

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

In the Matter of
July 1, 2014
Annual Access Charge Tariff Filings
WC Docket No. 14-48

ORDER

Adopted: March 25, 2014

Released: March 25, 2014

By the Chief, Pricing Policy Division:

SHORT FORM Tariff Review Plan: May 19, 2014
COMMENTS: May 29, 2014
REPLIES: June 5, 2014

15-DAY TARIFF FILINGS June 16, 2014
PETITIONS: June 23, 2014
REPLIES: June 26, 2014 (due no later than 12:00 p.m. (noon) Eastern Time)

7-DAY TARIFF FILINGS: June 24, 2014
PETITIONS: June 26, 2014 (due no later than 12:00 p.m. (noon) Eastern Time)
REPLIES: June 27, 2014 (due no later than 12:00 p.m. (noon) Eastern Time)

I. INTRODUCTION

1. This order establishes procedures for the 2014 filing of annual access charge tariffs and Tariff Review Plans (TRPs) for incumbent local exchange carriers (ILECs) subject to price cap regulation, as well as rate of return ILECs subject to sections 61.38 and 61.39 of the Commission's rules.

2. This order (1) sets an effective date of July 1, 2014, for the July 2014 annual access charge tariff filings; (2) establishes the dates for filing petitions to suspend or reject an ILEC tariff filing and replies to such petitions; and (3) addresses service of the petitions and replies. This order also establishes May 19, 2014 as the date that price cap ILECs must file the short form TRPs. In the USF/ICC

1 47 C.F.R. § 61.43.

2 47 C.F.R. § 61.38 (rate of return carriers that file tariffs based on projected costs and demand).

3 47 C.F.R. § 61.39 (rate of return carriers that file tariffs based on historical costs and demand).

4 The price cap ILECs that must file a short form TRP on May 17, 2013, are the ACS Companies; the Ameritech Operating Companies; BellSouth Telecommunications, Inc.; CenturyTel Operating Companies; Cincinnati Bell Telephone; Consolidated Communications; Embarq Local Telephone Companies; Frontier Telephone Companies; Hawaiian Telecom, Inc.; Illinois Consolidated Telephone Company; Micronesian Telecommunications, Corp.; Nevada Bell Telephone Company; Pacific Bell Telephone Company; Puerto Rico Telephone Company; Qwest

(continued....)

*Transformation Order*<sup>5</sup> the Commission adopted new rules requiring ILECs to adjust, over a period of years, their switched access charges effective on July 1 of each of those years. The TRPs also implement these adjustments. All correspondence and comments in connection with these filings should refer to the caption of this proceeding, *July 1, 2014 Annual Access Charge Tariff Filings*, WC Docket No. 14-48.

## II. DISCUSSION

### A. Tariff Effective Date and Tariff Filing Dates

3. ILECs are permitted to make their tariff filings on either 15 or 7 days prior to the effective date of their tariffs, depending on the type of changes the tariffs propose.<sup>6</sup> The Commission's rules require that annual access charge tariff filings must be filed with a scheduled effective date of July 1.<sup>7</sup> ILECs filing tariffs on 15 days' notice must make their annual tariff filings on June 16, 2014 and ILECs filing tariffs on 7 days' notice must make their annual tariff filings on June 24, 2014.

4. ILECs that file tariffs under the price cap ratemaking methodology are required to file revised annual access charge tariffs every year.<sup>8</sup> ILECs that file tariffs under rate-of-return ratemaking methodology are required to file every other year. ILECs filing pursuant to the requirements of section 61.38 of the Commission's rules are required to file annual access charge tariffs this year, an even-numbered year.<sup>9</sup> Rate-of-return ILECs subject to section 61.39 of the Commission's rules<sup>10</sup> would not, absent requirements adopted in the *USF / ICC Transformation Order*,<sup>11</sup> be required to file annual access charge tariffs this year, since they file revisions in odd-numbered years.<sup>12</sup> Pursuant to the *USF/ICC Transformation Order*, however, rate-of-return ILECs subject to section 61.39 of the Commission's rules must file a TRP this year to comply with the requirements of sections 51.909(d), 51.917(d)(iii), and 51.917(e) of the Commission's rules.<sup>13</sup>

