



March 30, 2017

**Filed Via ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**RE: *Connect America Fund, WC Docket No. 10-90;*  
*Protecting the Privacy of Customers of Broadband and Other Telecommunications Services,*  
*WC Docket No. 16-106;*  
*Lifeline and Link Up Reform, WC Docket No. 11-42; and*  
*Modernizing the E-Rate Program for Schools and Libraries, WC Docket No. 13-184***

Dear Ms. Dortch:

On Wednesday, March 29, 2017, Mark Gailey of Totah Communications; and Derrick Owens, Patricia Cave and Gerry Duffy representing WTA – Advocates for Rural Broadband (“WTA”) met with Amy Bender, Legal Advisor, Wireline to Commissioner Michael O’Rielly, to discuss various rural telecommunication industry issues.

WTA noted the current status of the Congressional Review Act (“CRA”) effort to overturn the Commission’s *Broadband Privacy Order*<sup>1</sup> and associated regulations. WTA emphasized its interest in working with the Commission and the industry going forward to consider and develop appropriate approaches to privacy protections for voice and broadband services. WTA indicated that certain voice Customer Proprietary Network Information (“CPNI”) rules eliminated or streamlined in the *Broadband Privacy Order* – for example, the annual CPNI certification and recordkeeping requirements of Rule 64.2009, the 30-day waiting period for opt-out approvals, and the requirement to send privacy notices to customers every two years – may be resurrected. WTA stated that its members were particularly concerned about the status of the annual CPNI certifications for calendar year 2016 which would have been due March 1, 2017, when the *Broadband Privacy Order* was in effect. To address these member concerns, WTA advocated that the Commission provide notice soon regarding the status of the annual CPNI certifications for 2016 – for example, whether none will be due, whether there will be a revised 2017 deadline for their submission, or whether some other approach will be prescribed.

WTA urged prompt action to eliminate or defer implementation of the scheduled \$20 rate floor pursuant to Rule 54.318 for Rate of Return Path carriers. In some states, rural local exchange carriers (“RLECs”) have already had to (or will soon have to) initiate rate cases or other proceedings to allow them to increase their local voice rates to the levels necessary to comply with the rate floor. Not only are these state proceedings expensive and time-consuming, but also they create concerns and anger among customers that they may soon face yet another rate increase for their voice service.

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<sup>1</sup> *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, Report and Order, WC Docket No. 16-106, FCC 16-148, released November 2, 2016.

WTA noted Chairman Pai's statement announcing the intention to address changes made in the *Lifeline Modernization Order*<sup>2</sup> regarding Lifeline Broadband Provider designations. Consistent with its joint petition for reconsideration, WTA urged the Commission to reconsider other regulatory changes made to the Lifeline program that may negatively impact rural consumers, including minimum service standards that can lock out eligible rural consumers lacking access to a network that meets the minimum service standard or render service too expensive for some eligible consumers even after a Lifeline discount. WTA also expressed its support: (a) for restoring voice services as a part of the Lifeline program to ensure that low-income consumers continue to have access to critical emergency services; and (b) for modifying the broadband port freeze so as to reduce consumer confusion and the potential for abuse by certain providers.

WTA also briefly discussed Commissioner's inquiry into the use of E-rate self-provisioning funds to overbuild existing broadband networks and noted that an adequately funded high-cost program would go a long way toward reducing the need for duplicative network investment in other USF programs.

WTA recommended action on the request made in its May 25, 2016 Petition for Reconsideration in WC Docket No. 10-90 that the Commission provide clarification regarding the treatment of exchange sales, transfers of control and mergers that take place between ACAM Path and RoR Path companies in the same state now that the two separate paths are implemented. WTA presumes that the Commission will require companies to remain on their originally elected paths after a transaction, even if that means that an entity may control ACAM Path companies and RoR Path companies in the same state. Whatever regulatory treatment the Commission desires, WTA asks it to adopt rules or provide other applicable guidance so that entities considering transactions will be able to plan and negotiate pursuant to known ground rules.

Finally, WTA indicated that some RLECs acquiring exchanges or consolidating multiple study areas within the same state have encountered significant delays in obtaining action upon petitions for waiver of the Part 51 rules regarding CAF-ICC support. WTA urges the Commission to act expeditiously on these types of waiver petitions, and to establish clear procedures and standards that will encourage study area consolidations where they make economic sense.

Pursuant to Section 1.1206(b) of the Commission's Rules, this submission is being filed for inclusion in the public record of the referenced proceeding.

Respectfully submitted,

/s/ Gerard J. Duffy

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<sup>2</sup> *Lifeline and Link Up Reform and Modernization*, Third Report and Order, Further Report and Order, and Order on Reconsideration, WC Docket Nos. 11-42, 09-197 and 10-90, FCC 16-38, released April 27, 2016.