



4304 92ND AVENUE NW
GIG HARBOR, WA 98335
253.851.6700
WWW.MILLERISAR.COM

No. 24-04

APRIL 30, 2024

Regulatory Review

The Miller Isar, Inc. Regulatory Review is a monthly report designed to provide information regarding regulatory and policy developments that may impact business operations. The Regulatory Review is provided for informational purposes only and does not constitute legal opinion or legal counsel. Compliance items of particular note are highlighted.

FEDERAL REGULATORY NEWS



USAC SUBMITS ANNUAL REPORT - E-RATE AUDIT RECOVERY REPORT

On March 29, 2024, the Universal Service Administrative Company (USAC) submitted its [annual report](#) with the Commission. The Report details USAC's operations, activities, and accomplishments for 2023 including its efforts in each of the universal service programs, and administrative action intended to ensure program integrity.

Also on March 29, 2024, USAC submitted its [semiannual audit recovery report](#) for the E-Rate Program. The Report summarizes the status of all outstanding audit findings. Relatedly, on March 28, 2024, USAC submitted a [letter](#) to the Wireline Competition Bureau containing USAC's estimate of demand for the E-Rate support mechanism discounts for funding year 2024. USAC projects demand of \$3.239B, of which \$1.921B applies to Category 1 services and \$1.318B to Category 2 services. USAC states that the estimate is based on the total amount of funding requested in the FCC Form 471 applications received on or before March 27, 2024.

NTIA ANNOUNCES DIGITAL EQUITY PLAN FUNDING OPPORTUNITY

On March 29, 2024, the National Telecommunications and Information Administration (NTIA) [announced](#) its [State Digital Equity Capacity Grant Program](#) Notice of Funding Opportunity (NOFO), the second of three digital equity programs authorized under the Infrastructure Investment and Jobs Act of 2021. The NOFO establishes a competitive process to make State Digital Equity Planning Grant Program and State Digital Equity Capacity Grant Program funds available to carry out digital equity and inclusion activities consistent with the Digital Equity Act. Proposed projects must include measurable objectives and evaluation criteria as part of their program design. Proposed projects must also address barriers to digital equity, and promote availability and affordability of access to broadband technology, online accessibility and inclusivity of public resources and services, digital literacy, awareness of online privacy and cybersecurity, and availability and affordability of consumer devices and technical support for those devices. NTIA is currently accepting grant applications.

SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM EQUIPMENT REPLACEMENT DEADLINE EXTENDED

On March 29, 2024, the Wireline Competition Bureau issued a [Public Notice](#) granting petitions requesting an extension of deadlines to remove, replace and dispose of covered equipment under the Secure and Trusted Communications Networks Reimbursement Program. The Commission established the Reimbursement Program to reimburse providers of advanced communications service with ten million or fewer customers for reasonable costs incurred in the removal, replacement, and disposal of covered communications equipment or services from their networks that pose a national security risk - communications equipment or services produced or provided by Huawei Technologies Company (Huawei) or ZTE Corporation (ZTE), that were obtained by providers on or before June 30, 2020. Extension dates vary by company. (WC Docket No. 18-89)

AFFORDABLE CONNECTIVITY PROGRAM COMPUTER MATCHING PROGRAM COMMENTS DUE MAY 2

On April 2, 2024, a Commission [notice](#) was published in the *Federal Register*, announcing a new computer matching program between the Commission, the Universal Service Administrative Company, and the Connecticut Department of Social Services to verify the eligibility of applicants to, and subscribers of, the Affordable Connectivity and Lifeline Programs. The programs commence on May 2, 2024, and conclude 18 months following the effective date. Comments regarding the programs are due May 2, 2024.

ROSENWORCEL UPDATES CONGRESS ON AFFORDABLE CONNECTIVITY PROGRAM

On April 2, 2024, the Commission issued a [news release](#) regarding Chairwoman Rosenworcel's [letter](#) to congressional leaders in which Rosenworcel provided an update on the Affordable Connectivity Program. Rosenworcel urged immediate action to renew Program funding before funding ends and participating households can no longer receive benefits. Rosenworcel stated that if Congress fails to provide additional funding, April would be the last month for full ACP benefits.

