

**TO:** COMMISSIONERS AND ADVISORS  
**FROM:** LORENA REICHERT AND KRISTEN EDWARDS  
**SUBJECT:** STAFF RECOMMENDATION FOR DOCKET AA17-001  
**DATE:** APRIL 6, 2017

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STAFF MEMORANDUM

**FORM 481 FIVE-YEAR PLAN AND PROGRESS REPORTS**

On March 30, 2016, the FCC released Order 16-33 which included provisions to eliminate the five-year plan and progress report for rate-of-return carriers. Geocoded location lists would be provided in their place. From the FCC's order:

217. Once we receive Paperwork Reduction Act approval for the revised requirement to report geocoded locations and *the elimination of our progress reporting requirement*, rate-of-return ETCs will *no longer be required to file a progress report* containing maps and a narrative explanation of 'how much universal service support was received, and how it was used to improve service quality, coverage or capacity and an explanation regarding any network improvement targets that have not been met....at the wire center level or census block as appropriate.' We conclude that the geocoded location lists that each recipient will be required to submit on an annual basis will provide the Commission with more precisely targeted information to monitor the recipients' progress towards meeting their public interest obligations, and at that point there will no longer be a need for recipients to file annual progress reports. (Emphasis added.)

Originally, the deadline for the geolocated location lists for rate-of-return carriers was to be March 1, 2017<sup>1</sup>, with state commissions able to view the information on July 1, 2017, but the revised requirement to report geocoded locations and the elimination of the progress reporting requirement had not yet received Paperwork Reduction Act approval. Therefore, the FCC issued a public notice<sup>2</sup> on February 24, 2017, moving the deadline for rate of return carriers to March 1, 2018. The CAF-BLS recipient will be filing broadband data regarding 19 months of deployment (May 25, 2016 through December 2017) on March 1, 2018.

On page 4, footnote 19 of public notice DA17-17, the FCC acknowledges that states will not receive the geolocated lists for rate-of-return carriers on July 1, 2017, but that states should still be able to make certifications without the information:

<sup>19</sup> See 47 CFR § 54.314(d). While USAC may not be able to provide all location data to states and Tribal governments by July 1, 2017 as the Bureau originally directed USAC in the HUBB Public Notice (see HUBB Public Notice, 31 FCC Rcd at 13908-909), we find that this limited waiver will not harm states' and Tribal governments' ability to make the required certifications under the

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<sup>1</sup> FCC DA16-1363 Released December 8, 2016

<sup>2</sup> FCC DA17-196

Commission's rules. See 47 CFR § 54.314(d). *While USAC may not be able to provide all location data to states and Tribal governments by July 1, 2017 as the Bureau originally directed USAC in the HUBB Public Notice (see HUBB Public Notice, 31 FCC Rcd at 13908-909), we find that this limited waiver will not harm states' and Tribal governments' ability to make the required certifications under the Commission's rules. (Emphasis added.)*

In addition, FCC Order 16-33 received Paperwork Reduction Act approval on March 23, 2017. The requirement of a five-year plan and progress report is therefore eliminated at the federal level. It is staff's understanding after talking to USAC that the progress report to the five-year plan will not be submitted as part of the Form 481 due July 1, 2017.

Currently, the submission of a five-year plan and subsequent progress reports are central to the waiver of requirements for 20:10:32:54(1) and 20:10:32:54(2), as decided by the PUC in its order dated April 26, 2013 in Docket TC13-027.

From the PUC's order:

With respect to ARSD 20:10:32:54(1), the Commission finds that if an ETC is filing a *five-year plan with the FCC* and the Commission, that ETC is not required to file a two-year plan pursuant to the Commission's rule. All other ETCs must continue to file their two-year plans.

With respect to ARSD 20:10:32:54(2), the Commission finds that all ETCs are still required to file progress reports on their previously filed service quality improvement plans; however the minor differences in this provision as compared to the *FCC's similar progress report provision* are waived. (Emphasis added.)

The current waivers do not reflect the elimination of the five-year plan and progress reports and the inclusion of geocoded location lists in the future. Staff does not recommend waivers of ARSD 20:10:32:54(1) and ARSD 20:10:32:54(2) at this time because staff uses the information provided in the progress reports when recommending approval in the certification dockets each summer. In the future, the geocoded location lists may provide the same amount of the information that the progress reports currently provide, but the lists will not be available July 1, 2017, when the information would be most helpful in the certification process.

## **FORM 477 DATA**

The PUC order dated May 20, 2015 in Docket TC13-027 requires carriers to include their most recent FCC 477 submission data in electronic spreadsheet format, where applicable, when carriers file their annual request for ETC designation. The FCC has stated specific FCC Form 477 subscribership data will be available to state regulatory commissions after signing a data-sharing agreement.<sup>3</sup> Staff brings this information to determine whether the Commission would like to continue receiving Form 477 information from the companies in the annual ETC certification filing.

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<sup>3</sup> <https://www.fcc.gov/general/process-state-regulatory-commissions-obtain-state-specific-fcc-form-477-data>