

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

In the Matter of
Material to be Filed in Support of
2012 Annual Access Tariff Filings
WCB/Pricing File No. 12-08

ORDER

Adopted: April 19, 2012

Released: April 19, 2012

By the Acting Chief, Pricing Policy Division:

I. INTRODUCTION

1. In this Order, we set forth the Tariff Review Plans (TRPs) that are available for all incumbent local exchange carriers (ILECs) to use to support the annual revisions to the rates in their interstate access service tariffs.

2. On November 18, 2011, the Commission released the USF/ICC Transformation Order, which established a number of new rules requiring ILECs to adjust, over a period of years, many of their switched access charges effective on July 1 of each of those years, with the ultimate goal of transitioning to a bill-and-keep regime at the end of the transition.

1 The filing date and comment and reply comment periods were released earlier in a separate order. See July 3, 2012 Annual Access Charge Tariff Filings, WCB/Pricing File No. 12-07, Order, DA 12-482 (Wireline Comp. Bur., rel. Mar. 28, 2012).

2 47 C.F.R. §§ 61.41-61.49, 51.700-715 and 51.901-919.

3 TRP formats for the annual filings are developed for the specific circumstances of the calendar year in which the revised rates will become effective. We refer to the TRPs discussed in this document as the 2012 TRPs.

4 See Connect America Fund et al., WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (USF/ICC Transformation Order), pets. for review pending, Direct Commc'ns Cedar Valley, LLC v FCC, No. 11-9581 (10th Cir. Filed Dec. 18, 2011)(and consolidated cases).

5 See USF/ICC Transformation Order, 26 FCC Rcd at 17934-35, para. 801 (although many of the switched access rate elements are subject to the transition adopted, other rates are not being specifically reduced at this time.) See also id. at 18109-115, paras. 1297-1314 (seeking comment on the appropriate transition for rate elements not specifically addressed in the Order).

6 Id. at 17988-94, paras. 906-916.

3. Rate-of-return ILECs subject to section 61.38 of the Commission's rules<sup>7</sup> are required to file access service tariff revisions this year, an even-numbered year,<sup>8</sup> and are required to submit supporting documentation with their tariff filings.<sup>9</sup> These carriers should file a TRP to support these revisions. Rate-of-return ILECs subject to section 61.39 of the Commission's rules<sup>10</sup> historically would not have been required to file access service tariffs this year, since they file revisions in odd-numbered years.<sup>11</sup> Pursuant to the *USF/ICC Transformation Order*, however, if a rate-of-return ILEC subject to section 61.39 of the Commission's rules elects to tariff and charge end users an ARC, that ILEC must file a TRP with the requisite supporting material to justify the ARC rate.<sup>12</sup>

4. Based on the Wireline Competition Bureau's (Bureau) experience in reviewing TRPs in prior years, the submission by price cap ILECs of the short form TRP on May 17, 2012, together with comments and reply comments by interested parties, will aid the Bureau in analyzing the annual demand and rate revisions to be filed in June 2012. Section II addresses a number of waiver issues related to the filing of the 2012 TRPs and supporting documentation. Section III describes the TRP for price cap ILECs and section IV addresses the TRP for rate-of-return ILECs.

## II. WAIVERS

### A. Short Form TRP

5. In both 2010 and 2011, the Bureau granted a waiver to all price cap ILECs from the requirement that they submit PCI-1<sup>13</sup> and IND-1<sup>14</sup> spreadsheets as part of the short form TRP.<sup>15</sup> On January 24, 2012, the United States Telecom Association (USTelecom) filed a request for the same waiver granted in the previous two years to be granted for the 2012 filing.<sup>16</sup> The USTelecom Petition states that all price cap ILECs would continue to file the EXG-1<sup>17</sup> spreadsheet and their exogenous work papers, but would not be required to submit the PCI-1 and IND-1 spreadsheets as part of their short form

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<sup>7</sup> 47 C.F.R. § 61.38 (rate-of-return carriers that file tariffs based on projected costs and demand).