RESILIENT NETWORKS NRS AND DIRS REPORTING COMMENTS DUE APRIL 29

On April 2, 2024, the Commission's Public Safety and Homeland Security Bureau issued a *Public Notice* announcing comment and reply comment dates on rules proposed in the Commission's January 26, 2024 [Second Report and Order and Second Further Notice of Proposed Rulemaking](#) (FNPRM) in its Resilient Network, Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, and New Part 4 of the Commission's Rules Concerning Disruptions to Communications proceedings. The FNPRM seeks comment on proposed rules to require TV and radio broadcasters to report in Network Outage Reporting System (NORS) and Disaster Information Reporting System (DIRS) subject to a simplified reporting process. The Commission also seeks comment on whether to require broadband Internet access service (BIAS) providers to report in DIRS and the extent to which FirstNet should be subject to report in NORS and DIRS. The Commission also seeks comment on whether to require satellite providers to report in DIRS, whether providers required to file in DIRS should be required to supply the Commission with "after action" reports detailing how their networks fared during the DIRS activation, and whether such providers should be required to provide the location of mobile recovery assets during a disaster response. Comments were due April 29, 2024, and reply comments are due May 28, 2024. (PS Docket Nos. 21-346 and 15-80 and ET Docket No. 04-35)

COMMISSION ISSUES CEASE AND DESIST LETTER TO VERIWAVE TELCO ASSERTING ROBOCALLING VIOLATIONS

On April 4, 2024, the Commission's Enforcement Bureau sent a cease and desist [letter](#) to Veriwave Telco, asserting that the Company had apparently originated illegal robocall traffic on behalf of one or more of its clients. The letter provided legal obligations and steps the Company must take to address the apparent illegal traffic and stated that failure to comply with the steps in the letter could result in downstream voice service providers blocking all its traffic permanently. The Bureau also issued a [Public Notice](#) notifying all U.S.-based voice providers about significant and apparently unlawful robocalls originating from or transmitted by Veriwave. According to the *Public Notice*, should Veriwave fail to effectively mitigate illegal traffic within 48 hours, providers may block voice calls or cease to accept traffic from Veriwave without liability. [news release](#)

COMMISSION ISSUES FNPRM ON SUPPORTING SURVIVORS OF DOMESTIC AND SEXUAL VIOLENCE

On April 8, 2024, the Commission issued a [Further Notice of Proposed Rulemaking](#) (FNPRM) in its Supporting Survivors of Domestic and Sexual Violence proceeding, seeking comment on additional action the Commission can take to help survivors of domestic violence access safe and affordable connectivity, particularly in the context of connected car services. The Commission notes that modern vehicles are frequently equipped with several connectivity tools and features including hands-free communication, real-time location, and other connectivity services. While these services provide benefits to drivers and passengers, news reports suggest that these services have also been used to stalk, harass, and revictimize survivors of domestic violence. Specifically, the Commission seeks comment on the types, as well as the frequency of use, of connected car services in the marketplace and asks whether changes to the Commission's rules implementing the Safe Connections Act are needed to address the impact of connected car services on domestic violence survivors. Further, the Commission asks what steps connected car service providers can proactively take to protect survivors from being stalked, harassed, intimidated, or otherwise revictimized through the misuse of connected car services. (WC Docket No. 22-238)

MAXIMUM ACP MAY BENEFIT REIMBURSEMENTS ANNOUNCED

On April 9, 2024, the Wireline Competition Bureau issued a [Public Notice](#) announcing the maximum partial reimbursement amounts for the Affordable Connectivity Program (ACP) benefits available to providers who elect to claim reimbursement for May. According to the Bureau, absent additional Congressional funding, April 2024 is the last month ACP households may receive the full ACP benefit. Remaining funds will not be able to reimburse providers for the full statutory benefit amount for service and device benefits applied to ACP service bills in May 2024.

