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Regulatory Review

The Miller Isar, Inc. Regulatory Review is a monthly report designed to provide clients with information regarding regulatory and policy matters that may impact their business operations. The Regulatory Review is provided for informational purposes only and does not constitute legal opinion or legal counsel. Comments and suggestions are always welcome.

FEDERAL REGULATORY NEWS

FCC ESTABLISHES FISCAL YEAR 2009 REGULATORY FEE ASSESSMENT AND COLLECTION REQUIREMENTS

On May 14, 2009, the Commission issued a *Notice of Proposed Rulemaking and Order* regarding Assessment and Collection of Regulatory Fees for Fiscal Year 2009. The Commission notes that it is obligated to collect \$341,875,000 in regulatory fees during Fiscal Year 2009 to fund Commission operations. The Commission's Order adopts proposals set forth in its August 2008 *Further Notice of Proposed Rulemaking*, while requesting comment on substantive and procedural aspects the current regulatory fee program, including assessment of fees on digital broadcasting television licensees after the June 12, 2009 nation-wide digital transition date. The Commission notes that it proposes to "use essentially the same section 9 regulatory fee assessment methodology adopted for fiscal year 2008, except with regard to submarine cable systems."

NPRM & Order: [Word](#) | [Acrobat](#)

Copps Statement: [Word](#) | [Acrobat](#)

COMMISSION SEEKS ADDITIONAL FY2010 FUNDING

The Commission has submitted its a \$335.8M funding request to the U.S. Congress for fiscal year 2010. Included in the request is an additional \$15M that would be used to modernize technological infrastructure, including upgrades its website and telephone system. At a hearing before the House Appropriations Committee's financial services and general government subcommittee, acting FCC Chairman Michael J. Copps noted that the Commission's current technology infrastructure is lacking. He noted that the Commission seeks to website upgrades that will allow key word searches by the public, while enhancing the ability of

interested parties to participate in Commission proceedings, and phone system improvements intended to facilitate intra-agency communications throughout the U.S. Of the \$335.8M requested, \$318M is targeted to maintain current service levels – a \$6M increase over FY2009 earmarked to offset "inflationary increases for salaries, benefits, leasing costs, utilities, and other contractual services." Approximately \$1M would be allocated to meet staffing requirements, and an additional \$1M would go to DTV transition, after the June 12 transition date.

WIRESLINE INTERMODAL PORTING INTERVAL REDUCED TO ONE BUSINESS DAY

On May 13, 2009, the Commission ordered a reduction in the time required to port telephone numbers for wireline-to-wireline and wireline to other services from four business days to one business day. The action updates the 12 year-old local number porting standard. All providers must implement the new number porting interval within nine months from the time the Commission receives technical rules from the North American Numbering Council (NANC), due 90 days after the effective date of the Commission's order. Small incumbent local exchange carriers have 15 months after the NANC recommendation to implement the new interval, this following incumbent carrier protests over the cost of implementation. The order was combined with a further notice of proposed rulemaking requesting a refreshing of the record on how the porting process can be improved, and how complex ports should be processed. Local number portability has been contentious, particularly between wireless carriers who have lobbied for shorter porting periods, and incumbents who have sought the *status quo* arguing that compliance costs for expedited porting would be significant.

News Release: [Word](#) | [Acrobat](#)
Report & Order: [Word](#) | [Acrobat](#)
Copps Statement: [Word](#) | [Acrobat](#)
Adelstein Statement: [Word](#) | [Acrobat](#)
McDowell Statement: [Word](#) | [Acrobat](#)

VOIP PROVIDERS SUBJECT TO DISCONNECTION RULES/SPEEDS NUMBER PORTABILITY

On May 13, 2009, the Commission expanded consumer protections for customers of interconnected VoIP providers, by requiring providers to notify customers before they discontinue, reduce or impair service, as other regulated telecommunications providers currently must do. According to the Commission, "Interconnected VoIP providers can no longer close shop without notice, leaving customers unexpectedly without phone service or recourse." Specifically, the Commission extended to interconnected VoIP providers the discontinuance obligations that apply to domestic non-dominant telecommunications carriers under section 214 of the Communications Act of 1934, as amended (the Act). According to the Act, "No carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby." Before an interconnected VoIP provider may discontinue service, it must comply with the streamlined discontinuance requirements under Part 63 of the Commission's rules, including the requirements to provide written notice to all affected customers, notify relevant state authorities, and file an application for authorization of the planned discontinuance with the Commission.

