

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

In the Matter of a Request for	)	
Variance from the Filing	)	<b><u>Case No. TE-2018-</u></b>
Requirements of 4 CSR 240-31.130	)	

**REQUEST TO OPEN DOCKET AND REQUEST FOR VARIANCE**

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

1. The Lifeline and High Cost are programs under the federal Universal Service Fund (USF) governed by the Federal Communications Commission (FCC). The programs permit properly certified eligible telecommunications carriers (ETC) to receive disbursements from the federal USF. This request to open a new docket centers on the requirement of all ETCs to submit an annual filing. This filing is typically used by state commissions in the annual recertification process described in the Code of Federal Regulations (CFR), 47 CFR §54.314.

2. The CFR contains certain federal eligibility requirements all ETCs must meet. Annual filing requirements applied to ETCs are identified in 47 CFR §54.313 for the high cost program and 47 CFR §54.422 for the Lifeline program. The federal ETC annual filing requirements are essentially consolidated and provided in Form 481 due by July 1 of each year. State commissions are permitted to institute additional requirements from the federal criteria. In Missouri, Commission Rule 4 CSR 240-31.130 governs the state requirements an ETC must meet to retain its ETC designation. Specifically, Missouri rule 4 CSR 240-31.130(3)(A) requires all ETCs to annually file certain information with the Missouri Public Service Commission by July 1<sup>st</sup>.

This Commission rule also requires ETCs to file a copy of the federal ETC annual report or Form 481.

3. Due to several changes in its annual filing requirements implemented this year, the FCC issued an Order in Docket 10-90 granting an extension of the Form 481 filing date to July 16, 2018. Staff has been contacted by telecommunications companies to inquire if the Commission would also be extending its required filing date. 4 CSR 240-31.130(4)(D) permits the Commission to grant a waiver or variance from any portion of 31.130 for good cause, upon request or on its own motion. Staff has investigated and determined that it would be reasonable for the Commission to also extend its annual ETC filing requirement to no later than July 16, 2018.

**WHEREFORE**, Staff prays that the Commission will accept this request to open a new docket to consider this matter; extend the deadline for this year's annual ETC filing date on its own motion pursuant to 4 CSR 240-31.130(4)(D) to no later than July 16, 2018; and grant such other and further relief as the Commission considers just in the circumstances.

**/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 12th day of June, 2018, to all counsel of record.

**/s/ Whitney Payne**\_\_\_\_\_