ohio and Texas filed [a letter](#) on Nov. 8, 2023, regarding the [draft report and order](#) on preventing digital discrimination. They asserted the order should focus on deployment and the FCC should eschew price regulation. They also urged the FCC to adopt a disparate treatment approach, and follow established procedural safeguards. Additionally, they said the FCC may only impose penalties authorized by Congress.
- Public Knowledge spoke with advisors to [Chairwoman Rosenworcel](#), Commissioners [Starks](#), [Carr](#) and [Simington](#) on Nov. 6 and 7, 2023, regarding the [draft report and order](#) on preventing digital discrimination. It asserted certain language in the order is not entirely clear and potentially gives rise to unintended loopholes and offered suggested changes. PK also offered suggestions on informal and formal complaint processes. Additionally, it urged

the FCC to adopt a severability clause that even if a court were to find the use of disparate impact unconstitutional with regard to race or religion, the FCC will continue to use disparate impact analysis for income discrimination.

- The U.S. Chamber of Commerce met with [Commissioner Carr](#) and his legal advisor and [Commissioner Simington's](#) legal advisor on Nov. 2 and 3, 2023, regarding the draft report and order on preventing digital discrimination. It discussed concerns with the draft order, including the disparate impact standard, scope of covered entities and practices, enforcement mechanisms, and the interplay between the proposed rules and the broader objectives of the Infrastructure Investment and Jobs Act.
- WISPA filed a [letter](#) on Nov. 8, 2023, regarding the [draft report and order](#) on preventing digital discrimination. WISPA asserted if adopted as proposed, the order will place vague, undefined and burdensome compliance obligations and impose substantial costs on smaller ISPs that, in combination with myriad other new regulatory obligations, will challenge them to remain viable and able to continue to invest in broadband deployment, access and adoption. WISPA also expressed concern with certain aspects of the order, including: technical and economic feasibility; a safe harbor for enforceable commitments; and enforcement.
- The Free State Foundation filed [ex parte comments](#) on Nov. 6, 2023, on the [draft report and order](#) on preventing digital discrimination. FSF addressed the draft order's definition of economic feasibility to implement Congress' requirement in Section 60506(a) of the IIJA that the FCC take into account issues of technical and economic feasibility in evaluating claims of discrimination. FSF claimed the draft order defines economic feasibility in a way that will induce, if not require, the FCC to conduct old-fashioned public utility style rate cases, including rate-of-return determinations. FSF also addressed a recent [ex parte](#) by Public Knowledge.
- The National Coalition on Black Civic Participation and the Black Women's Roundtable [spoke with](#) Commissioner Gomez and her acting advisors on Nov. 1, 2023, regarding the [draft report and order](#) on digital discrimination. They expressed concerns and offered suggestions they say would help the FCC adopt digital discrimination rules to facilitate the equitable deployment and adoption of reliable broadband to the communities they serve.
- The National Urban League, et al. [spoke with](#) advisors to Chairwoman Rosenworcel and Commissioner Starks on Nov. 2, 2023, regarding the [draft report and order](#) on digital discrimination. They expressed concern with the FCC's decision to decline to establish an office of civil rights and said it is also important the Task Force to Prevent Digital Discrimination remains in place and include other relevant FCC staff to assist both the public and covered entities work through the intricacies of these rules.
- [Verizon](#), the [Wireless Infrastructure Association](#), [Next Century Cities](#), [CTIA](#), [NCTA](#), [Common Sense Media](#), the [National Digital Inclusion Alliance](#), [The Utility Reform Network](#) and [The Leadership Conference on Civil and Human Rights Media and Telecommunications Task Force](#) filed ex partes on the [draft report and order](#) on preventing digital discrimination.
- Comcast, Charter Communications and NCTA [spoke with](#) Wireline Competition Bureau and Enforcement Bureau staff on Nov. 2, 2023, to discuss the [NPRM](#) on pole attachments. NCTA asserted challenges associated with pole replacement have continued to increase since NCTA first raised them in its 2020 [petition for declaratory ruling](#). NCTA also suggested additional modifications to the rules to address pole owner tactics including: adopting expedited handling of pole access complaints through use of the FCC's

accelerated docket procedures; making clear pole owners are required to bear some portion of the cost of pole replacement for old or red-tagged poles; prohibiting pole owners from placing monthly limits on the number of poles that may be processed; and adopting specified processing timelines for projects of any size.