FCC Requires VoIP Providers to Notify Consumers of Plans to Discontinue Service.

News Release: [Word](#) | [Acrobat](#)
Report & Order: [Word](#) | [Acrobat](#)
Copps Statement: [Word](#) | [Acrobat](#)
Adelstein Statement: [Word](#) | [Acrobat](#)
McDowell Statement: [Word](#) | [Acrobat](#)

In a related matter, the Commission, in the same action, also reduced the period of time in which number porting between intermodal carriers occurs to from four days to one business day, further including interconnected VoIP providers in the requirement. (See related story, above).

COMMISSION RELEASES CONSUMER COMPLAINT REPORTS

The Federal Communications Commission, on May 6, 2009, released three reports governing informal consumer inquiries and complaints. Two reports include statistics for third and fourth quarter 2008, and the second applies to complaints and inquiries regarding telecommunications access to those with disabilities. According to the fourth quarter News Release, "complaints in the reported categories decreased over 28%, from 98,816 in the 3rd

quarter to 70,836 in the 4th quarter of 2008. Most of the decrease occurred between the Radio and Television Broadcasting category where complaints decreased over 27% from 40,057 in the third quarter to 29,106 this quarter and in Wireline Telecommunications where complaints decreased from 39,546 in the third quarter to 27,160 [in the 4th] quarter. Cable & Satellite Services-related complaints decreased over 7% from 2,263 in the 3rd quarter of 2008 to 2,097 in the 4th quarter. Wireless complaints decreased 26% from 16,950 in the 3rd quarter of 2008 to 12,464 in the 4th quarter." "The sub-categories in which notable increases were experienced in 2008, as compared to 2007, were: (1) DTV (Radio and Television Broadcasting), a 1,787% increase from 14,895 in 2007 to 281,168 in 2008; (2) TCPA (Wireline Telecommunications), a 157% increase from 25,971 in 2007 to 66,767 in 2008."

Fourth Quarter Report on Informal Consumer Inquiries and Complaints Released.

News Release: [Acrobat](#)

Third Quarter Report on Informal Consumer Inquiries and Complaints Released.

News Release: [Acrobat](#)

Report on Informal Consumer Complaints Regarding Access to Telecommunications for People With Disabilities.

News Release: [Word](#) | [Acrobat](#)

BAKER MAY BE REPUBLICAN FCC COMMISSIONER CANDIDATE

There is growing speculation that Meredith A. Baker, former acting administrator of the National Telecommunications and Information Administration, may be nominated to take the vacant Republican seat on the FCC Commission. Speculation arises from discussions held among members of the Senate Commerce, Science, and Transportation Committee, though no formal comments have been forthcoming. Republicans have been reportedly deadlocked on potential candidates, though the scheduling of hearings on Julius Genachowski's nomination as Commission Chair may be prompting action on a Republican candidate. Republican Commissioner Robert M. McDowell's term ends in June, although he may remain at the Commission until the current Congress adjourns possibly at the end of 2010.

U.S. BROADBAND PENETRATION NEARS 27% OECD REPORTS

A report by the global Organization for Economic Cooperation and Development concludes that broadband penetration in the U.S. is approaching 27%, just above the global average of 23% at the end of 2008. This places the U.S. at 15th in the world for broadband deployment. The average monthly broadband subscription price in the U.S. is about \$45.52, according to the OECD, which is slightly above the worldwide average of about \$43.92.

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- The OECD report is available [here](#)
- *The New York Times* has this blog [post](#)
- Broadband Census has the FCC [update](#)

BARTON, STEARNS INTRODUCE FCC REFORM LEGISLATION

Representatives Joe Barton ((R) Texas) and Cliff Stearns ((R) Fla.), ranking members of the House Energy and Commerce Committee and Communications, Technology, and the Internet Subcommittee, respectively, have introduced new legislation designed to reform what they described as the FCC's "byzantine regulatory processes." Under the bill, the Commission would be required to publish the text of proposed rules for comment before adopting them. Further the Commission would be subject to a 30-day deadline for releasing the texts of decisions once adopted. A 30-day or longer comment period and like reply comment period would also be required on proposed rule changes, followed by at least 30 days for Commission consideration of the comments. The Commission would be required to establish deadlines for acting on petitions, applications, complaints, and other filings. Missed deadlines would require Commission notice to the House and Senate Commerce committees and explain the reason for the delay, with updates every 14 days until the text of the decision is published. The Commission would also be required to provide annual summaries to legislators in any year in which it misses such a deadline. And, the bill would require the Commission to establish an annual schedule for release of statistical reports. If release dates are missed by 60 days, the Commission would be required to provide notice to the House and Senate Commerce leadership, with an explanation for the delay, and updates every 30 days until the report is released. The bill reflects the ongoing Congressional scrutiny under which the Commission has remained for some time during while Kevin Martin served as Commission chair.