BROADBAND CONSUMER LABELS EFFECTIVE APRIL 10

On April 10, 2024, the Commission issued a [Consumer Fact Sheet](#) and [Release](#) regarding implementation of the [Broadband Consumer Labels](#), now in effect. Internet Service Providers offering standalone broadband internet access service are now required to display consumer-friendly labels at the point of sale. The labels include pricing, introductory rate details, data allowances, broadband speeds, links to learn more about including available discounts or service bundles, network management practices, and privacy policies. In July 2021, a Presidential Executive Order included the creation of broadband consumer labels. In 2022, the Commission adopted rules requiring broadband providers to display labels containing key information consumers want at the point of sale: prices, speeds, fees, data allowances, and other critical information. By October 10, 2024, providers will be required to make the labels machine-readable to enable third parties to more easily collect and aggregate data for the purpose of creating comparison-shopping tools for consumers. Providers with less than 100,000 subscribers must also comply with the rules by the October date.

HIGH-COST PROGRAM ADMINISTRATIVE AMENDMENTS EFFECTIVE MAY 10

On April 10, 2024, the Commission's October 2023 [Report and Order \(erratum\)](#) in its Connect America Fund and related proceedings that made administrative changes to streamline high-cost program rules, was published in the [Federal Register](#). The *Report and Order* amended existing rules and requirements governing the management and administration of the Universal Service Fund (USF) high-cost program by streamlining processes aligning timelines and refining certain rules to more precisely address specific situations experienced by carriers. Following *Federal Register* publication, the amendments become effective May 10, 2024, except for the amendments to the following sections of the Commission's rules, which require Office of Management and Budget approval: Sections 36.4, streamlining procedures for processing petitions for waiver of study area boundaries; 54.205, relinquishment of universal service; 54.313, annual reporting requirements and quarterly performance reporting for high-cost recipients; 54.314, certification of support for eligible telecommunications carriers; 54.316, broadband deployment reporting and certification requirements for high-cost recipients; 54.903, obligations of rate-of-return carriers and the administrator; and 54.1306, updating information submitted to the National Exchange Carriers Association. The Commission will publish a document in the *Federal Register* announcing the effective date for these sections. (WC Docket Nos. 10-90, 23-328, 10-208, 14-58, and 09-197)

SOMOS QUESTIONS LOCAL NUMBER PORTABILITY ADMINISTRATOR NEUTRALITY

On April 10, 2024, Somos, Inc. submitted a [letter](#) to the Commission raising concern over iconectiv LLC's neutrality as local number portability administrator following the Company's previous meetings with the Wireline Competition Bureau. Somos maintains that the Third Local Number Portability Administrator Selection Process proceeding record reflects, "that iconectiv is not neutral under the Commission's rules because it is affiliated with an interconnected VoIP provider – Vonage – that has a strong interest in numbering administration, as evidenced by Vonage's membership on the North American Numbering Council." According to Somos, iconectiv has not justified a finding it is neutral notwithstanding that affiliation and should order iconectiv's owner, Ericsson, to divest either iconectiv or Vonage by a determined date set by the Commission. Further, Somos said the Commission should make clear that iconectiv should be barred from participation in any competitive bidding process to serve as a numbering administrator until the Commission confirms the Company's neutrality under Commission rules. (WC Docket No. 23-337)

TRANSPARENCY RULE DISCLOSURE PRA COMMENTS DUE MAY 15

On April 15, 2024, a Commission [notice](#) was published in the *Federal* seeking Paperwork Reduction Act (PRA) comments on an extension of a currently approved information collection regarding disclosure of transparency rules resulting from the Commission's January 2018 [Declaratory Ruling, Report and Order, and Order](#) in its Restoring Internet Freedom proceeding (WC Docket No. 17-108). The rules include a requirement that Internet Service Providers (ISPs) disclose their congestion management, application-specific behavior, device attachment rules and security practices, as well as any blocking, throttling, affiliated prioritization or paid prioritization in which they may engage. The Commission said that although the information collection was bifurcated in 2016 with respect to fixed and mobile ISPs, the Commission seeks to have its information collection include both fixed and mobile ISPs. Following *Federal Register* publication, PRA comments are due May 15, 2024.