- GoNetSpeed d/b/a Otelco [met with](#) Wireline Competition Bureau staff on Nov. 6, 2023, to discuss the [NPRM](#) on pole attachments. Otelco discussed challenges it has had expanding its communications network in Massachusetts, and said based on its experiences there and elsewhere, the FCC should amend its pole attachment rules to prohibit pole owners from assigning all of the costs of a pole replacement to an attachor, when there is some measurable benefit to the pole owner.
- USTelecom [spoke separately](#) with legal advisors to Chairwoman Rosenworcel and Commissioners Carr, Starks and Simington on Nov. 2 and 6, 2023, regarding the [draft report and order](#) on implementing the Safe Connections Act of 2022 to help domestic violence survivors access safe and affordable connectivity. USTelecom highlighted a few areas related to these protections where minor changes to the draft order would facilitate efficient compliance, including the requirement by providers to update their copy of the hotline database, and clarification of emergency communications support available through an enhanced Lifeline benefit.
- USTelecom [met with](#) Wireline Competition Bureau staff and advisors to Commissioner Gomez on Nov. 7 and 8, 2023, regarding the draft [report and order](#) adopting rules to implement the Safe Connections Act of 2022 to help domestic violence survivors access safe and affordable connectivity. USTelecom suggested several minor changes related to these protections it asserted would facilitate efficient compliance, including allowing greater flexibility for complying with the monthly update requirement by permitting providers to update their copies of the database any time within the month after the central database is updated. USTelecom also asked the FCC to clarify survivors who self-certify that they are eligible for emergency Lifeline support must do so in the National Verifier and that the benefit is applied only to a mobile wireless service plan.
- CTIA, AT&T, T-Mobile and Verizon [met with](#) advisors to Chairwoman Rosenworcel and Commissioner Gomez on Nov. 7, 2023, regarding the draft [report and order](#) adopting rules to implement the Safe Connections Act of 2022 to help domestic violence survivors access safe and affordable connectivity. CTIA urged the FCC to revise the draft order to allow at least an 18-month rather than a 6-month implementation period. CTIA also asked the FCC to make clear that covered providers have the flexibility to use reasonable means to verify the identity of a "designated representative" when verifying an individual's authority to separate a line.

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Open internet

- Chairwoman Rosenworcel sent [letters](#) to 27 members of Congress on Oct. 31, 2023, to respond to their letter opposing the FCC's proposal to reclassify broadband services under Title II. They asked for information on the NPRM, including when the FCC began drafting the NPRM and when it was circulated to the commissioners, if the FCC has conducted an economic analysis of the proposal, whether the FCC has any formal complaints about broadband providers engaging in the blocking, throttling, and paid prioritization that the

NPRM seeks to prohibit, and does the FCC commit to not regulate rates, among other things. Rosenworcel said as a result of the 2017 repeal of net neutrality, in the United States today there is no expert agency ensuring that access to the internet is fast, open, and fair. She also said the proposed rules and reclassification of broadband will address several glaring regulatory gaps that currently exist, including public safety and national security. Additionally, she provided information requested in the letter.

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Robocalls

- ZipDX filed [reply comments](#) on Nov. 2, 2023, on [previously granted](#) STIR/SHAKEN implementation extensions. ZipDX said the FCC needs to initiate steps to remove any voice service provider that has not certified to a full STIR/SHAKEN implementation from the Robocall Mitigation Database and verify any voice service provider that has certified either has their own token or does not originate any calls. [public notice](#)

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Other universal services

- Consumers' Research, et al. filed [comments and objections](#) on Nov. 7, 2023, to USAC's [proposed first quarter 2024 universal service contribution factor](#), filed by USAC. They asserted the Office of Managing Director should set the proposed first quarter 2024 contribution factor at zero and do the same for all future proposed contribution factors.
- The FCC issued an [NPRM](#) on Nov. 8, 2023, proposing rules to allow schools and libraries to apply for funding from the FCC's E-Rate program for Wi-Fi hotspots and wireless internet access services that can be used off-premises. The FCC said this proceeding will address the ongoing remote learning needs of today's students, school staff, and library patrons through the E-Rate program. The FCC seeks comment on: how to adapt the E-Rate program to reflect the virtual nature of today's modern educational environment; the applicability of the Children's Internet Protection Act requirements and the off-premises use of E-Rate-supported hotspots and services. Comments are due 30 days after publication in the Federal Register; replies are due 45 days after publication. [news](#)
- The Wireline Competition Bureau issued an [order](#) on Nov. 9, 2023, extending, *sua sponte*, the filing deadline for comments regarding the addition of services and equipment needed to use Wi-Fi service on school buses to the funding year 2024 eligible services list for the E-Rate program, until November 30, 2023. The bureau said granting a brief extension of the comment period will serve the public interest by allowing all parties to gather the information needed to prepare and submit their comments.
- An FCC [notice](#) was published in the Federal Register on Nov. 13, 2023, announcing the Office of Management and Budget approved, until Nov. 30, 2024, the information collection associated with amendments to Section 54.503(c)(2)(i)(B) (competitive bidding requirements) and Section 54.504(a)(1)(ii) (requests for services), which were adopted in the July 2023 [report and order](#) on rules to enhance tribal communities' access to the E-Rate Program by streamlining certain program rules, making tribal college and university

