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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.*

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### FEDERAL REGULATORY NEWS

#### **FCC RELEASES BROADBAND NATIONAL BROADBAND PLAN IMPLEMENTATION ORDER AND FNPRM ON POLE ATTACHMENTS**

On May 20, 2010, the Commission issued an Order and Further Notice of Proposed Rulemaking (FNPRM) to implement key recommendations of the Commission's National Broadband Plan for promoting broadband deployment and competition. The Order and FNPRM primarily address speeding carrier access to utility poles and reducing related costs. The National Broadband Plan had acknowledged that reduction to infrastructure costs, including utility pole attachment rates, could have a profound impact on broadband service deployment, particularly in rural areas. The Order is intended to reduce costs and speed access to poles by clarifying the statutory right of communications providers to use the same space- and cost-saving techniques that pole owners use, such as placing attachments on both sides of a pole. The Order also establishes that attachers have a statutory right to timely access to poles. The FNPRM seeks comment on revising pole attachment rates to make them as low and as close to uniform as possible, and reducing the disparity between current telecom and cable rates. According to the Commission, "different rates for different types of firms using the same space on a pole makes little sense when the cost of providing the space is the same to the utility pole owner. Disparate rates can affect investment decisions and product offerings, resulting in fewer competitive choices for consumers." Comments are also sought on timelines associated with the pole attachment process, and dispute resolution procedures. (FCC 10-84). Docket Nos.: WC Docket No. 07-245 and GN Docket No. 09-51

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#### **GENACHOWSKI INTRODUCES "THIRD WAY" TO BROADBAND REGULATION**

On May 6, 2010, Commission Chairman Genachowski introduced a proposed framework for limited regulation of broadband internet access. The Chairman's "third way" approach is intended to establish a legal foundation for Commission broadband policy following Comcast's victory before the Court of Appeals for the District of Columbia last month, which overturned the Commission's finding that Comcast violated the Commission's 2005 broadband principles by interfering with BitTorrent's peer-to-peer Internet filing-sharing (See *Regulatory Review* April 2010). Under Genachowski's proposed framework, only the transmission component of broadband access service would be classified as a "telecommunications service," subject to Title II regulation. Yet the Commission would forbear from the application of all Title II provisions with the exception of Sections 201, 202, 208, 222, 254 and 255. A [legal analysis](#) was prepared by Commission General Counsel Austin Schlick. Statement by Chairman Genachowski, "The Third Way: A Narrowly Tailored Broadband Framework".

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In response, a letter from 74 House Democrats told Genachowski that any action on the Internet should "not be done without additional direction from Congress." Some interpret the message to that elected, and not appointed officials may become more involved in regulating U.S. communications services. Republicans have been far more forward by accusing Genachowski of pursuing "heavy-handed 19<sup>th</sup> Century regulations" that are "inconceivable" and illegal.

In related news Senator Jay Rockefeller, Congressman Henry Waxman, Senator John Kerry, and Congressman Rick Boucher [announced](#) they will start a process to develop proposals to update the Communications Act, and will invite stakeholders to participate in a series of bipartisan, issue-focused meetings beginning in June.

#### **FCC APPROVES FRONTIER-VERIZON TRANSACTION**

Under the banner of expanding broadband services in rural America, on May 21, 2010, the Commission approved the transfer of 4.8 million access lines from Verizon Communications Inc. to Frontier Communications Corp. The lines are primarily located in rural areas and smaller cities. According to the Commission, the transaction includes significant deployment commitments from Frontier intended to advance the goals of the National Broadband Plan in the 14 affected states across the West, Midwest, and South. The Companies are held to enforceable voluntary commitments, including: Frontier's deployment of broadband with actual speeds of at least 3 Mbps downstream to at least 85 percent of transferred lines by the end of 2013 and providing actual speeds of at least 4 Mbps downstream to at least 85 percent of the transferred lines by the end of 2015. All new broadband deployment offerings must meet actual speeds of at least 1 Mbps upstream. Frontier is also to deploy fiber to libraries, hospitals, and government buildings, particularly in unserved and underserved communities. The Companies are also bound by commitments to protect wholesale customers, including honoring current wholesale arrangements that are in effect at closing. (FCC 10-87) WC Docket No. 09-95 New Release:

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Genachowski Statement: [Word](#) | [Acrobat](#); Copps & Clyburn Joint Statement: [Word](#) | [Acrobat](#)

#### **FCC STREAMLINES NUMBER PORTING REQUIREMENTS**

Following its May 2009 Order requiring number porting to be completed within one day, on May 20, 2010 the Commission released an Order further streamlining the number porting process by standardizing the information that providers must exchange. The new requirements incorporate recommendations made by proceeding participants. Under the Order, wireline, wireless, and interconnected voice over Internet protocol providers are required to comply by August 2, 2010, although smaller providers must comply by February 2, 2011. (FCC 10-85). Docket Nos. WC Docket No. 07-244 and CC Docket No. 95-116.

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#### **TELEPHONE PENETRATION REPORT RELEASED**

The Commission, on May 10, 2010, released its annual report "presenting data on the percentage of households with telephone service on a state-by-state basis for various income categories. The report presents telephone penetration statistics based on individual household data from the Current Population Survey (CPS) conducted by the Census Bureau in March 2009." The report is intended to track the effects of federal and state Universal Service Fund Lifeline and Linkup support mechanisms that defray the cost of telephone service for low-income consumers. According to the Report, in March 2009, penetration among low-income households (under \$10,000 annual income in 1984 dollars or \$20,732 annual income in 2009 dollars) nationwide was 90.4% v. 95.6% total penetration nationwide, representing an increase of 0.7% over the March 2008 nationwide penetration rate among low-income households. The Report also reveals that states having provided a high level of lifeline support for telephone service for low-income consumers experienced an average growth in penetration of 4.6% for low-income households from March 1997 to March 2009.

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Report: [Acrobat](#)

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## **NOTICE OF PROPOSED RULEMAKING ON HIGH-COST FUND RELEASED**

On May 13, 2010, the Commission's Notice of Proposed Rulemaking seeking comments regarding controlling the size of the federal universal service fund High-Cost program was published in the *Federal Register*. The Commission specifically seeks comments on proposals to cap growth and cut funding in legacy high-cost USF support mechanisms and shift savings toward broadband communications. Comments are due July 12, and replies August 11. [NPRM](#)

## **COMMISSION GRANTS IN PART TELEPACIFIC APPEAL OF USAC DECISION ON USF PAYMENTS FOR INTERNET ACCESS**

On April 30, 2010, the Commission issued an [Order](#) granting in part TelePacific's appeal of the USAC decision that it was required to pay into the universal service fund for its Internet access services provided over leased T1s. The Order confirms that broadband Internet access services providers are not required to pay USF on their end user revenues. (DA 10-752) WC Docket No. 06-122

### **In The Courts**

## **CARRIERS AND INDUSTRY GROUPS SUPPORT PAETEC REQUEST FOR APPEAL OF COMMPARTNER'S VOIP RULING**

On May 24, 2010, a coalition of companies and industry associations including AT&T, CTIA, NECA, Qwest, VON Coalition, Verizon, filed an [Amici Curiae brief](#) with the U.S. Court of Appeals for the D.C. Circuit in support of a PAETEC Communications, Inc. May 13, 2010 [Petition](#) for permission to appeal the Court's [Order](#) in PAETEC's access charge case against CommPartners. In that case, the Court had found that VoIP-originated calls were an "information service" and not subject to access charges. PAETEC's petition argues that there was "substantial ground" for difference of opinion on the Court's decision to exempt CommPartners from an obligation to pay access charges to PAETEC under PAETEC's tariffs. The joint *Amici Curiae* brief stated that although the parties have differing views on intercarrier compensation obligations for VoIP traffic, they all share a strong interest in the establishment of a clear legal framework for VoIP traffic.