In The Courts

APPEALS COURT UPHOLDS LOWER COURT INJUNCTION ON STATE VOIP USF SURCHARGES - NEBRASKA COMMISSION SEEKS REHEARING

The U.S. Court of Appeals for the Eighth Circuit (St. Paul) has upheld a lower court's preliminary injunction that precludes the Nebraska Public Service Commission from requiring nomadic interconnected voice-over-Internet-protocol (VoIP) service providers to collect a universal service surcharges from end users. The issue stems from Nebraska Commission efforts to require that Vonage Holdings collect and remit state universal service fund surcharges from end users on revenues that are not subject to federal universal service fund collection. Vonage appealed and won a preliminary injunction from the U.S. District Court for the District of Nebraska in 2008. The appeals court rejected Nebraska Commission arguments on appeal of that decision, that the state universal service

surcharge requirement is consistent with the FCC's "safe-harbor," allowing VoIP providers to make federal Universal Service Fund contributions on an assumed interstate and international revenue base of 64.9% of total revenues. The court cited the possibility of conflicts between the methods used by different states for deciding the address on which a VoIP customer's intrastate universal service surcharges are based. (*Vonage Holdings Corp. v. Nebraska Public Service*, --- F.3d ----, 2009, WL 1161584 (C.A.8 Neb. May 1, 2009))

On May 14, 2009, the Nebraska Public Service Commission asked the Court of Appeals for a rehearing or a rehearing *en banc* of the Court's decision, contending that the Court's ruling contradicts the a 2004 decision in "Qwest Corp. v. Scott," in which the Court found that absent "persuasive evidence of preemptive intent by the FCC, ... the exercise of judicial restraint is the better course." The Nebraska Commission's request is based in part on an FCC's Office of General Counsel brief in the appeal, stating that the FCC's federal regulatory preemption of state VoIP regulation had not intended to preempt state universal service surcharge collection, based on intrastate VoIP revenues. The FCC brief was not addressed in the Court's recent ruling. See *Communications Law Bulletin* [article](#).

COMMISSION BAN ON EXCLUSIVE CABLE AGREEMENTS UPHELD

The U.S. Court of Appeals for the District of Columbia Circuit has upheld the Commission's prohibition on exclusive cable agreements. The Commission had ruled that exclusive agreements between cable providers and multi-dwelling unit owners were anti-competitive, and prohibited new agreements and enforcement of existing agreements. In siding with the Commission, the Court rejected the appellants' claims, arguments that the statutory provision at issue – Section 628 of the Communications Act – was intended to address programming discrimination exclusively, and not anti-competitive barriers to competition generally. Instead, the court found that the FCC's broader interpretation was reasonable and permissible under the *Chevron* doctrine, which generally requires the courts to defer to agency judgment in questions of statutory interpretation that are within the agencies' expertise. Real estate appellants had also argued that the Commission was effectively regulating the real estate industry. In response, the court noted that the Commission's actions applied exclusively to cable providers.

STATE REGULATORY NEWS

ALABAMA/TENNESSEE – Deregulation Laws Enacted

Alabama Governor Bob Riley (R) has signed the "Communications Modernization and Lifeline Improvement Act," which effectively precludes Public

Service Commission regulation of basic local exchange services on January 1, 2011. Under the bill, increases in optional service rates are not to increase by more than 5% per optional feature per year through the end of 2010. Optional services also then become deregulated. Other services were deregulated in 2005. This leaves the Commission with exceptionally limited authority to regulate basic residential service and business services with four lines or less. The Commission will not have jurisdiction to regulate any form of broadband service, broadband-enabled services, voice-over-Internet-protocol (VoIP) services, or information services. AT&T reportedly spent significant efforts in painting a picture of significant competition and the need for incumbent carrier flexibility to compete, a view not unanimously shared by some members of the Commission.

In Tennessee, Governor Phil Bredesen (D) signed [HB 1698/SB 1954](#), which deregulates all AT&T basic local exchange service rates in the State, into law. As in Alabama and other states, supporters claimed that deregulation was needed to face growing competition. The final version of the law reflected an AT&T compromise with rural interests, the cable industry, and the Competitive Carriers of the South, Inc. Tennessee Regulatory Authority Director Sara Kyle had proposed a deregulatory proceeding before the Authority, but ultimately lobbied the legislature on the terms of the Bills. Under the new law, the Authority retains limited authority to address consumer complaints and competitor allegations of anti-competitive behavior.

