



FCC REPORT

A Summary of Federal
Orders, Court Rulings, and
Reporting Requirements

IN THIS ISSUE

FCC Temporarily Waives Lifeline
Income Eligibility Documentation
Requirements; Extends Waiver of De-
Enrollment Rules

FCC Extends Keep Americans
Connected Pledge Until June 30th;
Providers May Opt Out by May 12th

FCC to Hold Webinars on RDOF Phase I
Auction on May 5th and May 20th

FCC Establishes Procedures for 2020
Annual Access Charge Tariff Filings

FCC Proposes Establishing 5G Fund
for Rural America

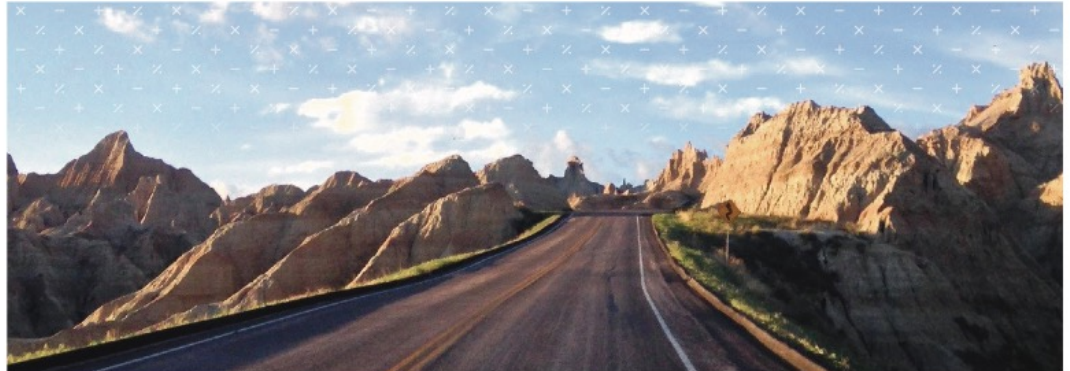
FCC Releases Small Entity Compliance
Guide for 911 Access from Multi-Line
Telephone Systems

USDA Opens Second Application
Window for Distance Learning and
Telemedicine Grant Program

FCC Proposes Rules to Help Protect
Consumers from One-Ring Scams

FCC Releases 2020 Broadband
Deployment Report

FCC Reporting Requirements



FCC Temporarily Waives Lifeline Income Eligibility Documentation Requirements; Extends Waiver of De-Enrollment Rules

On April 29th, the FCC issued an [Order](#) to make it easier for individuals who have lost their employment during the COVID-19 pandemic and who qualify for Lifeline benefits to enroll in the program. Specifically, until June 30, 2020, the Commission has waived the requirement that consumers seeking to demonstrate income-based qualification for the Lifeline program must provide at least three consecutive months of documentation to confirm their income. Consumers seeking to qualify for the Lifeline program via the income-based eligibility requirements will be allowed to present an official document that confirms their current income information. USAC has been directed to develop guidance for documentation that would allow a consumer to confirm their income-based eligibility. This guidance must be comprised of only official documents that contain income information and may include a notice of unemployment benefit payments or notice of a successfully submitted application for unemployment benefits.

In addition, the Order extended the Commission's recent waivers of the Lifeline program's recertification, reverification, general de-enrollment, and usage requirements until June 30, 2020. (See the April 2020 issue of the [FCC Report](#) for a detailed article.) USAC is directed to pause any involuntary de-enrollment of existing subscribers until that date.

FCC Extends Keep Americans Connected Pledge Until June 30th; Providers May Opt Out by May 12th

On April 20th, FCC Chairman Ajit Pai [announced](#) an extension of the "Keep Americans Connected Pledge" until June 30th. Broadband and telephone service providers that signed on to the pledge in March committed for 60 days to: (1) not terminate service to any residential or small business customers because of their inability to pay their bills due to the disruptions caused by the coronavirus pandemic; (2) waive any late fees that any residential or small business customers incur because of their economic circumstances related to the coronavirus pandemic; and (3) open their Wi-Fi hotspots to

any American who needs them. With the initial pledge expiring May 12th, Chairman Pai is now asking service providers to extend their commitments through the end of June.

The Commission recognizes that some providers, particularly those in small markets and rural areas, may not be able to extend their commitments as a result of financial challenges. Providers that wish to opt out of the extension of the pledge should send an email to KACpledge@fcc.gov by May 12th.

FCC to Hold Webinars on RDOF Phase I Auction on May 5th and May 20th

The FCC released a [Public Notice](#) announcing a webinar on the Rural Digital Opportunity Fund (RDOF) Phase I auction. The webinar will take place on Tuesday, May 5th from 4:00-5:30 pm Eastern Daylight Savings Time. A [link to connect to the webinar](#) is provided in the Public Notice.