## **COURT GRANTS PAETEC – VERIZON PARTIAL JUDGMENT IN ACCESS PROCEEDING**

U.S. District Court for the Eastern District of Pennsylvania has separately granted PAETEC Communications, Inc. and Verizon Communications, Inc. motions for summary judgment regarding an ongoing dispute between the companies. The dispute focused on whether competitive local exchange carriers may charge for the equivalent of tandem switching even if not using their own tandem switches to connect interexchange carriers to their end-users, or whether such rates can be charged when not using tandem switches in the case of direct connect access services. Verizon claimed that PAETEC was charging tandem switching and transport rates between a tandem switch and PAETEC's end-office switching, even though the company was not performing a tandem switching function. PAETEC countered that the FCC allows competitive local exchange carriers to charge for the complete access service provided to interconnecting carriers without regard to the individual components of the connections, and filed against Verizon for withholding \$4.9 million in interstate and intrastate switched access charges. The April 26, 2010 Court ruling concluded PAETEC did not violate that FCC rules when imposing the equivalent rate for tandem switching for switched access services on Verizon, even though PAETEC does not own the tandem switches used to route calls to and from PAETEC end-users. According to the Court's Order, "We find that where a CLEC routes calls to its end-users through a tandem switch, whether it owns that tandem switch or not, it may charge the full benchmark rate for that service." Yet, the court also found that PAETEC had overcharged Verizon for direct connect switched access services based on its tariffed rates, as Verizon had argued, contrary to the filed rate doctrine. PAETEC was directed to refund overcharges as of December 24, 2008. ("PAETEC Communications, Inc., et al. v. MCI Communications Services, Inc. d/b/a Verizon Business Services, *et al.*," Civil Action No. 09-1639)

## **BUDGET PREPAY COMPLAINT AGAINST AT&T PROMOTION REMANDED**

The U.S. Court of Appeals for the Fifth Circuit (New Orleans) has ruled that the U.S. District Court for the Northern District of Texas did not have subject matter jurisdiction to consider claims against AT&T under the Telecommunications Act for an AT&T promotion that Budget Prepay, Inc., and a group of competitive local exchange carriers maintained was anti-competitive. In 2009, Budget Prepay, Inc., and a group of CLECs filed a complaint with the U.S. District Court

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against an AT&T promotional offer targeted at CLEC customers. According to the complaint, AT&T's win-back promotion constituted predatory pricing in violation of the federal Telecommunications Act of 1996, as well as federal antitrust claims and various state law claims under the Texas Deceptive Trade Practices Act. AT&T had offered to waive connection fees and gave \$0.50 rebate to CLEC customers who switched from another landline or wireless provider to AT&T. The promotions were also offered to the CLECs, applying a wholesale discount pursuant to the Act. In July 2009, AT&T advised the CLECs that beginning in September 2009 it would no longer pass the \$0.50 rebate through, but rather would apply a "complicated pricing model" to determine the value of the promotion. AT&T argued that the group had failed to exhaust all administrative remedies in the case and had also failed to demonstrate irreparable harm. The district court granted the CLECs' request for a temporary restraining order and a preliminary injunction to enjoin AT&T from participating in the promotion and denied an AT&T motion to dismiss the case for lack of subject matter. AT&T appealed the court's decision to the Fifth Circuit on the basis of jurisdiction. The appeals court vacated the district court's preliminary injunction against AT&T, and reversed the district court's decision to deny AT&T's motion to dismiss and vacate its preliminary injunction. The appeals court also remanded the case back to the district court for further proceedings. (No. 09-11099 consolidated with No. 09-11188).

