



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

October 1, 2013

Allan Arlow
Administrative Law Judge
Public Utility Commission of Oregon
550 Capitol St NE – Suite 215
Salem OR 97301

Re: *In the Matter of: Staff Investigation into Eligible Telecommunications Carriers'
Requirements*
PUC Docket No.: UM 1648
DOJ File No.: 860105-GB0226-13

Dear ALJ Arlow:

Staff writes to provide an update in this docket. As you are aware, on June 3, 2013, a Partial Stipulation executed by all parties was filed. The Commission adopted the Partial Stipulation on June 19, 2013. Order No. 13-228. Paragraph 6 of the Partial Stipulation states, "The Parties agree to re-visit, in this docket, this issue of the annual reports for ETC recertification after October 1, 2013, to consider whether the reporting requirements set forth in Order 06-292 should be modified for 2014 or any subsequent years."

On June 10, 2013, the FCC granted a limited waiver of certain ETC annual reporting requirements and a waiver of the states' usual October 1 deadline for filing annual certifications.¹ *In the Matter of Connect America Fund*, FCC-10-90, DA 13-1348 (Jun 10, 2013). The FCC issued a waiver, but did not establish new deadlines for these filings. In August 2013, the FCC issued a Public Notice announcing the new ETC report filing deadline as October 15, 2013, and states' recertification deadline as December 16, 2013. *Public Notice, In the Matter of Connect America Fund*, FCC-10-90, and *In the Matter of Federal-State Joint Board on Universal Service Lifeline and Link Up Lifeline and Link Up Reform and Modernization*, FCC-11-42, DA 13-1707 (August 6, 2013). A copy of this Public Notice is attached.

The parties shall re-visit the issue of the annual reports for ETC recertification after October 1, 2013. Under the new deadlines that have been established, Staff has from mid-October to mid-December to review the ETC reports filed and make a recommendation to the Commission regarding recertification. It is this review that will inform Staff's position on future annual report filing requirements. Therefore, the parties expect to begin this process in earnest in early 2014.

¹ By letter of June 13, 2013, Staff provided a copy of FCC-10-90, DA 12-1348, advising that neither the stipulation nor approval by the Commission, were materially affected by the FCC's June 10, 2013 order.

ALJ Allan Arlow
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Sincerely,



Johanna M. Riemenschneider
Assistant Attorney General
Business Activities Section

JMR:jrs/#4619629
Enclosure
(Electronic copy only)
c w/enc: UM 1648 Service list



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 13-1707

Released: August 6, 2013

**WIRESLINE COMPETITION BUREAU ANNOUNCES FILING DEADLINE OF
OCTOBER 15, 2013 FOR ELIGIBLE TELECOMMUNICATIONS CARRIERS
TO FILE HIGH-COST AND LOW-INCOME ANNUAL REPORTS,
AND ANNOUNCES FILING DEADLINE OF DECEMBER 16, 2013 FOR STATES AND ETCs
TO FILE ANNUAL USE CERTIFICATIONS**

WC Docket Nos. 10-90 and 11-42

In this Public Notice, the Wireline Competition Bureau (Bureau) notifies Eligible Telecommunications Carriers (ETCs), states, and other stakeholders that information required pursuant to sections 54.313 and 54.422 of the Commission's rules must be filed by **October 15, 2013**, using FCC Form 481.¹ We also announce that certifications required pursuant to section 54.314 of the Commission's rules must be filed by **December 16, 2013**.²

ETC Annual Reports for High-Cost and Low-Income. On August 5, 2013, the Bureau published notice in the Federal Register that amendments to section 54.313 of the Commission's rules are now effective and that the Office of Management and Budget has approved FCC Form 481.³ Annual reports must be filed using FCC Form 481, which is available at the website of the Universal Service Administrative Company (USAC).⁴ Completed reports shall be filed with the Office of the Secretary of the Commission, as described below and clearly reference WC Docket Nos. 10-90 and/or 11-42 (as appropriate), with USAC, and with the relevant state commissions, relevant authority in a U.S. Territory, or Tribal governments, as appropriate.⁵ USAC will announce webinars providing instructions on completing FCC Form 481.

