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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 client 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

JOINT BOARD REPORTS USF SPENDING REMAINS AT \$7B

The Federal-State Joint Board on Universal Service, in a December 31, 2009 report regarding universal service fund expenditures in 2008, concluded that Fund spending has remained relatively consistent at \$7B for the year. According to the Report, \$4.5B was spent on high-cost support, followed by \$1.8B spent on the E-rate Schools and Libraries funding, and \$819M spent under the low income support Fund. Rural health care facilities received \$49M in supplemental funding. The report also noted that the percentage of household phone subscribers increased to 95.2% in 2008 according to the Current Population Survey, up from 94.8% in 2007.

GAO REPORT FINDS FCC LACKS WRITTEN INTER-BUREAU COLLABORATION PROCEDURES

The Government Accounting Office (GAO), in a January 19, 2010 [Report](#), has concluded that the Commission lacks written procedures to ensure that inter-bureau communication and collaboration will occur. According to the Report, the Commission's reliance on informal coordination between bureaus has led to confusion over what organization is responsible for certain issues. The lack of formal written procedures also enabled some Commission Chairmen to determine the extent to which some bureaus collaborated and when communications should have occurred, the GAO reports. In some instances, the

GAO noted that the situation led to a lack of input from all relevant staff and the public. This, the GAO maintains, raises concerns regarding the transparency and informed nature of the Commission's decision-making process. The Report also noted that the Commission rarely includes the text of a proposed rule when issuing a NPRM to collect public comment on a rule change, maintains vague *ex parte* summaries, and allows *ex parte* contact just before Commission votes in instances, further limiting the ability of interested parties to respond.

COMMISSION NOTES ILEC REPAIR INTERVALS AND CUSTOMER DISSATISFACTION ON THE RISE

The Commission has released findings of its review of incumbent local exchange carrier customer service indices, concluding that average provider repair intervals and customer service dissatisfaction are on the rise. The Commission found that repair intervals have increased by an average of 5.8% for a six-year period ending in 2008 for the industry overall. The number of dissatisfied customers with residential repairs increased by 4.3% for larger carriers for the same period. Complaints against larger carriers grew 7.3%.

CONSUMER GROUPS SEEK INVESTIGATION INTO ONLINE TV ANTITRUST IMPLICATIONS

The Free Press, Media Access Project, Consumer Federation of America, Consumers Union, New America Foundation, Participatory Culture Foundation, and Public

Knowledge have asked the FCC, the Justice Department, the Federal Trade Commission, and some congressional committees to investigate the potential for antitrust violations regarding the provision of online television among cable, telephone, and satellite service providers. The groups maintain that the industries' current model for delivery of online TV promotes and illegal arrangement among competing factions, that could undermine Internet-based video programming competition. The public interest groups believe that the current delivery model obligates consumers to pay for online TV programming subscriptions, and is moving toward bringing more content into a pay per subscription scenario, ultimately curtailing consumer choice in programming. This model, the groups conclude, will have unintended consequences and smack of collusion among the industries. Though the groups do not oppose a payment model for Internet access to content, they do oppose consumer obligations to subscribe to Internet video service already available via other delivery media. The groups stress that existing multichannel video programming distributors (MVPDs) have strong incentives for engaging in exclusionary behavior because they view the growing availability of Internet-based video content as a threat to their share of the video service provider marketplace. The Free Press, in a separate report found that incumbent MVPDs "have a long history of scrambling to kill online TV and trying to preserve the current market structure and prevent disruptive competition," stating further that in last ten years, MVPD's have controlled TV set-top boxes to limit competing sources, and imposed fees on high-capacity Internet use that discourage online TV viewing. The report notes that one of the major obstacles to competition entails the preclusion of new online only TV distributors from participating in the online TV market as a result of collusion between competitors. Cable industry representative maintain that the request for investigation is unfounded and unsupported by facts, and argue that the public interest group's approach would effectively reduce on line content.

