



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU REMINDS COMPETITIVE LOCAL EXCHANGE CARRIERS TO FILE REVISED TARIFFS BY JULY 18, 2023 AND TO SUBMIT NEW FILING FEES THROUGH CORES

WC Docket Nos. 18-156, 23-9

By this Public Notice, the Wireline Competition Bureau (Bureau) reminds competitive local exchange carriers (LECs) to file interstate tariff revisions, as necessary, removing interstate toll free (8YY) originating end office access service rates and reducing database query charges by **July 18, 2023**.¹ We encourage competitive LECs to make this filing *after* the competing incumbent LEC's changes to their interstate access charge tariffs filed on 7-days' notice become effective on July 3, 2023.² We also remind competitive LECs submitting this tariff filing to pay the \$1,040 standard tariff filing fee through the Commission's Registration System (CORES).³

Pursuant to section 51.911 and 61.26 of the Commission's rules, competitive LECs are prohibited from filing a tariffed rate for interstate switched exchange access services that is higher than "the benchmark rate"—"the rate charged for similar services by the competing [incumbent LEC]."⁴ If an incumbent LEC to which a competitive LEC benchmarks its rates, lowers its rates, the competitive LEC "must revise its rates to the lower level within 15 days of the effective date of the lowered [incumbent LEC] rate."⁵ This year, incumbent LECs must submit annual access charge tariff filings implementing the transitional rate changes adopted in the *USF/ICC Transformation Order* and the *8YY Access Charge*

¹ See 47 CFR § 51.911(e) (competitive LECs "assessing a tariffed intrastate or interstate Toll Free Database Query Charge shall revise its tariffs as necessary to ensure that its intrastate and interstate Toll Free Database Query Charges do not exceed the rates charged by the competing incumbent local exchange carrier, as defined in § 61.26(a)(2) of this chapter."); *id.* § 61.26(c) ("If an [incumbent LEC] to which a [competitive LEC] benchmarks its rates . . . lowers the rate to which a [competitive LEC] benchmarks, the [competitive LEC] must revise its rates to the lower level within 15 days of the effective date of the lowered [incumbent LEC] rate."); *id.* §§ 51.907(k), 51.909(o) (requiring rate-of-return and price cap LECs to refile their interstate switched access tariffs and any state tariffs to remove any intercarrier charges for all intrastate and interstate toll free originating end office access service, and reduce all intrastate and interstate toll free database query charges to no more than \$0.0002 per query).

² Ordinarily, incumbent LECs are required to submit annual access charge tariff filings to be effective July 1. This year, however, because of the way in which the filing deadlines fell on the calendar, we established an effective date of July 3, 2023 for annual tariff filings made on 7-days' notice (for rate reductions) and an effective date of July 1, 2023 for annual tariff filings made on 15-days' notice (for rate increases). *July 1, 2023 Annual Access Charge Tariff Filings*, WC Docket No. 23-9, Order, DA 23-282, at *2-3, paras. 4-5 (WCB Apr. 3, 2023) (*Procedures Order*).

³ See 47 CFR § 1.1105.

⁴ 47 CFR §§ 51.911(c), 61.26(c).

⁵ 47 CFR § 61.26(c).

Reform Order.⁶ Accordingly, competitive LECs that benchmark their rates to competing incumbent LECs must likewise, as necessary, file tariff revisions implementing these transitional rate changes.

In the *8YY Access Charge Reform Order*, the Commission transitioned interstate and intrastate toll free originating end office access service rates to bill-and-keep and reduced toll free database query charges to \$0.0002 per query over a three-year period ending July 1, 2023.⁷ As the final step in the rate transition, this year the Commission requires incumbent LECs to refile their interstate and intrastate tariffs to remove any intercarrier charges for toll free originating end office access services.⁸ The Commission extended this rate transition to competitive LECs pursuant to sections 51.911(c) and 61.26 of the Commission's rules, which require competitive LECs to tariff switched access rates that are no higher than the benchmark rates charged for similar services by the competing incumbent LEC.⁹ Additionally, this year the Commission requires incumbent LECs to reduce all toll free database query charges to no more than \$0.0002 per query.¹⁰ The Commission extended this transition to competitive LECs pursuant to section 51.911(e) of the Commission's rules, which provides that a competitive LEC "assessing a tariffed intrastate or interstate Toll Free Database Query Charge shall revise its tariffs as necessary to ensure" that these charges "do not exceed the rates charged by the competing incumbent [LEC]."¹¹

