

equipment is connected to a public network, the equipment itself generally operates on private networks, and only traverses public networks when instructed to do so by end users. It claimed the FCC lacks statutory delegation of authority from Congress to utilize its equipment authorization processes to ban Hikvision equipment that meets all of the FCC's radiofrequency emissions regulations. NECA WW

1102 Supply Chain - Hikvision USA [letter](#) responds to [IPVM](#) on equipment authorization. Hikvision asserted, among other things, it has always acknowledged to the FCC its largest shareholder is a Chinese state-owned-enterprise, consistent with the financial statements and investment prospectus cited by IPVM. NECA WW

1102 Section 230: NY Post: How the government hid the truth behind Hunter Biden's laptop The latest bombshell from the (left leaning) Intercept, based on communications unveiled in the federal lawsuit Missouri v. Biden, shows that the Department of Homeland Security has been having monthly meetings with Facebook and Twitter to pressure them to censor social media posts about topics such as the botched withdrawal from Afghanistan, the origins of COVID-19, the efficacy of COVID vaccines, racial justice and US support for the war in Ukraine — in other words, anything that could be detrimental to public support for the Biden administration. We already know that the FBI was involved in efforts to censor and bury information that might have harmed Joe Biden's candidacy back in 2020, including The Post's exclusive about [Hunter Biden's](#) laptop in October 2020. That amounted to election interference, which prevented the American people from doing the necessary due diligence on one of the two candidates for president. So successful was the strategy that the Biden administration appears to have expanded it.

Security agencies have switched their attention from combating foreign disinformation to censoring the speech of American citizens who dissent from the government-approved narrative. No matter that free speech is protected by the First Amendment; if the Biden administration doesn't like the speech, it labels it "Misinformation, Disinformation and Malformation," and it is deputizing the FBI and DHS to strongarm Big Tech to censor it and de-platform serial offenders.

It doesn't matter what brand your politics is, this is Stasi stuff.

DHS also recommended the use of third-party nonprofit groups as a "clearinghouse for information to avoid the appearance of government propaganda," the Intercept reported.

In the spy business, that is what is called a "cutout," points out John Schindler, a former senior intelligence analyst with the National Security Agency. In other words, using a "deniable intermediary" legally to spread the White House's propaganda.

A perfect example of how the [censorship](#) regime works is the Hunter Biden laptop. Two FBI agents — Elvis Chan and Laura Dehmlow — have been identified in documents uncovered by the Missouri lawsuit as pressuring Facebook to suppress The Post's accurate and factual reporting.

We know the FBI at the time was spying on Rudy Giuliani's online cloud with a covert surveillance warrant. Therefore, it had access to his emails in August 2020 from computer store whistleblower John Paul Mac Isaac and to my text messages discussing when The Post would publish the story. It sure looks as if the FBI deliberately pre-censored a legitimate story for a political aim.

An [upcoming book](#) by Mac Isaac, the owner of the now-defunct Delaware computer

repair shop where Hunter Biden abandoned his laptop in April 2019, sheds more light on this deep-state election interference.

Mac Isaac, 46, is a patriot, and when he saw wrongdoing on the laptop, he felt it was his duty to bring it to the attention of the authorities. Unfortunately for him, he chose the FBI.

In "American Injustice: My Battle to Expose the Truth," Mac Isaac says that "at almost every step, I was met with skepticism, suspicion and even death threats. I feared for my life, not just in the face of angry strangers but in the face of a hostile FBI."

Disturbing allegations

His allegations are disturbing. Over the summer of 2019, the more Mac Isaac looked at the laptop, the more convinced he was that there were national security implications, especially in material relating to Ukraine.

So he enlisted his father, retired Air Force Col. Steve Mac Isaac, who took a copy of the laptop's hard drive on an external drive to the FBI's field office in Albuquerque, NM. He was treated with disdain.

"You better lawyer up and don't talk to anyone about this," an FBI agent told him, according to the book.

John Paul Mac Isaac's next chilling encounter with the FBI was six weeks later, on Nov. 21, 2019, when two agents, Joshua Wilson and Mike Dzielak, from the Baltimore field office went to his home and asked him questions about the laptop.

"Have you spoken with anyone else about this? Any other government or law enforcement agencies?" They left without taking the laptop.

On Dec. 9, 2019, the agents arrived at his store with a subpoena and took the laptop and a hard-drive copy.

As he left, Dzielak told Mac Isaac: "It is our experience that nothing ever happens to people that don't talk about these things."

Mac Isaac felt unsettled. He was not reassured an hour later when Dzielak called him for technical help to access the drive.

The laptop was never seen again.

A few weeks later, just before Christmas, Dzielak phoned him again to ask if Hunter had come in asking for the laptop yet. Mac Isaac told him no, but the agent "seemed genuinely surprised, and that worried me." In May 2020, convinced the FBI had buried the laptop, Mac Isaac and his father tried to contact Republican members of Congress, to no avail.

Finally, on Aug. 26, 2020, Mac Isaac found an email address for Rudy Giuliani, then Donald Trump's attorney, and wrote: Bottom of Form

"For almost a year I have been trying to get the contents of Hunter Biden's laptop to the proper authorities. I first reached out to the FBI and they came and collected it, but I have reason to believe they have destroyed it or buried it in a filing cabinet. After months of waiting for something to come of this, I can only assume that members of the FBI, who are against the President [Trump], have it and it will never be seen again. Luckily, for my protection, I made several copies and I have been trying quietly to bring it to people's attention."

If it weren't for Mac Isaac's persistence and savvy, Hunter Biden's laptop never would have seen the light of day, and America would be none the wiser about the FBI's

nefarious role in covering it up.

This year, whistleblowers have come forward to finger various FBI employees engaged in the cover-up. Timothy Thibault, the recently retired assistant special agent in charge of the FBI's Washington, DC, field office, was the agency point man to manage Tony Bobulinski, Hunter's business partner who went to the FBI with evidence of the Biden influence-peddling operation. Thibault allegedly ordered the investigation closed and has refused to cooperate with GOP members of the House Judiciary Committee.

<https://nypost.com/2022/11/02/how-the-government-hid-the-truth-behind-hunter-bidens-laptop/>

1102 Broadband Service Standards: NARUC released a [draft resolution](#) for consideration at its Nov. 13, 2022 annual meeting and education conference. The resolution calls on Congress and the FCC to ensure significant federal and state broadband policy objectives and investments are capable of delivering the results promised. It stated either Congress or the FCC should confirm or specify state authority to, among other things, enforce FCC or congressionally established minimum service quality standards for federally subsidized services or provided-over federally subsidized infrastructure, so federally subsidized carriers operating in multiple jurisdictions would operate with minimum uniform requirements.
NECA WW

1102 USF: Kelley Drye & Warren LLP [USF Tracker - October 2022 | Kelley Drye & Warren LLP](#)
General

On October 31, 2022, in the School and Libraries docket, CC Docket No. 02-6, WC Docket No. 06-122, in the RHC Program docket, WC Docket No. 02-60, in the Connected Care Pilot Program docket, WC Docket No. 18-213, and in the Contribution Methodology docket, WC Docket No. 06-122, the WCB issued a [Public Notice](#) (DA 22-1120) announcing the grant, dismissal, or denial of various requests (such as requests for review, requests for waivers, and petition for reconsideration) related to actions taken by the Universal Service Administrative Company.

On October 28, 2022, the Commission issued a [Further Notice of Proposed Rulemaking](#) (DA 22-79) seeking comment on proposals to ensure that mobile carriers continue to implement advanced telecommunications services and that fixed providers have sufficient resiliency and redundancy during the transition periods of the Bringing Puerto Rico Together Fund and the Connect USVI Fund. Comments will due 30 days after publication; Reply Comments will be due 45 days after publication.

On October 14, 2022, the WCB issued a [Public Notice](#) (DA 22-1094) releasing the 2023 FCC Forms 499-A and 499-Q, and accompanying instructions.

The WCB previously issued a [Public Notice](#) (DA 22-967) reminding Secure and Trusted Communications Networks Reimbursement Recipients of their obligation to file status updated with the Commission every 90 days, beginning on the date on which the WCB approved the recipients' application. The status updates must inform the Commission about the work of the recipient to permanently remove, replace, and dispose of the covered communications equipment or services, which for the purposes of the Reimbursement Program means all communications equipment or services produced or provided by Huawei Technologies Company or ZTE Corporation and obtained on or before **June 30, 2020**.

Lifeline / Affordable Connectivity Program (ACP)

On October 28, 2022, USAC released the [October 2022 Lifeline Newsletter](#).

On October 11, 2022, the WCB released a [Public Notice](#) (DA 22-1076) relating to the “Your Home, Your Internet” Pilot Program and ACP Navigator Pilot Program. The WCB expects to open the Pilot Programs’ application window, and expects the Consumer and Governmental Affairs Bureau to release the Notice of Funding Opportunity for Pilot Program funding, in **November 2022**.

On October 7, 2022, USAC released the [September 2022 Lifeline Newsletter](#).

On October 4, 2022, the WCB released an [Order](#) (DA 22-1063) waiving certain E-Rate, Emergency Connectivity Fund, Rural Health Care, COVID-19 Telehealth, Lifeline, High Cost, and Affordable Connectivity Program rules and deadlines to assist participants and service providers, including Universal Service Fund contributors, located in the areas affected by Hurricane Ian, which struck the State of Florida on September 28, 2022, and the States of North Carolina and South Carolina on September 29, 2022.

With respect to the Lifeline Program, the WCB:

waived sections 54.405(e)(3) and 54.405(e)(4) of the Commission’s rules relating to de-enroll Lifeline subscribers who do not pay a monthly fee for their Lifeline-supported service and do not use that service for 30 consecutive days in the Affected Disaster Area through **November 30, 2022**; and

waived sections 54.407(c)(2) and 54.410(f) of the Commission’s rules through November 30, 2022 relating to the requirement that Lifeline subscribers to demonstrate continued eligibility for the program Affected Disaster Area through **November 30, 2022**. At the expiration of the waiver period, recertification efforts will resume and subscribers who were subject to the waiver will have an additional 60 days to respond to recertification notices; and

directed USAC not to de-enroll any Lifeline subscriber residing in the Affected Disaster Areas for failure to successfully respond to a pending reverification request with documentation deadlines that will occur before **November 30, 2022**.

With respect to the ACP, the WCB:

waive through **November 30, 2022**, for ACP households in the Affected Disaster Areas, sections 54.1808(c)(1) and (2) and 54.1809(c) of the Commission’s rules relating to offering an ACP service for which the household does not pay a monthly fee are required to certify that every such household has used its supported service at least once every consecutive 30 days; and

waive through **November 30, 2022**, for ACP households in the Affected Disaster Areas, sections 54.1806(f)(1) and (5), and 54.1809(d) of the Commission’s rules relating to ACP subscribers’ requirement to respond to recertification outreach

The WCB previously released an [Order](#) (DA 22-1039) extending the waiver of Lifeline recertification and reverification requirements for Lifeline subscribers residing on Tribal lands to **January 31, 2022** and expanding the waiver to include ACP participants.

High Cost Fund Programs

On October 25, 2022, the WCB issued an [Order](#) (DA 22-1123) granting a waiver request of Douglas Services, Inc., d/b/a Douglas Fast Net (DFN), relating to Rural Broadband Experiments default rules and modification of its associated defined deployment obligation, reduce DFN’s defined deployment obligation to reflect the total number of qualifying locations that DFN could identify during its build-out term using reasonable and systematic methods and reducing, on an average per location basis, DFN’s authorized support.

On October 20, 2022, in an [Order](#) (DA 22-1112), the WCB granted a petition filed by Lumen Technologies, Inc. requesting waiver of limited aspects of the Commission's Connect America Fund (CAF) Phase II Model (CAF II Model) performance testing rules, relating to the testing sample size requirement in the states where some of the CAF II Model subscriber locations in Lumen's samples were found not to be in Lumen's eligible support area.

On October 20, 2022, the WCB issued a [Public Notice](#) (DA 22-1110) seeking comment on R.M. Greene, Inc. aka Beam's Petition for designation as an Eligible Telecommunications Carrier for the purpose of receiving RDOF support and conditioned upon approval of Beam and Point Broadband's 214 Transfer Application

On October 12, 2022, the WCB, with the Office of Economics and Analytics (OEA), authorized in a [Public Notice](#) (DA 22-1086) approximately 1,800 winning bids for the Rural Digital Opportunity Fund (Auction 904) based on applicants' long-form application information.

On October 4, 2022, the WCB released an [Order](#) (DA 22-1063) waiving certain E-Rate, Emergency Connectivity Fund, Rural Health Care, COVID-19 Telehealth, Lifeline, High Cost, and Affordable Connectivity Program rules and deadlines to assist participants and service providers, including Universal Service Fund contributors, located in the areas affected by Hurricane Ian, which struck the State of Florida on September 28, 2022, and the States of North Carolina and South Carolina on September 29, 2022. With respect to the High Cost Fund Program, the WCB waived the requirement to test and pre-test the speed and latency performance of their supported networks in these areas in the fourth quarter of 2022 for recipients with eligible areas in the Affected Disaster Areas.

Previously, the WCB issued a [Public Notice](#) (DA 22-896) waiving the annual reporting deadlines of Section 54.1514 of the Commission's rules and establishes uniform reporting deadlines for the Bringing Puerto Rico Together Fund and the Connect USVI Fund Stage 2 mobile support recipients. All carriers must file all previously required reports by **November 16, 2022**.

Schools and Libraries (E-Rate)/Emergency Connectivity Fund (ECF)

On October 31, 2022, in the School and Libraries docket, CC Docket No. 02-6, in the RHC Program docket, WC Docket No. 02-60, in the Connected Care Pilot Program docket, WC Docket No. 18-213, and in the Contribution Methodology docket, WC Docket No. 06-122, the WCB issued a [Public Notice](#) (DA 22-1120) announcing the grant, dismissal, or denial of various requests (such as requests for review, requests for waivers, and petition for reconsideration) related to actions taken by the Universal Service Administrative Company.

On October 26, 2022, USAC [announced](#) a **November 3, 2022 at 2:00 PM Eastern Time** training relating to the E-Rate post-commitment process.

On October 4, 2022, the WCB released an [Order](#) (DA 22-1063) waiving certain E-Rate, Emergency Connectivity Fund, Rural Health Care, COVID-19 Telehealth, Lifeline, High Cost, and Affordable Connectivity Program rules and deadlines to assist participants and service providers, including Universal Service Fund contributors, located in the areas affected by Hurricane Ian, which struck the State of Florida on September 28, 2022, and the States of North Carolina and South Carolina on September 29, 2022.

With respect to the E-Rate Program, for schools and libraries located in Affected Disaster Areas, the WCB:

waived the deadlines and provided those affected with **up to 150 calendar**

days from the effective date of this Order to submit: requests for review or waiver of decisions of USAC or the Commission; filing FCC Form 486, and FCC Form 472;

delayed the service implementation June 30, 2023 deadline for special construction, to June 30, 2024, subject to the applicant filing a valid FCC Form 500 certifying that construction for the special construction project was unavoidably delayed due to damage caused by Hurricane Ian;

waived section 54.516(a) of the Commission's rules, relating to document retention, with respect to destroyed records; and

increased flexibility for service substitutions in the Affected Disaster Areas.

With respect to the ECF Program, for schools and libraries located in Affected Disaster Areas, the WCB:

waived, in the Affected Disaster Areas, the deadline to submit a request for review or waiver of decisions by USAC or the Commission by **up to 150 calendar days** from the effective date of this Order;

waived section 54.1715(b) of the Commission's rules, relating to document retention, with respect to destroyed records; and

increased flexibility for service substitutions for equipment and services that have been disrupted, destroyed, or rendered unusable by Hurricane Ian in the Affected Disaster Areas.

USAC previously confirmed the following E-Rate Fall Training dates for applicants and services providers: [E-Rate Post-Commitment Process](#) on **November 3, 2022 at 2:00 PM Eastern Time.**

Rural Health Care (RHC)

On October 31, 2022, in the School and Libraries docket, CC Docket No. 02-6, in the Contribution Methodology docket, WC Docket No. 06-122, in the RHC Program docket, WC Docket No. 02-60, in the Connected Care Pilot Program docket, WC Docket No. 18-213, and in the Contribution Methodology docket, WC Docket No. 06-122, the WCB issued a [Public Notice](#) (DA 22-1120) announcing the grant, dismissal, or denial of various requests (such as requests for review, requests for waivers, and petition for reconsideration) related to actions taken by the Universal Service Administrative Company.

On October 28, 2022, USAC announced draft funding requests for the FY 2023 in RHC Connect and My Portal beginning on **November 1, 2022.**

On October 27, 2022, USAC announced that its enhanced [Search Posted Services](#) tool is available. The tool makes searches for posted services and download documents more streamlined.

On October 6, 2022, USAC released the [RHC Program Newsletter](#).

On October 4, 2022, the WCB released an [Order](#) (DA 22-1063) waiving certain E-Rate, Emergency Connectivity Fund, Rural Health Care, COVID-19 Telehealth, Lifeline, High Cost, and Affordable Connectivity Program rules and deadlines to assist participants and service providers, including Universal Service Fund contributors, located in the areas affected by Hurricane Ian, which struck the State of Florida on September 28, 2022, and the States of North Carolina and South Carolina on September 29, 2022.

With respect to the RHC Program, the WCB:

waived and extended the 60-day deadlines in section 54.720(b) of the Commission's rules for requests for review or waiver of decisions by USAC or the

Commission;

waived the 14-day deadline for applicants in the Affected Disaster Areas to respond to information requests from USAC;

waived the September 30, 2022 deadline in section 54.618 of the Commission's rules for Healthcare Connect Fund Program participants located in the Affected Disaster Areas to file Annual Reports for funding year 2021;

waived section 54.631(b) of the Commission's rules, relating to document retention, with respect to destroyed records; and

waived section 54.627(a) to automatically grant a 120-day extension of the invoice deadline for all funding year 2021 funding requests from health care providers in Affected Areas.

The WCB previously issued a [Public Notice](#) (DA 22-560) that summarizes upcoming Connected Care Pilot Program deadlines, and waives and extends the end date of the Pilot Program to conduct a full three year Pilot project. **December 31, 2025** is the last date for Pilot Program participants to end their project.

The OMB and WCB established via [Public Notice](#) (DA 22-582) that for Round 2 COVID-19 Telehealth Program funding recipients with additional information for the post-program report which is due on **January 31, 2024**.

1102 Fiber - Frontier Communication beat analyst estimates by adding a record 64,000 fiber subscribers in the third quarter and said it has passed 5 million locations with its fiber build, halfway to its goal. The telecom ended the period with 1.5 million fiber subscribers, a 16% gain compared to the same quarter last year. [Light Reading](#)

1102 BB Labels: WISPA letter said FCC should require broadband labels only be displayed as a conspicuous link or icon in close proximity to the advertised service plan that connects the consumer to the relevant label. It also said the FCC should require broadband labels be available in the English language and afford smaller providers at least one additional year to implement the rule changes the FCC adopts in this proceeding. NECA WW

1102 USF- Contribution: USAC filed the [Federal Universal Service Support Mechanisms Fund Size Projections](#) for the first quarter 2023 on Nov. 2, 2022. NECA WW

1102 USF – Contribution Factor: FCC's Office of General Counsel issued a [notice](#) on Nov. 2, 2022, announcing an oral argument scheduled for Dec. 5, 2022, for the [case](#) in the U.S Court of Appeals for the Fifth Circuit on the FCC's [first quarter 2022 universal service contribution factor](#). NECA WW

1102 E-Rate: FCC issued a [news release](#) announcing it committed nearly \$183 million in additional Emergency Connectivity Fund support, bringing total program commitments to over \$6.3 billion. NECA WW

1102 Section 230: AEI Mark Jamison - [The New Social Media Playbook](#) Donald Trump and Elon Musk have three things in common: Each is so compelling that friends and foes alike cannot look away; some foes cannot contain their strong visceral reactions; and each man uses the first two effects to his advantage. Watch these show up in Musk's Twitter playbook.

Musk's celebrity status is well known. He [has](#) 113.6 million Twitter followers at the time of publication. The Teal Mango [ranks](#) him as the third best-known person in the world. *Forbes* [lists](#) him as the richest person in the world.

Critics reacted swiftly and aggressively to his purchase of Twitter. One anti-Musker [predicted](#) that there will be "a rush of left leaning people to other platforms," once the right

come “crawling back.” *New York Times* editorial board member Greg Bensinger [wrote](#) that “Twitter under Elon Musk will be a scary place.” CBS’s Norah O’Donnell [said](#) Musk might “make Twitter a haven for disinformation and hate speech” and claimed that Musk has used Twitter to bully critics and reporters. Some tweeters [encouraged](#) people to [sabotage](#) Twitter. Perhaps these Musk critics are following through, as Twitter users are [reporting significant](#) increases in hateful and racist comments despite there being [no changes](#) in Twitter’s content moderation policies.

The European Union also reacted. When Musk [tweeted](#) on October 27th that “the bird is freed,” EU Commissioner Thierry Breton [responded](#) the next day, “In Europe, the bird will fly by our rules.” Perhaps the commissioner wasn’t serious, as his tweet is a non sequitur: Musk’s freed-bird tweet coincided with his [clearing](#) of Twitter’s executive suites. He didn’t assert that government rules will be broken.

Musk’s critics appear to be afraid that his Twitter will allow others to have freedom of speech. Actually, the critics should embrace such freedom, as it is [necessary](#) for [fighting](#) the very abuses the critics claim to abhor, [identifying truth](#), and [developing strong minds and a robust society](#). A recent [study](#) adds to the reasons for freeing speech. It found that exposure to misinformation prompts internet users to conduct their own investigations, which, if true, should make them less vulnerable to fallacies. And at least one of the study’s examples of misinformation highlighted just how hard actual misinformation is to identify. One claimed piece of misinformation—“COVID-19 death rates are inflated”—is not only open to multiple interpretations but is also a topic on which [researchers have](#) found wide disparities across countries and over time.

How might Musk use such attention and controversies in his Twitter playbook? One use will be for marketing. Musk famously [spent little](#) on marketing when launching Tesla’s cars because word of mouth and media attention did the work for him. Trump’s campaign [leveraging](#) media attention in 2016 to beat Hillary Clinton while spending far fewer campaign dollars than she did echoes this strategy.

Musk will also create multiple [channels](#) and [financial](#) arrangements. This internal platform diversity will have several consequences, including generating new [opportunities](#) for content creators and diverse communities, both for people with common interests and those who can tolerate an exploration of conflicting views.

Also, watch out for black swan [events](#). Musk ties his business interests to his beliefs in the importance of the internet, sustainable energy, space exploration, artificial intelligence, and human genetics. Look for Twitter capabilities to show up in his broadband, automotive, and energy businesses—not as social media, but as a machine-to-machine and machine-to-person communications platform that creates and uses data for improved efficiencies and user experiences.

Look for him to transform some elements of the power sector. Tesla is already [approved](#) to be a retail electricity provider in Texas. A Twitter channel dedicated to drawing data from SpaceX satellites, Twitter users, and Teslas could use artificial intelligence to [improve energy use across homes, automobiles, and more](#).

If even only a few of my predictions are right, Musk’s Twitter will change social media forever. Books analyzing the development of [Tesla](#), [SpaceX](#), and [PayPal](#) reveal a person that makes big bets, uses his many mistakes to find the right answers, admires innovation, seeks to dominate industries, and doesn’t like being told “no.” These strategies

applied to re-creating Twitter will take the “social” out of social media to create spaces for innovation, shared work, and machine work.

What could go wrong? Politicians are keenly aware of the [power](#) of the legacy platforms and might act to protect them.

1102 Supply Chain: [CNN: FCC commissioner calls for TikTok ban](#) – Carr argues US government should ban TikTok rather than come to a national security agreement with the social media app that might allow it to continue operating in the US.

1102 Robocalls: The commonwealth of Pennsylvania filed a [complaint](#) in the U.S. District Court for the Western District of Pennsylvania alleging Fluent violated federal and state telemarketing laws by making hundreds of thousands of unwanted robocalls to Pennsylvania residents. The complaint alleged Fluent obtained consumer information when they registered for promotional offers on one of Fluent’s websites, and seeks permanent injunctive relief and civil penalties. NECA WW

1102 [FCC Takes Next Step to Enable Faster, Better Wi-Fi](#)

1102 CSIRIC: (911 issues) [FCC Communications Security, Reliability, and Interoperability Council VIII Meeting Dec 15 2022](#)

1102 Section 230: [Politico: White House deletes tweet after Twitter adds accurate 'context' note](#)

The White House deleted a Twitter post on Wednesday touting an increase in Social Security benefits for seniors after the social media platform added a “context” note pointing out that the increase was tied to a 1972 law mandating automatic increase based on cost of living changes – aka inflation. Seniors are getting the biggest increase in their Social Security checks in 10 years through President Biden’s leadership,” read the tweet, which was posted to the official White House account at 4:45 p.m. on Nov. 1. “Seniors will receive a large Social Security benefit increase due to the annual cost of living adjustment, which is based on the inflation rate,” the annotation said, linking to a history of the law on the official [Social Security Administration website](#). According to a description under the annotation, “Context is written by people who use Twitter, and appears when rated helpful by others.”

1102 Section 230: Google ‘punishing Republicans’ who speak out against Big Tech, conservative study claims 'If this isn’t election interference, I don’t know what is,' MRC founder Brent Bozell said <https://www.foxnews.com/media/google-punishing-republicans-speak-out-against-big-tech-conservative-study-claims>

1102 E-Rate: [FCC Announces Nearly \\$183 Million In Emergency Connectivity Funding](#)

1102 IP Relay: [FCC Seeks Comment on InnoCaption IP Relay Certification Application DA 22 1144A1](#)

1102 Privacy: [The Hill: FCC commissioner calls for TikTok ban over data concerns](#)

1102 Section 230: [Politico: Musk: ‘At least a few more weeks’ before banned Twitter accounts might be restored](#)

1102 Energy Policy: [Fox News: Op Ed - American energy is on ballot and it's time to send Biden, Democrats a clear message](#)

1101 Pole Attachments: Charter Communications [letter](#) asserts pole replacement challenges are not confined to pole owners such as rural electric cooperatives or municipal utilities, but also involve investor-owned utilities’ poles. It provided examples it says highlight the pole replacement challenges and other delays at issue in this proceeding are common to all types of pole owners. NECA WW

1101 BB Labels: Access Humboldt, et al. sent a [letter](#) to Chairwoman Rosenworcel said the FCC

should require the clear and prominent display of the label on the customer's monthly bill and should reject proposals to limit the label's display to the point of sale. They said if a monthly bill requirement is not achievable in a forthcoming order, they urged the FCC to reconsider the question in an FNPRM. NECA WW

1101 BB Data Collection: States Could Face Legal Jeopardy From Challenging the Fabric: Chief Data Officer of Montana State of Montana could be in violation of contractual obligations to a private partner if it fully participates in the Federal Communications Commission's fabric-challenge process, Adam Carpenter, chief data officer of the Montana Department of Administration, said Wednesday. Carpenter, speaking on a **Broadband Breakfast Live Online** panel, explained that some of the data Montana needs for challenges to the national broadband fabric is leased from a private partner. State-partner contractual obligations limit Montana's ability to share that data with other commercial enterprises, Carpenter said. However, CostQuest Associates, the FCC vendor which created and owns the initial version of the fabric, may lease the FCC-owned data submitted in the challenge process for use in its own commercial products, which means that some data from states' private partners could end up in a competitor's products.

1101 5G: US Cellular spoke with Rosenworcel's advisor regarding the 5G Fund. UScellular recommended: the FCC review timing; maximize the reach by taking advantage of the increase in fiber density and other wired connectivity that will be created by the BEAD Program; modernize the eligibility threshold to ensure Americans are not stranded as technology continues to improve; and revisit the amount of funding required to bridge the 5G mobile gap for the unconnected. It also expressed support for establishing funding for operating expenses to ensure continuity of coverage in areas that received universal service support, as well as for the expansion of the Affordable Connectivity Program. NECA WW

1101 INCOMPAS spoke with Rosenworcel's advisors and Office of Economics and Analytics staff regarding the state of competition in the communications marketplace. It said the FCC should continue to view fixed and mobile broadband internet access service as separate product markets and complementary services when reporting on the state of competition in the communications marketplace. It also urged the FCC to use its resources to evaluate the impact of competition where a third, facilities-based provider has entered the market. Additionally, it said the FCC should align the different methodologies it uses in its various proceedings to report average broadband prices. NECA WW

1101 Pole Attachments: Pole Replacements Revisited Brett Kilbourne General Counsel and Senior Vice President of Policy, UTC In our last Inside Washington, we reported how the FCC had launched a Second Further Notice of Proposed Rulemaking regarding the allocation of the costs of pole replacements (WC Docket No. 17-84), and for this edition we would like to provide an update now that comments and reply comments have been filed in the docket. When we last reported, the Commission had largely asked a series of questions in its FNPRM, and it avoided making any proposed rules regarding the conditions under which utilities would be required to share in the costs and the method for allocating their share of the costs of pole replacements. The FNPRM was relatively open-ended and the issues were largely confined to pole replacement costs. That has changed since the comments and reply comments have been filed in the proceeding, as parties representing the attaching entities and by extension their trade associations and certain public interest groups are making new proposals and raising new issues which go beyond simply pole replacement costs.

<https://www.bluetoad.com/publication/frame.php?i=763647&p=32&pn=&ver=html5&view=issueViewer>

1031 Section 230: [The Hill: Elon Musk named sole director of Twitter, dissolves board](#)

1031 Section 230 - Twitter Bans Conservatives, Including Heritage Foundation Expert, One Week Before Midterm Elections

(The Daily Signal – Heritage Foundations news letter) “Twitter suspended conservative accounts just over one week before the midterm elections, including the account of a Heritage Foundation scholar and the leader of a conservative nonprofit. Jake Denton, a research associate at [Heritage’s Tech Policy Center](#), found himself suspended on Twitter at 11:10 p.m. on Saturday, Oct. 29, 10 days before the 2022 midterm elections. “Since the election of Donald Trump, Twitter has aggressively targeted and deplatformed young conservatives,” Denton told The Daily Signal on Monday. “It is no coincidence that just a week from Election Day, the leftists at Twitter executed one of the largest conservative ban-waves in the history of the platform.” (The Daily Signal is the media outlet of The Heritage Foundation.)

1031 COMMENTS INVITED ON SECTION 214 APPLICATION(S) TO DISCONTINUE DOMESTIC NON-DOMINANT CARRIER TELECOMMUNICATIONS SERVICE(S) IN RESPONSE TO COPPER RETIREMENT(S).

(DA No. 22-1138). (Dkt No 22-383). Comments Due: 2022-11-14. WCB. Contact: Kimberly Jackson at (202) 418-7393, email: Kimberly.Jackson@fcc.gov. [DA-22-1138A1.docx](#) [DA-22-1138A1.pdf](#) [DA-22-1138A1.txt](#)

1031 NECA’s REG SCAN: [Full edition](#) | [Past issues](#)

The FCC adopted four items at its Oct. 27, 2022 [open meeting](#), including an [NOI](#) on caller ID authentication technology for non-IP networks, and an [FNPRM](#) proposing up to 24 months of transitional support for mobile carriers in Puerto Rico and the U.S. Virgin Islands.

The FCC issued a [tentative agenda](#) for the Nov. 17, 2022 open meeting and will consider three items.

The USDA [announced](#) it is investing \$759 million to provide broadband service in 24 states, Puerto Rico, Guam and Palau, as part of the third funding round of the ReConnect Program.

The U.S. Department of the Treasury [announced](#) \$90 million for broadband projects in Vermont under the Capital Projects Fund Program.

The [Wireline Competition Bureau](#) and [Wireless Telecommunications Bureau](#) sent letters to carriers addressing their separate requests for confidential treatment of certain information submitted into the Broadband Data Collection system.

Rep. Frank Pallone, Jr. (D-N.J.) [sent](#) letters to 13 internet service providers over consumer complaints involving the FCC’s affordability programs.

ACAM Broadband Coalition members [discussed](#) their proposed plan for updating and enhancing the A-CAM Program. NTCA, et al. [discussed](#) proposals for updating the A-CAM and CAF BLS mechanisms.

The WCB [addressed](#) Douglas Fast Net’s [petition](#) for waiver of the Rural Broadband Experiment buildout obligations and default rules.

[Reply comments](#) were filed on two TRACED Act obligations on caller authentication.

1031 Prices: [Charter raises Spectrum Internet prices by \\$5 per month](#) By Diana Goovaerts Fierce Telecom

- The change will take effect in most markets starting November 1. The bump will apply to customers who don’t have Spectrum TV at all or take a Spectrum TV streaming

option (i.e. not its cable TV service).

1031 Agenda: The FCC released the following items adopted at the Oct. 27, 2022 [open meeting](#): an [NOI](#) on caller ID authentication technology for non-IP networks and how best to address this remaining gap in the FCC's caller ID authentication scheme; an [FNPRM](#) proposing a period of up to 24 months of transitional support for mobile carriers in Puerto Rico and the U.S. Virgin Islands, and an extension through December 2025 of the phasedown of frozen support for incumbent fixed providers in Puerto Rico and the USVI for the areas not awarded long-term support for broadband services; and an [NOI and order](#) seeking information on the current use of the 12.7 to 13.25 GHz band, how the FCC could encourage more efficient and intensive use of the band, and whether the band is suitable for mobile broadband or other expanded use, and extending the temporary freeze on applications in the 12.7 GHz band.

NECA WW

EXPANDING USE OF THE 12.7-13.25 GHZ BAND FOR MOBILE BROADBAND OR OTHER EXPANDED USE. The NOI explores repurposing up to 550 megahertz of mid-band spectrum in the 12.7 to 13.25 GHz band for next generation services. The Order extends the temporary freeze on applications in the 12.7 GHz band. (Dkt No 22-352). Action by: the Commission. Comments Due: 2022-11-28. Reply Comments Due: 2022-12-27. Adopted: 2022-10-27 by NOI. (FCC No. 22-80). WTB OET. [FCC-22-80A1.docx](#) [FCC-22-80A1.pdf](#) [FCC-22-80A1.txt](#) [FCC-22-80A2.docx](#) [FCC-22-80A2.pdf](#) [FCC-22-80A2.txt](#) [FCC-22-80A3.docx](#) [FCC-22-80A3.pdf](#) [FCC-22-80A3.txt](#)

CALL AUTHENTICATION TRUST ANCHOR. Launches Formal Review Of How To Bring Non-IP Phone Networks Into Caller ID Authentication Ecosystem To Protect Consumers. (Dkt No 17-97). Action by: the Commission. Comments Due: 2022-12-12. Reply Comments Due: 2023-01-11. Adopted: 2022-10-27 by NOI. (FCC No. 22-81). WCB. [FCC-22-81A1.docx](#) [FCC-22-81A1.pdf](#) [FCC-22-81A1.txt](#) [FCC-22-81A2.docx](#) [FCC-22-81A2.pdf](#) [FCC-22-81A2.txt](#) [FCC-22-81A3.docx](#) [FCC-22-81A3.pdf](#) [FCC-22-81A3.txt](#)

THE UNIENDO A PUERTO RICO FUND AND THE CONNECT USVI FUND; CONNECT AMERICA FUND. Proposes Extending Universal Service Support for Mobile and Fixed Providers Beyond 2023. (Dkt No 18-143 10-90). Action by: the Commission. Adopted: 2022-10-27 by FNPRM. (FCC No. 22-79). WCB. [FCC-22-79A1.docx](#) [FCC-22-79A1.pdf](#) [FCC-22-79A1.txt](#) [FCC-22-79A2.docx](#) [FCC-22-79A2.pdf](#) [FCC-22-79A2.txt](#) [FCC-22-79A3.docx](#) [FCC-22-79A3.pdf](#) [FCC-22-79A3.txt](#)

1031 BB Labels: Free Press [spoke with](#) Commissioner Starks' legal advisor - urged the FCC to implement a robust label that empowers consumers and makes internet pricing more transparent. Free Press said the FCC should require the label's display on monthly bills and be machine readable. NECA WW

1031 A-CAM/CAF: NTCA, Premier Communications, Golden West Telecommunications, Pioneer Communications, Waitsfield & Champlain Valley Telecom, Totelcom Communications and Twin Lakes Telephone Cooperative [spoke with](#) Carr's advisor about NTCA's proposals for updates to the A-CAM and the CAF BLS mechanism. They said the proposals had been developed initially to promote delivery and sustainability of high-speed broadband and voice services throughout rural serving areas and explained what refinements and further suggestions had been made to improve and enhance these proposals more recently. They

also urged the FCC to act with respect to both A-CAM and CAF BLS updates as soon as possible in light of impending deadlines in these programs and promote even more effective coordination with other governmental broadband programs already in place and those still being implemented. NECA WW

1031 USF: FCC WCB [dismisses](#), grants, and denies various petitions related to actions taken by USAC on E-rate, USF contributions, rural health care and the Connect Care Pilot Program.
NECA WW

1031 Privacy: [Dentons: US data transfers](#) Key Takeaways:

[] Executive Orders enacted by the US President earlier this month demonstrate a heightened scrutiny over government agencies' handling of imported personal data and an intent to address EU regulators' long-standing concerns about data transfers to the United States.

[] US regulations impose restrictions on data transfers occurring within the US, which continue to expand particularly at the state level; however, there are few limitations on exporting data outside of the US.

[] The rules and obligations surrounding data transfers are focused more on the type of personal data and/or the industry sector involved rather than geography, a more common focus within the EU and the General Data Protection Regulation ("GDPR").

Importing Data to the US

On October 7, 2022, US President Joseph Biden issued the Executive Order On Enhancing Safeguards for United States Signals Intelligence Activities. This order bars US intelligence agencies from collecting individuals' electronic data, including emails and text messages, transferred from Europe other than for national security purposes and requires any such collection to be proportionate and necessary. This order addresses concerns raised by the European Court of Justice in 2020 about data transfers between the EU and the US violating the GDPR and implements commitments made by the United States in March to the new EU-US Data Privacy Framework. This Framework is intended to replace the EU-US Privacy Shield, created in 2016, which was struck down as being an inadequate transfer mechanism.

Companies appear to support the Framework as it enables more business transactions and data flow with Europe and brings some relief to the increasingly strict application of the GDPR's data transfer rules. However, there remains some uncertainty about whether the order will meet the GDPR's adequacy standard. Businesses may also continue to be reluctant to rely on the Framework as the sole legal basis for data transfers because it will almost certainly be challenged in EU courts.

The European Commission will now prepare an adequacy decision requiring input from the European Data Protection Board, which could take at least several months. While any adequacy determination will likely be contested, this joint effort by the US and EU will hopefully restore trust in the transatlantic data flow and reduce regulatory uncertainty for businesses operating in both regions, at least for the foreseeable future.

Restrictions on US Data Transfers

The US generally does not restrict data transfers to other jurisdictions. The Federal Trade Commission ("FTC") and other US regulators often posit that data may be exported freely but federal regulations still apply to personal data after it leaves the US. For example, the FTC held that GMR Transcription Services, Inc., a medical and legal transcription

company, violated the FTC Act by exporting data to transcribers in India without implementing proper security measures.

Unlike data exports, numerous restrictions are placed on data transfers within the US at the federal level. For example, there are some federal laws and regulations that impose sector-specific restrictions:

The Children’s Online Privacy Protection Act (“COPPA”), which governs commercial websites and online services, requires businesses to obtain “verifiable parental consent” prior to the collection, use, or disclosure of personal data from individuals under the age of 13.

The Fair Credit Reporting Act (“FCRA”), which governs the usage and disclosure of credit reports, limits the sharing of financial information with marketing affiliates and requires consumers to be given notice of the affiliate sharing along with the opportunity to opt out of such sharing.

The FTC Act, which broadly applies to any person or entity engaged in commerce, prohibits unfair or deceptive business practices and requires companies to inform consumers if they disclose personal data to third parties.

The Gramm-Leach-Bliley Act (“GLBA”), which governs the financial sector, restricts financial institutions from sharing their customers’ financial information with non-affiliated third parties, unless the institution has provided customers with the required notice and the opportunity to exercise their right to opt out such sharing.

The Health Insurance Portability and Accountability Act (“HIPAA”), which governs the healthcare sector and certain protected health information, requires covered entities to obtain informed consent from individuals prior to sharing protected health information with third parties.

Some states have enacted comprehensive, industry-neutral laws that regulate the collection, use, and sharing of personal data. Many of these state laws include certain data transfer restrictions based on the type of data involved (e.g., biometric data or other particularly sensitive information) or the reason for disclosing the data (e.g., sharing personal data to third parties for purposes of targeted advertising or the accidental disclosure of personal data due to a security breach).

More states, including California, Colorado, Connecticut, Utah, and Virginia, consider the sharing of personal data with certain third parties to constitute a “sale,” leading these states to impose obligations such as providing notice to the consumers and offering them the opportunity to opt out. This year, the first enforcement action of the California Consumer Privacy Act (“CCPA”) by the California Attorney General was brought against Sephora, a cosmetics company. The Attorney General claimed that Sephora failed to disclose to consumers it was “selling”¹ their personal data and also failed to honor user requests to opt out of these “sale” transfers via a user-enabled Global Privacy Control – a browser setting that notifies websites of a user’s privacy preferences, such as not to share or sell personal data without their consent, by sending a signal to each website a user visits.²

This recent California enforcement action underscores the importance for companies to reassess and ensure they are compliant with their data protection obligations and determine whether their privacy policies and vendor contracts should be updated. Companies should also familiarize themselves with Global Privacy Controls and operationalize their websites and processes regarding data rights requests.

Under the CCPA, the term "sale" is defined broadly to mean either: "(A) Selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by the business to a third party for valuable consideration; or (B) sharing orally, in writing, or by electronic or other means, a consumer's personal information with a third party, whether for valuable consideration or for no consideration, for the third party's commercial purposes."

For more information, visit: www.globalprivacycontrol.org/#about

- 1028 Unbundling: FISPA [ex parte](#) supports Sonic Telecom's [petition for reconsideration of the October 2020 report and order on modernizing the FCC's unbundling and resale requirements](#).** FISPA asserted competitive access to legacy network elements leads to deployment of new and advanced networks, and residential communities and small businesses rely on the broadband services provided by FISPA members and benefit greatly from the fiber-to-the-home and fiber-to-the-premise networks they deploy. NECA WW
- 1028 E-Rate: Los Angeles Unified School District [spoke with Commissioner Carr's staff regarding E-rate and the Emergency Connectivity Fund](#).** LAUSD asserted the basic firewall support offered through the E-rate Program is not sufficient to protect schools against cyberattacks and urged the FCC to add next generation firewalls to the funding year 2023/24 E-rate Eligible Services List. LAUSD also opposed the proposed mandatory E-rate competitive bidding portal, saying it would conflict with California bidding requirements. Additionally, LAUSD said it successfully utilized the ECF Program to transform students' lives by providing devices and broadband connectivity. NECA WW
- 1028 Unbundling: Sonic Telecom [spoke with Commissioner Simington, his COS/advisors about Sonic's petition for reconsideration of the report and order on modernizing the FCC's unbundling and resale requirements](#).** Sonic asserted an existing dark fiber transport network is needed for market entry and to support a FTTH network, and the cost to overbuild the existing dark fiber network is economically untenable for most residential markets. Sonic also claimed it is a waste of valuable time and resources to overbuild incumbent dark fiber transport that otherwise would go unused. NECA WW
- 1028 USDA - [Sen. Dick Durbin: Durbin, Duckworth Announce \\$36 Million in Federal Funding to Bring High-Speed Internet Access to Communities](#)**
- 1028** Tech companies consume large amounts of data, European telecoms argue, and should have to help offset the costs of network upgrades. The European Commission is likely to begin studying the issue in early 2023. [CNBC](#)
- 1028 BB PRICES – USTelecom's 2022 BB Pricing Index:** Despite overall price inflation that has occurred in the US marketplace over the past year, USTelecom's latest [Broadband Pricing Index \(BPI\)](#) report reveals continued significant price reductions for both the most popular and highest-speed broadband internet service
- 1028 Section 230: Twitter Inc. is likely to cut ties with outside law firms Cooley and Perkins Coie now that Elon Musk owns the company. Musk targeted Perkins Coie over the firm's work for the Democratic National Committee and Hillary Clinton's 2016 presidential campaign.**
- 1028 Section 230: [The Hill: Ye back on Twitter after Musk takeover](#)**
- 1028 BB Mapping: EducationSuperHighway [spoke with Broadband Data Task Force staff about the accuracy of the forthcoming FCC broadband data maps in relation to multifamily dwelling units](#).** ESH proposed changes to the challenge process it says would increase the

accuracy of the maps and allow MDUs to be accurately categorized as served, underserved or unserved. **NECA WW**

1027 ACP: Communication Service for the Deaf [spoke with](#) Chairwoman Rosenworcel's legal advisors re: the rule disqualifying contractors of broadband providers from receiving grants under the Affordable Connectivity Program's Outreach Grant Program. CSD

claimed there is good cause to grant it a [waiver](#) and it would be inconsistent with the public interest to disqualify CSD to provide outreach that can help close the digital divide. NECA WW

1027 Supply Chain: Dahua USA [spoke with](#) Commissioner Stark's COS about FCC's authority over Dahua USA equipment. It said although it believes the Secure Equipment Act does not cover any of its products currently sold in the U.S. market, it is prepared to accept reasonable safeguards, including labeling, recordkeeping and certification requirements to alleviate any national security concerns. NECA WW

1027 Agenda: FCC adopted the following items at the [open meeting](#):

an [NOI](#) on caller ID authentication technology for non-IP networks and how best to address this remaining gap in the FCC's caller ID authentication scheme;

an [FNPRM](#) proposing a period of up to 24 months of transitional support for mobile carriers in Puerto Rico and the U.S. Virgin Islands, and an extension through December 2025 of the phasedown of frozen support for incumbent fixed providers in Puerto Rico and the USVI for the areas not awarded long-term support for broadband services;

an [NOI and order](#) seeking information on the current use of the 12.7 to 13.25 GHz band, how the FCC could encourage more efficient and intensive use of the band and whether the band is suitable for mobile broadband or other expanded use, and extending the temporary freeze on applications in the 12.7 GHz band; and

an [NPRM](#) to strengthen the operational readiness of the Emergency Alert System and Wireless Emergency Alerts, including reducing the vulnerability of these systems to cyberattacks. Some of the items are not yet released. NECA WW

1027 [Sen. Grassley: Hamilton, Washington Counties to Receive \\$5 Million Broadband Financing from Grassley-Backed Infrastructure Law](#) (via the RUS Reconnection Loan and Grant Program.

1027 Pricing: Verizon is offering to guarantee that LTE Home Internet, 5G home and Fios subscribers won't face price increases for 10 years, and is introducing a new receiver for its fixed wireless access customers. ""We are moving toward a world where everyone and everything can be intelligently connected," said executive Brian Higgins. . [Telecompetitor](#)

1027 CPE - Maryland is earmarking \$30 million to purchase laptops for roughly 150,000 homes, Gov. Larry Hogan announced. The state's broadband office will work with localities and community groups to provide "underserved" households with the computers. [StateScoop](#)

1027 [FCC Announces Tentative Agenda for November Open Meeting](#) Improving 911 Reliability – The Commission will consider a Report and Order to promote public safety by ensuring that 911 call centers receive timely and useful notifications of disruptions to 911 service. (PS Docket Nos. 13-75, 15-80; ET Docket No. 04-35) Updating Resources Used to Determine Local TV Markets – The Commission will consider a Report and Order that would update its rules to use the most up-to-date market information for determining a television station's local market for carriage purposes. (MB Docket No. 22- 239) NECA'S TAKE: The FCC issued a

tentative agenda on Oct. 27, 2022, for the Nov. 17, 2022 open meeting. The FCC will consider: a [report and order](#) to promote public safety by ensuring 911 call centers receive timely and useful notifications of disruptions to 911 service; a [report and order](#) that would update its rules to use the most up-to-date market information for determining a television station's local market for carriage purposes; and an enforcement action.

1027 Section 230: [Rep. Schiff \(D-CA\), Trahan \(D-MA\) Request Briefing from TikTok Ahead of Midterms on Strategy to Combat Election Disinformation](#) We request a briefing on election integrity and misinformation on your platform before the midterm elections. We would also appreciate answers to the following questions:

- As a video-only social media platform, what is TikTok doing regarding detection and enforcement that is different from other mixed content platforms?
- How will your company be more transparent on its enforcement of its community guidelines regarding election integrity, and transparent with the public about actions it has taken?
- Will your company commit to sharing data and metrics on the effectiveness of your enforcement systems in relation to US elections and political speech?
- **How will TikTok address mis-and-disinformation made by political actors *or verified accounts*, and how will they be treated differently, if at all, compared to ordinary users? [and how will TikTok decide what is mis/dis information????]**
- Will TikTok commit to keeping these election integrity plans in place beyond election day and keeping Congress fully informed about potential changes?

1027 Fiber - [Comcast flags expected Q4 layoffs, broadband sub losses](#) *By Diana Goovaerts* While it's still assessing the damage from Hurricane Ian, CFO Mike Cavanagh said Comcast expects "tens of thousands" of homes in Florida won't be able to have service restored. Fierce Telecom

1027 BB Grants: [USDA dishes out \\$759 million to boost rural broadband in 24 states](#) *By Masha Abarinova* Funds will go towards 49 broadband projects across 24 states, Puerto Rico, Guam and Palau. Fierce Telecom SEE [Department of Agriculture](#) Press Release: US Department of Agriculture (USDA) is providing \$759 million to bring high-speed internet access to people living and working across 24 states, Puerto Rico, Guam and Palau. The investments include funding from the Infrastructure Investment and Jobs Act, which provides a historic \$65 billion to expand reliable, affordable, high-speed internet to all communities across the US. The \$759 million in loans and grants comes from the third funding round of the [ReConnect Program](#), including:

North Carolina's AccessOn Networks Inc. is receiving a \$17.5 million grant to connect thousands of people, 100 businesses, 76 farms and 22 educational facilities to high-speed internet in Halifax and Warren counties in North Carolina. The company will make high-speed internet service affordable by participating in the Federal Communications Commission's (FCC) Lifeline and Affordable Connectivity Programs. This project will serve socially vulnerable communities in Halifax and Warren counties and people in the Haliwa-Saponi Tribal Statistical Area.

Tekstar Communications is receiving a \$12.6 million grant to deploy a fiber-to-the-premises network to connect thousands of people, 171 farms, 103 businesses and an educational facility to high-speed internet in Douglas, Otter Tail, St. Louis, Stearns and Todd counties in Minnesota. Tekstar will make high-speed internet affordable by providing its "Gig

for Life” service, where households that sign up for internet will not have their internet prices raised as long as they stay at the same address and continue service. Tekstar also will participate in the FCC’s Lifeline and Affordable Connectivity Programs.

In Colorado, the Eastern Slope Rural Telephone Association is receiving an \$18.7 million grant to deploy a fiber-to-the-premises network connecting thousands of people, 898 farms, 110 businesses and 17 educational facilities to high-speed internet in Adams, Arapahoe, Cheyenne, Crowley, Elbert, Kiowa, Kit Carson, Lincoln and Washington counties. The company will make high-speed internet affordable by participating in the FCC’s Affordable Connectivity Program.

The Shelby Electric Cooperative will use a \$23,690,245 grant to deploy a fiber-to-the-premises network to connect 4,057 people, 511 farms, 61 businesses and two educational facilities to high-speed internet in Christian, Cumberland, Effingham, Fayette, Montgomery, Moultrie, and Shelby counties in Illinois. Shelby Electric Cooperative will make high-speed internet affordable by participating in the FCC’s Affordable Connectivity Program.

The Hamilton County Telephone Co-Op will use a \$12,413,362 loan and \$12,413,362 grant to deploy a fiber-to-the-premises network to connect 3,202 people, 248 farms and 52 business to high-speed internet in Franklin, Hamilton, Jefferson, Saline, Wayne and White counties in Illinois. Hamilton County Telephone Co-Op will make high-speed internet affordable by participating in the FCC’s Affordable Connectivity and Lifeline programs.

1027 5G: [Dish’s 5G network covers less than 30% of U.S. population](#) *By Sue Marek* Analysts are concerned about the company’s ability to meet its 2023 FCC-mandated network coverage requirement. Fierce Telecom

1027 BB – Challenging the BB Fabric – BB Breakfast 10 26 Webinar on Youtube:

<https://www.youtube.com/watch?v=vW6sR7SXREs> Panelists: process the FCC has put in place to establish a broadband serviceable location fabric that it will use for its broadband data collection is flawed in numerous ways and puts the success of federally funded efforts to close the digital divide at risk. Sascha Meinrath, director of X-Lab and the Palmer Chair in Telecommunications at Pennsylvania State University, argued the FCC has failed to learn lessons from the failed “boondoggle” of past broadband mapping attempts by relying on a “closed methodology” that will produce results that cannot be peer reviewed and limits access to data so that states and others will have difficulty challenging the results.

1027 [Robocalls: FCC Seeks to Fill Challenging Gap in STIR/SHAKEN Robocall Defenses](#) Launches Formal Review of How to Bring Non-IP Phone Networks Into Caller ID Authentication Ecosystem to Protect Consumers -- WASHINGTON, October 27, 2022—Continuing its focus on combatting spoofed scam robocalls, the Federal Communications Commission today launched a proceeding to consider ways to fill in the most significant remaining gap in implementing the STIR/SHAKEN framework over phone networks. As STIR/SHAKEN’s caller ID authentication standards can only technologically work on IP-based phone networks, that leaves a relatively small but still important hole in this critical robocall protection.

The FCC will begin a proceeding to consider ways to combat illegally spoofed robocalls that pass through non-IP networks. Applying STIR/SHAKEN standards to calls improves the accuracy of robocall blocking and consumer warning tools, aids enforcement officials in tracing calls back to the originators, and provides consumers with more reliable caller ID information thus undercutting spoofing scams. For this to work, voice service providers place encrypted digital certificates on messages as they pass from network to

network. Non-IP networks cannot add or maintain this digital information on calls and thus any call generated by or passing through a non-IP network does not carry with it any STIR/SHAKEN verification information including information as to who generated the call. Non-IP technology in the network thus creates a gap in the caller ID authentication scheme that decreases the efficacy of the technology, which can be exploited by bad actors.

Today's action seeks to move the FCC closer to achieving ubiquitous implementation of STIR/SHAKEN caller ID authentication. Nearly all types of voice service providers are now required to have implemented and use STIR/SHAKEN on their IP-based networks. The only remaining extensions granted for the IP-based implementation requirements are with facilities-based small voice service providers (until June 30, 2023) and providers that are unable to receive the certificate required to participate in STIR/SHAKEN.

The Notice of Inquiry adopted today seeks comment on the prevalence of non-IP technology in the country's phone networks generally and the impact this technology has on the problem of illegal robocalls. It also seeks input on alternative technological or policy solutions to enable caller ID authentication over non-IP networks, including two standards developed by the Alliance for Telecommunications Industry Solutions (ATIS): one which would allow non-IP providers to send and receive caller ID authentication information via the internet, on a separate track from the call itself, and another standard which would carry more limited information with the call even on non-IP systems. The Notice of Inquiry will also study the nexus between non-IP caller ID authentication and the IP transition generally, and on specific steps the Commission can take to encourage the industry's transition to IP.

1027 [EAS - FCC Proposes to Strengthen Security of Emergency Alert Systems](#)

1027 Section 230: Twitter – The Hill: Musk [explained](#) he bought the site in an attempt to promote free speech online, but added that did not mean “anything can be said with no consequences! In addition to adhering to the laws of the land, our platform must be warm and welcoming to all, where you can choose your desired experience according to your preferences, just as you can choose, for example, to see movies or play video games ranging from all ages to mature.” **He wrote Thursday he acquired the social media company because the “future of civilization” hinges on “a common digital town square, where a wide range of beliefs can be debated in a healthy manner, without resorting to violence.” “There is currently a great danger that social media will splinter into far right wing and far left wing echo chambers that generate more hate and divide our society,” he wrote.**

1027 Lifeline: AEI – Brwnwyn Howell: [Saved by the Cell: How South Africa Is Bridging the Digital Divide](#) As the United States contemplates the [distribution](#) of \$65 billion of federal funding to address broadband access and usage divides, let's take some time to consider what is occurring in South Africa to address the same questions and how that might inform US policy and regulation. South Africa demonstrates some of the broadest economic, social, and broadband divides in the world. The millions living in cosmopolitan cities such as Cape Town, Johannesburg, and Pretoria lead very different lives than those living in abject poverty in urban townships like Khayelitsha and rural enclaves like Phuthaditjhaba or Bushbuckridge. Yet this diversity has proved a boon for mobile-phone product variety. South Africa is a world leader in the [provision of prepaid cellular subscriptions](#)—having first brought them to market before other countries. These connections amounted in 2021 to over 84 percent of more [than 90 million connections](#). **Prepaid subscriptions offer significant flexibility for**

consumers with constrained and irregular incomes—in the same way as coin-in-the-slot electricity meters were commonly used in low-income areas in the pre-Thatcher United Kingdom. Freedom from restrictive contract terms allows consumers to purchase voice minutes and data when needed and without penalty.

Furthermore, data is sold by the three main network operators in a huge variety of bundles, both in terms of volume and time. Packages range from 25 megabytes to 100 gigabytes and beyond. Data can be bought for use within the hour, one day (up to midnight), week, month, 90 days, six months, a year, or even longer. At least one operator offers night packages, valid from 1:00–7:00 a.m., at significant discounts compared to all-day data, allowing consumers to take advantage of otherwise idle off-peak capacity. Unused data can often be rolled over or passed to another account on the same network. To prevent unexpected billing, network operators are required to send notices to customers as the data depletes and must obtain an opt-in from subscribers to continue charging for the services. Out-of-bundle fees cannot be charged without first obtaining consent from the subscriber.

This vast range of products and consumer protection measures overseen by the Independent Communications Authority of South Africa (ICASA) has enabled all South African consumers—especially those in the most precarious financial positions—to participate as best they can in the digital economy. This does not mean that divides don't exist; operators have just made the threshold for participation much lower. And while there may still be concerns about South Africa's price levels, ICASA has endeavored to provide a set of rules that provide certainty and confidence for consumers to purchase services as needed.

These features of the South African cellular market provide food for thought for United States policymakers and regulators addressing the connectivity of low-income consumers in urban environments. Rather than focusing on the provision of subsidized connections with tightly prescribed, postpaid provisions, perhaps there is some benefit in relaxing these minimum provisions and allowing creative prepaid bundles to emerge. Providing consumers with prepaid vouchers to buy the services that best meet their needs will encourage this form of product innovation by operators.

However, as we testified recently in a hearing at ICASA, there may be one more consumer protection measure for consideration that will enhance consumer welfare, especially for consumers with low data volume usage. Typically, operators record and bill for data usage in predetermined increments, say 10 or 100 kilobytes (KB). Consumers using 51 KB and 58 KB will both be debited for using 60 KB. This is similar to the practice previously observed in voice calls, where calls were billed in increments of two minutes. Such practices lead to systematic overbilling of consumers—something ill afforded by the most cost-conscious consumers. For consumers accessing data for small, short bursts of activity, these overcharges can potentially mount up, leading to higher effective charges than for consumers who consume data in larger chunks.

In the late 2000s, regulators placed considerable pressure on operators to replace the two-minute billing increment with one-minute increments, reflecting the number of seconds a call used. Nowadays, call times are recorded sometimes even to fractions of a second for decrements from bundle allowances. But what is occurring with data? Evidence from Germany suggests that the minimum billing increment is increasing, with the share of operators using a 100 KB minimum growing from 27 percent to 36 percent between 2008

and 2014. This is likely leading to significant overbilling for low-volume consumers.

We suggest that all telecommunications regulators—in both developed and developing countries—consider the extent to which data usage schedules are influencing billing in their jurisdictions. The United States should also consider enabling more options when it comes to cell phones and mobile data in its broadband plans. Not doing so is likely harming those least able to afford data in the first place and only widens the divide.

1026 Robocalls: Numeracle and the Global Local Entity Identifier Foundation [spoke with](#) WCB & CGBs staff regarding FCC efforts to combat illegal and unwanted robocalls with authentication caller ID technologies. They asked the FCC to revise the call authentication framework to include Know Your Customer and deliver authenticated call information to the call recipient for an end-to-end call authentication framework. NECA WW

1026 ACP - National Lifeline Association [spoke with](#) WCB staff and Carr's advisor arguing if additional ACP funding is not allocated by Congress, the Lifeline Program must be ready to support low-income households' broadband needs and Lifeline Program reform must begin. Additionally, NaLA urged USAC and the WCB to work more collaboratively with service providers to ensure robust eligibility and duplicate checks in the National Verifier. NECA WW

1026 Mergers/Acquisitions: FCC WCB [seeks comment](#) on Section 214 application by Richard Scott Taylor, Moundville Telephone Company, MTC Long Distance (licensees) and ABAC Alabama, requesting consent to transfer control of the licensees to ABAC. Comments are due Nov. 9, 2022; replies are due Nov. 16, 2022. NECA WW

1026 Supply Chain: Commissioner Carr [statement](#) supports [Foreign Adversary Communications Transparency Act](#). The bill seeks to counter the influence of China and other foreign adversaries on the United States telecommunications infrastructure and would require the FCC to publish a list of companies who hold FCC authorizations, licenses or other grants of authority with over 10% or more ownership by foreign adversarial governments. NECA WW

1026 [Sen. Leahy Press Release: Administration Announces Vermont To Receive Over \\$90 Million In American Rescue Plan Funds To Increase Access to Affordable High-Speed Internet](#)
WASHINGTON — Today, the U.S. Department of the Treasury announced the approval of over \$90 million for broadband projects in the state of Vermont under the American Rescue Plan's [Capital Projects Fund \(CPF\)](#). Vermont will use its funding to connect nearly 14,000 homes and businesses to affordable, high-speed internet. The funding advances the Biden-Harris Administration's commitment to connect every American household to affordable, reliable high-speed internet. ... Treasury today approved \$90 million for broadband infrastructure, which Vermont estimates will connect 13,818 households and businesses – representing 22% of locations still lacking high-speed internet access. Vermont's award will fund the Vermont Community Broadband Construction Grant Program, a formula grant program that provides funding to communities for the construction of locally defined and prioritized broadband infrastructure projects through a system of regional Communication Union Districts (CUDs). The total funding amount allocated for each CUD was determined based on the percentage of road segments without existing access to high-speed wireline facilities. The Broadband Construction Grant Program is designed to provide internet service with speeds of 100/100 Mbps symmetrical to households and businesses upon project completion. The plan submitted to Treasury that is being approved today represents 80% of the state's total allocation under the CPF program. Vermont submitted plans for the

remainder of their CPF funds and these plans are currently under review by Treasury.

The CPF provides \$10 billion to states, territories, freely associated states, and Tribal governments to fund critical capital projects that enable work, education, and health monitoring in response to the public health emergency. In addition to the \$10 billion provided by the CPF, many governments are using a portion of their State and Local Fiscal Recovery Funds (SLFRF) toward meeting the Biden-Harris Administration's goal of connecting every American household to affordable, reliable high-speed internet. Together, these American Rescue Plan programs and the Bipartisan Infrastructure Law are working in tandem to close the digital divide – deploying high-speed internet to those without access today and lowering costs for those who cannot afford it.

In accordance with Treasury's guidance, each state's plan requires service providers to participate in the Federal Communications Commission's (FCC) new [Affordable Connectivity Program \(ACP\)](#). The ACP helps ensure that households can afford the high-speed internet they need for work, school, healthcare, and more by providing a discount of up to \$30 per month (or up to \$75 per eligible household on Tribal lands). Experts estimate that nearly 40% of U.S. households are eligible for the program.

To further lower costs, President Biden and Vice President Harris announced the Administration had secured commitments from 20 leading internet service providers—covering more than 80% of the U.S. population—to offer all ACP-eligible households high-speed, high-quality internet plans for no more than \$30 per month. As a result, ACP-eligible households can receive internet access at no cost and can check their eligibility for free internet and sign up at [GetInternet.gov](#).

In addition to requiring funding recipients to participate in the ACP, Treasury's guidance requires recipients to consider whether the federally funded networks will be affordable to the target markets in their service areas and encourages recipients to require that a federally funded project offer at least one low-cost option at speeds that are sufficient for a household with multiple users.

Treasury announced state awards in [June](#), [July](#), [August](#), [September](#), and [October](#), and will continue approving state and Tribal plans on a rolling basis.

1027 FCC Releases EAS NPRM: Comments on the EAS NPRM (FCC 22-88) will be due 30 days after Federal Register publication and reply comments due within 60 days. During the most recent nationwide Emergency Alert System (EAS) test, an appreciable number of EAS Participants were reportedly unable to participate in testing due to equipment failures, despite advanced notice that the test was to take place. Concerns about cybersecurity and that EAS Participants are not addressing equipment failures as quickly as reasonably possible have led the FCC to adopt a Notice of Proposed Rulemaking that seeks to bolster the operational readiness and security of the nation's public alert and warning systems, the Emergency Alert System and Wireless Emergency Alerts.

Proposed new rules would require EAS Participants such as broadcasters and cable providers to report incidents of unauthorized access to their Emergency Alert System equipment to the Commission within 72 hours. This would allow the Commission to work with participants and other government agencies to resolve an equipment compromise before it is exploited to send false alerts. EAS Participants and Commercial Mobile Service (CMS) providers that participate in WEA (Participating CMS Providers) to annually certify to having a Cybersecurity Risk Management Plan in place and to employ sufficient security

measures to ensure the confidentiality, integrity, and availability of their respective alerting systems.

“This effort will help ensure the function of these essential systems in emergencies and that the public can trust the warnings they receive,” wrote FCC Chairwoman Jessica Rosenworcel. “This is important because the Department of Homeland Security recently determined that some of this alerting infrastructure is susceptible to serious security vulnerabilities. While some patches have been released to fix these flaws, not everyone has installed them. We are committed to fixing that here and now.”

The item also seeks to address the issue of false alerts by requiring participating wireless providers to transmit sufficient authentication information to ensure that only valid alerts are displayed on consumer devices. The item also clarifies that while participation in Wireless Emergency Alerting is voluntary for wireless providers, the Wireless Emergency Alert functionality requirements are not optional for wireless providers that voluntarily choose to deliver those alerts.

1027 5G interference? The FAA is again threatening 5G-related flight interruptions unless the FCC adopts restrictions on the use of C-Band frequencies near airports. In a letter written to the NTIA and obtained by Reuters, Acting FAA Administrator Billy Nolen said that “aviation safety would be compromised if the U.S. government does not codify certain additional operating limits in the 5G C-Band environment.” The letter was copied to FCC Chair Rosenworcel.

Last January, as AT&T and Verizon were preparing to launch 5G service using C-Band spectrum in 46 markets, a coalition of airline CEOs urged the FCC to halt these 5G deployments until it could undertake a more thorough review of 5G and the threat of interference to certain radio altimeters and radars. The wireless carriers agreed to delay C-Band operations near certain airports while the airline industry retrofit their fleets with RF filters to make them less susceptible to interference.

Altimeter retrofitting won’t be finished until 2023, and the FAA now wants the FCC to make voluntary mitigation efforts adopted by AT&T and Verizon mandatory for all C-Band operators.

Chairwoman Rosenworcel declined to provide further details at a press conference following last week’s Open Meeting but confirmed that the agency received the FAA’s letter and was in discussions with NTIA. Commissioner Brendan Carr had more to say on the issue.

“A year ago, a lot of aviation stakeholders pushed hard on this message that, in their words, we were about to see a catastrophic crisis,” he said. “They talked about thousands of flights needing to be delayed, otherwise there was going to be significant harm to these major commercial airliners.” What’s happened over the course of the last year and additional analysis shows that claim by the aviation industry “has not withstood scrutiny,” Carr said.

1027 CCG Consulting Doug Dawson: Restricting FCC Mapping Data Last week, the FCC rejected dozens of requests from ISPs to keep confidential the method that the ISPs use to identify broadband coverage areas. This was prompted by the FCC requiring each ISP to explain to the agency how it determined broadband coverage areas in the latest round of gathering data for the FCC broadband maps.

Several dozen ISPs then asked the FCC to keep those responses confidential, with most ISPs arguing that the method of how customers are counted reveals proprietary data

about the ISP networks. The FCC rejected all such arguments and commented that the public needs to know how customers and coverage areas are determined if there is to be any meaningful review and challenge of the FCC mapping data.

By the way, we now have some new industry acronyms. The FCC is referring to the new mapping process as the BDC (Broadband Data Collection initiative). A second new acronym is mapping fabric, meaning the underlying data that supposedly shows the location of every building in the country where somebody could order broadband. It's always been hard to know if it's deliberate but referring to regulatory efforts using new acronyms acts to confuse the public about what is going on. Somebody reading a news article talking about the BDC and challenges to the fabric likely has no idea what is being discussed.

All of this matters because the FCC has already started the process of allowing challenges to the mapping fabric. Local governments and ISPs are now able to challenge the locations of the 'passings', which are residential and business locations that could be a customer for broadband. There have been early comments made that there are a lot of errors in the fabric developed by CostQuest. There are some places where too many passings have been identified, such as a farm where there are multiple buildings, most of which are not candidates to buy a broadband subscription. I've also heard there are places where a lot of actual passings are missing from the map. Most confusing is that there are a lot of places in the country that nobody knows how to count – such as vacation cabins.

One of the biggest hurdles to the fabric challenge is that the FCC mapping fabric data is not widely available for the public to examine. CostQuest has provided free access to localities to review local data, although some local governments are saying that it has been a challenge to get access to the data. Unfortunately, the contract between CostQuest and local government restricts the use of the data only for purposes of challenging the fabric data. It seems a local government can't disclose details about the fabric to its citizens.

The FCC mapping data is not being made available to the general public. This makes challenging the maps difficult for rural counties, which mostly don't have the resources to take the time to understand, let alone challenge the maps. Keeping the data proprietary means that the general public can't participate in this challenge. In many rural counties, there are ad hoc broadband committees that would devote the time and energy to understand the local maps. But local folks who are interested in broadband but who are not officially sanctioned by the local government are not being allowed access to the data. The data is also not available generically to nonprofits, consultants, or others that have the technical skills to analyze the data.

I guess this means that the mapping fabric challenge is supposed to be done by local governments that don't have the staff, funding, time, or technical expertise to understand the mapping fabric, let alone suggest corrections. Most of the rural counties I know are not reviewing the fabric – meaning that nobody is reviewing the broadband data in the places that most need better broadband.

I know several folks who are trying to find out how this happened – how a commercial business like CostQuest is allowed to act as if it owns the mapping data. Apparently, the FCC contract with CostQuest has given the company the right to monetize the data. I hope after the facts are better known that Congress will step in and makes all FCC mapping data open to the public.

I wrote recently about the data divide – where public data is not making it to the

folks that need it the most. The federal government is spending huge amounts of money developing maps that show areas with and without access to broadband. I can't think of a single reason why this data isn't available to everybody. But I can think of two reasons to keep the data restricted. First, this will tamp down on a raft of news articles talking about errors in the mapping fabric. The second reason is to give CostQuest the chance to monetize the process. In my opinion, these are both unacceptable ways to treat data that was created with taxpayer money

1027 Sohn: The Senate Gets an 'F' in FCC for Failing to Confirm Public-Interest Advocate Gigi Sohn After a Year of Senseless Delays [Free Press](#)

It's been one year since President Biden nominated Gigi Sohn [Senior Fellow and Public Advocate at the Benton Institute for Broadband & Society] to the Federal Communications Commission. Since then, the FCC has remained deadlocked 2–2 as Sohn has faced an underhanded campaign by deep-pocketed phone, cable, and broadcast companies seeking to hamstring the agency that oversees their businesses. No other nominee in the FCC's history has had to wait so long for a confirmation vote in the Senate. Free Press Action Internet Campaign Director Heather Franklin said: "The US Senate gets an 'F' in FCC. Gigi Sohn has been in limbo for a year now, preventing a deadlocked agency from passing crucial policies that would help people in the United States connect and communicate. This senseless delay is harming millions of people, especially working families trying to pay their rising monthly bills and those in Black, Indigenous, Latinx, and rural communities that the biggest phone and cable companies have long exploited and neglected. Broadcast, cable, and phone companies don't want the FCC to hold them accountable to people, so they've launched a smear campaign against Sohn, repeatedly misrepresenting her record in the media and on Capitol Hill. Sohn has faced antisemitic, homophobic, and blatantly false attacks online and in right-wing media. For a year, Democratic leaders have dithered and delayed, leaving people in the United States without the safeguards they need to access an open and affordable internet."

1027 MuniBB - Tyler Cooper | Analysis | [BroadbandNow](#) For decades, municipal broadband operations have been subject to a minefield of restrictions and barriers designed to make the prospect of establishing or maintaining a community broadband network costly, difficult, and unsustainable. There are currently 17 states in total that have restrictive legislation against municipal broadband networks in the US. In the Broadband Equity, Access, and Deployment program, the National Telecommunications and Information Administration has put states opposed to municipal broadband in an interesting position: since they are required to submit their grant plan for public comment before receiving funds, they will have to defend their stance on not giving these funds to municipal operators. Further, the NTIA has also included language that makes it possible for municipalities to ask for funding directly if their state denies it to them. If a state decides to go down this road, it will almost certainly delay the timeline for receiving funding at all. Some states are already beginning to signal that they will not allow community broadband to be eligible for this massive, once-in-a-generation funding initiative. This issue will undoubtedly spark a wider issue regarding federal mandates – something states are already heavily divided on.

1027 Administration Award Over \$90 Million in American Rescue Plan Funds to Vermont to Increase Internet Access [Department of the Treasury](#) The US Department of the Treasury approved over \$90 million for broadband projects in the state of Vermont under the American Rescue Plan's (ARPA) Capital Projects Fund (CPF). Vermont will use its funding to

connect nearly 14,000 homes and businesses to affordable, high-speed internet. The funding advances the Biden-Harris Administration's commitment to connecting every American household to affordable, reliable high-speed internet. The 13,818 households and businesses represent 22% of locations still lacking high-speed internet access. Vermont's award will fund the Vermont Community Broadband Construction Grant Program, a formula grant program that provides funding to communities for the construction of locally defined and prioritized broadband infrastructure projects through a system of regional Communication Union Districts (CUDs). The total funding amount allocated for each CUD was determined based on the percentage of road segments without existing access to high-speed wireline facilities. The Broadband Construction Grant Program is designed to provide internet service with speeds of 100/100 Mbps symmetrical to households and businesses upon project completion. The plan submitted to Treasury that was approved represents 80% of the state's total allocation under the CPF program. Vermont submitted plans for the remainder of its CPF funds and these plans are under review by Treasury.

1026 DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF OHIO TELECOM, INC. TO OMNI FIBER, LLC. (DA No. 22-1127). (Dkt No 22-361). Comments Due: 2022-11-09. Reply Comments Due: 2022-11-16. WCB. Contact: Tracey Wilson at (202) 418-1394 or Dennis Johnson at (202) 418-0809. [DA-22-1127A1.docx](#) [DA-22-1127A1.pdf](#) [DA-22-1127A1.txt](#)

1026 Inmate Calling: FCC WCB ANNOUNCES OMB'S APPROVAL OF FCC'S REVISED ANNUAL REPORT COLLECTION FOR INMATE CALLING SERVICES. (DA No. 22-1129). (Dkt No 12-375). WCB. Contact: Erik Raven-Hansen at (202) 418-1532, email: Erik.Raven-Hansen@fcc.gov. [DA-22-1129A1.docx](#) [DA-22-1129A1.pdf](#) [DA-22-1129A1.txt](#)

1026 Section 230: Supreme Court Docket 22-277 writ of certiorari for Moody v. NetChoice –[1] Reynaldo Gonzalez and Mehier Taamneh file an amicus Monday telling the Supreme Court to either consider whether provisions of Florida's disputed social media law are preempted by Section 230 or vacate the 11th Circuit's decision with a directive to consider whether the law is preempted. in See text here: https://www.supremecourt.gov/DocketPDF/22/22-277/243807/20221024180159626_FlaNetChoiceAmicusBriefprinted.pdf Public interest law firm Freedom X filed a separate amicus on behalf of Florida arguing that removing speech isn't protected by the First Amendment. SCOTUS should grant cert and "maintain the longstanding distinction between adding speech and subtracting it," said Freedom X. https://www.supremecourt.gov/DocketPDF/22/22-277/243805/20221024171855474_22-277%20Amicus%20FreedomX.pdf

1026 Section 230: The Hill: Musk enters Twitter HQ, updates account bio as deal nears close Musk enters Twitter HQ, updates account bio as deal nears close Elon Musk tweeted a video of himself walking into Twitter headquarters on Wednesday and has updated his Twitter bio to reflect that he is leading the social media platform.

1026 ACP - EnergyCmrc Com: Pallone Demands Answers from Internet Providers on Reports of Anti- Consumer Practices in Broadband Affordability Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) wrote to 13 internet service providers today expressing deep concerns [over reports](#) of providers engaging in abusive, misleading, fraudulent, or otherwise predatory behaviors through the

Emergency Broadband Benefit (EBB) Program and the Affordable Connectivity Program (ACP). The Chairman demanded answers from Altice USA, AT&T, Charter, Comcast, Cox Communications, Dish Network, Excess Wireless, Frontier, Lumen/CenturyLink, Maxsip, Q Link, T-Mobile, and Verizon.

“In crafting EBB, and its successor ACP, Congress explicitly outlined requirements designed to prevent waste, fraud, and abuse, maximize the enrollment of eligible households, and ensure that consumers are protected in the process,” Pallone wrote to the executives of all 13 internet providers. **“Importantly, Congress incorporated lessons learned in the emergency implementation of EBB to fully inform the creation of ACP, including by enhancing safeguards to preserve program integrity and ensuring that ACP would truly benefit consumers and not leave them vulnerable to predatory schemes or misleading practices. That is why I am deeply concerned by reports that some providers may not be adhering to the requirements of the program.”**

ACP, like its predecessor EBB, provides eligible households with a discount on the monthly cost of internet service – service that is more essential now than ever as Americans rely on it to be able to telework, attend telehealth appointments, participate in virtual learning, and connect with loved ones. Over 14 million Americans are currently enrolled in ACP, which was established in the Bipartisan Infrastructure Law enacted in November of 2021.

In his letters, Pallone pointed to reports detailing problems customers have faced, including either having their benefits initiated, transferred to a new provider, or changed to a different plan without their knowledge or consent. Other customers have reported a delay in the application of the benefit, or a requirement to opt-in to future full-price service, which has resulted in surprise bills that have been sent to collection agencies. There have also been reports of aggressive upselling of more expensive offerings, and other harmful and predatory practices.

“Recent complaints allege actions that are now explicitly prohibited by Congress and the FCC,” Pallone continued in his letter. **“I take these consumer complaints seriously and want to ensure that all providers are abiding by the law so that all eligible consumers can truly benefit from these programs.”**

To assist with the Committee’s oversight of the EBB and ACP programs and ensure their continued success, Pallone requested a host of information, including:

- The number of beneficiaries each company has enrolled;
- Descriptions of the process used to enroll new consumers;
- The number of complaints, and the nature of those complaints, each company has received regarding their administration of these programs;
- The process each company uses to resolve complaints;
- What awareness each company had of instances, if any, where the benefit was applied late resulting in erroneous consumer bills;
- What, if any, prohibitions the companies have put into place on upselling; and
- What, if any, protections or trainings the companies have implemented to ensure the faithful application and administration of these programs.

Full text of the letters are available below:

- [Altice USA](#)
- [AT&T](#)

- [Charter](#)
- [Comcast](#)
- [Cox Communications](#)
- [Dish Network](#)
- [Excess Wireless](#)
- [Frontier](#)
- [Lumen/CenturyLink](#)
- [Maxsip](#)
- [Q Link](#)
- [T-Mobile](#)
- [Verizon](#)

NECA's TAKE: House Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-N.J.) [sent](#) letters to 13 internet service providers on Oct. 26, 2022, expressing concerns over reports of providers engaging in abusive, misleading, fraudulent or otherwise predatory behaviors through the Emergency Broadband Benefit Program and the Affordable Connectivity Program. Pallone sought responses from [AT&T](#), [Altice](#), [Charter](#), [Comcast](#), [Cox](#), [Dish Network](#), [Excess Wireless](#), [Frontier](#), [Lumen/CenturyLink](#), [Maxsip](#), [Q Link](#), [T-Mobile](#) and [Verizon](#).

1026 FCC [deleted](#) from its Oct. 27, 2022 open meeting agenda a restricted adjudicatory matter. The item has been adopted. NECA WW

1026 Spectrum: "What is the status of federal spectrum transitions?" [RCRWireless](#)

1026 Muni BB: Will BEAD Rules Drive States to Rethink Anti-Municipal Broadband Laws?

[Telecompetitor](#) The Broadband Equity Access and Deployment (BEAD) program has \$42.5 billion available to cover some of the costs of bringing broadband to unserved and underserved rural areas. States will administer the program but must first have a plan approved by the National Telecommunications and Information Administration (NTIA) and, as [new research from BroadbandNow shows](#), some states face an important hurdle as they prepare their plans—a hurdle that involves anti-municipal broadband laws. A total of 21 states have laws in place that prohibit or restrict municipal broadband networks, BroadbandNow notes. And those laws are at odds with rules for the BEAD program, which say that states must disclose whether they will waive anti-municipal broadband laws, including laws that either prevent municipalities from applying for BEAD funding or that “impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.” If a state does not plan to waive the laws, it must describe how the laws will be applied in connection with the application process. According to the researchers, the NTIA has included language in the BEAD rules that could enable municipalities to apply for funding directly if their state will not consider their applications. The upshot, according to the researchers, is that recalcitrant states “will almost certainly delay the timeline for receiving funding.”

1026 Subsidies: High prices, low speeds and fraud plague U.S. aid to keep people online [Tony Romm](#)

[Washington Post](#) At the height of the coronavirus pandemic, Congress chartered a first-of-its-kind federal effort to help struggling Americans who could not afford to lose access to the internet. The aid proved to be a godsend for millions of low-income families, but it also sent the nation's telecommunications giants scrambling for the new federal

money—unleashing price hikes, service cuts, and fraud risks that hurt customers and taxpayers alike. The story of the government's roughly \$17 billion efforts to close the country's persistent digital divide is one of great promise and costly peril. Under the program, Washington offered to pay stipends directly to internet providers that lowered Americans monthly broadband bills—potentially to zero. But this simple premise at times brought complicated, undesirable results. AT&T, Charter Communications and Verizon forced customers to accept price increases or slower connection speeds if they wanted to apply federally funded discounts to their bills. The companies' practices — on top of the government's flawed application system—also left the program at risk of fraud. To date, [more than 14 million](#) households have enrolled in the federal broadband benefit system. (\$5 Billion/year plus administration costs) But the figure represents about a quarter of the [estimated 49 million American households](#) that are eligible for help. (if all funded – about 18 billion a year) Experts attribute at least some of the gap to the multibillion-dollar industry that administers the aid.

1026 Subsidies: "Get ready for the golden age of corporate welfare in telecom" -- "[A]ccording to the financial analysts at New Street Research, *'there is now activity in the states that suggests the incumbents are the major beneficiaries of funding. ...* We see no evidence that the non-traditional providers ... are gaining any material traction with the states'" :: [Light Reading](#)

1026 Fiber: "Lehi City, Utah Breaks Ground On Open Access Fiber Network" [Institute for Local Self-Reliance](#)

1026 Fiber: Morgan County, W.Va issues FTTP RFP; responses due Nov. 28 [Link to RFP](#)

1026 Broadband: "Alabama, New Mexico Voters Eye Constitutional Amendments for Broadband Funding" [Institute for Local Self-Reliance](#)

1026 Fiber: "City council approved plan to bring Google Fiber to Omaha" [WOWT](#)

1026 Workforce: More on NTIA BEAD workforce requirements [Telecompetitor](#)

1026 BB – US Telecom: Check out USTelecom's [infographic](#), "The Road to Broadband Deployment," highlighting the complexities and obstacles broadband providers and communities face on the road to connecting our nation. Download the [infographic](#) and read more on the journey to deployment [here](#).

1026 Section 214 Application: DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF MOUNDVILLE TELEPHONE COMPANY, INC. AND MTC LONG DISTANCE, INC. TO ABAC ALABAMA INC. (DA No. 22-1126). (Dkt No 22-356). Comments Due: 2022-11-09. Reply Comments Due: 2022-11-16. [DA-22-1126A1.docx](#) [DA-22-1126A1.pdf](#) [DA-22-1126A1.txt](#)

1026 BB and MTS: "Broadband Access Challenges Persist for Residents of Federally Subsidized Multifamily Housing" (Pew) :: [Broadband Communities](#)

1026 BB: "Comcast's new higher upload speeds require \$25-per-month xFi Complete add-on" [Ars Technica](#)

1026 "Regulating Hidden Fees" [POTs and PANs](#) Big telecommunication companies (telcos) and almost every large cable company use what the industry calls "hidden fees." These fees are not mentioned when advertising for a service but are put onto customer bills. There is a class action lawsuit in California that shows why broadband providers are not worried about using hidden fees. In times past, when the big companies were regulated, they might have

been ordered to make a 100% refund of a fee that regulators decided was questionable. But the only realistic remedy against providers that misbill customers are a class action lawsuit or the rare ruling against a single broadband provider by the Federal Trade Commission. There has been a class action lawsuit in California about the 'administrative fee' that AT&T charges to wireless customers. AT&T and the plaintiffs in a class action lawsuit reached an agreed settlement, and AT&T is refunding \$14 million to California wireless subscribers who make a claim. But even in agreeing to the settlement, AT&T refused to admit any wrongdoing and says it fully disclosed all fees. This award shows why big carriers can bill hidden fees with impunity. The typical settlement for a customer that claims this lawsuit will be between \$15 and \$29, which is far less than the average amount of this fee collected by AT&T in California at \$180 per subscriber. The worst part of the settlement is that AT&T will continue to bill the fee, so they'll recover any settlement from customers over the next year. AT&T also knows that most eligible customers won't make a claim. Class action lawsuits are not a great tool for punishing bad behavior by carriers. The real solution to holding broadband providers accountable is strong regulation. Hidden fees are an interesting issue because it's clear that hidden fees give carriers a marketing edge when competing against companies that don't have hidden fees.

1026 RDOF: Americans Need Reliable FCC Commitments, and So Does Starlink Mark Jamison Op-Ed [American Enterprise Institute](#) In 2020, the Federal Communications Commission committed to providing Starlink, a satellite internet network operating in 40 countries by Elon Musk's SpaceX, with \$885.5 million to expand broadband in unserved rural areas of the United States. But in August 2022, the FCC announced with almost no explanation that Starlink would receive nothing. Such whiplash must have other broadband providers reassessing their confidence in FCC decisions and in the broadband programs run by the National Telecommunications Information Administration (NTIA). Among the reasons given were that the agency's Wireline Competition Bureau (Bureau) had concluded that LEO (low-earth orbit)-based broadband is a "nascent" and "risky" technology, questioned Starlink's "ability to timely deploy future satellites," believed that Starlink could not deliver the speeds it promised, and believed that Starlink's business plans were "not realistic" or "predicated on aggressive assumptions and predictions." No details were provided. The Bureau's claims are questionable. LEO-based internet is hardly nascent. The EU is investing nearly \$6 billion in developing and deploying LEOs. These conclusions and the lack of transparency are troubling because the FCC knew Starlink's technology, capabilities, and plans before the auction took place. The agency offered no explanation as to what had changed since 2020, except that the Bureau was unhappy with Starlink's "inadequate responses to the Bureau's follow-up questions" and that, according to Ookla data not in the official record, Starlink's delivered speeds had declined (by an unspecified amount) the first six months of 2022. The FCC owes Americans and investors an explanation. It is hard to have faith in a process that reverses an \$885.5 million decision with a vague, one-paragraph explanation hidden away on the ninth page of the FCC's public notice. [Mark Jamison is a Nonresident Senior Fellow at the American Enterprise Institute and is concurrently the director and Gunter Professor of the Public Utility Research Center at the University of Florida's Warrington College of Business.]

1026 BB Grants: Treasury announced approval of over \$90 million for broadband projects in Vermont under the American Rescue Plan's Coronavirus Capital Projects Fund. The CPF provides \$10 billion to states, territories and tribal governments to fund critical capital

projects, including funding for reliable, affordable broadband infrastructure and other digital connectivity technology projects. NECA WW

1026 A-CAM/USF: NTCA, Premier Communications, Golden West Telecommunications, Pioneer Communications, Waitsfield & Champlain Valley Telecom and Twin Lakes Telephone Cooperative [spoke with Starks' staff about NTCA's proposals for updates to the A-CAM and the CAF BLS mechanism.](#) They said the proposals had been developed initially to promote delivery and sustainability of high-speed broadband and voice services throughout rural serving areas, and explained what refinements and further suggestions had been made to improve and enhance these proposals more recently. They also urged the FCC to act with respect to both A-CAM and CAF BLS updates as soon as possible in light of impending deadlines in these programs and promote even more effective coordination with other governmental broadband programs already in place and those still being implemented. NECA WW

1026 BB Labels: "A Consumer-Driven Broadband Label Design" [Benton Institute for Broadband & Society](#) Jon Peha Op-Ed In January 2022, the Federal Communications Commission (FCC) issued a Notice of Proposed Rulemaking (NPRM), which proposed requiring internet service providers to display broadband consumer disclosure labels prominently at the point of sale. In response to the FCC's request for comment, the CyLab Usable Privacy and Security Laboratory at Carnegie Mellon University conducted a large-scale user study to gain insight into what information is most important to US consumers when shopping for broadband internet services as well as what terminology and presentation formats make this information most understandable and useful to consumers. In addition, we examined the FCC's proposed 2016 broadband consumer label formats and proposed our own broadband consumer disclosure label formats. We surveyed broadband internet consumers in a two-phase online study, recruiting from a diverse pool of 32,000 consumers who had previously participated in Consumer Reports' consumer initiatives related to broadband internet. Across both survey phases, we received a combined total of over 2,500 completed surveys. In the first phase, we evaluated the 2016 labels to gain insights into what information was most important to consumers and what information caused confusion. We then created new label designs based on our results from the first phase. In the second phase, we compared the effectiveness of our new label designs with the 2016 labels. After analyzing our survey results, we made further revisions to our new label designs. Among many recommendations following the study, one key recommendation is that broadband labels should include a range of information valued by consumers but should highlight the information they value most, including information on cost, speed, and reliability.

1026 Regulatory Fees: Comments filed on the [notice of inquiry seeking further comment on the FCC's methodology for allocating indirect full-time equivalents.](#) [ACA Connects](#) asserted if the FCC does embark on an evaluation of potential revisions to its methodology for allocating indirect FTEs, and to other aspects of its regulatory fee setting process, it should do so with caution and ensure any changes would not entail more effort and resources. The [Satellite Industry Association](#) urged the FCC to refine the methodology for allocating direct and indirect FTEs, and should consider alterations to regulatory fee amounts to reflect the benefits payees receive more accurately from FCC activities. The [National Association of Broadcasters](#) asserted the FCC should ensure its allocation of indirect FTEs is based on a reasonable analysis of the benefits provided to regulatory fee payors by the work performed

by FTEs in the noncore offices and bureaus. **Replies are due Nov. 25, 2022.** [FR NECA WW](#)

1026 BB Labels: "Report Recommends Two-Layer FCC Broadband 'Nutrition' Labels"

[Telecompetitor](#)

1025 Fiber: Fiber vendors reported strong third-quarter sales on solid demand from carriers, but Corning CEO Wendell Weeks warned of a short-term slowdown "due to the timing of customer projects."

Corning's performance and guidance were largely in line with rivals Calix and Adtran. [Light Reading](#)

1025 NTIA: ITS provides technical understanding of 5G and radar altimeter emissions issues

1025 5G - Global 5G revenue from operator-billed services will rise by 60% to reach \$315 billion next year with migration from 4G subscriptions driving the growth, Juniper Research predicts.

Additional gains could emerge from carriers providing network slicing in moving to Standalone 5G. [Mobile World Live \(U.K.\)](#)

1025 Section 230: Rep. Schiff: Schiff, Durbin Demand Google and YouTube Crack Down on

[Dangerous Incel Content](#) Incels, or "involuntary celibates," are individuals – typically young men – who express extreme hatred of women and women's equality, and believe women should be subjugated by men.

1025 Section 230: Google CAUGHT Manipulating Search, Buries GOP Campaign Sites in 83% of Top Senate Races

"Anti-Democracy Google is manipulating search results to bury Senate Republican candidates' campaign websites before the 2022 midterm elections. This comes on the heels of a North Carolina State University study that found that Google's Gmail marked 59.3 percent more emails from "right"-leaning candidates as spam compared to "left"-leaning candidates. "Google must be investigated for its un-American efforts to sway the election," said [L. Brent Bozell](#), founder and president of the Media Research Center. "First, researchers caught Google red-handed by proving Republican campaign emails were sent to spam. Now we've uncovered Google manipulating search results to hide Republican campaign websites while promoting Democratic ones. This is all an effort by Google to help Democrats and interfere in the democratic process." MRC Free Speech America has analyzed Google, Bing and DuckDuckGo search results for the 12 Senate races identified by RealClearPolitics as the most important to watch. Our researchers caught Google burying 10 of 12 Senate Republican Party candidates' campaign websites while highlighting their opponents campaign sites in organic search results. This stands in stark contrast to Bing and DuckDuckGo whose search results treated Republican and Democrat campaign websites more neutrally than Google.

Google buried Senate Republican Party candidates' campaign websites. Ten of 12 Senate Republican Party candidates' campaign websites (83%) appeared far lower (or did not appear at all) on page one of Google's organic search results compared to their Senate Democratic Party opponents' campaign websites.

Google completely hid seven of 12 Senate Republican Party candidates' campaign websites in page one organic search results. Seven of 12 Senate Republican Party candidates' campaign websites did not appear on page one using Google's organic search. Meanwhile, eight of 12 Senate Democratic Party candidate campaign websites were highlighted in the top six items in organic search results.

- **Google's search result bias is undeniable when compared to Bing and DuckDuckGo.** With the exception of two candidates, both Bing and DuckDuckGo showed both the

Senate Democratic Party candidates' campaign websites and the Senate Republican Party candidates' campaign websites in the top five organic search results on page one.

Methodology For this report, MRC Free Speech America has analyzed the Google, Bing and DuckDuckGo search results for the 12 Senate races identified by [RealClearPolitics](#) as the "Top Senate Races" on Oct. 7, 2022. The "Top Senate Races" included the Democratic Party and Republican Party candidates from the following states: Arizona, Colorado, Florida, Georgia, Missouri, Nevada, New Hampshire, North Carolina, Ohio, Pennsylvania, Washington and Wisconsin. MRC Free Speech America created an algorithm to automate this process in a clean environment. A "clean environment" allows for organic search to populate results without the influence of prior search history and tracking cookies. MRC Free Speech America researchers searched each candidate's name with the words "Senate Race 2022" using the algorithm. To determine bias, our researchers looked at each search engines' results and recorded the rank(s) of each candidate's campaign website. Example(s): "Blake Masters Senate Race 2022" and "Mark Kelly Senate Race 2022" <https://newsbusters.org/blogs/free-speech/gabriela-pariseau/2022/10/25/google-caught-manipulating-search-buries-gop>

1025 Supply Chain: Reps. Elise Stefanik (R-N.Y.) and Mike Gallagher (R-Wisc.) introduced a bill to counter the influence of China and other foreign adversaries on the US

Telecommunications infrastructure. The Foreign Adversary Communications Transparency Act would provide critical telecommunications transparency by requiring the FCC to publish a list of companies who hold FCC authorizations, licenses or other grants of authority with over 10% or more ownership by foreign adversarial governments, including China, Russia, Iran or North Korea. [press release](#) NECA WW

1025 Supply Chain: Hikvision [spoke with](#) Starks' advisors asserting the FCC lacks the statutory authority to refuse to authorize Hikvision equipment that meets electromagnetic radiation requirements and doing so would be arbitrary and capricious. NECA WW

1025 ACAM/USF: ACAM Broadband Coalition members Arvig, Great Plains Communications, Consolidated Communications, TDS, Hargray and Pineland Telephone [spoke with](#) FCC staff about the coalition's proposed plan for updating and enhancing the current A-CAM I and A-CAM II programs. They addressed the percentage of 100/20 Mbps buildout of eligible locations that should be required for A-CAM companies participating in the enhanced A-CAM program. They also addressed the deployment timeline, the proper treatment under the enhanced A-CAM program of locations that already have service at a minimum speed of 100/20 Mbps, and its proposal for dealing with 100/20 Mbps locations served by unsubsidized alternative providers. They (except TDS) also [spoke with](#) Chairwoman Rosenworcel's legal advisor regarding the same issues. NECA WW

1025 RDOF: FCC Wireline Competition Bureau [order](#) addresses Douglas Fast Net's [petition seeking a waiver of the Rural Broadband Experiment buildout obligations and default rules.](#) The bureau found DFN demonstrated special circumstances warrant waiver of its defined deployment obligation and reduced its defined deployment obligation to reflect the total number of qualifying locations DFN could identify during its buildout term using reasonable and systematic methods. The bureau also reduced, on an average-per-location basis, DFN's authorized support and directed USAC to prorate reductions in future payments for the remainder of the support term. NECA WW

1025 BB Mapping: Digital Planet, a research initiative of the Fletcher School of Business at Tufts University, [letter](#) to FCC Chair Rosenworcel and NTIA Administrator Davidson noted it

created a **countrywide interactive mapping toolkit at a zip code level to highlight broadband access gaps** and suggested its interactive tool should be used to inform funding strategies and incorporated into the FCC's new broadband mapping protocols NECA WW

1025 Rural Health Care: NTUA Wireless [petition](#) seeks waiver of the funding year 2020 invoicing deadline for the Rural Health Care Telecommunications Program. NTUAW said it faced several challenges in timely filing several RHC invoices this year, due to illness of the person responsible for invoicing and confusion regarding the FCC's extended blanket waiver for the submission of invoices. NECA WW

1025 Supply Chain: Congresswoman Elise Stefanik (R-NY) and Congressman Mike Gallagher (R-WI) introduced the Foreign Adversary Communications Transparency (FACT) Act to address the influence of China and others on the United States' telecommunications infrastructure. According to a press release, this bill would provide critical telecommunications transparency by requiring the FCC to publish a list of companies who hold FCC authorizations, licenses, or other grants of authority with over 10% or more ownership by foreign adversarial governments, including China, Russia, Iran, or North Korea.

1024 Text Blocking Rules: FCC announced comment deadlines for its *Notice of Proposed Rulemaking* proposing new rules on caller ID authentication for text messaging and new blocking requirements. Comments are due November 10, and reply comments are due November 25. NPRM seeks comment on [1] applying existing caller ID authentication standards to text messaging [2] requiring mobile wireless providers to block texts, at the network level, that purport to be from invalid, unallocated, or unused numbers, and numbers on a Do-Not-Originate (DNO) list, and [3] on other actions the FCC might take to address illegal and unwanted texts, including enhanced consumer education.

1024 IOT Advisory Board: U.S. Department of Commerce has appointed 16 experts for the new Internet of Things Advisory Board (IoTAB), to advise the Internet of Things Federal Working Group. The advisory board includes a wide range of stakeholders outside of the federal government with expertise relating to the Internet of Things (IoT). The appointments are the first for the recently established advisory board, which was created in accordance with the requirements of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, and in accordance with the Federal Advisory Committee Act, as amended. <https://www.nist.gov/news-events/news/2022/10/us-department-commerce-appoints-members-new-internet-things-advisory-board>

1024 Reg Scan: [Full edition](#) | [Past issues](#)

The FCC issued the [agenda](#) for its Oct. 27, 2022 open meeting. The FCC will consider five items, including an [NOI](#) on caller ID authentication technology for non-IP networks.

Northeast Iowa Telephone, et al. [discussed](#) the importance of enhanced A-CAM as a complement to the BEAD Program to prevent duplicative federal funding in the same areas.

Southeastern Rural Broadband Alliance [supported](#) NTCA's [proposals](#) to update CAF BLS

The [Wireline Competition Bureau](#) and [Wireless Telecommunications Bureau](#) sent letters to carriers addressing their separate requests for confidential treatment of certain information submitted into the Broadband Data Collection system.

Chairwoman Rosenworcel [responded](#) to Rep. [Cathy McMorris Rogers](#) (R-Wash.) on the FCC's rulemaking authority.

NTCA [discussed](#) the draft [NOI](#) on caller ID authentication technology for non-IP

networks.

1024 Supply Chain: Leader Rodgers on China Obstructing DOJ Huawei Investigation Warns Biden Not to Embolden CCP Across our Entire Economy Washington, D.C. — House Energy and Commerce Committee Republican Leader Cathy McMorris Rodgers (R-WA) released the following statement regarding the Department of Justice's (DOJ) report on the CCP's attempts to obstruct a DOJ investigation into Huawei.

"The DOJ's report on China's efforts to infiltrate the highest levels of our government are deeply alarming. It underscores that the Chinese Communist Party will stop at nothing - lying, cheating, and stealing - to undermine America's economy and global competitive edge. House Energy and Commerce Republicans have been leading efforts to rid Huawei from our communications networks. It is critical that we continue to fund programs like the Federal Communications Commission (FCC) rip and replace program, which is why the Senate must pass the Spectrum Innovation Act.

"Further, President Joe Biden must learn from his own DOJ's investigation. The CCP went to great lengths to dominate the telecom sector, steal American's personal information, and threaten our freedom and security. This is what the future holds if he continues to cede control of our energy, technology, and health care supply chains to China. A future that is dependent on China is not a future Americans want nor can afford. Energy and Commerce Republicans will continue to lead on exposing and reversing the damage of the Democrats' radical agenda benefitting China so the CCP cannot wreak havoc across our entire economy and our way of life."

1024 Digital Discrimination: Verizon [spoke with](#) OEA, WCB, MD, OWD, etc contending FCC should reject arguments to assume any area where its network is not deployed is de facto caused by discrimination. It said the actions of third parties, and technical and economic considerations explain areas in Verizon's territory where its services are not available, notwithstanding demographics. NECA WW

1024 ACP - TruConnect [spoke with](#) WCB re pathways for enrollment in the ACP and FCC efforts to forge partnerships with organizations that promote awareness. TruConnect also suggested potential initiatives for collaboration with health care workers that could expand the reach of digital navigators to eligible households in need of assistance enrolling in the program. NECA WW

1024 [NIST: U.S. Department of Commerce Appoints Members for New Internet of Things Advisory Board](#)

1024 RDOF & INFLATION: Internet service providers with Rural Digital Opportunity Fund commitments are seeing higher costs and could default on projects because of inflations. ISPs say building costs have doubled since RDOF project estimates were made and are calling for an extension of federal broadband loan programs would help. [Fierce Telecom](#)

1024 Text: [CGB Announces Comment Dates for Text Blocking NPRM DA 22 1118A1](#)

1024 Section 230: [The Hill: Tech groups ask Supreme Court to hear case on Florida social media law](#)

1024 Privacy: [Stoel Rives: Current State of General State Privacy Laws](#) A great time to be a privacy attorney. On October 17, 2022, the California Privacy Protection Agency (CPPA) released the next draft of the regulations under the California Privacy Rights Act of 2020 (CPRA) as well as a document explaining the proposed modifications. Two days of public hearings were recently held on October 21-22, 2022. Given the rather extensive proposed changes, it

seems unlikely that these will be the final regulations. The current draft of the regulations is 72 pages long. Most of the CPRA provisions become effective as of January 1, 2023. While CPRA enforcement does not begin until July 1, 2023, and then on a prospective basis, there is enough of a difference between the California Consumer Privacy Act of 2018, as amended (CCPA) and the CPRA (which amends the CCPA) to warrant the review of current processes, operations, and policies. In addition, the 30-day cure period available under the CCPA disappears under the CPRA. In short, there is some work to do, collectively. In the meantime, and until June 30, 2023, the CCPA (including the existing regulations) is still enforceable. Deep breath.

That Was Then

When I co-taught Comparative Privacy Law at a San Francisco Bay Area law school in Spring 2020, the landscape seemed much simpler. On the European side, we had the General Data Protection Regulation (GDPR), some opinions (guidance) from the European Data Protection Board (EDPB) and many more from its predecessor, the Article 29 Working Party, and an ocean of case law. The *Weltimmo* decision (C-230/14) was and remains one of my favorites. Not only does it shed light on the concept of an establishment in a given country (Hungary), but it also teaches readers that many problems can be avoided by simply being responsive to, and not upsetting, customers. On the US side, in terms of general state privacy laws during that time period, it was the CCPA.

This is Now

When I co-taught the course in Spring 2022, I focused on the US side and in particular the CCPA, CPRA, the Virginia Consumer Data Protection Act (VCDPA), and the Colorado Privacy Act (CPA). Each state in the union has its own data breach notification law. We touched on these generally. We reviewed FTC settlements. We touched on federal privacy laws, which are predominantly sectoral. On March 24, 2022, the Utah Consumer Privacy Act (UCPA) was signed, our nation's fourth general state privacy law. As an instructor, I could not resist presenting this new law to my students, whose heads were likely still spinning from the other privacy laws that I was teaching. To my credit, I had the good sense to not include the UCPA on the final exam, which featured, of course, consumers in California, Colorado, and Virginia. Public Act No. 22-15, entitled An Act Concerning Personal Data Privacy and Online Monitoring (CTDPA), was signed by the governor of Connecticut on May 10, 2022. Luckily for my students, the semester was over, and a future cohort of students would need to show proficiency in understanding the metes and bounds of this new law.

Is a comprehensive federal privacy law in sight? Maybe. H.R. 8152 (American Data Privacy and Protection Act or ADPPA) was introduced on June 21, 2022, referred to the House Committee on Energy and Commerce, and voted to be advanced to the full House of Representatives on a 53-2 basis. Since then, it appears to have stalled. In the current draft, the CPPA would have the authority to enforce the ADPPA. Further, Section 1798.150 of the CPRA (private right of action for data breaches) would not be preempted.

In the meantime, the VCDPA becomes effective on January 1, 2023, the CPA and CTDPA become effective on July 1, 2023, and the UCPA becomes effective on December 31, 2023. Holistically, and structurally, there are quite a few similarities between the VCDPA, CPA, UCPA, and CTDPA, with the VCDPA as the progenitor, although one should be careful not to assume that if one complies with one, one will comply with the others. For example,

all four use GDPR concepts and terms like data controller (equivalent to a business under the CCPA/CPRA), data processor (equivalent to a service provider under the CCPA/CPRA), and so on. As intimated, important differences exist among these. For example, the UCPA applies to controllers and processors with at least \$25 million in annual revenue and that either (a) control or process the personal data of at least 100,000 consumers or (b) derive over 50% of their revenue from the sale of personal data and control or process the personal data of at least 25,000 consumers. In contrast, VCDPA applies the second part of the test, but not the first; there is no \$25 million annual revenue threshold. Further, while both the VCDPA and the UCPA define sensitive personal data (SPD), UCPA requires notice and the right to opt out, while VCDPA requires consent. VCDPA requires a data protection assessment for high-risk processing. UCPA does not. The VCDPA gives the consumer the right to correct inaccuracies. The UCPA does not. Notably, it was not until the CPRA that California consumers were given this right. Both are unfunded, initially, with funding to come from enforcement actions. Under the UCPA, once the balance in the “Consumer Privacy Account” exceeds \$4 million, the balance is transferred to the general fund. Neither has a private right of action, with enforcement authority vested solely in each state’s Attorney General.

What to do?

Detailed charts (and re-reading each a few times) help. More helpful, however, would be to view these laws holistically, preferably in the context of a comprehensive privacy compliance program. Certainly, companies having to comply with the GDPR were better positioned to comply with the CCPA, and companies having to comply with the CCPA will be better positioned to comply with the CPRA and the VCDPA, CPA, CTDPA, and UCPA. Each subsequent compliance project becomes a gap analysis followed by an implementation phase. To that end, the focus should be on compliance building blocks, generally required or helpful for compliance with any modern data privacy law. These include records of processing activities (ROPAs), procedures for managing data subject requests (DSRs), procedures for managing data incidents, data processing agreements with suppliers, a process to vet suppliers for information security robustness and issues, a process to conduct data privacy impact assessments (DPIAs), internal policies, external notices, training, and so on. Once the basic processes and documents are in place, then adjustments happen, in accordance with a crisp project plan covering objectives and detailing individual tasks to accomplish these. The process is iterative, and, theoretically, less painful for each new general privacy law, until there is a comprehensive general federal privacy law, of course. Good luck!

1024 [WTB Grants Six Broadband Segment Applications DA 22 1105A1 Monday, October 24, 2022](#)

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) announces the grant of six 900 MHz broadband segment license applications (see Appendix). On May 13, 2020, the Commission realigned the 900 MHz band to make available six megahertz of low-band spectrum for the development of critical wireless broadband technologies and services, while reserving the remaining four megahertz of spectrum for continued narrowband operations.¹ In accordance with the 900 MHz Report and Order,² the Bureau announced that the opening date for acceptance of 900 MHz broadband segment applications began on May 27, 2021.

1023 [The Energy Mix: Lagging Transmission Permits Imperil U.S. Climate Targets](#)

1021 [BB Mapping: FCC WCB letters to \[Computer Office Solutions\]\(#\), \[Hamilton\]\(#\), \[Rise Broadband\]\(#\),](#)

[Sonic Telecom](#), [Vitelco](#), [Vitelcom Cellular](#), [Commnet Nevada](#), [Commnet Four Corners](#), [Point Broadband Fiber Holding](#), [Docomo Pacific](#), [Cal.net](#) and [Meridian Broadband](#) partially denying their separate requests for confidential treatment of certain information submitted into the Broadband Data Collection system. The bureau also sent letters to [Lackawaxen Telecommunications](#), [Madison County Telephone](#), [Big Bend Telecom](#), [Resound Networks](#), [Hot Springs Telephone](#), [Scott County Telephone](#) and [Starry](#) denying their separate requests for confidential treatment of BDC information. [all WCB letters](#) NECA WW

1021 Section 230: X -President Trump [amicus](#) urged the US Supreme Court to let the government impose anti-discrimination requirements on social media companies, throwing his support behind a Florida law enacted after he was kicked off Twitter and Facebook. Florida is asking the nation's highest court to take up the case after a federal appeals court blocked part of the law as probably violating the First Amendment.

1021 Rates: FCC [notice](#) in the Federal Register seeks Paperwork Reduction Act comments on an extension of a currently approved information collection on the survey of urban rates. The information collected will be used to help ensure universal service support recipients offering fixed voice and broadband services do so at reasonably comparable rates to those in urban areas. **PRA comments are due Nov. 21, 2022. NECA WW**

1021 Mergers/Acquisitions: FCC WCB [seeks](#) comments on a Section 214 application by Zipy Fiber Pacific and PriorityONE Telecommunications requesting consent to transfer certain assets of PriorityONE to Zipy Fiber Pacific. Comments are due Nov. 4, 2022; replies are due Nov. 14, 2022. NECA WW

1021 Future of USF: FCC WCB issued an [erratum](#) to the [report](#) to Congress on the future of the Universal Service Fund correcting Appendix A by adding the National Association of Regulatory Utility Commissioners to the list of comments and replies filed. NECA WW

1021 Robocalls: Reply comments were filed on Oct. 21, 2022, on two TRACED Act obligations regarding caller authentication. [Verizon](#) asserted the full promise of STIR/SHAKEN technology will not be realized unless the FCC ensures call attestations are meaningful and accurate and STIR/SHAKEN will be most effective when it can more effectively support other tools. [Transaction Network Services](#) asserted as STIR/SHAKEN is being more widely deployed, the FCC's focus should turn to how service providers are implementing STIR/SHAKEN to ensure more uniform and consistent implementation of the standard. [FR](#) NECA WW

1021 BB Date collection: Zen Communications filed a [petition](#) seeking a waiver of the one-year downward FCC Form 499 revision deadline. Zen asked the FCC to overturn and/or waive the deadline and direct USAC to accept its second revised 2016, 2017, 2018, 2019 and 2020 Forms 499-A and refund amounts overpaid based on erroneous filings. NECA WW

1021 Lifeline: Commissioner Carr issued a [statement](#) on the FCC's [amicus brief](#) filed with the Ninth Circuit regarding an [appeal](#) on whether California's \$0 copayment requirement for its LifeLine Program is allowed under Section 254 or preempted under Section 332. Carr agreed with the statement in the brief that the FCC has never addressed whether states may advance universal service by requiring wireless providers to offer minimum service standard plans with a \$0 copayment as a condition of receiving state subsidies through a voluntary program like California LifeLine. NECA WW

1021 Mergers/Acquisitions: FCC WCB [seeks](#) comments on a Section 214 application requesting approval for Long Lines, which currently owns 50% of Advanced Network Communications, to acquire the 50% ownership of Advanced Network currently held by Schaller Telephone

Company, which would result in Long Lines acquiring 100% direct control. The bureau also seeks comment on two additional Section 214 applications seeking approval for prior unauthorized transactions involving Advanced Network and Long Line. **Comments are due Nov. 4, 2022; replies are due Nov. 14, 2022. NECA WW**

1021 Alaska Plan – FCC WCB [approves](#) revised performance plan for rate-of-return Alaska Plan participant Adak Telephone Utility. The bureau found it is in the public interest to revise Adak's deployment obligation to a total of 306 locations, and said this replaces the performance obligations it approved for Adak on Dec. 23, 2021, with respect to the total number of locations. NECA WW

1020 BB Data Collection FCC WCB letters to [Charter Communications](#), [CVEC Fiber](#), [East Mississippi Connect](#), [ERC Broadband](#), [Kit Carson Electric Coop](#), [Massillon Cable TV](#), [Sandwich Isles](#) and [Silver Star](#), partially denying their separate requests for confidential treatment of certain information submitted into the Broadband Data Collection system. The bureau also sent letters to [Bixby](#), [Blossom Telephone](#), [SyncGlobal Telecom](#), [Emery Telecom](#), [IdeaTek Telecom](#), [Lightstream](#), [Lincoln County Telephone System](#), [Skyline](#), [Smithville and Rice Belt](#), and [Wamego Telecommunications](#), denying their separate requests for confidential treatment of BDC information. [all WCB letters](#) NECA WW

1020 China Unicom Americas [petition](#) seeks reconsideration of FCC Public Safety and Homeland Securities Bureau [decision](#) to include certain CUA services to the covered list maintained under the Secure and Trusted Communications Networks Act. CUA asserted the decision to add the services to the covered list is erroneous because the listing of the Section 214 services violates CUA's due process rights, and the bureau's November 2020 letter was not a determination for purposes of the secure networks act, among other things. NECA WW

1020 RDOF: FCC WCB seeks comment on Beam' s RDOF Petition for designation as an Eligible Telecommunications Carrier (ETC). The designation for purposes of receiving RDOF support will be conditioned upon approval of Beam and Point Broadband's 214 Transfer Application. Comments Due: 2022-11-21. Reply Comments Due: 2022-12-05. WCB. Contact: Nissa Laughner at (202) 418-7400, email: Nissa.Laughner@fcc.gov. [DA-22-1110A1.docx](#) [DA-22-1110A1.pdf](#) [DA-22-1110A1.txt](#) NECA's TAKE: **WCB [seeks](#) comment on R.M. Greene, Inc.** aka Beam's petition for designation as an eligible telecommunications carrier for the purpose of receiving Rural Digital Opportunity Fund support associated with certain census blocks in Alabama. Beam and Point sought WCB's approval of a Section 214 license transfer application to assign part of this support and related facilities for the assigned census blocks in addition to all rights, obligations and conditions associated with the receipt of the support. **Comments are due Nov. 21, 2022; replies are due Dec. 5, 2022.** NECA WW

1020 CAF PHASE II TESTING: WCB [public notice](#) granted a [petition](#) by Lumen Technologies requesting the bureau waive limited aspects of the CAF Phase II performance testing rules. The bureau found special circumstances exist to waive the testing sample size requirement in the states where some of the CAF II subscriber NECA WW

1020 [FCC To Hold Open Commission Meeting](#) NECA'S TAKE: The FCC issued the [agenda](#) on Oct. 20, 2022, for its Oct. 27, 2022 open meeting. The FCC will consider: an [NOI](#) on caller ID authentication technology for non-IP networks and how best to address this remaining gap in the FCC's caller ID authentication scheme; an [FNPRM](#) proposing a period of up to 24 months of transitional support for mobile carriers in Puerto Rico and the U.S. Virgin Islands, and an extension, through December 2025, of the phasedown of frozen support for

incumbent fixed providers in Puerto Rico and the USVI for the areas not awarded long-term support for broadband services; an [NOI and order](#) seeking information on the current use of the 12.7 to 13.25 GHz band, how the FCC could encourage more efficient and intensive use of the band and whether the band is suitable for mobile broadband or other expanded use, and extending the temporary freeze on applications in the 12.7 GHz band; an [NPRM](#) to strengthen the operational readiness of the Emergency Alert System and Wireless Emergency Alerts, including reducing the vulnerability of these systems to cyberattacks; and a restricted adjudicatory matter.

1020 BB Mapping: Federal Communications Commission Urged to Guide Consumers on Map

Challenge [Broadband Connects America](#) Broadband Connects America (BCA)—a coalition of diverse national, state-based, and local nonprofit organizations, as well as state agencies—asked the Federal Communication Commission for guidance on how consumers can challenge broadband created through the Broadband Data Collection Program. During the availability challenge process for the Broadband Data Collection maps, the FCC said consumers may file a challenge asserting that the “reported speed [is] not offered.” However, it is unclear how consumers can actively participate in this facet of the challenge process. Additionally, without data about the actual speeds that customers are receiving, it is impossible to know if their service meets even the current definition of broadband, let alone the speeds they need to meaningfully engage online. The point of the challenge process is not to punish broadband providers, but rather to get consumers connected. Where there is a challenge, the providers will have an opportunity to respond with their own evidence to the challenge. Given the FCC’s definition of broadband and its goal of closing the digital divide, the BCA encourages the FCC to provide guidance to consumers about how best to demonstrate that the services they receive cannot meet the definition of broadband, which must accept actual speed data during the challenge process for fixed broadband.

1020 Section 230: [The Hill: Musk said he plans to cut nearly 75 percent of Twitter’s workforce: report](#)

1020 Privacy: [White & Case LLP: Biden Executive Order Seeks to Solidify European Union-U.S. Data Privacy Framework](#) The Framework will regulate how US intelligence agencies may collect data from EU citizens and creates new mechanisms to address any claims that personal information was collected or handled in violation of either U.S. law or the Framework.

1029 Section 230 – New York AG: Investigative Report on the role of online platforms in the tragic mass shooting in Buffalo on May 14, 2022

<https://ag.ny.gov/sites/default/files/buffaloshooting-onlineplatformsreport.pdf>

1020 Pots & Pans – Doug Dawson CCG Consulting: A [recent article](#) from CoBank is titled, *Partnerships are Key for Rural Telecom Operators in Burgeoning Edge Computing Market*. The article points out that there are potential opportunities for ISPs to grab a small piece of the edge computing market.

The article defines edge computing as a network architecture where data is stored and/or processed at locations close to where applications are being used. The growth of edge computing is an interesting phenomenon to watch because it reverse the trend of the last decade, where the goal was to move as much data as possible to large data centers and not process or store at the edge.

However, as the volume of data being generated by companies has increased

exponentially, the tasks of moving data back and forth from data centers has added cost and time to the equation. Companies are looking deeper at the data they generate and are realizing that a lot of the data doesn't need to be permanently cached at data centers. Companies also want to avoid the added latency from moving and processing things in a data center.

The article cites the following potential opportunities.

C-RAN. The trend identified is for cellular companies to process customer connection functions locally at cell sites instead of in the cloud. The opportunity for rural ISPs is to cell more connectivity to the expanding number of cell sites. However, if cellular data is processed locally, that would imply smaller transport bandwidth needed at each cell site.

Private Wireless Networks. The cellular carriers and companies like Microsoft and Amazon are likely to tackle this market. While there may be a few large customers in rural markets that want to participate in a private wireless network, the big opportunity is in selling the service to farms. Local ISPs can partner with one of the big application developers that will provide a communications suite for farms. The ISP opportunity will be selling transport to farms, but also possibly being hired to maintain farm wireless devices and monitors.

Internet of Things (IoT). This is the trend to develop smart sensors that can handle data locally without sending everything to a data center. Like with C-RAN, it seems like a stretch to see a role for a small rural ISP in the market other than perhaps being the local agent for the sensor devices.

Self-Driving Cars. The article relies on a prediction that a self-driving car will need to offload as much as 5,000 gigabits per hour of driving. I find it impossible to believe that anybody is going to invest in the network in rural areas that will ever serve this market. Most of the auto industry is chasing a future where vehicles will possess the needed computing power onboard rather than rely on somebody building a fiber network and billions of sensors along every mile of US highways. I was surprised to see this in the CoBank article since the chances of this happening seem slim.

The only opportunity on this list that might realistically materialize in the next decade and be a revenue opportunity for rural ISPs is private wireless networks for farms. It's not hard to imagine a business relationship where rural ISPs become the local agent for smart farming connectivity and devices, in much the same way that many local ISPs were the agent for products like DirecTV. It's not hard to imagine the rural ISP industry associations negotiating a contract for such services on behalf of members, making it easy to participate.

I was intrigued to see CoBank writing this article because bankers generally concentrate on opportunities that are either here today or on the immediate horizon. This article talks about pretty futuristic stuff. The question any rural ISP will ask is if any of these applications will ever become tangible and actionable. I remember a decade ago when the rage in the industry was telling rural ISPs that there was a lot of money to be made in fostering cellular offload to WiFi. I can't think of anybody I know that ever made a nickel on the idea, but you couldn't go to an industry meeting without somebody promoting the idea. There is a whole lot of steps that have to happen before any of these edge-computing ideas turn into something that the average rural ISP can profitably participate in. But I have no

doubt that some of the ideas in this article, or applications we haven't thought of, will become real eventually. The one thing that rural ISPs have that is hard to duplicate is a local presence and local technical expertise.

1020 Wireless: AT&T added 708,000 postpaid wireless customers during its third quarter, exceeding previous predictions. Customer upgrades to 5G contributed to an increase in

2022 profit estimates. [Reuters](#)

1020 ACP/Lifeline: [Congressman Schiff \(D-CA\) Letter Urges FCC to Expand Access to Affordable Laptops, Computers, and Tablets for Low-Income Households](#) Click [here](#) to read the full letter

1020 E-Rate: FCC ANNOUNCES PILOT PROGRAM TO HELP TRIBAL LIBRARIES SIGN UP FOR E-RATE PROGRAM. Will Provide Start-to-Finish Assistance Throughout the Sign-up Process: [DOC-388434A1.docx](#) [DOC-388434A1.pdf](#)

1020 Supply Chain: [Triangle, Mavenir tout first deployed open RAN network for FCC's rip & replace](#) *By Monica Allevin* Triangle Communications couldn't wait for the U.S. government to figure out how to cover the funding shortfall for reimbursing operators that need to rip and replace Huawei gear. So they tapped Mavenir to supply an open RAN turnkey solution that suits the needs of the operator in rural Montana.

1020 [Ericsson sees U.S. carriers continue building single vendor networks](#) *By Martha DeGrasse* Ericsson says it's already the leading 5G supplier to all three Tier 1 U.S. operators, and now the vendor is ready to crack the enterprise market.

1020 Foreign Ownership: FCC SETTLES INVESTIGATION INTO TRUPHONE FOR FAILING TO ACCURATELY DISCLOSE FOREIGN OWNERSHIP STAKE. Company to Pay \$600,000 Penalty, Fully Divest Russian Ownership Interests, and Ensure All Foreign Investment Complies with Treasury Department's Sanctions List. [DOC-388438A1.docx](#) [DOC-388438A1.pdf](#) [DOC-1 ORDER:DA-22-1072A1.docx](#) [DA-22-1072A1.pdf](#)

1020 [Tribal BB: NTIA Holds First Meeting of New Tribal Broadband Leaders Network](#)

1020 Fiber: [AT&T sheds 50K broadband subs as copper losses outpace fiber gains](#) *By Diana Goovaerts* AT&T's fiber business posted its highest net add figure since Q3 2020, bringing in 338,00 new subscribers in the third quarter of 2022. But copper losses piled up to the highest level in more than two years and the pace of the operator's fiber expansion slowed.

1020 Jobs: [Zayo, Starry, Cox cut jobs as layoff wave hits telecom](#) *By Diana Goovaerts* Perhaps the most dramatic news came from Starry, which revealed in its Q3 results on Thursday it is slashing its workforce in half and is freezing hiring. Zayo also confirmed cuts to its Service Delivery and Product teams.

1020 E-Rate: Chairwoman Rosenworcel [announced](#) the launch of a new pilot program to make it easier for tribal libraries to apply for broadband funding through the E-rate Program. Applications to [participate](#) in the pilot program are due Nov. 18, 2022. NECA WW

1020 Section 230: Free State Foundation: Randolph May - Thinking Clearly and Speaking Freely: A Reasonableness Standard for Fixing Section 230 [Real Clear Markets](#) October 19, 2022 It's surprising that more than a quarter century after its adoption, notorious Section 230 of the Communications Act of 1934, enacted in 1996 as part of the Communications Decency Act, has never been reviewed by the Supreme Court. That's about to change now – and if you've been reading the essays in my "[Thinking Clearly and Speaking Freely](#)" series, you'll know that I welcome the review.

As construed by the lower courts that have had occasion to consider it, Section 230

provides Big Tech platforms like Twitter, Facebook, and YouTube, and other "interactive computer services," with near universal immunity from liability for posts by users of their platforms.

On October 3, the Supreme Court granted certiorari in *Gonzalez v. Google LLC*. Plaintiffs are family members of victims who died in terrorist attacks for which ISIS claimed responsibility. They sued Google under the Anti-Terrorism Act, which allows victims to recover for injuries suffered "by reason of an act of international terrorism." In short, they contend Google is secondarily liable because its YouTube platform allowed ISIS to post videos and other content communicating the terrorist group's message, radicalize new recruits, and generally to further its mission. More specifically, the plaintiffs allege YouTube's computer algorithms, by suggesting content to users based on their viewing history, aids ISIS in spreading its jihadist messages.

The Ninth Circuit Court of Appeals affirmed a District Court decision determining that Google, by virtue of Section 230's immunity grant, could not be held liable for plaintiffs' claims filed under the Anti-Terrorism Act. Section 230(c)(1) states that "[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."

Here is the way the Supreme Court frames the question presented in *Gonzalez*:

"Does section 230(c)(1) immunize interactive computer services when they make targeted recommendations of information provided by another information content provider, or only limit the liability of interactive computer services when they engage in traditional educational functions (such as deciding whether to display or withdraw) with regard to such information?"

Significantly, just a week before the Supreme Court announced it would hear the *Gonzalez* appeal, Part 12 of this "Speaking Freely" series, "[Shining a Spotlight on Big Tech's Section 230 Immunity](#)," was published. There, I examined the Fifth Circuit Court of Appeals' recent [NetChoice, L.L.C. v. Paxton](#) decision rejecting a First Amendment challenge to the Texas law prohibiting social media platforms from censoring user-generated posts based on viewpoint. Aside from all else, the Fifth Circuit's opinion highlights the dissonance between the platforms' oft-repeated claim, on the one hand, that they are mere *conduits* for the speech of others, and their claim, on the other hand, that Section 230 dictates that they must be treated as *speakers* and *publishers* for First Amendment purposes regarding their moderation actions.

NetChoice already has indicated it will file a petition seeking Supreme Court review of the Fifth Circuit's decision. So along with the Court's review of *Gonzalez*, Section 230 is in the judicial crosshairs.

In future parts of this series, I want to focus on the legal issues front and center in the Supreme Court's review of *Gonzalez*, and *NetChoice* too if review is granted. But here I want to begin thinking about, from a policy perspective, what a proper legal framework to replace the present Section 230 should look like.

Of course, one option is outright repeal. This would leave the platforms in the same position as all other entities, including newspapers, broadcasters, cable operators, and such, subject to whatever judge-made immunities from liability that may be created on a case-by-case traditional common law fashion. In other words, Twitter, YouTube, Facebook, and the

other social media websites would be subject to the same rules as others in our civil justice system.

Short of outright repeal, Congress could revise Section 230 in ways that narrow the broad immunity currently enjoyed by the platforms. The present virtually unlimited immunity is exemplified by the Ninth Circuit's *Gonzalez* holding rejecting claims for relief under the Anti-Terrorism Act as well as many other lower court cases rejecting claims for redress. These claims run the gamut from postings that allegedly caused or facilitated sex trafficking, illegal drug sales, housing discrimination, fraudulent financial schemes, to other kinds of illegal or tortious conduct.

In place of the present immunity, a revised Section 230 could substitute a reasonable duty of care standard that, presumably, taking into account ongoing judicial interpretations and the relevant facts of the particular case, would assess the reasonableness of a platform's actions. These considerations could include the size of a platform's user base, the financial resources available for moderating postings, the moderation mechanisms employed by a platform, a platform's compliance with its own procedures, a platform's knowledge regarding deficiencies discovered in its procedures, and efforts taken to cure known deficiencies.

In a thoughtful paper, [Who Moderates the Moderators?: A Law & Economics Approach to Holding Online Platforms Accountable Without Destroying the Internet](#), Geoffrey Manne, Kristian Stout, and Ben Perry reject the major platforms' repeated assertion that any lessening of their Section 230 immunity necessarily will radically alter their present business models, or "destroy the Internet." As they put it: "Counting the cost of defending meritorious lawsuits as an avoidable and unfortunate expense is tantamount to wishing away our civil-justice system. That is unlikely to be a defensible position in any regard, but it is certainly not defensible solely in the context of online platforms." As they say: "The current Section 230 doesn't just reduce the liability risk of intermediaries for user-generated content; it removes it virtually entirely."

Messrs. Manne, Stout, and Perry, in a way that builds on similar work by media and copyright lawyer [Neil Fried](#), employ a "law and economics" cost-benefit approach in supporting adoption of a negligence-like rule based on a "reasonableness" standard of care. In their view, this would allow imposing some degree of intermediary liability on platforms, without opening the floodgates to unmeritorious litigation. They make clear that their proposal doesn't contemplate suits against the platforms for the underlying illegal or tortious conduct of users, but rather requires that the platforms take "reasonable steps to curb such conduct." Significantly, they highlight an exception to the general reasonableness rule for so-called communications torts like libel. Like offline publishers subject to the judge-made liability rule in [New York Times v. Sullivan](#), online providers would not be liable for communications torts arising out of user-generated posts unless they knew, or should have known, the content was defamatory.

Adoption of a reasonable duty of care standard in place of Section 230's present virtually unlimited immunity could take place either in a common law fashion under ordinary civil justice jurisprudence if Section 230 were repealed, or, alternatively, by virtue of Congress revising the provision to incorporate the reasonableness standard.

I'm not convinced the recommendations in the [Who Moderates the Moderators](#) paper, with its caveats, go far enough in the reform direction. But they are a good starting

point for considering, aside from whatever the Supreme Court might do in *Gonzalez*, a proper framework for meaningfully reducing the platforms' current immunity to make them more accountable for their moderation actions.

Stay tuned! I'll be returning to both the legal and policy considerations relevant to fixing Section 230 in future parts of this series.

* Randolph J. May is President of the Free State Foundation, a free market-oriented think tank in Rockville, MD. The views expressed in this *Perspectives* do not necessarily reflect the views of others on the staff of the Free State Foundation or those affiliated with it. *Thinking Clearly and Speaking Freely – Part 13: A Reasonableness Standard for Fixing Section 230* was published in *Real Clear Markets* on October 19, 2022. **A PDF of this latest *Perspectives* is [here](#)**

1020 Digital Discrimination: Verizon [spoke with advisors](#) to Commissioners Carr and Starks urging the FCC to implement Section 60506 of the Infrastructure Investment and Jobs Act in a manner that considers and complements the larger Infrastructure Act and said Congress did not intend for the digital discrimination rules to subsume the rest of the statute.

Additionally, Verizon suggested ways the FCC should use the NPRM to gather additional information about whether there are further steps or changes the FCC can make to implement Section 60206 by removing obstacles to more broadband deployment. NECA WW.

1020 BB Labels: Free Press, Consumer Reports, Next Century Cities and Common Cause [spoke with](#) Rosenworcel's advisor urging the FCC to adopt a robust label that makes internet pricing more transparent. They also asserted the FCC should adopt a rule requiring prominent display of the label on the consumer's monthly bill. NECA WW

1019 BB Data Collection: The Wireless Telecommunications Bureau sent letters to [GCI Communications](#), [IT&E](#) and [VTel Wireless](#) about their separate requests for confidential treatment of certain data submitted into the Broadband Data Collection system. The bureau denied their requests but said it will treat the carriers' mobile link budget parameters rationale files as confidential. [all WTB letters](#) NECA WW

1019 BB Data Collection: Wireline Competition Bureau sent a letter to [Alaska Communications](#) granting in part and denying in part its request for confidential treatment of certain information submitted into the BDC system. [all WCB letters](#) NECA WW

1019 BB Data Collection: FCC WCB letters to [LARIAT](#), [NTUA Wireless](#), [FirstLight Fiber](#), [Tachus Infrastructure](#) and [ClearCom](#) grant in part and deny in part their separate requests for confidential treatment of certain information submitted into the Broadband Data Collection system. The bureau also sent letters to [CC Communications](#), [Lumen Technologies](#), [Cordova Telephone Cooperative](#) and [SwiftCurrent Connect](#) denying their separate requests. [all WCB letters](#) NECA WW

1019 BB Data Collection: FCC WCB letters to [AST Telecom, LLC d/b/a Bluesky](#), [Cellular South Licenses](#), [NE Colorado Cellular](#) and [Carolina West Wireless](#) address their separate requests for confidential treatment of certain data submitted into the BDC system. The bureau denied their requests but said it will treat the carriers' mobile link budget parameters rationale files as confidential. [all WTB letters](#) NECA WW

1019 USVI/PR: PRTC [spoke with](#) Chairwoman Rosenworcel's advisor regarding the draft [FNPRM](#) proposing a period of up to 24 months of transitional support for mobile carriers in Puerto Rico and the U.S. Virgin Islands, which will be considered at the Oct. 27, 2022 open

meeting. PRTC offered suggestions for the draft FNPRM. NECA WW

1019 USVI/PR: T-Mobile USA [spoke with](#) legal advisors to Chairwoman Rosenworcel and Commissioners Carr, Starks and Simington on Oct. 17, 18 and 19, 2022, regarding the draft [FNPRM](#) on transitional support for mobile carriers in Puerto Rico and the USVI. T-Mobile offered questions for inclusion in the FNPRM. NECA WW

1019 Supply Chain: Dahua Technology USA filed a [letter](#) to reiterate its statutory and technical arguments on the FCC's authority over Dahua USA equipment, ahead of the FCC's adoption of new equipment authorization rules. Dahua USA asserted although the Secure Equipment Act of 2021 does not encompass any Dahua USA products currently sold in the United States and does not authorize the FCC to exclude all Dahua equipment from the supplier's declaration of conformity equipment authorization process, it is willing to accept reasonable safeguards to ensure national security interests and objectives remain protected. NECA WW

1019 Callier ID - NTCA [spoke with](#) Rosenworcel's advisor regarding the draft [notice of inquiry](#) on caller ID authentication technology for non-IP networks, which will be considered at the Oct. 27, 2022 open meeting. NTCA urged the FCC to focus more on the interplay between IP interconnection, a broader transition to IP technologies and call authentication objectives. NTCA offered several issues the FCC should further consider in the NOI. NECA WW

1019 BB Mapping: NTIA CostQuest Data Support [Department of Commerce](#) The Department of Commerce/Enterprise Services intends to negotiate a sole source, firm fixed price contract with CostQuest Associates for Broadband Serviceable Location Fabric, Technology Availability Likelihood (TAL), and Network Cost Model data to meet the congressional mandate at the estimated price of \$49.9 Million. This procurement will provide data to support operational needs for the Broadband Equity, Access, and Deployment (BEAD), Digital Equity (DE), the Access Broadband Act, as well as the Internet for All initiative. Several use cases that National Telecommunication and Information Administration (NTIA), Office of Internet Connectivity and Growth (OICG) plans to use the data for include:

- Identification and use of un and under Served Broadband Serviceable locations as identified by the Federal Communications Commission for the use in the BEAD program

- Defining high-cost areas to support OICG efforts to develop an allocation model for its BEAD program and to support Eligible Entities use in their grant programs

- Defining extremely high-cost areas to support Eligible Entity grant programs

- Data consistency with the dataset used by the FCC in the Broadband Data Collection

- Supporting OICG efforts to review and assess eligible entities' build out proposals

- Enabling Eligible Entities to define project areas based on underserved and unserved locations and cost to deploy broadband

- Reporting and tracking of projects during deployment

- Supporting interagency Federal and state coordination to avoid duplication/overbuild of broadband deployment and funding

- Evaluating the impact of broadband deployment (e.g., change in broadband availability)

1019 DSL v Fiber – Fiber is being deployed first to wealthier neighborhoods “ Dollars to Megabits, You May Be Paying 400 Times As Much As Your Neighbor for Internet Service Leon Yin, Aaron Sankin | Analysis | [Markup, The](#) AT&T, Verizon, EarthLink, and CenturyLink disproportionately offered the worst internet deals to neighborhoods that were formerly

redlined, whose residents are lower income and have a higher concentration of people of color than other parts of the city. The findings are based on an examination of actual internet offers to more than 800,000 addresses in 38 cities across the country. People in disadvantaged neighborhoods would be offered plans as high as \$100 per megabit per second, while those in more affluent areas that have more White residents and had the best historical redlining scores were offered plans for less than \$1 per Mbps. The ultimate effect of these practices went beyond fairness: Those in disadvantaged neighborhoods were offered speeds so slow that they were denied the ability to participate in remote learning, jobs, and even family connection and recreation that are ubiquitous to modern life. A recent [Pew survey](#), for example, showed 90 percent of respondents saying the internet has been “essential or important for them personally during the coronavirus outbreak.”

1019 AT&T Is Counting on Government Stimulus Dollars to Help Fund Its Broadband Future Scott

Moritz Bloomberg AT&T Chief Executive Officer John Stankey considers the expansion of AT&T’s fiber network part of his strategy to refocus the company around offering greater telecommunications connectivity now that it’s left behind its dream of being a media powerhouse. Stankey’s sights are now set on a pool of almost \$100 billion in federal funds allocated for broadband deployment. Although Indiana is part of AT&T’s 21-state telecommunications service region, the company will soon announce a widening expansion into markets outside its traditional territory. AT&T’s top-three criteria for extending fiber to a market are to address the underserved, make a profit, and be the first provider of fiber to the home in the area. AT&T says it has no interest in duplicating other companies’ fiber networks or running a community network owned by a municipality. Ultimately, Stankey emphasizes that AT&T’s focus will be last-mile connections as such connections are the “most sustainable.”

1019 BB Mapping: Startup Hexvarium thinks better data can close the broadband gap Diana

Goovaerts Fierce Hexvarium is hoping to make it easier for service providers to understand the long-term costs and revenue associated with prospective broadband builds using a new software mapping tool. CEO Gerry Lawlor said that the tool will provide detailed data insights that have hitherto been lacking in the industry, and, ultimately help close the broadband gap. The company’s HexMAPP software breaks the entire US down into hexagonal blocks. These are color-coded based on build desirability, which is calculated by combining a range of inputs gleaned from the US Census, Federal Communications Commission, and proprietary data. By clicking on a block, service providers can get a detailed view of not only the mix of people and businesses in an area but also income levels, what types of products and price points a location might require, forecast demand over time, and the competitive landscape. Hexvarium has also already mocked up a network design to push fiber to every home in the country. That means it can cross reference this design – which includes information about the expected mix of aerial versus buried construction, the total number of route miles needed, take rates, etc. – with the aforementioned data to yield a detailed cost/benefit analysis for each hex block. The company’s software is also built to reflect the relationship between blocks. Hexvarium believes the ability to provide better data about the 40 to 50 million homes in the US that are riskier to cover will help convince service providers to take the leap into less desirable areas and ultimately close the broadband gap.

1019 Interconnection: [NextEra, Invenergy, other developers, clean energy groups take issue with FERC’s interconnection reform plan](#) Utility Dive

1019 Mergers: FCC WCB [seeks comment](#) on Section 214 application by the estate of Rodney Bowar, requesting consent to the transfer of control of Kennebec Telephone from Rodney Bowar to the estate. **Comments are due Nov. 2, 2022; replies are due Nov. 9, 2022. NECA WW**

1019 Mergers: FCC WCB [seeks Comment](#) on a Section 214 application by Spectrotel and Spectrotel Ultimate Holdings, requesting consent for the transfer of control of Spectrotel to Spectrotel Ultimate. **Comments are due Nov. 2, 2022; replies are due Nov. 9, 2022. NECA WW**

1019 Pole Attachments: FCC Enforcement Bureau [letter ruling grants AT&T Texas and AEP Texas' joint motion for adjustments to the procedural schedule](#). AT&T Texas filed a [complaint](#) against AEP Texas seeking a reduction of pole attachment rates AT&T says AEP Texas has overcharged for years. NECA WW

1019 Section 230: AEI – Daniel Lyons: [Section 230 Goes to the Supreme Court](#) Section 230 is the backbone of internet law. It is also the subject of increasing criticism from politicians on [both sides](#) of the political aisle. But perhaps surprisingly, during its quarter-century history, this landmark statute has never faced Supreme Court scrutiny. Until now.

Earlier this month, the Court agreed to hear [Gonzalez v. Google](#). Operating at the intersection of internet law and anti-terrorism efforts, this case raises important questions about the scope of Section 230's all-important immunity for companies that host user content online. The Court's decision is likely to have a significant impact on the internet ecosystem.

At issue is a suit against Google by the families of Nohemi Gonzalez, a US citizen killed by a 2015 ISIS [terrorist attack](#) in Paris. Plaintiffs allege that ISIS posted videos on YouTube seeking to incite violence and recruit potential supporters and that Google aided these attacks by algorithmically recommending these videos to users worldwide, thus allowing ISIS to enlist recruits and carry out operations beyond its base in Iraq and Syria. The Ninth Circuit [dismissed this claim](#), holding that Section 230 foreclosed this theory of intermediary liability.

The case presents a core question about the scope of Section 230's immunity provision. Under [the statute](#), a platform or its users shall not be treated as the speaker or publisher of information provided by another content provider. This means that while those posting ISIS videos can be sued for their content, YouTube cannot be sued merely for hosting ISIS's message. Plaintiffs seek to skirt this immunity by focusing instead on YouTube's decision to recommend ISIS content to specific users.

Google builds user profiles by recording online behavior, then uses that data to recommend particular content (through an automated process) to users whose profiles suggest they would be receptive to that message. Plaintiffs claim these targeted recommendations are beyond the scope of Section 230. They are suing Google not for being ISIS's publisher but its promoter and recruiter.

While the plaintiffs' argument has some initial appeal, my sense is that it should fail. Whether described as "publishing" or "recommending," ultimately the suit seeks to hold Google liable for sharing user content with other users, which is the core of Section 230's prohibition. Plaintiffs concede that Section 230 protects platforms' performance of "traditional editorial functions," such as whether to display or withdraw content. But to use a newspaper analogy, publishing includes more than the binary question of whether or not to include a particular article. Editorial functions also include decisions regarding which content to feature on the front page, which to bury on the back page, and how much space

to give each story—in other words, how the publication is presented to consumers.

Plaintiffs are hard-pressed to explain where publication ends and recommendation begins. The choice not to block content is, in effect, a decision to recommend it to users. And because “algorithm” is just a fancy word for “computer program,” even a protocol that simply lists all platform content chronologically is an algorithmically determined recommendation to users. Notably, Section 230 protects not only platforms but also other users. If the statute does not insulate recommendations, one might ask whether individual Twitter users risk liability with every retweet.

The plaintiffs’ theory of liability also represents bad policy. I’ve [discussed before](#) that while the internet reduces information costs, the trade-off is increased filtering costs—the cost of sorting this abundance of information to find the content you desire. We should encourage, not discourage, companies like Google to experiment with new and better ways to reduce these filtering costs through algorithms, to get consumers what they want more efficiently.

But it is unclear whether these arguments will carry the day. Three conservative justices have suggested that lower courts may be interpreting Section 230 more broadly than the text may bear—a sentiment with which I agree, [at least in part](#). And the Facebook whistleblower’s [allegations](#) cast an unfavorable light on algorithmic recommendations, as evidenced by the [numerous pending bills](#) to regulate the practice.

Two years ago, Justice Clarence Thomas [wrote](#), in a case denying Supreme Court review, that “in an appropriate case, we should consider whether the text of this increasingly important statute aligns with the current state of immunity enjoyed by internet platforms.” It appears that at least three of his colleagues have agreed with him that this is indeed that case.

Section 230 has generated a lot of heat and light over the past few years. But I fear the Court’s *Gonzalez v. Google* decision may spark a full-blown conflagration in internet law.

1019 E-Rate: [FCC Announces Nearly \\$78 Million in Emergency Connectivity Funding](#)

1019 Diversity: [FCC Sets November 7 Communications Equity & Diversity Council Meeting](#)

1019 E-Rate: [FCC has doled out nearly \\$78 million from its Emergency Connectivity Fund for off-campus broadband access in Delaware, Florida, Indiana, North Carolina, New Mexico and Texas](#). The new allotment will help 175,000 students gain service through a consortium, schools and libraries. [Telecompetitor](#)

1019 5G - [US 5G coverage has expanded to 61% of the population this year, compared to 43% a year ago, Global Wireless Solutions reports](#). The research firm further broke down the access by type of region: 83% of urban areas, 76% of suburbs and 65% in rural locations. [Mobile World Live \(U.K.\)](#)

1019 BB Speeds: [Comcast stokes competitive flames with T-Mobile 5G Home](#) *By Sue Marek* Cable company claims its broadband services is up to 36x faster than T-Mobile's service.

1019 BB Speeds: [Charter claims top spot in Ookla's Q3 ISP ranking, Cox and Comcast trail](#) *By Masha Abarinova* Charter's Spectrum brand saw median download speeds of 211.66 Mbps in the third quarter 2022.

1019 Spectrum: [NTIA: Commercial Spectrum Enhancement Act Annual Progress Report for 2021](#)

1019 Workforce: [NTIA: Biden-Harris Administration Releases New Framework for Diverse, High-Paying Telecom Jobs](#) Department of Commerce’s National Telecommunications and Information Administration (NTIA) released a new [Workforce Planning Guide](#) for states and

territories to use when planning high-speed Internet deployment projects. The high-speed Internet deployment and digital equity projects funded through the Biden-Harris Administration's Internet for All initiative will create over 150,000 of good-paying jobs.

To ensure states have the necessary workforce to deploy high-speed Internet projects, this guide is a resource and offers strategies to develop a highly trained, diverse workforce that can safely do their jobs to connect everyone in America to high-speed Internet.

"Women are underrepresented in telecommunications jobs. The Internet for All initiative can change this. We have an opportunity to diversify our workforce so it looks like America," **said Secretary of Commerce Gina Raimondo.** "These good jobs are the foundation of an equitable economy that lifts up workers and families and makes businesses more competitive globally."

The Internet for All initiative's Broadband, Equity, Access and Deployment (BEAD) program contains workforce requirements that grant recipients and subgrantees must meet when implementing their projects. This guide is part of NTIA's obligation to provide technical assistance materials those entities need to meet the workforce requirements and promote a skilled workforce. The guide may also be helpful for entities participating in other Internet for All programs like the Digital Equity Planning Grant program and the Middle Mile program.

The Workforce Planning Guide addresses lays out strategies and examples for meeting our funding's requirements and ensuring a skilled, competitive, and diverse workforce.

Components of a Workforce Plan: Highlights the requirements and guidance related to workforce development and fair labor standards in the BEAD NOFO.

Developing a Workforce Plan: Provides suggested planning steps and pacing for completing grant submissions and key integration points with the Digital Equity Act programs.

Strategies and Examples: Offers a range of approaches to meet the workforce needs and offers examples of existing programs at the Federal, state, or local level.

Additional Resources: Provides additional resources, including a list of Federal and state agencies that can help answer questions, guiding questions and resources that help conduct a landscape analysis, and a checklist of best practices that eligible entities can use when evaluating different workforce programs.

In addition to the Workforce Planning Guide, NTIA is providing technical assistance to states and grantees on workforce requirements through public, open webinars and one-on-one meetings.

1019 BB Data Collection: FCC Wireless Telecommunications Bureau letters to [AT&T](#), [Verizon](#), [T-Mobile](#) and [Nex-Tech](#) addressing separate requests for confidential treatment of certain data submitted into the Broadband Data Collection system. The bureau denied AT&T's request and said it will treat the other carriers' mobile link budget parameters rationale files as confidential. NECA WW

1019 Fiber - [Consolidated could add 19,000-plus fiber sites in Vermont](#)

1019 Net Neutrality: Congressional Research Service: [Access to Broadband Networks: Net Neutrality](#)

- 1018 BB Data – FCC WTB letters to [Gold Star Communications](#), [Central Louisiana Cellular](#), [DISH Wireless](#), [East Kentucky Network](#), [OptimERA](#), [Teleguam](#), [Smith Bagley](#) and [Southern Linc](#) address their separate requests for confidential treatment of certain data submitted into the BDC system.** The bureau denied their requests but said it will treat the carriers’ mobile link budget parameters rationale files and subscription data as confidential. [all letters to mobile carriers](#) NECA WW
- 1018 A-CAM: Northeast Iowa Telephone Company and Farmers Mutual Cooperative Telephone [spoke with](#) Commissioner Carr’s advisor regarding their comments filed in support of the proposed enhanced A-CAM Program.** They discussed the importance of enhanced A-CAM as a complementary program to the Broadband Equity, Access and Deployment Program and said enhanced A-CAM should be adopted before BEAD monies are allocated to prevent duplicative federal funding in the same area(s). They also asked about the timeline for the BEAD Program and how it would be impacted by enhanced A-CAM. NECA WW
- 1018 Digital Discrimination: AT&T [spoke with](#) the senior advisor to the FCC for digital equity and inclusion, and Wireline Competition Bureau staff regarding the elimination of digital discrimination.** AT& said its discussion was consistent with its [comments](#) and [replies](#) on the [NOI](#). NECA WW
- 1018 USF/RUS: Telcelcom spoke with [Starks](#) and [Carr](#) advisors about availability of federal funding for broadband, including the ReConnect Program, A-CAM and the American Rescue Plan Act.** Telcelcom expressed support for enhanced A-CAM and the E-rate portal and relevant filings regarding waste within the E-rate Program in Texas, and referenced Barry County Telephone, et al.’s [comments](#) on E-rate competitive bidding. NECA WW
- 1018 BB Data Collection: FCC WTB sent letters to over [20 carriers](#) coverage methodology data submitted into the Broadband Data Collection system.** NECA WW
- 1018 Digital Discrimination: AT&T [letter](#) on elimination of digital discrimination includes a supplemental declaration of Professor Glenn Woroch, a former chief economist of the FCC.** Woroch updated his original analyses using additional broadband deployment datasets and addressed whether the fact Form 477 overstates broadband deployment in some census blocks affected his conclusions. NECA WW
- 1018 BB Data Collection: FCC Wireline Competition Bureau [erratum](#) to the [public notice](#) announcing the release of the annual Telecommunications Reporting Worksheets and accompanying instructions to be used in 2023.** The erratum amended Page 53 of Attachment B. NECA WW
- 1018 BB Data Collection: Broadband Connects America [letter](#) urges Broadband Data Task Force to offer guidance to consumers looking to challenge the availability of broadband in the BDC.** They said while the FCC indicated consumers may file a challenge asserting the reported speed is not offered, it is unclear how consumers can actively participate in this part of the challenge process. NECA WW
- 1017 ACP - NTCA, USTelecom, CTIA, NCTA and ACA Connects [spoke with](#) Wireline Competition Bureau and Office of Economics and Analytics staff about the June 2022 [NPRM](#) on an Affordable Connectivity Program data collection.** They said they offered proposals to maximize the effectiveness of the proposed data collection while keeping it streamlined and efficient for the benefit of consumers and providers alike. NECA WW
- 1017 Pole Replacement: Charter Communications [spoke with](#) Commissioner Simington and his advisor regarding pole replacement rates. Charter said it has encountered high pole**

replacement rates on several recent broadband deployment projects and encouraged the FCC to require pole owners to share proportionately in the cost of replacing poles. NECA WW

1017 Tax on Commerce: Judge Alison Asti - Anne Arundel County Circuit Court in Maryland - held that MD's tax on digital advertising -- the first such tax in the US -- amounts to state interference in interstate commerce and therefore runs afoul of the Constitution. Asti also ruled that the tax violates the First Amendment and the Internet Tax Freedom Act. [The Associated Press](#)

1017 Certification: Hikvision USA spoke with Starks' staff on Oct. 14, 2022, and Simington's advisor on Oct. 17, 2022, regarding its video surveillance equipment. It asserted the FCC lacks the statutory authority to refuse to authorize Hikvision equipment that meets electromagnetic radiation requirements and doing so would be arbitrary and capricious. NECA WW

1014 BB Labels: ACA Connects spoke with Simington's staff suggesting FCC should direct providers to follow FCC guidance for broadband provider transparency disclosures in reporting actual speeds and latency on broadband labels. It also said the FCC should adopt the April 2022 recommendations of the Consumer Advisory Committee regarding the display of broadband labels on provider websites. Additionally, ACA Connects said the FCC should forgo requirements that providers display labels in machine readable format, grant all providers at least one year to implement the labels from Office of Management and Budget approval of the rules and grant smaller providers one additional year. NECA WW

2014 CAF: Hargray Communications Group, on behalf of the Southeastern Rural Broadband Alliance, spoke with FCC WCB supporting NTCA's proposals to update Connect America Fund Broadband Loop Support. The Rural Broadband Alliance also encouraged the FCC to include an option for CAF BLS recipients to commit to 100% broadband deployment at 100/20 Mbps, in exchange for a five-year waiver of the budget control mechanism. It said under this approach, carriers would be permitted to use alternative technologies to reach the most expensive locations above a certain threshold, and nonselecting carriers would continue to be subject to the BCM and not receive a waiver absent extraordinary circumstances. NECA WW

1014 Pole Replacements: Charter Communications spoke with Rosenworcel's staff saying it has encountered high pole replacement rates on several recent broadband deployment projects and encouraged the FCC to require pole owners to share proportionately in the cost of replacing poles. NECA WW

1014 Caller ID: NTCA spoke with WCB staff and Carr, Starks and Simington advisors about the draft notice of inquiry on caller ID authentication technology for non-IP networks, which will be considered at the Oct. 27, 2022 open meeting. NTCA urged the FCC to focus more on the interplay between IP interconnection, a broader transition to IP technologies and call authentication objectives. NTCA offered several issues the FCC should further consider in the NOI. NECA WW

1014 USF Transitional Support: Viya spoke with Rosenworcel and Carr advisors on Oct. 13 and 14 about the draft FNPRM proposing a period of up to 24 months of transitional support for mobile carriers in Puerto Rico and the U.S. Virgin Islands. Viya asked for the following edits to the draft FNPRM: proposing to extend transition support until Dec. 31, 2027, when the winning carrier is required to meet its 100% deployment milestone; seeking comment on

allowing the Wireline Competition Bureau to further extend the transition period (with appropriate safeguards) should a delay occur in the winning bidders' satisfaction of their deployment commitments; and correction of the last sentence of Footnote 58 to make clear Viya's petition requests the FCC waive Section 54.1504(b), not amend it. NECA WW

1013 Fiber: Sonic Telecom [spoke with Carr and his legal advisor, and Rosenworcel & Starks](#)

advisors about Sonic's buildout of fiber-to-the-home. Sonic asserted the 2020 [report and order](#) placed significant limitations on its ability to build its network to serve existing customers and enter new markets. NECA WW

1012 Satellite/Rural Health Care: ADS Advanced Data Services [spoke with WCB staff regarding the Rural Health Care Telecommunications Program in Alaska.](#)

It discussed the role of satellite services, and suggested the FCC consider clarifying equipment necessary to make functional an eligible service in the Healthcare Connect Fund is eligible for support when that equipment is used to make both HCF and Telecom Program services functional. NECA WW

1012 Rural Health Care: New England Telehealth Consortium [spoke with Wireline Competition Bureau staff about its reply comments on the FNPRM on revisions to the Rural Health Care Telecommunications Program rules.](#) NECA WW

1011 E-Rate: E-Rate Management Professionals Association [spoke with Wireline Competition Bureau staff about the E-rate and Emergency Connectivity Fund Programs and eligibility recommendations.](#) NECA WW

1007 Agency Authority: Chair Rosenworcel [letter](#) to Reps. McMorris Rogers (R-WA) responds to her [letter](#) regarding a recent Supreme Court decision on the limitations of certain agency action. Rosenworcel provided lists of all pending and expected rulemakings and the specific congressional authority for each rulemaking; and a list of all pending or expected declaratory rulings on delegated authority by a bureau or office of the FCC. NECA WW

APPENDIX D

WATER SECTOR NEWS

1106 CA- Reuse: [San Francisco's first approved onsite greywater reuse system operational](#)

1105 MS- Infrastructure: [Mississippi capital to receive \\$35.6M in federal water funds](#)

1105 CA – Supply: [Calif. provides \\$1.2M for City of Caolinga water transfer](#)

1105 IL – Infrastructure: [Freeport invests \\$13M for cleaner drinking water](#)

1105 NJ – Infrastructure: [Passaic County begins replacing lead water service lines for residents](#)

1104 NY – Infrastructure: [Local municipalities receive state grants to improve water, sewer](#)

1103 IL – PFAS: [3M agrees to order to address PFAS contamination near Cordova, Ill.](#)

1103 NY- Infrastructure: [Water infrastructure aid coming to New York](#)

1103 MS – Infrastructure : [\\$16.5M in state funds will boost water infrastructure in Jackson](#)

1103 UT – Supply: [Great Salt Lake Basin is closed to new water right appropriations](#)

1103 OH – Infrastructure : [Construction begins at North Water Treatment Plant](#)

1103 MS – Infrastructure: [\\$16.5M in state funds to boost water infrastructure in Jackson](#)

1103 IL – PFAS: [EPA: 3M Agrees to EPA Order to Sample and Provide Treatment for PFAS](#)

[Contamination in Drinking Water near Cordova, IL Facility](#) EPA Enforcement Part of Agency Strategy to Characterize and Address PFAS Releases from Major Manufacturers – Today, the 3M Company agreed to a U.S. Environmental Protection Agency (EPA) order to sample and provide treatment to address contamination from per- and polyfluoroalkyl substances (PFAS)

found in drinking water in the vicinity of 3M's Cordova, IL facility. Recent sampling results provided by 3M indicate the widespread presence of a mixture of at least 19 different PFAS chemicals in drinking water within a 3-mile radius of the Cordova facility. Given the unique circumstances affecting this community, including more than five decades of PFAS discharges and the many types of PFAS chemicals found, EPA has concluded that the situation constitutes an imminent and substantial endangerment under the federal Safe Drinking Water Act.

"I have directed EPA staff to use every enforcement tool at our disposal to require manufacturers of PFAS to address potential endangerment to the public and to compel them to characterize, control, and clean up ongoing and past PFAS contamination," **said EPA Administrator Michael S. Regan**. "Communities have suffered far too long from exposure to these chemicals. This settlement is a critical step forward in our work to protect communities from pollution and hold polluters accountable for their actions."

As part of this settlement, 3M is required to offer treatment to all private well owners within 3 miles of the facility and to the Camanche Water Supply in Iowa, in an effort to remove PFAS from the drinking water. 3M is also required to offer drinking water sampling out to 4 miles from the facility for private well owners and out to 10 miles from the facility for public water systems as well as to the Quad Cities' public water systems, using EPA protocols and conducted under EPA oversight.

3M's sampling of the drinking water in private wells near the facility detected a range of concentrations including: perfluorooctanoic acid (PFOA) of non-detect to 25 ppt, perfluorooctanesulfonic acid (PFOS) of non-detect to 30 ppt, hexafluoropropylene oxide dimer acid (HFPO-DA), or "GenX" of non-detect to 59 ppt, and perfluorobutane sulfonate (PFBS) of non-detect to 51 ppt. 3M did not use EPA test methods for this sampling. As a result, the order issued today requires 3M to sample these wells again following EPA test methods.

3M was one of the original companies developing and producing PFAS within the United States, and their Cordova facility operations and discharges containing PFAS chemicals date back to the 1970s. 3M's agreement to the terms of the Order including completing the work required under EPA's oversight is an important step to begin addressing the problem created by decades of contamination. This settlement is part of EPA's ongoing efforts to compel major PFAS manufacturers to characterize and control ongoing releases from their facilities.

Background

Last year, EPA launched the [PFAS Strategic Roadmap](#), a whole-of-agency approach for addressing PFAS. The Roadmap sets timelines by which EPA plans to take specific actions and commit to new policies to safeguard public health, protect the environment, and hold polluters accountable. In the national PFAS Roadmap, EPA commits to investigate releases of PFAS and where needed require manufacturers to characterize and control their PFAS releases. In the Roadmap, EPA also commits to take swift action to address potential endangerments to public health. EPA is actively working with its state partners on this effort, which will build upon valuable work led by a number of states.

Per- and polyfluoroalkyl substances, collectively called "PFAS," are a group of man-made chemicals that have been manufactured and used in industry and consumer products since the 1940s. There are thousands of different PFAS chemicals, some of which have been more widely

used and studied than others. [More information on EPA Order to sample drinking water near the 3M Cordova Facility.](#)

1102 ID – Infrastructure: [\\$1 million awarded by ID DEQ to improve ID drinking, wastewater systems](#)

1102 CA – Infrastructure: [EPA Awards CA \\$609 Million in Federal Funding to Improve Water Quality](#)

1102 US - [EPA publishes Fifth Drinking Water Contaminant Candidate List \(WaterWorld\)](#)

1102 TX – Misc: [Friendswood needs additional water line, plant upgrades, study finds](#)

1102 CA – Drought/Reuse: [San Diego begins construction on advanced water recycling plants](#)

1102 KY – Infrastructure: [BGDN: Water, wastewater infrastructure receive 2nd state funding boost](#)

1102 US - [EPA Awards \\$2.9 M to ID/Measure Economic Benefits of Improved Water Quality](#)

1102 US – NTIS Cybersecurity Program: Securing Water and Wastewater Utilities:

Open for Public Comment *Draft Project Description for Securing Water and Wastewater Utilities: Cybersecurity for the Water and Wastewater Systems Sector* **Seeking Feedback**

The National Cybersecurity Center of Excellence (NCCoE) has published for comment a draft project description, [Securing Water and Wastewater Utilities: Cybersecurity for the Water and Wastewater Systems Sector](#). We are seeking feedback from all stakeholders in the water and wastewater utilities sector. In our efforts to ensure our guidance can benefit the broadest audience, the NCCoE is especially interested in hearing from water utilities of all sizes: small, medium and large. The public comment period is open until December 19, 2022.

Project Description

Many U.S. Water and Wastewater Systems (WWS) sector stakeholders are utilizing data-enabled capabilities to improve utility management, operations, and service delivery. The increasing adoption of network-enabled technologies by the sector merits the development of best-practices, guidance, and solutions to ensure that the cybersecurity posture of facilities is safeguarded.

The NCCoE project will demonstrate solutions to protect the cybersecurity of infrastructure within the operating environments of WWS sector utilities that address common cybersecurity risks among water and wastewater systems utilities. This project will address areas that have been identified by WWS stakeholders, including: asset management, data integrity, remote access, and network segmentation.

The NCCoE will demonstrate use of existing commercially available products to mitigate and manage these risks. The findings can be used as a starting point by utilities in mitigating cybersecurity risks for their specific production environment. This project will result in a freely available NIST Cybersecurity Practice Guide.

Submit Your Comments The public comment period for this draft is open through December 19, 2022. [See the publication details](#) for a copy of the draft and instructions for submitting comments. We value and welcome your input and look forward to your comments.

Get Engaged You can continue to help shape and contribute to this and future projects by joining the NCCoE's Water Sector Community of Interest. [Visit our project page to join.](#)

1102 US - [EPA Issues Final List of Contaminants for Potential Regulatory Consideration in Drinking](#)

Water, Significantly Increases Today, the U.S. Environmental Protection Agency (EPA) published the Final Fifth Drinking Water Contaminant Candidate List (CCL 5), which will serve as the basis for EPA's regulatory considerations over the next five-year cycle under the Safe Drinking Water Act. This update includes a substantial expansion of per- and polyfluoroalkyl substances (PFAS), an important first step towards identifying additional PFAS that may require regulation under the Safe Drinking Water Act.

"Following public engagement and robust scientific review, the final contaminant candidate list is the latest milestone in our regulatory efforts to ensure safe, clean drinking water for all communities," **said EPA Assistant Administrator for Water Radhika Fox.** "As EPA takes action to protect public health and the environment from PFAS, including proposing the first nationwide drinking water standards later this year, today's final CCL 5 looks further forward to consider additional protective steps for these forever chemicals."

A year ago, EPA published the **PFAS Strategic Roadmap**, outlining an Agency-wide approach to addressing PFAS in the environment. Today's announcement strengthens EPA's commitment to protect public health from impacts of PFAS and support the Agency's decision-making for potential future regulations of PFAS.

In addition to a group of PFAS, the Final CCL 5 includes 66 individually listed chemicals, two additional chemical groups (cyanotoxins and disinfection byproducts (DBPs)), and 12 microbes.

In developing the Final CCL 5, EPA requested public nominations, providing an opportunity for people to make recommendations to the Agency about specific contaminants of concern that may disproportionately affect their local community. EPA further enhanced the CCL process based on comments received on this CCL and previous CCLs, including by prioritizing data most relevant to drinking water exposure, improving considerations of sensitive populations including children, and considering the recommendations included in the **[Review of the EPA's Draft Fifth Contaminant Candidate List \(CCL 5\)](#)** report from the Science Advisory Board. These improvements resulted in a Final CCL 5 that can better inform prioritization of contaminants for potential regulatory actions and/or research efforts. **[More information on the final Fifth Contaminant Candidate List \(CCL 5\).](#)**

1102 FL – Misc: **[After Jan, Florida's waterways could remain polluted for months](#)** *Kasha Patel and Steven Mufson, The Washington Post* In the weeks since Jan pulled away from the Sunshine State, city workers and concerned citizens filed hundreds of pollution reports to the state's Department of Environmental Protection.

1101 TX – Infrastructure: **[Smith County approve ARPA funding for water/sewer issues in Winona](#)**

1101 IL – Infrastructure: **[Illinois EPA invests in local water project](#)**

1101 TX – Infrastructure: **[Katy officials approve \\$1.25M rehabilitation project at water storage plant](#)**

1101 MN – Drought: **[Near-record drought conditions take toll on Minnesota](#)**

1101 TX – Infrastructure: **[\\$52 Million WIFIA Loan to Modernize Drinking Water Infrastructure in TX](#)**

1101 OH: **[EPA: Lakewood, OH agrees to Improve Systems to Reduce Discharges of Raw Sewage](#)**

1101 MS – Misc: **[EPA: Water in Mississippi's capital city is safe to drink](#)**

1101 VA – Merger: **[Rockingham County working toward purchasing Massanutten water system](#)**

1101 TX – Supply: **[TX plan to provide water for growing population virtually ignores climate](#)**

[change](#)

1031 MN – PFAS: [MN buys 'cutting-edge' technology to remove PFAS from water in East Metro](#)

1031 PA – Infrastructure: [Pittsburgh receives \\$139M for drinking water, security improvements](#)

1031 WUS - Bureau of Reclamation laid out three options for water conservation along the Colorado River amid overuse and the effects of drought and climate change: force California, Arizona and Nevada to accept water supply cuts for the 2023-24 water year, have seven Western states work out their own reduction plan, or do nothing at all. The public has until Dec. 20 to provide comments to the agency on the proposed options. ([Reuters](#))

1030 CA – Drought: [California Drought: Could cloud seeding solve the water crisis?](#)

1029 MS – Supply: [Mississippi governor extends Jackson water emergency order](#)

1029 MI – Lead: [EPA grants funding extension for Flint water service line replacement](#)

1028 US – PFAS: [EPA: EPA Awards Nearly \\$750,000 in Funding to Research PFAS Exposure Pathways](#)

1028 WUS – Supply: [Feds open door to intervention in Colorado River drought](#)

1028 NH – Oversight: [Franklin working on ordinance to protect its drinking water](#)

1028 WUS - Interior threatens Colorado River cuts E&E - After Western states failed to come up with a plan to cut their use of Colorado River water, the Interior Department Friday said it is preparing to take steps to control the flow and keep hydropower dams generating electricity. It could overhaul the operations of the Glen Canyon and Hoover dams, saying the federal government is crafting a plan that could further slash water deliveries to California, Arizona and Nevada. Its been over two months since seven Western states missed a deadline to agree on how to reduce consumption by up to 4 million acre-feet in 2023.

1027 WUS – Drought/Supply: [Arizona's Sen Kelly slams California on Colorado River use](#) Jonathan J. Cooper and Kathleen Ronayne, *The Associated Press* California communities exposed to hazardous dust by a drying lake bed have found themselves at the center of tensions between Arizona and California over how to conserve water along the overtaxed Colorado River.

1027 MN – Misc: [Fox News: CBS calls out 'inconvenient truth' behind Biden's 'clean energy' electric vehicle push \(impact on drinking water\)](#) In a report aired on Thursday's "CBS Mornings," CBS News environmental reporter Ben Tracy traveled to Tamarack, Minnesota, where residents told him they were concerned a nickel mine being developed on local farmlands would have a toxic impact on their water. Ironically, the mine was funded through a grant by the Biden administration to develop batteries for **electric vehicles**, as part of its "green energy" agenda. "75% of battery manufacturing is done in China. To change that, the Biden administration is awarding \$2.8 billion in grants to a dozen states all in an effort to boost battery production. ..."A group of homeowners worried about sulfuric acid runoff from the mine leaking into pristine waterways have banded together to fight the project," he reported..The corporation conducting the drilling project, Talon Metals Corp, received \$114 million from **last year's Infrastructure bill** to develop a processing facility for the nickel mine. "Talon hopes to open the Minnesota mine in 2026 when the only other U.S. nickel mine is set to close. It says it will create 300 jobs in the poorest county in the state. The company already has a deal to supply nickel to Tesla. Now it's up to the state of Minnesota to approve the mine, and some people who live here have questions," Tracy said. "Where is the scientific data that says this is safe?" one local woman asked Tracy. Another homeowner said, "Asking Talon or asking any mining company about how they're going to take care of

the community and the environment is kind of like asking the fox how he's taking care of the chicken coop."

1027 WUS- Drought: [Drought in the Great Plains and Midwest is getting more intense, federal report shows](#)

Ben Adler, Yahoo News A drought in the Great Plains and the Midwest has quickly grown in its size and severity in the last month, according to an update released Wednesday by the National Integrated Drought Information System (NIDIS).

1027 US - EJ: [Racial/income disparities beset EPA, state wastewater funds](#)

Hannah Northey, E&E News As the federal government injects a historic amount of money from the bipartisan infrastructure law into the nation's sewage and drinking water systems, research shows the money has not historically reached the underserved rural and minority communities that need it most.

1027 TX - Infrastructure: [Tyler City Council approves contract to design water main improvements](#)

1027 US- Research [EPA Awards Nearly \\$2M in Research and Issues Action Plan to Help Small Communities Protect Public Health and Increase Access to Clean Water](#)

- Today, the U.S. Environmental Protection Agency (EPA) released its Lagoon Wastewater Treatment Action Plan and announced nearly \$2 million in research grant funding to accelerate innovative and alternative wastewater treatment technologies in lagoon and pond systems serving small communities. Through research grants and the first ever Action Plan, EPA is providing equitable, accessible, and coordinated technical and financial programs, resources, and assistance that will help improve public health and clean waterway protections for rural, small, and Tribal communities that rely on lagoon wastewater treatment systems.

"Many small and rural communities in the United States rely on a wastewater treatment process that falls short of environmental and public health protection," said **EPA Assistant Administrator for Water Radhika Fox**. "The Lagoon Action Plan will help communities with lagoon systems ensure their local water quality isn't impacted by improper wastewater management." "Lagoon wastewater systems are essential to many small, rural, and Tribal communities," said **Chris Frey, Assistant Administrator for EPA's Office of Research and Development**. "EPA is funding this research to help improve water quality and better serve these communities." Lagoon wastewater treatment systems are a common form of decentralized wastewater treatment that uses earthen ponds to break down wastewater using natural biological processes. These systems are particularly attractive to small or rural communities because of their low operating cost, built-in solids storage, and low minimal operating requirements. The Lagoon Action Plan outlines critical actions that EPA will implement through 2026 to assist rural, small, and Tribal communities with lagoon wastewater treatment systems. The plan will identify how many lagoon wastewater treatment systems are in the United States; provide financial and technical assistance tools – including tools to help underserved communities access Bipartisan Infrastructure Law funding; develop cost and performance data for technologies, regulatory support tools, and plans for community engagement, communication, and partnerships. EPA is awarding \$2 million to research and provide information that can help small communities deploy demonstrated innovative water technologies for lagoon systems, which will help achieve better nutrient management in a cost-effective manner. The following universities will be receiving an award: Michigan Technological University, Houghton, Mich., to deploy and test a floating treatment wetland system in a lagoon in a small community in northern

Michigan. West Virginia University, Morgantown W.Va., to evaluate current and potential technology options to remove nutrients from lagoons systems and use this information to develop a decision-support tool that can be used to determine cost-effective technologies that can improve nutrient removal in lagoon systems in small communities. [Learn more about the funded recipients.](#) Learn more about [EPA research grants.](#)

Background Small lagoon communities typically serve fewer than 3,000 people and frequently lack the necessary financial and technical resources to comply with the Clean Water Act (CWA). Many of these communities utilized lagoon wastewater systems as the only way to treat their community wastewater. Over 4,500 of these facilities are discharging lagoon wastewater systems that do not rely on more advanced supplemental technology; this is about one-quarter of the nation's Publicly Owned Treatment Works (POTWs) regulated by the National Pollutant Discharge Elimination Systems (NPDES) program.

EPA has a 30+ year history of helping communities invest in water infrastructure projects, like lagoon systems. Since 1988, the Clean Water State Revolving Fund (CWSRF) has provided over \$153 billion in low-cost assistance to borrowers across the country – with small communities receiving almost \$35 billion. And thanks to additional funding from the Bipartisan Infrastructure Law (BIL), over \$3 billion is available through the CWSRF in FY 2022, of which a significant portion will be made available as grants or forgivable loans and below market rate loans, down to 0% interest. Through the *Closing America's Wastewater Access Gap Community Initiative*, EPA and USDA-RD are leveraging technical assistance to help historically underserved communities access these funding sources to address their wastewater needs.

- 1026 AZ – Drought: [2022 Election: Water Regulation and Spending Punctuate State and Local Ballots](#)
- 1026 CA – Drought: [State Attorney General Issues 'Alert' Over Drinking Water Shutoff Rules](#)
- 1026 VT – Infrastructure: [Scott releases 30M for village water and wastewater infrastructure](#)
- 1026 NV – Infrastructure: [EPA Awards NV \\$9 Million to Improve Water Quality](#)
- 1026 MI – Infrastructure: [Nine MI communities to receive \\$15 million to upgrade water systems](#)
- 1025 AK – [EPA to propose requiring Wrangell wastewater plant to disinfect sewage discharges](#)
- 1025 ID – Misc: [US Justice Department sues Idaho city over water pollution](#)
- 1025 IL – Misc: [EPA, Justice Department Announce Flexsteel Industries Agrees to Pay for the Cleanup of the Lane Street Ground Water](#)
- 1025 PA – Infrastructure: [Tioga County village gets additional \\$1.2M for drinking water system](#)
- 1025 OK – Infrastructure: [Collinsville unveils multi-million dollar water treatment facility](#)
- 1025 MI – Lead: [The Hill: Flint prosecutors say they will appeal after charges dropped in water case](#)
- 1025 TX - Drought: [Waco experiencing over a year of drought](#)
- 1024 US – PFAS: [EWG: It's time to designate 'forever chemicals' as hazardous substances 'expeditiously,' 150 Environmental groups say](#)
- 1022 CA- Drought: [Marin Municipal Water District explores new conservation triggers](#)
- 1022 MS – Drought: [Before and after: See how the Mississippi River and its tributaries have dropped to record lows](#)
- 1021 US – Lead: [EPA Announces \\$3.65 Million Grant to Rural Community Assistance Partnership to Reduce Lead in Drinking Water](#)
- 1021 CO – Water Reuse: [Colorado to reuse water for drinking, creating new supply](#)

1021 IA- Drought: [Iowa's drought nears worst in 9 years](#)

1021 MS – Infrastructure: EPA investigating civil right complaints (shouldn't that be DOJ?) responding to complaints filed by NAACP alleging the state violated the Civil Rights Act by engaging in a "long-standing pattern and practice of systematically depriving Jackson the funds" it needed to operate and maintain its failing drinking water system. ([Politico](#))

1020 VA – Reuse: [There's Something in the Water in Virginia. Before You Say 'Yuck,' Wait.](#) *Elena Shao, The New York Times* A crucial aquifer is running low, so officials are pumping in treated sewage. It's an increasingly common strategy as heavy demand and climate change strain water supplies.

1020 HA – Misc: [EPA protects Big Island water by ordering closure of three illegal cesspools](#)

1020 US: [The Hill: 'Forever chemicals' found in water systems serving millions: GAO](#) GAO "Forever chemicals" have been identified in water systems that serve about 9.5 million people in just six states 500,000 people in Ohio, 300,000 people in New Hampshire and fewer than 100,000 people in Vermont. In addition to finding the chemicals in the DRINKING WATER systems at large, the GAO report also called on the EPA to do further analysis of whether disadvantaged communities faced saying that in New Jersey, communities with more non-White, Hispanic and Latino, and low income residents were more likely to have PFAS in their DRINKING WATER. But, the report said, the opposite is true in Massachusetts, where these groups were less likely to have PFAS. The six states *were selected because they have developed standards or guidance for PFAS in DRINKING WATER and have collected data.*

1020 PA – Infrastructure: [Post-Gazette: PWSA receives \\$139 million in loans and grants for water main, lead line replacement](#)

1019 AZ – Drought: [E&E -Saudi Arabian dairy cows reliant on green alfalfa grown in Arizona might spit out their cud when they see the new tax bill proposed by Democratic Reps. Ruben Gallego and Raúl Grijalva.](#) In a bid to curb groundwater pumping in the drought-stricken state, the Democrats on Tuesday introduced legislation that would impose a 300 percent excise tax on water-intensive crops grown in areas experiencing at least 6-months of drought and shipped overseas. The "Domestic Water Protection Act of 2022," H.R. 9194, is aimed at Saudi Arabia's largest dairy company and its subsidiary Fondomonte, which grows alfalfa in western Arizona for export.

1019 MS – Misc: [Worker admits dumping raw waste into Jackson water system](#) *The Associated Press* William Roberts, an employee of Partridge-Sibley Industrial Services, admitted to supervising the improper disposal of industrial waste at a commercial entity in Jackson.

1019 UT – Supply: [How a Utah utility is helping an Estonian oil company hoard Colorado River water](#)

Naveena Sadasivam, Grist \$10 for 3.2 billion gallons of water? A loophole in Utah law could enable the country's first commercial oil mining operation.

1019 WUS – Infrastructure: [EPA Awards Over \\$14 Million to Improve and Protect Water Quality in Arizona, California, Nevada & Hawaii](#)

1019 US – PFAS: [EPA Should Use New Data to Analyze the Demographics of Communities with PFAS in Their Drinking Water](#) GAO-22-105135, September 30

1019 Research: [EPA Awards \\$1 Million to University of Illinois Urbana-Champaign for COVID-19 Research on Wastewater Systems to Track Current \(?\) and future pandemics.](#) – Today, the U.S. Environmental Protection Agency (EPA) announced \$1,000,000 in research grant funding to the University of Illinois Urbana-Champaign to improve wastewater monitoring to

rapidly detect the emergence and spread of infectious disease in the current COVID-19 pandemic, and to detect other pathogens that could cause future pandemics.

1019 NY- Infrastructure: [EPA: New York receives over \\$200 million in IJA funding](#)

1019 WI – Infrastructure: [EPA Announce \\$79 million in Water Infrastructure Funding from the IJAA](#)

1019 CO – Infrastructure: [50,000 southeast Colorado residents will finally get clean drinking water thanks to federal infrastructure funding](#)

1019 NE – Infrastructure: [Council OK's design agreement for wastewater treatment plant](#)

1019 US – Wastewater Treatment: [Power plant wastewater streams: Efficient and effective treatment management](#)

1018 TN – Infrastructure: [Portland part of grant to improve water infrastructure](#)

1018 NC – Infrastructure: [Union County residents fighting against a potential wastewater Plant](#)

NEWSLETTERS

[] 1107 WaterWorld

[Reservoir Renovation Requires Top-Down Refurbishment](#) To restore two water reservoirs built in the '50s, the Camp Pendleton Water Resources Division chose an epoxy polyurethane coating to limit downtime and improve useful life of the Marine Corps base's water supply for years to come.

[Practical, Pure, Potable](#) The City of Oceanside's indirect potable reuse facility is the first in San Diego County and a huge step for water independence in the area.

[EPA boosts Calif. State Revolving Fund by \\$609M](#) With California's annual base State Revolving Fund at \$144 million, the announced capitalization grants will increase the state's fund by 422 percent.

[WRF awards \\$2M through Unsolicited Research Program](#) The funding will support six research projects, ranging from PFAS measurement to pathogen removal.

[San Francisco's first approved onsite greywater reuse system operational](#) Fifteen Fifty is host to the California city's first approved and operational onsite greywater reuse system, which could reduce the building's potable water demand by up to 2.5 million gallons per year.

[3M agrees to order to address PFAS contamination near Cordova, Ill.](#) The PFAS producer has agreed an order from EPA to sample and provide treatment to address drinking water contamination around the company's Cordova, Ill. facility, including offering treatment to the Camanche Water Supply in Iowa.

[EPA publishes Fifth Drinking Water Contaminant Candidate List](#) The CCL 5, a major tool in regulating contaminants, will help guide EPA's regulatory decisions for the next five years — and it includes the entire chemical group of PFAS.

[USACE awards \\$25M water management services contract](#) Stantec-Freese and Nichols JV has been awarded a five-year contract to provide architecture and engineering services to the USACE Mobile District's Water and Wastewater Technical Center of Expertise.

[] 1107 MORGAN LEWIS: EPA Expands Definition of PFAS in Fifth Contaminant Candidate List The US Environmental Protection Agency (EPA) released on November 2 the final version of its fifth Contaminant Candidate List (CCL 5) that significantly expands the draft CCL's definition of per- and polyfluoroalkyl substances (PFAS). The new definition, which EPA revised following a year-long public comment and review process, may implicate thousands of individual PFAS chemicals for future regulation under the Safe Drinking Water Act.

in a press release [announcing its new action](#), EPA described its pre-publication release of CCL 5 as “strengthen[ing] EPA’s commitment to protect public health from impacts of PFAS and support[ing] the Agency’s decision-making for potential future regulations of PFAS.” [1]

The CCL is a list of contaminants not currently subject to national drinking water regulations, but which are known or anticipated to occur in public water systems and may therefore require future regulation under the Safe Drinking Water Act (SDWA). EPA is required to compile and publish a new candidate list every five years.[2] In doing so, the agency must consider data on the occurrence of contaminants in public water systems, consult with the scientific community and solicit feedback from the public. After publishing the CCL, EPA must initiate a separate rulemaking process with further opportunity for public comment if it decides to move forward with regulating a contaminant on the list.

Based on EPA’s review of data and information submitted during the comment period, the agency [revised the class definition of PFAS in its draft CCL 5](#) to add several PFAS subtypes that include thousands of distinct chemicals. While inclusion of a chemical on the CCL is not determinative of future regulation under the SDWA, it is the first step in the regulatory process and inclusion is often a harbinger of future action to restrict or otherwise regulate usage.

EPA’s inclusion of a class definition of PFAS on the CCL 5 is therefore a milestone in the ongoing discourse over appropriate regulation of PFAS chemicals—as a class or individually. Although EPA has stated that this revised and expanded class definition of PFAS is limited to this CCL 5 listing, the action should be considered in the context of other moves that EPA has made in recent years to quickly and assertively regulate PFAS categorically, even as data implicating toxicology, usage and fate and transport is being collected and studied.

This action is consistent with EPA’s broader PFAS strategy, outlined in the “PFAS Strategic Roadmap” published in October 2021, which laid out a comprehensive approach for researching, restricting, and remediating PFAS that extends well beyond EPA’s current regulation of just the two most well-studied PFAS chemicals, perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).

Those who may be affected by regulation of other PFAS chemicals, including many that are currently not considered harmful to human health or the environment, should stay up to date with these developments and consider how best to prepare for future regulation.

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[] 1104 ASDWA.ORG

[] President Biden Recognizes November as Critical Infrastructure Security and Resilience Month This week, President Biden recognized November as Critical Infrastructure Security and Resilience Month. The President recommitted to improving the Nation’s critical infrastructure to withstand both natural and manmade disasters, strengthening cybersecurity, enhancing the resilience of supply chains, and addressing the influence of

climate change on water sources. In his recognition, President Biden acknowledged the 50th anniversary of the Clean Water Act and rededicated the Administration's mission to delivering clean water, removing lead pipes, and utilizing the investments made in the Bipartisan Infrastructure Law. [Click here](#) to view the full statement.

□ **[EPA Announces NDWAC Meeting to Discuss Lead and Copper Rule](#)**

[Improvements Today](#) (11/4), EPA announced in a **[Federal Register notice](#)** that the full National Drinking Water Advisory Council (NDWAC) will hold virtual meeting November 30, 2022, from 10:30 a.m. to 5 p.m. ET primarily to discuss the Agency's work on the Lead and Copper Rule Improvement. Additional topics for discussion will be provided in the meeting agenda, which will be posted on EPA's **[NDWAC website](#)**. Members of the public are invited to provide oral or written statement. Information on how to register for and attend the meeting online will be provided **[here](#)** in the near future.

□ **[New USGS Paper on U.S. Public Supply Well Groundwater Quality](#)**

The U.S. Geological Survey (USGS) has published a new paper on the quality of groundwater used for public supply in the continental United States. This paper presents a comprehensive study of the quality of untreated groundwater using samples from 1,458 wells distributed across **25 Principal Aquifers** that account for 84 percent of the groundwater used for public supply in the U.S.. The samples were analyzed for 502 constituents, of which 374 have either a regulatory or nonregulatory human health benchmark. The study found that about 40 percent of the groundwater used as a source of public supply in the continental U.S. had elevated concentrations (greater than one-half of a human health benchmark) of one or more chemical constituents. Naturally occurring geogenic constituents, derived from rocks and sediment, are more prevalent (based on area) and elevated concentrations potentially affect 31 million people. Elevated concentrations of anthropogenic (human-caused) constituents potentially affect about 7 million people. Three geogenic constituents – manganese, strontium, and molybdenum – are not regulated under the Safe Drinking Water Act but may potentially affect 18 million people. The paper concludes that additional attention to manganese, strontium, molybdenum, and other unregulated geogenic constituents may be warranted. For more information, **[see the publication](#)** or contact **[Ken Belitz](#)** of USGS.

□ **[Updated Source Water Collaborative Clean Water Act infographic Tool for 50th Anniversary](#)**

The Source Water Collaborative (SWC) is celebrating the 50th Anniversary of the Clean Water Act (CWA) by re-launching the online tools that help people engage in CWA programs to protect drinking water sources. The online **[Clean Water Act and Your Drinking Water Interactive Infographic](#)** has improved usability and an updated look that shares how CWA programs can help protect drinking water sources and help people engage in these programs to protect their drinking water sources. Use the infographic to learn about different types of pollution in our waterways and how those waterways can be restored, to see what tools are available to improve protection of our drinking water sources, and learn about how you can get involved anywhere along your watershed.

The 50th CWA Anniversary and the updated SWC tool provide a great opportunity for state source water protection programs to reach out and have (more) discussions with your state CWA program partners about the connections between your programs and consider mutual goals to protect drinking water sources. For more information, the **[CWA-SDWA Full Toolkit](#)** developed in 2014 by ASDWA, ACWA, GWPC, and EPA is still very relevant and

provides more detailed information and examples on how state programs can coordinate on these efforts.

[EPA Publishes Final Fifth Contaminant Candidate List for Potential Drinking Water Regulations](#) EPA has published the Final Fifth Drinking Water Contaminant Candidate List (CCL 5). EPA will use the CCL 5 to consider whether to develop regulations over the next five-year cycle under the Safe Drinking Water Act. The Final CCL 5 includes 66 individually listed chemicals, a grouping of PFAS compounds, groups of cyanotoxins and disinfection byproducts (DBPs), and 12 microbes. Exhibit 1b on page 18 of the **[Prepublication Version of the Federal Register \(FR\) Notice](#)** includes the full list of unregulated DBPs. The group of cyanotoxins includes, but is not limited to anatoxin-a, cylindrospermopsin, microcystins, and saxitoxin. Within the final CCL 5, the Agency outlines what is included under a broad definition for PFAS. It is important to note that this definition is only applicable to CCL 5, and EPA does not plan to use this definition beyond CCL 5 at this time. Additionally, PFOA and PFOS are not included within this grouping as these two chemicals are already in the process of being regulated. EPA considered recommendations and comments from the public as part of the process for developing the final list of contaminants, as well as comments on previous CCLs. These included prioritizing data most relevant to drinking water exposure, improving considerations of sensitive populations including children, and considering the recommendations from the **[Science Advisory Board Review of the EPA's Draft CCL 5](#)**. These improvements resulted in a Final CCL 5 that can better inform prioritization of contaminants for potential regulatory actions and/or research efforts. For more information and to read the fact sheet and frequent questions, **[visit the EPA CCL 5 website](#)**.

1103 Rural Water Wire

[EPA Awards Nearly \\$750,000 in Funding to Research PFAS Exposure Pathways](#)
[EPA Announces Research, Action Plan for Lagoon Wastewater Treatment](#)
[DHS Announces New Cybersecurity Performance Goals for Critical Infrastructure](#)
[Upcoming Webinar: Changes to NSF Std. 61 & AWWA D102 – How to Select the Best Coating System Now](#) November 10, 2022 | 3:00 pm EDT | Speakers: Randy Moore and Brian Cheshire — An asset management based data-driven protocol for the selection of coating systems will be presented. **[Register Now](#)**

1103 WATERWORLD VIDEOS

[What's Going On with Wastewater Surveillance?](#) Dr. Anna Mehrotra, the Water Environment Federation's wastewater surveillance program director, discusses the past, present, and future of the growing practice.

[Advancing Water Reuse](#) Rabia Chaudhry, a national water reuse expert with the EPA, explains the agency's national Water Reuse Action Plan.

[DE&I in the Water Sector](#) Brown & Caldwell Engineers Cheyanne Harris and Katie Porter discuss the California Urban Water Agencies' Diversity, Equity & Inclusion (DE&I) toolkit and how it has been received by water agencies since its release.

1028 ASDWA

[EPA Releases Holistic Strategy to Reduce Lead Exposures](#) October 28, EPA released its **[Strategy to Reduce Lead Exposures and Disparities in U.S. Communities](#)** (Lead Strategy-see below), in conjunction with **[National Lead Poisoning Prevention Week](#)**. This first-ever, agency-wide Lead Strategy outlines how EPA will utilize its full suite of authorities, expertise, and resources to reduce lead exposure in communities overburdened by pollution and

advance the Administration's commitment to environmental justice and equity. The efforts outlined in the strategy to protect the public from lead pollution are supported by the [BIL investments](#). Through this strategy, EPA is initiating a handful of new actions and ensuring established programs across the agency are leveraged together to ensure the strongest protections from lead exposure, including: [Lead Service Line Replacement Accelerators in four states, which will provide targeted technical assistance and develop best practices to help address the barriers disadvantaged communities face in replacing lead service lines.](#) New federal agency collaboration with the Food and Drug Administration and the Consumer Product Safety Commission to address lead in food, cosmetics, and other consumer goods. The development of new educational and engagement materials on children's health and maternal health regarding lead and heavy metals in cultural products and cookware. [EPA Lead Strategy_Oct 2022](#)

[CISA Releases Cross-Sector Cybersecurity Performance Goals](#) October 17 - [Cybersecurity and Infrastructure Security Agency \(CISA\)](#) released a series of [Cybersecurity Performance Goals \(CPGs\)](#) aimed at helping critical infrastructure sector partners prioritize [cybersecurity best practices](#). The CPGs, developed [at the direction of the White House](#), in coordination with the National Institute for Standards and Technology (NIST) and other agencies, provide voluntary guidance emphasizing those areas that will have the greatest impact on improving cyber resilience. CISA describes the goals document as a "quick-start guide" to help organizations adopt the [NIST Cybersecurity Framework \(CSF\)](#) and begin working towards a more comprehensive cybersecurity program. The CPGs apply to both information technology and operational technology. Along with the CPGs, CISA is releasing an accompanying [CPG Checklist](#) that prioritizes each Goal by Cost, Impact, and Complexity. CISA set up a [Discussions page](#) to receive feedback and ideas for new CPGs from partners from the critical infrastructure community. They plan to update the CPGs regularly and will work directly with individual critical infrastructure sectors as they build out sector-specific CPGs in the coming months. **To learn more about these new CPGs, visit [Cross-Sector Cybersecurity Performance Goals and Objectives | CISA](#).**

[EPA Releases Guidance on Community Grants Programs](#) October 21, EPA published the Final Implementation Guidance for the Agency's Community Grants Programs (see below). In the FY2022 Consolidated Appropriations Act (P.L. 117-103), Congress renewed the practice of funding specifically named infrastructure projects, formerly known as earmarks. This legislation appropriated over \$843 million for 483 drinking water, wastewater, stormwater infrastructure, and water quality protection projects. EPA's Guidance provides details on the pre-award phase, the application process, the award process, the post-award process, and the closeout process. The Guidance also provides the details on the local cost-share requirement and how that requirement can be met. [Community Grants Program Guidance](#)

[EPA Finalizes Additional General Applicability Waiver for BABA Requirements](#) On Friday October 21, EPA [finalized an additional waiver](#) from the requirements under the Build America, Buy America Act (BABA). The waiver, titled the "*De Minimis* General Applicability Waiver," applies to projects where qualifying products represent a small percent of the total cost of the materials used. ASDWA submitted [comments](#) when the waiver was first proposed, generally supporting EPA's decision. However, ASDWA recommended that the percentage threshold be based on project costs, not materials costs as this is a better-known

value and more easily derived. In the finalized waiver, EPA agreed that “[u]sing project cost and not material cost will simplify the calculation and would alleviate burden and confusion for assistance recipients.” In response, EPA changed the calculation from material cost to project cost. Additionally, ASDWA recommended that EPA consider increasing the *De Minimis* calculation amount included in the waiver to 10% or 15% rather than the proposed 5%. In the finalized waiver, EPA maintained the 5% threshold.

[GAO Report Recommends that EPA Use New Data to Analyze Demographics of Communities with PFAS in Drinking Water](#) GAO has published a report entitled, “Persistent Chemicals: EPA Should Use New Data to Analyze the Demographics of Communities with PFAS in Their Drinking Water.” To develop the report, GAO analyzed available state PFAS occurrence data from six selected states (Illinois, Massachusetts, New Hampshire, New Jersey, Ohio, and Vermont) and held discussion groups and interviews with officials from 49 states. The report examines: What recent data from the six states show about the occurrence of PFAS in drinking water; The demographic characteristics of communities in those states with and without PFAS in their drinking water; and Factors that influenced states’ decisions to test and develop standards or guidance for PFAS in drinking water, as well as barriers the states encountered. GAO found that the limited amount of available data inhibited the ability to determine whether disadvantaged communities across the nation are more likely to have PFAS in their drinking water. Therefore, GAO recommended that EPA conduct a nationwide analysis using comprehensive data to determine the demographic characteristics of communities with PFAS in their drinking water. EPA agreed with the recommendation and will use the PFAS sampling data collected during the Fifth Unregulated Contaminant Monitoring Rule (UCMR5) beginning in January 2023 to conduct this type of analysis. For more information and to download the report, [visit the GAO website](#).

[] 1027 Rural Water Wire

[Montana DEQ Releases PFAS Surface Water Monitoring Report](#) Report provides overview of 2021 efforts to measure prevalence, magnitude of PFAS contamination in sample locations

[Oklahoma Rural Water Association Celebrates Strategic Alliance Anniversary](#) Collaboration strategically positions Oklahoma's small and rural water systems for a sustainable future

[Missouri: DNR Awards \\$2.6M in Financial Assistance to Leeton](#) City will make extensive wastewater treatment system improvements, including upgrading the existing wastewater treatment lagoon to meet future ammonia limits

[Tennessee: \\$34.5M in Water Infrastructure Investments Announced](#) Collaborative and non-collaborative grants will benefit drinking water, wastewater, and stormwater in 12 communities

[Kentucky: Funding Available to Clean up Polluted Streams, Rivers, Lakes, and Groundwater](#) Funds provided through the EPA's Nonpoint Source Program and distributed to states to support best management practices

[New Hampshire: Over \\$17.8M Awarded for Drinking Water, Wastewater and Other Projects](#) Funding provided by American Rescue Plan Act of 2021, Drinking Water and Groundwater Trust Fund, Drinking Water State Revolving Loan Fund and the Clean Water State Revolving Loan Fund to New Hampshire communities

[] 1026 Stormwater Magazine

Addressing Stormwater Infrastructure Needs in Prince George's County Prince George's County Director of the Environment, Andrea Crooms, discusses how their past work as a climate scientist informs their efforts to solve water quality and quantity in Prince George's County.

Times Change, Designs Adapt In the face of climate change, Prescott Park in Portsmouth, N.H. needed a significant resiliency intervention utilizing collaboration, expertise, and cultural awareness.

MWRD accepting applications for stormwater partnership projects The Metropolitan Water Reclamation District of Greater Chicago is accepting applications through Jan. 13, 2023, for both conceptual and shovel-ready projects that will help resolve stormwater problems

NOAA awards \$18.9M for HAB research, monitoring The administration announced funding for nine new research/monitoring awards, 31 continuing awards, and two Community-Directed Spending projects.

Calif. encourages residents to prepare for flooding With climate-driven weather extremes affecting the state, the California Department of Water Resources is highlighting the importance of preparing for flooding — even during a historic drought.

Denmark builds new pump stations for flood resistance The Ringkøbing Fjord bolstered its flood defenses with two new pumping stations, which will protect the area against a predicted rise in water levels.

Texas announces Rain Catcher Award recipients The state's Water Development Board announced five winners for its 2022 Texas Rain Catcher Award, which distributed awards across agricultural, commercial, educational, and governmental stormwater harvesting projects.

Milwaukee school plants urban forest for stormwater management A natural stormwater management system, composed of trees, berms, and swales, will be able to mitigate more than 170,000 gallons of stormwater during extreme rain events while also growing vegetation and offering a unique learning experience.

1026 EPA WICRD Partners E-mail Blast

Listed below are the most recent EPA - Water Infrastructure and Cyber Resilience Division (WICRD) resilience updates and opportunities for drinking water utilities, wastewater utilities, and state primacy agencies

National Critical Infrastructure Security and Resilience Month Infrastructure Security Month is held annually in November to promote the vital role of critical infrastructure and why it is important to strengthen the security and resilience of America's critical infrastructure. Join the U.S. Environmental Protection Agency (EPA) in celebrating Infrastructure Security Month with resources and tools to help your utility secure infrastructure and increase resilience to natural disasters and malevolent acts that threaten the water sector.

EPA, NRWA, and RCAP are launching a new Very Small Drinking Water and Wastewater System Resilience Continuing Education Unit (CEU) Program EPA WICRD, the National Rural Water Association (NRWA), and the Rural Community Assistance Partnership (RCAP) will provide signed certificates for up to three personnel at community drinking water systems (CWSs) that serve less than 3,301, non-CWSs, and wastewater systems who create risk and resilience assessments (RRAs) and emergency response plans (ERPs). The

certificates can be submitted to state or tribal operator certification programs to receive continuing education unit (CEU) credit hours towards the operator's license renewal, if allowed by their state or tribal operator certification program. This CEU program will serve as an incentive for water and wastewater systems who do not have to comply with America's Water Infrastructure Act (AWIA) Section 2013 to prepare RRAs and ERPs. Please visit [epa.gov/waterresilience/awia-section-2013-under-3301](https://www.epa.gov/waterresilience/awia-section-2013-under-3301) for more information on the new program and email dwresilience@epa.gov with any questions.

Creating Resilient Water Utilities Initiative Drinking water and wastewater (water sector) utilities face many challenges from the impacts of climate change, including changing water availability, worsening droughts, intensifying floods, and extreme precipitation events. Recent extreme weather events such as Hurricane Ian or 2012's Superstorm Sandy have been exacerbated by climate change. To continue to provide clean and safe water to the public, water sector utilities must address the complexities of climate change impacts. EPA's [Creating Resilient Water Utilities](#) (CRWU) initiative helps utilities identify, plan, and implement climate change adaptation strategies. CRWU provides environmental projection data, risk assessment tools, training, and technical assistance to utilities looking to take up the challenge of climate resilience.

Technical Assistance: Beginning November 2022, CRWU is kicking off technical assistance assessments with 12 drinking water and wastewater utilities. Each utility will have the choice of using the [Resilient Strategies Guide](#) or the [Climate Resilience Evaluation and Awareness Tool](#) to gain a better understanding of their climate change impacts and strategies to address them. These utilities are in Arkansas, Hawaii, Nebraska, North Dakota, Maryland, Montana, Vermont, and Washington. Three of the 12 utilities are in tribal communities.

Wildfire Data Map: Climate change influences the wildfire conditions experienced across the United States. CRWU's new [Wildfire Conditions and Risk Map for Water Utilities](#) helps water sector utilities understand wildfire risk by visualizing current wildfires, historical wildfire trends, and community risk to wildfire across the US including Alaska and Hawaii. The map features real-time wildfire data layered with real-time drought forecasts to highlight the connection to our changing climate. Explore wildfire conditions in your area [Here](#).

Snowpack Data Map: With climate models projecting rising temperatures and more variable precipitation, understanding snowpack trends is essential for water sector utilities in the Western United States. CRWU's new [Snowpack Change in the Western United States](#) map explores the connection between climate change and changing snowpack resources and provides data to assist utility adaptation efforts. Explore snowpack projections and case studies [Here](#). For more information on CRWU projects, please contact Curt Baranowski (Baranowski.curt@epa.gov), Wesley Wiggins (Wiggins.wesley@epa.gov), and Audrey Ramming (Ramming.audrey@epa.gov)

Upcoming Workshop and Webinar

EPA Region 8 Wastewater ERP Workshop, November 2 and 3, 8 am – 11 am MT: EPA will conduct an Emergency Response Plan (ERP) workshop to assist wastewater utilities with developing or updating their ERPs. This workshop will describe strategies, resources, plans, and procedures for wastewater utilities to prepare for and respond to all-hazard incidents. The WICRD Cybersecurity Branch will participate to provide an overview of

cybersecurity for wastewater systems, including common attacks and basic countermeasures utilities can take to improve their cybersecurity posture. [Register Here](#)

Learn the Three Rs – Response, Recovery and Resilience Webinar, November 30, 2-3 pm EST: Join the EPA to learn about an updated on-line, self-guided training course on the three Rs – Response, Recovery and Resilience. The webinar will introduce the updated Bootcamp training for water utilities. [Register Here](#)

Month	Exercise/ Workshop Dates/time	Description	[] 1024 PFAS Update: October 2022 State- by-State
December	Colorado Water, Energy, and Emergency Management Virtual Workshop December 7, 2022, 9 am – 3 pm MT	EPA and the Colorado Water and Wastewater Agency Response Network (CoWARN) will conduct a virtual workshop that will include presentations and a virtual table-top exercise. The workshop will focus on power outages and how they affect both water and electric utilities as well as the role of emergency management agencies during a power outage. The target audience is drinking water, wastewater and electric utilities and local and state emergency management staff. Register Here.	

Groundwater Regulations

Bryan Cave Leighton Paisner LLP [View original](#) In the absence of federal cleanup standards for per- and polyfluoroalkyl substances (“PFAS”) in groundwater, numerous states have started the process of regulating PFAS in groundwater themselves. As a result, states have adopted a patchwork of regulations and guidance standards that present significant compliance challenges to impacted industries. This client alert explores the current landscape of state regulations regarding the guidance, notification, and cleanup levels for PFAS – typically perfluorooctane sulfonic acid (“PFOS”) and perfluorooctanoic acid (“PFOA”) – in groundwater.

I. Federal Health Recommendations and Advisory

Although no legally binding standards for groundwater have been issued at the federal level, the United States Environmental Protection Agency (“EPA”) has issued an influential document: [Interim Recommendations to Address Groundwater Contaminated with PFOA and PFOS](#). The key details are:

Date: Implemented on December 19, 2019.

Site Applicability: All locations that are currently undergoing federal cleanup actions.

Recommendations:

Apply a screening level of 40 ppt for PFOA and PFOS, individually or combined, to determine if the compounds are present at a site and may justify additional actions.

Apply EPA’s 2016 Drinking Water Health Advisory of 70 ppt for PFOA and PFOS, individually or combined, (“HA”) as the preliminary remediation goal for contaminated groundwater that is a current or potential source of drinking water.

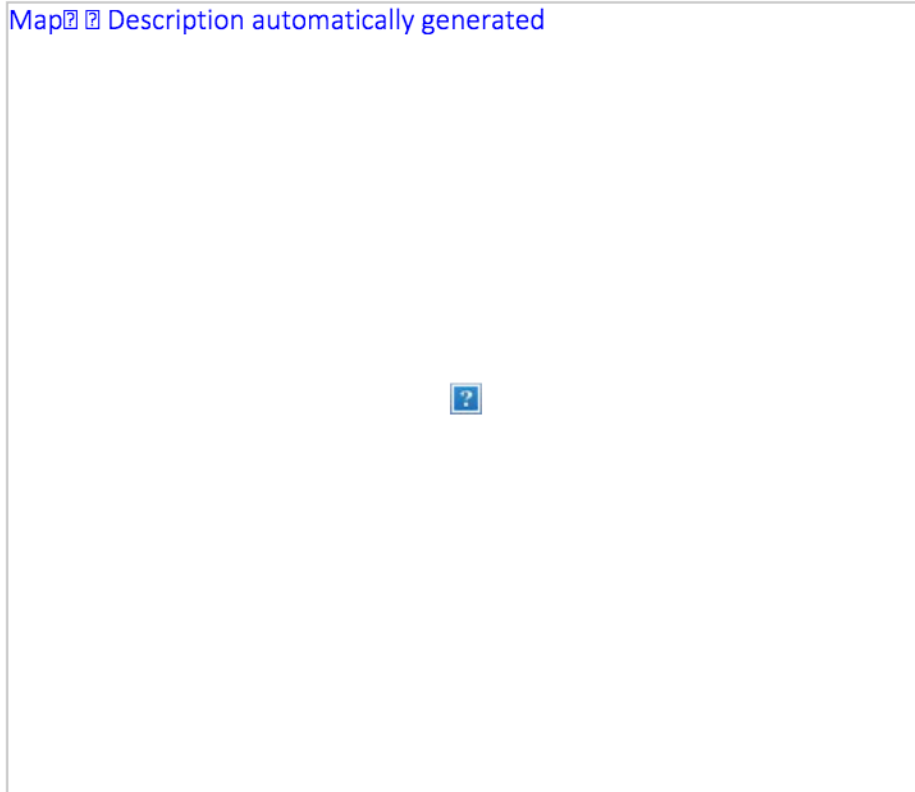
While the HA is not legally enforceable, several states have nevertheless used EPA’s recommended 70 ppt as a baseline for establishing groundwater limits.

II. State Regulations

The snapshot provided below is current as of October 20, 2022 but it is important to

note that this is a rapidly developing regulatory space. Some states, such as [Illinois](#), [North Carolina](#), and [Rhode Island](#), have proposed new or revised groundwater regulations for various PFAS substances that may take effect soon.

Businesses should consider whether they currently use or discharge any PFAS compounds, and if so, evaluate if any state regulations apply, particularly if they operate in any of the below-listed jurisdictions. In addition, owners of property with legacy PFAS use, and prospective purchasers of commercial and industrial properties, should review the most current groundwater quality standards as part of the due diligence process.



States	Concentration Level	Type of Regulation	Information
Iowa	0.004 ppt for protected groundwater sources (stated by the Iowa Department of Natural Resources as 0.000000004 mg/L)	PFOA (Advisory)	Statewide Standards
Iowa	0.02 ppt for protected groundwater sources (stated by the Iowa Department of Natural Resources as 0.00000002 mg/L)	PFOS (Advisory)	Statewide Standards
Illinois	2 ppt (stated by the Illinois Pollution Control Agency as 2 ng/L)	PFOA (Guidance)	Regulation and Related Information
New Jersey	2 ppt (stated by the regulation as 0.002 µg/L)	Chloroperfluoropolyether carbonates (Clean Up)	Regulation and Related Information Regulation and

Michigan	6 ppt	PFNA (Clean Up)	Related Information
Michigan	8 ppt	PFOA (Clean Up)	Regulation and Related Information
Washington	9 ppt (stated by the Washington Department of Ecology as 9 ng/L)	PFNA (Guidance)	Related Information
Washington	10 ppt (stated by the Washington Department of Ecology as 10 ng/L)	PFOA (Guidance)	Related Information
New Hampshire	11 ppt	PFNA (Clean Up)	Regulation and Related Information
New Hampshire	12 ppt	PFOA (Clean Up)	Regulation and Related Information
New Jersey	13 ppt	PFNA and PFOS (Clean Up)	Regulation and Related Information
Illinois	14 ppt (stated by the Illinois Pollution Control Agency as 14 ng/L)	PFOS (Guidance)	Regulation and Related Information
New Jersey	14 ppt	PFOA (Clean Up)	Regulation and Related Information
New Hampshire	15 ppt	PFOS (Clean Up)	Regulation and Related Information
Washington	15 ppt (stated by the Washington Department of Ecology as 15 ng/L)	PFOS (Guidance)	Related Information
Minnesota	15 ppt (stated by the Minnesota Department of Health as 0.015 ppb)	PFOS (Guidance)	Health Advisory Level
Michigan	16 ppt	PFOS (Clean Up)	Regulation and Related Information
New Hampshire	18 ppt	PFHxS (Clean Up)	Regulation and Related Information
Massachusetts	20 ppt (stated in the regulation as .02 ppb)	6 PFAS Substances combined: PFOA, PFOS, PFHxS, PFNA, PFHpA, and PFDA (Clean Up)	Regulation and Related Information

Vermont	20 ppt (stated in the regulation as .02 µg/L)	5 PFAS substances combined: PFHpA, PFHxS, PFNA, PFOS and PFOA (Notification)	Regulation and Related Information
Illinois	21 ppt (stated by the Illinois Pollution Control Agency as 21 ng/L)	PFNA (Guidance)	Regulation and Related Information
Iowa	21 ppt for protected groundwater sources (stated by the Iowa Department of Natural Resources as 0.000021 mg/L)	PFNA Advisory)	Statewide Standards
Washington	24 ppt (stated by the Washington Department of Ecology as 24 ng/L)	HFPO-DA or GenX (Guidance)	Related Information
Minnesota	35 ppt	PFOA (Advisory)	Health Advisory Level (see page 181)
Hawaii	40 ppt, etc.	PFOA and PFOS; 16 other PFAS substances (Advisory)	Environmental Action Levels (see page 44)
Minnesota	47 ppt	PFHxS (Advisory)	Health Advisory Level (see page 180)
Michigan	51 ppt	PFHxS (Clean Up)	Regulation and Related Information
Washington	65 ppt (stated by the Washington Department of Ecology as 65 ng/L)	PFHxS (Guidance)	Related Information
Colorado	70 ppt	Site-specific Standard for PFOA and PFOS (Clean Up)	Site-Specific Groundwater Quality Standard
Florida, Maine, Montana, Pennsylvania, and Rhode Island	70 ppt	Follow the EPA Health Advisory Level: PFOS and PFOA combined (Guidance and Notification) Note: Maine has both residential and	Florida: Guidance Plan Maine: Maximum Exposure Guideline (see pages 36 and 60) Note: Maine has PFOS + PFOA + PFHpA + PFNA + PFHxS ≤ 70 ppt Montana: Numeric Water Quality Standard

		construction standards	Pennsylvania: Medium-Specific Concentration Cleanup Standards Rhode Island: Notification Standard Regulation and Related Information
Illinois	140 ppt (stated by the Illinois Pollution Control Agency as 140 ng/L)	PFHxS (Guidance)	Related Information
Iowa	140 ppt for protected groundwater sources (stated by the Iowa Department of Natural Resources as 0.00014 mg/L)	PFHxS (Advisory)	Statewide Standards Protective Concentration Levels (see March 2022 Tier 1 PCL Table)
Texas	290 ppt, etc.	16 Different PFAS Substances (Clean Up)	Related Information
Washington	345 ppt (stated by the Washington Department of Ecology as 345 ng/L)	PFBS (Guidance)	Regulation and Related Information
Michigan	370 ppt	HFPO-DA (Clean Up)	Regulation (18 AAC 25) and Related Information
Alaska	400 ppt (stated in the regulation as 0.4 µg/L)	PFOA and PFOS separately (Clean Up)	Regulation and Related Information
Michigan	420 ppt	PFBS (Clean Up)	Basic Comparison Levels
Nevada	667 ppt (stated in the regulation as 0.667 µg/L)	PFOS and PFOA (Guidance)	Regulation and Related Information
North Carolina	2,000 ppt	PFOA (Guidance)	Health Advisory Level (see page 180)
Minnesota	2,000 ppt	PFBS (Advisory)	Statewide Standards
Iowa	2,000 ppt for protected groundwater sources (stated by the Iowa Department of Natural Resources as 0.02 mg/L)	PFBS (Advisory)	

Illinois	2,100 ppt (stated by the Illinois Pollution Control Agency as 2,100 ng/L)	PFBS (Guidance)	Regulation and Related Information and Health Advisory Level (see page 180)
Minnesota	7,000 ppt	PFBA (Advisory)	Medium-Specific Concentration Standards and Related Information
Pennsylvania	10,000 ppt (stated in the regulation as 10 µg/L)	PFBS Residential Property (Clean Up)	Medium-Specific Concentration Standards and Related Information
Pennsylvania	29,000 ppt (stated in the regulation as 29 µg/L)	PFBS Non-residential Property (Clean Up)	Regulation and Related Information
Michigan	400,000 ppt	PFHxA (Clean Up)	Maximum Exposure Guideline (see page 60)
Maine	400,000 ppt (stated in the regulation as 400 ppb)	PFBS (Guidance) Note: Maine has both residential and construction standards	Screening Levels
Indiana	400,000 ppt (stated in the regulation as 400 µg/L)	PFBS (Guidance)	Regulation and Related Information
Illinois	560,000 ppt (stated by the Illinois Pollution Control Agency as 560,000 ng/L)	PFHxA (Guidance)	Basic Comparison Levels
Nevada	667,000 ppt (stated in the regulation as 667 µg/L)	PFBS (Guidance)	

No PFAS groundwater regulations (as of the date of publication): Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, New Mexico, New York, North Dakota, Oklahoma, Oregon, Ohio, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, Wisconsin, and Wyoming

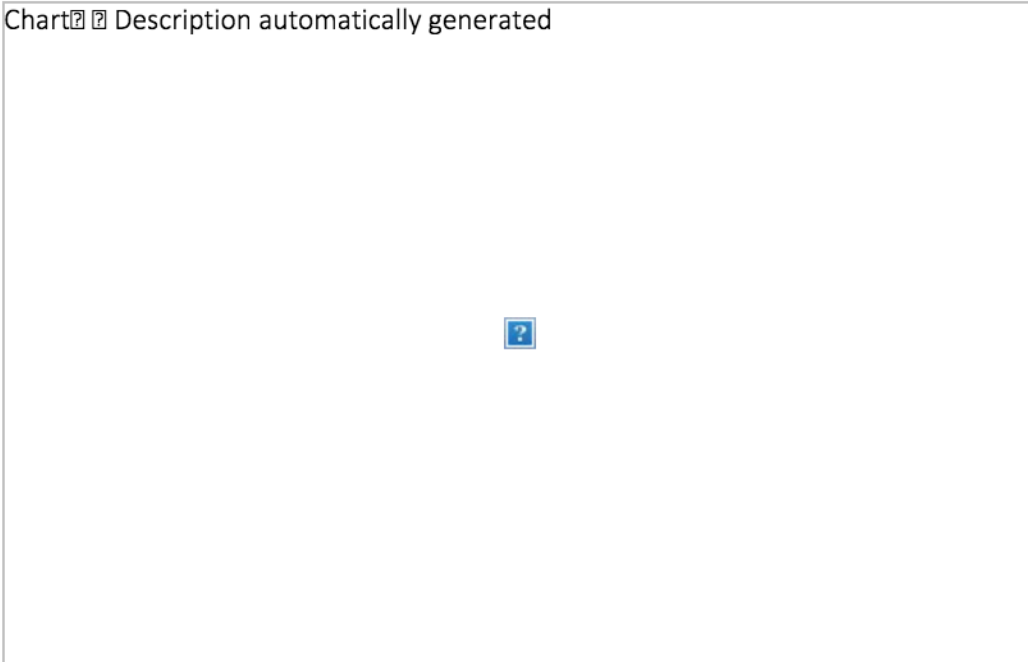
Key:

- Notification A corporate representative must inform the appropriate state official that the groundwater is above the stated limit.
- Guidance These levels are not binding limits, but they can serve as the basis for regulatory action, and are a useful tool for due diligence and risk assessment.
- Clean Up Investigation and remediation is usually required when concentration levels exceed the clean-up threshold. This is usually expressed by groundwater quality standards that identify specific clean-up criteria.

III. Additional Information Without federal PFAS standards for groundwater, states

have enacted a wide range regulatory concentration levels. For example, for PFAS substances in groundwater, the most stringent concentration is 0.004 ppt (Iowa; PFOA only) and the most lenient concentration is 667,000 ppt (Nevada; PFBS only). The following chart illustrates the discrepancies in the concentration levels only for PFOA and/or PFOS.

Chart? ? Description automatically generated



IV. Conclusion Businesses operating in the 20 states where groundwater regulations have already been enacted should consider whether they currently use or discharge any of the regulated PFAS compounds. In addition, owners of property with legacy PFAS use, and prospective purchasers of commercial and industrial properties in these jurisdictions will increasingly need to incorporate the groundwater quality standards as part of their due diligence processes.

[] 1024 Water & Wastewater Report

Looking at the Bigger Picture When water utilities consider adopting new technologies, it's important to know that digital solutions can offer immense benefits outside the traditional ROI of dollars and cents.

Journey to a Performance Management Program Robert Ervin, senior professional engineer for the City of Minneapolis Public Works - Water, explains the city's journey to a successful performance management program.

EPA awards \$14.5M to nonpoint source management in four states Arizona, California, Hawai'i, and Nevada each received significant funding to help reduce the impacts of nonpoint source pollution from runoff.

Dutch utility to pilot direct nanofiltration for drinking water Vitens is beginning a pilot program to use NX Filtration's direct nanofiltration membrane technology to produce drinking or industrial process water from the Dutch IJssel river.

Extending WIFIA loan term would benefit stormwater assets A bill making its way through congress proposed to extend EPA's WIFIA maximum loan term to 55 years — which could bring affordability to many stormwater systems' long-lived projects.

Texas awards \$11.7M for water, wastewater, flood projects The Texas Water Development Board announced a combination of financing and grants to six water infrastructure projects across the state.

[Rising sea levels are interfering with coastal septic systems](#) Research finds that, in some areas, groundwater levels are reducing the unsaturated soil thickness that is necessary for many coastal septic systems, causing untreated waste to rise to the surface or back up into homes.

[] 1024 Update on California's Regulation of PFAS - Governor Newsom Vetoes AB 2247 -

[Greenberg Glusker Fields Claman & Machtinger LLP](#) [View original](#) Last month, [we reported regarding recent actions](#) taken by the California Legislature in the regulation of per – and polyfluoralkyl substances (“PFAS”).

By way of background, PFAS are man-made chemicals used for decades and found in many different commercial, industry, and consumer products such as non-stick cookware and water repellent clothing. PFAS are known as “forever chemicals” because they do not readily breakdown. PFAS are found in the soil, groundwater, and air across the United States. Studies suggest that PFAS exposure may result in adverse health effects in humans and animals.

On August 30, 2022, the California legislature passed AB 2247. The law would require manufacturers to collect information on and publicly disclose products or product components containing PFAS that are sold or imported into California. Under the law, manufacturers would have to publicly register such products on or before July 1, 2026. Subsequently, they would have to register products sold or imported into the state during the prior calendar year by July 1 of each year. The California law defined “manufacturer” broadly to include entities that “import” the PFAS-containing products or are the “first domestic distributor of the product in the state.”

Manufacturers are off the hook for now. Governor Newsom vetoed AB 2247, stating in his [veto statement](#) that the bill may be “premature” given other regulatory efforts undertaken by the California Department of Toxic Substance Control and the U.S. Environmental Protection Agency. Governor Newsom also cited AB 2247’s significant fiscal cost, “estimated to cost millions of dollars that would result in increased Environmental Fee rates or General Fund resources for the new contract, staff support, and state oversight responsibilities.” In light of these costs, Governor Newsom cited the importance of remaining “disciplined when it comes to spending” because of California “facing lower-than-expected revenues over the first few months of this fiscal year.”

[] 1020 Rural Water Wire:

[USDA Announces Andy Berke as Rural Utilities Service Administrator](#) Berke regarded as dedicated public servant with history of advocating for rural communities

[New Steps for Drought Mitigation Funding from Inflation Reduction Act](#) Newly created Lower Colorado River Basin System Conservation and Efficiency Program aims to increase water conservation, improve water efficiency

[USDA Issues Stakeholder Announcement](#) Agency seeks applications to improve water and waste treatment for rural people living in manufactured homes

[Federal Government Launches First Ever Water Assistance Program](#) *From our latest edition!* For many low-income households across America, water affordability needs have been exacerbated by the COVID-19 public health crisis. While water costs and accessibility vary significantly from state to state, the Low Income Household Water Assistance Program (LIHWAP) provides critical nationwide emergency support on behalf of low-income households so that these households are not forced to choose between paying

for water services and other necessities.

[EPA Awards \\$1M to University of Illinois Urbana-Champaign](#) Funding will support COVID-19 research on wastewater systems to track current and future pandemics

[EPA Launches Updates to Environmental Justice Mapping Tool](#)

[Montana DEQ Seeks Projects Related to Lead Service Lines in Public Water](#)

[Supplies](#) State could receive up to \$28 million in USEPA funding

[Idaho DEQ Awards Nearly \\$543,000 to 12 Water Systems Across State](#)

[] 1019 Water Sense

Dry Weather May Be Here to Stay

Although another fall season is here, [dry weather and water shortages](#) have not let up. In fact, many western states are facing the fact that aridification is the new normal and it is more than just a temporary drought. Utilities are asking residents to adjust their water use to conserve for future emergency services and help minimize water supply shortages. You can do your part by being aware of utility watering restrictions, getting smart about your landscape irrigation, making wise plant choices, and fixing leaks and drips in your home.

Saving Energy One Drop at a Time

October is not only Energy Action Month, but it's [Shower Better Month](#) too! WaterSense makes it easy to elevate your bathroom with water- and energy-saving showerheads. Showering is one of the leading ways we use water in the home. By using less water while showering, less energy is needed to pump, treat, and heat water, which saves you money on your utility bills.

City of Round Rock Sees Solid Savings

The [City of Round Rock](#), Texas, received its first WaterSense Partner of the Year award for its rock-solid conservation and outreach efforts in 2021. The City built off Smart Irrigation Month with free irrigation check-ups for its residents and held free weekly workshops to educate them on ways to maximize efficiency of their irrigation systems. The City also conducted research on WaterSense labeled irrigation controllers installed at residents' homes and found that most had reduced outdoor water use an average of 58 percent! After completing the study, the City even checked every applicant's controller settings and corrected controllers that weren't set up properly.

Harris-Galveston Subsidence District Joins the Winners' Circle

[Harris-Galveston Subsidence District](#) (HGSD) in Texas was recognized as a WaterSense Partner of the Year for the first time for helping residents and businesses save water outdoors. In collaboration with Galveston Bay Foundation and Texas A&M Agrilife Extension Service, HGSD launched a promotional campaign, Water My Yard, utilizing funds from an EPA grant. The program provides customized recommendations to users each week on how much water is needed for irrigation, using data from an extensive network of weather stations combined with local plant water needs.

Texas-Sized Water Savings in Houston

[Houston Public Works](#) (HPW) joined the ranks of the other stellar WaterSense partners in the Lone Star State by earning its first WaterSense Partner of the Year Award. In 2021, Houston launched a Showerhead Swap initiative that provided free WaterSense labeled showerheads to customers who brought in their old models. The utility gave away nearly 500 showerheads through this program. During Fix a Leak Week, HPW partnered with the cities of Dallas and Fort Worth to host two virtual workshops focused on indoor and

outdoor leaks, which had over 400 attendees.

[] 1019 Water Research Foundation

[ES&T Journal Paper on Freshwater Salinization](#). WRF's Harry Zhang co-authored an exciting new journal paper, "Can Common Pool Resource Theory Catalyze Stakeholder-Driven Solutions to the Freshwater Salinization Syndrome?" Read on to learn about the ongoing challenge of freshwater salinization.

[] 1019 Stormwater Magazines:

[EPA's Stormwater Priorities](#) EPA Region 3 Administrator Adam Ortiz discusses the agency's stormwater priorities in the face of massive and imminent climate threats to the stability of our communities and our economy

[Eight Steps to Green Infrastructure Success](#) In 2017, a team of experts from several state DOTs set out to identify the characteristics of robust, successful, and cost-effective green infrastructure programs. Here's what they learned.

[Texas announces Rain Catcher Award recipients](#) The state's Water Development Board announced five winners for its 2022 Texas Rain Catcher Award, which distributed awards across agricultural, commercial, educational, and governmental stormwater harvesting projects.

[Milwaukee school plants urban forest for stormwater management](#) A natural stormwater management system, composed of trees, berms, and swales, will be able to mitigate more than 170,000 gallons of stormwater during extreme rain events while also growing vegetation and offering a unique learning experience

[MentorAPM selected to provide asset management to Santa Monica](#) The company will provide an Enterprise Asset Management system for the city's \$96 million stormwater harvesting and potable reuse facility and its \$72 million Olympic Well Field Restoration and Arcadia Water Treatment Plant Expansion Project.

[Research explores causes of hillslopes' connectivity](#) A study from the University of Kansas finds that hillsides' ability to drive floods and landslides is mostly caused by factors such as river steepness and seismic activity, as opposed to precipitation and aridity.

[Calif. awards \\$50.4M for flood management projects](#) The funding will support flood planning and will help implement flood risk reduction projects related to stormwater, flooding, mudslides, and flash floods.

APPENDIX E

CRITICAL INFRASTRUCTURE SECTOR NEWS

1107 Cyber: DOE warned of growing threats of grid cyberattacks through renewables and customer-owned devices like rooftop solar, electric vehicles, batteries, and smart thermostats. DERs open up new potential vulnerabilities – aka a much larger attack surface.

1106 Weather: [Texas prepares for severe weather - Yahoo News](#)

1106 Cyber: [Govt Executive: Almost Half of Phishing Attacks Target Government Employees, Research Says](#)

1104 Fire: [ENR: Fire Marshal Offers Detail on Cause of Shut Texas LNG Site Fire](#)

1103 Cyber: DHS CISA, the FBI, and the MS ISAC released a joint guide on [Understanding and responding to Distributed Denial-of-Service Attacks](#), to provide "organizations with proactive steps to reduce the likelihood and impact of distributed denial-of-service

(DDoS) attacks.”

1103 Emergency Communications: APPA released a [Public Power Storm Communication Guide](#)

1103 Resilience: NCSL released an [Energy Resilience news response](#) after Hurricanes Fiona & Ian

1103 Fuel Shortages: DOE is monitoring [diesel supply across the east coast](#)

1103 NIST Cybersecurity & Privacy Program: NCCoE Releases Final Project Description:

Responding to and Recovering from a Cyber Attack: Cybersecurity for the Manufacturing Sector The National Cybersecurity Center of Excellence (NCCoE) has released the final project description, *Responding to and Recovering from a Cyber Attack: Cybersecurity for the Manufacturing Sector*. The publication of this project description continues the process to further identify project requirements and scope, along with hardware and software components for use in a laboratory environment.

What is this project about? [Industrial control systems \(ICS\) and devices that run manufacturing environments play a critical role in the supply chain.](#) Manufacturing organizations rely on ICS to monitor and control physical processes that produce goods for public consumption. These same systems are facing an increasing number of cyber attacks, presenting a threat to safety, production, and economic impact to a manufacturing organization. The goal of this NCCoE project is to demonstrate a means to recover equipment from cyber attacks and restore operations.

Next Steps In the coming weeks, the NCCoE Manufacturing team will be publishing a Federal Register Notice (FRN) based on the final project description. If you have interest in participating in this project with us as a collaborator, you will have the opportunity to complete a Letter of Interest (LOI) where you can present your capabilities. **Completed LOIs are considered on a first-come, first-served basis** within each category of components or characteristics listed in the FRN, up to the number of participants in each category necessary to carry out the project build. If you have any questions, please reach out to our project team at manufacturing_nccoe@nist.gov.

1103 Cyber and Physical Security - Nuclear: Nuclear Regulatory Commission has made available an unclassified version of its [annual report](#) to Congress detailing the prior year’s security inspection program. The report is required under the Energy Policy Act of 2005. It covers the NRC’s security inspection program, including force-on-force exercises for commercial nuclear power reactors and Category I fuel cycle facilities for calendar year 2021. It provides information regarding the overall security and safeguards performance of the commercial nuclear power industry and Category I fuel cycle facilities to keep Congress and the public informed of the NRC’s efforts to oversee the protection of the nation’s civilian nuclear power infrastructure and strategic special nuclear material. In 2021, during the COVID-19 pandemic, the NRC conducted 176 security inspections at commercial nuclear power plants and Category I fuel cycle facilities. These inspections included 18 full triennial force-on-force inspections at nuclear power plants, involving simulated attacks on the facilities to test the effectiveness of a licensee’s physical protection program, and one triennial force-on-force inspection conducted at a Category I fuel cycle facility. The NRC’s security inspection program and publicly available results are discussed in the report. Whenever NRC inspectors identify a security finding during an inspection, they ensure the licensee implements appropriate compensatory measures to correct the situation, if not already implemented by the licensee. Details of security findings are considered sensitive and not released to the public.

1103 Cyber: Hackers are using memory devices to launch cyberattacks since detection can be

difficult. Marc Greenberg of Cadence Design Systems says, "All types of memory are potential targets for attackers." [Semiconductor Engineering](#)

1103 Cyber – SCADA SYSTEMS: [CISA Releases Three Industrial Control Systems Advisories](#)

11/03/2022 09:53 AM EDT Original release date: November 3, 2022 CISA has released three (3) Industrial Control Systems (ICS) advisories on November 3, 2022. These advisories provide timely information about current security issues, vulnerabilities, and exploits surrounding ICS. CISA encourages users and administrators to review the newly released ICS advisories for technical details and mitigations:

- ICSA-22-307-01 [ETIC RAS](#)
- ICSA-22-307-02 [Nokia ASIK 5G AirScale System Module](#)
- ICSA-22-307-03 [Delta Industrial Automation DIALink](#)

1101 FIRE: Senator Bennet (D-CO) and other members from the CO delegation, asked the Forest Service for how and when it plans to disburse \$10 billion in federal funds from the infrastructure law and the IFA to prevent and mitigate wildfires. Forest Service released a [10-year strategy](#) on wildfire management in January. Bennet wants details on the agency's triage of projects, timeline for managing forest land under the NEPA review process, and plan for collaborating with state and local officials.

1031 Software Supply Chain: CISA, NSA & the Office of the Director of National Intelligence (ODNI) partnered with industry and government experts under the Enduring Security Framework (ESF) to release, "[Securing the Software Supply Chain Recommended Practices Guide for Suppliers](#)" and accompanying [fact sheet](#).

1031 Cyber: [CISA Releases Guidance on Phishing-Resistant and Numbers Matching Multifactor Authentication](#) *10/31/2022 09:43 AM EDT* CISA has released two fact sheets to highlight threats against accounts and systems using certain forms of multifactor authentication (MFA). CISA strongly urges all organizations to implement phishing-resistant MFA to protect against phishing and other known cyber threats. If an organization using mobile push-notification-based MFA is unable to implement phishing-resistant MFA, CISA recommends using number matching to mitigate MFA fatigue. Although number matching is not as strong as phishing-resistant MFA, it is one of best interim mitigation for organizations who may not immediately be able to implement phishing-resistant MFA. CISA recommends users and organizations see CISA fact sheets [Implementing Phishing-Resistant MFA](#) and [Implementing Number Matching in MFA Applications](#). Visit [CISA.gov/MFA](#) for more information on MFA, including an infographic of the hierarchy of MFA options.

1028 CISA, FBI & the Multi-State Information Sharing and Analysis Center (MS-ISAC) released a joint guide, "[Understanding and Responding to Distributed Denial-of-Service Attacks](#)", to provide organizations with proactive steps to reduce the likelihood and impact of distributed denial-of-service (DDoS) attacks. Although DDoS attacks are unlikely to impact the confidentiality or integrity of a system and its associated data, they affect availability by interfering with the legitimate use of that system, thereby imposing a cost of time and money, and possibly reputation on the victim's business. Some of the actions listed in the joint DDoS guide that should be taken by organizations before an incident are: Understand your critical assets and services: Identify which services you have exposed to the public internet and the vulnerabilities of those services. Prioritize assets based on mission criticality and need for availability. Enroll in DDoS protection service: Protect systems and services by enrolling in DDoS protection service that can monitor network traffic, confirm the presence

of an attack, identify the source, and mitigate the situation by rerouting malicious traffic away from your network. Determine the coverage and limitations with internet service providers defenses: Engage with your internet service providers (ISP) and cloud service providers (CSP) to understand existing DDoS protections, which should include reviewing Terms of Service agreements. Develop an agency DDoS response plan: The response plan should guide the organization through identifying, mitigating, and rapidly recovering from DDoS attacks. Depending on the scale of the DDoS attack, the impact may be negligible or severe to include loss or degradation of critical services, loss of productivity, extensive remediation costs, and acute reputational damage. If an incident is suspected, some the action that can be taken include; Review indicators in the guide that can help confirm a DDoS attack, as well as contact your upstream network service provider to determine if there is an outage on their end or if their network is the target of the attack and you are an indirect victim. Deploy mitigation to include continue working with the service providers to get the DDoS attacks blocked, as well as configuration changes to the current environment and initiating business continuity plans that may assist in response and recovery. MS-ISAC offer a Guide to DDoS Attack that provides several recommended mitigations. DDoS attacks may also be used to divert attention away from other more malicious acts—malware insertion or data exfiltration—being carried out by the threat actor, so victims should stay on guard throughout a DDoS response. In the near future, CISA plans to offer a tabletop exercise that can be used by any organization to assess their security and resilience to a DDoS attack. CISA, FBI and MS-ISAC urge every organization to apply the recommended actions in this [joint DDoS Guide](#), as well as adopt our Shields Up guidance and take steps to implement necessary security and resilience measures that can reduce the likelihood of compromise. Your support to amplify this joint guide through your communications and social media channels is appreciated. And as always, thank you for your continued collaboration. Thank you. Cybersecurity and Infrastructure Security Agency Communications Sector SRMA CommunicationsSector@cisa.dhs.gov

1028 Cyber - E&C R's Release: E&C Republicans Release New Cyber Bills to Enhance Expert Agencies' Ability to Combat Attacks— House Energy and Commerce Republican Leaders introduced new solutions this week to empower federal agencies with specialized expertise, like the Department of Energy (DOE) and the Department of Health and Human Services (HHS), to combat cyber and ransomware attacks, as well as to protect our critical infrastructure, like pipelines, electrical infrastructure, telecommunications, and hospital systems. [CLICK HERE](#) to read more on the bills and Republicans' agenda, as reported by POLITICO.

“Our technology, healthcare, and energy infrastructure security require the vigilance of experts across the federal government to ensure Americans are safe. Energy and Commerce Republicans are warning of the dangers of moving to a one-size-fits-all federal approach, which will weaken agencies’ ability to leverage their expertise in cybersecurity preparedness and defense in their specific, unique sectors.” — House Energy and Commerce Republican Leader Cathy McMorris Rodgers (R-WA)

“Cybersecurity is national security, and Congress must act to ensure our grid is secure. H.R. 9234, which I’m leading with Leader Rodgers, will allow companies to quickly respond to these increasing attacks and install preventative measures without getting caught up in bureaucratic red tape. This bill is another tool in the toolbox to create safer

communities, schools, and commerce.” — Energy Subcommittee Republican Leader Fred Upton (R-MI)

“With patient care and privacy on the line, more federal leadership is needed to ensure health care providers can respond appropriately to sophisticated cyberattacks. That’s why I introduced the Department of Health and Human Services Cybersecurity Coordination Act. This bill would improve the Department of Health and Human Services’ collaboration on cybersecurity threats and enhance their real-time information sharing with health care providers on active cyber threats. This bill advances patient safety and privacy by requiring HHS to take action on cybersecurity recommendations made by the U.S. Government Accountability Office. I look forward to working with my colleagues on this bill and other measures to prevent these cyberattacks.” — Health Subcommittee Republican Leader Brett Guthrie (R-KY)

“The National Institutes of Health has left itself vulnerable to malicious cyber-attacks due to deficiencies in its information systems. My bill would require NIH’s director to implement necessary cybersecurity protections. Federal agencies like NIH must not leave the door open to bad actors that can disrupt important work being done on behalf of the American people.” — Oversight and Investigations Subcommittee Republican Leader Morgan Griffith (R-VA)

Bill summaries of new legislation introduced this week:

[] The Critical Electric Infrastructure Cybersecurity Incident Reporting Act of 2022 (H.R. [9234](#)), introduced by Reps. Cathy McMorris Rodgers (R-WA) and Fred Upton (R-MI), amends the Federal Power Act by adding a 24-hour reporting requirement to the Department of Energy’s (DOE) existing critical electric infrastructure (CEI) protection framework; directs DOE to develop a regulation to add additional clarity on the scope and scale of cybersecurity incidents that require reporting, and to develop procedures for reporting a “potential cybersecurity incident” — CISA’s Request for Information seeks input on a 72-hour incident reporting requirement. This may be appropriate for some applications, but for critical electric infrastructure a 24-hour reporting requirement is appropriate. This is consistent with Pipeline Safety 24-hour incident reporting requirements.

[] Ensuring Cybersecurity at the NIH Act (H.R. [9228](#)), introduced by Rep. Griffith, requires the NIH Director, acting through the Chief Information Officer, to implement cybersecurity protections. This includes developing a risk management strategy for cybersecurity systems, fully developing and documenting system security plans, and fully document and review policies and procedures. Additionally, it requires identifying and providing information security protections equal to the risk and magnitude of the harm that could result from unauthorized access, use, disclosure, or destruction of the information collected by the NIH.

[] The Department of Health and Human Services Cybersecurity Coordination Act (H.R. [9229](#)), introduced by Rep. Guthrie, requires the HHS Secretary to increase monitoring, evaluation, and reporting on progress and performance of various cybersecurity working groups within HHS.

This builds on several Republican and bipartisan Energy and Commerce bills:

[] Energy and Environment

The Cyber Sense Act of 2021 (H.R. [2928](#)), led by Reps. Bob Latta (R-OH) and Jerry McNerney (D-CA), will bolster U.S. electric infrastructure by encouraging coordination between the Department of Energy and electric utilities. It passed out of the House on July 7, 2021, and provisions of the bill have since been enacted.

The Enhancing Grid Security through Public-Private Partnerships Act (H.R. [2931](#)), led by Reps. Jerry McNerney (D-CA) and Bob Latta (R-OH), directs the Secretary of Energy, in consultation with States, other Federal agencies, and industry stakeholders, to create and implement a program to enhance the physical and cyber security of electric utilities. It passed out of the House on July 19, 2021, and provisions of the bill have since been enacted.

The Energy Emergency Leadership Act (H.R. [3119](#)), led by Reps. Bobby Rush (D-IL) and Tim Walberg (R-MI), will help elevate energy emergency and cybersecurity responsibilities as a core function for the Department of Energy. It passed out of the House July, 19, 2021.

[] Health

The PATCH “Protecting and Transforming Cyber Health Care” Act (H.R. [7084](#)), which was introduced by Rep. Michael Burgess (R-TX), would implement critical cybersecurity requirements for manufacturers applying for premarket approval through the FDA; allow for the manufacturer to design, develop, and maintain processes and procedures to update and patch the device and related systems throughout the lifecycle of the device; establish a Software Bill of Materials for the device that will be provided to users; require the development of a plan to monitor, identify, and address post market cybersecurity vulnerabilities; and request a Coordinated Vulnerability Disclosure to demonstrate safety and effectiveness of a device. This passed the House in H.R.[7667](#).

[] Consumer Protection and Commerce

The RANSOMWARE Act (H.R. [4551](#)), introduced by Reps. Gus Bilirakis (R-FL) and Jan Schakowsky (D-IL), requires the Federal Trade Commission to report on cross-border complaints received that involve ransomware or other cyber-related attacks committed by certain foreign individuals, companies, and governments. The report must focus specifically on attacks committed by (1) Russia, China, North Korea, or Iran; or (2) individuals or companies that are located in or have ties to those countries. This bill passed out of the House July 27, 2022.

The GUARD Act (H.R. [3262](#)), Introduced by Reps. Fred Upton (R-MI) and Debbie Lesko (R-AZ), requires the Department of Transportation (DOT) to study the state of cybersecurity regarding motor vehicles, including by developing a comprehensive list of federal agencies with jurisdiction over cybersecurity and a brief description of the jurisdiction or expertise of such agencies.

[] Communications and Technology

The Understanding Cybersecurity of Mobile Networks Act (H.R. [2685](#)), introduced by Reps. Anna Eshoo (D-CA) and Adam Kinzinger (R-IL), would require NTIA, in consultation with the Department of Homeland Security, to submit a report to Congress within 1 year examining the cybersecurity of mobile service networks, any potential vulnerabilities of these networks, and any surveillance conducted by adversaries on these networks. It passed out of the House December 21, 2022.

The Secure Equipment Act of 2021 (H.R. [3919](#)), introduced by Reps. Steve Scalise (R-LA) and Anna Eshoo (D-CA), would direct the Federal Communications Commission to clarify that it will no longer review or approve applications from companies on the FCC’s “Covered List.” The bill was signed into law on November 11, 2021.

The Information and Communication Technology Strategy Act (H.R. [4028](#)), introduced by Reps. Billy Long (R-MO), Abigail Spanberger (D-VA), Buddy Carter (R-GA), and

Jerry McNerney (D-CA), would direct NTIA to submit to Congress within one year a report analyzing the state of economic competitiveness of trusted vendors in the ICT supply chain, identify which components or technologies are critical or vulnerable, and identify components or technologies on which U.S. networks are dependent. Subsequent to this report, NTIA is directed to submit a whole of government strategy to ensure the competitiveness of trusted vendors in the United States within 6 months. It passed out of the House on October 20, 2021.

The Open RAN Outreach Act (H.R. [4032](#)), introduced by Reps. Colin Allred (D-TX), Brett Guthrie (R-KY), Tom O'Halleran (D-AZ), and Richard Hudson (R-NC), directs NTIA to provide outreach and technical assistance to small communications network providers regarding Open Radio Access Networks. It passed the House on October 20, 2021.

The FUTURE Networks Act, (H.R. [4045](#)), introduced by Reps. Michael Doyle (D-PA), Bill Johnson (R-OH), and Lucy McBath (D-GA), would require the FCC to create a 6G Task Force. It passed the House on December 1, 2021.

The NTIA Policy and Cybersecurity Coordination Act (H.R. [4046](#)), introduced by Reps. Jeff Duncan (R-SC), Susan Wild (D-PA), and John Curtis (R-UT), would authorize the existing National Telecommunications and Information Administration (NTIA) Office of Policy Analysis and Development as the Office of Policy Development and Cybersecurity. In addition to codifying the responsibilities of NTIA in administering the information sharing program established in the Secure and Trusted Communications Networks Act, the Office would be assigned functions to coordinate and develop policy related to the cybersecurity of communications networks.

The American Cybersecurity Literacy Act (H.R. [4055](#)), introduced by Reps. Adam Kinzinger (R-IL), Marc Veasey (D-TX), Gus Bilirakis (R-FL), and Chrissy Houlahan (D-PA), would require NTIA to develop and conduct a cybersecurity literacy campaign to educate the American people about common cybersecurity risks and best practices. This campaign would be aimed at individuals as opposed to businesses. It passed out of the House on December 1, 2021.

The Communications Security Advisory Act of 2021 (H.R. [4067](#)), introduced by Reps. Elissa Slotkin (D-MI), Tim Walberg (R-MI), and Kurt Schrader (D-OR) would codify the FCC's existing Communications Security, Reliability, and Interoperability Council (CSRIC). It passed the House on October 20, 2021.

1027 Cyber - If the House flips as expected – House E&C R's want to move on legislation to give DOE more oversight of grid infrastructure with respect to cyber attacks

- "Critical Electric Infrastructure Cybersecurity Incident Reporting Act of 2022," [H.R. 9234](#), would mandate a 24-hour window that utilities would have to report any cyberattacks on grid infrastructure to DOE (in lieu of the current 72-hour reporting mandate included in a spending deal earlier this year and DOE would have to develop guidance on which cybersecurity incidents would require reporting and procedures for reporting incidents. It would likely be rolled into other bills, including bipartisan legislation that passed the House earlier this Congress - [H.R. 2931](#) and [H.R. 2928](#) — to promote greater collaboration between DOE and utilities and implement a program to enhance the physical and cybersecurity of electric utilities and " [H.R. 3119](#) to elevate energy emergency and cybersecurity responsibilities as a core function for DOE.

1027 OLDER VIDEOS OF INTEREST: (1) Threats to the Electrical Grid from EMP and Solar Storms -- William Radasky, 2016 Houston Technology Center – Enterprise Forum Texas

https://www.youtube.com/watch?v=xhL_uMqYg2s (2) A Conversation With Ted Koppel | The Vulnerability of the U S Electricity Grid to Cyber Attacks
<https://www.youtube.com/watch?v=KxcNu6WZSCY>

1027 Resiliency: Gasoline shortages rippling across the East Coast are driving up pump prices from New York to Maine, potentially frustrating the Biden administration's effort to rein in energy costs ahead of the election. Pump prices in the Northeast jumped overnight, bucking the downward trend seen across the rest of the country. The culprit: Some fuel terminals in the region are running out of fuel as imports slow amid a global energy crisis.

1027 FIRE: [Burn boss arrest puts Forest Service wildfire strategy on the line](#) *Marc Heller, E&E News*
A key part of the Forest Service's approach to wildfire is on trial again after last week's arrest of an agency employee overseeing a prescribed fire in the Malheur National Forest that escaped onto a private ranch in Oregon.

1027 [CISA Stakeholder Engagement Strategic Plan 2023-2025](#), released - along with a related [blog](#).
We developed this plan with agency-wide input to help us unify our approach to stakeholder engagement through more integrated agency functions and capabilities. Building on CISA's collaboration and coordination efforts since we were established in 2018, and in alignment with the [CISA Strategic Plan for CY 2023-2025](#), the Stakeholder Engagement Strategic Plan elaborates on areas of focus for the next three years that will elevate and enhance coordinated engagement and partnership activities, including the full integration of our regional offices. These efforts will strengthen whole-of-nation operational collaboration and information sharing. The plan's three goals, summarized below, express CISA's commitment to collaboratively working with stakeholders from industry, government, the international community, academia, and others to achieve our vision for a secure and resilient critical infrastructure for the American people:

We are committed to collaboration—within CISA as well as with all our stakeholders. The plan describes how CISA will collaboratively plan and implement stakeholder engagements and partnership activities to advance a unified mission delivery.

We value stakeholder feedback and insights. We want to hear from you! Stakeholder feedback is incredibly important in shaping the development and delivery of CISA products and resources — which are critical for mission implementation.

We believe in accessibility and transparency. CISA will make it easier for stakeholders to quickly find and access relevant products and services, including actionable decision support information. As we work towards this goal, keep an eye out for updates!

Thanks to everyone who collaborated on developing this plan and helping us reach this milestone. As with any plan, however, it marks the beginning not the end of our work—and I am counting on everyone across CISA to do diligently work to make these goals a reality. Please feel free to share this information with others who may be interested. Thank you. Cybersecurity and Infrastructure Security Agency - Communications Sector SRMA
CommunicationsSector@cisa.dhs.gov

1027 Weather: [FCC to Further Strengthen Storm-Hardened Puerto Rico & USVI Networks](#)

1027 RE – PREVIOUS STORY - Companies disliked CISA's earlier released checklist approach to compliance, rather than one rooted in risk management like the National Institute of Standards and Technology's widely accepted Cybersecurity Framework. The newest version makes clear the goals still “do not cover broader approaches to risk management,” though it attempts to more closely map the goals to the NIST framework. The new goals

include reporting unsuccessful logins to security teams. Consecutive login attempts in a short period of time would trigger an analysis of that activity. CISA also recommended companies avoid storing sensitive data, such as credentials, in plain text and limit access to such information to authenticated and authorized users.

1027 Cyber: [Homeland Security: DHS Announces New Cybersecurity Performance Goals for Critical Infrastructure](#)

CISA Developed Cross-Sector Recommendations to Help Organizations Prioritize Cybersecurity Investments October 27, 2022 WASHINGTON – Today, the Department of Homeland Security released the [Cybersecurity Performance Goals \(CPGs\)](#), [voluntary practices that outline the highest-priority baseline measures businesses and critical infrastructure owners of all sizes can take to protect themselves against cyber threats](#). The CPGs were developed by DHS, through the Cybersecurity and Infrastructure Security Agency (CISA), at the [direction of the White House](#). Over the past year, CISA worked with hundreds of public and private sector partners and analyzed years of data to identify the key challenges that leave our nation at unacceptable risk. By clearly outlining measurable goals based on easily understandable criteria such as cost, complexity, and impact, the CPGs were designed to be applicable to organizations of all sizes. This effort is part of the Biden-Harris Administration’s ongoing work to ensure the security of the critical infrastructure and reduce our escalating national cyber risk. CISA developed the CPGs in close partnership with the National Institute for Standards and Technology (NIST). The resulting CPGs are intended to be implemented in concert with the NIST Cybersecurity Framework. Every organization should use the NIST Cybersecurity Framework to develop a rigorous, comprehensive cybersecurity program. The CPGs prescribe an abridged subset of actions – a kind of “QuickStart guide” – for the NIST CSF to help organizations prioritize their security investments. “To reduce risk to the infrastructure and supply chains that Americans rely on every day, we must have a set of baseline cybersecurity goals that are consistent across all critical infrastructure sectors,” said CISA Director Jen Easterly. “CISA has created such a set of cybersecurity performance goals to address medium-to-high impact cybersecurity risks to our critical infrastructure. For months, we’ve been gathering input from our partners across the public and private sectors to put together a set of concrete actions that critical infrastructure owners can take to drive down risk to their systems, networks and data. We look forward to seeing these goals implemented over the coming years and to receiving additional feedback on how we can improve future versions to most effectively reduce cybersecurity risk to our country.” In the months ahead, CISA will actively seek feedback on the CPGs from partners across the critical infrastructure community and has established a [Discussions webpage](#) to receive this input. CISA will also begin working directly with individual critical infrastructure sectors as it builds out sector-specific CPGs in the coming months. [To access these new CPGs or provide feedback, visit CISA.gov/cpgs.](#)

1026 Spills - [NC Policy Watch: Colonial Pipeline contamination spreading in Huntersville; MVP Southgate natural gas project on ice, and more](#)

he company [now estimates 2 million gallons](#) leaked from a section of pipeline that had broken roughly a month before. The groundwater contains very high levels of benzene, a known carcinogen, and other toxic contaminants related to petroleum products: toluene, xylene, naphthalene and polycyclic aromatic hydrocarbons, or PAH. Since the accident, Colonial has been pumping contaminated groundwater from the site and hauling it away for disposal. But groundwater being groundwater – it likes to move according to gravity, especially when it mingles with

gasoline – the plume is expanding. Information from Colonial’s network of monitoring and recovery wells show that, over time, gasoline has migrated “somewhat from the original release site but remains contained in the general vicinity of the release location,” a Colonial spokesperson told Policy Watch via email. To contain the plume, Colonial has installed hydraulic control wells. When they are fully operational, the wells will “generate a significant amount of additional water being extracted from the ground,” the spokesperson said.

1026 Weather: [Energy Central: Report: Texas grid still at risk](#) A federal assessment indicates the Texas electricity grid remains almost as vulnerable to extreme winter weather as it was when it nearly collapsed during a prolonged deep freeze in February 2021 — although state utility regulators contend the analysis is flawed. “The (Federal Energy Regulatory Commission) report contained inaccuracies and ERCOT has called on the agency to correct the report,” said Rich Parsons, a spokesperson for the Public Utility Commission of Texas. According to the Oct. 20 assessment by the federal commission, the ability of the ERCOT grid to handle extreme winter weather along the lines of what hit the state in February 2021 appears to be only marginally better, despite more than 18 months of effort to make the grid more dependable — as well as assurances from state regulators, and from Gov. Greg Abbott, that it is significantly improved. Consumer demand for electricity on the Texas grid could exceed available generation capacity by 18,100 megawatts under a winter scenario similar to what triggered the 2021 disaster, the report says. [OK Energy Today: FERC claims Texas power grid is as vulnerable as it was in 2021](#)

1026 FIRE: [PG&E facing \\$155 million fine over fatal 2020 Zogg Fire in Northern California](#) The Sacramento Bee [Regulators propose \\$155M fine for PG&E for 2020 wildfire - WNYT.com NewsChannel 13](#). California regulators proposed on Tuesday fining Pacific Gas & Electric more than \$155 million for sparking a 2020 wildfire in Northern California that destroyed 200 homes and left four people dead. PG&E already faces criminal charges in the Zogg fire, which state fire officials said began when a pine tree in Shasta County fell into a PG&E distribution line. In June, the [utility pleaded not guilty](#) to four counts of involuntary manslaughter charged by the Shasta County district attorney’s office. The California Public Utilities Commission said in its proposed order that the utility failed to remove two pine trees marked for removal, resulting in one falling. The commission also ordered the utility to submit a corrective action plan to ensure trees marked for removal are logged into a database and removed.

1026 Cyber: FERC Insight: October 2022 -[FERC Staff Report Offers Lessons Learned from CIP Reliability Audits](#) FERC staff’s annual report offers recommendations to help users, owners and operators of the bulk-power system improve their compliance with the mandatory Critical Infrastructure Protection reliability standards and their overall cybersecurity posture. [News Release | Report](#)

1025 Safety Zones: The Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards has joined NRC staff in validating NuScale Power's emergency planning zone boundary methodology. The methodology is based on engineering insights from probabilistic risk assessments and will be used to establish an EPZ for NuScale small modular reactor plants that is smaller but just as effective as the 10-mile radius EPZs used for existing US nuclear power plants. [Nuclear Newswire \(American Nuclear Society\)](#)

1025 Sea level rise: Acceleration of global warming and the Biden administration’s efforts to breathe new life into the US nuclear power industry are drawing renewed attention to

the sea-level rise vulnerability of coastal nuclear power plants such as Florida's Turkey Point NPP. Nuclear proponents say mitigation measures will make nuclear infrastructure resilient to this risk and that nuclear plants can help prevent such natural disasters by helping to combat global warming. [OilPrice \(UK\)](#) (

1024 Cyber: [Politico: Will new CISA guidelines move the needle on cyber defense?](#)

1024 [The Hill: America's electric utilities facing transformer shortage crisis](#)

1021 AT&T's FirstNet emergency responder network added 334,000 connections in the third quarter to surpass the 4 million mark for the 23,000 public-safety agencies it serves. CEO John Stankey cited the FirstNet business as a key driver of the carrier's wireless growth. [Urgent Communications](#)

1021 EVs & Flooding: [Why 6 flooded EVs burst into flames after Hurricane Ian](#) Lithium-ion batteries can burn for hours after igniting with the help of conductive salt water. Fires threaten to cloud the image of EVs as the administration is trying to replace millions of gas-powered cars with electric ones.

1020 Physical: EnergyWire: How a transformer shortage threatens the grid - U.S. utilities need more transformers to build the zero-carbon grid and keep the lights on after major storms. But the specialized equipment is hard to build, and manufacturers can't keep up with increasing demand. The Virginia Transformer Corp. will ship 550 of these transformers this year and expects to produce 665 next year from its plant here and three other North American facilities. But it is one of only eight companies in the United States able to manufacture the nation's largest transformers — and deliveries have fallen way behind schedule amid the Covid-19 pandemic. Indeed, the United States is undergoing a shortage of a range of transformers — spanning smaller, pole-top units on city streets to Virginia Transformer's massive units — for reasons that vary depending on the equipment

1020 Fire: [Drought, fire risk to stay high during third La Niña winter](#) *Patrick Whittle, The Associated Press* Drought and wildfire risks will remain elevated in the western states while warmer than average temperatures will greet the Southwest, Gulf Coast and East Coast this winter, federal weather officials said Thursday.

1020 Fire: [Western wildfires are making far away storms more dangerous](#) *Lauren Sommer, NPR News* In late July of 2018, massive wildfires blazed across Northern California. At the same time in Colorado, weather alerts went out warning of heavy thunderstorms and baseball-sized hail.

1020 Contamination: ['Forever chemicals' found in water systems serving millions: GAO](#) *Rachel Frazin, The Hill* "Forever chemicals" have been identified in water systems that serve about 9.5 million people in just six states, according to a new analysis of state data by a congressional watchdog.

1020 Dam Safety: [Hartford Courant: Metropolitan District to test Goodwin Dam flood warning notification sirens](#)

1020 Physical: GAO Report - National Security Snapshot: Department of Defense and Intelligence Community Preparedness for Biological Threats GAO-23-106066, October 20

1020 Cyber – Attack Surface Increases: [Distributed resources like solar and batteries open growing pathway to cyberattacks: DOE](#) *Utility Dive* - Distributed energy resources are expected to quadruple by 2025 and “pose emerging cybersecurity challenges to the electric grid,” according to a Department of Energy report.

1020 Supply Chain: [Triangle, Mavenir tout first deployed open RAN network for FCC's rip & replace](#) *By Monica Allevan* Triangle Communications couldn't wait for the U.S. government

to figure out how to cover the funding shortfall for reimbursing operators that need to rip and replace Huawei gear. So they tapped Mavenir to supply an open RAN turnkey solution that suits the needs of the operator in rural Montana.

1019 GPS interference caused the FAA to reroute Texas air traffic. Experts stumped Dan Goodin

[Ars Technica](#) The Federal Aviation Administration is investigating the cause of mysterious GPS interference that, over the past few days, has closed one runway at the Dallas-Fort Worth International Airport and prompted some aircraft in the region to be rerouted to areas where signals were working properly. The interference first came to light on October 17 when the FAA issued an advisory warning flight personnel and air traffic controllers of GPS interference over a 40-mile swath of airspace near the Dallas-Fort Worth airport. Fine-grained tracking of the interference suggested that military operations—the most common source of unintentional interference—weren't playing a role.

1018 Safety: Equinor used Elop Technology's rolling ultrasound scanner to examine concrete

infrastructure at a platform off the Norwegian coast, says Emir Evlic, Elop's interim CEO and head of sales. The technology -- which provides live 3D visualization and can detect cracks, voids and other defects -- previously had been used on land, but never before on an offshore platform, Evlic says. [Rigzone](#)

1012 Cyber – GAO Blog: Securing the U.S. Electricity Grid from Cyberattacks

<https://www.gao.gov/blog/securing-u.s.-electricity-grid-cyberattacks> Reliable electricity is essential to the conveniences of modern life and vital to our nation's economy and security. But the electricity grid is an attractive target for cyberattacks from U.S. adversaries—such as nations like China and Russia, as well as individual bad actors, such as insiders and criminals.

So, how is the electricity grid vulnerable and what could happen if it were attacked?

For National Cybersecurity Awareness Month (October), today's WatchBlog post looks at two of our [recent reports](#) on cybersecurity risks to the U.S. electric grid and federal efforts to address them.

The U.S. Electricity Grid (Go to link to see illustrations) Where are the potential weaknesses in our nation's electricity grid? The U.S. electricity grid is really three interconnected transmission grids covering the contiguous United States, as well as parts of Canada and Mexico. It is roughly divided into the western states, Texas, and the eastern U.S. and Midwest. These three interconnections operate independently to provide electricity to their regions. There are several points of vulnerability in the U.S.'s system of electricity grids. For example, grid distribution systems—which carry electricity from transmission systems to consumers—have grown more vulnerable, in part because their operational technology increasingly allows remote access and connections to business networks. This could allow threat actors to access those systems and potentially disrupt operations. Nations and criminal groups pose the most significant cyber threats to U.S. critical infrastructure, according to the Director of National Intelligence's 2022 Annual Threat Assessment. These threat actors are increasingly capable of attacking the grid. Example of an Attacker Compromising High-Wattage Networked Consumer Devices (Go to link to see illustrations) As the lead federal agency for the energy sector, DOE has developed plans to implement a national cybersecurity strategy for protecting the grid. However, [we found](#) that DOE's plans do not fully incorporate the key characteristics of an effective national strategy. For example, the strategy does not include a complete assessment of all the cybersecurity risks to the grid. Addressing this vulnerability is so important that we made it a priority

recommendation for DOE to address. We prioritize recommendations that need immediate attention.

Other actions for addressing grid cybersecurity risks

The Federal Energy Regulatory Commission (FERC)—which regulates the interstate transmission of electricity—has approved mandatory grid cybersecurity standards. But it hasn't taken steps to ensure that those standards fully address leading federal guidance for critical infrastructure cybersecurity. For example, and similar to the above, the standards do not include a full assessment of cybersecurity risks to the grid.

In 2019, [we recommended](#) that FERC consider adopting changes to its approved standards to more fully address federal guidance and evaluate the potential risks of a coordinated attack. These recommendations have not been implemented yet, leaving the grid vulnerable.

Finally, in March 2021, [we found](#) that the federal government does not have a good understanding of the scale of the potential impacts from attacks facing the component of the grid that is generally not subject to FERC's standards: distribution systems. After identifying this vulnerability, we recommended the Department of Energy (DOE)—in coordination with the Department of Homeland Security, state, and industry partners—address risks to the distribution systems.

Find out more about our work on electricity grid cybersecurity by checking out our recent reports linked above.

APPENDIX F

IIJA & IRA INFRASTRUCTURE RELEASES

1106 NTIA Announces More Than \$5.8 Million in Internet for All Grants to Minority-Serving

Colleges and Universities – The Department of Commerce's National Telecommunications and Information Administration (NTIA) recently announced two grants as part of the Connecting Minority Communities (CMC) Pilot Program, bringing the total amount of funds distributed under the program to \$27,198,200 across 12 educational institutions. The grants will be used to deliver Internet access, purchase equipment, and to hire and train information technology personnel.

Long Beach City College, which received \$2,999,978, will use the grant to support its Student Technology and Resources (STAR) program to help address gaps in Internet access among students.

Albany State University, which received \$2,997,777, will use the grant to expand access to remote learning by expanding broadband internet access, connectivity, and promoting digital inclusion in the community.

The CMC program is part of President Biden's [Internet for All](#) initiative and specifically directs \$268 million from the Consolidated Appropriations Act of 2021 for expanding high-speed Internet access and connectivity to eligible colleges and universities.

Office of Minority Broadband Initiatives

Established in August 2021 within NTIA's Office of Internet Connectivity and Growth (OICG), the Office of Minority Broadband Initiatives (OMBI) is the Department of Commerce's leader in promoting equitable broadband access and adoption at Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), Minority Serving Institutions (MSIs), and their surrounding anchor communities. Given their decades

of investment in minority students and their communities, these institutions are effective catalysts for the expansion of high-speed Internet service.

Marking one year of expanding high-speed Internet access in minority communities, NTIA's Office of Minority Broadband Initiatives (OMBI) recently released its [inaugural Annual Report](#). This report, required by the Consolidated Appropriations Act of 2021 (CAA), details OMBI's accomplishments over the office's first year, identifies barriers to high-speed Internet access in minority communities, and outlines the office's role in achieving digital equity across the United States.

1104 Treasury & IRS Release Current Year Priority Guidance Plan [2022-2023 Initial Version, Nov 4, 2022](#) - Each year, the [Treasury Department's Office of Tax Policy](#) and the IRS use the **Guidance Priority List to identify and prioritize that tax issues that should be addressed through regulations, revenue rulings, revenue procedures, notices, and other published administrative guidance. The Guidance Priority List focuses resources on guidance items that are most important to taxpayers and tax administration. Published guidance plays an important role in increasing voluntary compliance by helping to clarify ambiguous areas of the tax law. A main focus of the guidance is on the tax measures in the Inflation Reduction Act enacted in August. The plan includes projects to implement and clarify the new corporate alternative minimum tax, the excise tax on corporate stock repurchases, and changes in clean-energy tax incentives. The alternative minimum tax and the stock-buyback tax each have one project on the list devoted to them, covering a variety of issues related to those taxes, though the plan doesn't go into detail. The clean-energy incentives have a number of projects, dealing separately with matters like tax credits for electric vehicles, clean-energy manufacturing, and energy-efficiency incentives.**

1104 [EPA Seeks Public Input on Inflation Reduction Act Programs to Fight Climate Change](#) Dear State and Local Associations: Today, the U.S. Environmental Protection Agency (EPA) announced a [Request for Information \(RFI\)](#) to solicit public comment on the design and implementation of several Inflation Reduction Act (IRA) programs with total funding of about \$11 billion. You will be hearing from us soon about engagement and input opportunities specifically for our state and local partners. The News Release is [here](#).

[\[\] RFI on Greenhouse Gas Reduction Fund \(originally posted 10/21/2022\)](#) In addition, EPA recently announced an RFI and robust engagement plan on the design of the IRA's Greenhouse Gas Reduction Fund. This new program will make \$27 billion in competitive grants available to mobilize financing for clean energy and climate projects to reduce greenhouse gas emissions, especially in low-income and disadvantaged communities. You can read the full press release [here](#), and I've included additional background about the Fund at the bottom of this message. The perspective of State and local partners in designing this historic program will be crucial, so we want to be sure you're aware of several upcoming opportunities to provide input. We invite you to share the opportunities below with your members and others you know will be interested. financiers.

Register to attend the national public listening session on [November 9](#) to make comments on the design and implementation of the program.

Provide written feedback to the agency by responding to the [Request for Information](#) by December 5, 2022.

Participate in one of the engagement sessions scheduled with state and local associations

and their members in early December.

Register to participate in the [November 18 Local Government Advisory Committee Meeting](#). We thank you in advance for your input. Your perspectives and expertise will be crucial to shaping this monumental, first-of-its-kind program. For the latest announcements and information about the Greenhouse Gas Reduction Fund, please look to www.epa.gov/GHGRFund. Please direct all questions related to this program to ghgrfund@epa.gov.

Background on the Greenhouse Gas Reduction Fund:

The Inflation Reduction Act of 2022 amended the Clean Air Act to create a new program, the Greenhouse Gas Reduction Fund, which will deploy \$27 billion in competitive grants to mobilize financing for clean energy and climate projects that reduce or avoid greenhouse gas emissions, especially in disadvantaged communities. The Greenhouse Gas Reduction Fund includes:

\$7 billion for competitive grants to enable low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops. States, municipalities, and Tribal governments are among the eligible recipients for these funds;

Nearly \$12 billion for competitive grants to eligible entities to provide financial and technical assistance to projects that reduce or avoid greenhouse gas emissions; and

\$8 billion for competitive grants to eligible entities to provide financial and technical assistance to projects that reduce or avoid greenhouse gas emissions in low-income and disadvantaged communities.

Don't hesitate to reach out with any questions.

Best Regards, **Jack Bowles** Director of State and Local Relations U.S. Environmental Protection Agency (w) 202 564-3657 | (m) 202-306-5196

1104 [EPA Announces Selection of 29 EPA Environmental Finance Centers to Help Communities](#)

[Access Funds](#) – Today, the U.S. Environmental Protection Agency (EPA) announced the selection of 29 [Environmental Finance Centers](#) (EFCs) that will help communities across the country access federal funding for infrastructure and greenhouse gas reduction projects that improve public health and environmental protection. The EFCs will deliver targeted technical assistance to local governments, states, Tribes, and non-governmental organizations to protect public health, safeguard the environment, and advance environmental justice. Thanks to President Biden's Bipartisan Infrastructure Law, the selected EFCs will help underserved communities that have historically struggled to access federal funding receive the support they need to access resources for water infrastructure improvements.

"The Biden Administration is committed to ensuring that all people have access to clean air to breathe, safe water to drink, and clean land to live on," **said EPA Deputy Administrator Janet McCabe**. "To achieve this goal and protect public health, we must uplift and support underserved and overburdened communities across rural, suburban, and urban areas. The new Environmental Finance Centers EPA is announcing today will help connect communities in need with federal funding opportunities, including historic water infrastructure investments through the Bipartisan Infrastructure Law and investments in greenhouse gas and air pollution projects through the Inflation Reduction Act."

EPA will award up to \$150 million in grants to EFCs over the next five years, once all

legal and administrative requirements are satisfied. The Bipartisan Infrastructure Law provides \$98 million of the total investment through EPA's Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF), with the remainder of funds coming from EPA appropriations.

The newly selected EFCs will work to strengthen communities through projects focused on drinking water, wastewater, stormwater, solid waste, clean air, greenhouse gas reduction, and toxic substances—and a focus of their work will be supporting overburdened and underserved communities. EPA will be engaging with the selected grantees to ensure communities in need receive this critical technical assistance

About the Environmental Finance Centers Grant Program

Many communities with significant pollution challenges and infrastructure needs have not been able to access federal funding and financing programs to address these concerns. EPA recognizes that existing environmental gains cannot be preserved, nor further progress achieved, unless states, Tribes, and local governments, and non-governmental organizations have the resources to develop and sustain environmental projects.

Through the EFC grant program, technical assistance providers will help communities develop and submit project proposals, including State Revolving Fund (SRF) applications for Bipartisan Infrastructure Law (BIL) funding and greenhouse gas reduction projects through the Greenhouse Gas Reduction Fund. EFCs will support underserved communities with technical assistance to identify sustainable infrastructure solutions. These entities will provide states, Tribes, and local governments or water systems with technical assistance services to advance equitable health and environmental protections.

The 2022 selected recipients for the Environmental Finance Center Grant Program are:

Category 1 – Regional Multi-Environmental Media EFCs:

Low Impact Development Center Inc.
Michigan Technological University
National Rural Water Association
Rural Community Assistance Corporation, West Sacramento
Syracuse University
University Enterprises, Inc. dba Sac State Sponsored
University of Maine System
University of Maryland
University of New Mexico
University of North Carolina at Chapel Hill
Urban Sustainability Directors Network
Wichita State University

Category 2 – Regional Water Infrastructure EFCs:

Delta Institute
Hawaii Community Foundation
National Rural Water Association
Rural Community Assistance Corporation, West Sacramento covering EPA
Region 9
Rural Community Assistance Corporation, West Sacramento covering EPA
Region 10
Southeast Rural Community Assistance Project, Inc.

Syracuse University
University of Maine System
University of Maryland
University of New Mexico
University of North Carolina at Chapel Hill
Wichita State University
WSOS Community Action Commission, Inc.

Category 3 – National Water Infrastructure EFCs:

Moonshot Missions
Rural Community Assistance Partnership, Washington, DC
Sand County Foundation
U.S. Water Alliance

EPA announced the [Request for Applications](#) in April, and the period for submitting applications ended on July 1, 2022. Learn more about the [Environmental Finance Centers](#).

1103 Treasury and IRS released three more requests for comment BY DEC 3 on the clean-energy provisions in IRA seeking stakeholder feedback on tax credit provisions concerning [1] [commercial clean vehicles and alternative fuel vehicle refueling property](#), [2] [carbon capture](#), and [3] [clean hydrogen and clean fuel production](#).

1103 [NTIA: Biden Administration Announces More Than \\$2.9 Million in Internet for All Grant to Albany State University](#)

1102 [U.S. DoE: Biden-Harris Administration Announces State And Tribe Allocations For Home Energy Rebate Program](#) *DOE Estimates Inflation Reduction Act's Direct Consumer Rebates to Save Consumers \$1 Billion Annually as Electric Appliances Become More Affordable*

WASHINGTON, D.C. — The Biden-Harris administration, through the U.S. Department of Energy (DOE), announced nearly \$9 billion will be available to states and Tribes from President Biden's Inflation Reduction Act for consumer home energy rebate programs, enabling communities to make homes more energy efficient, upgrade to electric appliances, and cut energy costs. DOE estimates that the historic home energy efficiency and electrification consumer rebates authorized will save households up to \$1 billion annually. Inflation Reduction Act programs will include the installation of clean energy equipment like heat pumps that will lower energy costs for American families, decrease dependence on fossil fuels, and help the U.S. meet the President's goal of weatherizing two million homes and our economy-wide climate goal of cutting greenhouse gas emissions at least in half by the end of the decade.

"As energy prices remain high, this Administration is working to cut costs for working families and businesses through historic investments for consumer rebates for more efficient home improvements and energy-efficient appliances nationwide," said **U.S. Secretary of Energy Jennifer M. Granholm**. "President Biden's agenda means states will have greater resources to meet their consumers' needs and more rapidly achieve home electrification on the path to a net-zero emissions economy."

From November through January, DOE will hold a series of listening sessions to engage a wide array of stakeholders, including direct engagement with states and Tribes, labor, industry, and others, on these consumer rebate programs. Following the listening sessions, DOE will issue a Request for Information for public input in early 2023. DOE anticipates that the funding to states and Tribes will be available by Spring 2023, and the

rebates will be available to the public later in the year.

The Inflation Reduction Act includes multiple tax incentives and investments to bolster consumer home energy rebate programs which are critical for improving local air quality and public health, and cutting U.S. greenhouse gas emissions. With nearly \$9 billion to be made available through states and Tribes for consumer home energy rebate programs, focused on low-income consumers, communities will be able to electrify home appliances and perform energy efficient retrofits.

Programs that states will implement include:

The home energy performance-based, whole house rebates (HOME Rebates) for:

Rebates for energy efficiency retrofits range from \$2,000-\$4,000 for individual households and up to \$400,000 for multifamily buildings.

Grants to states to provide rebates for home retrofits.

Up to \$2,000 for retrofits reducing energy use by 20 percent or more, and up to \$4,000 for retrofits saving 35% or more.

Maximum rebates double for retrofits of low- and moderate-income homes.

The high-efficiency electric home rebate program to:

Develop a high efficiency electric home rebate program with \$225 million allocated for Tribes.

Includes point of sale rebates, administered by states.

Includes means testing and will provide 50% of the cost for incomes 80 to 150% of area median income, and 100% of the cost for incomes 80% of area medium income and below and similar tiers for multifamily buildings.

Includes a \$14,000 cap per household, with a \$8,000 cap for heat pump costs, \$1,750 for a heat pump water heater, and \$4,000 for panel/service upgrade.

Other eligible rebates include electric stoves and clothes dryers, and insulation/air sealing measures.

DOE's Office of State and Community Energy Programs works with state and local organizations to significantly accelerate the deployment of clean energy technologies, catalyze local economic development and create jobs, reduce energy costs, and avoid pollution through place-based strategies involving a wide range of government, community, business and other stakeholders.

Table 1. Inflation Reduction Act Rebate Allocations to States*

State/ Territory	Home Energy Performance-Based, Whole-House Rebate Allocations	High Efficiency Electric Home Rebate Allocations	Total Allocations Amount
Alaska	\$37,368,480	\$37,150,940	\$74,519,420
Alabama	\$73,032,210	\$72,607,220	\$145,639,430
Arkansas	\$52,739,720	\$52,433,010	\$105,172,730
American Samoa	\$25,069,710	\$24,923,740	\$49,993,450
Arizona	\$76,868,720	\$76,421,080	\$153,289,800
California	\$291,951,040	\$290,252,580	\$582,203,620
Colorado	\$70,395,350	\$69,985,890	\$140,381,240

Connecticut	\$49,830,560	\$49,541,390	\$99,371,950
District of Columbia	\$29,808,850	\$29,635,400	\$59,444,250
Delaware	\$33,029,650	\$32,837,400	\$65,867,050
Florida	\$173,668,720	\$172,657,670	\$346,326,390
Georgia	\$109,817,290	\$109,178,020	\$218,995,310
Guam	\$25,815,420	\$25,665,110	\$51,480,530
Hawaii	\$34,293,520	\$34,093,900	\$68,387,420
Iowa	\$60,827,450	\$60,473,810	\$121,301,260
Idaho	\$40,604,320	\$40,367,910	\$80,972,230
Illinois	\$132,219,190	\$131,452,470	\$263,671,660
Indiana	\$91,302,840	\$90,772,430	\$182,075,270
Kansas	\$52,971,870	\$52,663,910	\$105,635,780
Kentucky	\$67,319,140	\$66,927,750	\$134,246,890
Louisiana	\$106,593,900	\$105,972,960	\$212,566,860
Massachusetts	\$73,233,910	\$72,809,130	\$146,043,040
Maryland	\$68,611,060	\$68,212,540	\$136,823,600
Maine	\$35,936,920	\$35,728,050	\$71,664,970
Michigan	\$105,904,990	\$105,291,160	\$211,196,150
Minnesota	\$74,459,590	\$74,027,440	\$148,487,030
Missouri	\$75,807,060	\$75,366,640	\$151,173,700
Northern Marianas	\$24,984,780	\$24,839,290	\$49,824,070
Mississippi	\$52,543,050	\$52,237,320	\$104,780,370
Montana	\$35,692,560	\$35,484,830	\$71,177,390
North Carolina	\$104,918,280	\$104,307,840	\$209,226,120
North Dakota	\$37,338,470	\$37,121,060	\$74,459,530
Nebraska	\$45,813,680	\$45,547,120	\$91,360,800
New Hampshire	\$34,952,780	\$34,749,580	\$69,702,360
New Jersey	\$91,840,040	\$91,307,380	\$183,147,420
New Mexico	\$43,999,070	\$43,742,970	\$87,742,040
Nevada	\$48,200,980	\$47,920,160	\$96,121,140
New York	\$159,338,380	\$158,415,850	\$317,754,230
Ohio	\$124,875,180	\$124,150,970	\$249,026,150
Oklahoma	\$64,764,840	\$64,388,040	\$129,152,880
Oregon	\$57,046,250	\$56,714,440	\$113,760,690
Pennsylvania	\$129,980,360	\$129,226,380	\$259,206,740

Puerto Rico	\$42,698,980	\$42,451,090	\$85,150,070
Rhode Island	\$32,006,100	\$31,820,030	\$63,826,130
South Carolina	\$68,852,430	\$68,451,650	\$137,304,080
South Dakota	\$34,379,110	\$34,178,990	\$68,558,100
Tennessee	\$ 83,877,940	\$83,390,060	\$167,268,000
Texas	\$346,022,980	\$344,006,590	\$690,029,570
Utah	\$50,698,180	\$50,403,030	\$101,101,210
Virginia	\$94,537,110	\$93,987,430	\$188,524,540
U.S. Virgin Islands	\$25,660,980	\$25,511,580	\$51,172,560
Vermont	\$29,362,920	\$29,192,160	\$58,555,080
Washington	\$83,266,580	\$82,782,050	\$166,048,630
Wisconsin	\$74,904,830	\$74,470,200	\$149,375,030
West Virginia	\$44,275,290	\$44,017,970	\$88,293,260
Wyoming	\$34,686,390	\$34,484,390	\$69,170,780

*Allocation of the \$225M to specific tribal nations has not yet been determined. To learn more about home energy efficiency and electrification rebates available through Inflation Reduction Act, visit <https://cleanenergy.gov/>.

1102 U.S. DoE: DOE Announces \$43 Million To Support the Clean Energy Transition in

Communities Across the Country *Research Projects Across 19 States, the District of Columbia, and Puerto Rico Will Help Communities Improve Energy Planning, Increase Grid Resilience, and Restore Power After Disasters* WASHINGTON, D.C. — The U.S. Department of Energy (DOE) today announced \$43 million for 23 projects to help communities plan their transition to a clean energy future and improve grid reliability and security. Twenty research projects will focus on increasing communities’ resilience to disruptions from extreme weather and other disasters, and three will focus on building tools to help communities better evaluate and benefit from local energy resources. Researchers will develop and share planning methodologies, tools, technologies, and best practices that can be replicated in communities across the country as they work to install clean energy and strengthen grid infrastructure. Today’s project announcements will help communities secure their energy future and support President Biden’s goals to decarbonize the electricity sector by 2035 and achieve a net-zero economy by 2050.

Communities across the nation have faced increased disruptions in power caused by extreme weather events due to climate change. According to [NOAA’s National Centers for Environmental Information](#), the U.S. has sustained 15 climate disaster events in 2022 with losses exceeding \$1 billion each. Overall, these events have cost \$30 billion and had significant economic effects on the areas impacted. Power outages can have disastrous effects, shutting down critical services such as water, energy, communications, transportation, and other types of infrastructure.

The [Renewables Advancing Community Energy Resilience \(RACER\) funding program](#) seeks to enable communities to utilize solar and solar-plus-storage solutions to prevent disruptions in power caused by extreme weather and other events, and to rapidly restore

electricity if the power goes down. The 20 projects selected under RACER will advance innovative approaches to community energy planning and develop and demonstrate resilient clean energy technologies. These projects span over 30 diverse communities from California to Puerto Rico, and include partners from local and state governments, national labs, universities, and nonprofit organizations.

A map of the 20 RACER projects can be viewed [here](#). Examples of some projects are listed below:

Lawrence Berkeley National Laboratory (Berkeley, CA): This project will develop a framework for protecting communities and increasing heat resilience among vulnerable populations in moderate climates. (Award Amount: \$1 million)

Florida Agricultural and Mechanical University (Tallahassee, FL): This project will develop a modular solar-plus-storage energy system that can be used to increase the resilience of local vulnerable communities during pre-disaster preparedness and post-disaster restoration. (Award Amount: \$3 million)

Navajo Technical University (Crownpoint, NM): This project will develop a comprehensive energy decision support tool for the Navajo Nation using a people-centered approach where the value of energy is quantified from the perspective of its impact on the Tribal community. (Award Amount: \$900,000)

Wayne State University (Detroit, MI): This project will engage community members in Detroit and Pittsburgh to develop an open-source, open-access, community-centered distributed energy resource planning tool for energy and water resilience enhancement in urban areas. (Award Amount: \$1 million)

GE Research (Niskayuna, NY): This project, which will be demonstrated in Puerto Rico, is developing rapid and automated power system restoration technologies for community grid resilience under extreme weather events using robust sensors and distributed solar-plus-storage. (Award Amount: \$3 million)

The [Energysched funding program](#) aims to build data-driven tools to help communities shape their own energy future through better understanding of their current and future energy supply and demand landscape. These three projects will develop tools to empower communities to evaluate the impacts and benefits of locally generated energy (\$10 million):

University of Vermont (Burlington, VT): This project aims to identify the specific energy demand, energy supply, and other priority community needs in three rural areas of Vermont and use that data to develop a tool that will help local leaders make better informed decisions about their energy transition to a more just and resilient system powered by distributed renewable generation. (Award Amount: \$4.3 million)

Launch Alaska (Anchorage, AK): This project will combine and streamline existing tools and use them to gain consensus for three priority large scale local energy projects in collaboration with Alaska communities, regional Native corporations, and others. Lessons learned will increase access to renewable energy and help relieve high energy costs. (Award Amount: \$3.4 million)

Georgia Institute of Technology (Atlanta, GA): This project will create a new metropolitan energy planning process to evaluate the social, economic, equity, as well as technical impacts of various future energy scenarios within the Atlanta area. The team will develop modeling tools that combine technical energy data with key inputs from diverse

communities. (Award Amount: \$2.3 million)

Both funding programs support President Biden's [Justice40 Initiative](#) to ensure that the clean energy economy benefits all Americans, especially those in underserved communities and in areas vulnerable to extreme events that cause frequent energy and power service disruptions. By selecting a wide range of awardees for this research, DOE aims to enable communities across the country to learn from the findings and develop a tailored approach to meet their own energy needs.

Learn more about the [Office of Energy Efficiency and Renewable Energy](#), its research in [energysheds](#), and how DOE [systems integration](#) research supports the advancement of an affordable, reliable, and resilient clean energy grid.

1031 ARPA-E Announced \$39 Million for Technology to Grow the Domestic Critical Minerals Supply Chain and Strengthen National Security

ARPA-E announced \$39 million in funding for 16 projects across 12 states to develop market-ready technologies that will increase domestic supplies of critical elements required for the clean energy transition. The selected projects, led by universities, national laboratories, and the private sector aim to develop commercially scalable technologies that will enable greater domestic supplies of copper, nickel, lithium, cobalt, rare earth elements, and other critical elements. "A reliable, sustainable domestic supply chain of critical materials that power longer-lasting batteries and other next-generation energy technologies is crucial to reaching our clean energy future," said **U.S. Secretary of Energy Jennifer M. Granholm**. "With these investments, DOE is helping to reinvigorate American manufacturing to reduce our overreliance on adversarial nations and position the nation as a global leader of research and innovation."

Selected projects will be funded and managed through ARPA-E's Mining Innovations for Negative Emissions Resource Recovery (MINER) program. The MINER program funds technology research that increases the mineral yield while decreasing the required energy, and subsequent emissions, to mine and extract energy-relevant minerals. Specifically, the program investigates the potential CO₂-reactive ores to unlock net-zero or net-negative emission technologies.

1030 Energy Policy: Fossil fuel prices are and will remain elevated and that's good news for the energy transition because it will accelerate investment in renewables, (not so good for American consumers and inflation....) says Bain & Co. partner Gerry Mattios. "For some fossil fuel companies, high energy prices are seen as an opportunity to divest their environmentally unfriendly operations before transitioning to new energy models," Mattios says. [Bloomberg](#)

1029 IRA: The tax credits in the Inflation Reduction Act will help accelerate renewables deployment and clean energy manufacturing in the US, but it could come at the cost of a slower transition in developing nations. As the US becomes a more attractive market for clean energy products, solar panels and other items will become less available and more costly in India and other nations. "By handing out subsidies, the effect of this act may well be to "distort" the entire renewable energy supply chain," says Mahesh Kolli of Greenko [Financial Times \(subscription required\)](#)

1028 IRA: Biden administration created the National Climate Task Force to oversee the implementation of the Inflation Reduction Act with former White House Chief of Staff John Podesta and National Climate Advisor Ali Zaidi sharing its helm. The "lean" task force doesn't appear to have many members, but its work will be critical for putting the climate

bill -- which is all money and no policy language -- to work. This piece discusses the task force and the goals stakeholders hope to see it accomplish. [E&E News](#)

1028 IRA: The Production Tax Credits and other taxpayer funded subsidies in the Inflation Reduction Act will drive down the cost of new energy projects and the CEOs of DTE Energy, Xcel Energy and CMS Energy say their companies are getting ready to make the most of the legislation. "The extension of tax credits for both wind and solar provide economic certainty and lowers costs for our robust renewable backlog," says CMS Energy CEO Garrick Rochow. [E&E News](#)

1026 EPA: Administration Announces \$1,975,000 from EPA's Clean School Bus Program for West Virginia School Districts

1026 EPA: Biden-Harris Administration Announces Nearly \$1 Billion from EPA's Clean School Bus Program for 389 School Districts *Historic investment from President Biden's Bipartisan Infrastructure Law headed to all 50 states in effort to transform America's school bus fleet.*

WASHINGTON (October 26, 2022) — Today, the Biden-Harris Administration announced the Fiscal Year 2022 recipients of the U.S. Environmental Protection Agency's (EPA) Clean School Bus Program rebate competition, awarding nearly \$1 billion from President Biden's Bipartisan Infrastructure Law to 389 school districts spanning 50 states, Washington, DC, and several Tribes and U.S. territories. The grants will help school districts purchase over 2,400 clean school buses that will accelerate the transition to zero emission vehicles and produce cleaner air in and around schools and communities.

Vice President Kamala Harris and EPA Administrator Michael S. Regan will join schoolchildren, district leaders and community members in Seattle, Washington, later today to make the announcement and highlight how it will reduce greenhouse gas emissions, save schools money, and better protect children's health. The investment will also drive demand for American-made batteries and vehicles, boost domestic manufacturing, and create good-paying jobs.

"President Biden's historic Bipartisan Infrastructure Law is accelerating our nation's transition to electric and low-emission school buses while ensuring a brighter, healthier future for our children," **said EPA Administrator Michael S. Regan.** "As many as 25 million children rely on the bus to get to school each day. Thanks to the Biden-Harris Administration, we are making an unprecedented investment in our children's health, especially those in communities overburdened by air pollution. This is just the beginning of our work to build a healthier future, reduce climate pollution, and ensure the clean, breathable air that all our children deserve."

In May, EPA [announced](#) the availability of \$500 million for its Clean School Bus Program. Given overwhelming demand from school districts across the country, including in low-income communities, Tribal nations, and territories, EPA [nearly doubled](#) the amount of funding that will be awarded to \$965 million. The rebate application period closed in August with an outstanding response from school districts seeking to purchase electric and low-emission school buses across the country.

At this time, through a lottery system, the agency has selected 389 applications totaling \$913 million to support the purchase of 2,463 buses, 95% of which will be electric. EPA will distribute awards to school districts in all 50 states and Washington D.C., along with several federally recognized Tribes and U.S. territories. School districts identified as priority areas serving low-income, rural, and, or Tribal students make up 99% of the projects that

were selected. More applications are under review, and the agency plans to select more to reach the full \$965 million in the coming weeks.

Those school districts who received an award can now proceed with purchasing new buses and eligible infrastructure. Selectees will need to submit Payment Request Forms with purchase orders demonstrating they have ordered new buses and eligible infrastructure. EPA is also partnering with the U.S. Department of Energy and Department of Transportation to provide school districts with robust technical assistance to ensure effective implementation.

These awards are the first \$1 billion of a five-year, \$5 billion program created by President Biden's Bipartisan Infrastructure Law. EPA is also designing the next rounds of program funding to launch in the coming months, which will include an ambitious grant competition. Through future rounds of funding, EPA will make available another \$1 billion for clean school buses in Fiscal Year 2023. EPA encourages school districts not selected in the first round of rebates – and those that did not apply this funding cycle – to participate in future rounds.

About the Clean School Bus Rebate Program

The Clean School Bus Program will reduce greenhouse gas emissions, save money for school districts and produce cleaner air. Diesel air pollution is linked to asthma and other conditions that harm students' health and cause them to miss school, particularly in communities of color and Tribal communities. Phasing out these diesel engines will ensure cleaner air for students, bus drivers, and school staff working near the bus loading areas, and the communities through which the buses drive each day. The reduction in greenhouse gas emissions from these bus replacements will also help to address the outsized role of the transportation sector in fueling the climate crisis. The program will also save school districts money as they upgrade school bus fleets, replacing older, heavily polluting buses with brand new clean school buses, while freeing up needed resources for schools.

The 2022 Clean School Bus Rebates prioritize low-income, rural, and Tribal communities. The vast majority of applicants met the priority definition under the 2022 Clean School Bus Rebates criteria, resulting in access to more funds for buses and electric vehicle infrastructure for schools in areas that need them the most. The program also delivers on President Biden's [Justice40](#) Initiative, which aims to deliver 40% of the overall benefits of certain federal investments to disadvantaged communities that are marginalized, underserved and overburdened by pollution.

[View the full list of Clean School Bus award recipients here.](#)

1024 Nuclear: Idaho National Laboratory is getting \$150 million from the Inflation Reduction Act to fund nearly a dozen infrastructure improvement projects at its Advanced Test Reactor and Materials Fuels Complex, which plays a key role in the development of advanced nuclear technologies, the Energy Department has announced. "More than 300 commercial reactors operating around the world today can trace their roots back to Idaho National Laboratory, and these infrastructure investments allow America to continue leading the world in groundbreaking nuclear energy research and development," says Energy Secretary Jennifer Granholm. [The Associated Press](#)

1021 [DOE-EM: Biden-Harris Administration Announces \\$28 Million To Advance And Deploy Hydropower Technology](#)

1021 [DOE-EM: DOE Awards \\$38 Million For Projects Leading Used Nuclear Fuel Recycling](#)

Initiative

1021 [EPA: Biden-Harris Administration Seeks Public Input on Inflation Reduction Act's](#)

[Greenhouse Gas Reduction Fund](#) Stakeholder Input Will Help Shape First-of-Its-Kind Federal Fund to Mobilize Clean Energy and Climate Projects and Reduce Pollution in Disadvantaged Communities October 21, 2022 Contact Information EPA Press Office (press@epa.gov)

WASHINGTON — Today, the U.S. Environmental Protection Agency (EPA) announced a coordinated stakeholder engagement strategy to help shape the implementation of the first-of-its-kind Greenhouse Gas Reduction Fund created by President Biden's Inflation Reduction Act. EPA's engagement strategy includes:

Expert Input: Soliciting expert input on key program design questions from the Environmental Finance Advisory Board (EFAB);

Request for Information: Issuing a public Request for Information to enable communities and the public to comment on the Fund's design and implementation;

National Listening Session Series: Launching a stakeholder listening session series to enable key stakeholders including green banks, community finance institutions, environmental justice communities, state and local governments, clean energy advocates, labor, and others to provide input directly to EPA staff on the implementation of the Fund; and

New Webpage: [Creating a website as a one-stop shop for information on the implementation of the Greenhouse Gas Reduction Fund.](#)

These initial engagements will help ensure the Fund's design and implementation reflect input from a variety of diverse stakeholders to ensure the full economic and environmental benefits of this historic investment are realized by all people, particularly those who have been most burdened by environmental, social, and economic injustice.

"The Greenhouse Gas Reduction Fund is an unprecedented opportunity to accelerate the adoption of greenhouse gas reducing technologies and position the United States to compete and win the 21st century economy," **said EPA Administrator Michael S. Regan.** "In designing such an ambitious program, EPA is eager to hear from stakeholders across the country, especially in low-income and disadvantaged communities, whose voices are critical to shaping the Fund and ensuring these historic resources reach people who need them most. Coupled with the additional resources from President Biden's Inflation Reduction Act, the Fund will deliver environmental and economic benefits across the country."

The historic Inflation Reduction Act represents the most aggressive action to confront the climate crisis in our nation's history. The Inflation Reduction Act established the Greenhouse Gas Reduction Fund – a \$27 billion fund that will provide competitive grants to states, local governments, tribes and eligible non-profit financing institutions to mobilize financing and leverage private capital for clean energy and climate projects that reduce greenhouse gas emissions, with an emphasis on projects that benefit low-income and disadvantaged communities – and help advance the Biden-Harris Administration's commitment to environmental justice. EPA will seek input on the types of entities, projects and financial structures that will best achieve the program objectives.

Soliciting Expert Input from the Environmental Finance Advisory Board (EFAB) EPA delivered a set of formal charge questions for expert review and comment at the October 18-19th meeting of the [Environmental Finance Advisory Board](#) (EFAB). EFAB is a Federal

Advisory Committee that provides advice and recommendations to EPA's Administrator and regional and program offices on ways to lower the costs of, and increase investments in, environmental and public health protection. The EFAB includes a number of experts on clean energy and climate finance, including leaders of green banks and community financial institutions; state and local government officials; business and industry representatives; and members of environmental, tribes and non-governmental organizations, among others. The EFAB will provide its advice and recommendation on the charge questions by December 15, 2022.

Issuing a Request for Information This week EPA published a Request for Information (RFI) seeking public comment on core design aspects of the Greenhouse Gas Reduction Fund. The notice has been published on [EPA's website](#) and on [Regulations.gov](#). The public will have 45 days to respond to the RFI.

Launching a National Listening Session Series In the coming weeks, EPA will commence a series of listening sessions to allow members of the public and key stakeholder groups to provide insights to EPA staff on the implementation of the Greenhouse Gas Reduction Fund.

The series will begin with two public sessions in November. In addition, beyond engaging with the EFAB, EPA will meet with other expert advisory committees, including the Local Government Advisory Committee, the White House Environmental Justice Advisory Council, the National Environmental Justice Advisory Council, and other stakeholders to solicit input on the design of the Fund.

[Listening Session 1: Nov. 1 from 7:00-9:00pm ET](#)

[Listening Session 2: Nov. 9 from 7:00-9:00pm ET](#)

Background

The Inflation Reduction Act of 2022 amended the Clean Air Act to create a new program, the Greenhouse Gas Reduction Fund, which will deploy \$27 billion in competitive grants to mobilize financing for clean energy and climate projects that reduce or avoid greenhouse gas emissions, especially in disadvantaged communities. The Greenhouse Gas Reduction Fund includes:

\$7 billion for competitive grants to enable low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops; nearly \$12 billion for competitive grants to eligible entities to provide financial and technical assistance to projects that reduce or avoid greenhouse gas emissions; and \$8 billion for competitive grants to eligible entities to provide financial and technical assistance to projects that reduce or avoid greenhouse gas emissions in low-income and disadvantaged communities.

1021 Biden-Harris Administration Announces \$28 Million to Advance and Deploy Hydropower Technology Bipartisan Infrastructure Law Funding Will Grow the Hydropower Industry, Create Jobs, and Engage Key Stakeholder Voices

The U.S. Department of Energy (DOE) today announced more than \$28 million across three funding opportunities to support research and development projects that will advance and preserve hydropower as a critical source of clean energy. Funded through President Biden's Bipartisan Infrastructure Law, this funding will support the expansion of low-impact hydropower (such as retrofits for dams that do not produce power) and pumped storage hydropower, the development of new pumped storage hydropower facilities, and

engagement with key voices on issues like hydropower fleet modernization, sustainability, and environmental impacts. President Biden's Inflation Reduction Act also includes a standalone tax credit for energy storage, which will further enhance the economic attractiveness of pumped storage hydropower. Hydropower will be a key clean energy source in transitioning away from fossil fuels and meeting President Biden's goals of 100% carbon pollution free electricity by 2035 and a net-zero carbon economy by 2050.

"Hydropower has long provided Americans with significant, reliable energy, which will now play a crucial role in achieving energy independence and protecting the climate," said **U.S. Secretary of Energy Jennifer M. Granholm**. "President Biden's Agenda is funding critical innovations to capitalize on the promise of hydropower and ensure communities have a say in building America's clean energy future."

Hydropower [accounts for](#) 31.5% of U.S. renewable electricity generation and about 6.3% of total U.S. electricity generation, while pumped storage hydropower accounts for [93% of U.S. utility-scale energy storage](#), ensuring power is available when homes and businesses need it.

The funding opportunities include:

[Advancing the sustainable development](#) of hydropower and pumped storage hydropower by encouraging innovative solutions to retrofit non-powered dams, the development and testing of technologies that mitigate challenges to pumped storage hydropower deployment, as well as opportunities for organizations not extensively engaged with DOE's Water Power Technologies Office to support hydropower research and development. **(Funding amount: \$14.5 million)**

[Supporting studies](#) that facilitate the licensing and eventual construction and commissioning of new pumped storage hydropower facilities to facilitate the long-duration storage of intermittent renewable electricity. **(Funding amount: \$10 million)**

Uplifting the efforts of [diverse hydropower stakeholders](#) to discuss and find paths forward on topics that include U.S. hydropower fleet modernization, hydropower system sustainability, and hydropower facilities' environmental impact. **(Funding amount: \$4 million)**

The three funding opportunity announcements are available on [EERE Exchange](#).

Learn more about the [Water Power Technologies Office](#) in DOE's [Office of Energy Efficiency and Renewable Energy](#).

1020 Baker McKenzie: United States: The Clean Hydrogen Strategy and Roadmap [View original In brief](#) As we have been highlighting on our [Hydrogen Hub](#), an increasing number of countries have been unveiling their detailed legislative frameworks and extensive state support packages aimed at developing the hydrogen market in the context of the race to net zero. The US is not a new participant in this race. The 2021 Infrastructure Investment and Jobs Act (also known as Bipartisan Infrastructure Law (BIL)) allocated USD 9.5 billion for clean hydrogen. The Inflation Reduction Act (IRA) signed into law in August 2022 provided additional policies and incentives for the development of the hydrogen market, including a production tax credit, which is aimed at boosting the US market for clean hydrogen. However, the US Department of Energy's (DoE) publication of a draft Clean Hydrogen Strategy and Roadmap (CHSR) takes the US government's level of commitment to clean energy to the next level, as well as showing its willingness to work with existing and potential hydrogen market participants and other stakeholders to develop a framework that really

works. This article examines the key provisions of the CHSR.

Clean Hydrogen Production Standard and other challenges

Lack of an established clean hydrogen standard has been identified as one of the key challenges to the development of the hydrogen market — both domestic and global. The CHSR commits to developing a standard for the carbon intensity of clean hydrogen in consultation with the US Environmental Protection Agency.

While it appears that, at this stage, the CHSR's focus is primarily on the domestic market, the DoE stated that, "long-term strategies include a US leadership role in supporting the global transition from fossil fuels, enabling energy security and resiliency by exporting clean hydrogen" and commits to international cooperation in this area. If a global hydrogen trade is to develop, US policy makers will need to take into account the emerging hydrogen standards in other countries in developing the US standard.

Subsequent to the release of the CHSR, the DoE published draft guidance for a Clean Hydrogen Production Standard for stakeholder comments: "A target of 4.0 kgCO₂e/kgH₂ for lifecycle (i.e., "well-to-gate") greenhouse emissions associated with hydrogen production." The deadline for comments is 20 October 2022.

The CHSR recognizes other significant challenges that current and potential market participants face, including lack of hydrogen infrastructure (including storage), lack of manufacturing at scale, and cost, durability, reliability and availability challenges in the supply base across the entire value chain. These challenges are similar to those faced by all other emerging hydrogen economies.

Next steps

The CHSR sets out hydrogen program targets and milestones for 2022-2036 and "guiding principles and national actions" for the development of hydrogen, although many of these are expressed in general terms and will no doubt be developed further. The CHSR is consultative in nature — the DoE makes it very clear that it will be working with other government agencies, industries and investors, as well as academic and research institutions, communities and other stakeholders to develop this draft further.

The DoE envisages three "waves" for clean hydrogen application in the US:

First wave: applications in existing markets that have few alternatives to clean hydrogen for decarbonization (e.g., existing refining and ammonia production plants) with an emphasis on industrial clusters that co-locate large-scale production with end-use for such applications and help drive down costs and create the infrastructure that could be leveraged for other markets in subsequent phases.

Second wave: use cases where clean hydrogen offers a "growing economic value proposition" (e.g., transportation use cases and greater use of industrial fuel and feedstock).

Third wave: applications becoming competitive as clean hydrogen production scales up, costs decline and infrastructure becomes available (e.g., backup power, stationary power, methanol, container ships, cement and blending with existing natural gas networks).

The DoE acknowledges the dynamic nature of the hydrogen market (and technological developments in particular) and accepts that, even when the draft becomes policy, the CHSR is not a static document and will require many updates (at least every three years).

The CHSR highlights a number of DoE supported activities and pioneer hydrogen projects in the US across a number of sectors, including chemicals, industrial heat,

transportation and power. We have been privileged to work on one of these projects, namely the [Advanced Clean Energy Storage Project](#) expected to be the world's largest renewable energy hub to produce, store and deliver green hydrogen to the Western United States.

[Baker McKenzie](#) - [James P. O'Brien](#), [Stanislav Sirot](#) and [Matthew I. Martin](#)

1019 Solar Power World says - A robust solar panel manufacturing sector is quickly taking shape in the US thanks to the Inflation Reduction Act. Convalt Energy, Crossroads Solar, First Solar, GAF Energy and Heliene are among the companies planning new or expanded manufacturing sites that will come online between 2023 and 2025. This piece explores all current solar panel factory investments taking place in the US. [Solar Power World](#)

1019 Tital Power: DIE launches \$35 million funding opportunity under the federal infrastructure law to help scale "tidal and river current energy systems" in the US. Marine energy could be a powerful renewable energy source, but complicated permitting processes, interconnection issues and technological constraints have been a barrier to deployment, said the agency. [CNBC](#)

1019 Twenty companies across 12 states are set to receive \$2.8 billion in grant funding from the Biden administration in an effort to drive more domestic manufacturing of electric vehicle batteries. The grants are funded through the \$1 trillion infrastructure law passed last year. ([The Associated Press](#))

1019 Administration Awards \$2.8 Billion to Supercharge U.S. Manufacturing of Batteries for Electric Vehicles and Electric Grid *DOE announced the first set of projects funded by the Bipartisan Infrastructure Law to expand domestic manufacturing of batteries for electric vehicles (EVs) and the electrical grid and for materials and components currently imported from other countries.* The 20 companies will receive a combined \$2.8 billion to build and expand commercial-scale facilities in 12 states to extract and process lithium, graphite and other battery materials, manufacture components, and demonstrate new approaches, including manufacturing components from recycled materials. The federal investment will be matched by recipients to leverage a total of more than \$9 billion to boost American production of clean energy technology, create good-paying jobs, and support President Biden's national goals for electric vehicles to make up half of all new vehicle sales by 2030 and to transition to a net-zero emissions economy by 2050.

Although plug-in EV sales have tripled since President Biden took office, the U.S. depends on foreign sources for many of the processed versions of critical minerals needed to produce EV batteries. Since coming into office, the Biden-Harris Administration has taken swift action to secure a reliable and sustainable battery supply chain. Today's grants are a critical next step in that strategy. The funded projects announced today include U.S. processing and recycling of critical minerals to support domestic manufacturing. Responsible and sustainable domestic sourcing of the critical materials used to make lithium-ion batteries—such as lithium, cobalt, nickel, and graphite—will strengthen the American supply chain, accelerate battery production to meet increased demand, and secure the nation's economic competitiveness, energy independence, and national security.

The funding for the selected projects will support:

- Developing enough battery-grade lithium to supply approximately 2 million EVs annually

- Developing enough battery-grade graphite to supply approximately 1.2 million EVs

annually

Producing enough battery-grade nickel to supply approximately 400,000 EVs

annually

Installing the first large-scale, commercial lithium electrolyte salt (LiPF₆) production facility in the United States

Developing an electrode binder facility capable of supplying 45% of the anticipated domestic demand for binders for EV batteries in 2030

Creating the first commercial scale domestic silicon oxide production facilities to supply anode materials for an estimated 600,000 EV batteries annually

Installing the first lithium iron phosphate cathode facility in the United States

Currently, virtually all lithium, graphite, battery-grade nickel, electrolyte salt, electrode binder, and iron phosphate cathode material are produced abroad, and China controls the supply chains for many of these key inputs.

FACTSHEET: Individual project information can be found [here](#).

Workforce and Community Engagement

DOE evaluated applications on technical merits and contributions to increasing American production of advanced battery components, as well as on applicants' commitments to deliver benefits for communities and workers. The companies submitted plans for engagement with local stakeholders, Tribal nations, environmental groups, and labor unions to ensure the funded projects create high-quality jobs; advance diversity, equity, inclusion, and accessibility; and contribute meaningfully to the Justice40 initiative to provide 40% of the overall benefits of federal clean energy investments to disadvantaged and underrepresented communities.

Of the 20 companies selected, five will build new facilities in disadvantaged communities, and 15 in locations adjacent to disadvantaged communities. Additionally, six announced projects have established goals for hiring residents of disadvantaged communities into permanent roles, and 13 included commitments to negotiate Workforce and Community Agreements. These agreements are focused on engagement with host communities, labor unions, and/or Tribal entities, to agree on community benefits and implementation plans. At least two funded projects have collective bargaining agreements for both construction and ongoing production jobs, and an additional nine projects have committed to labor neutrality, with two applicants already pursuing Project Labor Agreements with unions representing their workers.

The funded projects will help employ workers from many different construction and industrial unions and 15 of the projects will collaborate with minority serving institutions, including Historically Black Colleges and Universities (HBCUs) to hire and train workers. The new and expanded facilities funded through these awards are expected to cumulatively support more than 8,000 jobs, including 5,000 permanent jobs.

The funding announced today is the first phase of \$7 billion in total provided by the President's Bipartisan Infrastructure Law to strengthen the domestic battery supply chain by supporting upstream materials processing to create the precursor materials for batteries. DOE anticipates moving quickly on additional funding opportunities to continue to fill gaps in and strengthen the domestic battery supply chain.

DOE's [Office of Manufacturing and Energy Supply Chains \(MESC\)](#) is responsible for strengthening and securing manufacturing and energy supply chains needed to modernize

the nation's energy infrastructure and support a clean and equitable energy transition. MESC will manage the portfolio of projects with support from DOE's Office of Energy Efficiency and Renewable Energy's [Vehicle Technologies Office](#).

American Battery Material Initiative

The President also announced the launch of the American Battery Material Initiative, a dedicated effort to align Federal investments and activities, domestic and international, to accelerate the development of the full end-to-end battery supply chain, including the critical minerals and materials we need to meet production and deployment goals. The Initiative will be led by DOE, with support from the Department of the Interior, and work closely with the Partnership on Global Infrastructure and Investment and the Department of State to align and leverage dozens of programs and efforts across the Federal government to support and grow the battery supply chain, including resources through the Bipartisan Infrastructure Law and Inflation Reduction Act. The Initiative will coordinate domestic and international efforts to accelerate permitting for critical minerals projects, ensuring that the United States develops the resources the country needs in an efficient and timely manner, while strengthening Tribal consultation, community engagement, and environmental standards to build smarter, faster, and fairer.

1019 [CNN: Biden to announce \\$2.8 billion in grants for domestic battery supply chains](#)

1018 Climate Suit again: Chevron, Exxon Mobil, BP, ConocoPhillips, Shell and the American Petroleum Institute knowingly and "systematically" covered up information about the relationship between fossil fuels and climate change, alleges a new lawsuit filed by New Jersey Attorney General Matthew Platkin. The suit also claims the plaintiffs are guilty of greenwashing. "They went to great lengths to hide the truth and mislead the people of New Jersey, and the world," said Platkin. [The Hill](#)

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[\[1\]](#) *Improvements to Generator Interconnection Procedures and Agreements*, 179 FERC ¶ 61,194 (2022).

September 23, 2022

Honorable Jennifer Granholm
Secretary of the U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585
Via email to The.Secretary@hq.doe.gov
Via facsimile transmission to (202) 586-4403

Dr. Kathryn Huff, Assistant Secretary
Office of Nuclear Energy, DOE
Via email only to NECommunications@nuclear.energy.gov
and Rfi-cnc@nuclear.energy.gov

Kimberly J. Petry, Ph.D.
Acting Deputy Assistant Secretary
Office of Spent Fuel and Waste Disposition, NE-8
U.S. Department of Energy
Via email only to kimberly.petry@hq.doe.gov

Ms. Suzette Olson
Via email only to olsonsm@id.doe.gov

Mr. Alden Allen
Via email only to allenar@id.doe.gov

RE: Request for denial of certification of Holtec International's Palisades Nuclear
Power Plant for receipt of payments under DOE Civil Nuclear Credit Program

Dear Madame Secretary Granholm:

The undersigned individuals and organizations, comprising thousands of citizens, write to request that the Palisades Nuclear Power Plant (Palisades), owned by Holtec International, be denied certification by the U.S. Department of Energy (DOE) for the purpose of receiving payments under DOE's Civil Nuclear Credit Program. For DOE to consider certifying Palisades as eligible at all flies in the face of the letter and spirit of the Infrastructure Investment and Jobs Act (IIJA), which authorized the Program. Congress intended the IIJA to support only currently operating commercial nuclear reactors that face termination of operations for economic reasons. Palisades permanently ended power generation activities on May 20, 2022. Its entire inventory of nuclear fuel was unloaded on June 10, 2022 by Entergy. Permission to operate the

reactor has been formally terminated by the U.S Nuclear Regulatory Commission (NRC).

There can be no denying that Palisades is no longer operable. Attached hereto is June 13, 2022 correspondence entitled "Certifications of Permanent Cessation of Power Operations and Permanent Removal of Fuel from the Reactor Vessel" submitted to the NRC by Entergy, which owned Palisades immediately prior to Holtec International's subsidiaries taking over the license, power plant site and spent nuclear fuel inventory.

The June 13 letter states, pertinently:

In this letter Entergy hereby certifies to the NRC in accordance with 10 CFR 50.82(a)(1)(i) that power operations ceased at PNP on May 20, 2022. In addition, in accordance with 10 CFR 50.82(a)(1)(ii), Entergy also certifies that the fuel was permanently removed from the PNP reactor vessel and placed in the PNP spent fuel pool on June 10, 2022. Entergy understands and acknowledges that upon docketing of these certifications, the PNP 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel in the reactor vessel.¹

On December 13, 2021, the NRC's Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation granted written approval to Holtec Decommissioning International (HDI) to commence withdrawals of funds from the Palisades Decommissioning Trust Fund. The Fund had a balance of \$552,049,000 at the beginning of 2022.² HDI, the present plant manager, may manage spent fuel and conduct site restoration without notifying the NRC prior to drawing funds from the Trust Fund, according to the NRC:

Therefore, the Commission hereby grants HDI an exemption from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) to allow the use of a portion of the funds from the PNP DTF for spent fuel management and site restoration activities at PNP in accordance with HDI's PSDAR and SSCE, dated December 23, 2020. Additionally, the Commission hereby grants HDI an exemption from the requirement of 10 CFR 50.75(h)(1)(iv) to allow such withdrawals without prior NRC notification.³

¹ The June 13, 2022 Certifications letter is available online at <https://www.nrc.gov/docs/ML2216/ML22164A819.pdf>

² Palisades Site-Specific Decommissioning Cost Estimate, <https://holtecinternational.com/wp-content/uploads/2022/06/HDI-Palisades-PSDAR.pdf> at p. 46.

³ NRC Exemption granted to Palisades, ADAMS No. ML21286A506 at p. 10, <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML21286A506>