## STATE REGULATORY NEWS

### **CALIFORNIA – Commission Considers “Basic Telephone Service” Definition Amendment**

A revised scoping memorandum released by the California Public Utilities Commission in a proceeding to evaluate possible revisions to the California High-Cost Fund B (CHCF-B) program, indicates that the Commission wishes to consider whether the definition of “basic telephone service” should be now be amended. The scoping memorandum notes that a revised definition should be "technology neutral, while upholding the commission's universal service principles." Focus of the original rulemaking had been on whether a definitional change was needed within the context of the CHCF-B program. Parties have recently maintained that aside from addressing broader pending CHCF-B issues, resolution of how “basic telephone service” is defined should now be a priority. The memorandum notes that “Once the commission has adopted an updated definition of 'basic service' requirements, a significant source of uncertainty regarding the requirements for participating in a reverse auction can be resolved.” Comments were due on May 28 and reply comments are due June 18. (Rulemaking 09-06-019)

### **CALIFORNIA – Telecommunications Providers Exempt from Non-Controversial Asset Transfer Reviews**

The California Public Utilities Commission has unanimously approved a measure exempting telecommunications providers subject to the Uniform Regulatory Framework from obtaining Commission approval for some non-controversial asset transfers. The measure stems from a proceeding initiated in 2009 which considered whether the Commission should continue to approve non-controversial asset transfers under Section 851 of the State’s Public Utilities Code. The Commission had bifurcated the proceeding to consider whether to apply a Section 851 review to sale of land and building assets, and then to evaluate requirements for asset transfers involving network and service facilities. The exemption does not apply to asset transfers by incumbent local exchange carrier that are still subject to general rate case filing rules. URF regulated providers are required to file an annual report with the Commission’s Communications Division containing summarizing all asset sales and dispositions for the prior year to which the section 851 exemption was been applied. (Rulemaking 09-05-006)

### **CALIFORNIA – NXX Notification Requirements Eliminated**

The California Public Utilities Commission has approved elimination of the NXX area code usage reporting requirements for telecommunications service providers. Telecommunications service providers who receive North American Numbering Plan Administrator (NANPA) telephone numbers had been required to notify Commission staff of inactivated “NXX” every six months, and from submitting a semi-annual number resource utilization and forecast. Commission staff had proposed to eliminate the requirement as it now relies on NANPA information which automatically provides commission staff with a monthly reclamation list on codes that have not been activated. (*See Regulatory Review* April 2010) (Resolution T-17219)

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## **CONNECTICUT – Department Initiates Service Quality Rulemaking**

The Department of Public Utility Control has initiated a rulemaking proceeding to consider amendments to its telecommunications service quality standards. The proceeding has its roots in a July 2008 Department response to an Office of the Consumer Counsel petition to investigate AT&T's compliance with retail service quality standards adopted in 1993. In June 2009 Department found that AT&T had failed to meet a state standard requiring 90% of all out of service repairs to be cleared within 24 hours, and ordered the incumbent to submit an explanation and a compliance timetable. AT&T argued that its failures were not subject to its control, while suggesting that existing standards were antiquated and should be amended or eliminated. There has also been growing Department concern over the applicability of its standards to competitive providers and voice over Internet protocol providers. The intent of the rulemaking is to determine whether existing retail service quality standards require revision and should be superseded by new standards that more accurately reflect the current telecommunications environment. Connecticut Attorney General Blumenthal criticized the Department's order opening the rulemaking proceeding, finding the order fails to assure that the service quality standards will be strengthened to better protect public safety.

## **COLORADO – House and Senate Pass Basic Service Deregulation Bill**

Both the Colorado House and Senate have passed HB 1281, a bill that streamlines regulation of basic telecommunications services. Under the bill, basic local services will be subject to pricing deregulation in the advent of a competitive presence from wireless, cable, and VoIP providers. The bill also affirmatively removes Commission authority over VoIP as well as telephony services offered by cable and Internet service providers, though such services are not regulated by the Commission. Consumer advocates warned that passage would lead to the deregulation of basic telephone service and negatively affect pricing and service quality. Not surprisingly, Qwest has maintained that the new law was necessary to level the regulatory playing field between competitors. The bill awaits Governor Bill Ritter's (D) signature.

