

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of a Request for a)
Waiver from Commission)
Rule 4 CSR 240-31.015(3)(A))

Case No. TE-2019-XXXX

REQUEST FOR WAIVER OF RULE 4 CSR 240-31.015(3)(A)

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Request for Waiver* in this matter hereby states:

1. Each year the Federal Communications Commission (FCC) requires all telecommunications and interconnected voice over internet protocol (VoIP) providers which have been designated as eligible telecommunications carriers (ETC) to file with it Form 481. Historically the providers were also required to file this form with their respective state commissions. However, for the 2018 reporting year, the FCC directed the Universal Service Administrative Company (USAC) to permit state commissions to view the electronically-filed Form 481 of those ETCs eligible to receive high-cost support through the Universal Service Fund (USF).

2. Commission Rule 4 CSR 240-31.015(3)(A) is the Missouri state regulation governing the requirement of ETCs to file their Form 481 with this Commission. The Commission waived the requirements of this rule for 2018¹, but did not address the requirement to file for 2019 or going forward. For 2018 the Commission waived the requirements of the rule for all providers designated as ETCs, however, Staff learned that

¹ Missouri Commission orders issued in Case No. TE-2018-0372; *In the Matter of a Request for Variance from the Filing Requirements of 4 CSR 240-31.130*. Note: With the Commission's revisions to Chapter 31, the current waiver request is applicable to 4 CSR 240-31.015(3)(A).

USAC had not granted access to state commissions to view Form 481 filed by providers who were eligible only to receive Lifeline support.

3. As outlined in detail in Staff's Memorandum attached to this pleading as Attachment A, Staff recommends the Commission grant a waiver of Rule 4 CSR 240-31.015(3)(A) until further notice subject to the following conditions:

a) The waiver only applies to companies eligible to receive federal high-cost universal service fund support. Stated differently, the waiver does not apply to companies solely eligible to receive Lifeline support.

b) Lifeline-only ETCs will still need to file a copy of the Form 481 report with the Missouri Public Service Commission.

c) The waiver will not eliminate all filings for an ETC eligible for high-cost support. Such companies will still be required to file with the Missouri Public Service Commission an annual filing to comply with the requirements of Commission Rule 4 CSR 240-31.015(3)(B)(C)(D).

d) A high-cost ETC will be expected to cooperate and provide a copy of its Form 481 Report to the Commission Staff if Staff is unable to electronically access a company's Form 481 report on USAC's website.

e) The waiver will apply until otherwise ordered by the Missouri Public Service Commission.

WHEREFORE, Staff recommends that the Commission grant a waiver of Commission Rule 4 CSR 240-31.015(3)(A) subject to the conditions:

a) The waiver only applies to companies eligible to receive federal high-cost universal service fund support. Stated differently, the waiver does not apply to companies solely

eligible to receive Lifeline support. b) Lifeline-only ETCs will still need to file a copy of the Form 481 report with the Missouri Public Service Commission. c) The waiver will not eliminate all filings for an ETC eligible for high-cost support. Such companies will still be required to file with the Missouri Public Service Commission an annual filing to comply with the requirements of Commission Rule 4 CSR 240-31.015(3)(B)(C)(D). d) A high-cost ETC will be expected to cooperate and provide a copy of its Form 481 Report to the Commission Staff if Staff is unable to electronically access a company's Form 481 report on USAC's website. e) The waiver will apply until otherwise ordered by the Missouri Public Service Commission; and grant such other and further relief as the Commission considers just in the circumstances.

Respectively submitted,

/s/ Whitney Payne

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 3rd day of April, 2019, to all counsel of record.

/s/ Whitney Payne

MEMORANDUM

To: Case File

From: John Van Eschen
Manager – Telecommunications Department

Date: March 25, 2019

Subject: Waiver of 4 CSR 240-31.015(3)(A)

The Commission Staff (Staff) recommends the Missouri Public Service Commission waive the requirements of rule 4 CSR 240-31.015(3)(A) for any company eligible to receive federal high-cost universal service fund support in Missouri. The practical impact of the waiver is such companies will not be required to file the federal Form 481 report with the Missouri Commission.¹

The Missouri Commission previously waived the filing of Form 481 reports last year but limited the waiver to the annual filing made in 2018.² This waiver was granted after the FCC provided annual filing relief for some, but not all, eligible telecommunications carriers (ETCs).³ The FCC directed the administrator of the federal universal service fund to modify its filing system so state commissions can access Form 481 reports. State commission access to Form 481 reports is limited to ETCs eligible for high-cost support and does not extend to ETCs solely receiving Lifeline support.⁴

In Staff's opinion, granting the waiver will benefit ETCs and Staff.⁵ Staff recommends the Commission grant the waiver subject to the following clarifications:

- The waiver only applies to companies eligible to receive federal high-cost universal service fund support. Stated differently the waiver does not apply to companies solely eligible to receive Lifeline support.
- Lifeline-only ETCs will still need to file a copy of the Form 481 report with the Missouri Commission.

¹ Form 481 is a report annually filed by ETCs on July 1st. The required information for Form 481 is separately codified in FCC rule §54.313 for high-cost recipients and §54.422 for Lifeline recipients.

² Missouri Commission orders issued in Case No. TE-2018-0372; *In the Matter of a Request for Variance from the Filing Requirements of 4 CSR 240-31.130*. Note: With the Commission's revisions to Chapter 31, the current waiver request is applicable to 4 CSR 240-31.015(3)(A).

³ Report and Order; WC Docket No. 10-90 *In the Matter of Connect America Fund* and WC Docket No. 14-58 *In the Matter of ETC Annual Reports and Certifications*; FCC 17-87; released July 7, 2017; ¶15.

⁴ Staff has recently questioned USAC officials about expanding electronic access to include Form 481 reports filed by Lifeline-only ETCs; however, USAC expressed that it has no plans to do so at this time.

⁵ ETCs and Staff will benefit by Staff not having to contact an ETC to file its Form 481 report with the Missouri Commission even though the report is accessible to Staff through USAC's website.

- The waiver will not eliminate all filings for an ETC eligible for high-cost support. Such companies will still be required to file with the Missouri Commission an annual filing to comply with the requirements of Missouri Commission rule 4 CSR 240-31.015(3)(B)(C) and (D).
- A high-cost ETC will be expected to cooperate and provide a copy of its Form 481 report to the Commission Staff if Staff is unable to electronically access a company's Form 481 report on USAC's website.⁶
- The waiver will apply until otherwise ordered by the Missouri Commission.

In summary, Staff recommends the Missouri Commission waive Missouri Commission Rule 4 CSR 240-31.015(3)(A) for any ETC eligible to receive federal high-cost universal service fund support.

⁶ Last year Staff was unable to access one ETC's Form 481 report. This incident didn't turn into a problem because the company also filed its report into the Missouri Commission's EFIS system.