

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
July 1, 2022) WC Docket No. 22-108
Annual Access Charge Tariff Filings)

ORDER

Adopted: April 15, 2022

Released: April 15, 2022

By the Chief, Pricing Policy Division:

15-DAY TARIFF FILINGS: June 16, 2022
EFFECTIVE: July 1, 2022
PETITIONS: June 23, 2022
REPLIES: June 27, 2022

7-DAY TARIFF FILINGS: June 24, 2022
EFFECTIVE: July 1, 2022
PETITIONS: June 27, 2022
REPLIES: June 29, 2022 (due no later than 12:00 p.m. (noon) Eastern Time)

I. INTRODUCTION

1. In this Order, we establish procedures for the 2022 filing of annual access charge 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 the Commission’s rules.

2. This Order: (1) sets an effective date of July 1, 2022 for the annual access charge tariff filings made on both 15- and 7-days’ notice; (2) establishes the dates for filing petitions to suspend or reject an incumbent LEC’s tariff filing and replies to such petitions; (4) addresses service of the petitions and replies; and (5) reminds carriers that the Commission adopted new tariff filing fees and a new payment system which took effect on December 15, 2021. In the USF/ICC Transformation Order, the Commission adopted rules requiring incumbent LECs to reduce, over a period of years, many of their switched access rates. That rate transition has been completed. The Commission also established a

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).

2 See 47 CFR § 1.773.

3 See 47 CFR § 1.1105; Wireline Competition Bureau Reminds Applicants of the Effective Date of New Application Processing Fees, Public Notice, DA 21-1578 (WCB Dec. 15, 2021) (Public Notice).

4 See Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17677, 17934-35, 18149, paras. 36, 801 & fig. 9, 1404 (2011) (USF/ICC Transformation Order), pets. for review denied sub nom. In re: FCC 11-161, 753 F.3d 1015 (10th Cir. 2014); 47 CFR §§ 51.915, 51.917. Price cap incumbent LECs were required to transition certain tariffed switched access rates effective July 1 on each of those

(continued...)

mechanism known as Eligible Recovery that enables incumbent LECs to recover a decreasing portion of their lost revenue attributable to the required switched access rate decreases.⁵ The TRPs implement adjustments to incumbent LECs' Eligible Recovery as required under the Commission's rules each year, effective July 1.⁶ All correspondence and comments in connection with these filings should refer to the caption of this proceeding, *July 1, 2022 Annual Access Charge Tariff Filings*, WC Docket No. 22-108.

II. DISCUSSION

A. Tariff Effective Dates and Tariff Filing Dates

3. The Commission's rules require incumbent LECs to file annual access charge tariffs with a scheduled effective date of July 1.⁷ Incumbent LECs are permitted to make their tariff filings either 15 or 7 days prior to the scheduled effective date of their tariff revisions, depending on the type of changes they propose to make.⁸

4. Incumbent LECs that file tariffs under the price cap ratemaking methodology are required to file revised annual access charge tariffs every year.⁹ Incumbent LECs that file tariffs under a rate-of-return ratemaking methodology are required to file every other year. Incumbent LECs filing pursuant to the requirements of section 61.38 of the Commission's rules are required to file annual access charge tariffs this year, an even-numbered year.¹⁰ Ordinarily, rate-of-return incumbent LECs subject to section 61.39 of the Commission's rules¹¹ would not be required to file annual access charge tariffs this year, because they file revisions in odd-numbered years.¹² Pursuant to the *USF/ICC Transformation Order*, however, rate-of-return incumbent LECs subject to section 61.39 of the Commission's rules must file a TRP this year to comply with the requirements of sections 51.917(d)(1)(iv), and 51.917(e) of the Commission's rules.¹³

5. In addition, all price cap and rate-of-return incumbent LECs are required to transition their interstate and intrastate toll free (or 8YY) originating end office access service rates to bill-and-keep

years to bill-and-keep (\$0) over a six-year period that ended in 2018. Rate-of-return incumbent LECs were required to transition certain tariffed switched access rates effective July 1 on each of those years to bill-and-keep (\$0) over a nine-year period that ended in 2020. See *USF/ICC Transformation Order*, 26 FCC Rcd at 17934-96, para. 801, fig. 9; 47 CFR §§ 51.907(h), 51.909(j).

⁵ *USF/ICC Transformation Order*, 26 FCC Rcd at 17677, 17956-96, paras. 36, 847-923; 47 CFR §§ 51.915, 51.917.