## **COLORADO – Commission ALJ Recommends Passing on VoIP E911 Rule Provisions**

A Colorado Public Utilities Commission administrative law judge, in a proposed decision, has suggested that provisions in proposed amendments to the Commission's emergency 911 regulations that would apply to voice over Internet protocol providers should not be promulgated at this time. As currently proposed, the amendments would authorize the billing and remittance of 911 surcharges on services provided through VoIP providers. Further, the proposed provisions would impose certain interconnection, network architecture, and reporting requirements on VoIP providers by broadening the definition of "service supplier" to include VoIP providers, consistent with state statutory definitions enacted in 2008. Interested parties have argued that the proposed provisions would exceed limitations authorized under the law and exceed the Commission's authority to impose the requirements on VoIP providers. Results of a task force study into 911 services that is nearing completion also tempered the ALJ's recommendation to hold the matter in abeyance. The ALJ proposed a separate investigation into the scope and content of the pending rule amendments following completion of the 911 study, and suggested that a scheduled May 25, 2010 hearing be cancelled. (Docket 09R-778T)

## **COLORADO – Civil Penalty Rules Suspended**

The Colorado Public Utilities Commission has suspended a proposed decision that would promulgate rules establishing the Commission's ability to impose civil penalties on telecommunications providers. In 2009, the Commission initiated rulemaking to implement rules that would enable the Commission to impose civil penalties on all utilities following enactment of 2008 legislation that granted the Commission civil penalty assessment authority. The proposed rules include definitions, triggers for penalty assessments, and a list of specific violations and associated penalties. Four separate fine categories were established with maximum fines of \$2,000, \$1,000, \$500 and \$100 each, based on the severity of each type of violation, in response to suggestions received from interested parties. The suspension gave parties until May 21, 2010 to file exceptions to the proposed decision, which will be taken up at a subsequent Commission meeting. (Docket 09R-845T)

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## **FLORIDA, HAWAII, PENNSYLVANIA – TRS Surcharges to Remain Unchanged**

The Florida Public Service Commission has decided to maintain the current \$0.01 monthly surcharge per access line to fund the state's Telecommunications Relay Service Fund. (Docket No. 040763-TP)

In Hawaii, the Public Utilities Commission has retained the current monthly Telecommunications Relay Surcharge at \$0.0012 per access line for the period of July 1, 2010 to June 30, 2010. The Commission notes that the current contribution factor is expected to meet Fund needs for the coming fiscal year. (Docket No. 2010-0070)

Separately, the Pennsylvania Public Utilities Commission has also determined to retain the current telecommunications relay service surcharge for the Commonwealth's July 1, 2010 through June 30, 2011 fiscal year. The current surcharge is \$0.08 per month per access line.

## **ILLINOIS – Governor to Sign Market-Based Regulation Bill**

Illinois Governor Pat Quinn (D) is set to sign SB 107, a bill that will establish a market-based form of regulation in the State. The bill amends Illinois' Public Utilities Act by eliminating provisions that had been deemed obsolete and unnecessary, while limiting Illinois Commerce Commission oversight over wireless, broadband, and voice-over-Internet protocol (VoIP) service providers. Under the bill's provisions, all telecommunications markets in Illinois are deemed competitive and subject to market regulation. Providers regulated under market-based regulation are to provide basic local residential service under three package bundles - including a "basic package" comprising an access line and 30 local calls; an "extra package" consisting of an access line and unlimited local calls; and a "plus package" consisting of an access line, unlimited local calls and the customer's choice of two vertical services offered by the carrier, at rates not to exceed rates in effect on January 1, 2010. The Commission is explicitly precluded from regulating rates, terms, conditions, quality of service, availability, classification, or any other aspect of the service, applicable to broadband, IP-enabled services including interconnected VoIP service rates, wireless, and information services. The Commission may register wireless carriers and certify them as eligible telecommunications carriers.