COMMISSION RELEASES TELECOMMUNICATIONS PROVIDER LOCATOR

On January 26, 2010, the Commission released its annual *Telecommunications Provider Locator* report. "The report lists 6,493 companies registered to provide interstate telecommunications as of October 2008, as compared to 6,252 companies as of October 2007. For each of these providers, the report identifies whether it reported revenue

for local, wireless, payphone, operator and prepaid calling card, or other toll services, and whether it contributed to support universal service. The report also provides contact information for each company. This report was compiled using information from FCC Form 499-A Telecommunications Reporting Worksheets filed by telecommunications providers."

Report: [PDF](#)

IN THE COURTS

COMMISSION CRITICIZED FOR COMCAST PEER-TO-PEER DECISION

The Commission has come under sharp criticism from the U.S. District Court of Appeals for the District of Columbia Circuit over its August 2008 peer-to-peer (P2P) traffic management practices decision in "Comcast Corp. v. FCC" (case no. 08-1291), where the Commission – in a 3 to 2 vote – found that Comcast's P2P traffic management policies violated the FCC's broadband industry principles. In oral arguments before the Court, FCC general counsel, Austin Schlick was questioned repeatedly by the three-judge panel over what legal authority the Commission held to enable the Commission to rely on its broadband industry principles in rendering a decision on Comcast's peer-to-peer (P2P) traffic management practices. Mr. Schlick reiterated the Commission's position that it maintained ancillary jurisdiction under section 706 of the 1996 Telecommunications Act to rule. The panel did not appear persuaded by the argument, noting that a policy had no legal binding. Judge Randolph stated that while Congress expressed interest in maintaining an "open" Internet, there is no specific legal guidance on how this is to be accomplished, leaving the FCC with no legal basis. Mr. Schlick agreed, yet argued that the 1996 Act gives the Commission an ability to intervene. Judge Tatel stated that the provisions quoted by the Commission could not serve as the basis for the Commission's ruling. Comcast Counsel, Helgi Walker, in briefs, argued that the Commission "has not said it enforced any law ... just pure policy.." She also argued that Comcast "had absolutely no notice that our conduct was regulated." National Cable and Telecommunications Association and NBC Universal counsel Howard Symons, stated, "The order is unlawful because it submits the whole industry to a vague set of standards ... that didn't exist before. The order provides no clear guidance." The Commission had indicated its reliance on ancillary jurisdiction under Title I of the 1934 Act, as well as on sections 201 (service and charges), 230 (protection for blocking screening offensive material), 256 (coordination for interconnectivity), and 257 (market entry barriers proceeding) in Title II (common carriers) of the Act; section 601 (general provisions) in Title VI (cable communications) of the Act; and section 706 (advanced

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telecommunications) of the 1996 Act. Comcast appealed the Commission's order the following month, characterizing the decision "legally inappropriate" stating that it was challenging, "the basis on which the Commission found that Comcast violated federal policy in the absence of pre-existing legal enforceable standards of rules." A Stifel, Nicolaus & Company, Inc. report concludes that if the court takes issue with the FCC's statutory authority to enforce broadband network management safeguards, it could be a problem for the agency's ability to adopt network neutrality rules going forward." Medley Global Advisors, LLC, said in its report that "The court's ruling later this year could complicate Chairman Julius Genachowski's efforts to enact a net neutrality policy far bolder than current guidelines set by his Republican predecessor in 2005. It could also trigger a more aggressive push for net neutrality legislation on Capitol Hill."

