

# PUBLIC SERVICE COMMISSION STATE OF MONTANA

Bill Gallagher, Chairman  
Bob Lake, Vice Chairman  
Kirk Bushman, Commissioner  
Travis Kavulla, Commissioner  
Roger Koopman, Commissioner



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Sept. 30, 2013

To: All Montana Eligible Telecommunications Carriers (ETCs)

Re: 47 CFR 54.313 & 54.422 ETC Reporting Requirements and the Montana Public Service Commission (PSC) Annual Certification of ETCs to the Federal Communications Commission (FCC) – PSC Docket No. N2013.5.32

To Whom It May Concern:

## **47 CFR 54.313 and 54.422 October 15, 2013 Reporting Requirements**

In its August 6, 2013 Public Notice (see Attachment 1) the FCC ordered that information from ETCs required pursuant to sections 47 CFR 54.313 and 54.422 must be filed by October 15, 2013 using FCC Form 481. The Form 481 must be filed with the FCC, the Universal Service Administrative Company (USAC), the relevant state commission (in this case the Montana PSC), and any relevant Tribal governments. Filing requirements differ depending on the type of ETC doing the filing. The FCC differentiates between Price Cap ETCs, Rate-of-Return ETCs, competitive ETCs, and low-income only ETCs. ETCs can obtain the Form 481, detailed Form 481 instructions, and on-line filing instructions, at the following USAC website:  
<http://www.usac.org/hc/tools/forms.aspx>.

Montana ETC FCC Form 481 filings should also be filed with the Montana PSC by the October 15<sup>th</sup> date if an ETC wishes to be certified to receive 2014 High Cost and Low Income support.

FCC Order DA 13-1348 was released by the FCC on June 10, 2013. In that order the FCC delayed the July 1, 2013 47 CFR 54.313 and 54.422 filing requirements, awaiting approval of the Office of Budget and Management related information collection. Once the approval was granted by the OMB, the FCC imposed the October 15, 2013 filing date referenced above. However, there was one reporting exception which was 47 CFR 54.313(h) which was still required to be filed by the July 1, 2013 date. That requirement was the rate floor certification for carriers expecting to receive High Cost Loop Support (HCLS) or High Cost Model Support in 2013. Whether there was a mix up on the part of the PSC staff, or confusion among some of the Montana ETCs, the PSC does not have on file the 47 CFR 54.313(h) report for the following Montana ETCs receiving HCLS in 2013: Central Montana Communications, Interbel Telephone Cooperative, Northern Telephone Cooperative, Project Telephone Cooperative, Reservation Telephone Cooperative, RT Communications, Triangle Telephone Cooperative, TriCounty (TCT West), and West River Telephone Company. For the above referenced ETCs please file or re-file the 54.313(h) certification with the required FCC Form 481 by October 15, 2013.

## Montana PSC December 16, 2013 ETC Certification to the FCC for 2014 High-Cost and Low Income Support

Per CFR 47 §54.314, consistent with USC 47 §254(e), on or before October 1, 2013, the PSC must certify Montana's ETCs to the Federal Communications Commission and the Universal Service Administration Company for receipt of 2014 federal universal service support. However, the August 16, 2013 Public Notice referenced above extended the state ETC certification date from October 1, 2013 to December 16, 2013.

For all existing Montana ETCs, the following procedure must be utilized. Each Montana ETC must file with the PSC, by December 1, 2013 the following:

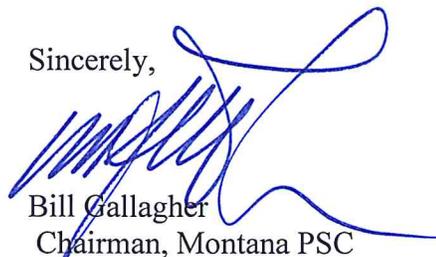
1. Cover Letter - The cover letter must:
  - a. clearly reference "Montana PSC 2013 ETC certification to the FCC for 2014 federal universal service support, PSC Docket No. N2013.5.32.
  - b. identify the ETC requesting certification;
  - c. identify the person within the ETC to whom PSC communications regarding the packet and requested certification should be directed;
  - d. the ETC's 6-digit study area code(s) (NECA code) for which certification is being sought;
  - e. a request for 2013 certification by the PSC to the FCC for 2014 support;
  
2. Affidavit The affidavit (statement under oath and notarized) must be by an individual authorized to do so for the requesting ETC. The PSC has prepared an affidavit form which contains the information required by the PSC. An example form and a blank form are attached to this letter as Attachments 2.

ETCs requesting certification may file the above cover Letter and affidavit prior to December 1, 2013 if they wish.

