

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

In the Matter of)
)
National Exchange Carrier Association, Inc.) WC Docket No. 23-415
2024 Modification of Average Schedules)
)

ORDER ON RECONSIDERATION

Adopted: June 5, 2024

Released: June 5, 2024

By the Chief, Pricing Policy Division, Wireline Competition Bureau:

1. In this Order on Reconsideration, we *sua sponte* reconsider the *2024 NECA Average Schedule Order* approving formulas for average-schedule interstate settlement disbursements by modifying by one day the effective date of those formulas to July 1, 2024.¹ Pursuant to section 1.113(a) of the Commission’s rules, the Wireline Competition Bureau (Bureau) may, on its own motion, modify any action taken pursuant to delegated authority within 30 days after public notice of such action.²

2. The National Exchange Carrier Association, Inc. (NECA) submits proposed revisions to the average-schedule formulas that are used by incumbent local exchange carriers participating in the NECA access charge tariff pools to calculate average-schedule settlement disbursements for interstate access services pursuant to section 69.606(b) of the Commission’s rules.³ Traditionally, the NECA average-schedule formulas remain in effect for a one-year period from July 1 to June 30 of the subsequent year.⁴ Consistent with past practice, on December 21, 2023 NECA submitted their proposed 2024 average-schedule formulas to remain in effect for the one-year period from July 1, 2024 to June 30, 2025.⁵

3. On May 10, 2024, the Bureau released the *2024 NECA Average Schedule Order* approving NECA’s proposed 2024 average-schedule formulas.⁶ Because the effective date for annual access charge tariff filings is July 2, 2024 this year, the Bureau approved the NECA average-schedule

¹ *National Exchange Carrier Association, Inc. 2024 Modification of Average Schedules*, WC Docket No. 23-415, Order, DA 24-435 (WCB/PPD May 10, 2024) (*2024 NECA Average Schedule Order*).

² 47 CFR § 1.113(a); *see id.* § 1.106(k)(1); *Domestic Section 214 Applications Granted, Subject to Condition, for the Transfer of Control of Germantown Telephone Company, Inc., et al.*, WC Docket No. 22-421 et al., Order on Reconsideration, DA 23-800, at 1-2, para. 1 (WCB Sept. 1, 2023).

³ *2024 NECA Average Schedule Order* at 1, para. 2.

⁴ *See National Exchange Carrier Association, Inc. 2023 Modification of Average Schedules*, WC Docket No. 22-427, Order, 38 FCC Rcd 4340, 4341, para. 5 (WCB/PPD 2023) (*2023 NECA Average Schedule Order*); *Access Tariff Filing Schedules*, CC Docket No. 88-326, Report and Order, 3 FCC Rcd 5495, 5497-98, paras. 24-25 (1988) (*Access Tariff Order*) (revising section 69.606(b) of the Commission’s rules to conform with the July 1 effective date for annual access charge tariff filings by requiring NECA to submit the average-schedule formulas on or before December 31 of the preceding year, six months before the July 1 effective date for annual access charge tariff filings).

⁵ Letter from Robert J. Deegan, Director-Government Relations, NECA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-415, Attach., NECA 2024 Modification of Average Schedules (filed Dec. 21, 2023).

⁶ *2024 NECA Average Schedule Order* at 1, para. 1.

formulas to be in effect from July 2, 2024 to June 30, 2025.⁷ The prior year 2023 NECA average-schedule formulas, however, were approved by the Bureau to be effective from July 1, 2023 through June 30, 2024.⁸ Thus, there was one day, July 1, 2024, that was unaccounted for in the NECA average-schedule formulas and settlement disbursement process.