CALIFORNIA – Streamlined LEC Service Quality Rules Not Enough Major Carriers Argue

Larger incumbent local exchange carriers have expressed concern over Commission efforts to adopt more streamlined service quality regulations, which some claim may actually make some requirements more stringent. In reaction to an Commissioner Rachelle Chong's April 2009 proposed decision adopting a minimum set of quality measures applicable to incumbent and competitive carriers – a continuation of the Commission's 2007 Uniform Regulatory Framework (URF) Decision – AT&T argued that the Proposed Decision would contribute to "asymmetric regulation" and further harm competition, a position shared by the State's other three dominant incumbents. Under the proposed Order, local exchange carriers with more than 5,000 subscribers would be required to report on customer trouble reports (six reports per 100 lines), out of service repair intervals (24 hours); and billing and trouble report answer time (80% within 60 seconds). Carriers with less than 5,000 subscribers, resellers, wireless, and Internet protocol (IP)-enabled carriers (iVoIP and cable) would be exempt from the reporting requirements. SureWest proposed the complete elimination of reporting requirements with the exception of service outage reporting, which the Company suggests be taken from federal reporting requirements. Consumer interests supported the Proposed Decision with some amendment, including a

posting of reporting results on the Commission's web site and inclusion of some monitoring standards for entities that would otherwise be exempt under the Proposed Decision. The 98-page Proposed Decision is available at: <http://docs.cpuc.ca.gov/efile/PD/100152.pdf> (Rulemaking 02-12-004)

CALIFORNIA – CPUC Considers Carrier Exemption from Asset Sales

On May 12, 2009, the California Public Utilities Commission issued an *Order Instituting Rulemaking*, initiating a proceeding to investigate whether wireline telecommunications carriers should be relieved of existing requirements governing asset sales. Under Section 851 of California's Public Utilities Code, the sale of assets valued at more than \$5M requires Commission approval. Competitive carriers may currently seek Commission approval for asset transfers under Section 851 through the Commission's Tier II advice letter process. The Commission now intends to determine whether to remove the requirement altogether as part of the Commission's effort to streamline regulations for incumbent and competitive carriers. Interested parties were asked to respond to six questions addressing specific issues to be considered on May 22. A scoping memorandum is scheduled for release in June, with formal comments scheduled for July. (R.09-05-006)

CALIFORNIA – 911 Surcharge Prepaid Service Assessment Bill Introduced

The Assembly Utilities and Commerce Committee is considering a new bill that would impose the State's monthly 911 surcharge on all prepaid calling services, both wire line and wireless. AB 910 would impose the Emergency Telephone Users Surcharge Act on all "prepaid communications service" defined to include all prepaid telecommunications services, to fund California's 911 emergency telephone system.

FLORIDA – TRS Surcharge for 2009-2010 Fiscal Year Set

The Florida Public Service Commission has approved a staff proposal to maintain the current monthly telecommunications relay service surcharge at \$0.11 per line, for the 2009-2010 fiscal year, beginning July 1, 2009. Staff noted that while traditional telecommunications relay service usage had diminished over the past year, use of other relay services has increased, accounting for retention of the current level. (Docket 040763-TP)

IDAHO - Consumer Protection Rulemaking Initiated

The Idaho Public Utilities Commission has initiated a rulemaking proceeding to investigate whether its Telephone

Customer Relations Rules should be updated. Following investigation into an informal consumer complaint, staff concluded that Qwest Corporation's billing practices may not comply with rule 201.01 of Commission rules that require inclusion of a payment due date. Staff noted that Qwest invoices for the incumbent's automatic monthly payment option subscribers did not contain a due date, in violation of Commission rules. Qwest maintained that the requirement for inclusion of a due date was inapplicable to automatic payments. Staff argued that the rule holds no exceptions. The Commission determined that applicability of the rules should be determined in the scope of a broader rulemaking proceeding. A temporary waiver of the due date requirement for automatic payment subscribers has been implemented pending the outcome of the proceeding. (Docket GNR-T-09-03)

