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No. 11-10

OCTOBER 31, 2011

## 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



#### COMMISSION ADOPTS USF AND ICC REFORM ORDER, FNPRM

The Commission's long awaited universal service fund and intercarrier compensation reform order was adopted on October 27, 2011, during the Commission's open meeting. Touted as the "most significant policy step ever taken to connect all Americans to high-speed Internet, wherever they live," the FCC adopted the reform measure unanimously. According to the Commission's [News Release](#), "these reforms create a new Connect America Fund with an annual budget of no more than \$4.5 billion, which will extend broadband infrastructure to the millions of Americans who currently have no access to broadband. ... today's action has the potential to be one of the biggest job creators in rural America in decades. The FCC estimates that approximately 500,000 jobs will be created over the next six years by expanding high-speed Internet access to over 7 million Americans living in rural areas."

Among the measures adopted, the Commission set specific performance goals for the high-cost component of the Universal Service Fund (USF): 1) preserve and advance universal availability of voice service; 2) ensure universal availability of modern networks capable of providing voice and broadband service to homes, businesses, and community anchor institutions; 3) ensure universal availability of modern networks capable of providing advanced mobile voice and broadband service; 4) ensure that rates for broadband services and rates for voice services are reasonably comparable in all regions of the nation; and 5) minimize the universal service contribution burden on consumers and businesses. An annual funding target cap of \$4.5 billion over the next six years was set for the USF High-Cost program, the same level as the high-cost program for Fiscal Year 2011.

A Connect America Fund (CAF) was adopted to expand broadband services to unserved and underserved markets. The CAF is intended to rely on incentive-based, market-driven policies, including competitive bidding, to distribute universal service funds as efficiently and effectively as possible. The Commission also reformed rules for smaller rate-of-return rural incumbents in order to support continued broadband investment while increasing accountability and incentives for efficient use of public resources. A CAF Mobility Fund was created to ensure availability of mobile broadband networks in areas where a private-sector business case is lacking. A separate Remote Area Fund was created and funded at \$100 million per year to ensure that Americans living in the most remote areas in the nation, where the cost of deploying traditional terrestrial broadband networks is extremely high, can obtain affordable access through alternative technology platforms.

Regarding intercarrier compensation, the Commission adopted rules to preclude access stimulation and phantom traffic. The Commission also instituted a uniform national bill-and-keep framework for interstate and intrastate traffic as it had originally envisioned under a transitional approach, though stressed that states will have a key role in determining the scope of each carrier's financial responsibility and in evaluating interconnection agreements negotiated or arbitrated under the framework in sections 251 and 252 of the Communications Act. The Commission first required carriers to bring intrastate and interstate

rates to parity in two steps, by July 2013 and then transition to bill-and-keep within six years for price cap carriers and nine for rate-of-return carriers. A transitional recovery mechanism was introduced to mitigate the effect of reduced intercarrier revenues on carriers and facilitate continued investment in broadband infrastructure. Incumbent telephone companies are now authorized to charge a limited monthly Access Recovery Charge (ARC) on wireline telephone service, with a maximum annual increase of \$0.50 for consumers and small businesses, and \$1.00 per line for multi-line businesses, to partially offset intercarrier compensation revenue declines. To protect consumers, the Commission adopted a ceiling that prevents carriers from assessing any ARC for any consumer whose total monthly rate for local telephone service, inclusive of various rate-related fees, is at or above \$30.

Regarding interconnected voice over Internet protocol telephony traffic, the Commission adopted a transitional framework for VoIP intercarrier compensation whereby default charges for “toll” VoIP PSTN traffic will be equal to interstate rates applicable to non-VoIP traffic, and default charges for other VoIP-PSTN traffic will be the applicable reciprocal compensation rates. According to the Commission, this approach ensures that all carriers originating and terminating VoIP calls will be on equal footing in their ability to obtain compensation for this traffic.

Additional details are highlighted in the [FCC’s Executive Summary](#). The final order is pending release.

