

FCC Broadband Update

September 2019

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**SHULMAN
ROGERS**



- Full Service Law Firm In Potomac, Maryland
- Counsel To Public Safety, Municipalities, Transit, Industry, Tower Owners/Lessees, Building Owners & More
- RFP Prep/Review, FCC Licensing/Spectrum Acq., Broadband, In-Building/Rooftop Wireless, Small Cell Siting Negotiations, FirstNet Negotiations
- Telecom Legal Services Selectee In Virginia
- Counsel To Chesapeake, Newport New, Spotsylvania
- Founder/Counsel To Government Wireless Technology & Communications Assoc. (www.gwtca.org)
- Partnership With TIA On Smart Building Standards

- Rural Broadband Funding
- FCC Small Cell Siting Decision
- FCC In-Building Wiring/Wireless Proceeding



- Multiple Studies/Stories Demonstrate That Mapping Programs Used By Carriers Were Insufficient To Identify Underserved Areas
 - ISPs Were Counting An Entire Census Block As Being Covered By Service Even If Only A Small Area Was Covered
- August 2019 – FCC Adopts “Digital Opportunity Data Collection” Service
 - Requires Detailed Geospatial Maps Of Coverage Areas, Instead Of Census Blocks



- Consolidated Appropriations Act of 2018 Establishes Rural eConnectivity Pilot Program
- Act Appropriates \$600 Million On Expedited Basis
- Documents Available At:
<https://www.usda.gov/reconnect/forms-and-resources>

ReConnect Loan and Grant Program

- Areas Without Sufficient Broadband Defined As 90% Don't Have Access To:
 - 10 Mbps Downstream
 - 1 Mbps Upstream
- Applicant Must Propose:
 - 25 Mbps Downstream
 - 3 Mbps Upstream
- 100% Loan, 50% Loan / 50% Grant Or 100% Grant Available



- Construction Or Improvement Of Buildings, Land And Facilities To Provide Broadband
- Reasonable Pre-Application Expenses
- Fund Acquisition And Improvement Of Existing System Currently Providing Insufficient Service (Loan Only)
- Terrestrial-Based Facilities To Support Provision Of Broadband Service



- 100 Percent Grant
 - Up To \$200 Million Available
 - Max Grant Is \$25 Million
 - Applications Due April 29, 2019
- 50 Percent Loan / 50 Percent Grant
 - Up To \$200 Million Available
 - Max \$25 Million Grant / \$25 Million Loan
 - Applications Due May 29, 2019
- 100 Percent Loan
 - Up To \$200 Million
 - Max Loan Is \$50 Million
 - Applications Due June 28, 2019 But USDA Will Evaluate And Award On First-Come-First-Serve Basis
- Application Deadlines Passed Recently



- FCC Reform And Modernization Of Universal Service Support Programs
 - Allocates \$1.98 Billion Of Support Over 10 Years
 - Awards To High-Cost Census Blocks In States Where Price Cap Carriers Declined An Earlier Offer Of Model-Based Support And Other Unserved Areas
 - Winning Bidding Must Provide Voice And Broadband Service At Or Above Specific Performance Levels
- 5 Winning Bidders In Virginia
- Total Assigned Support \$10,892,361.26 In Virginia



- First Round Of Funding (\$166.8 Million)
 - Central Virginia Services
 - \$28M For 10,827 H/B
 - BARConnects
 - \$4.9M For 1,734 Homes/Business
 - Empower Broadband
 - \$1.8M For 838 H/B
 - Verizon
 - \$1.4M For 421 Homes/Business
 - Verizon South
 - \$138k For 35 Homes/Business
- Third Round (\$524 Million) Of Funding In July
 - PGEC Enterprises
 - \$15,402,703 For 5,287 Homes/Businesses
 - RiverStreet Comm. Of VA
 - \$32,140,887 For 13,518 Homes/Businesses
- Virginia Not Included In First Or Fourth Round Of Funding



- FCC Defines A “Small Wireless Facility”
- FCC Prohibits Local Regs That “Materially Inhibit” Provision Of Services
- FCC Prohibits Fees Above Reasonable Approximation Of Locality’s Costs
 - Sets \$270 Per Facility Per Year As Presumptively Reasonable
- FCC Sets Small Wireless Facility Shot Clocks

- Order Subject To Petition For Reconsideration Filed By GWTCA, In Conjunction With Multiple Municipal Leagues (Including Virginia)
- Numerous Municipalities And Carriers Sued In A Variety Of Courts
 - Cases Consolidated, Awaiting Action On GWTCA Petition
- Despite Appeals, Order Is Now Effective
- FCC Issues Public Notice Asking For Comments On Verizon Pet. For Declaratory Ruling On Clark County Small Cell Charges



- 25 States Have Implemented Similar Or Conforming Legislation
 - Arizona, Colorado, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Virginia, Washington, West Virginia
 - Federal Bill Introduced





- FCC Proposes To (In Multi-Tenant Environments) In Both Wireline And Wireless Service Offerings:
 - Prohibit Exclusive Arrangements Between Landlords & Companies In Building Or On Roof
 - Require That Landlords Let Any Provider Offer Service In Their Building
 - Prohibit Revenue Sharing
- Sprint & T-Mobile Look To Include Single Tenant Buildings (Arenas) And Government Facilities (Small Cell Inside)

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