IOWA – Board Clarifies Telecommunications Service Regulation Status

On May 12, 2009, the Iowa Utilities Board adopted rule amendments intended to clarify the status of regulated, deregulated, and unregulated telecommunications services. Board rulemaking follows a request for comments in 2008 regarding proposed amendments to the Board's telecommunications rules. On recommendation from the state Consumer Advocate, the amended rules now explicitly establish those services deemed regulated, deregulated, and unregulated. Among the deregulated services are directory assistance, speed calling, billing and collection services, voice messaging services, local exchange services in certain areas, and most retail business and residential local exchange service rates with the exception of single-line, flat-rated rates. The rules were also amended to remove references to "regulated rates," "customer provision" and "tariff," no longer applicable to deregulated services. (Docket RMU-08-6)

KANSAS – Commission Reports on State Broadband Availability

The Kansas Corporation Commission has released a new legislative report detailing broadband availability in the State. According to the Report, all geographic postal codes in the state have access to at least two broadband service providers within their boundaries and 15% have access to five providers. A total of eighty-one broadband providers operate in the State. Approximately forty percent of the State's broadband services are provided by cable; asymmetric digital subscriber line local exchange carrier services represent approximately twenty-five percent of all broadband services. The remaining broadband services are provided by other technologies including fiber optics, satellite, terrestrial wireless, and broadband over power lines. According to the report, the general availability of broadband services does not reflect the fact that there remain unserved areas in the state. The Report results are based on FCC data, though the Commission notes that the

data did not provide sufficient granularity to accurately reflect unserved areas. The Report was prepared in response to directives adopted under SB 570, enacted in 2008.

MAINE – TRS Bill Becomes Law

Maine Governor, John Elias Baldacci (D) has signed HB 525, a bill requiring that intrastate toll calls placed by the deaf, hard-of-hearing, and speech impaired, be provided at a 70% discount. Definitions for "telecommunications devices for the deaf" are included in the law to reflect new technology used by callers. The bill also clarifies that an entity can qualify as a telecommunications relay service provider even if there are parts of the state where it is not otherwise technologically feasible to provide the service. Entities may become eligible to draw from the federal telecommunications relay service fund when demonstrating compliance with federal mandatory minimum standards at the state or federal level, under federal rules. The new law requires the Public Utilities Commission to promulgate new rules to implement the law.

NEW HAMPSHIRE – Supreme Court Overturns Verizon CLEC Refund

The New Hampshire Supreme Court has ruled in favor of Verizon in overturning a lower court decision requiring Verizon New England, Inc., to pay between \$15 and \$20 million in refunds to competing providers for imposing a carrier common line access charge ("CCLC"). According to the Court, Verizon was allowed to assess the CCLC to switching and transport provided on some types of calls. In 2006, BayRing Communications filed a complaint against Verizon before the Public Utilities Commission, claiming that the Company was imposing access charges on calls where Verizon did not provide access to end users, including calls made by wireless subscribers and those of local exchange carriers other than Verizon. BayRing maintained that calls originated by local exchange carrier and wireless subscribers involved no Verizon switched access or other common line service, but were rather simply routed through Verizon's network. Chief among the issues raised by BayRing, was whether Verizon's tandem switching and local transport services under its tariff constitute "switched access" and were subject to Verizon CCLC. The Commission previously ruled that the transit services provided by Verizon did not constitute "switched access" and were not subject to the CCLC, accordingly. It reasoned that in instances when a non-Verizon carrier provides the local loop connecting an end user to the public switched telephone network, Verizon does, because it cannot, provide carrier common line access in conjunction with local transport. It followed that because common line access is needed in conjunction with switched access service, and Verizon cannot provide access to the common line in the affected calls, independent local transport provided without Verizon's common line. The functions did not constitute "switched access" accordingly. The

Commission stipulated approval of FairPoint's acquisition of Verizon landlines on the refund of CCLC collected by Verizon. On appeal, the Court rejected the Commission's reasoning, finding instead that local transport, local switching, and carrier common line, when combined, provide a "complete switched access service" under Verizon's tariff, and was subject to the CCLC under the incumbent's tariff. Pointing to a similar case in New York initiated by WilTel Communications, the Court concluded that, "As with Verizon's tariff in the WilTel proceeding, there is nothing in [N.H.] 'Tariff No. 85' that requires Verizon to provide complete switched access service in order to charge the carrier common line access charge," (Docket 06-067; Orders 24,886 & 24,837)

NEW YORK – Legislation Calls for Larger Font Size on Telephone and Cable Bills

A bill requiring that telephone and cable company invoices be provided in larger fonts for visually impaired and elderly utility customers has been amended and re-referred to the Senate Energy and Telecommunications Committee. Under SB 4192, telephone and cable service providers would be required to provide invoices in a font size of 16 or greater for requesting subscribers, within 60 days of the request.