### **ELECTRONIC TARIFF FILING RULES EFFECTIVE NOVEMBER 17, 2011**

On October 6, 2011, the Office of Management and Budget review of Commission Commission’s Electronic Tariff Filing System Report and Order (*ETFS Order*) was published in the [Federal Register](#), allowing the Commission’s new electronic tariff rules to become effective on November 17, 2011. The *ETFS Order* directs all tariff filers to use the Commission’s Electronic Tariff Filing System (ETFS) to file their initial “Base Document” within sixty days after the rules become effective, between November, 17, 2011 and January 17, 2012. Filers are encouraged to file as soon as possible on or after the November 17, 2011 effective date. Filers are also directed to file the then current tariff in effective with the Commission at in Adobe Acrobat’s Portable Document Format (PDF). A cover letter explaining the nature and purpose of the filing should be included. No transmittal number or filing fee is required for this initial filing. Competitive local exchange carriers that maintain switched exchange access tariffs with the Commission are subject to the tariff filing requirement. Additional information is available from the Commission’s October 13, 2011 *Public Notice*, [DA 11-1706](#).

### **COMMISSION CODIFIES VOIP TRS CONTRIBUTION REQUIREMENTS**

On October 27, 2011, the Commission adopted rules to implement Section 103(b) of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”) governing interconnected and non-interconnected voice over Internet protocol (“VoIP”) contributions to the federal Telecommunications Relay Services Fund (“TRS Fund”). CVAA Section 103(b) added a new Section 715 to the Communications Act of 1934 (“Act”) as amended, requiring VoIP service providers to participate in, and contribute to, the TRS Fund by October 8, 2011. The Commission notes that although interconnected VoIP providers have been contributing to the TRS Fund since 2007, the CVAA codifies this obligation, and extends it to non-interconnected VoIP providers. The Commission affirmed that providers with interstate end-user revenues must contribute a minimum of \$25 to the TRS Fund. In addition, the Order addresses registration and reporting requirements, the methodology for calculating interstate end-user revenues by non-interconnected VoIP service providers, and the implementation deadlines for providers. ([FCC No. 11-150](#), CG Docket No. 11-47)

### **2011 TELECOMMUNICATIONS REPORTING WORKSHEET REVISED**

On October 25, 2011, the Commission [announced](#) the October 14, 2011 Office of Management and Budget approval of Commission amendments made to the Telecommunications Reporting Worksheet, [FCC Form 499A](#). The revisions include, adding a definition for non-interconnected VoIP service providers; adding a filing requirement for non-interconnected VoIP service providers with interstate end-user revenues subject to TRS Fund contributions (see related item above); requiring non-interconnected VoIP service providers with interstate end-user revenues subject to TRS Fund contributions to designate an agent for service of process; and updating Form instruction references (for Lines 404.1 to 404.3, and 414.1 to 414.2) in accordance with the Twenty-First Century Communications and Video Accessibility Act (CVAA) of 2010. Contact

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information for the TRS Administrator was also updated. ). Non-interconnected VoIP providers must file FCC Form 499A to register with the Commission by December 31, 2011 unless they have already filed.

#### **LOCAL TELEPHONE COMPETITION AND INTERNET ACCESS REPORTS RELEASED**

The Commission has released two updated periodic reports separately containing statistics on local telephone competition and Internet Access. The [Local Telephone Competition Report](#) which summarizes information about telephone services as of December 31, 2010, is based on information provided by broadband, local exchange, and interconnected voice over Internet protocol providers through semi-annual FCC Form 477 submissions. According to the current report, as of December 2010, there were 117 million end-user switched access lines in service and 32 million interconnected VoIP subscriptions in the United States, or 149 million wireline retail local telephone service connections. Interconnected VoIP subscriptions had increased by 22% (from 26 million to 32 million) and retail switched access lines had decreased by 8% (from 127 million to 117 million) during the preceding year. The combined effect was an annual decrease of 3% in wireline retail local telephone service connections (from 153 million to 149 million). Of the 149 million wireline retail local telephone service connections in December 2010, 87 million (or 59%) were residential connections and 61 million (or 41%) were business connections. And as December 2010 39% of the total wire lines comprised incumbent local exchange carrier (ILEC) residential service, 26% ILEC business service, 19% non-ILEC residential service, and 15% non-ILEC business service. Of the 87 million wireline residential connections in December 2010: 64.0% were ILEC switched access lines, 28.2% non-ILEC interconnected VoIP subscriptions, 5.0% non-ILEC switched access lines, and 2.9% ILEC interconnected VoIP subscriptions. Of the 61 million wireline business connections: 63.3% were ILEC switched access lines, 29.1% non-ILEC switched access lines, 6.9% non-ILEC interconnected VoIP subscriptions, and 0.6% ILEC interconnected VoIP subscriptions.