Because incumbent LECs are required to refile their interstate switched access tariffs and any state tariffs to remove originating toll free end office access service rates, effectively reducing those rates to zero, and reduce database query charges, competitive LECs that benchmark to these rates must likewise revise their tariffed rates for similar services to the lower benchmarked rate levels. Competitive LECs are required to file tariff revisions reducing their benchmarked rates within 15 days of the effective date of the lowered competing incumbent LEC rate.¹² This year, incumbent LEC's rate reductions, which must be filed on 7-days' notice, will be effective on July 3, 2023.¹³ Accordingly, competitive LECs must file tariff revisions reducing their benchmarked rates on or before **July 18, 2023**.¹⁴ To minimize burdens on filers and to promote administrative efficiency, we encourage competitive LECs benchmarking rates to competing incumbent LECs' rates, to file their tariff revisions *after* the competing incumbent LECs' benchmarked rates become effective on July 3, 2023. This will ensure that a competitive LEC does not have to file revised tariff transmittals benchmarking revised rates if the competing incumbent LEC amends or revises its tariffed rates before the July 3, 2023 effective date.

⁶ See generally *Procedures Order*; *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, 17934-35, para. 801 & Fig. 9 (2011) (*USF/ICC Transformation Order*), *pets. for review denied sub nom. In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014); *8YY Access Charge Reform*, WC Docket No. 18-156, Report and Order, 35 FCC Rcd 11594, 11604-05, para. 25 (Oct. 9, 2020) (*8YY Access Charge Reform Order*); 85 Fed. Reg. 75894 (Nov. 27, 2020).

⁷ *8YY Access Charge Reform Order*, 35 FCC Rcd at 11604-05, para. 25; see 47 CFR § 51.713 (defining bill-and-keep).

⁸ 47 CFR § 51.907(k)(1), 51.909(o)(1).

⁹ See *8YY Access Charge Reform Order*, 35 FCC Rcd at 11615, para. 49; 47 CFR §§ 51.911(c), 61.26(b)-(c).

¹⁰ 47 CFR § 51.907(k)(2), 51.909(o)(2).

¹¹ See *8YY Access Charge Reform Order*, 35 FCC Rcd at 11629, para. 81; 47 CFR § 51.911(e).

¹² 47 CFR § 61.26(c).

¹³ *Procedures Order* at *2-3, paras. 4-5 (establishing an effective date of July 3, 2023 for annual tariff filings filed on 7-days' notice reducing rates and an effective date of July 1, 2023 for annual tariff filings filed on 15-days' notice increasing rates).

¹⁴ See 47 CFR § 61.26(c).

When competitive LECs file their tariff transmittals with the Commission through the Electronic Tariff Filing System (ETFS),¹⁵ they must also pay the associated tariff filing fee, pursuant to section 1.1105 and 61.20(b) of the Commission's rules.¹⁶ Competitive LECs filing tariff revisions must pay the associated \$1,040 standard tariff filing fee (Form Corres. & 159, payment type code: CQK) through the CORES payment system.¹⁷

For more information about this Public Notice, please contact Christopher S. Koves, Pricing Policy Division, Wireline Competition Bureau, Christopher.Koves@fcc.gov.

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¹⁵ See FCC, Electronic Tariff Filing System (ETFS), <https://apps.fcc.gov/etfs/etfsHome.action>.

¹⁶ 47 CFR §§ 1.1105, 61.20(b).

¹⁷ 47 CFR § 1.1105. For more information about the CORES Payment System, please visit: <https://www.fcc.gov/licensing-databases/fees/cores-payment-system>. Carriers can access CORES either at <https://apps.fcc.gov/cores/userLogin.do>, using an existing FCC Username account, or through the CORES' FCC Registration Number (FRN) access page, <https://apps.fcc.gov/cores/paymentFrnLogin.do>. For technical assistance with CORES, please submit a help request through <https://www.fcc.gov/available-support-services>, or call 877-480-3201, or send an email to ARINQUIRIES@fcc.gov.