CEASE AND DESIST LETTER ISSUED TO DIGITALIPVOICE

On April 17, 2024, the Commission Enforcement Bureau issued a cease and desist [letter](#) to DigitalIPvoice finding that the Company is apparently is transmitting illegal robocall traffic associated with student loan services. The Bureau identified the legal obligations and steps DigitalIPvoice must take to address the apparent illegal traffic. Should DigitalIPvoice fail to comply, downstream voice service providers will be directed to block the Company's traffic permanently. A separate [Public Notice](#) was also released to notify all U.S.-based voice providers of the substantial amount of apparently unlawful robocalls transmitted by DigitalIPvoice. The *Public Notice* states that if DigitalIPvoice fails to effectively mitigate illegal traffic within 48 hours, providers may block voice calls or cease to accept traffic from DigitalIPvoice without liability. [news release](#) (File No. EB-TCD-23-00035954)

LEGACY HIGH-COST SUPPORT RECIPIENT INITIAL CURRENT SERVICE OFFERINGS REPORT PRA COMMENTS DUE JUNE 17

On April 18, 2024, a Commission [notice](#) was published in the *Federal Register* seeking Paperwork Reduction Act (PRA) comments on a revision of a currently approved information collection on legacy high-cost support recipient initial report of current service offerings. The Commission said the information and certifications provided in the reports will be used to ensure competitive eligible telecommunications carriers receiving legacy high-cost support for mobile wireless services deploy 5G service by in their subsidized service areas are consistent with rules adopted in the Commission's October 2020 [Report and Order](#) in its Establishing a 5G Fund for Rural America Proceeding. Following *Federal Register* publication, PRA comments are due June 17. (GN Docket No. 20-32)

EMERGENCY CONNECTIVITY FUND PROGRAM PRA COMMENTS DUE JUNE 17

On April 18, 2024, a Commission [notice](#) was published in the *Federal Register* seeking PRA comments on extension of a currently approved information collection on the Emergency Connectivity Fund Program. The Commission said the information provides the Commission and Universal Service Administrative Company with necessary information to administer the Program, determine the amount of support entities seeking funding are eligible to receive, and determine if entities are complying with Commission rules and prevent waste, fraud, and abuse. The information also allows the Commission to evaluate the extent to which the Program is meeting the statutory objectives specified in the American Rescue Plan Act and its performance goals set forth in the Program *Report and Order*, and to evaluate the need for and feasibility of any future revisions to program rules. Following *Federal Register* publication, PRA comments are due June 17.

STATE OF COMPETITION IN COMMUNICATIONS MARKETPLACE DUE JUNE 6

On April 22, 2024, the Commission's Office of Economics and Analytics (OEA) issued a [Public Notice](#) requesting comment on the state of competition in the communications marketplace. Specifically, OEA requests information, data, and comments regarding notable trends and developments that have occurred during early 2024 and comment regarding competition and service availability for fixed broadband, mobile wireless and satellite services; competition in the voice, video and audio marketplaces; international broadband data; and bridging the digital divide. The Commission is required by law to publish a Communications Marketplace Report that, among other things, "assess[es] the state of competition in the communications marketplace." Comments and data will be incorporated into its Communications Marketplace Report. Comments are due June 6, 2024, and reply comments are due July 8, 2024. (GN Docket No. 24-119)

REGULATORY FEE NPRM CIRCULATED

On April 23, 2024, the Commission [circulated](#) a second Notice of Proposed Rulemaking entitled, "Review of the Commission's Assessment and Collection of Regulatory Fees for Fiscal Year 2024, Second Notice of Proposed Rulemaking" for consideration.

COMMISSION REINSTATES NET NEUTRALITY

On April 25, 2024, the Commission reinstated "net neutrality" regulations during its [open meeting](#) by adopting a [declaratory ruling, order, report and order and order on reconsideration](#) that classifies broadband internet access service (BIAS) as a telecommunications service and mobile broadband internet access service as a commercial mobile service. The Commission's net neutrality rules prohibit blocking, throttling or engaging in paid or affiliated prioritization arrangements in the provision of BIAS, and adopt certain enhancements to the transparency rule. The order on reconsideration partially granted, and otherwise dismissed as moot, several petitions for reconsideration filed in response to the Commission's 2018 [Restoring Internet Freedom remand order](#). Statements were made by Chairwoman [Rosenworcel](#) and Commissioners [Carr](#), [Starks](#), [Simington](#) and [Gomez](#). [Fact Sheet](#) WC Docket Nos. 23-320 and 17-108)

The Commission also adopted: a [Second Further Notice of Proposed Rulemaking](#) requiring implementation of one or more geo-routing solutions for wireless calls to the 988 Suicide & Crisis Lifeline, to ensure calls are routed based on the geographic location for the origin of the call rather than the area code and exchange associated with a wireless phone (WC Docket No. 18-336). The Commission also adopted [six notices of apparent liability for forfeiture](#) proposing fines totaling \$857,775 against pirate radio operators for operating pirate radio stations in the Boston area.