The Commission's the [Internet Access Services Report](#) summarizes information regarding broadband Internet access connections, those over 200 kilobits per second in at least one direction, in the United States as of December 31, 2010. The report, also drawn from data provided by FCC Form 477 filers, concludes that Internet connections overall are growing. The number of connections increased by 28% to nearly 169 million in 2010. Growth is particularly high in mobile Internet subscriptions, but fixed-location connections also continue to increase. The number of mobile subscriptions exceeded 84 million by December 2010 – up 63% for the year. The number of fixed-location connections increased by 6% to over 84 million at year's end. Fixed and mobile services are shifting to higher speeds; 53% of fixed location connections and 13% of mobile subscriptions were at speeds at or above the availability benchmark adopted in the *Sixth Broadband Deployment Report*, up from 49% and 4% respectively at the end of 2009.

#### **NEXT GENERATION 911 NPRM RELEASED FOR COMMENT**

On October 19, 2011, the Commission's September 22, 2011 [Notice of Proposed Rulemaking](#) (NPRM) regarding implementation of next generation 911 (NG911) was published in the *Federal Register* and opened for comment. According to the NPRM, the Commission seeks to accelerate the development and deployment of NG911 technology that will enable the public to send emergency communications to 911 Public Safety Answering Points (PSAPs) via text, photos, videos, and data and enhance the information available to PSAPs and first responders for assessing and responding to emergencies. The Commission requests comments regarding short term solutions for sending texts to 911 using SMS-based and software-based approaches. It also asks for comment on long-term implementation of NG911 technology with particular focus on IP-based alternatives for delivering text, photos, video and other data to 911. Comments are due December 12, 2011 and replies January 10, 2012.

#### **WIRELINE COMPETITION BUREAU REQUESTS LNP INFORMATION**

On October 14, 2011, the Commission released a [Public Notice](#) announcing that the Wireline Competition Bureau issued a Request for Information (RFI) to obtain information, request input, and allow potential vendors to pre-qualify to bid for a contract to develop and manage the Local Number Portability database platforms and services in the U.S. beginning in 2015. The Public Notice notes that the North American Portability Management LLC's Future of Number Portability Administration Center Subcommittee, in consultation with the North American Numbering Council (NANC), has developed a Request for Proposals (RFP) for local number portability database platforms and services in the seven United States NPAC

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regions. The RFI is intended to obtain information, request input, and allow potential vendors to pre-qualify to bid for the contract. The RFP is scheduled to be issued in 2012, with vendor selection, contract execution, platform testing, and system deployment to be completed prior to system launch in June 2015. Responses are due by November 23, 2011.

## IN THE COURTS

### **U.S. SUPREME COURT PASSES ON RF MOBILE PHONE SAFETY CASE**

The U.S. Supreme Court has declined to hear a case challenging the safety of mobile phone usage, following a petition for a *writ of certiorari* filed in "Francis J. Farina v. Nokia, Inc., et al." The petition claims that mobile phones pose health hazards from exposure to radio frequency (RF) energy, despite compliance with Federal Communications Commission RF safety standards. In an *amicus curiae* brief, the Department of Justice and the FCC urged the Supreme Court to refuse to hear the challenge, stressing that the appeals court had correctly held that the petitioner's suit is preempted because the state-law rule it seeks to impose would conflict with the FCC's RF regulations. The brief also argued that Farina incorrectly held the existence of a conflict between the circuit courts on the issue requiring Supreme Court resolution. Justice and the Commission further stated that the petitioner was also incorrect in arguing that a savings clause in the 1996 Telecommunications Act, which states that the Act should not be construed as modifying, impairing, or superseding state laws unless expressly so provided, equally applied to the FCC's RF standards.



