



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU ANNOUNCES POSTING OF 2021 TARIFF REVIEW PLAN FOR EXOGENOUS COST FILINGS BY RATE-OF-RETURN CARRIERS THAT ELECTED INCENTIVE REGULATION FOR BUSINESS DATA SERVICES

WC Docket No. 21-148

By this Public Notice, the Wireline Competition Bureau (Bureau) announces the release of the tariff review plan for use by rate-of-return carriers that elected incentive regulation for their business data services (BDS) offerings pursuant to the *Rate-of-Return Business Data Services Order*¹ (electing carriers). The tariff review plan is posted on the Federal Communications Commission's website at: <https://www.fcc.gov/tariff-review-plan-incentive-regulation-rate-return-carriers>.

The *2021 Tariff Review Plan Order* requires electing carriers to file tariff review plans reflecting any exogenous cost adjustment for Telecommunications Relay Service (TRS), North American Numbering Plan Administration, and regulatory fees in rates to be effective October 1, 2021.² As the Bureau explained in the *2021 Tariff Review Plan Order*, the exogenous cost adjustment for TRS must be "grossed up" to spread the entire adjustment over the remaining months in the tariff year.³ However, the October 1, 2021 exogenous cost filing and rate adjustment is optional for electing carriers if the total amount of such exogenous cost adjustments would either increase rates or meet a *de minimus* threshold of \$960.00, which is the current tariff filing fee.⁴

The tariff review plan posted on the Commission's website was prepared by the National Exchange Carrier Association (NECA) for electing carriers for which NECA files BDS rates and is designed to ensure that carriers make exogenous cost and rate adjustments in accordance with the Commission's rules.⁵ Electing carriers that do not participate in the NECA tariff should also file a tariff

¹ *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers*, WC Docket No. 17-144, Report and Order, Further Notice of Proposed Rulemaking, and Second Further Notice of Proposed Rulemaking, 33 FCC Rcd 10403 (2018) (*Rate-of-Return Business Data Services Order*); see 47 CFR § 61.50.

² See *Material to be Filed in Support of 2021 Annual Access Tariff Filings*, WC Docket No. 20-55, Order, FCC 21-568, 2021 WL 1997693, at 11, paras. 40-41 (PPD May 14, 2021) (*2021 Tariff Review Plan Order*).

³ *Id.* at 11, para. 40.

⁴ *Id.*; see 47 CFR § 1.1105. The applicable tariff filing fee is subject to change, based on implementation of the Commission's order related to such fees. If the applicable tariff filing fee changes, the *de minimus* threshold will also change to equal the amount of the revised applicable tariff filing fee. See *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, MD Docket No. 20-270, Report and Order, 35 FCC Rcd 15089, 15178, Appx. B (2020); *Office of Managing Director Announces Effective Date of FY 2021 Application Fees Order*, Public Notice, DA 21-442 (OMD Apr. 19, 2021).

⁵ See 47 CFR § 61.50(c).

review plan.⁶ As staff has reviewed this tariff review plan, electing carriers are encouraged to use it, though they may create and use an equivalent version that complies with our rules.

For further information, please contact Robin Cohn, Pricing Policy Division, Wireline Competition Bureau, (202) 418-2747, Robin.Cohn@fcc.gov; or Richard Kwiatkowski, Economic Analysis Division, Office of Economics and Analytics, (202) 418-1383, Richard.Kwiatkowski@fcc.gov.

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⁶ See *2021 Tariff Review Plan Order*, at 11, para. 41. Electing carriers must complete and file one of two Excel workbooks. The “TY 2021-2022 Individual Study Area BDS Midcourse TRP” workbook is for carriers that establish a Price Cap Index (PCI), Actual Price Index (API), Service Band Indices (SBIs), and upper SBI limits separately for each study area. The “TY 2021-2022 Holding Company BDS Midcourse TRP” workbook is for carriers that establish a PCI, API, SBIs and upper SBI limits at the holding company level.