## **MISSISSIPPI – E911 Surcharge Expanded to VoIP Providers**

Mississippi Governor Haley Barbour (R) has enacted SB 2938, which expands the state's E911 surcharge on VoIP providers. The bill amends Sections 19-5-303 and 19-5-313 of Mississippi Code to require VoIP accounts to pay a \$1.00 monthly service charge for emergency telephone service in the state. A \$1.00 monthly emergency telephone service surcharge currently applies to residential telephone subscriber lines and \$2.00 monthly charge applies to each commercial telephone subscriber line.

## **MISSOURI – Access Rate Reduction Law Pending Enactment**

HB 1750, a bill requiring incumbent local exchange carriers to reduce access charges has been passed by the State House and Senate and now awaits Governor Jay Nixon's (D) signature. The measure requires incumbents to reduce composite originating and terminating intrastate switched access rates each year by a rate equal to six percent of the difference between intrastate and interstate rates for three years. The first reduction is to occur on March 1, 2011 and on March 1, of the subsequent two years. A prior version of the bill would have required less of a reduction than the final version. Incumbents serving less than 25,000 access lines as of January 1, 2010 are exempt from the requirement. Companies impacted by the mandated incumbents' rate reductions under the bill, are to file a report with the legislature describing the company's activities with regard to quality of consumer service, build out of telecommunications infrastructure information requested by the chairpersons of the committees as well as the financial impact of the provision on the company between January 15 and January 31 of each year following a rate reduction.

## **NEBRASKA – Network Reliability Proceeding Initiated**

An investigation into network reliability and telephone service interruption standards has been initiated by the Nebraska Public Service Commission. The proceeding arose following a major April 1, 2010 Windstream Communications, Inc. service outage affecting approximately 36,000 subscribers and access to emergency services. Potential for additional

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service outages prompted Commission action to consider the impact of communications disruptions on public safety and how to improve network reliability. Among the proposed items being considered is the addition of “selective routers or inter-tandem trunking mechanisms” to network design parameters so that traffic can be diverted to other carrier networks in instances of outages. Through the proceeding, the Commission is also addressing improvements in notification procedures and how to improve carrier responsiveness to emergency responders and government to minimize the impact of service disruptions. A July 13, 2010 technical workshop on current network standards has been scheduled. (Application C-4272)

#### **NEW YORK – Commission Requests Comments on Verizon Voice Messaging Detariffing**

The New York Public Service Commission has requested comments on a Verizon proposal to detariff voice messaging services in the state. Through an April 13, 2010 tariff amendment to remove the services from its tariff, Verizon argued that the service is an unregulated information service and not subject to tariffing requirements. Further Verizon notes that the service is highly competitive. A similar request was denied in 2005 when the Commission found that the tariffing of voice messaging services was not burdensome on the Company. Verizon has countered that the issue is not one of burden, but rather of whether there is any authority for imposing the requirements. Comments were due May 27, 2010, (Case 10-C-0211).

#### **NORTH DAKOTA – Commission Reports Shows Decline In Wireline Usage**

A report released by the North Dakota Public Service Commission concludes that wireline subscriptions have declined by nearly 6,000 lines in 2009, a two percent reduction in lines. Last year also saw an increase of more than 20,000 wireless subscriptions. Estimates peg the number of wireless subscriptions at just over 475,000 lines, compared 297,000 wired access lines. Competitive local exchange carriers now serve an estimated 82,800 lines in the state, an increase of 3,541 from 2009. Incumbent carriers now serve an estimated 214,285 lines, a decrease of 9,494 from last year.