MAJOR WIRELESS CARRIERS FINED FOR ILLEGAL CUSTOMER LOCATION DATA SHARING

On April 29, 2024, the Commission issued forfeiture orders and fines to [Verizon](#) (\$46M), [AT&T](#) (\$57.2M), [T-Mobile](#) (\$80M plus) and [Sprint](#) (\$12M) for illegally sharing access to customer location information without consent and taking reasonable measures to protect the information against unauthorized disclosure. The Commission's Enforcement Bureau found that each carrier had sold customer location data access to aggregators, who then resold access to such information to third-party location-based service providers. [news release](#)

RURAL HEALTH CARE PROGRAM FORM PRA COMMENTS DUE JULY 1

On April 30, 2024, an Commission [notice](#) was published in the *Federal Register* seeking Paperwork Reduction Act (PRA) comments on a revision of a currently approved information collection on Rural Health Care Program forms. The information collection is being revised to extend some of the existing information collection requirements for the Healthcare Connect Fund and telecom programs, revise some of the information collection requirements for the Healthcare Connect Fund and Telecom Programs following the Commission's December 2023 [Third Report and Order](#) in its Promoting Telehealth in Rural America proceeding (WC Docket No. 17-310), and add a new information collection requirement for the High Cost Fund and other programs. PRA comments are due July 1, 2024.

BEFORE CONGRESS



HOUSE SUBCOMMITTEE SCHEDULES HEARINGS ON FCC, NTIA BUDGETS

On April 19, 2024, the House Energy and Commerce Committee [announced](#) that the Subcommittee on Communications and Technology will hold a hearing on the Commission’s budget on May 7, 2024. Chairwoman Rosenworcel and Commission commissioners are scheduled to testify. On May 15, 2024, the subcommittee will hold a separate hearing with the National Telecommunications and Information Administration.

SECURE NETWORKS PROGRAM FUNDING AMENDMENT INTRODUCED IN SENATE

On April 23, 2024, Senator Steve Daines (R-MT) [introduced](#) an amendment to the foreign aid emergency funding bill to fully fund the Secure and Trusted Communications Networks Reimbursement Program. The Program requires removal of Chinese components from U.S. wireless communications networks. Daines stated that without full funding, wireless and broadband providers will be saddled with billions of dollars in costs that could result in service blackouts and company closures. According to Daines an additional \$3 billion in Program funding is required.

AFFORDABLE CONNECTIVITY PROGRAM FUNDING – SECURE NETWORKS PROGRAM BILL INTRODUCED

On April 26, 2024, Senator Maria Cantwell (D-WA) [released](#) the [Spectrum and National Security Act](#). The bill would allocate \$7B for funding the Affordable Connectivity Program; \$200M to fund nonprofits that work with minority-serving institutions to prepare funding applications for broadband infrastructure and digital equity programs created by the bipartisan infrastructure law; \$3B for the Secure and Trusted Communications Networks Reimbursement Program funding, and \$2B for Next Generation 911 funding. [summary](#)

BROADBAND AFFORDABILITY FUTURE HEARING SCHEDULED

The Senate Subcommittee on Communications, Media and Broadband has scheduled a [hearing](#) on May 2, 2024 regarding the future of broadband affordability. The hearing will examine the state of broadband affordability programs, the impact of a potential lapse or end of Affordable Connectivity Program and how to address existing funding shortfalls in the programs. Witnesses include Jennifer Case Nevarez, Community Learning Network; Kathryn de Wit, The Pew Charitable Trusts; Blair Levin, New Street Research; and Dr. Paul Winfree, Economic Policy Innovation Center.