libraries eligible for E-Rate support, and reducing administrative burdens. The amendments are effective Nov. 13, 2023.

- The Schools, Health and Libraries Broadband Coalition, et al. [spoke with](#) advisors to Chairwoman Rosenworcel, Commissioners Starks and Gomez, and Wireline Competition Bureau staff on Nov. 1, 2023, regarding the chairwoman's hotspot lending program within the Learn Without Limits [proposal](#). They asserted the FCC should consider a technology neutral approach that supports hotspot devices and services as well as functionally equivalent equipment or services that function as a hotspot.
- Comments are due Nov. 13, 2023, on the New Hampshire Electric Cooperative's [petition](#) seeking designation as a Lifeline-only eligible telecommunications carrier. Replies are due Nov. 27, 2023. [public notice](#)

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Miscellaneous

- The FCC issued the [agenda](#) on Nov. 8, 2023, for the Nov. 15, 2023, open meeting. The FCC will consider: a [report and order](#) on preventing and eliminating digital discrimination, and an FNPRM on the FCC's administration of Section 60506 of the Infrastructure Investment and Jobs Act and efforts to facilitate equal access; a [notice of inquiry](#) seeking to better understand the implications of artificial intelligence for robocalls and robotexts; a [declaratory ruling and memorandum opinion and order](#) to grant the Minnesota Independent Equal Access Corporation relief from dominant carrier regulation with respect to its provision of centralized equal access service, and regulate MIEAC as a nondominant CLEC going forward; a [report and order](#) adopting rules to implement the Safe Connections Act of 2022 to help domestic violence survivors access safe and affordable connectivity; a [report and order](#) adopting rules to protect cell phone consumers from SIM swap and port-out fraud and an FNPRM on whether to harmonize the FCC's existing requirements governing customer access to CPNI with the new SIM change authentication measures in the report and order; a [report and order and FNPRM](#) on amateur radio rules; and three Enforcement Bureau items.
- The Wireline Competition Bureau issued a [public notice](#) on Nov. 8, 2023, announcing the beginning of the two-week quiet period relating to a [forbearance petition](#) filed by the Minnesota Independent Equal Access Corporation, seeking relief from dominant carrier regulation with respect to its provision of centralized equal access service. The bureau said the statutory deadline for FCC action on the petition is Nov. 22, 2023, the quiet period for this proceeding begins at 11:59 p.m. on Nov. 8, 2023, and all presentations to decision makers concerning MIEAC's petition are prohibited beginning at that time.
- The South Dakota Telecommunications Association [spoke with](#) Commissioner Gomez and her acting advisors on Nov. 1, 2023, regarding Midcontinent Communications' [petition for declaratory ruling](#) on interconnection. SDTA responded to Midco's claim that the [Time Warner Cable](#) decision stands for the proposition the only inquiry a state regulator can make about a wholesale provider's regulatory status is whether a carrier offers a telecommunications service. SDTA asserted the language Midco cites for this proposition says nothing about limiting state authority in any way and even if Midco's assertion was correct, South Dakota's certificate of authority proceedings include exactly this type of inquiry.

