

Montana Public Service Commission



Brad Johnson, Chairman
Bob Lake, Vice Chairman
Roger Koopman, Commissioner
Tony O'Donnell, Commissioner
Randall Pinocci, Commissioner

May 19, 2020

Montana Public Service Commission (PSC) Staff Advisory Letter to Montana Eligible Telecommunications Carriers (ETCs)

RE: Docket No. 2020.05.057- In the Matter of the 2020 Annual Certification of Montana Eligible Telecommunications Carriers - Federal Communications Commission Annual Reporting Requirements

To Whom It May Concern,

Beginning in 2012, the Federal Communications Commission (“FCC”) mandated uniform national Eligible Telecommunications Carriers (“ETC”) reporting requirements.¹ Reporting requirements for carriers that receive support through the High-Cost Program are detailed in 47 CFR §54.313, and reporting requirements for carriers that receive support through the Lifeline Program are detailed in 47 CFR §54.422. Generally speaking, the information that is required to be reported is provided by carriers through FCC Form 481.

The Universal Service Administration Company, the universal service administrator, provides instructions for filing FCC Form 481 for 2020 at the following link:

<https://www.usac.org/wp-content/uploads/high-cost/documents/Forms/FCC-Form-481-Instructions.pdf>

The FCC no longer requires ETCs to file duplicate copies of FCC Form 481 with the FCC, states, U.S. Territories, and/or Tribal Governments. ETCs must file FCC Form 481 with USAC by July 1, 2020, and certain entities, including the Montana Public Service Commission (“Montana PSC”), will have electronic access to review FCC Form 481s on the USAC website. Therefore, there is no need to file an electronic or hard copy of FCC Form 481 with the Montana PSC.

Although the FCC has eliminated the rate floor requirement, certain carriers are still required to report their local rates plus state regulated fees through July 1, 2020, pursuant to FCC Order 19-32 that was adopted by the FCC on April 12, 2019:

<https://docs.fcc.gov/public/attachments/FCC-19-32A1.pdf>

¹ November 18, 2011, FCC Transformation Order FCC 11-161, §VII (A)(1), ¶ 573.

Carriers requesting Connect America Fund Inter-carrier Compensation Replacement Support (CAF/ICC) must file with the Montana PSC certain data per 47 CFR §54.304:

<https://www.law.cornell.edu/cfr/text/47/54.304>

For ETC recertification in 2020, staff is requesting that carriers which are required to report deployment data to the HUBB portal also provide the same information (that is publicly available) to the Montana PSC.

Finally, carriers that are requesting ETC recertification must provide an affidavit (a statement under oath and notarized) by an individual authorized to do so for the requesting ETC. The Montana PSC has prepared a blank affidavit form which is attached to this letter.

To the extent possible, staff would appreciate it if carriers that request ETC recertification through this process file all necessary documents with the Montana PSC at one time, in the same filing, through the Montana PSC's website. In the cover letter with each individual carrier's filing (whether multiple items are being submitted at the same time or not), please clearly explain what information is being submitted, or alternatively, use the following checklist in the cover letter:

- ___ FCC Form 481 (High-Cost per 47 CFR § 54.313, Low-Income per 47 CFR § 54.4222)
- ___ CAF/ICC Support (47 CFR § 54.304)
- ___ Rate Floor (47 CFR § 54.313)
- ___ HUBB Portal Deployment Data
- ___ Form 690 (47 CFR § 54.1009)
- ___ Affidavit for High-Cost Support
- ___ Other

Staff recognizes that FCC Form 481 will be accessible electronically for the Montana PSC through the USAC website; but, if any carriers would like to submit FCC Form 481 with their filing, that option is included in the checklist.

To the extent some carriers have ETC designation in multiple study area codes, it is fine to make one filing, but please make sure all documents are clearly marked with the relevant study area code, and please explain in the cover letter with the filing what information is being filed, and for what study area code. The cover letter must:

- Clearly reference “Montana ETC recertification to the FCC for 2021 universal service support, Docket No. 2020.05.057;
- Identify the ETC requesting recertification;
- Identify the study area code for which the information provided supports ETC recertification;
- Identify the person within the ETC to whom the Montana PSC can reach out to regarding the information provided; and
- Specifically ask the Montana PSC to recertify the carrier in the study area code(s) in question.

Staff requests that any applicable forms or data that needs to be filed with the Montana PSC to please be filed by **July 1, 2020**. If any carrier believes that any of the required reports or information that would be filed with the Montana PSC contain proprietary information, staff encourages those ETCs to request the Montana PSC issue a Protective Order under the terms of the Administrative Rules of Montana, Title 38, Chapter 2, subchapter 50, as soon as possible in order for the Motion for Protective Order to be properly noticed and acted upon by July 1, 2020.

Information related to changes with regard to filing documents at the Montana PSC under the current Covid-19 pandemic may be reviewed at the following link on the Montana PSC website:

<http://psc.mt.gov/Portals/125/Documents/Docs/PDFs/PSC%20Corona%20Notice.pdf>

Sincerely,



Mike Dalton
Rate Analyst
Montana Public Service Commission
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DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF THE 2020) REGULATORY DIVISION
Annual Certification of Montana Eligible)
Telecommunications Carriers for 2021) Docket No. 2020.05.057
High Cost and Low Income Support)

AFFIDAVIT OF _____

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 2019, and will use 2021 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, §54.422, §54.304, and §54.1009(c).

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 _____, 2020.

Signature

State of _____

County of _____

Signed and sworn to before me on this ____ day of _____, 2020, by _____
_____.

(SEAL)

Notary Public's Signature

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Staff Advisory Letter issued on May 19, 2020 in Docket 2020.05.057 was served upon the following,

Emailing a true and correct copy:

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Dated: May 19, 2020

/s/Sydney Kessel

Sydney Kessel, Administrative Assistant