<sup>8</sup> *Id.* at § 69.3(f)(1).

<sup>9</sup> *Id.* at § 61.38(b).

<sup>10</sup> *Id.* at § 61.39 (rate-of-return carriers that file tariffs based on historical costs and demand).

<sup>11</sup> *Id.* at § 69.3(f)(2).

<sup>12</sup> See *USF/ICC Transformation Order*, 26 FCC Rcd at 17988-94, paras. 906-916; 47 C.F.R. § 51.917(e).

<sup>13</sup> The PCI-1 spreadsheet displays the calculation of the price cap indices for the price cap baskets.

<sup>14</sup> The IND1 spreadsheet displays the price cap indices, actual price indices, service band indices and the upper limits of those service band indices.

<sup>15</sup> Material to be Filed in Support of 2010 Annual Access Tariff Filings, WCB/Pricing File No. 10-04, 25 FCC Rcd 2872, 2873, para. 5 (Wireline Comp. Bur. 2010); Material to be Filed in Support of 2011 Annual Access Tariff Filings, WCB/Pricing File No. 11-05, 26 FCC Rcd 4938, 4939, para. 5 (Wireline Comp. Bur. 2011). In those orders, the Bureau also waived the requirement that price cap ILECs that have reached their Average Traffic Sensitive (ATS) rate be required to file the TGT-1 and TGT-2 spreadsheets as part of the short form TRP.

<sup>16</sup> See Petition of the United States Telecom Association for Waiver of Rule 61.49(k)'s Non-exogenous Cost Data Requirements for the Short Form Tariff Review Plan and for Waiver of Rule 61.49(k)'s Deadline for Filing the Exogenous Cost Data Requirements of the Short Form Tariff Review Plan, WC Docket No. 12-22 (filed January 24, 2012) (USTelecom Petition).

<sup>17</sup> The EXG1 spreadsheet displays various exogenous cost changes to the PCIs. It is described in more detail below.

TRPs.<sup>18</sup> By Public Notice issued January 27, 2012, we sought comment on the USTelecom Petition, and no comments were filed.<sup>19</sup> Accordingly, we grant the USTelecom Petition waiver for the 2012 filing. We conclude that a waiver is justified because we believe that the Commission and interested parties will continue to have the necessary information to review the annual access tariff filings because the carriers will submit the waived information as part of their long form TRPs. Accordingly, price cap ILECs will not be required to file the PCI-1 and IND-1 spreadsheets as part of the short form 2012 TRP. However, all price cap ILECs will still be required to file the EXG-1 spreadsheet and their exogenous work papers by May 17, 2012.

## B. Exogenous Costs

6. As an initial step in the transition to bill-and-keep outlined in the *USF/ICC Transformation Order*, the Commission adopted a cap on all interstate switched access rate elements.<sup>20</sup> In doing so, however, the Commission failed to address how carriers should recover a portion of any increases in certain exogenous costs for increases in the telecommunications relay service (TRS) fees, regulatory fees, or North American Numbering Plan administration (NANPA) fees. For price cap regulated ILECs, a portion of such increase would normally be recovered pursuant to the subscriber line charge (SLC), and if the SLC is at the maximum rate, pursuant to the presubscribed interexchange carrier charge (PICC) or the carrier common line charge (CCL).<sup>21</sup> Because the Commission in the *USF/ICC Transformation Order* instituted a cap on the PICC and CCL rates, price cap ILECs are unable to increase those rates to recover any increase in charges.<sup>22</sup> For rate-of-return regulated ILECs, a portion of the increase would normally be recovered through an increase in interstate switched access rates, but those interstate rates are also capped pursuant to the *USF/ICC Transformation Order*.<sup>23</sup>

7. In the *USF/ICC Transformation Order*, the Commission delegated to the Bureau and the Wireless Telecommunications Bureau the authority to revise and clarify rules as necessary to ensure that the reforms adopted in the order are properly reflected in the rules.<sup>24</sup> Accordingly, in this Order, we provide the following clarification regarding this specific exogenous cost issue. ILECs will be permitted to recover any increase in TRS, regulatory, or NANPA fees through the SLC, if they are below the maximum cap. For this purpose, we grant a limited waiver of sections 69.104 and 69.152 of the Commission's rules, to the extent the rules prohibit certain carriers from charging the maximum rate of \$6.50 for a residential or single-line business subscriber line or \$9.20 for a multi-line business subscriber line.<sup>25</sup> We also grant price cap ILECs a limited waiver of section 69.152 to the extent that rule prohibits price cap carriers from charging the maximum rate of \$7.00 for a non-primary residential subscriber line.<sup>26</sup> For the purposes of including an increase in a mandatory fee in the SLC, price cap carriers will be

<sup>18</sup> The USTelecom Petition also requested that price cap ILECs that have reached their ATS target, would not be required to file the TGT-1 and the TGT-2 spreadsheets from the Short Form TRP. USTelecom Petition at 2. Because we eliminate the TGT-1 and TGT-2 spreadsheets from the 2012 TRP, we conclude that this aspect of the waiver request is moot.

<sup>19</sup> *United States Telecom Association Petition for Waiver of Requirements in Section 61.49(k) of the Commission's Rules for the Short Form Tariff Review Plan*, WC Docket No. 12-22, Public Notice, DA 12-100 (Pricing Pol. Div., rel. Jan. 27, 2012).

<sup>20</sup> 47 C.F.R. §§ 51.907, 51.909.

<sup>21</sup> *Id.* at §§ 69.152-154.

<sup>22</sup> *USF/ICC Transformation Order*, 26 FCC Rcd at 17934, 17942, para. 801, 818 n. 1547; 47 C.F.R. § 51.907(a).

<sup>23</sup> *USF/ICC Transformation Order*, 26 FCC Rcd at 17934, para. 801; 47 C.F.R. § 51.909(a).

<sup>24</sup> *USF/ICC Transformation Order*, 26 FCC Rcd at 18149, para. 1404.

<sup>25</sup> 47 C.F.R. §§ 69.104 and 69.152.

<sup>26</sup> *Id.* at § 69.152.

permitted to raise the SLC to the maximum level permitted pursuant to sections 69.152(d)(1)(ii), 69.152(e)(1)(i), and 69.152(k)(1)(i) of the Commission's rules, and rate-of-return carriers will be permitted to raise the SLC to the maximum level permitted pursuant to sections 69.104(n)(1)(ii)(c) and 69.104(o)(1)(i) of the Commission's rules. However, if the carrier is already at the maximum SLC level, the carrier will be permitted to include that portion of increases in mandatory TRS, regulatory, or NANPA fees associated with a rate that is capped in their Eligible Recovery for the 2012 annual access charge tariff filing.<sup>27</sup>

### III. PRICE CAP TARIFF REVIEW PLAN

8. In the *LEC Price Cap Order*,<sup>28</sup> the Commission adopted price cap regulation for certain ILECs, effective January 1, 1991. Companies that currently file interstate access tariffs pursuant to the price cap rules include the ACS Companies; AT&T Services, Inc.;<sup>29</sup> CenturyTel Operating Companies; Cincinnati Bell Telephone Company; Consolidated Communications; Embarq Local Telephone Companies (Embarq LTC); the FairPoint Telephone Companies; Frontier Telephone Companies; Hawaiian Telecom, Inc.; Illinois Consolidated Telephone Company; Micronesian Telecommunications Corp.; Puerto Rico Telephone Company; Qwest Corporation; the Verizon Telephone Companies; Virgin Island Telephone Company; and Windstream Telephone System. All companies that file pursuant to price cap regulation in the 2012 annual filing should also file the price cap TRPs outlined below and contained in the Appendix.

#### A. Modifications to the Price Cap TRP

9. In the 2012 price cap annual access TRP, we adopt a number of changes to the 2011 TRP. We add new ARC<sup>30</sup> spreadsheets, Access Reduction spreadsheets, and Reciprocal Compensation spreadsheets. We also eliminate the TGT-1 and the TGT-2 spreadsheets.<sup>31</sup> The spreadsheets and workpapers are discussed in detail in Section B below.

10. The 2012 TRP requires those ILECs that price certain common line rate elements separately by jurisdiction within a study area to provide such individual rates instead of a roll up or average rate. These common line rate elements will be found in a separate form called the CAP-1J form.

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<sup>27</sup> A carrier's Eligible Recovery is the amount calculated under either section 51.915(d) or section 51.917(d) that a carrier is allowed to recover through the ARC or the Connect America Fund if the ARC is insufficient to recover the allowed amount. 47 C.F.R. §§ 51.915(d) or 51.917(d).

<sup>28</sup> *Policy and Rules Concerning Rates for Dominant Carriers*, CC Docket No. 87-313, Order, 5 FCC Rcd 6786 (1990) (*LEC Price Cap Order*), recon., 6 FCC Rcd 2637 (1991), further recon., 6 FCC Rcd 4524 (1991), 7 FCC Rcd 5235 (1992), *National Rural Telecom Ass'n v. FCC*, 988 F.2d 174 (D.C. Cir. 1993).

<sup>29</sup> AT&T companies that will file TRPs include: Ameritech Operating Company; BellSouth Telephone Company; Nevada Bell Telephone Company; Pacific Bell Telephone Company; Southern New England Telephone (SNET); and Southwestern Bell Telephone.

<sup>30</sup> Section 69.3(a) of the Commission's rules limits the annual access charge tariff filing to rate level changes. However, for the purposes of allowing ILECs to include a new service charge, the ARC, in their 2012 annual access charge tariff filing, we find good cause to waive that requirement. See 47 C.F.R. § 69.3(a).

<sup>31</sup> We recognize that a few carriers are still reducing their average traffic sensitive (ATS) rates pursuant to various price cap transition orders. See, e.g., *CenturyTel, Inc., Petition for Conversion to Price Cap Regulation and Limited Waiver Relief*, WC Docket No. 08-191, 24 FCC Rcd 4677 (Wireline Comp. Bur. 2009) (requiring carriers to transition their ATS rate to \$0.0065 as part of the conversion to price cap regulation). We conclude, however, that the transition for switched access rate elements adopted in the *USF/ICC Transformation Order* replaces the transition for ATS rates adopted in the various price cap conversion orders, and therefore, the TGT-1 and TGT-2 spreadsheets are no longer relevant to the TRP. *USF/ICC Transformation Order*, 26 FCC Rcd at 17934, para. 801.

11. In the 2012 TRP, companies will provide a worksheet listing services that have been removed from price caps, the tariff sections associated with such services, and the date and reason services were removed from price caps. We provide the format for the worksheet in the Excluded Service section in Part B below.

## **B. TRP Spreadsheets and Workpapers**

### **1. ARC Spreadsheet**

12. The ARC spreadsheet demonstrates the calculations necessary to arrive at an ARC rate for filing carriers. This is a new spreadsheet in the TRP created to comply with section 51.915(e) of the Commission's rules.<sup>32</sup>

### **2. Access Reduction Spreadsheet**

13. The Access Reduction spreadsheet identifies the rates that are required to be reduced pursuant to section 51.907(b)-(g) of the Commission's rules and calculates the amount of the reductions. The spreadsheets also show the calculation of a price cap ILEC's eligible recovery pursuant to section 51.915(d) of the Commission's rules. This is a new spreadsheet in the TRP created to comply with sections 51.907 (b)-(g) and 51.915(d) of the Commission's rules.<sup>33</sup>

### **3. Reciprocal Compensation Spreadsheet**

14. The Reciprocal Compensation spreadsheet demonstrates the calculations necessary to comply with section 51.705 of the Commission's rules and calculates the eligible recovery for reciprocal compensation rate reductions pursuant to section 51.915(d). This is a new spreadsheet in the TRP created to comply with section 51.705 and 51.915 (d) of the Commission's rules.<sup>34</sup>

### **4. IND1 Spreadsheet**

15. The IND1 spreadsheet displays price cap indices (PCIs), actual price indices (APIs), service band indices (SBIs), and upper SBI limits. It has been modified to remove the traffic sensitive and trunking baskets for the 2012 TRP. For the special access and interexchange baskets, to assist in verifying the historical indices reported in IND1, ILECs must continue to file a workpaper that identifies transmittals in which the current index levels became effective.