- Reps. Ashley Hinson (R-Iowa.), Mike Gallagher (R-Wis.), Raja Krishnamoorthi (D-Ill.), John Moolenaar (R-Mich.), Brittney Pettersen (D-Colo.), and Chrissy Houlahan (D-Pa.) [introduced](#) a [bill](#) on Nov. 6, 2023, that would provide funding for the FCC's "rip and replace" program. The Defend Our Networks Act would transfer \$3.08 billion in unobligated emergency COVID-relief funds to this program.
- The Competitive Carriers Association, NTCA, WTA, et al., sent a [letter](#) to Senate Majority Leader Chuck Schumer (D-N.Y.), Minority Leader Mitch McConnell (R-Ky.) Appropriations Committee Chair Patty Murray (D-Wash.), and Appropriations Committee Vice Chair Susan Collins (R-Maine), asking the Senate to include full funding for the Secure and Trusted Communications Networks Reimbursement Program in any emergency supplemental spending legislation. They asserted this funding is critical to maintaining connectivity across large areas of the country and is needed to fulfill the national security mandate Congress created through the Secure and Trusted Communications Networks Reimbursement Program. [press release](#)
- Hikvision [met with](#) Office of Engineering and Technology, Public Safety and Homeland Security Bureau, Office of General Counsel and Enforcement Bureau staff on Nov. 8, 2023, to discuss Hikvision's proposed compliance plan and request for clarification and guidance regarding the types of devices that constitute "covered communications equipment." Hikvision urged the FCC to issue a clarification that includes a generally applicable standard that is specific and comprehensive and provides the entities subject to the 2022 equipment authorization [order](#) with fair notice of what the FCC will consider covered equipment.
- NTCA [met with](#) Chairwoman Rosenworcel's advisor on Nov. 8, 2023, regarding the draft [report and order](#) adopting rules to protect cell phone consumers from SIM swap and port-out fraud. NTCA proposed a limited modification to the draft report and order and accompanying rules. To achieve the goal of ensuring that CPNI is not accessed by an employee without proper authentication of the customer specifically in the course of communicating with a customer, NTCA recommended the FCC modify the proposed language in section 64.2010(a)(safeguarding CPNI). Additionally, NTCA supported a longer implementation period for rule compliance, particularly as it pertains to smaller providers with limited personnel and financial resources.
- NCTA filed a [letter](#) on Nov. 7, 2023, asking the FCC to increase the timeframe for implementation of new rules proposed in two of the draft items to be considered at the Nov. 15, 2023 open meeting, a [report and order](#) adopting rules to protect cell phone consumers from SIM swap and port-out fraud, and a [report and order](#) adopting rules to implement the Safe Connections Act of 2022 to help domestic violence survivors access safe and affordable connectivity. NCTA expressed concern the proposed six-month transition period will not allow providers sufficient time to effectively implement these new requirements. NCTA asked the FCC to revise both items to include an 18-month implementation period for any new requirements.
- NCTA and USTelecom filed a [letter](#) on Nov. 7, 2023, regarding the draft [report and order](#) adopting rules to protect cell phone consumers from SIM swap and port-out fraud. They asserted to the extent the FCC decides these new restrictions are needed, it should make clear that they apply only to wireless providers. They said excluding wireline carriers from the new rule is warranted because the FCC did not provide sufficient notice in the NPRM that it might adopt any rules for wireline providers in this proceeding.

- CTIA [met with](#) advisors to Chairwoman Rosenworcel and Commissioners Carr, Gomez and Starks on Nov. 6 and 7, 2023, regarding the draft [report and order](#) adopting rules to protect cell phone consumers from SIM swap and port-out fraud. CTIA encouraged the FCC to: extend the compliance deadline for the new rules beyond the proposed six months; make targeted changes to certain new rules and text to ensure a more flexible and balanced approach; and refrain from using this proceeding as a vehicle to try to establish broader agency authority and new definitions for the CPNI framework. Additionally, CTIA suggested revisions to a number of the proposed rules in the draft order.
- The VON Coalition filed a [letter](#) on Nov. 7, 2023, submitting a proposed change to the draft [report and order](#) adopting rules to protect cell phone consumers from SIM swap and port-out fraud. VON suggested the FCC narrow the language of proposed new Section 64.2010(a) to ensure customers continue to have the benefit of technical support, solutions engineers, customer success managers and other staff that provide outbound technical and customer support.
- An FCC [notice](#) was published in the Federal Register on Nov. 8, 2023, seeking Paperwork Reduction Act comments on an extension of a currently approved information collection relating to prohibited communications during the competitive bidding process. The reports of prohibited communications made or received by an auction applicant required by Section 1.21002 enable the FCC to ensure no bidder gains an unfair advantage over other bidders in its auctions for universal service support. PRA comments are due Jan. 8, 2024.
- The Wireline Competition Bureau issued a [public notice](#) on Nov. 8, 2023, seeking comment on a Section 214 application filed by Epic Touch Co., Inc and H.N.G. Holdings requesting consent to transfer control of CP-TEL Holdings, Inc. and its wholly-owned subsidiaries Campti-Pleasant Hill Telephone Co., Inc. and CP-TEL Network Services, Inc. from Epic Touch to H.N.G. Comments are due Nov. 22, 2023; replies are due Nov. 29, 2023.
- The Wireline Competition Bureau issued three public notices on Nov. 8 2023, granting applications by [Consolidated Communications Enterprise Services](#), [Dialoga Group](#) and [PAETEC iTEL](#) for authorization to obtain North American Numbering Plan telephone numbers directly from the numbering administrator for their VoIP service.