D.C. COURT OF APPEALS UPHOLDS COMMISSION ISP TRAFFIC RULING

On January 12, 2010, the U.S. Court of Appeals for the District of Columbia Circuit [upheld](#) a November 2008 Commission ruling in which the Commission found that it had authority to determine that Internet service provider-bound traffic should be afforded different rate treatment than other section 251(b)(5) traffic under the 1996 Telecommunications Act. In that decision, the Commission - responding to a D.C. Court of Appeals *writ of mandamus* to act on the matter of ISP bound traffic rates - rejected arguments by Core Communication and state regulatory utility commissions that the FCC had improperly addressed ISP bound traffic pricing issues in setting rates for such traffic instead of deferring to the states. The Court found that the Commission had committed no legal error in its analysis in "Core Communications v. FCC" (case no. 08-1365). Judge Williams wrote that the petitioners' argument failed "because it implicitly assumes inapplicability of the end-to-end analysis, which petitioners have not challenged..." "And the FCC has consistently applied that analysis to determine whether communications are interstate for the purposes of section 201. Petitioners do not dispute that dial-up Internet traffic extends from the ISP subscriber to the Internet, or that the communications, viewed in that light, are interstate. Given that ISP-bound traffic lies at the intersection of section 201 and sections 251-252 regime, it has no significance for the FCC's section 201 jurisdiction over interstate communications that these telecommunications might be deemed to 'terminat[e]' at a LEC (local exchange carrier) for purposes of section 251(b)(5)." The Court's ruling did not address the matter whether the Commission could generally preempt states in seeking to drive down intrastate access charges, which could be proposed as part of intercarrier compensation

reform. The Commission's order retained the interim rate cap of \$0.0007 for terminating ISP traffic indefinitely.

EIGHTH CIRCUIT AFFIRMS MAJORITY OF NEBRASKA PSC'S UNE RATE ORDER

The U.S. Court of Appeals for the Eighth Circuit (St. Paul) has largely affirmed a 2007 Nebraska Public Service Commission order which had established Qwest deaveraged unbundled network element (UNE) rates. In its order, the Commission had found that rates for UNE loops should be deaveraged because of the higher costs associated with providing service in rural areas. The Commission adopted total-element long-run incremental cost (TELRIC) compliant methodology for establishing UNE loop rates, then deaveraged the rates based on geographic cost differences into a total of four zones. Qwest sought reconsideration, arguing that the Commission's deaveraging methodology was a "statistical attempt to allocate the results of cost models rather than employment of a cost study to determine the absolute loop cost for in-town and out-of-town areas." The Commission denied the reconsideration, concluding that its decision was consistent with Federal Communications Commission rules and the legal criteria established in the federal 1996 Telecommunications Act. The U.S. Court for the District of Nebraska subsequently denied Qwest's appeal in November 2008, concluding that the Commission's decision had been consistent with the federal Telecommunications Act of 1996. On appeal, Qwest argued that the Commission had acted without the benefit of a current cost study. Qwest next appealed to the Eighth Circuit Court of Appeals. The appellate court upheld the district court's ruling, but remanded the matter to the court with instructions to remand the matter to the Commission to allow the Commission to hold oral arguments regarding Qwest's implementation of the original 2008 Commission order. ("Qwest Corp. v. Nebraska Public Service Commission," case no. 08-3838)

STATE REGULATORY NEWS

CALIFORNIA – BACKUP POWER EDUCATION RULES PROMULGATED

By unanimous vote, the California Public Utilities Commission has adopted rules implementing mandatory customer education and awareness programs pertaining to carrier backup power limitations. The rules are intended to establish a process for informing telecommunications customers on the availability and reliability of backup power, and apply to all facilities-based telephone service providers. A Commission investigation into the need for backup power was initiated following the enactment of AB 2393 in September 2006. The legislation directed the

