

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 1st day of
May, 2019.

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

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File No. TE-2019-0304

**ORDER GRANTING WAIVER TO RELIEVE HIGH-COST ELIGIBLE
TELECOMMUNICATIONS CARRIERS OF THE OBLIGATION TO FILE A COPY OF
THEIR FEDERAL ANNUAL REPORT WITH THE COMMISSION**

Issue Date: May 1, 2019

Effective Date: May 31, 2019

On April 4, 2019, the Commission's Staff filed a motion asking the Commission to grant a waiver from the Commission's rules to allow High-Cost Eligible Telecommunications Carriers (ETCs) to avoid the rule's requirement to file a copy of the Form 481 annual report they are required to file with the Federal Communications Commission (FCC) under federal law. Those reports are to be filed by July 1 of each year.

Staff's motion explains the FCC has indicated it will no longer require ETCs that are eligible for high-cost support to file duplicate copies of the Form 481 federal report with the FCC and the state commissions, reasoning the state commissions can now access that form on the Universal Service Administrative Company (USAC) website. Staff explains that Missouri ETCs that are solely eligible to receive Lifeline support still need to file their Form 481 with the Commission, as the FCC has not made copies of their reports available to the state commissions.

The Commission granted Staff's request for a similar waiver for the 2018 Form 481 reports in File No. TE-2018-0372. Staff now asks that the waiver be made applicable to

the Form 481 reports for the 2019 reporting year, and for future years until otherwise ordered by the Commission.

After receiving Staff's request for waiver, the Commission directed that notice of that request be provided to all Missouri ETCs. The Commission also established April 25, 2019 as the date to submit an application to intervene. No one has asked to intervene and no one has otherwise responded to Staff's request.

Commission Rule 4 CSR 240-31.016(4) gives the Commission authority to grant a waiver or variance from any provision of 4 CSR 240-31.010 through 4 CSR 240-31.016 for good cause. The Commission finds that Staff has shown good cause for its request. There is no reason to require Missouri's High-Cost ETCs to incur the financial and administrative burden of filing a copy of their 2019 Form 481 with the Commission when the Commission can access a copy of that report from a federal website. The Commission finds good cause to waive that provision of its rule, and will grant Staff's request for a waiver for the 2019 reporting year. However, Staff's request for an on-going, open-ended waiver for future years cannot be granted.

Essentially, an open-ended waiver applicable to future years would be an amendment of the existing rule, which can only be accomplished by following the rulemaking procedures established by Section 536.021, RSMo 2016. Therefore, if Staff believes the existing rule should be amended, it will need to undertake the rulemaking procedures required by law.

THE COMMISSION ORDERS THAT:

1. The provisions of Commission Rule 4 CSR 240-31.015(3) that require High-Cost Eligible Telecommunications Carriers to submit a copy of the federal annual report Form 481 to this Commission, are waived for 2019.

3. This order shall be effective on May 31, 2019.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Hall, Rupp, and
Coleman, CC., concur.

Woodruff, Chief Regulatory Law Judge

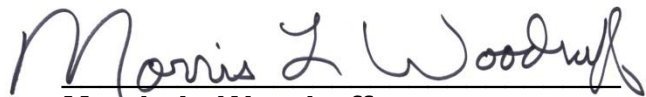
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 1st day of May 2019.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 1, 2019

File/Case No. TE-2019-0304

**Missouri Public Service
Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.