4. On our own motion and pursuant to delegated authority, we modify the effective date for the NECA average-schedule formulas approved by the Bureau in the *2024 NECA Average Schedule Order* to be effective from July 1, 2024 to June 30, 2025.⁹ Approving the average-schedule formulas from July 1, 2024 to June 30, 2025 is consistent with section 69.606(b), which does not contemplate temporal gaps during which no average-schedule formulas are in place, will alleviate unnecessary administrative burdens for NECA and carriers, and is consistent with past practice.¹⁰ In 2018 and 2019, for example, the effective date for the NECA average-schedule formulas remained July 1, even though the tariff effective date was changed to July 3, 2018 and July 2, 2019, respectively.¹¹ Accordingly, we modify paragraphs 1, 4, and 5 of the *2024 NECA Average Schedule Order* by replacing “July 2, 2024” with “July 1, 2024.” All other holdings adopted in the *2024 NECA Average Schedule Order* remain in effect.

5. Accordingly, IT IS ORDERED, pursuant to sections 0.91, 0.291, and 1.113 of the Commission’s rules, 47 CFR §§ 0.91, 0.291, and 1.113, that this Order on Reconsideration IS ADOPTED.

6. IT IS FURTHER ORDERED, pursuant to sections 0.91, 0.291, 1.113, and 69.606 of the Commission’s rules, 47 CFR §§ 0.91, 0.291, 1.113, and 69.606, that the *2024 NECA Average Schedule Order* released May 10, 2024 IS MODIFIED to replace “July 2, 2024” with “July 1, 2024” in paragraphs 1, 4, and 5 and, accordingly, the average-schedule formulas proposed by the National Exchange Carrier

⁷ *2024 NECA Average Schedule Order* at 2, para. 5. Ordinarily the effective date for annual access charge tariff filings is July 1, however, for this year’s filings the Bureau established July 2, 2024 as the effective date so that carriers could avail themselves of the statutory 15-days’ notice period for “deemed lawfulness.” *July 1, 2024 Annual Access Charge Tariff Filings*, WC Docket No. 24-41, Order, DA 24-294, at 2-3, para. 5 (WCB/PPD Mar. 27, 2024).

⁸ *2023 NECA Average Schedule Order* at 2, para. 5.

⁹ *Id.*; see *Access Tariff Order*, 3 FCC Rcd at 5496, para. 8 (“Issues involving the details of the annual access tariff filings, including the historical and test years and waivers for individual LECs, frequently present complex and interrelated considerations which we have in the past allowed the Common Carrier Bureau to resolve based upon consultation with affected parties and the specific circumstances.”); *id.* at 5501 n.4 (“As discussed, *supra*, we believe issues of the appropriate historical and test years, as well as other details which must be resolved in planning for the annual access filings, are best dealt with at the staff level by the Common Carrier Bureau”); see *Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau et al.*, Order, 17 FCC Rcd 4672, 4672, para. 1 (2002) (delegating to the Wireline Competition Bureau all functions previously delegated to the Common Carrier Bureau).

¹⁰ See 47 CFR § 69.606; see Letter from Robert J. Deegan, Director, Government Relations, NECA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-415 (filed May 31, 2024).

¹¹ *National Exchange Carrier Association, Inc. 2017 Modification of Average Schedules et al.*, WC Docket Nos. 16-400, 17-346, Order, 33 FCC Rcd 4956, 4957, para. 5 (WCB/PPD 2018) (July 1, 2018 effective date); *National Exchange Carrier Association, Inc. 2019 Modification of Average Schedules*, WC Docket No. 18-373, Order, 34 FCC Rcd 3782, 3782-83, para. 5 (WCB/PPD 2019) (July 1, 2019 effective date); see also *July 1, 2018 Annual Access Charge Tariff Filings*, WC Docket No. 18-100, Order, 33 FCC Rcd 3497, 3497, para. 2 (WCB/PPD 2018) (setting a July 3, 2018 effective date for July 2018 annual access charge tariff filings); *July 1, 2019 Annual Access Charge Tariff Filings*, WC Docket No. 19-47, Order, 34 FCC Rcd 2067, 2067, para. 2 (WCB/PPD 2019) (setting a July 2, 2019 effective date for July 2019 annual access charge tariff filings).

Association, Inc. on December 21, 2023 SHALL BECOME EFFECTIVE on July 1, 2024, and remain in effect through June 30, 2025.

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

FEDERAL COMMUNICATIONS COMMISSION

Victoria S. Goldberg
Chief, Pricing Policy Division
Wireline Competition Bureau