### B. Tariff Review Plan Filing Dates

5. Price cap ILECs are required to submit both a short form TRP and a long form TRP. Section 61.49(k) of the Commission's rules requires price cap ILECs to file a short form TRP without rate detail information 90 days prior to the usual effective date of July 1.<sup>14</sup> In previous years, we have waived section 61.49(k) and allowed price cap ILECs to file the short form TRP on May 1<sup>st</sup> of the

---

(...continued from previous page)

Corporation; Southern New England Telephone; Southwestern Bell Telephone; SureWest Telephone; The Fairpoint Telephone Companies; The Verizon Telephone Companies; Virgin Islands Telephone Company and Windstream Telephone System.

<sup>5</sup> 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 (rel. Nov. 18, 2011) (*USF/ICC Transformation Order*), *pets. for review pending*, *Direct Commc'ns Cedar Valley, LLC v FCC*, No. 11-9581 (10<sup>th</sup> Cir. Filed Dec. 18, 2011) (and consolidated cases).

<sup>6</sup> 47 U.S.C. § 204(a)(3).

<sup>7</sup> See 47 C.F.R. §§ 69.3(a) 51.705, 51.907, 51.909; see also *supra* note 3.

<sup>8</sup> 47 C.F.R. § 61.43.

<sup>9</sup> 47 C.F.R. § 61.38; 47 C.F.R. § 69.3(f)(1).

<sup>10</sup> 47 C.F.R. § 61.39.

<sup>11</sup> See *USF/ICC Transformation Order*, 26 FCC Rcd at 17981-83, paras. 897-99.

<sup>12</sup> 47 C.F.R. § 69.3(f)(2).

<sup>13</sup> 47 C.F.R. §§ 51.909(d), 51.917(d)(iii), 51.917(e).

<sup>14</sup> 47 C.F.R. § 61.49(k).

particular year.<sup>15</sup> In the past several years, the United States Telecom Association (USTelecom) filed a petition requesting that the Bureau issue a further extension of the deadline and permit price cap ILECs to file the short form TRP in mid-May, to allow for additional time to prepare the exogenous cost data.<sup>16</sup> The Bureau granted the petition in past years, and waived Section 61.49(k) of the rules.<sup>17</sup>

6. On January 30, 2014, USTelecom filed a request for a similar extension for 2014, arguing they need additional time to prepare their exogenous cost data, and requesting the deadline for the short form TRP be moved to May 19, 2014.<sup>18</sup> In addition, as it has for the last several years, USTelecom seeks a waiver of the requirement that all price cap local exchange carriers submit their PCI-1, and IND-1 forms as part of the short form TRP.<sup>19</sup> The USTelecom petition clarifies that all price cap ILECs would continue to file the EXG-1<sup>20</sup> spreadsheet and their exogenous work papers as part of their short form TRPs.<sup>21</sup> By Public Notice issued February 4, 2014, we sought comment on the USTelecom petition.<sup>22</sup> No comments were filed. We note that when we first granted this waiver in 2010, we denied USTelecom's request for a longer term waiver, concluding that the USTelecom petition failed to provide sufficient justification for such a waiver.<sup>23</sup> Since we first granted the waiver, however, several intervening factors have occurred. First, the Commission adopted specific reforms for switched access services in the *USF/ICC Transformation Order*, which rendered the short form TRP no longer applicable to such services and limited the applicability of the short form TRP to common line and special access services.<sup>24</sup> Second, we now have four years of history with Commission staff and the public having received access to ILEC short form TRPs approximately 45 days prior to the effective date of the annual access charge filing and without the benefit of carriers' PCI-1, and IND-1 forms, and there have been no concerns raised with this arrangement. We find that time period and the quality and quantity of the information filed has been sufficient for Commission and public review. The fact that no comments have

---

<sup>15</sup> See, e.g., *July 1, 2009 Annual Access Charge Tariff Filings*, WCB/Pricing File No. 09-02, Order, 24 FCC Rcd 3664 (Wireline Comp. Bur. 2009).