### **5. CAP Spreadsheets**

16. Price cap ILECs develop the End User Common Line Charge (EUCL), the Presubscribed Interexchange Carrier Charge (PICC), and Carrier Common Line (CCL) rates, the rates that recover common line, marketing and transport interconnection (CMT) revenue, on CAP-1, CAP-2, CAP-3, CAP-4, and CAP5. These forms are revised for the 2012 TRP to institute the pricing caps consistent with the *USF/ICC Transformation Order*.<sup>35</sup>

### **6. PCI1 Spreadsheet**

17. The PCI1 spreadsheet displays the calculation of the PCIs for the price cap baskets and includes the following data: (1) the Gross Domestic Product Price Index (GDP-PI) measuring inflation; (2) the productivity offset (X-Factor);<sup>36</sup> (4) the exogenous cost change (Z); (5) the base-year (calendar-

<sup>32</sup> 47 C.F.R. § 51.915(e).

<sup>33</sup> *Id.* at §§ 51.907 (b)-(g), 51.915(d).

<sup>34</sup> *Id.* at §§ 51.907, 51.915(d).

<sup>35</sup> *Id.* at § 51.907(a).

<sup>36</sup> The X-Factor is set pursuant to section 61.45 of the Commission's rules. *Id.* at § 61.45.

year 2011) revenue R for each basket; and (6) the weighting factor (w) used in computing the PCIs. These spreadsheets have been revised to remove the traffic sensitive and trunking baskets from these calculations.

#### **7. SUM1 Spreadsheet**

18. This is a summary spreadsheet displaying the revenues in baskets and categories. It displays the base-year (calendar year 2011) service demand multiplied by: (1) current rates; and (2) proposed rates. SUM1 is used to calculate the difference in revenues using base-year demand, under current and proposed rates. The SUM1 spreadsheet has been revised to remove the traffic sensitive and trunking baskets from these calculations.

#### **8. EXG Spreadsheets**

19. The EXG1 spreadsheet displays the exogenous cost changes to the PCIs attributable to any: (1) sale of exchanges; (2) FCC regulatory fees; (3) excess deferred taxes; (4) amortization of investment tax credits; (5) low end adjustment calculations; (6) fees associated with Telecommunications Relay Service; (7) changes in the allocation of costs between regulated and unregulated activities; (8) NANPA expenses; (9) removal of thousand block number pooling; and (10) other exogenous cost changes the ILECs may file. The EXG1 spreadsheet has been revised to remove the traffic sensitive and trunking baskets from these calculations.

20. The EXG2 spreadsheet displays the net exogenous shifts related to bands and zones. This spreadsheet has been revised to include only the special access basket in the calculations.

#### **9. Combined Indices**

21. The TRP includes a subprogram or switch that allows companies to combine several study areas for purposes of calculating common line basket and service band indices.<sup>37</sup> Thus, companies may file different tariffed rates while combining indices across all study areas for maintaining headroom, the difference between maximum allowable revenues (PCI revenues) and forecasted revenues (API revenues). These spreadsheets have been revised to remove the common line, traffic sensitive, and trunking baskets.