The webinar will provide an overview of the policy framework for the RDOF Phase I auction, proposed procedures for applications and bidding in the auction, and tips for service providers that are interested in applying to participate. The webinar will also focus on opportunities for small businesses to participate and win funding in the auction.

The FCC also [announced](#) that it will conduct a [second webinar](#) on the RDOF Phase I auction for state, local, Tribal, and territorial government officials, to be held on May 20th from 2:00-3:30 pm EDT. This webinar will focus on issues related to the auction that affect state, local, Tribal, and territorial governments. It will also provide an overview of the adopted policy framework for the Phase I auction, the proposed procedures for applications and bidding in the auction, and tips for service providers that are interested in applying to participate.

FCC Establishes Procedures for 2020 Annual Access Charge Tariff Filings

On April 15th, the FCC released an [Order](#) establishing procedures for the 2020 filing of annual access charge tariffs and Tariff Review Plans (TRPs) for price cap carriers, as well as rate-of-return ILECs subject to sections 61.38, 61.39, and 61.50 of the Commission's rules.

The Order sets an effective date of July 1, 2020 for the annual access charge tariff filings made on both 15 and 7 days' notice. ILECs must use the FCC's Electronic Tariff Filing System (ETFS) to file all of their tariff material. 15-day notice tariff filings are due on June 16th. Filings must be received by ETFS after 7:00 pm ET on June 15th and before 7:00 pm ET on June 16th for the filing to be considered officially received on June 16th. 7-day notice tariff filings are due on June 24th. Tariff filings must be received after 7:00 pm ET on June 23rd and before 7:00 pm ET on June 24th for the filing to be considered officially received on June 24th.

The Order also establishes the dates for filing petitions to suspend or reject an ILEC's tariff filing. For 15-day notice tariff filings, petitions must be filed by June 23rd; replies by

June 26th. For 7-day notice tariff filings, petitions must be filed by June 26th; replies by June 29th.

All rate-of-return ILECs are required to modify rates to comply with the prescribed 10 percent rate of return for this tariff year.

Rate-of-return ILECs receiving model-based (A-CAM) or other forms of fixed high-cost universal service support may elect incentive regulation for their lower capacity (DS3 or lower) TDM circuit-based transport and end user channel termination business data services (BDS) offerings with a July 1, 2020 effective date. For rate-of-return carriers that file their own tariffed rates, the initial rates (before adjustments for the X-factor, inflation factor, exogenous cost changes, and unfreezing category relationships) for lower capacity TDM transport and end-user channel termination services, other than end-user channel termination services in areas deemed competitive, must be based on electing carriers' tariffed rates in effect on January 1, 2020. For rate-of-return carriers participating in the NECA traffic-sensitive tariff pool, electing carriers will establish initial BDS rates (before the adjustments mentioned above) under incentive regulation by multiplying the NECA pool rate in effect on January 1, 2020 by a net contribution or net recipient factor.

Rate-of-return ILECs that elected to freeze their separations category relationships in 2001 have the opportunity to opt out of the freeze and update their category relationships with a July 1, 2020 effective date.

FCC Proposes Establishing 5G Fund for Rural America

On April 24th, the FCC released a [Notice of Proposed Rulemaking](#) seeking comment on establishing a 5G Fund for Rural America. As part of T-Mobile's recently approved acquisition of Sprint, the carrier has committed to deploying its 5G network to cover 99 percent of the U.S. population, including 90 percent of rural Americans, within six years. The 5G Fund for Rural America would use multi-round reverse auctions to distribute up to \$9 billion, in two phases, to support the deployment of 5G mobile wireless broadband and voice services in areas that will not be covered by T-Mobile's deployment commitments and where there is not a business case for deployment.

The proposed \$9 billion budget includes up to \$8 billion to be made available in Phase I, including \$680 million reserved to support 5G networks serving Tribal lands. The NPRM proposes to make at least \$1 billion available in Phase II to support networks that will facilitate precision agriculture. The Notice proposes a 10-year support term for each phase of the 5G Fund.

The NPRM seeks comment on two options for the timing of the 5G Fund Phase I auction. Under the first option, the FCC would use existing data sources to identify areas eligible for support based primarily on the degree of rurality of each area, and then prioritize support in areas that have historically lacked 3G and 4G LTE services. Under this approach, the Commission anticipates beginning the Phase I auction in 2021. Under the second option, the FCC would wait to identify areas eligible for support until it completes development of more granular mobile broadband coverage maps in the Digital Opportunity Data Collection proceeding. This approach would delay the Phase I auction until 2023 or later.