### **FRONTIER BROADBAND SURCHARGE SUIT FILED**

A class action suit against Frontier Communications has been filed in U.S. District Court in Minneapolis over the company's alleged imposition of an "HIS Surcharge" which Frontier claims to be a government mandated fee. Plaintiffs argue that the fee is intended to enable the Company to pass through state taxes prohibited under the Internet Tax Freedom Act, and federal 1996 Telecommunications Act, under the guise of a government-directed fee. According to the plaintiffs, the HIS Surcharge is "... merely a junk fee that Frontier imposes on customers." "The fee bears no relationship to any governmentally-imposed fee or regulation, and is nothing other than an effort by Frontier to increase prices above advertising prices."

### **COMMISSION SEEKS DISMISSAL OF VERIZON OPEN INTERNET ORDER APPEALS, APPEALS CONSOLIDATED**

On October 5, 2011 the Commission filed a [Motion to Dismiss](#) a Verizon appeal of the Commission's December 2010 Open Internet Order with the District of Columbia Circuit Court. Verizon's September 30, 2011 [Notice of Appeal](#) alleges that the Commission exceeded its statutory authority in imposing requirements on carriers, stating that the Commission's actions were arbitrary, capricious, and constituted an abuse of discretion within the meaning of the Administrative Procedure Act. The Company also maintained that the Commission's actions are contrary to Verizon's constitutional right, and were otherwise contrary to law. A separate [Protective Petition for Review](#) under Section 402(a) was also filed with the Court. In response, the Commission argued that its Open Internet Order did not modify radio licenses within the meaning of Section 402(b)(5) jurisdiction. It did acknowledge that the Commission's Order is subject to review pursuant to Section 402(a) and that Verizon's petition for review was filed pursuant to Section 402(a). In a related matter, on October 6, the United States Judicial Panel on Multidistrict Litigation issued an [Order](#) consolidating seven petitions for review of the Open Internet Order currently before six circuit courts of appeal. The Court of Appeals for the District of Columbia Circuit was randomly selected to consolidate all petitions.

### **AT&T LEVERAGES CASH BACK PROMOTION COMMISSION WIN IN DPI DISPUTE**

AT&T has informed U.S. District Court for the Eastern District of North Carolina Western (Raleigh) Division of a North Carolina Utilities Commission ruling which upheld the incumbent's cash back promotion practices and has urged the Court to come to the same conclusion in a pending November 2010 suit filed by competitor dPi Teleconnect LLC. dPi maintains that under its interconnection agreement with AT&T, dPi may purchase and resell AT&T's retail services at an AT&T established promotional rate less the wholesale resale discount. dPi should then be credited the difference between the retail and promotional rate per promotional credit requests. dPi claims that though it qualified as a retail end-user and applied for the promotional credit, AT&T did not honor the Company's credit request for periods ending June 8, 2007. The Company claimed that AT&T's actions are contrary to the Fourth Circuit's decision in "BellSouth Telecommunications, Inc. v. Sanford,

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et al.,” in which the Fourth Circuit upheld a commission finding that promotions tending to reduce the retail price paid by retail customers must be made available to competitive local exchange carriers. dPi subsequently requested that the matter be stayed pending Commission deliberation of the issue. On September 22, 2011, the Commission ruled in AT&T’s favor finding that AT&T had used an appropriate method for fulfilling compensation requests. AT&T subsequently submitted a status report to the Commission which AT&T says now resolves the issue of its cash back promotion procedures. AT&T urged the Court to release a final decision in light of the Commission ruling without oral argument. dPi plans to seek reconsideration of the Commission’s decision, though requested oral argument in the court case should the Commission affirm its order. (dPi Teleconnect LLC v. Edward S. Finley, Jr. et. al, Case No. 5:10-cv-466-BO)

