

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

Pursuant to ORS 756.568, on behalf of the parties in this docket, Staff of the Public Utility Commission of Oregon (Staff) asks the Commission to amend Order No. 06-292 to require different annual reporting requirements for the purpose of re-certifying Eligible Telecommunications Carriers (ETCs) in the reporting year 2014 consistent with the Second Partial Stipulation executed by several parties in the Docket and filed concurrently with this Motion. No party opposes the Second Partial Stipulation.

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 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 recertification 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.

The Commission opened this Docket to review and consider changes to the requirements for designation and annual recertification of 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.

In order to avoid duplication and create an efficient process for the annual review of ETCs, the Parties first agreed to specific 2013 annual reporting requirements, as reflected in the Partial Stipulation filed in this docket on June 3, 2013. Many of the parties to this docket have now executed a Second Partial Stipulation, in which the signatory parties propose a revised set of reporting requirements for 2014 following the experience of Staff and the parties with the 2013 filing requirements. Joint testimony is also being filed supporting the Second Partial Stipulation.

The FCC reporting requirements are still subject to clarification and revision, particularly for future years. Therefore, the Parties have agreed to re-visit the issue of the annual reports for recertification for subsequent years after October 1, 2014.

Consistent with the Second Partial Stipulation filed with this Motion, the signatory parties to this Docket request that the Commission amend Order 06-292 to add the following provisions to page 18 of the Order:

5. Eligible telecommunications carriers shall not be required to file the annual set of Oregon carrier reports for ETC recertification that would be due by July 15, 2014. In lieu of filing the 2014 reports, each carrier shall comply with the following:

a. Each ETC carrier shall file with the Commission a complete (non-redacted) copy of each report pertaining to Oregon that the ETC files with the FCC for 2014, 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 must 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 2014 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.

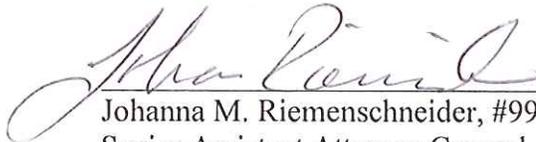
d. Each ETC carrier receiving federal high-cost support shall, no later than the due date of the Form 481, file a notarized affidavit from an officer of the carrier company in the form approved by Commission staff certifying that all federal high-cost support received within Oregon was used in the preceding 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.

Accordingly, Staff respectfully requests the Commission amend Order 06-292 to adopt the foregoing provisions specific to the 2014 annual reports for recertification of ETCs.

DATED this 15th day of May 2014.

Respectfully submitted,

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1 **CERTIFICATE OF SERVICE**

2 I certify that on May 15, 2014, I served the foregoing Staff Motion to Amend Order upon
3 the parties in this proceeding by electronic mail only as all parties waive paper service.

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