

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
July 1, 2003) **WCB/Pricing 03-15**
Annual Access Charge Tariff Filings)

ORDER

Adopted: April 17, 2003

Released: April 18, 2003

By the Deputy Chief, Pricing Policy Division:

I. INTRODUCTION

1. This order establishes procedures for the 2003 filing of annual access charge tariffs by all incumbent local exchange carriers (ILECs). Specifically, it addresses the dates on which the tariff filings must be filed, the dates and times for filing petitions to suspend or reject the ILEC tariff filings, and replies to any such petitions; and addresses service of the petitions and replies. All correspondence and comments in connection with these filings should be designated in reference to July 1, 2003 Annual Access Charge Tariff Filings.

II. DISCUSSION

A. Tariff Effective Date, Tariff Filing Dates, and Tariff Filing Instructions

2. ILECs are permitted to make their tariff filings either 15 or 7 days prior to the effective date of their tariffs, depending on the type of changes the tariffs propose. Annual access tariff filings must be filed with a scheduled effective date of July 1.¹ For tariffs filed on 15 days' notice, ILECs must make their annual tariff filings on June 16, 2003. For tariffs filed on seven days' notice, ILECs must make their tariff filings on June 24, 2003. ILECs must use the Electronic Tariff Filing System (ETFS) to file all of their tariff material.² For price cap and some rate of return ILECs, such material includes their Tariff Review Plans (TRPs). ILECs should make every effort to file as early in the day as possible in order to avoid any complications in meeting the June 16, 2003, and June 24, 2003, pre-7:00 pm deadlines for filing with the ETFS. ILEC filings must be received by ETFS after 7:00 pm Eastern Time on June 13, 2003 and before 7:00 pm Eastern Time on June 16, 2003 for the filing to be considered officially received on June 16, 2003. ILEC filings must be received by ETFS after 7:00 pm Eastern Time on June 23, 2003 and before 7:00 pm Eastern Time on June 24, 2003 for the filing to be considered officially received on June 24, 2003. ILECs are reminded that there are remote filing sites available, at the following addresses:

California
Chicago

<http://www.fccetfs.com/>
<http://161.58.254.112/>

¹ 47 C.F.R. § 69.3(a).

² 47 C.F.R. § 61.13(b).

3. ILECs that file tariffs under the price cap ratemaking methodology are required to file revised annual access tariffs every year.³ ILECs that file tariffs under the rate-of-return ratemaking methodology are required to file every other year. Further, ILECs filing pursuant to the requirements of section 61.38⁴ are required to file in even-numbered years⁵ and those filing pursuant to section 61.39⁶ are required to file in odd-numbered years and are not required to submit supporting material with the revised tariff.⁷ Since 2003 is an odd numbered year, only the price cap ILECs and the ILECs filing pursuant to section 61.39 are required to file revised access tariffs. For the 2003 annual access tariff filing, we are requiring the ILECs that do not normally file revised access tariffs to file tariffs which implement procedures adopted in the *Rate-of-Return Access Charge Reform Order*⁸ including the raising of the cap on the End User Common Line (EUCL) charge and elimination of the Carrier Common Line (CCL) charge. These section 61.38 carriers are required to submit cost support documentation.⁹

5. Copies of the information filed electronically may be obtained via the Internet using the ETFS at <http://svartifoss2.fcc.gov/prod/ccb/etfs>,¹⁰ or from Qualex International (202) 863-2893 at 445 12th Street, SW Room CY-B402, Washington, DC 20554. For more information, contact Raj Kannan at (202) 418-1540, Pricing Policy Division, Wireline Competition Bureau.

6. Section 61.49(k) of the Commission's rules requires price cap carriers to file a short form TRP without rate detail information 90 days prior to the usual effective date of July 1. For this year's filing, however, we require that this short form TRP be filed on May 1, 2003.¹¹ We will issue a separate order that will provide the details of the short form TRP and the regular TRP. Comments on the short form TRP will be due on May 13, 2003 and replies will be due May 20, 2003.