<sup>16</sup> See, e.g., *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. 10-46, at 1 (filed Feb. 4, 2010).

<sup>17</sup> See *July 1, 2010 Annual Access Charge Tariff Filings*, WCB/Pricing File No. 10-03, Order, 25 FCC Rcd 2867, 2868-69, para. 4 (Wireline Comp. Bur. 2010) (*2010 Procedures Order*); *July 1, 2011 Annual Access Charge Tariff Filings*, WCB/Pricing File No. 11-04, Order, 26 FCC Rcd 4933, 4934-35, para. 4 (Wireline Comp. Bur., 2011); see *July 3, 2012 Annual Access Charge Tariff Filings*, WCB/Pricing File No. 12-07, Order, 27 FCC Rcd 2981, 2983, para 5 (Wireline Comp. Bur. 2012) ; *July 2, 2013 Annual Access Charge Tariff Filings*, WC Docket No. 13-76, Order, 28 FCC Rcd 3265, 2983, para. 5 (Wireline Comp. Bur. 2013).

<sup>18</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. 14-18 (filed Jan. 30, 2014) (USTelecom Petition).

<sup>19</sup> *Id.* at 2.

<sup>20</sup> The EXG1 spreadsheet displays various exogenous cost changes to the PCIs.

<sup>21</sup> USTelecom Petition at 2.

<sup>22</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. 14-18, Public Notice, DA 14-132 (Pricing Pol. Div. rel. Feb. 4, 2014).

<sup>23</sup> See *2010 Procedures Order*, 25 FCC Rcd at 2868-69, para 4 n.12.

<sup>24</sup> See generally *USF/ICC Transformation Order* (adopting specific reforms for switched access services rendering the short form TRP no longer applicable to switched access services—the short TRP is still applicable for common line and special access services).

been received either this year or in the past several years opposing this waiver request supports our conclusion regarding the adequacy of this supporting information. Based on these preceding factors we conclude there are sufficient grounds to grant a *sua sponte* waiver of section 61.49(k) of the Commission's rules beyond the timeframe USTelecom requested. Accordingly, until the Commission determines otherwise, we waive the 90-day requirement and permit the short form TRP to be filed approximately 45 days prior to the annual access charge tariff effective date, which this year is May 19, 2014.<sup>25</sup> We will specify the exact due date of the short form TRP in our order each year that establishes the dates for the annual access charge tariff filing.<sup>26</sup> In addition, until the Commission determines otherwise, we waive the requirement in section 61.49(k) of the Commission's rules for price cap ILECs to file the PCI-1 and IND-1 spreadsheets as part of the short form TRP. We continue to require all price cap ILECs, this year and in the future to file the EXG-1 spreadsheet and their exogenous work papers as part of their short form TRP. Comments on the short form TRP this year will be due on May 29, 2014. Reply comments will be due June 5, 2014.

### C. Tariff and Tariff Review Plan Filing Instructions

7. ILECs must use the Commission's Electronic Tariff Filing System (ETFS) to file all of their tariff material.<sup>27</sup> ILECs should make every effort to file as early in the day as possible to avoid any complications in meeting the May 19, 2014, June 16, 2014 and June 24, 2014, pre-7:00 p.m. Eastern Time deadlines for filing in the ETFS. Price cap ILEC short form TRP filings must be received by ETFS after 7:00 p.m. Eastern Time on May 16, 2014 and before 7:00 p.m. Eastern Time on May 19, 2014 for the filing to be considered officially received on May 19, 2014. ILEC tariff filings must be received by ETFS after 7:00 p.m. Eastern Time on June 13, 2014 and before 7:00 p.m. Eastern Time on June 16, 2014 for the filing to be considered officially received on June 16, 2014. ILEC tariff filings must be received after 7:00 p.m. Eastern Time on June 23, 2014 and before 7:00 p.m. Eastern Time on June 24, 2014 for the filing to be considered officially received on June 24, 2014.