### BEFORE CONGRESS

#### **BILL RECLAIMING UNUSED BROADBAND FUNDS PASSES HOUSE**

On October 5, 2011, the U.S. House passed H.R. 1343, a bill intended to recoup as much as \$38M in unused or problematic broadband grants released under the 2009 broadband stimulus law. Republicans, who raised the measure, argued that the Commerce and Agriculture Department grants, totaling \$7.2B, require more oversight and specific language that allows reclamation of funds in instances where funds are unused or in fraud and abuse cases. The measure quickly passed, though Rep. Lois Capps (D-Calif.) indicated her belief that the bill was redundant following 2010 passage of the Dodd-Frank financial reform bill, which included language aimed at having unused grants returned.

### STATE REGULATORY NEWS



#### **CALIFORNIA – VoIP Providers to Make State USF Contributions**

Governor Jerry Brown (D) has signed two measures, SB 3 and AB 841, into law that require interconnected voice-over-Internet-protocol to support the state's universal service programs. SB3 requires that interconnected VoIP providers contribute to the California High-Cost Fund-A Fund, the California High-Cost Fund-B Fund, the Universal Lifeline Telephone Service Fund, the Deaf and Disabled Telecommunications Program, the California Teleconnect Fund, and the California Advanced Services Fund. SB 3 also extends the repeal date of the CHCF-A and CHCF-B programs until January 1, 2015 from January 1, 2012. AB 841 authorizes the California Public Utilities Commission to require interconnected VoIP providers to collect universal service surcharges, but precludes the Commission from having any regulatory authority over VoIP providers. SB3 is to become effective only if AB 841 does not on January 1, 2012. Under the new laws, the state Commission is authorized to impose a surcharge on end-use customers for interconnected VoIP service provided to the customer's place of primary use in California. A “place of primary use” is defined as the “street address where the end-use customer's use of interconnected VoIP service primarily occurs, or a reasonable proxy as determined by the interconnected VoIP service provider, such as the customer's registered location for 911 purposes.” Early this year, the Commission had initiated a proceeding that proposed requiring interconnected VoIP providers to contribute to the state universal service programs in a “competitively and technologically neutral manner.”

#### **FLORIDA – Commission Approves 20 Percent Regulatory Fee Cut**

On October 4, 2011, the Florida Public Service Commission approved a staff recommendation to reduce telecommunications regulatory assessments by twenty percent, following enactment of HB 1231 earlier this year. HB 1231 amended Florida Statutes Chapter 364 by removing Commission jurisdiction over basic local service, non-basic services, service quality and pricing authority. Further the law eliminated Commission jurisdiction over intrastate interexchange services, operator services, and shared tenant services altogether. Staff proposed to reduce the regulatory assessment in light of the reduced level of Commission oversight. The adopted proposal amends Rule 25-4.0161 “to remove references to company types no longer regulated by the commission,” reducing the regulatory assessment fee for telecommunications companies under sections 350.113 and 364.336, F.S., as required by section 364.336, F.S. The proposal also amends regulatory assessment fee filing forms, and clarifies requirements for requesting a filing extension. The reduction equates to an estimated annual \$1,185,115 revenue decrease to the Commission. Local exchange carriers are now subject to a minimum annual regulatory assessment fee of \$600.00, a 40 percent reduction, or 0.16% of revenues, down from fee from 0.2%, which ever is greater. The Commission is shedding 27 full time equivalent positions from its roster. (Docket No. 110224-TP)

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## **MICHIGAN – 911 Call Location Rules Adopted**