All filings in this docket shall be submitted electronically (e-filed) on the Commission's website at <http://psc.mt.gov> (see "Account Login/Registration" under "Electronic Documents" tab). The From 481 filing, in addition to the E-Filing, should also include four paper copies. The PSC certification cover letter and affidavit filing, in addition to the E-Filing, should also include the signed original cover letter and affidavit, along with four paper copies. The paper copies and any originals should be physically delivered or mailed to the Commission's offices at: 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

Questions on e-filing should be addressed to Debbie George on 406-444-6174 or [dgeorge@mt.gov](mailto:dgeorge@mt.gov). Questions or comments on all other matters should be directed to Gary Duncan on 406-444-6189 or [gduncan@mt.gov](mailto:gduncan@mt.gov).

Sincerely,



Bill Gallagher  
Chairman, Montana PSC



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 13-1707

Released: August 6, 2013

**WIRELINE COMPETITION BUREAU ANNOUNCES FILING DEADLINE OF  
OCTOBER 15, 2013 FOR ELIGIBLE TELECOMMUNICATIONS CARRIERS  
TO FILE HIGH-COST AND LOW-INCOME ANNUAL REPORTS,  
AND ANNOUNCES FILING DEADLINE OF DECEMBER 16, 2013 FOR STATES AND ETCS  
TO FILE ANNUAL USE CERTIFICATIONS**

WC Docket Nos. 10-90 and 11-42

In this Public Notice, the Wireline Competition Bureau (Bureau) notifies Eligible Telecommunications Carriers (ETCs), states, and other stakeholders that information required pursuant to sections 54.313 and 54.422 of the Commission's rules must be filed by **October 15, 2013**, using FCC Form 481.<sup>1</sup> We also announce that certifications required pursuant to section 54.314 of the Commission's rules must be filed by **December 16, 2013**.<sup>2</sup>

*ETC Annual Reports for High-Cost and Low-Income.* On August 5, 2013, the Bureau published notice in the Federal Register that amendments to section 54.313 of the Commission's rules are now effective and that the Office of Management and Budget has approved FCC Form 481.<sup>3</sup> Annual reports must be filed using FCC Form 481, which is available at the website of the Universal Service Administrative Company (USAC).<sup>4</sup> Completed reports shall be filed with the Office of the Secretary of the Commission, as described below and clearly reference WC Docket Nos. 10-90 and/or 11-42 (as appropriate), with USAC, and with the relevant state commissions, relevant authority in a U.S. Territory, or Tribal governments, as appropriate.<sup>5</sup> USAC will announce webinars providing instructions on completing FCC Form 481.

For 2013, ETCs that receive high-cost support must complete FCC Form 481 to include the following: Information pursuant to section 54.313(a)(2) through (a)(6) as it relates to their provision of voice telephony service in calendar year 2012; their holding company, operating companies, affiliates (as

<sup>1</sup> 47 C.F.R. §§ 54.313, 54.422. Earlier, the Bureau waived the July 1 filing deadline in section 54.313(j). See *Connect America Fund*, WC Docket No. 10-90, Order, 28 FCC Rcd 8360, 8361, para. 4 (Wireline Comp. Bur. 2013).

<sup>2</sup> 47 C.F.R. § 54.314.

<sup>3</sup> 78 Fed. Reg. 47211 (August 5, 2013). The Bureau had previously received OMB approval for section 54.422. 77 Fed. Reg. 25609 (May 1, 2012). OMB has approved a non-substantive change to OMB 3060-0819 to add FCC Form 481 to that information collection.

<sup>4</sup> See USAC, *High Cost, Forms*, available at <http://www.usac.org/hc/tools/forms.aspx>.

<sup>5</sup> 47 C.F.R. § 54.313(j).

defined under section 3 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 153(2)) that are also designated as ETCs and/or that provide retail broadband Internet access to end-user customers), and any branding, pursuant to section 54.313(a)(8) of the Commission's rules;<sup>6</sup> for those ETCs that serve Tribal lands, a report on Tribal government engagement pursuant to section 54.313(a)(9); for price cap carriers only, certifications pursuant to section 54.313(c) and (d), as appropriate; for rate-of-return carriers only, their financial information pursuant to section 54.313(f)(2), as appropriate; and for those ETCs without access to terrestrial backhaul that are compelled to rely exclusively on satellite backhaul in their study areas, certifications pursuant to section 54.313(g).