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Commission to submit a report to the Legislature identifying whether standardized notification systems and protocol should be utilized to facilitate notification of local emergencies, and whether additional backup power standards were necessary. In September 20089, the Commission released an order addressing backup power considerations, which while not mandating that telecommunications providers maintain backup power and emergency notification systems, created an outreach program to inform subscribers about backup power limitations applicable to telecommunications services on their premises. A draft order proposing specific guidelines for customer outreach programs for facilities-based carriers that serve residential subscribers was introduced in 2009 by Commissioner Simon. Although the proposal was not controversial, some carriers argued that provider outreach programs should be voluntary. Others questioned whether the Commission could impose requirements on voice over Internet protocol providers. An alternative proposed draft decision offered by Commission President Peevey called for elimination of references to VoIP providers explicitly and by definition. President Peevey's alternate draft proposal was withdrawn on the day the Commissioners voted, though Commissioner Simon's original draft decision was amended to indicate that the Commission was exerting jurisdiction over facilities-based providers of VoIP in order to "ensure public safety." Under the adopted decision, all voice service providers using fiber-optic and coaxial cable technologies are to inform consumers that their phones may not work during a power outage and they will need battery backup. Facilities-based service providers are to give customers information on backup battery life and care, including how to store, change, monitor and use the backup battery units. Affected providers have 180 days to comply and must file an advice letter with the Commission providing details of their compliance. (Rulemaking 07-04-015)

GEORGIA – ILECS ALLOWED TO OPT OUT OF DIRECTORY REQUIREMENTS

The Georgia Public Service Commission has granted incumbent local exchange carriers authority to opt-out of requirements to publish provide directories if there is a "reasonable and practical alternative" available for customers to access information in the incumbents' directories. Under the new amendment to the Commission's directories Rule 515-12-1-.10(3), incumbent carriers are still required to provide directories if requested by the customer, while taking "reasonable measures" to transition customers to a non-directory system. AT&T Georgia had petitioned the Commission for elimination of the rule in its entirety in July 2009. Competitive carriers opposed the exemption, arguing that the exemption would create customer confusion. According to an AT&T spokesperson, customers will retain the option to request a paper copy of the residential White Pages at no charge

though noted that just over 2% of residential subscribers have requested White Pages directories. The Commission indicated its intent to seek comment on additional rule amendments including a proposal to require local exchange carriers to issue directories if the combined population served by the directory is less than or equal to 50,000 individuals; and a proposal that would allow competitive carriers to obtain directories for their own customers from directory providers via a "warm transfer process."

ILLINOIS – BILLS PROPOSE WIRELESS CARRIER VOICE MAIL OPT OUT OPTIONS AND NON-RESIDENTIAL SERVICE OUTAGE CREDITS

Two telecommunications-related bills have been introduced in the Illinois Legislature in January. The first, [HB4740](#), would amend Illinois' Consumer Fraud and Deceptive Business Practices Act by Providing that at the time a consumer enters into an agreement for the purchase of wireless telecommunications service from a wireless telecommunications carrier, the carrier must offer the consumer the option of not receiving automated instructions for leaving voice mail in connection with calls made by the consumer. The second bill, [HB 4742](#), would amend Illinois' Universal Telephone Service Protection rules by requiring carriers to credit non-residential customers for an amount totaling 20% of their monthly fee if telephone service is interrupted for a period of four continuous hours during normal business hours. Carriers would be required to credit non-residential customers an amount totaling 50% of the monthly fee for service outages of eight or more continuous hours during a 24-hour period. HB 4742 offers limited exceptions for service interruptions resulting from weather or incidents not the fault of the carrier.

MICHIGAN – COMMISSION SERVICE QUALITY RULES UPHELD

The Court of Appeals of Michigan has upheld Public Service Commission service quality rules following an appeal by AT&T Michigan and Verizon North Systems. Telecommunications service quality rules had been promulgated in 2002, but were subsequently rejected by the Court of Appeals ruling that found the Commission had not had authority under Michigan's Telecommunication Act (MTA) to promulgate the rules. Amendments to the MTA in 2005, effectively established Commission authority to promulgate service quality rules, and new rules were promulgated in 2007. The rules contained provisions requiring service providers to automatically credit customers when average monthly repair time and trouble reporting indices were not met. AT&T and Verizon again appealed, first to the Commission for rehearing in 2007, and then to the Court. The incumbents had argued that the automatic credit provisions constituted penalties, and were therefore unlawful under the MTA, arguing further that the Commission had exceeded its authority under the MTA to

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impose penalties or remedies. Verizon further characterized the penalties as arbitrary and capricious, having no relationship to customer expense. The Court rejected the incumbents' arguments. According to the Court, the statute lacks a definition for "remedies" for the enforcement of the rules. "... the clear language of [the statute] indicates that the legislature intended that the PSC provide remedies through which the quality of service rules could be enforced," said the court. "The rules providing for automatic penalties comport with this legislative intent." ("Verizon North, Inc., AT&T Michigan, Telecommunications Association of Michigan v. Michigan Public Service Commission," cases 283028, 283117)

MISSOURI – LEGISLATION CALLS FOR ILEC ACCESS RATE REDUCTION

A bill introduced in the Missouri Senate is calling for some incumbent carriers to reduce intrastate access charges. SB 785 would impose an obligation on incumbents serving more than 25,000 access lines to reduce access charges through elimination of the carrier common line charge (CCLC) rate element. ILECs would be authorized to increase basic residential service rates commensurate with access reductions, but only under certain circumstances. Under the bill, the Public Service Commission would be directed to establish a separate high-cost element in the state's universal service fund to compensate incumbents for lost revenues associated with elimination of the CCLC. ILECs proposing to draw from the new high cost support would have to demonstrate that they are not charging rates for essential services at rates higher than the Commission's benchmarked rate, and that each carrier complies with the provisions in the high cost support mechanism. The bill would also require interconnected VoIP and commercial mobile radio service providers to make state universal service fund contributions.

TEXAS – COMMISSION REJECTS UTEX RECUSAL PETITION IN ICA DISPUTE PROCEEDING

The Texas Public Utilities Commission has rejected a motion by interconnected VoIP provider UTEX Communications Corp., seeking recusal of Commission Chairman Barry Smitherman and arbitrator Meena Thomas from further participation in a proceeding involving the regulatory treatment of Internet-protocol originated traffic and access fee dispute. (*See Miller Isar, Inc. Regulatory Review* December 31, 2009). The dispute results from a 2002 interconnection agreement negotiation between UTEX and AT&T that was abated by the Commission on the basis that it lacked authority to adjudicate. The FCC subsequently urged the Commission to apply "existing law" in resolving the dispute, noting that it would take the matter up otherwise. The Commission agreed, though also moved to address the matter of its authority over VoIP regulation generally. An early January Public Utility Commission

order in the case naming hearing officers and setting forth a schedule was challenged by UTEX, who indicated its right to seek recusal of any Public Utility Commission employee. UTEX also objected to the proposed schedule, arguing that the schedule and documentation limits were unrealistic. (Docket 33323). In rejecting UTEX's motion, the Commission noted that under state law a decision maker is presumed to be fair and unbiased, and therefore a party seeking recusal of a decision maker bears the burden of proof. The Commission maintained that UTEX did not meet its burden of proof in support of its motion for recusal.

In related news, On January 18, 2010, the Texas Commission cancelled a workshop scheduled for January 22, 2010 to address regulatory treatment of voice over Internet protocol services until an unspecified future date. The workshop was scheduled under a new rulemaking proceeding arising from the UTEX AT&T access charge dispute. The Commission had previously concluded that it would determine the regulatory classification of VoIP services outside of the UTEX – AT&T arbitration. The Commission had already released an order in the arbitration proceeding finding that "VoIP per se is not an enhanced service as defined in the parties' ICA." It is unclear when the workshop will be rescheduled. (Docket 37614)

VERMONT – LEGISLATOR PROPOSES TRI-STATE TELECOM COMMISSION

Vermont Senator, Vince Illuzzi (R., District 6) has introduced a new bill that would establish a three state telecommunications commission to regulate telecommunications services in the States of Vermont, New Hampshire, and Maine. The bill, SB 245, would establish a tri-state commission to coordinate telecommunications oversight and regulation, while avoiding duplication in regulations and costs. According to the bill, "cooperative rather than individual state action may address more effectively the needs of the market and the development of telecommunications infrastructure." A new tri-state commission would have rulemaking authority, as well as authority to investigate existing laws and regulations and make recommendations. The commission would also be authorized to issue orders related to quality of service and the rates charged by telecommunications service provider. SB 245 is rooted in concerns over incumbent local exchange carrier FairPoint Communications' bankruptcy filing. Senator Illuzzi noted that the incumbent's bankruptcy "underscores the need for greater state oversight of the financial management and operations of telecommunications service providers." Illuzzi, who serves as chairman of the Vermont state Senate Economic Development Committee, has been critical of the Vermont Public Service Board's approval of the FairPoint-Verizon Communications merger.