IN THE COURTS

D.C. APPEALS COURT REJECTS APPEAL OF SECURE COMMUNICATIONS NETWORKS ORDER

On April 2, 2024, the U.S. Court of Appeals for the District of Columbia Circuit issued an [opinion](#) denying in part and granting in part [Hikvision](#)’s and [Dahua](#)’s appeal of the Commission’s November 25, 2022 [Report and Order](#) that placed the Companies’ equipment on the Covered List of equipment deemed to be a national security risk (ET Docket No. 21-232 EA Docket No. 21-233). Hikvision USA, Inc. (“Hikvision”) and Dahua Technology USA Inc. (“Dahua”) are Chinese-owned companies that manufacture video cameras and video-surveillance equipment. In March 2021, the Commission relied on a Congressional finding to place Petitioners’ products on the “Covered List” of communications equipment that poses a threat to U.S. national security. The court rejected Petitioners’ claim that their equipment does not belong on the Covered List, but agreed the Commission’s definition of critical infrastructure is overly broad.



EIGHTH CIRCUIT SETS BRIEFING SCHEDULE-ORAL ARGUMENT IN DIGITAL DISCRIMINATION ORDER REVIEW – PETITIONERS’ BRIEF FILED

On April 2, 2024, the U.S. Court of Appeals for the Eighth Circuit (St. Louis, MO) issued an [order](#) setting the briefing schedule and tentatively scheduling oral argument in the case that will hear 16 petitions for review of the Commission’s November 2023 [Report and Order](#) in its Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination proceeding (GN Docket No. 22-69) regarding preventing and eliminating digital discrimination. Oral argument is tentatively scheduled for September 25 and 26, 2024.

On April 24, 2024, Petitioners filed their [brief](#), asserting that the Commission failed to explain or acknowledge its departure from the standard burden-shifting framework for disparate-impact claims. Petitioners also maintain that the Commission failed to consider the entirety of costs the rule will impose, including costs borne by covered entities other than broadband providers.

FCC OPPOSES MOTION FOR STAY OF ROBOTEXT ORDER BEFORE ELEVENTH CIRCUIT

On April 15, 2024, the Commission filed an [opposition](#) to the Insurance Marketing Coalition’s (IMC) [motion for stay pending appeal](#) of the Commission’s December 2023 [Second Report and Order](#) in its Targeting and Eliminating Unlawful Text Message and related proceedings (CG Docket Nos. 21-402, 02-278, and 17-59) before the U.S. Court of Appeals for the Eleventh Circuit (Atlanta, GA). IMC has sought a stay of the effect of the *Second Report and Order* on closing the lead generator loophole and corresponding revisions to Section 64.1200 of the Commission’s rules regarding delivery restrictions, pending disposition of the litigation. The Commission asserted IMC has not shown any likelihood of success on the merits or adequately substantiated its various theories of irreparable harm.

FCC OPPOSES MANDAMUS REQUEST IN E-RATE APPEAL

On April 24, 2024, the Commission filed an [opposition](#) to Essential Network Technologies and MetComm.Net’s [petition for a writ of mandamus](#) in a case alleging that the Universal Service Administrative Company (USAC) improperly withheld E-Rate subsidies from the petitioners before the U.S. Court of Appeals for the District of Columbia Circuit. The Commission argued that although petitioners never requested intervention by, or relief from, the Commission concerning USAC’s actions, they asked the court to direct the Commission to terminate USAC’s suspension of petitioners’ universal service payments and issue the funds withheld by USAC. Additionally, the Commission maintained that even assuming petitioners could show they are entitled to the funds withheld by USAC, they would not need a writ of mandamus to recover those funds and could obtain reimbursement in the normal course of litigation.

SECOND CIRCUIT REVERSES DECISION ON NEW YORK AFFORDABLE BROADBAND ACT

On April 26, 2024, the U.S. Court of Appeals for the Second Circuit (New York, NY) issued a [decision](#) reversing a district court judgment regarding the 2021 New York Affordable Broadband Act. The Act requires internet service providers to offer broadband to qualifying households at reduced prices. The Second Circuit found that the Communications Act of 1934 does not wholly preempt states from regulating the rates charged for interstate communications services and is not preempted by the Federal Communications Commission’s 2018 order classifying broadband as an information service. The court vacated the district court order permanently enjoining enforcement of the Act.