#### **10. RTE1 Spreadsheets**

22. These spreadsheets display information used to compute the APIs, SBIs, and upper SBI limits. They display calendar year 2011 demand, current rates, proposed rates, and revenues computed by multiplying the 2011 demand by current and proposed rates. The RTE1 spreadsheets enable the Commission to verify the accuracy of "R," the revenue variable in the PCI formula that equals base period (2011) demand multiplied by rates. Demand and price data are reported in the aggregate under the primary rate elements of each category. The level of aggregation in the RTE1 spreadsheets allows rapid, consistent verification of index calculations across all companies. These spreadsheets have been revised to remove the traffic sensitive and trunking baskets.

#### **11. Rate Detail Spreadsheet**

23. In their previous annual filings, ILECs provided a spreadsheet that gave complete rate element detail, *i.e.*, demand, existing rates, and proposed rates for each rate element subject to price caps. ILECs should again file this spreadsheet with their 2012 annual access tariff filing. We leave unspecified the exact format of the rate detail spreadsheet because each price cap ILEC has a different number of rate elements. For each rate element, however, ILECs should display the rate element name, jurisdiction, base period demand, current rates, and proposed rates. ILECs may also include a rate identifying code. The

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<sup>37</sup> This switch in the program would apply, for example, to Verizon and Embarq LTC, which have submitted TRPs where basket indices and service bands have been aggregated even though some study area tariffs have been kept separated.

revenue amounts for baskets and categories should be totaled to assist in verifying the agreement between this form and the revenue amounts in RTE1. The variation in the number of rate elements among ILECs prevents us from specifying the row numbers, but each row of this form should correspond to only one rate element. The rows should reflect the basket and service category sequence used in RTE1. There are no revisions to this spreadsheet.

## **12. Services Excluded from Price Caps**

24. For the 2012 filing, we request that companies provide a list of services that are tariffed, but are excluded from price caps. The list should identify the tariff section containing each service. Rate element details must be provided for the following categories: Special Construction/ICBs; Packet Services (e.g., ATM, Frame Relay); End User Charges (e.g., USF charges, LNP); Government Services (e.g., FTS); Miscellaneous/Other (e.g., engineering services); and services that were in price caps but have been removed (e.g., interexchange services, special access). ILECs do not have to include the services removed pursuant to the *USF/ICC Transformation Order* in this list. For the remaining services included in the list, ILECs must indicate the authority relied on to remove the service. The ILEC must identify the major service and indicate whether the rate is recurring or non-recurring. ILECs must clearly state in their cover letter where this information can be found in their TRP.

## **C. Miscellaneous**

25. In addition to the above specifications, price cap ILECs must include with their support materials a list of all currently applicable Part 69 waivers. The list should include the following information: (1) a citation to the Commission or Bureau order granting the waiver; (2) a brief description of the waiver, including whether any new rate elements were authorized; and (3) the basket and, if applicable, service category of each rate element affected by the waiver.

## **IV. RATE-OF-RETURN TARIFF REVIEW PLAN**

### **A. Modifications to the Rate-of-Return TRP**

26. In the 2012 rate-of-return TRP, we adopt significant modifications to the 2011 rate-of-return TRP in order to implement the *USF/ICC Transformation Order*. These modifications are noted in the forms and workpapers. The TRP for rate-of-return carriers is contained in the Appendix.

27. For special access and common line services, the 2012 rate-of-return TRP will be similar to the TRP in previous years. However, for switched access services, ILECs regulated pursuant to section 61.38 and 61.39 of the Commission's rules must complete an ARC spreadsheet (if the ILEC elects to charge an ARC), an Access Reduction spreadsheet and a Reciprocal Compensation spreadsheet. The ARC spreadsheet will be the same as the spreadsheet filed by the price cap ILECs described in paragraph 12 above. The Access Reduction spreadsheets and the Reciprocal Compensation spreadsheet will be different than the price cap Access Reduction spreadsheet, in order for the rate-of-return carriers to comply with sections 51.909(b)-(g) of the Commission's rules.<sup>38</sup> Similarly, the Reciprocal Compensation spreadsheet will be different than the price cap Reciprocal Compensation spreadsheet in order for rate-of-return carriers to comply with section 51.705 of the Commission's rules and to calculate eligible recovery for reciprocal compensation rate reductions pursuant to section 51.917(d) of the Commission's rules.<sup>39</sup>

### **B. General Guidelines Applicable to NECA**

28. We have not adopted a TRP for the National Exchange Carrier Association (NECA), although NECA should refer to the rate-of-return TRP for guidance on the level of support materials to provide in its annual filing. As in the past, NECA should provide: (1) earnings data for special access

<sup>38</sup> 47 C.F.R. § 51.909(b)-(g).