The NPRM proposes to use census tracts containing areas eligible for 5G Fund support as the minimum geographic area for bidding. It asks if use of a different geographic unit, which could provide for more targeted bidding, would be more appropriate, especially for smaller wireless carriers.

The NPRM seeks comment on the minimum speeds that 5G Fund support recipients should be required to deliver. In particular, the Commission asks whether it should require support recipients to provide speeds of 35/3 Mbps, or whether it should adopt a higher performance requirement, such as 50/5 Mbps.

The NPRM also proposes a framework for transitioning from legacy high-cost support to 5G Fund support.

Comments on the NPRM will be due 30 days after publication in the Federal Register. Reply comments will be due 60 days after Federal Register publication.

Included with the NPRM is an Order that directs the FCC's Office of Economics and Analytics (OEA) and Wireline Competition Bureau to develop an adjustment factor to ensure sufficient auction support in areas with rugged terrain, sparse populations, or other factors affecting deployment costs. On May 1st, the OEA and Bureau released a [Public Notice](#) stating that, in developing the adjustment factors, the Commission intends to examine anonymized data derived from the biannual Numbering Resource Utilization and Forecast (NRUF) reports filed by wireless carriers, carrier-specific local number portability (LNP) data related to wireless carriers, and further disaggregated monthly carrier-to-carrier LNP data related to wireless carriers. Specifically, the FCC intends to examine anonymized wireless carriers' number of subscribers per megahertz of deployed spectrum at the Cellular Market Area level (NRUF CMA data). Affected parties have until May 11th to oppose disclosure of their anonymized NRUF CMA data.

FCC Releases Small Entity Compliance Guide for 911 Access from Multi-Line Telephone Systems

On April 20th, the FCC released a [Small Entity Compliance Guide](#) to help small entities comply with an Order released in August 2019 that implemented Kari's Law and Section 506 of RAY BAUM'S Act. The rules adopted in the Order are intended to ensure that people who call 911 from multi-line telephone systems (MLTS) can reach 911 and be quickly located by first responders. The rules require MLTS to enable users to dial 911 directly, without having to dial a prefix (such as "9") to reach an outside line. MLTS must provide notification, such as to a front desk or security office, when a 911 call is made in order to facilitate building entry by first responders. The rules also require that "dispatchable location" information, such as the street address, floor level, and room number of a 911 caller, is conveyed with 911 calls, regardless of the technological platform used, so that first responders can be quickly dispatched to the caller's location. The Guide contains the deadlines for complying with all of the requirements in the Order.

USDA Opens Second Application Window for Distance Learning and Telemedicine Grant Program

The Department of Agriculture [announced](#) on April 14th that it has opened a second application window for funding under the Distance Learning and Telemedicine (DLT) grant program. This window includes an additional \$25 million that Congress recently provided to the program under the Coronavirus Aid, Relief and Economic Security Act (CARES Act). Any money not awarded under the first application window will be made available in addition to the \$25 million.

Electronic applications for the second application window may be submitted through [grants.gov](#) and are due no later than July 13, 2020. Paper applications will not be accepted. Additional information on how to apply is also available on the grants.gov website.

FCC Proposes Rules to Help Protect Consumers from One-Ring Scams

On April 28th, the FCC released a [Notice of Proposed Rulemaking](#) seeking comment on steps it may take to protect called parties from a type of illegal call known as the one-ring scam. One-ring scammers call consumers in the United States from a foreign country. The calls often appear to be from a domestic caller either because the originating number has a three-digit code resembling a United States area code, or because the caller ID spoofs a well-known United States business name. After one ring, the scammer hangs up, causing the consumer to call back and incur significant phone charges (of which the scammer gets a share). Another version of the one-ring scam can involve a voice mail message asking the consumer to call a certain international number to schedule a delivery or providing some other pretext for the consumer to make a call.

In the NPRM, the FCC seeks comment on proposals for implementing TRACED Act provisions related to one-ring scams, such as: allowing voice providers to block calls highly likely to be associated with a one-ring scam; working with federal, state, and foreign law enforcement and government agencies to combat one-ring scams; building on existing consumer education and outreach efforts; enhancing FCC work with entities that provide call-blocking services; and establishing obligations on international gateway providers, which are the first point of entry for these calls into the United States.

Comments will be due 30 days after publication in the Federal Register; reply comments will be due 45 days after Federal Register publication.

FCC Releases 2020 Broadband Deployment Report

On April 24th, the FCC released its [2020 Broadband Deployment Report](#). Section 706 of the Telecommunications Act of 1996 requires the FCC to determine annually whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion. For the third consecutive year, the Commission

found that advanced telecommunications capability is being deployed on a reasonable and timely basis. However, despite this finding, the Report states that the FCC's work to close the digital divide is not complete and the Commission will continue its efforts to ensure that all Americans have the ability to access broadband.

