

Decision No. C23-0339

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0253T

IN THE MATTER OF CERTIFICATION TO THE FEDERAL COMMUNICATIONS COMMISSION OF RURAL AND NON-RURAL LOCAL EXCHANGE CARRIERS AND LIFELINE ONLY ELIGIBLE TELECOMMUNICATIONS CARRIERS TO RECEIVE UNIVERSAL SERVICE SUPPORT PURSUANT TO 47 CFR, § 54.314 AND REPORTING REQUIREMENTS PURSUANT TO § 54.313 AND § 54.422.

COMMISSION DECISION OPENING A MISCELLANEOUS REPOSITORY PROCEEDING FOR ANNUAL REPORTING OF ELIGIBLE TELECOMMUNICATIONS CARRIERS, INCLUDING LIFELINE ONLY CARRIERS, AND CONCERNING MOTIONS FOR AN EXTENSION OF TIME TO FILE

Mailed Date: May 24, 2023

Adopted Date: May 17, 2023

I. BY THE COMMISSION

A. Statement

1. We open this repository proceeding to enable the Commission to determine whether to certify eligible telecommunications carriers (ETCs) to continue to receive federal universal service support. *See 47 Code of Federal Regulations (CFR) §§ 54.313, 54.314, and 54.422, and Rule 2187(g) of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 Code of Colorado Regulations (CCR) 723-2.*

2. The Federal Communications Commission (FCC) released two orders mandating reporting requirements for ETCs. The first order, *USF/ICC Transformation Order*,¹ released November 18, 2011, establishes certain reporting requirements, as described below, for ETCs that receive high-cost support. The second order, *Lifeline/Link Up Order*,² released on February 6, 2012, establishes annual reporting requirements for ETCs that receive Lifeline support. In Order FCC 12-52 released on May 14, 2012, the FCC moved § 54.313 progress reporting deadlines from April 1 to July 1.

3. Through the *USF/ICC Transformation Order* and the *Lifeline/Link Up Order*, the FCC expands annual reporting and certification requirements to all ETCs, not just federally-designated ETCs. The FCC mandates that each ETC file annual reports both with the FCC and with relevant state commission(s).

4. As set forth in this Decision, the Commission shall accept certain filings in this Proceeding consistent with requirements set forth in the *USF/ICC Transformation Order* and the *Lifeline/Link Up Order*, in addition to the Commission's annual reporting requirements in Rule 2187(g)·4 CCR 723-2, on or before August 15, 2023. Rule 2187(g) requires submissions by August 15th of each calendar year.

¹ *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Proceeding No. 10-90, GN Proceeding No. 09-51, WC Proceeding No. 0-7-135, WC Proceeding No. 05-337, CC Proceeding No. 01-92, CC Proceeding No. 96-45, WC Proceeding No. 03-109, WT Proceeding No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (*USF/ICC Transformation Order*)

² *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline, and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Proceeding No. 11-42, WC Proceeding No. 03-109, CC Proceeding No. 96-45, WC Proceeding No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (*Lifeline/Link Up Reform Order*).

5. An ETC may file for a reasonable extension of time if it cannot meet the August 15, 2023, filing deadline. Any such filing shall be made in this Proceeding.

B. Annual Reporting Requirements for ETCs that Receive Universal Service Support

6. To satisfy the requirements in Rule 2187(g), 4 CCR 723-2, each ETC that is required to file annual reports with this Commission pursuant to 47 CFR §§ 54.313 and 54.1009(a) by August 15, 2023, must also file the following in this Proceeding with the Commission:

- a. A copy of FCC Forms 481 and 690;
- b. Each ETC receiving federal high-cost support shall provide the wire center names associated with each of the locations reported;
- c. Certification that the ETC is complying with the applicable service quality standards and consumer protection rules, *e.g.*, the CTIA Consumer Code for Wireless Service;
- d. Identification of the Miscellaneous Proceeding Number associated with the company's Terms of Service (TOS) document pursuant to Rule 2-2122(d), 4 CCR 723-2, for recipients of Colorado High-Cost Support Mechanism (CHCSM) support and certification, that the TOS is maintained on its website and updated as necessary with the Commission;
- e. Certification that the ETC is able to function in emergency situations as set forth in 47 CFR § 54.202(a)(2);
- f. The total amount of all federal high-cost support received in the previous calendar year and year-to-date through June 30 for the current calendar year;
- g. For Lifeline-only ETC providers, certification that the provider has timely updated the National Lifeline Accountability Database (NLAD) for subscriber changes of information

- h. Documentation the carrier offers and advertises the rate and availability of Basic Universal Service offerings, Lifeline, and Linkup programs throughout the service areas in Colorado where the carrier has been designated an ETC. Copies of written material used in newspaper advertisements, press releases, posters, flyers, and outreach efforts, and a log of when and where these materials were distributed. For newspaper advertisements, dated copies of the published newspaper advertisements may serve as copies of written material. For radio station advertising, a confirmation from broadcasters of when the public service announcement was aired;
- i. For high-cost companies, a copy of the cost study filing was made on July 31st to NECA for the current year. If an ETC is not required to file a cost study to NECA, then a copy of the line count filing made to the FCC and USAC Administrator shall be submitted; and
- j. An affidavit attesting to the fact that the information submitted under this rule is true and correct. The affidavit must also state that the ETC is aware of the purpose of the support for federal high-cost support and that it is complying with the requirement set forth by the FCC in 47 U.S.C. § 254(e). An officer, director, partner, or owner of the company must sign the affidavit.

7. Each ETC shall file the documents described in Paragraph No. 6 of this Decision on or before August 15, 2023.

II. ORDER

A. The Commission Orders That:

1. This repository Proceeding is opened to receive annual reports filed by all non-rural, rural, and Lifeline eligible telecommunications carriers.

2. On or before August 15, 2023, each eligible telecommunications carrier that receives high-cost support and/or Lifeline support shall file applicable documents in this Proceeding consistent with the discussion above.

3. An eligible telecommunications carrier may file for a reasonable extension of time in this Proceeding if it cannot meet the August 15, 2023 filing deadline.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 17, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners