

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

In the Matter of a Request for)
Variance from the Filing)
Requirements of 4 CSR 240-31.130)

Case No. TE-2018-0372

REQUEST FOR VARIANCE AND MOTION TO EXPEDITE

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Request for Variance and Motion to Expedite* 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 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 1st. This Commission rule also requires ETCs to file a copy of the federal ETC annual report or Form 481.

3. The FCC issued a *Report and Order* on July 6, 2017, in docket nos. 10-90 and 14-58 eliminating duplicative or unnecessary rules. In paragraph 15 of the *Report* the FCC addresses duplicate Form 481 filings stating, “contingent upon USAC’s completion of the rollout of an online portal for recipients of high cost services, we will no longer require ETCs to file duplicate copies of Form 481 with the FCC and with states, U.S. Territories, and/or Tribal governments beginning in 2018.” The FCC hypothesizes that state commissions can access the ETC’s Form 481 filings on the Universal Service Administrative Company (USAC) website. However, in paragraph 16 the FCC appears to state that it is delegating the responsibility to USAC to ensure that the states and Tribal governments have access to carriers’ submitted data.

4. Staff has received inquiries of certain Missouri carriers with ETC status as to its interpretation of the FCC’s *Order* and whether the ETCs are expected to meet the requirement of Commission Rule 4 CSR 240-31.130(3)(A) to file a duplicate Form 481 with this Commission for 2018. Staff previously requested an extension of the filing date of 4 CSR 240-31.130(3)(A) pursuant to the FCC’s extension granted in another *Order* issued in Docket 10-90, opening File No. TE-2018-0372.

5. Finally, Staff would ask the Commission to expedite this *Request for Variance and Motion to Expedite* as the filing date for Form 481 under 4 CSR 240-31.130(3)(A) is July 1; which may be extended should the Commission grant Staff’s *Request to Open Docket and Request for Variance* filed June 12, 2018.

WHEREFORE, Staff prays that the Commission will accept this request to consider this matter; determine whether it is necessary for ETCs to file Form 481 with the Commission pursuant to 4 CSR 240-31.130(3)(A) for 2018; expedite its determination of Staff's request; and grant such other and further relief as the Commission considers just in the circumstances.

Respectively submitted,

/s/ Whitney Payne

Whitney Payne
Assistant Staff Counsel
Missouri Bar No. 64078
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
whitney.payne@psc.mo.gov

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 19th day of June, 2018, to all counsel of record.

/s/Whitney Payne