NEW YORK – Bill Would Preclude Deposits and Prepayment

Under the provisions of a new bill, AB 8164, all public utilities would be prohibited from collecting deposits or prepayments from residential subscribers. The bill is intended to protect low income and elderly subscribers from service disconnection. The bill has been referred to the Assembly Corporations, Authorities, and Commissions Committee for consideration.

TENNESSEE – AT&T Faults Authority Deregulation Rules After Statutory Deregulation Grant

Despite AT&T's legislative service deregulation victory (see above), the Company has raised issues with an Authority staff proposal for rules governing competitive exemptions governing price regulated and competitive carrier regulations. AT&T maintains that the proposed rules could be confusing in light of the recent passage of the State's deregulation bills, HB 1698/SB 1954, and should not now apply to cases brought before the Authority under the new law. To gain passage of the new law, AT&T had compromised with rural carriers, agreeing not to raise rates in rural areas for one year, after which the Company may petition the Authority to deregulate services in rural areas. The Authority may reject the request if finding that competition does not warrant the request. Under staff's proposal, the Authority could review complaints and allegations of anti-competitive behavior based on federal law. AT&T has argued hearing a case under federal law would contravene a new state statutory provision holding

that if a petitioner for deregulation is unable to obtain evidence from an intervening competitor the failure to produce the information creates a rebuttable presumption about the facts at issue. AT&T maintains that this provision is critical, and had been addressed in the passed legislation. The Company maintained that the proposed staff rules would apply to price-regulated incumbent local exchange carriers and competitive local exchanges carriers, but not rate-of-return-regulated LECs.(Docket 09-00032)

TEXAS – "Access Line" Definition To Be Reviewed

The Texas Public Utility Commission has initiated a proceeding to investigate whether the current "access line" definition should be amended in light of new technology, market, and competitive changes in the State. A review of the definition as applicable to municipal rights-of-way issues is also being undertaken. In anticipation of a formal rulemaking, the Commission has solicited comment from interested parties regarding the general need for a definition revision and whether a change in definition is indeed justified. (Docket 36830)

FEDERAL FILING DEADLINES (COURTESY MORRISON & FOERSTER)

- May 29, 2009** Reply comments due on **competitive bidding procedures for Auction No. 86 (Broadband Radio Service)**.
- May 29, 2009** Comments due on petition for rulemaking regarding **migratory birds**.
- June 4, 2009** Comments due on **annual regulatory fee NPRM**.
- June 8, 2009** Reply comments due on **USF NOI**.
- June 8, 2009** Comments due on **National Broadband Plan NOI**.
- June 11, 2009** Reply comments due on **annual regulatory fee NPRM**.
- June 15, 2009** Reply comments due on petition for rulemaking regarding **migratory birds**.
- June 15, 2009** Comments due on **CMRS market competition**.
- June 15, 2009** Comments due on **satellite market competition**.
- June 15, 2009** Comments due on **commercial broadcasting on board school buses**.
- June 29, 2009** Reply comments due on **CMRS market competition**.
- June 29, 2009** Reply comments due on **commercial broadcasting on board school buses**.
- June 30, 2009** Reply comments due on **satellite market competition**.
- July 7, 2009** Reply comments due on **National Broadband Plan NOI**.
- July 31, 2009** Annual **traffic and revenue report** due for international carriers

COMPLIANCE REPORTING JUNE

The following report listing has been compiled from past reporting requirements and is provided exclusively for informational purposes. Reporting requirements are subject to change and should be verified by filers.

FCC Form 499-Q Telecommunications Reporting Worksheet and *de minimis* notification due May 1.

Geographic Rate Averaging and Rate Integration Certification letter were due on May 1.

FCC Form 395 - Common Carrier Annual Employment Report and Discrimination Complaint Report, May 31 (16 employees or more).

Companies should also anticipate the upcoming FCC International Report due July 31.