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WISCONSIN – BILL WOULD INCREASE PENALTIES ON TELECOMMUNICATIONS THEFT

New legislation, SB 443, has been introduced in the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing to stiffen current statutory penalties on telecommunications service theft. Under the new bill, Wisconsin's current statutory prohibition against obtaining telecommunications and video service without payment would be amended to change the crime from a Class C forfeiture to a Class C misdemeanor.

WISCONSIN – CARRIERS EXPRESS CONCERN WITH POLICE AND FIRE PROTECTION FEE RULES

The Wisconsin Telecommunications Association, the association of smaller incumbent local exchange carriers, has voiced opposition to the Public Service Commission's proposed fee on voice communications services for police and fire protection funding. Wisconsin Act 28, enacted in 2009, imposed a \$0.75 fee on all retail voice access line connections, including interconnected Voice over Internet Protocol, to be used for a Wisconsin police and fire protection fund. In September 2009, the Commission promulgated a rule to impose the fee. The Association noted that additional amendments are needed to the rule, as not all providers can bill for the number of connections, and should not be required to implement costly billing system changes to comply. Further the Association objected to the exemption of the fee on governmental agencies, noting the additional costs that will be assumed by carriers to implement the exemption. (Docket 1-AC-228)

WISCONSIN – SECOND CONFERENCE HELD IN ACCESS FEE INVESTIGATION

On January 26, 2010, a second conference was held by the Wisconsin Public Service Commission to consider staff's proposal on the conduct of the Commission's investigation into intrastate access charges. During mid-January, Commission staff submitted a document regarding on how to facilitate discussion among stakeholders, including interconnected Voice over Internet protocol providers and wireless companies. In September 2009, the Commission had initiated a proceeding to consider how best to establish just and reasonable switched access rates following a July 2009 complaint by AT&T against a specific provider's rates. Among the approaches being considered are rate caps, or creation of a "safe harbor" rate. (Docket 5-TR-105)

WISCONSIN – LEGISLATION TO CONSIDER ACCESS AND REGULATORY REFORM

A new bill has been introduced in Senate Committee on Commerce, Utilities, Energy, and Rail, to consider changes to current incumbent and competitive carrier regulations, and to address intercarrier compensation. SB 469 would contain new standards for intercarrier compensation, while repealing sections governing incumbent carrier reporting requirements and price regulation. Incumbents would be freed from Commission oversight of new services, service classifications, promotional rates, and consolidations and mergers. The Commission would also be limited on the requirements it could impose on competitive carriers. Competitive carrier certification would become statewide. The Commission could deny certification if the applicant failed to meet financial, managerial or technical capability to provide service or comply with PSC rules. Incumbents would be prohibited from increasing intrastate switched access rates above interstate levels, and would be required to lower Wisconsin intrastate rates to interstate levels within six months, though could seek revenue offsets from universal service funding. Incumbents would also be subject to specific broadband deployment obligations. The bill would prohibit competitive carriers from exceeding incumbent carrier intrastate access rates. Any competitive carrier's intrastate access rates exceeding the incumbent's rates in effect on Oct. 1, 2009, would have to be reduced within a five-year period. The bill would also extend Public Service Commission oversight on interconnected Voice over Internet protocol providers though limited to universal service fund and access charges, universal service and electronic call records.

COMPLIANCE REPORTING FEBRUARY 2010

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.

