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Open internet

Carr issues statement on draft item to reclassify broadband as Title II

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 Carr asserted when the net neutrality rules were repealed in 2017, broadband speeds increased, prices decreased, competition intensified and years of record-breaking infrastructure builds brought millions across the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 discusses universal service contribution obligation forbearance

NTCA [spoke with](#) Chairwoman Rosenworcel's legal advisor on April 18, 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 an 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.

WTA discusses proposal in draft item on forbearance from assessing USF contributions

WTA [met with](#) Commissioner Gomez's legal advisor on April 17, 2024, regarding the proposal in the [draft item](#) reclassifying broadband as Title II on forbearance from assessing USF 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.

INCOMPAS discusses universal service contribution obligation forbearance

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](#).

NCTA, et al. discuss draft item on reclassifying broadband as Title II

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.

USTelecom responds to Public Knowledge, INCOMPAS, files supplemental report

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.

WISPA discusses burdens on small providers

WISPA [met with](#) Commissioner Starks' legal advisor on April 18, 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.

CTIA discusses draft item on reclassifying broadband as Title II, 5G fund

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.

Ex partes, letters filed on draft item reclassifying broadband as Title II

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](#) and [Public Knowledge](#).
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High-cost USF

Alaska Communications discusses Alaska Connect Fund

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.

Connect the Future files ex parte on request for amnesty on RDOF, CAF II defaults

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 surrenders awarded RDOF census blocks

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.

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Budgets

House subcommittee to hold hearings on FCC, NTIA budgets

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.

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Other universal service

Consumers' Research, et al. seek court review of USF contribution factor

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.

ALA discusses use of E-Rate funds for Wi-Fi hotspots

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.

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Editor: [Shawn O'Brien](#) | **Assistant Editor:** [Libby Newson](#)

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