



PUBLIC NOTICE

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

WC Docket No. 19-47

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

Pursuant to the Bureau's direction in the *2019 Tariff Review Plan Order*, rate-of-return carriers that have elected incentive regulation pursuant to the *Rate-of-Return Business Data Services Order* must file tariff review plans reflecting any exogenous cost adjustment for Telecommunications Relay Service (TRS), North American Numbering Plan Administration (NANPA), and regulatory fees in rates to be effective October 1, 2019.² As the Bureau explained in the *2019 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

The tariff review plan posted on the Commission's website was prepared by the National Exchange Carrier Association (NECA) for rate-of-return 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 price cap rules for filings other than an annual filing.⁴ This tariff review plan, or its equivalent, should be used by carriers that file their own BDS rates.⁵

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

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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*).

² See *July 1, 2019 Annual Access Charge Tariff Filing*, WC Docket No. 19-47, Order, 34 FCC Rcd 2727, 2737-38, para. 42 (WCB May 1, 2019) (*2019 Tariff Review Plan Order*).

³ *Id.*

⁴ See 47 CFR § 61.50(c).

⁵ See *2019 Tariff Review Plan Order*, 34 FCC Rcd at 2737-38, para. 42. Carriers must complete and file one of two Excel workbooks. One 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 other workbook is for carriers that establish a PCI, API, SBIs and upper SBI limits at the holding company level.