⁶ See *USF/ICC Transformation Order*, 26 FCC Rcd at 18149, para. 1404 (delegating authority to the Wireline Competition Bureau, as appropriate, to implement the rules adopted in the *USF/ICC Transformation Order*).

⁷ See 47 CFR §§ 69.3(a), 51.705, 51.907, 51.909.

⁸ 47 U.S.C. § 204(a)(3) ("A local exchange carrier may file with the Commission a new or revised charge, classification, regulation, or practice on a streamlined basis...[which]...shall be deemed lawful and shall be effective 7 days (in the case of a reduction in rates) or 15 days (in the case of an increase in rates) after the date on which it is filed with the Commission unless the Commission takes action...before the end of that 7-day or 15-day period, as is appropriate."); 47 CFR § 61.58(a)(2)(i) (pursuant to section 204(a)(3) of the Act, local exchange carriers may file streamlined tariffs on 7-days' notice if it proposes only rate decreases, and on 15-days' notice for any other streamlined tariff including those that propose rate increases).

⁹ 47 CFR § 61.43.

¹⁰ 47 CFR §§ 61.38, 69.3(f)(1).

¹¹ 47 CFR § 61.39.

¹² 47 CFR §§ 61.39, 69.3(f)(2).

¹³ 47 CFR § 51.917(d)(1)(iv), (e).

over a three-year period beginning July 1, 2021.¹⁴ As part of this transition, beginning July 1, 2022, incumbent LECs are required to reduce interstate and intrastate originating end office access service rates for toll free calls by one-half of the maximum rate allowed by the Commission's rules.¹⁵ Incumbent LECs are also required to reduce intrastate and interstate toll free database query charges by one-half of the difference between the rate permitted by the rules and the transitional rate of \$0.00002 per query.¹⁶

B. Tariff and Tariff Review Plan Filing Instructions

6. Incumbent LECs must file all of their tariff materials through the Commission's Electronic Tariff Filing System (ETFS).¹⁷ Incumbent LECs should make every effort to file as early in the day as possible to avoid any complications in meeting the applicable filing deadlines. Incumbent LECs' 15-days' notice tariff filings must be received by ETFS after 7:00 p.m. Eastern Time on June 15, 2022 and before 7:00 p.m. Eastern Time on June 16, 2022 for the filing to be considered officially received on June 16, 2022. Incumbent LECs' 7-days' notice tariff filings must be received after 7:00 p.m. Eastern Time on June 23, 2022 and before 7:00 p.m. Eastern Time on June 24, 2022 for the filing to be considered officially received on June 24, 2022.

7. The public and interested parties may obtain copies of tariffing materials through ETFS. For more information, please contact either Christopher S. Koves, Pricing Policy Division, Wireline Competition Bureau, Christopher.Koves@fcc.gov, or Richard Kwiatkowski, Economic Analysis Division, Office of Economics and Analytics, Richard.Kwiatkowski@fcc.gov.

C. New Tariff Filing Fees and Payment System

8. When carriers submit their annual access charge tariff filings on ETFS, they must also pay the associated tariff filing fee.¹⁸ We remind carriers that the Commission recently revised its tariff filing fees, which are listed in the table below:¹⁹

Tariff Filing	Forms	Fee Amount	Payment Code
Complex Tariff Filing (Large – all price cap LECs and entities involving more than 100 LECs)	Corres. & 159	\$6,540	CQL
Complex Tariff Filing (Small – other entities)	Corres. & 159	\$3,270	CQM

9. We also remind carriers that they must submit the tariff filing fee through the new payment system contained in the Commission's Registration System (CORES).²⁰ Effective December 15, 2021, the Commission decommissioned and permanently discontinued its old online electronic payment system for regulatory and other fees, Fee Filer, and replaced it with a new payment system contained in

¹⁴ 47 CFR §§ 51.907(i)-(k), 51.909(l)-(o); *8YY Access Charge Reform*, WC Docket No. 18-156, Report and Order, 35 FCC Rcd 11594, FCC 20-143, at 10, para. 25 (Oct. 9, 2020) (*8YY Access Charge Reform Order*); 85 Fed. Reg. 75894 (Nov. 27, 2020). The bill-and-keep methodology is defined in 47 CFR § 51.713.

¹⁵ 47 CFR §§ 51.907(j)(1), 51.909(n)(1).

¹⁶ 47 CFR §§ 51.907(j)(2), 51.909(n)(2).