<sup>39</sup> *Id.* §§ 51.705, 51.917(d).

services using the ERN-1 format; and (2) average schedule company settlements using the COS-1 format.

## V. GENERAL INSTRUCTIONS

29. The following general instructions apply to all ILECs. These instructions pertain to the TRPs and other documentation filed in support of access charges.

### A. Revised TRPs

30. If ILECs file to revise their TRP after June 18, 2012, the TRP should be refiled in its entirety, rather than just the parts of the TRP that are changed. The latest TRP filed becomes the TRP of record. Other parts of the original filing, *e.g.*, portions of the explanations, description and justification, and workpapers, may be omitted if unchanged by the revision.

### B. Certification

31. The filing of inaccurate or incomplete data may seriously detract from the ability of the Commission and interested parties to evaluate the revised rates. All ILECs must certify that their historical and forecast data are accurate by including a signed statement that the support data are true, correct, and complete to the best of the carrier's knowledge. This certification will apply to all data submitted in support of revised rates, including the data that are filed in the TRP. The text of the certification is the same as that adopted in the *1987 Waiver Order*.<sup>40</sup> The certification should be displayed as the last page in the filing containing each company's TRP. ILECs are also under a continuing legal obligation to correct any inaccurate or incomplete data subsequently discovered in the TRP or other support data.<sup>41</sup>

### C. Compliance with the Paperwork Reduction Act

32. This order contains modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It has been submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

33. In this order, we have assessed the effects of filing the TRP on ILECs and believe we have minimized the burden to the extent possible. We minimize the regulatory burden on the ILECs by deleting obsolete sections of the TRP that have not proved useful, and carriers need not file historical data that have been filed in previous years.

## VI. ORDERING CLAUSES

34. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4 (i) and (j), 201-209, of the Communications Act, as amended, 47 U.S.C. §§ 151, 154(i), (j), 201-209, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, this order IS HEREBY ADOPTED as described above.

35. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, sections 69.104 and 69.152 of the Commission's rules, 47 C.F.R. §§ 69.104,

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<sup>40</sup> *Annual 1987 Access Tariff Filings*, Petitions for Waivers of Filing Requirements, Mimeo No. 6945 (rel. Sept. 16, 1986) (*1987 Waiver Order*).

<sup>41</sup> *See* 47 C.F.R. § 1.17 (establishing requirement for truthful and accurate statements in Commission matters, including "any tariff proceeding").



69.152, ARE WAIVED for the purpose specified in paragraph 7, *supra*.

36. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commissions rules, 47 C.F.R. § 1.3, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, section 61.49(k) of the Commission's rules, 47 C.F.R. § 61.49(k), IS WAIVED for the purpose specified in paragraph 5, *supra*.

37. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commissions rules, 47 C.F.R. § 1.3, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, section 69.3(a) of the Commission's rules, 47 C.F.R. § 69.3(a), IS WAIVED for the purpose specified in paragraph 9, *supra*.

FEDERAL COMMUNICATIONS COMMISSION

Victoria S. Goldberg  
Acting Chief, Pricing Policy Division  
Wireline Competition Bureau

## Appendix

### Tariff Review Plans

#### **Price Cap Short Form TRP**

<http://www.fcc.gov/wcb/ppd/shortformTRP-2012.xlsm>

#### **Price Cap Long Form TRP**

<http://www.fcc.gov/wcb/ppd/longformTRP-2012>

#### **Rate of Return Form TRP**

<http://www.fcc.gov/wcb/ppd/RORTRP-2012>