REPORTS DUE IN JUNE

Due Date	Jurisdiction	Report Name
June	Alaska	Access Minutes Report
June	Alaska	Carrier and Area Specific Bulk Billed Report
June	Missouri	Relay Missouri Statement
June	Rhode Island	Telecommunication Education Access Fund
June	Rhode Island	Telecommunications Relay Service Report
June 1	Idaho	ID Universal Service Fund Form
June 1	New Jersey	Statement of Gross Intrastate Revenues from Operations
June 1	Ohio	CLEC Data (Report)
June 1	South Dakota	South Dakota Public Utilities Commission Annual Report
June 1	Wyoming	Gross Intrastate Retail Revenue
June 9	California	Combined California PUC Telephone Surcharge Transmittal
June 10	Alaska	Alaska Telecommunications Relay Services Fund - Remittance of Surcharges Collected
June 10	Arkansas	State of Arkansas Universal Service Fund
June 10	California	Employee Compensation, Dues, and Subscriptions
June 10	Georgia	Local Service Indicators Data Requests
June 10	New York	Service Quality Performance
June 15	Alabama	Revised Survey of Competitive Local Exchange Carriers
June 15	Florida	Florida Telecommunications Relay, Inc. (FTRI) Monthly Surcharge Collection Report
June 15	Georgia	Georgia Telecommunications Relay Service (TRS) Monthly Surcharge Collection Report
June 15	Kansas	Kansas Universal Service Fund 2004/2005 Wireless and Wireline Carrier Remittance Worksheet

Due Date	Jurisdiction	Report Name
June 15	Kentucky	Commonwealth of Kentucky Telecommunications Relay Service Fund Telecommunications Devices for the Deaf Distribution Fund
June 15	Kentucky	Commonwealth of Kentucky Universal Service Fund
June 15	Nebraska	Nebraska USF & E911 Remittance Worksheet
June 15	North Carolina	North Carolina Access Line Report - Rule 17-2(K)
June 15	North Carolina	Questions for Competing Carriers Report
June 15	Oklahoma	State of Oklahoma Universal Service Fund Carrier Remittance Worksheet
June 15	Pennsylvania	Pennsylvania Universal Service Fund, FY2004 Carrier Remittance Monthly Worksheet
June 15	Puerto Rico	Puerto Rico Universal Service Fund July 2004 - December 2004 Carrier Remittance Worksheet
June 15	Rhode Island	E911
June 15	South Carolina	The Public Service Commission of South Carolina SC Dual Party Relay System Invoice
June 15	Tennessee	Telecommunications Devices Access Program ("TDAP")
June 15	Vermont	Vermont Universal Service Fund Carrier Remittance Worksheet
June 15	Virginia	Telecommunications Relay Service Monthly Report
June 20	Alaska	State of Alaska Universal Service Fund Monthly Carrier Remittance Worksheet
June 20	Arizona	Arizona Universal Service Fund Carrier Remittance Worksheet
June 20	Colorado	CO Telecommunications Relay Service Surcharge
June 20	Idaho	Idaho Telecommunications Service Assistance Plan (ITSAP)
June 20	New Hampshire	Telecommunications Relay Service Remittance
June 20	Pennsylvania	Remittance Form for Monthly Telecommunications Relay Service (TRS) Surcharge Collections
June 20	Utah	Utah Universal Service Fund Surcharge Remittal Statement
June 20	Washington	Telecommunications Relay Service, Washington Telecommunications Assistance Program, and E911
June 21	New York	TAF Adjustment Input Form
June 21	New York	Targeted Accessibility Fund Monthly Online Reporting Form
June 21	Oregon	Residential Services Protection Fund Surcharge Remittance Form
June 22	Arkansas	Arkansas Intrastate Carrier Common Line Pool Report
June 25	Minnesota	Minnesota Annual 911/TAM/TAP Fees Report Form
June 25	Texas	Texas Universal Service Fund Worksheet
June 30	Arkansas	Arkansas Public Service Commission Service Performance Report
June 30	Connecticut	2004 Connecticut TRS Supplemental Data Collection

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Due Date	Jurisdiction	Report Name
June 30	Mississippi	Mississippi Dual Party Fund Statement of Revenues
June 30	Nebraska	State of Nebraska Dual Party Relay Surcharge Form
June 30	North Carolina	Lifeline Report
June 30	Oregon	Oregon Telephone Assistance Program Reimbursement Form
June 30	Pennsylvania	Lifeline Report
June 30	Tennessee	Wireline Activity Tennessee-CCN Authority
June 30	Texas	CLEC/CTU Annual Information Reporting Requirements
June 30	Texas	IXC, PPC, and Other Uncertificated Nondominant Telecommunications Carriers Reporting Requirements
June 30	Vermont	Monthly Disconnect Report
June 30	Vermont	Vermont Service Quality Performance Index Report
June 30	Virginia	Service Quality Report
June 30	Wyoming	Telecommunication Companies Revenue & Assessment Report (Wyoming Universal Service Fund)