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Upcoming filing dates

- Nov. 14 – Replies due on the proposed selection process and a potential extension of the contract under which iconectiv would remain the LNPA during the selection process. [public notice](#)
- Nov. 17 – Comments due on applications by [Charter IP Enabled Services](#) and [TWC IP Enabled Services](#) for authorization to obtain North American Numbering Plan telephone numbers directly from the numbering administrator for its VoIP service.
- Nov. 20 – Nominations due on a new board member position on the board of directors of USAC to represent tribal communities for a three-year term. [public notice](#)
- Nov. 21 – Replies due on the [FNPRM](#) on the implementation of the 5G Fund for Rural America in light of new and precise mobile coverage data gathered through the Broadband Data Collection. [notice](#)

- Nov. 21 – Replies due on the Enhanced A-CAM [notice of inquiry](#). [notice](#)
- Nov. 22 – Comments due on a Section 214 application filed by Epic Touch and H.N.G. Holdings, requesting consent to transfer control of CP-TEL Holdings and its wholly-owned subsidiaries Campti-Pleasant Hill Telephone and CP-TEL Network Services from Epic Touch to H.N.G. Replies are due Nov. 29, 2023. [public notice](#)
- Nov. 24 - Comments due on the proposed eligible services list for the E-Rate Program for funding year 2024. [public notice](#)
- Nov. 24 – PRA comments due on a revision of a currently approved information collection on rural health care forms. [notice](#)
- Nov. 27 – Replies due on the New Hampshire Electric Cooperative’s [petition](#) seeking designation as a Lifeline-only eligible telecommunications carrier. [public notice](#)
- Nov. 27 – Comments due on the possible revision or elimination of rules. Certain rules in Parts 36, 51, 52, 54, 61, 64 and 69 are included in this review. [notice](#)
- Nov. 29 – Comments due on the [second FNPRM](#) on proposed rules regarding direct access to numbers by providers of interconnected VoIP services. Replies are due Dec. 29, 2023. [notice](#)
- Nov. 29 – Replies due on a Section 214 application filed by Epic Touch and H.N.G. Holdings, requesting consent to transfer control of CP-TEL Holdings and its wholly-owned subsidiaries Campti-Pleasant Hill Telephone and CP-TEL Network Services from Epic Touch to H.N.G. [public notice](#)
- Dec. 1 - Comments due on the [notice of inquiry](#) initiating the next annual assessment concerning the availability of advanced telecommunications capability to all Americans . Replies are due Dec. 18, 2023.
- Dec. 11 - PRA comments due on an extension of currently approved collection on the application for Mobility Fund Phase I support (FCC Form 680). [notice](#)
- Dec. 11 - PRA comments due on an extension of a currently approved information collection on consumer broadband services testing and measurement. [notice](#)
- Dec. 11 - PRA comments due on an extension of a currently approved information collection regarding customer proprietary network information. [notice](#)
- Dec. 14 – Comments due on [petitions for reconsideration](#) of the 2020 [RIF remand order](#). Replies are due Jan. 17, 2024. [public notice](#)
- Dec. 14 – Comments due on the [NPRM](#) to reclassify broadband under Title II. Replies are due Jan. 17, 2024.
- Dec. 18 – Replies due on the [notice of inquiry](#) initiating the next annual assessment concerning the availability of advanced telecommunications capability to all Americans .
- Dec. 19 – PRA comments due on a new information collection on robotexts. [notice](#)

- Dec. 26 – PRA comments are due on an extension of a currently approved collection on streamlined tariff filing requirements for local exchange carriers. [notice](#)
- Dec. 29 – Replies due on the [second FNPRM](#) on proposed rules regarding direct access to numbers by providers of interconnected VoIP services. [notice](#)
- Dec. 29 – PRA comments due on an extension of a currently approved collection on collocation. [notice](#)
- Jan. 8 – PRA comments due on an extension of a currently approved information collection relating to prohibited communications during the competitive bidding process. [notice](#)
- Jan. 17 – Replies due on [petitions for reconsideration](#) of the 2020 [RIF remand order](#). [notice](#)
- Jan. 17 – Replies due on the [NPRM](#) to reclassify broadband under Title II.

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