

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

In the Matter of a Request for)
Variance from the Filing) **Case No. TE-2018-0372**
Requirements of 4 CSR 240-31.130)

MOTION TO MODIFY

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

1. Staff filed a *Request for Variance and Motion to Expedite* on June 19, 2018, seeking a variance of the requirement of all Eligible Telecommunications Carriers (ETCs) to submit Form 481 in the annual filing pursuant to Commission Rule 4 CSR 240-31.130(3)(A). The Commission issued an *Order* granting Staff's request for variance from the rule on June 27, 2018.

2. Staff's Request for Variance from the filing requirement stemmed from the Federal Communications Commission's (FCC's) *Report and Order* issued on July 6, 2017, in docket nos. 10-90 and 14-58 eliminating duplicative or unnecessary rules. The FCC's *Order* limited an ETC's filing obligation to solely file the Form 481 report with the Universal Service Administrative Company (USAC) and no longer file the report with the FCC or state commissions. The FCC opined that state commissions can access the relevant ETC's Form 481 filings through USAC's website.

3. Staff has discovered that the FCC's *Order* only eliminated the duplicative requirement to file Form 481 with state commissions if the ETC is

certified to receive high-cost support. A state commission's access to Form 481 reports through USAC's website is limited to only those reports filed by ETCs eligible to receive high-cost support. The USAC's website does not permit states to gain access to Form 481 reports filed by Lifeline-only ETCs which are eligible to receive solely Lifeline support.

4. Staff can only access a Form 481 report from a Lifeline-only ETC if the ETC files its report directly with the Missouri Commission. To date some, but not all, Lifeline-only ETCs have filed their Form 481 report with the Missouri Commission.

WHEREFORE, Staff asks 1) that the Commission modify its original order granting variance to state that the waiver is limited to companies eligible for high cost support. Specifically, paragraph No. 2 of the Commission's Order should be modified as follows:

2. The provision of Commission Rule 4 CSR 240-130(3)(B)2 which requires Eligible Telecommunications Carriers to file a copy of their Form 481 annual report is waived for 2018 for any ETC eligible to receive high-cost support.

2) that the Commission's order further clarify that the requirement to comply with Commission Rule 4 CSR 240-130(A)(3) is maintained whereby Lifeline-only ETCs are required to file the Form 481 report directly with the Missouri Public Service Commission; and 3) grant such other and further relief as the Commission considers just in the circumstances.

Respectfully 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 23rd day of August, 2018, to all counsel of record.

/s/ Whitney Payne