#### **OKLAHOMA – Commission to Investigate Competitive Standings**

At the recommendation of the Commission Staff, the Corporation Commission has initiated an investigation into the competitive status of the State’s local exchange carriers. Staff’s recommendations had been prompted by changes in available service technologies. Among the issues to be addressed are Commission decisions regarding the competitiveness of AT&T’s intraLATA toll services and intrastate retail telecommunications services. (Case No. PUD 201000027)

#### **PENNSYLVANIA – Directory Listing Error Remedy Plan Approved**

The Pennsylvania Public Utility Commission has unanimously approved a plan for how competitive local exchange carriers are to resolve errors in directory listings for the subscribers. Verizon had proposed the original plan though amendments proposed by Carrier Working Group (CWG) representatives and additional Commission reporting requirement amendments were adopted. Three provisions in particular, a separate Verizon data reporting requirement to the CWG, a change to the government listings portion of the directory, and direction to the CWG to propose how to correct listing errors from operator assisted calls, not on the original proposal were adopted over Verizon’s objections. (M-2009-2134347 and M-00011468)

#### **WASHINGTON – Comments on Prepaid Calling Cards Requested**

The Washington Utilities and Transportation has requested comments on a proposed new provisions to Washington Administrative Code 480-120-264(5)(a), that would require disclosure of rates, terms, and conditions in the language in which the card is advertised and the number of minutes available on the card or packaging. The inquiry was in response to Representative Zachary Hudgins (D., District 11), who proposed harmonizing state requirements with federal rules. AT&T and Verizon have already expressed support of the new requirements. Comments are due June 7, 2010, and a hearing is scheduled for June 28, 2010. (Docket UT-100148)

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**WYOMING – USF Contribution Factor Set**

The Wyoming Public Service Commission has set the state’s universal service fund contribution factor at 1.2% of gross intrastate retail telecommunications revenues effective for the 12-month period beginning July 1, 2010. This represents a 0.2% increase in the current contribution factors. A weighted statewide average local exchange service rate for the funding year was also established, beginning July 1. The rate was set at \$24.69, and the associated 130% benchmark for the same period is established at \$32.09. According to the Commission, no Wyoming customer is expected to pay more than \$32.09 per month, excluding taxes, fees, surcharges, custom calling features and other optional services, for basic local exchange telephone service. (Docket 90072-32-XO-10)

**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

Due Date	Jurisdiction	Report Name
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
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