AD HOC REPORTS

Ad hoc	California	Service Quality Pursuant to G.O. 133(B)
Ad hoc	Federal	499Q <i>de minimis</i> determination notice
Ad hoc	Federal	Communications Assistance for Law Enforcement Act (CALEA), System Security and Integrity compliance Policies and Procedure Manual
Ad hoc	Federal	Designation of Agent for Service of Process
Ad hoc	Federal	FCC CORES Registration, CORES Update/Change Form, CORES Certification Form
Ad hoc	Federal	International Settlements Modification Request
Ad hoc	Federal	Network Outage Reporting
Ad hoc	Federal	Notification of Change of Name
Ad hoc	Federal	Operating Agreements and Contracts
Ad hoc	Florida	Service Quality Report
Ad hoc	Idaho	ID TRS Fund Form
Ad hoc	Louisiana	Affidavit of Compliance Louisiana Underground Facility/Utility Damage Prevention Law
Ad hoc	Louisiana	Technical/Market Trial Report
Ad hoc	Nebraska	Change of Address/Contact Information form
Ad hoc	New Hampshire	Contact Information Sheet
Ad hoc	New York	(Targeted Accessibility Fund) Annual Forecast Report Form
Ad hoc	New York	Emergency Plan
Ad hoc	Oregon	Oregon Universal Service Identification Worksheet
Ad hoc	Pennsylvania	Supplier Company Contacts
Ad hoc	South Carolina	Authorized Utility Representative Information
Ad hoc	Texas	Outage Report
Ad hoc	Wyoming	Update Form

Ad Hoc	Wyoming	WY USF Assessment True Up Form
Ad hoc	Federal	Notification of Affiliation with a Foreign Carrier
Certification Anniversary	Tennessee	Small and Minority Owned Telecommunications Business Participation Plan
fiscal year	Alaska	Annual Operations Report
fiscal year	Alaska	Annual Operations Report Form
fiscal year	Louisiana	Annual Financial Reports
fiscal year	Puerto Rico	Annual Gross Income Statement of Telecommunications Companies
Non-Commission	North Carolina	Telecommunications Relay Service Fund Report
Non-Commission	Washington	Washington Telecommunications Relay Service and Telephone Assistance Program
Notification	Arkansas	Annual Affidavit of Switchless Reseller to the Carrier Common Line Pool
Notification	Nebraska	Nebraska Universal Service Fund Contact and Revenue Information
Notification	Tennessee	Lifeline/Linkup Survey
Notification	West Virginia	WV Gross Receipts Revenue Report
Post	Federal	Designation of Agent for Service of Process
Certification Post	Oregon	Oregon Universal Service Identification Worksheet
Certification Regional	Idaho	911 Surcharge Report

MILLER ISAR NEWS

Miller Isar, Inc. has been engaged to conduct a comprehensive study of contract filing requirements for a competitive local exchange carrier throughout the Qwest Corporation service area, California, and Illinois. The study focuses on Commission contract regulation, and implementation of interconnection, retail and wholesale service contract filing requirements with citations.

RAMBLINGS

Many political observers suggest that under the new Obama Administration, and in light of the litany of failures in the banking and credit industries, among others, we may see the regulatory pendulum swing back to imposition of more, rather than less regulation on the incumbent carriers and on the telecommunications industry generally. This remains to be seen as we await Julius Genachowski's confirmation to the FCC Chairmanship and see how the incumbents act, now that they have in large measure, been given virtually all the regulatory freedom they asked for. The incumbents' recent legislative deregulatory successes in the Southeast are nothing short of breathtaking. Their ability to convince legislators that the competitive threat incumbents' face warrant complete deregulation is simply amazing. Has the ILEC horse now bolted before it can ever be reigned in? My guess is that it depends on how the ILECs act. If incumbents follow the elitist path of many of their

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dominant brethren in other industries, we may very well see the regulatory pendulum shift. We need only look to many of the now defunct banks and soon to be defunct automobile manufacturers to see the hubris that lead to their downfall and demands for (re)regulation. Freed from the bulk of regulatory requirements, the ILECs have unprecedented flexibility to do as they wish. The issue is how will they use that flexibility? The answer will bring us back to whether they will have to be reigned in, or if indeed the market will be the ultimate regulator.... The judge seems to be out on the latter, if the excesses of some entities in other industries serve as a litmus test.

MILLER ISAR, INC. ONLINE

Miller Isar, Inc.'s web site is designed to provide clients and the public with access to important regulatory information. Please visit us at www.millerisar.com.