The FCC relies primarily on Form 477 deployment data to evaluate consumers' broadband options for fixed terrestrial and mobile services. The Report states that the number of Americans lacking access to fixed terrestrial broadband service at 25/3 Mbps (the Commission's current fixed service speed benchmark) continues to decline, going down by more than 14 percent in 2018 and more than 30 percent between 2016 and 2018.

The chart below shows the deployment of fixed terrestrial broadband at speeds of 25/3 Mbps over the past five years. As of year-end 2018, 94.4 percent of the overall population had coverage of fixed 25/3 Mbps services, up from 93.5 percent in 2017. Still, the gap in rural and Tribal America remains notable: over 22.3 percent of Americans in rural areas and 27.7 percent of Americans in Tribal lands lack coverage from fixed terrestrial 25/3 Mbps broadband, as compared to only 1.5 percent in urban areas. The data demonstrates, however, that the gap between urban and rural or Tribal areas has narrowed each year over the last five years.

Percent of Population with Access to 25/3 Mbps Broadband Services					
	2014	2015	2016	2017	2018
Nationwide	89.4%	89.9%	91.9%	93.5%	94.4%
Rural Areas	60.3%	61.5%	67.8%	73.6%	77.7%
Urban Areas	96.4%	96.7%	97.7%	98.3%	98.5%
Tribal Lands	57.1%	57.8%	63.1%	67.9%	72.3%

The Report also notes gains in the deployment of higher-speed fixed services. For example, between 2017 and 2018, deployment of 250/25 Mbps increased from 58.3 percent to 85.6 percent of the overall population, and from 28.2 percent to 51.6 percent of the rural population. In addition, in 2019, fiber broadband networks became available to roughly 6.5 million additional unique homes, the largest one-year increase ever, with smaller providers accounting for 25 percent of these new fiber connections.

With regard to the deployment of mobile LTE services, the data shows that between 2017 and 2018, the percentage of Americans with mobile LTE services coverage at median speeds of at least 10/3 Mbps increased from 89 percent to 94.9 percent. Gains have also been made in rural areas, where coverage increased from 69.3 percent to 83.3 percent between 2017 and 2018, after being relatively stagnant between 2014 and 2017. Moreover, AT&T, Sprint, T-Mobile, and Verizon are rapidly expanding their 5G capability with 5G networks in aggregate now covering the majority of the country's population, especially in urban areas, with more live launches planned for 2020.

FCC Reporting Requirements

May 6

MOSS ADAMS REGULATORY WEBCAST

8:30 am PT - 9:30 am MT - 10:30 am CT – 11:30 am ET

As part of Moss Adams' monthly regulatory compliance webcast series, we will discuss upcoming FCC, NECA, and USAC regulatory compliance reports that are due. Moss Adams will provide an overview of monthly reporting requirements followed by an opportunity for questions and answers. In addition, Moss Adams staff will discuss key FCC issues that have an immediate business impact.

May 8

Lifeline Claims Reporting

Service providers that file certified reimbursement claims through USAC's E-File system by the eighth day of the month can receive payment for the claim at the end of the same month. Service providers that do not file by the eighth day of the month will receive payment the following month. All service providers are required to use the Lifeline Claims System (LCS) online reimbursement process. Service providers can access the LCS online through [USAC's E-File portal](#). Detailed instructions are available by clicking on the "[Instructions](#)" link in the upper-right corner of the LCS interface.

May 31

FCC Form 395 – Common Carrier Employment Reports

Common carriers, including wireless carriers, with 16 or more full-time employees must file their annual Common Carrier Employment Reports (FCC Form 395) by May 31st. This report tracks carrier compliance with rules requiring recruitment of minority employees. FCC Form 395, including resubmissions, should be filed in WC Docket No. 16-233 using the Commission's Electronic Comment Filing System (ECFS). A carrier seeking confidential treatment of certain Form 395 data must: (1) file a redacted (public) version of its Form 395 Report using ECFS, and (2) mail a non-redacted version, along with a request for confidentiality, to the Office of the Secretary, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

Jul 1

FCC Form 481: Carrier Annual Reporting Data Collection Form

All ETCs receiving universal service support from the High Cost or Lifeline USF programs must file FCC Form 481 with USAC on or before July 1, 2020. The Form is completed electronically in [E-File](#), USAC's online filing system. Filing a duplicate copy of Form 481 with the FCC is no longer required for recipients of High Cost support. In addition, although the FCC eliminated the requirement to file a duplicate copy of Form 481 with states (and Tribal governments), some state commissions are still requiring that the Form be filed with them. We recommend you check with your state commission if you are uncertain whether it continues to require submission of a copy of the Form 481.