The Michigan Public Service Commission has adopted new rules governing installation of call locator equipment for multiline telephone installations. The rules implement Michigan's "Emergency 911 Service Enabling Act," that requires multiline telephone systems to allow 911 call routing to include accurate Automatic Location Identification and Automatic Number Identification information that can verify the location of the communications device being used to place the call. Under the new rules, multiline operators must identify the specific location of each communications device making a 911 call in a building having its own street address and having 40,000 square feet or less of occupied area. For buildings that occupy more than 40,000 square feet on multiple floors, multiline operators must identify the specific location of communications devices, including the street address and specific floor. For separate buildings using a single multiline systems and having between 7,000 and 40,000 square feet on multiple floors, operators will be required to identify the device's location, street address, building floor, "and any unique building identifier, if applicable." For buildings of more than 40,000 square feet on a single floor, the operator will be required to be able to identify the specific location of the device, in addition to street address. Multiline system users will have until December 31, to comply. Violators will have sixty days to bring themselves into compliance or face a \$500 to \$5,000 penalty per offense. (Case No. U-16439)

## **MISSOURI – Rural Incumbents Want Commission Call Completion Review**

Rural incumbent local exchange carriers Alma Communications Company d/b/a Alma Telephone Company, Chariton Valley Telephone Corporation, Chariton Valley Telecom Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company, and MoKAN Dial, Inc. have petitioned the Missouri Public Service Commission to initiate an investigation into call completion issues in the state's rural exchanges. The carriers claim that customer complaints over failing interexchange calls, misleading intercept messages and long call connection times, and poor quality, among others have increased in the last eight to twelve months. Underlying carriers or "least cost routers" subcontracted by interexchange carriers are viewed as the source of these issues. According to the carriers, the issue is a nationwide issue that requires regulatory review. They maintain that a Commission investigation would establish the extent of the problem and that the data would be helpful to the Commission and FCC. (Case No. TO-2012-0104)

## **TEXAS – New Telecommunications Law Workshop Scheduled**

The Texas Public Utility Commission has scheduled a workshop for November 2, 2011 to address implementation of SB 773, enacted in June. The new law continued rate caps for private network services, discounted rates for private network services, and extended benefits currently provided to educational institutions, libraries, hospitals and telemedicine centers through January 1, 2016. SB 773 allows these institutions to recoup up to 110% of their telecommunications costs. The Commission is asking parties to comment on whether the provisions of SB 773 also apply to customer specific contracts and tariffs, and whether a rule change should define "package service" and "promotional service" for rule implementation purposes. The Commission is also considering how SB 980 will be implemented. That law eliminated pricing floor restrictions, reduced regulatory oversight, and required the Commission to evaluate Texas' Universal Service Fund. SB 980 also prohibits the Commission from regulating a market that has been deregulated as of September 1, 2011, where formerly the Commission could reregulated deregulated markets if necessary. The Commission also plans to review implementation of SB 983, which eliminated the requirement to file customer specific contracts with the Commission, and HB 2295 that separated the state universal service fund into a high cost fund and rural incumbent universal service plan.

## **WASHINGTON – Regulatory Fee Workshop Scheduled**

The Utilities and Transportation Commission has scheduled a workshop for November 30, 2011, to address proposed regulations to govern collection of regulatory fees from regulated entities. Enactment of HB 1087 earlier this year authorized the Commission to collect fees associated with telecommunications company filings including interconnection agreements, agreement arbitration, and eligible telecommunications carrier certification. According to the new law, the Commission may assess fees to recoup costs associated with meeting state obligations under the federal Telecommunications Act of 1996. The Commission seeks to implement a reasonable fee structure and reduce budget deficits. Interested parties have been asked to address whether arbitration fees should distinguish between simple and complex case, whether an initiating party or both parties should assume the cost for arbitrations, whether there should be a separate charge for interconnection agreement reviews, whether there should be a charge for processing a fully adopted agreement, how charges should apply to entities that

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pay regulatory fees and those that do not, whether there should be a charge for the annual recertification of eligible telecommunications carrier (ETC) designation, and whether there should be separate charges for ETC designations seeking high cost compensation or lifeline designations. Initial comments are due November 7, 2011. (Docket UT-111634)

