

Decision No. C23-0352

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0260T

IN THE MATTER OF THE FEDERAL COMMUNICATIONS COMMISSION PART 51
RULE 51.907, TRANSITION OF PRICE CAP CARRIER ACCESS CHARGES AND 51.909,
TRANSITION OF RATE-OF-RETURN CARRIER ACCESS CHARGES.

**COMMISSION DECISION REQUIRING THE FILING OF SWITCHED
ACCESS TARIFFS BY ALL LOCAL EXCHANGE CARRIERS,
COMPETITIVE LOCAL EXCHANGE CARRIERS, AND COMPETITIVE
ACCESS PROVIDERS**

Mailed Date: May 25, 2023

Adopted Date: May 17, 2023

I. BY THE COMMISSION

A. Statement

1. On May 11, 2023, the Federal Communications Commission (FCC) issued WC Docket No. 23-9, *et al* and an Annual Access Charge Tariff Filings Order. The FCC order establishes procedures for the 2023 filing of annual access charges tariffs and Tariff Review Plans (TRPs) for incumbent local exchange carriers (LECs) subject to price cap regulation, as well as rate-of-return LECs subject to sections 61.38, 61.39, and 61.50 of FCC's rules.¹

2. The FCC Order sets an effective date of July 3, 2023, for the annual access charge tariff filings made on both fifteen (15) and seven (7) days' notice; establishes the dates for filing

¹ # 47 CFR §§ 61.38 (rate-of-return carriers that file tariffs based on projected costs and demand), 61.39 (rate-of-return carriers that file tariffs based on historical costs and demand), 61.43 (tariff filings for price cap LECs), and 61.50 (regulation of business data services offered by rate-of-return carriers electing incentive regulation).

petitions to suspend or reject an incumbent LEC's tariff filing and replies to such petitions; and addresses service of the petitions and replies.

3. Each price cap carrier and Competitive Local Exchange Carrier (CLEC) that benchmark access rates to price cap carriers do not need to file an advice letter and associated tariff pages since their intrastate terminating switched access rates are already at bill-and-keep.

4. For Rate-of-Return Carriers and CLECs that benchmark access rates to Rate-of-Return Carriers, terminating switched end office, and reciprocal compensation rates are reduced to FCC requirements.

5. CLECs that benchmark their interstate tariff rates to the tariffed rates of the LEC serving the same geographic area (the benchmarking rule),² will be allowed an extra 15 days from the effective date of the tariff to which a CLEC is benchmarking to make their filing.

6. Rate-of-return incumbent LECs that elected to freeze their separations category in 2001 have the opportunity to opt out of the freeze and update their category relationships. All rate-of-return incumbent LECs are required to modify rates subject to rate-of-return regulation to comply with the prescribed rate-of-return for this tariff year, 9.75 percent.³

7. The following paragraphs further explain the process, documentation, and timelines we require in order to most efficiently implement this phase of the ICC transition of intrastate access rates. Included is the production of additional information in support of the tariff filing. We direct Commission Staff to review the information and work with the carriers to resolve any

² FCC 11-161 paragraph 807.

³ See *Connect America Fund et al.*, Order, Order on Material to be filed in Support of 2020 Annual Access Tariff Filings, WC Docket No. 20-55 et al., 31 FCC Rcd 3087, 3212, para. 326 (2016).

issues as efficiently as possible prior to the tariff effective date in order to minimize the need for suspending the tariffs.

8. As a result of the FCC Order, all carriers impacted by FCC § 51.915 and § 51.917 shall file tariffs and associated work papers ensuring the *intrastate* terminating access rates are in compliance with the FCC's 2020 transition. Any work papers provided shall be in executable form. The FCC requires the carriers to submit data to the state to enable the state to monitor implementation of the recovery mechanism.

9. Carriers that have their Colorado intrastate switched access tariffs referencing their interstate switched access tariffs for their intrastate terminating switched access rates do not need to file an advice letter and associated tariff pages. Since their intrastate terminating switched access rates reference the interstate switched access tariff, they will be in compliance as soon as their interstate switched access tariffs are changed.

10. The 8YY Reform Order is intended to reduce or eliminate carriers' incentives to engage in arbitrage for 8YY calls. Reducing the cost of 8YY calling overall, decreasing inefficiencies in 8YY routing and compensation disputes. Transitioning query charges over approximately three years, to no more than \$0.0002 beginning on July 1, 2021. The final step of the transition is to begin on July 1, 2023, Interstate and Intrastate Toll-Free Database Query charges are to be no more than \$0.0002 per query.

11. In addition to reducing all intercarrier charges for intrastate and interstate originating End Office Access Service rates for Toll-Free Calls to zero and removing them from their interstate switched access tariffs and any state tariff; all revised switched access tariffs must be refiled.

12. No, later than May 31, 2023, carriers shall file tariffs and work papers under a separate advice letter. The advice letter and tariff filing shall have an effective date of July 1, 2023. **Do not file in this (23M-0260T) proceeding.**

II. ORDER

A. The Commission Orders That:

1. Advice letters and tariffs shall be filed pursuant to the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* 723-2-2122.

2. Revised tariffs shall be effective as of July 3, 2023.

3. Competitive Local Exchange Carriers (CLECs) that benchmark their interstate tariffs to the underlying Local Exchange Carrier will be allowed an extra 15 days from the effective date of the tariff to which a CLEC is benchmarking to make their tariff filings.

4. Work papers *shall be provided in executable form*.

5. Advice letters shall *not* be filed in this miscellaneous proceeding but identified in Advice Letters and proposed tariff pages.

6. 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

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners