

12:58:03 From Kristen Corra, SHLB to Host and panelists:

- 1) Please use the chat function to interact with the other participants.
- 2) Please use the Q&A function to ask a question of the panelists.
- 3) You can upvote other questions by clicking the thumbs up button. This will help us see which questions are rising to the top in terms of relevancy for the group.
- 4) SHLB staff will be monitoring the Q&A, marking questions that have been answered live, and looking for questions with the most upvotes to ask of our speakers.

13:01:02 From Lauren Rachuba (SHLB) to Everyone:

Welcome everyone! Here are a few ground rules. 1) Please use the chat function to interact with the other participants.

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13:02:09 From Kristen Engebretsen to Everyone:

Welcome everyone! We're so glad you've joined us for today's webinar. In order to facilitate the most effective participation, we have a few guidelines:

13:02:23 From Kristen Engebretsen to Everyone:

1) Please use the chat function to interact with the other participants.

13:02:40 From Kristen Engebretsen to Everyone:

2) Please use the Q&A function to ask a question of the panelists.

13:03:01 From Kristen Engebretsen to Everyone:

3) You can upvote other questions by clicking the thumbs up button. This will help us see which questions are rising to the top in terms of relevancy for the group.

13:03:22 From Kristen Engebretsen to Everyone:

4) SHLB staff will be monitoring the Q&A, marking questions that have been answered live, and looking for questions with the most upvotes to ask of our speakers.

13:09:33 From Chris Jordan to Everyone:

Why do you think the Fifth Circuit didn't waive the timeliness error in the FCC's motion to dismiss on issue preclusion? Did the Fifth Circuit agree to re-hear en banc with an eye towards creating a

spilt for the SC (the SC denied cert on the 6th and 11th cases)

13:11:57 From Kristen Engebretsen to Everyone:

Hi Chris, can you copy your question to the Q&A function? The panelists aren't able to respond in the chat section. Thanks!

13:13:58 From Robert Bocher to Everyone:

Just FYI. The 2022 Q1 contribution factor was 25.2%. (\$1,840,910,000 collected from a contribution base of \$7,320,987,000). For quarterly contribution amounts, go to: <https://www.fcc.gov/general/contribution-factor-quarterly-filings-universal-service-fund-usf-management-support>

13:14:22 From Chris Jordan to Everyone:

Sorry about that! It was answered anyway.

13:19:23 From Robert Bocher to Everyone:

5th Circuit majority opinion, p. 6: "FCC then uses USAC's contribution amount to impose a tax on America's telecommunications carriers. (FCC calls this tax the USF 'contribution factor'; but we call it what it is—the 'USF Tax.')

13:23:16 From Winston Himsworth to Everyone:

So if we treat these fees as a "tax" on the carriers, then what is Consumers' Research standing? Does the fact that the carriers might be passing on their tax expense (and all their other expenses) to the consumers make this a "tax" on the consumers?

13:27:41 From Ivan Rushfield to Everyone:

What was the second thing that was not definitively unconstitutional? The first was the delegation from Congress to the FCC, but missed the second one.

13:28:03 From Rachel Lawmaster-Morris to Everyone:

The delegation from the FCC to USAC

13:28:07 From Ivan Rushfield to Everyone:

Thank you!

13:34:20 From Michael Calabrese to Everyone:

Is the USAC board a FACA? Would that make a difference? (FACA = Federal Advisory Committee; FCC has a few of those, that operate under federal law with private sector appointees)

13:34:48 From DEBRA KRIETE to Everyone:

@Michael, no it is set up by FCC regulations.

13:36:15 From Robert Bocher to Everyone:

The FCC has authority to review the USF contribution factor at any level of detail it wants. But in over 20 years of estimating USF amounts on a quarterly basis, USAC has been very accurate. So how much oversight should the FCC take?

13:39:25 From Karl Henry to Host and panelists:

How does/would the recent request (by Consumer's Research) for the S. Ct. to review the 6th & 11th Circuit denials and the S. Ct.'s previous denial of cert. on those cases fit with a possible request by the FCC for cert. on the 5th Circ. en banc decision?

13:41:27 From Sue Sherif to Host and panelists:

How can the finding that USAC is tool of the telecommunications industry/telephone companies jibe with the finding that the USF is a tax on the aggrieved carriers?

13:44:05 From Charles Keller to Everyone:

So they could seek to enjoin implementation of the 4Q factor?

13:45:14 From Robert Bocher to Everyone:

Of interest, the dissenters in the 5th Circuit opinion cite the Chevron analysis for some of its finding that the FCC has the legal authority to collect the USF.

13:46:04 From SHERYL R ABSHIRE to Everyone:

Since the Solicitor General is appointed by the President, isn't this situation a political concern....like this November could pay a large role in this moving forward?

13:49:35 From Michael Calabrese to Host and panelists:

Since 5th Cir remanded, what are the pros and cons of the FCC first making changes to enhance its supervision of USAC. If that does not satisfy the 5th Cir, they could still seek review by SCOTUS, correct?

13:54:21 From Robert Bocher to Host and panelists:

Maybe brain worms can be eligible as part of the Health Care program.

13:57:21 From Carla Wade to Everyone:

Would it still exist?

13:59:50 From Robert Bocher to Host and panelists:

If the FCC and USAC are part of the federal bureaucratic "Deep State" the Solicitor General may not take up the case.

14:00:33 From Steve Kaplan to Everyone:

Thank you very much.