CONSUMERS’ RESEARCH, ET AL. PETITIONS FIFTH CIRCUIT APPEALS COURT REVIEW OF 2Q24 USF CONTRIBUTION FACTOR

On April 3, 2024, Consumers’ Research, *et al.* filed a [petition for review](#) with the U.S. Circuit Court of Appeals for the Fifth Circuit (New Orleans, LA) of the Commission’s approval of the [second quarter 2024 universal service fund contribution factor](#). Petitioners maintain that the Commission’s approval of the USF factor exceeds the Commission’s statutory authority and violated the Constitution and other federal laws. The appeal is one of several such recurring petitioner appeals of Commission contribution factor approvals.

STATE REGULATORY NEWS



NEBRASKA – Commission Sets TRS Surcharge – Initiates Outage Reporting Proceeding

On April 30, 2024, the Nebraska Public Service Commission adopted a \$0.05 per telephone number of functional equivalent fee per month to fund the State’s Telecommunications Relay Service Fund. The new fee becomes effective July 1, 2024. (Application No. C-5555)

Separately on April 3, 2024, the Nebraska Public Service Commission initiated a proceeding to review an amended service outage reporting policy. The Commission notes that it has recently observed an increase in the number of significant and concerning outages, and in reports of cable cuts and indications that the requirements in its outage reporting policy are unclear and could be subject to multiple interpretations. A workshop is scheduled for May 29, 2024 to address its outage policy. Comments on its policy are due June 14, 2024. (Application No. C-5564/PI-250)

IN THE NEWS



[AT&T resets passcodes after data breach affecting 73M](#) By Monica Allevan AT&T released a statement over the weekend saying customer data was released on the dark web.

[NTIA opens up \\$811M for digital equity programs across the U.S.](#) By Julia King With some new funding on the way states can finally put their digital equity plans into action.

[Net neutrality is happening whether broadband providers like it or not](#) By Linda Hardesty Net neutrality means that the FCC is reclassifying broadband service providers as Title II carriers under the Communications Act, so the FCC will have oversight.

[FCC will exempt BIAS providers from USF payments](#)

The FCC will not compel Broadband Internet Access Service providers to pay into the Universal Service Fund, according to the full 434-page text of its proposed net neutrality rules. The agency is also preparing to issue new broadband privacy rules.

Full Story: [Policyband](#) (4/5), [MediaPost Communications](#) (free registration) (4/4) [Ars Technica](#) (4/8)

[FCC won't require USF contributions from ISPs](#)

The FCC won't require broadband providers to help fund the Universal Service Fund, said Jessica Rosenworcel, the agency's chair. Rosenworcel explained that the extra fees could cause a "major upheaval in what is actually a stable and equitable contribution system."

[Analysts bullish on Q1 for major telecoms](#)

The top US mobile carriers should post first-quarter results in line with their earlier estimates and healthy earnings and revenues, analysts predict. They cite a relatively strong economy and recent price increases for their upbeat forecasts. **Full Story:** [Light Reading](#) (4/10)

[Report: Fiber makes up 69% of global broadband links](#)

Global fiber broadband connections numbered more than 1 billion in 2023, constituting 69% of all fixed-line services, Omdia reports, adding the total will surpass 1.4 billion in four years. The analyst firm predicts 5G fixed wireless access will overtake LTE by 2028. **Full Story:** [Light Reading](#) (4/12)

[Analysts predict U.S. fiber subs to double in the next 10 years to 45M](#) By Masha Abarinova

Wolfe Research analysts said Frontier, followed by AT&T and Verizon, have the most to gain from an industry shift to fiber.

REGULATORY REPORTING MAY

The following report listing has been compiled from past reporting requirements and is provided exclusively for informational purposes. Reporting requirements are subject to change and should be verified by filers.

FEDERAL REPORTS DUE

FCC Form 499-A Telecommunications Reporting Worksheet due April 1.

FCC Annual Rate Integration Letter due May 1.

FCC Form 499Q due May 1

For additional information or assistance, please contact Andrew Isar at aisar@millerisar.com, or call 253.851.6700.