



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU ANNOUNCES POSTING OF 2022 TARIFF REVIEW PLAN FOR EXOGENOUS COST FILINGS BY RATE-OF-RETURN CARRIERS THAT ELECTED INCENTIVE REGULATION FOR BUSINESS DATA SERVICES

WC Docket No. 22-108

By this Public Notice, the Wireline Competition Bureau (Bureau) announces the release of the tariff review plan (TRP) for use by rate-of-return carriers that elected incentive regulation for their business data services (BDS) offerings, pursuant to the *Rate-of-Return Business Data Services Order*¹ (electing carriers). The TRP worksheets are posted on the Commission's website at: <https://www.fcc.gov/tariff-review-plan-incentive-regulation-rate-return-carriers>.

The *2022 Tariff Review Plan Order* requires electing carriers to file tariff review plans reflecting any exogenous cost adjustment for Telecommunications Relay Service (TRS), North American Numbering Plan Administration (NANPA), and regulatory fees in rates to be effective October 1, 2022.² As the Bureau explained in the *2022 Tariff Review Plan Order*, the exogenous cost adjustment for TRS must be "grossed up" to spread the entire adjustment over the remaining months in the tariff year.³ The TRP worksheets adjust BDS rates using factors for TRS, NANPA, and regulatory fees. Because the Commission has not yet adopted a final schedule of regulatory fees for fiscal year 2022 (FY 2022),⁴ as of the release date of this Public Notice, the TRPs include a blank cell for electing carriers to use to enter the regulatory fee factor. Once the Commission releases its Report and Order adopting the schedule of regulatory fees for FY 2022, submitting carriers should enter an amount equal to the FY 2022 annual regulatory fee (per revenue dollar) for interstate telecommunications service providers listed in the final schedule.⁵

The TRP worksheets posted on the Commission's website were prepared by the National Exchange Carrier Association (NECA) for electing carriers for which NECA files BDS rates and is

¹ *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers*, WC Docket No. 17-144, Report and Order, Further Notice of Proposed Rulemaking, and Second Further Notice of Proposed Rulemaking, 33 FCC Rcd 10403 (2018) (*Rate-of-Return Business Data Services Order*); see 47 CFR § 61.50.

² See *July 1, 2022 Annual Access Tariff Filings*, WC Docket No. 22-108, Order, DA 22-494, 2022 WL 1528248, at *12, para. 40 (PPD May 9, 2022) (*2022 Tariff Review Plan Order*).

³ *Id.*

⁴ See *Assessment and Collection of Regulatory Fees for Fiscal Year 2021*, MD Docket No. 21-190, *Assessment and Collection of Regulatory Fees for Fiscal Year 2022*, MD Docket No. 22-223, Report and Order and Notice of Proposed Rulemaking, FCC 22-39, 2022 WL 2045858, at *33, Appx. A (June 2, 2022) (proposing a FY 2022 regulatory fee (per revenue dollar) for interstate telecommunications service providers of 0.004330).

⁵ See *id.*; see also *Assessment and Collection of Regulatory Fees for Fiscal Year 2021*, MD Docket No. 21-190, Report and Order and Notice of Proposed Rulemaking, 36 FCC Rcd 12990, Appx. B (2021) (adopting a FY 2021 regulatory fee (per revenue dollar) for interstate telecommunications service providers of 0.00400); FCC, *Regulatory Fees*, <https://www.fcc.gov/licensing-databases/fees/regulatory-fees> (last visited Aug. 26, 2022).

designed to ensure that carriers make exogenous cost and rate adjustments in accordance with the Commission's rules.⁶ Electing carriers that do not participate in the NECA tariff should also file a TRP.⁷ As staff has reviewed the linked TRPs, electing carriers are encouraged to use them. Carriers are free, however, to create and use their own TRPs, as long as those TRPs comply with our rules.

Consistent with the *2022 Tariff Review Plan Order*, the October 1, 2022 exogenous cost filing and rate adjustment is optional for electing carriers if the total amount of such exogenous cost adjustments would either increase rates or meet a *de minimis* threshold of \$930.00, which is the current standard tariff filing fee.⁸ Finally, we remind carriers submitting tariff revisions reflecting exogenous cost adjustments that they must pay the \$930 standard tariff filing fee through the new payment system in the Commission's Registration System (CORES).⁹

For further information, please contact Christopher Koves, Pricing Policy Division, Wireline Competition Bureau, (202) 418-8209, Christopher.Koves@fcc.gov; or Richard Kwiatkowski, Economic Analysis Division, Office of Economics and Analytics, (202) 418-1383, Richard.Kwiatkowski@fcc.gov.

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⁶ See 47 CFR § 61.50(c).

⁷ See *2022 Tariff Review Plan Order* at *12, para. 40. Electing carriers must complete and file one of two Excel workbooks. The "TY 2022-2023 Individual Study Area BDS Midcourse TRP" workbook is for carriers that establish a Price Cap Index (PCI), Actual Price Index (API), Service Band Indices (SBIs), and upper SBI limits separately for each study area. The "TY 2022-2023 Holding Company BDS Midcourse TRP" workbook is for carriers that establish a PCI, API, SBIs and upper SBI limits at the holding company level.

⁸ See *2022 Tariff Review Plan Order* at *12, para. 40; 47 CFR § 1.1105.

⁹ See 47 CFR § 1.1105; *Wireline Competition Bureau Reminds Applicants of the Effective Date of New Application Processing Fees*, Public Notice, DA 21-1578 (WCB Dec. 15, 2021); *FCC Announces Decommissioning of Fee Filer as Method of Payment and Replacement with New Payment Module Within CORES et al.*, Public Notice (Dec. 1, 2021), <https://www.fcc.gov/document/replacement-fee-filer-new-commission-payment-module>.