

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

UM 1648

In the Matter of

Staff Investigation into Eligible  
Telecommunications Carriers' Requirements

STAFF MOTION TO AMEND ORDER

The Commission opened this Docket to review and consider changes to the requirements for designation and annual recertification of Eligible Telecommunications Carriers (ETCs). The Docket addresses these issues in two phases, with Phase I designated to address ETC annual reporting requirements and Phase II to address initial requirements of ETC designation. Staff of the Public Utility Commission of Oregon (Staff) files this motion in order to resolve Phase I.

Pursuant to ORS 756.568, on behalf of the parties, Staff moves the Commission to amend Order No. 06-292 by adopting annual reporting requirements for ETCs, for 2015 and subsequent reporting years, that are consistent with requirements in the Second Partial Stipulation executed by several parties in the Docket and adopted by the Commission in Order No. 14-198 entered June 5, 2014.<sup>1</sup> No party to the Second Partial Stipulation opposes this motion.

Motion to Amend Order No. 06-292

The Federal Communications Act of 1934, as amended by the Telecommunications Act of 1996, provides for the designation of telecommunications carriers as eligible to receive federal Universal Service Fund support. *See* 47 USC § 214(e). In 2005, the Federal Communications Commission adopted recommendations for designating ETCs and recertification. *In the Matter*

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<sup>1</sup> The parties to the Second Partial Stipulation are: Staff, AT&T Corp., Teleport Communications America LLC, AT&T Mobility LLC, Cricket Communications, Inc. (collectively "AT&T"), Boomerang Wireless, LLC, Qwest Communications Company, LLC, dba CenturyLink QCC ("CenturyLink"), Frontier Communications Northwest Inc. and Citizen's Telecommunications Co. of Oregon dba Frontier Communications of Oregon, Nexus Communications Inc., Oregon Telecommunications Association ("OTA"), T-Mobile West LLC ("T-Mobile"), United States Cellular Corp. ("US Cellular"), and Warm Springs Telecommunications Company.

*of Federal-State Joint Board on Universal Service*, FCC 05-46 (March 17, 2005). The Commission, following consideration of the FCC decisions and testimony and briefs in Docket No. UM 1217, adopted requirements for ETC designation and annual recertification reports in Order No. 06-292.

In November 2011, the FCC issued an order that, in relevant part, provides for new mandatory annual reporting requirements for ETCs receiving high-cost support. Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (November 18, 2011). High-cost annual reporting requirements have been revised in FCC regulations, specifically 47 CFR § 54.313. Reporting requirements for ETCs receiving Lifeline support are reflected in 47 CFR § 54.422. In addition, annual reporting requirements for ETCs receiving Connect America Fund (“CAF ICC”) support are provided in 47 CFR § 54.304 and annual reporting requirements for ETCs receiving Mobility Fund support are set forth in 47 CFR § 54.1009.

The FCC annual reports cover many of the same items that are included in the Oregon reports. The FCC requires ETCs to submit copies of their FCC report to state commissions. The new FCC reports result in duplication of reporting for Oregon ETCs and increased burdens on ETCs that can be reduced if the Oregon reporting requirements are modified.

In order to avoid duplication and create an efficient process for the annual review of ETCs, the Parties first agreed to amend Order No. 06-292 at page 18, paragraph number 5, as reflected in the Partial Stipulation filed in this docket on June 3, 2013, and adopted in Commission Order No. 13-228. Many of the same parties later executed a Second Partial Stipulation, in which the signatory parties proposed further amendments to paragraph 5, on page 18 of Order No. 06-292 with annual reporting requirements for 2014, and which the Commission adopted in Order No. 14-198.

By amending Order No. 06-292, the Commission is not precluded from changing the specific reporting requirements for any carrier in any future order, nor is Staff precluded from

seeking clarifications or additional information relating to the certification process. *See* Order No. 13-228; Order No. 14-198 at 3.

As part of the Second Partial Stipulation, the parties agreed to re-visit the issue of the annual reports for recertification for subsequent years after October 1, 2014. Paragraph 6 on page 5 of the Second Partial Stipulation states:

The Parties agree to revisit, in the docket, the issue of the annual reports for ETC recertification after October 1, 2014, to consider whether the reporting requirements set forth in Order 06-292 should be modified for 2015 or any subsequent years. The Parties specifically agree to revisit whether non-facilities-based Lifeline-only ETCs will be required to report the information in 47 CFR § 54.422(b). If the parties are in agreement that the 2014 reporting requirements should be adopted on a continuing basis, the parties agree to support a motion filed with the Commission to amend Order No. 06-292 by adopting the 2014 reporting requirements as an annual reporting requirement.

The parties are in agreement that the 2014 requirements (with dates adjusted accordingly) should be adopted on a continuing basis. The requirements minimize the reporting burdens on ETCs but still provide information to assess compliance in light of the public interest. The Lifeline-only ETCs have been able to provide the information in 47 CFR § 54.422(b) to date, so there is no apparent reason to modify that reporting requirement.

Therefore, consistent with the Second Partial Stipulation, Staff, on behalf of the signatory parties to that stipulation, requests that the Commission further amend page 18 of Order 06-292 to read as follows:

5. Eligible telecommunications carriers shall not be required to file the annual set of Oregon carrier reports for ETC recertification addressed in paragraph 3 of this Order and specified in Appendix A, pages 4-6. Instead, beginning in 2015, each ETC shall comply with the following:

a. Each ETC shall file annually with the Commission a complete (non-redacted) copy of each report pertaining to Oregon that the ETC files with the FCC for the report year, pursuant to the following regulations, as applicable:

- A. 47 CFR § 54.304 (CAF ICC support);
- B. 47 CFR § 54.313 (high-cost support) – Form 481 and Rate Floor Data form;
- C. 47 CFR § 54.422 (low-income support) – Form 481; and
- D. 47 CFR § 54.1009 (mobility fund support) – Form 690.

b. ETCs receiving only low-income support shall file with the Commission a report that includes all of the information specified in 47 CFR § 54.422(b) even if the ETC does not submit Form 481 with this information to the FCC;

c. Copies of the foregoing annual reports shall be filed with the Commission no later than the corresponding due dates for these types of reports as determined by the FCC. Subsequent updates or revisions to such reports shall be filed no later than five business days following the date any update or revision is submitted to the FCC.

d. Each ETC carrier receiving federal high-cost support shall, no later than the due date of the Form 481, file a notarized affidavit from an officer of the carrier company in the form approved by Commission staff certifying that all federal high-cost support received within Oregon was used in the preceding calendar year, and will be used in the coming calendar year only for the provision, maintenance and upgrade of facilities and services for which the support is intended.

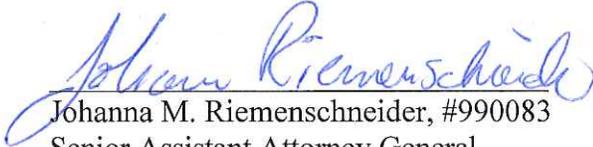
#### Conclusion

Accordingly, Staff respectfully requests the Commission further amend Order 06-292 and adopt the foregoing provisions specific to annual reports for recertification of ETCs on a continuing basis beginning with the reports due in 2015.

DATED this 13<sup>th</sup> day of May 2015.

Respectfully submitted,

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