FEDERAL REPORTS DUE IN FEBRUARY

Due Date	Jurisdiction	Report Name
February 1	Federal	499Q <i>de minimis</i> determination notice (ad hoc as may apply)
February 1	Federal	FCC Form 499-Q Telecommunications Reporting Worksheet (Quarterly)

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Due Date	Jurisdiction	Report Name	Due Date	Jurisdiction	Report Name
February 1	Federal	FCC Form 502 due NANPA	February 14	North Carolina	Public Utility Regulatory Fee Report
March 1	Federal	FCC Form 477 Statement of Number and Type of Private Lines Connected to the US public switched network	February 14	Texas	CTP (Certified Telecommunications Provider) Quarterly Reporting pursuant to HB 1777
		Annual CPNI compliance certification due.	February 14	Utah	Hearing and/or Speech Impaired Relay Report
			February 15	Alabama	Revised Survey of Competitive Local Exchange Carriers
			February 15	Florida	Florida Telecommunications Relay, Inc. (FTRI) Monthly Surcharge Collection Report
			February 15	Georgia	Georgia Telecommunications Relay Service (TRS) Monthly Surcharge Collection Report
			February 15	Kansas	Kansas Universal Service Fund 2004/2005 Wireless and Wireline Carrier Remittance Worksheet
			February 15	Kentucky	Commonwealth of Kentucky Telecommunications Relay Service Fund
			February 15	Kentucky	Telecommunications Devices for the Deaf Distribution Fund
			February 15	Kentucky	Commonwealth of Kentucky Universal Service Fund
			February 15	Nebraska	Nebraska USF & E911 Remittance Worksheet
			February 15	North Carolina	North Carolina Access Line Report - Rule 17-2(K)
			February 15	North Carolina	Questions for Competing Carriers Report
			February 15	Oklahoma	State of Oklahoma Universal Service Fund Carrier Remittance Worksheet
			February 15	Pennsylvania	Pennsylvania Universal Service Fund, FY2004 Carrier Remittance Monthly Worksheet
			February 15	Puerto Rico	Puerto Rico Universal Service Fund
			February 15	Rhode Island	July 2004 - December 2004 Carrier Remittance Worksheet
			February 15	Rhode Island	E911
			February 15	South Carolina	The Public Service Commission of South Carolina SC Dual Party Relay System Invoice
			February 15	Vermont	Vermont Universal Service Fund Carrier Remittance Worksheet

Companies should also be anticipating FCC Form 499A, the annual universal service fund (worksheet) report, submissions on or before April 1.

Copies of FCC forms are available on the Internet at: <http://www.fcc.gov/formpage.html>.

STATE REPORTS DUE IN FEBRUARY

Due Date	Jurisdiction	Report Name
February	Alaska	Access Minutes Report
February	Alaska	Carrier and Area Specific Bulk Billed Report
February	Missouri	Relay Missouri Statement
February	Rhode Island	Telecommunication Education Access Fund
February	Rhode Island	Telecommunications Relay Service Report
February 1	Idaho	ID Universal Service Fund Form
February 9	California	Combined California PUC Telephone Surcharge Transmittal
February 9	Oregon	Oregon Universal Service Contribution Worksheet
February 10	Alaska	Alaska Telecommunications Relay Services Fund - Remittance of Surcharges Collected
February 10	Arkansas	State of Arkansas Universal Service Fund
February 10	Arkansas	State of Arkansas Universal Service Fund
February 10	California	Employee Compensation, Dues, and Subscriptions
February 10	Georgia	Local Service Indicators Data Requests
February 10	New York	Service Quality Performance
February 10	Oregon	Oregon Universal Service Identification Worksheet
February 14	Missouri	Quarterly Quality of Service Report

