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October 11, 2018

**BY ECFS**

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

Re: Summary of Oral Ex Parte Presentation, EB Docket No. 16-330

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206(b), this letter summarizes an oral presentation regarding the above-referenced matter made during a meeting held on October 10, 2019, between representatives of CTIA®, NCTA – The Internet & Television Association (“NCTA”), USTelecom – The Broadband Association (“USTelecom”), INCOMPAS, and the undersigned with representatives of the Chairman’s Office.

During the meeting, consistent with the associations’ March 6, 2015 Petition for Reconsideration of *Forfeiture Methodology for Violations of Rules Governing Payment to Certain Federal Programs*, Policy Statement, 30 FCC Rcd 1622 (2015), we expressed the view that the Commission’s approach in recent years to defining a “continuing violation” is inconsistent with the one-year statute of limitations for non-broadcast Notices of Apparent Liability (“NALs”) contained in the Communications Act and inconsistent with relevant court precedent. We noted that the one-year statute of limitations is intended to create “repose” and does not continue because the violation either has not been “cured” or has continuing effects. We discussed four categories that we believe should not be treated as continuing violations: (1) failure to make (or timely make) a required regulatory filing; (2) the inclusion of incorrect information in a regulatory filing; (3) failure to make (or timely make) a required Universal Service Fund (“USF”) or other regulatory payment; and (4) failure to return improperly received funds to the USF or other FCC funds. We also noted that in dissents to NALs released after the

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associations' Petition for Reconsideration, then-Commissioner Pai expressed views on this issue consistent with our position and that some recent NALs also have been consistent with our position.

A list of attendees is provided in the attached Appendix.

Please contact the undersigned if there are any questions regarding this matter.

Sincerely yours,

/s/ David H. Solomon

David H. Solomon  
Counsel to CTIA

cc (by email):

Matthew Berry  
Nicholas Degani  
Michael Carowitz

## **APPENDIX: ATTENDEES AT OCTOBER 10, 2019 MEETING**

### **Office of the Chairman Attendees**

Matthew Berry  
Nicholas Degani  
Michael Carowitz

### **Non-FCC Attendees**

Tom Power (CTIA)  
Krista Witanowski (CTIA)  
Angela Kronenberg (INCOMPAS)  
Loretta Polk (NCTA)  
Diane Holland (USTelecom)  
David Solomon (Wilkinson Barker Knauer, LLP)