



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU ANNOUNCES POSTING OF 2023 TARIFF REVIEW PLAN FOR EXOGENOUS COST FILINGS BY RATE-OF-RETURN CARRIERS THAT ELECTED INCENTIVE REGULATION FOR BUSINESS DATA SERVICES

### WC Docket No. 23-9

By this Public Notice, the Wireline Competition Bureau (Bureau) announces the release of the 2023 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*<sup>1</sup> (electing carriers). The TRP worksheets are posted on the Commission's website at: <https://www.fcc.gov/wireline-competition/ty-2023-2024-midcourse-bds-trps-incentive-regulation-ilecs>.

The *2023 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 3, 2023.<sup>2</sup> As the Bureau explained in the *2023 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.<sup>3</sup> The TRP worksheets adjust BDS rates using factors for TRS, NANPA, and regulatory fees.

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 designed to ensure that carriers make exogenous cost and rate adjustments in accordance with the Commission's rules.<sup>4</sup> Electing carriers that do not participate in the NECA tariff should also file a TRP.<sup>5</sup> 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 *2023 Tariff Review Plan Order*, the October 3, 2023 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 \$1,040.00, which is the current standard

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<sup>1</sup> *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.

<sup>2</sup> See *July 1, 2023 Annual Access Tariff Filings*, WC Docket No. 23-9, Order, DA 23-386, 2023 WL 3476422, at \*5-6, paras. 11-13 (PPD May 11, 2023) (*2023 Tariff Review Plan Order*).

<sup>3</sup> *Id.* at \*11-12, paras. 40-41.

<sup>4</sup> See 47 CFR § 61.50(c).

<sup>5</sup> See *2023 Tariff Review Plan Order* at \*11-12, paras. 40-41. Electing carriers must complete and file one of two Excel workbooks. The "TY 2023-2024 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 2023-2024 Holding Company BDS Midcourse TRP" workbook is for carriers that establish a PCI, API, SBIs and upper SBI limits at the holding company level.

tariff filing fee.<sup>6</sup> Finally, we remind carriers submitting tariff revisions reflecting exogenous cost adjustments that they must pay the \$1,040.00 standard tariff filing fee through the new payment system in the Commission's Registration System (CORES).<sup>7</sup>

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<sup>6</sup> See *2023 Tariff Review Plan Order* at \*12, para. 41; 47 CFR § 1.1105.

<sup>7</sup> See 47 CFR § 1.1105; FCC, Commission Registration System for the FCC, <https://www.fcc.gov/licensing-databases/commission-registration-system-fcc> (last visited Sept. 1, 2023).