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<b>Due Date</b>	<b>Jurisdiction</b>	<b>Report Name</b>						
June 20	Alaska	State of Alaska Universal Service Fund Monthly Carrier Remittance Worksheet	<b>AD HOC REPORTS</b>					
June 20	Arizona	Arizona Universal Service Fund Carrier Remittance Worksheet						
June 20	Colorado	CO Telecommunications Relay Service Surcharge				Ad hoc	California	Service Quality Pursuant to G.O. 133(B)
June 20	Idaho	Idaho Telecommunications Service Assistance Plan (ITSAP)				Ad hoc	Federal	499Q <i>de minimis</i> determination notice
June 20	New Hampshire	Telecommunications Relay Service Remittance				Ad hoc	Federal	Communications Assistance for Law Enforcement Act (CALEA), System Security and Integrity compliance Policies and Procedure Manual
June 20	Pennsylvania	Remittance Form for Monthly Telecommunications Relay Service (TRS) Surcharge Collections				Ad hoc	Federal	Designation of Agent for Service of Process
June 20	Utah	Utah Universal Service Fund Surcharge Remittal Statement				Ad hoc	Federal	FCC CORES Registration, CORES Update/Change Form, CORES Certification Form
June 20	Washington	Telecommunications Relay Service, Washington Telecommunications Assistance Program, and E911				Ad hoc	Federal	International Settlements Modification Request
June 21	New York	TAF Adjustment Input Form				Ad hoc	Federal	Network Outage Reporting
June 21	New York	Targeted Accessibility Fund Monthly Online Reporting Form				Ad hoc	Federal	Notification of Change of Name
June 21	Oregon	Residential Services Protection Fund Surcharge Remittance Form				Ad hoc	Federal	Operating Agreements and Contracts
June 21	Oregon	Residential Services Protection Fund Surcharge Remittance Form				Ad hoc	Florida	Service Quality Report
June 22	Arkansas	Arkansas Intrastate Carrier Common Line Pool Report				Ad hoc	Idaho	ID TRS Fund Form
June 22	Arkansas	Arkansas Intrastate Carrier Common Line Pool Report				Ad hoc	Louisiana	Affidavit of Compliance Louisiana Underground Facility/Utility Damage Prevention Law
June 25	Minnesota	Minnesota Annual 911/TAM/TAP Fees Report Form				Ad hoc	Louisiana	Technical/Market Trial Report
June 25	Texas	Texas Universal Service Fund Worksheet				Ad hoc	Nebraska	Change of Address/Contact Information form
June 30	Arkansas	Arkansas Public Service Commission Service Performance Report				Ad hoc	New Hampshire	Contact Information Sheet
June 30	Connecticut	2004 Connecticut TRS Supplemental Data Collection				Ad hoc	New York	(Targeted Accessibility Fund) Annual Forecast Report Form
June 30	Mississippi	Mississippi Dual Party Fund Statement of Revenues				Ad hoc	New York	Emergency Plan
June 30	Mississippi	Mississippi Dual Party Fund Statement of Revenues				Ad hoc	Oregon	Oregon Universal Service Identification Worksheet
June 30	Nebraska	State of Nebraska Dual Party Relay Surcharge Form	Ad hoc	Pennsylvania	Supplier Company Contacts			
June 30	North Carolina	Lifeline Report	Ad hoc	South Carolina	Authorized Utility Representative Information			
June 30	Oregon	Oregon Telephone Assistance Program Reimbursement Form	Ad hoc	Texas	Outage Report			
June 30	Pennsylvania	Lifeline Report	Ad hoc	Wyoming	Update Form			
June 30	Tennessee	Wireline Activity Tennessee-CCN Authority	Ad Hoc	Wyoming	WY USF Assessment True Up Form			
June 30	Tennessee	Wireline Activity Tennessee-CCN Authority	Ad hoc	Federal	Notification of Affiliation with a Foreign Carrier			
June 30	Texas	CLEC/CTU Annual Information Reporting Requirements	Certification Anniversary	Tennessee	Small and Minority Owned Telecommunications Business Participation Plan			
June 30	Texas	IXC, PPC, and Other Uncertificated Nondominant Telecommunications Carriers Reporting Requirements	fiscal year	Alaska	Annual Operations Report			
June 30	Texas	IXC, PPC, and Other Uncertificated Nondominant Telecommunications Carriers Reporting Requirements	fiscal year	Alaska	Annual Operations Report Form			
June 30	Vermont	Monthly Disconnect Report	fiscal year	Louisiana	Annual Financial Reports			
June 30	Vermont	Vermont Service Quality Performance Index Report	fiscal year	Puerto Rico	Annual Gross Income Statement of Telecommunications Companies			
June 30	Virginia	Service Quality Report	Non-Commission	North Carolina	Telecommunications Relay Service Fund Report			
June 30	Wyoming	Telecommunication Companies Revenue & Assessment Report (Wyoming Universal Service Fund)						

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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 Certification	Federal	Designation of Agent for Service of Process
Post Certification	Oregon	Oregon Universal Service Identification Worksheet
Regional	Idaho	911 Surcharge Report

**MILLER ISAR NEWS**

Miller Isar, Inc. has been engaged to complete a significant competitive local exchange and interexchange certification project in the Qwest Corporation service territory. The Firm is also engaged in a major national tariff amendment project and is developing comments in the Commission’s *Notice of Proposed Rulemaking* regarding the viability of the federal Telecommunications Relay Service Fund.

**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](http://www.millerisar.com). We are now beta testing the Firm’s Facebook page, and Twitter interface. Stay tuned.

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