¹⁷ See 47 CFR § 61.13(b). Access to ETFS is available here: <https://apps.fcc.gov/etfs/etfsHome.action>.

¹⁸ 47 CFR § 1.1105; *Public Notice* at *2.

¹⁹ 47 CFR § 1.1105; FCC, Schedule of Application Fees of the Commission's Rules, 86 Fed. Reg. 70125-01 (Dec. 9, 2021); *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 (2020).

²⁰ See *FCC Announces Decommissioning of Fee Filer as Method of Payment and Replacement with New Payment Module Within CORES et al.*, Public Notice (Dec. 1, 2021), <https://www.fcc.gov/document/replacement-fee-filer-new-commission-payment-module>.

CORES.²¹ The Commission will only accept funds required for the 2022 annual access charge tariff filing through the CORES payment system.²²

D. Pleading Filing Dates and Procedures

10. Petitions to suspend or reject 15 days' notice tariff filings will be due no later than June 23, 2022, and replies will be due no later than June 27, 2022. Petitions to suspend or reject 7-days' notice tariff filings will be due no later than June 27, 2022, and replies will be due no later than 12:00 p.m. (noon) Eastern Time on June 29, 2022. We waive those portions of sections 1.4(f) and 1.773 of the Commission's rules that are inconsistent with these deadlines.²³

11. Pursuant to sections 1.419 and 1.773 of the Commission's rules, interested parties may file petitions to suspend or reject tariff filings, and replies thereto, on or before the dates indicated in this document.²⁴ Pleadings must reference **WC Docket No. 22-108** and must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Electronic Filers: Pleadings may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): www.fcc.gov/ecfs.²⁵
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service First-Class, Express, and Priority mail must be addressed to 45 L Street NE, 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 email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

12. *Courtesy Copies.* In addition, on the day an electronic filing is submitted, an electronic courtesy copy of any comments, reply comments, petitions, and replies, must also be emailed to Christopher Koves, Christopher.Koves@fcc.gov, and Richard Kwiatkowski, Richard.Kwiatkowski@fcc.gov.

13. *Ex Parte Rules.* The proceeding this Order initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.²⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda

²¹ *Id.*

²² For more information about the CORES Payment System, please visit: <https://www.fcc.gov/licensing-databases/fees/cores-payment-system>. Carriers can access CORES either at <https://apps.fcc.gov/cores/userLogin.do>, using an existing FCC Username account, or through the CORES' FCC Registration Number (FRN) access page, <https://apps.fcc.gov/cores/paymentFrnLogin.do>. For technical assistance with CORES, please submit a help request through <https://www.fcc.gov/available-support-services>, or call 877-480-3201, or send an email to ARINQUIRIES@fcc.gov.

²³ See 47 CFR §§ 1.3, 1.4(f), 1.773(a), (b).

²⁴ *Id.* §§ 1.419, 1.773.

²⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

²⁶ 47 CFR § 1.1200 *et seq.*

summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

E. Service

14. Because there is limited time available for review of petitions to suspend or reject tariff filings made pursuant to this Order, we establish the following service requirements for such petitions and responses thereto. Any party filing a petition to suspend or reject such a tariff filing must also serve that petition on the entity that is the subject of the petition, the relevant tariff filer, its attorney or other duly constituted agent, by personal delivery, facsimile transmission, or email.²⁷ Any party responding to a petition to suspend or reject must serve that response on the relevant petitioner, its attorney or other duly constituted agent by personal delivery, facsimile transmission, or email. To effectuate these service requirements, we waive those portions of sections 1.47(d), 1.773(a)(4) and 1.773(b)(3) of the Commission's rules that are inconsistent with the requirements set forth above.²⁸ Parties are instructed to provide contact persons, email addresses, and facsimile numbers in their filings.

III. ORDERING CLAUSES

15. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4(i) and (j), 5, and 201-209 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 155, 201-209, and sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, this Order IS ADOPTED.

16. IT IS FURTHER ORDERED that, pursuant to sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, that sections 1.4(f), 1.47(d), and 1.773 of the Commission's rules, 47 C.F.R. §§ 1.4(f), 1.47(d), 1.773, ARE WAIVED for the limited purposes specified herein in paragraphs 10 and 14.

17. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Gil M. Strobel
Chief, Pricing Policy Division
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²⁷ See *id.* §§ 1.773(a)(4), (b)(3).

²⁸ *Id.* §§ 1.3, 1.47(d), 1.773(a)(4), (b)(3).