B. Pleading Filing Dates and Procedures

7. In accordance with the tariff filing schedules, petitions to suspend or reject tariff filings made on 15 days' notice will be due June 23, 2003, and replies will be due June 27, 2003. Petitions to suspend or reject tariff filings made on seven days' notice will be due June 27, 2003, and replies will be due no later than 12:00 noon Eastern Time on June 30, 2003.¹²

³ 47 C.F.R. § 61.43.

⁴ 47 C.F.R. § 61.38.

⁵ 47 C.F.R. § 69.3(f)(1).

⁶ 47 C.F.R. § 61.39.

⁷ 47 C.F.R. § 69.3(f)(2).

⁸ *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 00-256, Second Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd. 19613 (2001) ("*Rate-of-Return Access Charge Reform Order*").

⁹ 47 C.F.R. § 61.38(b).

¹⁰ Users may also use the alternate site for accessing ETFS at <http://gullfoss2.fcc.gov/prod/ccb/etfs/>.

¹¹ We waive any inconsistent portions of section 61.49(k) of the Commission's rules.

¹² We waive any inconsistent portions of section 1.4(f) of the Commission's rules.

8. Parties filing pleadings are encouraged to use ETFS in order to facilitate access to these documents. An original plus four (4) copies of all comments shall be addressed to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-B204, Washington, DC 20554. A courtesy copy should be addressed to Chief, Pricing Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-A225, Washington, DC 20554 and emailed to jnitsche@fcc.gov. Parties should also send one copy to the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone: 202-863-2893, facsimile: 202-863-2898, or via e-mail: qualexint@aol.com.

9. Comments can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail:

If you are sending this type of document or using this delivery method -- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to: Vistrionix, Inc., 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 a.m. to 7:00 p.m.). All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

If you are sending this type of document or using this delivery method -- Documents sent by commercial overnight mail (other than United States Postal Service Express Mail and Priority Mail) must be sent to: 9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.).

If you are sending this type of document or using this delivery method -- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be sent to: 445 12th Street, SW, Washington, DC 20554.

The following chart summarizes this information:

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
Hand-delivered paper filings	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (Weekdays - 8:00 a.m. to 7:00 p.m.)
Messenger-delivered documents (e.g., Federal Express) including documents sent by overnight mail (this type excludes USPS Express and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)
USPS First-Class, Express, and Priority Mail	445 12 th Street, SW Washington, DC 20554

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

C. SERVICE

10. Because there is limited time available for review of the petitions and replies, we establish the following service requirements for these filings. On the date one of these filings is submitted to the Commission, it shall be served upon the filing local exchange carrier or the petitioner, respectively, or their attorney or other duly constituted agent by personal delivery or by facsimile transmission.¹³ Parties are instructed to provide contact persons and facsimile numbers in their filings. Parties filing petitions and replies electronically are reminded they are still required to serve copies in accordance with these rules as stated herein.

III. ORDERING CLAUSE

11. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4 (i) and (j), 201-209, of the Communications Act, as amended, this order is HEREBY ADOPTED as described above.

13. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, section 61.49(k) of the Commission's rules, 47 C.F.R. § 61.49(k), IS WAIVED for the purpose specified in paragraph 6 *supra*.

14. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, section 1.4(f) of the Commission's rules, 47 C.F.R. § 1.4(f), IS WAIVED for the purpose specified in paragraph 7 *supra*.

¹³ 47 C.F.R. §§ 1.773(a)(4) and (b)(3). We waive any inconsistent portions of section 1.47(d) of the Commission's rules.

15. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, section 1.47(d) of the Commission's rules, 47 C.F.R. § 1.47(d), IS WAIVED for the purpose specified in paragraph 10 *supra*.

FEDERAL COMMUNICATIONS COMMISSION

Deena M. Shetler
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Wireline Competition Bureau