**WISCONSIN – USF Assessment Rules Amended**

The Wisconsin Public Service Commission has amended rules governing how state universal service fund (USF) assessments are to be made on telecommunications providers. Under the new rules, adopted following a Commission investigation into investment methodology initiated earlier this year, state USF assessments will be made on commercial and residential end user service revenues. A majority of wholesale service revenues will be excluded from assessment. The Commission’s investigation considered a staff whitepaper which proposed USF assessments on wireless and wireline end user revenues. In adopting the changed methodology, the Commission indicated that prior assessment methodology distorted competition, assessed non-facilities-based resellers twice through imposition of wholesale revenue assessments, and was becoming challenging to administer. The new assessment methodology was ordered to begin in October. Wholesale providers with a minimum of 90 percent of gross intrastate telecommunications derived from sales to non-telecommunications provider entities with the intent to resell services are also subject to USF assessments. These assessments will be based on “calculating a statewide average ratio of retail to gross intrastate telecommunications revenues across all providers, and then applying that percent to the ‘wholesale-only’ telecommunications service provider’s gross intrastate operating revenues to arrive at the amount subject to Wisconsin USF assessment.” Non-voice services bundled with other services are no longer subject to the assessment. Staff was directed to determine the extent of mixed voice and non-voice offerings and whether and how such services would be assessed in the future. (Docket No. 5-GF-104).

**COMPLIANCE REPORTING OCTOBER**

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 NOVEMBER**

FCC Form 499Q *de minimis* determination notice due November 1 and ad hoc as may apply.

FCC Form 499-Q Telecommunications Reporting Worksheet (Quarterly) due November 1.

**REPORTS DUE IN NOVEMBER**

<u>Due Date</u>	<u>Jurisdiction</u>	<u>Report Name</u>			
November	Alaska	Access Minutes Report			
November	Alaska	Carrier and Area Specific Bulk Billed Report	November 10	Alaska	Alaska Telecommunications Relay Services Fund - Remittance of Surcharges Collected
November	Missouri	Relay Missouri Statement			
November	Rhode Island	Telecommunication Education Access Fund	November 10	Arkansas	State of Arkansas Universal Service Fund
November	Rhode Island	Telecommunications Relay Service Report	November 10	California	Employee Compensation, Dues, and Subscriptions
November 1	Alabama	Inspection and Supervision Fees Report to the Alabama Public Service Commission	November 10	Georgia	Local Service Indicators Data Requests
November 1	Idaho	ID Universal Service Fund Form	November 10	New York	Service Quality Performance
November 1	Illinois	Staff Data Request - Intrastate Retail Telecommunications Billed Revenue	November 15	Alabama	Revised Survey of Competitive Local Exchange Carriers
November 9	California	Combined California PUC Telephone Surcharge Transmittal	November 15	Florida	Florida Telecommunications Relay, Inc. (FTRI) Monthly Surcharge Collection Report
November 9	Oregon	Oregon Universal Service Contribution Worksheet	November 15	Georgia	Georgia Telecommunications Relay Service (TRS) Monthly Surcharge Collection Report

