



Federal Communications Commission
Washington, D.C. 20554

April 11, 2012

DA 12-572

Small Entity Compliance Guide

Electronic Tariff Filing System (ETFS)

Report and Order
FCC 11-92
CC Docket No. 10-141
Released: June 9, 2011

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

**1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 202-418-0232
fccinfo@fcc.gov**

Table of Contents

I. OBJECTIVES OF THE PROCEEDING.....	3
II. COMPLIANCE REQUIREMENTS	3
III. COMPLIANCE DATES	5
IV. IMPORTANT DEFINITIONS.....	6
V. WEB LINKS.....	7

I. OBJECTIVES OF THE PROCEEDING

- **Improve public access to tariff filings and enhance transparency and efficiency of the tariff filing process by modernizing and streamlining the Commission's tariff filing process.**
 - On January 31, 1997, the *Streamlined Tariff Order* required all incumbent local exchange carriers (LECs) to file their tariffs via the Electronic Tariff Filing System (ETFS).
 - On July 15, 2010, the Commission released the *ETFS NPRM*, which proposed to modify the Commission's rules to require all tariff filers to file tariffs and other associated documents via the ETFS.
 - On June 9, 2011, the Commission released the *ETFS Order*, which requires enables all carriers to file tariffs and other associated documents via the ETFS.

II. COMPLIANCE REQUIREMENTS

- **Scope**
 - All carriers that file tariffs are required to file tariff publications electronically through the ETFS and must comply with the format requirements set forth in **47 C.F.R. § 61.52** and **47 C.F.R. § 61.54**.
- **Letters of Transmittal**
 - All tariff publications filed with the Commission through the ETFS must be accompanied by a letter of transmittal.
 - All letters of transmittal filed with the Commission must follow the guidelines enumerated in **47 C.F.R. § 61.15(a)-(h)**.
 - Every letter of transmittal must include the filing carrier's FCC Registration Number (FRN)
 - Every letter of transmittal must contain the filing carrier's FRN. [**47 C.F.R. § 61.15**].
 - If more than one carrier participates in the tariff, the FRN for the filing carrier and the FRNs for each individual carrier that participates in the tariff must be included in the letter of transmittal.
 - For carriers converting from non-electronic filings, transmittal numbers must continue sequentially from the last non-electronic filing. Special permission application numbers must also continue to be numbered sequentially from the last non-electronically filed application. [**47 C.F.R. § 61.15**]
- **Notice Requirements**
 - All carriers must comply with the general notice requirements of **47 C.F.R. § 61.58**.
- **Base Documents**
 - All tariff publications should include a Base Document that incorporates all effective revisions as of the last day of the preceding month.
 - If there have been revisions that became effective up to and including the last day of the preceding month, a new Base Document must be submitted within the first five business days of the current month that will incorporate those revisions.
- **Applications for Special Permission**
 - All carriers that file an application for special permission, which is a request for a waiver of tariff rules, must file that application electronically pursuant to the guidelines outlined in **47 C.F.R. § 61.17 (b)-(f)**.
- **Tariff Formatting and Composition**

- All carriers must provide the exact name of the carrier, a brief statement showing each class of service provided, the geographical application, and the type of facilities used to provide service to be included in the tariff. [47 C.F.R. § 61.54(b)(2)]. Most incumbent LECs comply with this requirement by including a brief statement on the Title page of the tariff; nondominant carriers are expected to comply in a similar manner.
- If carriers use a “doing business as” or d/b/a name in addition to their legal name, the d/b/a name must be noted on the Title page of the tariff in addition to the exact name of the carrier.
- All filing carriers must provide a transmittal number when filing revisions to their tariff once their initial Base Document has been filed electronically. [47 C.F.R. § 61.54(c)(3)(ii)]

III. COMPLIANCE DATES

➤ **Transition Period**

- The requirement that tariffs be filed electronically became effective on November 17, 2011.
- If the Office of Management and Budget (OMB) approval is later than 120 days after the order is published in the Federal Register, the effective date will be the date of OMB approval.
- Once the rules are effective all tariff filers must use the ETFS to file their currently effective tariffs within 60 days of that date. This filing will be the carrier’s initial Base Document.