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Due Date	Jurisdiction	Report Name	Due Date	Jurisdiction	Report Name
February 15	Virginia	Telecommunications Relay Service Monthly Report	February 28	Tennessee	Wireline Activity Tennessee-CCN Authority
February 15	Wyoming	WY USF Annual Report	February 28	Vermont	Monthly Disconnect Report
February 20	Alaska	State of Alaska Universal Service Fund Monthly Carrier Remittance Worksheet	February 28	Vermont	Vermont Service Quality Performance Index Report
February 20	Arizona	Arizona Universal Service Fund Carrier Remittance Worksheet	February 28	Virginia	Monitoring Competition in the Intrastate, Interexchange Telecommunications Market in Virginia Certificated Interexchange Carriers Annual Reporting
February 20	Colorado	CO Telecommunications Relay Service Surcharge	February 28	Virginia	Service Quality Report
February 20	Idaho	Idaho Telecommunications Service Assistance Plan (ITSAP)	February 28	Wyoming	Telecommunication Companies Revenue & Assessment Report (Wyoming Universal Service Fund)
February 20	New Hampshire	Telecommunications Relay Service Remittance		Wyoming	WY USF Assessment True Up Form
February 20	Pennsylvania	Remittance Form for Monthly Telecommunications Relay Service (TRS) Surcharge Collections	February 28	CANADA	Reporting Entity Profile (REP)
February 20	Utah	Utah Universal Service Fund Surcharge Remittal Statement			
February 20	Washington	Telecommunications Relay Service, Washington Telecommunications Assistance Program, and E911			
February 21	New York	TAF Adjustment Input Form			
February 21	New York	Targeted Accessibility Fund Monthly Online Reporting Form			
February 21	Oregon	Residential Services Protection Fund Surcharge Remittance Form			
February 22	Arkansas	Arkansas Intrastate Carrier Common Line Pool Report			
February 25	Minnesota	Minnesota Annual 911/TAM/TAP Fees Report Form			
February 25	Texas	Texas Universal Service Fund Worksheet			
February 27	South Carolina	Annual Gross Receipts Report			
February 28	Michigan	End User Count for Previous Year (Status of Competition Report)			
February 28	Mississippi	Mississippi Dual Party Fund Statement of Revenues			
February 28	Nebraska	State of Nebraska Dual Party Relay Surcharge Form			
February 28	Oregon	Oregon Telephone Assistance Program Reimbursement Form			

FCC FILING CALENDAR		
February 5, 2010		Comments due on petitions regarding wireless signal boosters and other signal amplification techniques.
February 10, 2010		Reply comments due on coalition petition for expedited rulemaking regarding Section 271 unbundling obligations.
February 12, 2010		Reply comments due on NPRM on proposed changes to local switching support rules.
February 12, 2010		Reply comments due regarding high-cost USF support for non-rural carriers (10th Circuit <i>Qwest</i> remand).
February 17, 2010		National Broadband Plan due to Congress (although a one-month extension has been requested).
February 17, 2010		Reply comments due on analytical framework for special access.
February 22, 2010		Reply comments due on petitions regarding wireless signal boosters and other signal amplification techniques.
February 22, 2010		Reply comments due on Cbeyond petition for expedited rulemaking

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- regarding access by competitive providers to ILEC fiber loops.
- February 24, 2010 Comments due on NOI on children and electronic media.
- March 1, 2010 Form 477 (local broadband reporting) due.
- March 1, 2010 Annual CPNI compliance certification due.
- March 5, 2010 Reply comments due on net neutrality NPRM.
- March 8, 2010 Comments due on future of media and information needs of communities in digital age.
- March 16, 2010 Short-form application deadline for Auction 87 (Lower and Upper Paging Bands).
- March 26, 2010 Reply comments due on NOI on children and electronic media.
- March 31, 2010 International circuit status and circuit addition reports due.

MILLER ISAR NEWS

Miller Isar, Inc. is preparing annual federal Customer Proprietary Network Information (CPNI) certifications for clients. These annual certifications remain of critical importance and carry significant penalties for non-compliance. The Firm has also been engaged to review the status of state switched access rate benchmarking in more than 20 states and to apply for intrastate regulatory authority in several states.

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.

For additional information, please contact Andrew Isar at aisar@millerisar.com, call 253.851.6700.

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