8. Copies of the information filed electronically may be obtained via the Internet using the ETFS at <http://svartifoss2.fcc.gov/prod/ccb/etfs>, or from Best Copy and Printing, Inc., (202) 488-5300, Portals II, at 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554. For more information contact either Pamela Arluk or Richard Kwiatkowski at (202) 418-1520, Pricing Policy Division, Wireline Competition Bureau.

### D. Pleading Filing Dates and Procedures

9. In accordance with the tariff filing schedule, petitions to suspend or reject tariff filings made on 15 days' notice will be due June 23, 2014 and replies will be due no later than 12:00 p.m. (noon) Eastern Time June 26, 2014. Petitions to suspend or reject tariff filings made on seven days' notice will be due no later than 12:00 p.m. (noon) Eastern Time on June 26, 2014 and reply comments will be due no later than 12 p.m. (noon) Eastern Time on June 27, 2014.<sup>28</sup>

---

<sup>25</sup> This year, forty-five days prior to the annual access charge tariff filing is May 17, 2014, which is a Saturday. Accordingly, the short form TRPs will be filed forty-three days prior to the annual access charge tariff filing in 2014.

<sup>26</sup> See 47 C.F.R. § 61.49(k). If there are regulatory changes in the future that require the Bureau to require more time to evaluate the short form TRP, we reserve the right to revisit this waiver at a later date.

<sup>27</sup> 47 C.F.R. § 61.13(b).

<sup>28</sup> We waive any inconsistent portions of sections 1.4(f) and 1.773(b) of the Commission's rules.

10. Parties filing pleadings are encouraged to use the Electronic Comment Filing System (ECFS) in order to facilitate access to these documents. Comments and reply comments should reference **WC Docket No. 14-48**. Parties filing paper copies must file an original and four (4) copies of each filing.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at both locations are 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

11. Three (3) paper copies and one e-mail copy of the comments and reply comments must also be sent to Richard Kwiatkowski, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room 5-A460, Washington, DC 20554, [Richard.Kwiatkowski@fcc.gov](mailto:Richard.Kwiatkowski@fcc.gov). A courtesy copy must be addressed to the Chief, Pricing Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, SW, Room 5-A225, Washington, DC 20554 and e-mailed to [Pamela.Arluk@fcc.gov](mailto:Pamela.Arluk@fcc.gov). Parties shall also serve one copy with Best Copy and Printing, Inc., Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM).

12. The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>29</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the

---

<sup>29</sup> 47 C.F.R. §§ 1.1200 *et seq.*

presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

#### **E. SERVICE**

13. 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 a filing is submitted to the Commission, it shall also be served upon the filing local exchange carrier or the petitioner to which it responds, respectively, or its attorney or other duly constituted agent, by personal delivery, by facsimile transmission, or e-mail.<sup>30</sup> 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 the requirements stated in this paragraph.

### **III. ORDERING CLAUSES**

14. 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.

15. 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, section 61.49(k) of the Commission's rules, 47 C.F.R. § 61.49(k), IS WAIVED for the limited purpose specified in *supra* paragraphs 5-6.

16. 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 1.4(f) and 1.773(b) of the Commission's rules, 47 C.F.R. §§ 1.4(f), 1.773(b), ARE WAIVED for the limited purpose specified in *supra* paragraph 9, note 28.

---

<sup>30</sup> 47 C.F.R. §§ 1.773(a)(4), (b)(3). We waive any inconsistent portions of section 1.47(d) of the Commission's rules. 47 C.F.R. § 1.47(d).

17. 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, section 1.47(d) of the Commission's rules, 47 C.F.R. § 1.47(d), IS WAIVED for the limited purpose specified in *supra* paragraph 13, note 30.

FEDERAL COMMUNICATIONS COMMISSION

Kalpak S. Gude  
Chief, Pricing Policy Division  
Wireline Competition Bureau