➤ **The status of a filing carrier’s tariff after the transition period.**

- All tariffs previously filed with the Commission not using the ETFS will be cancelled pursuant to 47 C.F.R. § 61.87. The cancellation will be effective either when the initial Base Document is filed or at the end of the 60-day filing window if no initial Base Document has been filed in the ETFS.
- Once the initial Base Documents are filed on the ETFS, all future tariff revisions also are required to be filed electronically on the ETFS.
- After the rules become effective, tariff filers will no longer be permitted to file diskette, CD-ROM and/or paper copies of tariffs and associated documents.

IV. IMPORTANT DEFINITIONS

- **Access service.** Access service includes services and facilities provided for the origination or termination of any interstate or foreign telecommunication. [47 C.F.R. § 69.2(b)]
- **Base Document.** The Base Document is a complete tariff which incorporates all effective revisions, as of the last day of the preceding month. [47 C.F.R. § 61.16(a)]
- **Dominant carrier.** A carrier found by the Commission to have market power (i.e., power to control prices). [47 C.F.R. § 61.3(q)]
- **Electronic Tariff Filing System.** All tariff publications shall be filed in a manner that is compatible and consistent with the technical requirements of the Electronic Tariff Filing System. [47 C.F.R. § 61.13]. The Electronic Tariff Filing System accepts filings 24 hours a day, seven days a week. The official filing date of a publication received by the Electronic Tariff Filing System is the date and time the transmission ends. [47 C.F.R. § 61.14(a)]. If the transmission ends after the close of a business day, as that term is defined in § 1.4(e) of the Commission’s rules, the filing will be date and time stamped as of the opening of the next business day. [47 C.F.R. § 61.14(a)].
- **Letter of transmittal.** All tariff publications filed with the Commission electronically must be accompanied by a letter of transmittal. [47 C.F.R. § 61.15(a)] 47 C.F.R. § 61.15(a)(1) explains what a letter of transmittal must include.

- **Non-dominant carrier.** A carrier not found to be dominant. The non-dominant status of providers of international interexchange services for purposes of part 61 of the Commission's rules is not affected by a carrier's classification as dominant. [47 C.F.R. § 61.3(y)]
- **Rate.** The tariffed price per unit of service. [47 C.F.R. § 61.3(hh)]
- **Rate increase.** Any change in a tariff which results in an increased rate or charge to any of the filing carrier's customers. [47 C.F.R. § 61.3(ii)]
- **Registration Number.** The FCC Registration Number (FRN) is a 10-digit unique identifying number that is assigned to entities doing business with the Commission. [47 C.F.R. § 1.8001(a)] The FRN can be obtained through the Commission Registration System (CORES) or by filing FCC Form 160. [47 C.F.R. § 1.8001(b)]
- **Tariff.** Schedules of rates and regulations filed by common carriers. [47 C.F.R. § 61.3(rr)]
- **Tariff publication, or publication.** A tariff, supplement, revised page, additional page, concurrence, notice of revocation, adoption notice, or any other schedule of rates or regulations filed by common carriers. [47 C.F.R. § 61.3(ss)]

V. WEB LINKS

FCC 97-23 (*Streamlined Tariff Order*), 12 FCC Rcd 2170 (1997):

http://transition.fcc.gov/Bureaus/Common_Carrier/News_Releases/1997/nrcc7007.txt

FCC 10-127 (*ETFS NPRM*), 25 FCC Rcd 9517 (2010):

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-127A1.pdf

FCC 11-92 (*ETFS Order*), WC Docket No. 10-141 (2011):

http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0609/FCC-11-92A1.pdf

Commission Registration System (CORES):

<https://fjallfoss.fcc.gov/coresWeb/publicHome.do>

Electronic Tariff Filing System (ETFS):

<http://svartifoss2.fcc.gov/prod/ccb/etfs/>

Part 61 Rules

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=13861e112c9af322ba0ca45ebaeb8331&tpl=/ecfrbrowse/Title47/47cfr61_main_02.tpl