All competitive ETCs that receive high-cost support must file information pursuant to section 54.313(a)(2) through (a)(6) as it relates to their provision of voice telephony service in calendar year 2012; their holding company, operating companies, affiliates (as defined under section 3 of the Act) that are also designated as ETCs, and any branding, pursuant to section 54.313(a)(8) of the Commission's rules; and, for those competitive ETCs that serve Tribal lands, a report on Tribal government engagement pursuant to section 54.313(a)(9). Competitive ETCs designated pursuant to section 214(e)(6) of the Act,<sup>7</sup> that have previously filed five-year plans with the Commission, must file an annual update to those plans, as appropriate, pursuant to section 54.313(a)(1) of the Commission's rules.

*Low-Income Reports.* In order to receive low-income support, all ETCs must report their holding company, operating companies, affiliates (as defined under section 3 of the Act) that are also designated as ETCs, and any branding, pursuant to section 54.422(a)(1) of the Commission's rules; and information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, pursuant to section 54.422(a)(2). In order to receive low-income support, ETCs designated pursuant to section 214(e)(6) of the Act must also file information pursuant to section 54.422(b) of the Commission's rules.

*Annual Use Certifications.* Certifications required pursuant to section 54.314 by states, or ETCs not subject to the jurisdiction of a state, shall be filed by **December 16, 2013** with the Office of the Secretary of the Commission, as described below and clearly referencing WC Docket No. 10-90, and with USAC.<sup>8</sup> Filers may use the form letters available at [www.usac.org](http://www.usac.org).

*Instructions for Filing FCC Form 481 with the Commission.*

- **Electronic Filers:** Reports may be filed electronically with the Commission using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS).<sup>9</sup> <http://fjallfoss.fcc.gov/ecfs2/>.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. Because more than one docket number may appear in the caption of this proceeding, filers must submit two additional copies for the additional docket number.

<sup>6</sup> For ETCs that receive both high-cost and low-income support, this will also satisfy their obligation to report the same information pursuant to section 54.422(a)(1).

<sup>7</sup> 47 U.S.C. § 214(e)(6).

<sup>8</sup> 47 C.F.R. § 54.314(c).

<sup>9</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, please contact Alexander Minard, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

- FCC -

**ATTACHMENT 2**

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

IN THE MATTER OF THE 2013 )  
Annual Certification of Montana Eligible ) REGULATORY DIVISION  
Telecommunications Carriers to the )  
Federal Communications Commission for ) Docket No. N2013.5.32  
2014 High Cost and Low-Income Support )

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**AFFIDAVIT OF Jane Doe**

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I, Jane Doe, being duly sworn upon oath, depose and state as follows:

1. I am Title of Company Name. I have personal knowledge of the facts stated herein.

2. Per CFR 47 §54.314(a), Company Name used all federal high-cost support in 2013, and will use 2014 support, only for the provision, maintenance and upgrading of facilities and services for which the support is intended (see CFR 47 §54.7 and §54.101).

3. Company Name has complied with all applicable reporting requirements per CFR 47 §54.313 and §54.422.

4. Company Name does provide federal Lifeline and Tribal Linkup services to low income customers per the provisions of CFR 47, §54-Subpart E – Universal Service Support for Low-Income Consumers.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2013

Signature  
Jane Doe  
Title  
Company Name

State of \_\_\_\_\_  
County of \_\_\_\_\_

Signed and sworn to before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Print name of signer

\_\_\_\_\_  
Notary Signature

[Montana notaries must complete the following, if not part of stamp.]

\_\_\_\_\_  
Printed Name of Notary  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_, 20\_\_

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

IN THE MATTER OF THE 2013 )  
Annual Certification of Montana Eligible ) REGULATORY DIVISION  
Telecommunications Carriers to the )  
Federal Communications Commission for ) Docket No. N2013.5.32  
2014 High Cost and Low-Income Support )

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**AFFIDAVIT OF \_\_\_\_\_**

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I, \_\_\_\_\_, being duly sworn upon oath, depose and state as follows:

1. I am \_\_\_\_\_ of \_\_\_\_\_. I have personal knowledge of the facts stated herein.

2. Per CFR 47 §54.314(a), \_\_\_\_\_ used all federal high-cost support in 2013, and will use 2014 support, only for the provision, maintenance and upgrading of facilities and services for which the support is intended (see CFR 47 §54.7 and §54.101).

3. \_\_\_\_\_ has complied with all applicable reporting requirements per CFR 47 §54.313 and §54.422.

4. \_\_\_\_\_ does provide federal Lifeline and Tribal Linkup services to low income customers per the provisions of CFR 47, §54-Subpart E – Universal Service Support for Low-Income Consumers.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013

State of \_\_\_\_\_  
County of \_\_\_\_\_

Signed and sworn to before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Print name of signer

\_\_\_\_\_  
Notary Signature

[Montana notaries must complete the following, if not part of stamp.]

\_\_\_\_\_  
Printed Name of Notary  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_, 20\_\_