For 2013, ETCs that receive high-cost support must complete FCC Form 481 to include the following: Information pursuant to section 54.313(a)(2) through (a)(6) as it relates to their provision of voice telephony service in calendar year 2012; their holding company, operating companies, affiliates (as

¹ 47 C.F.R. §§ 54.313, 54.422. Earlier, the Bureau waived the July 1 filing deadline in section 54.313(j). See *Connect America Fund*, WC Docket No. 10-90, Order, 28 FCC Rcd 8360, 8361, para. 4 (Wireline Comp. Bur. 2013).

² 47 C.F.R. § 54.314.

³ 78 Fed. Reg. 47211 (August 5, 2013). The Bureau had previously received OMB approval for section 54.422. 77 Fed. Reg. 25609 (May 1, 2012). OMB has approved a non-substantive change to OMB 3060-0819 to add FCC Form 481 to that information collection.

⁴ See USAC, High Cost, Forms, available at <http://www.usac.org/hc/tools/forms.aspx>.

⁵ 47 C.F.R. § 54.313(i).

defined under section 3 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 153(2)) that are also designated as ETCs and/or that provide retail broadband Internet access to end-user customers), and any branding, pursuant to section 54.313(a)(8) of the Commission's rules;⁶ for those ETCs that serve Tribal lands, a report on Tribal government engagement pursuant to section 54.313(a)(9); for price cap carriers only, certifications pursuant to section 54.313(c) and (d), as appropriate; for rate-of-return carriers only, their financial information pursuant to section 54.313(f)(2), as appropriate; and for those ETCs without access to terrestrial backhaul that are compelled to rely exclusively on satellite backhaul in their study areas, certifications pursuant to section 54.313(g).

All competitive ETCs that receive high-cost support must file information pursuant to section 54.313(a)(2) through (a)(6) as it relates to their provision of voice telephony service in calendar year 2012; their holding company, operating companies, affiliates (as defined under section 3 of the Act) that are also designated as ETCs, and any branding, pursuant to section 54.313(a)(8) of the Commission's rules; and, for those competitive ETCs that serve Tribal lands, a report on Tribal government engagement pursuant to section 54.313(a)(9). Competitive ETCs designated pursuant to section 214(e)(6) of the Act,⁷ that have previously filed five-year plans with the Commission, must file an annual update to those plans, as appropriate, pursuant to section 54.313(a)(1) of the Commission's rules.

Low-Income Reports. In order to receive low-income support, all ETCs must report their holding company, operating companies, affiliates (as defined under section 3 of the Act) that are also designated as ETCs, and any branding, pursuant to section 54.422(a)(1) of the Commission's rules; and information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, pursuant to section 54.422(a)(2). In order to receive low-income support, ETCs designated pursuant to section 214(e)(6) of the Act must also file information pursuant to section 54.422(b) of the Commission's rules.

Annual Use Certifications. Certifications required pursuant to section 54.314 by states, or ETCs not subject to the jurisdiction of a state, shall be filed by **December 16, 2013** with the Office of the Secretary of the Commission, as described below and clearly referencing WC Docket No. 10-90, and with USAC.⁸ Filers may use the form letters available at www.usac.org.

Instructions for Filing FCC Form 481 with the Commission.

- **Electronic Filers:** Reports may be filed electronically with the Commission using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS):⁹ <http://fjallfoss.fcc.gov/ecfs2/>.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. Because more than one docket number may appear in the caption of this proceeding, filers must submit two additional copies for the additional docket number.

⁶ For ETCs that receive both high-cost and low-income support, this will also satisfy their obligation to report the same information pursuant to section 54.422(a)(1).

⁷ 47 U.S.C. § 214(e)(6).

⁸ 47 C.F.R. § 54.314(c).

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, please contact Alexander Minard, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

- FCC -

1 **CERTIFICATE OF SERVICE**

2 I certify that on October 1, 2013, I served the foregoing Status Update upon the parties in
3 this proceeding by electronic mail only as all parties waive paper service.

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