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November 15	Kansas	Kansas Universal Service Fund 2004/2005 Wireless and Wireline Carrier Remittance Worksheet	November 20	Washington	Telecommunications Relay Service, Washington Telecommunications Assistance Program, and E911
November 15	Kentucky	Commonwealth of Kentucky Telecommunications Relay Service Fund Telecommunications Devices for the Deaf Distribution Fund	November 21	New York	TAF Adjustment Input Form
November 15	Kentucky	Commonwealth of Kentucky Universal Service Fund	November 21	New York	Targeted Accessibility Fund Monthly Online Reporting Form
November 15	Maine	Maine Telecommunications Education Access Fund	November 21	Oregon	Residential Services Protection Fund Surcharge Remittance Form
November 15	Maine	Maine Universal Service Fund	November 22	Arkansas	Arkansas Intrastate Carrier Common Line Pool Report
November 15	Missouri	Quarterly Quality of Service Report	November 25	Minnesota	Minnesota Annual 911/TAM/TAP Fees Report Form
November 15	Nebraska	Nebraska USF & E911 Remittance Worksheet	November 25	Texas	Texas Universal Service Fund Worksheet
November 15	North Carolina	North Carolina Access Line Report - Rule 17-2(K)	November 30	Mississippi	Mississippi Dual Party Fund Statement of Revenues
November 15	North Carolina	Public Utility Regulatory Fee Report	November 30	Nebraska	State of Nebraska Dual Party Relay Surcharge Form
November 15	North Carolina	Questions for Competing Carriers Report	November 30	Oregon	Oregon Telephone Assistance Program Reimbursement Form
November 15	Oklahoma	State of Oklahoma Universal Service Fund Carrier Remittance Worksheet	November 30	Tennessee	Wireline Activity Tennessee-CCN Authority
November 15	Pennsylvania	Pennsylvania Universal Service Fund, FY2004 Carrier Remittance Monthly Worksheet	November 30	Vermont	Monthly Disconnect Report
November 15	Puerto Rico	Puerto Rico Universal Service Fund July 2004 - December 2004 Carrier Remittance Worksheet	November 30	Vermont	Vermont Service Quality Performance Index Report
November 15	Rhode Island	E911	November 30	Virginia	Service Quality Report
November 15	South Carolina	The Public Service Commission of South Carolina SC Dual Party Relay System Invoice	November 30	Wyoming	Telecommunication Companies Revenue & Assessment Report (Wyoming Universal Service Fund)
November 15	Texas	CTP (Certified Telecommunications Provider) Quarterly Reporting pursuant to HB 1777	<b>AD HOC REPORTS</b>		
November 15	Utah	Hearing and/or Speech Impaired Relay Report	Ad hoc	California	Service Quality Pursuant to G.O. 133(B)
November 15	Vermont	Vermont Universal Service Fund Carrier Remittance Worksheet	Ad hoc	Federal	499Q <i>de minimis</i> determination notice
November 15	Virginia	Telecommunications Relay Service Monthly Report	Ad hoc	Federal	Communications Assistance for Law Enforcement Act (CALEA), System Security and Integrity compliance Policies and Procedure Manual
November 20	Alaska	State of Alaska Universal Service Fund Monthly Carrier Remittance Worksheet	Ad hoc	Federal	Designation of Agent for Service of Process
November 20	Arizona	Arizona Universal Service Fund Carrier Remittance Worksheet	Ad hoc	Federal	FCC CORES Registration, CORES Update/Change Form, CORES Certification Form
November 20	Colorado	CO Telecommunications Relay Service Surcharge	Ad hoc	Federal	International Settlements Modification Request
November 20	Idaho	Idaho Telecommunications Service Assistance Plan (ITSAP)	Ad hoc	Federal	Network Outage Reporting
November 20	New Hampshire	Telecommunications Relay Service Remittance	Ad hoc	Federal	Notification of Change of Name
November 20	Pennsylvania	Remittance Form for Monthly Telecommunications Relay Service (TRS) Surcharge Collections	Ad hoc	Federal	Operating Agreements and Contracts
November 20	Utah	Utah Universal Service Fund Surcharge Remittal Statement	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

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

increases. Access benchmarks or other rate limitations are also identified. To obtain a copy, please contact Andrew Isar at 253.851.6700 or [aisar@millerisar.com](mailto:aisar@millerisar.com).

### **MILLER ISAR, INC. NEWS**

Miller Isar, Inc. continues to support a number of regulatory initiatives for clients including certification, tariffing, and relay services matters. The firm was recently engaged to undertake an analysis of federal universal service fund reporting and client VoIP traffic studies to argue in favor of a lower percentage of interstate usage contribution than the Commission's safe harbor.

### **MILLER ISAR, INC. TARIFF FILING OVERVIEW**

Miller Isar, Inc. has updated its state tariff filing overview and contact listing for each state and the District of Columbia. The overview contains information regarding local exchange, interexchange, and access tariff requirements, regulatory citations, and identifies notice requirements to the Commission and subscribers for rate

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