**Before the**

**Federal Communications Commission   
Washington, D.C. 20554**

In the Matter of )

)

Misuse of Internet Protocol (IP) ) CG Docket No. 13-24

Captioned Telephone Service )

)

Telecommunications Relay Services )

and Speech-to-Speech Services ) CG Docket No. 03-123

for Individuals with Hearing )

and Speech Disabilities )

**MOTION TO ACCEPT LATE-FILED COMMENTS**

The Pennsylvania Public Utility Commission (Pa. PUC) respectfully submits this Motion to Accept Late-Filed Reply Comments because the accompanying Reply Comments were due on October 16, 2018. The Reply Comments address the Commission’s *Further Notice of Proposed Rulemaking* (*FNPRM*), in which it proposed, *inter alia*, further changes to the rules and compensation structure for Internet Protocol Captioned Telephone Service (IP CTS) calls to ensure that they remain sustainable for those individuals who need to use this form of telecommunications relay service.[[1]](#footnote-1)

In accordance with the filing schedule published in the Federal Register regarding the *FNPRM* on IP CTS, reply comments were due on or before October 16, 2018.[[2]](#footnote-2) The Pa. PUC has a vital interest in maintaining some sort of oversight over the local aspects of telecommunications relay services implicated by the *FNPRM*. The Pa. PUC believes that the record would benefit from state commissions’ input.

We therefore ask the Commission to accept these late-filed reply comments.

Respectfully submitted,

/s/ David E. Screven

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Dated: October 17, 2018

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**REPLY COMMENTS OF THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

On June 7, 2018, the Federal Communications Commission (Commission) released a *Further Notice of Proposed Rulemaking* (*FNPRM*), in which it proposed, *inter alia*, further changes to the rules and compensation structure for Internet Protocol Captioned Telephone Service (IP CTS) calls to ensure that they remain sustainable for those individuals who need to use this form of telecommunications relay service.[[3]](#footnote-3) The Commission published in the Federal Register the *FNPRM* on IP CTS, announcing comment and reply dates.[[4]](#footnote-4) In accordance with the filing schedule, the Pennsylvania Public Utility Commission (Pa. PUC) submitted initial comments on the *FNPRM* on September 17, 2018. The Pa. PUC now submits these reply comments in this proceeding.

As an initial matter, these reply comments should not be construed as binding on the Pa. PUC in any matter before the Pa. PUC. Moreover, the Pa. PUC’s position set forth in these reply comments could change in response to later events, including *Ex Parte* filings, legal proceedings, or other regulatory developments at the state or federal level. Lastly, the reply comments build upon and may incorporate by reference prior filings of the Pa. PUC submitted in the above-captioned dockets.

**Introduction and Summary**

Upon review of the initial comments filed by other interested parties the Pa. PUC asserts that: (1) the Commission should adopt measures to address the uncontrolled growth, waste, and abuse of IP CTS calls at the federal level and establish uniform national standards before attempting to restructure the funding of all IP CTS calls or directing state telecommunications relay services (TRS) programs to administer IP CTS and referring the matter to the Joint Board on Separations to address the jurisdictional separation of costs for IP CTS calls; (2) while the Commission has authority over TRS pursuant to Section 225 of the Communications Act of 1934 (Act), as amended, to promulgate regulations regarding cost recovery of the costs of intrastate IP CTS, it does not have the statutory authority to assess *intrastate* *revenues* and use state TRS funding to fund the *interstate* costs of IP CTS; and (3) the Commission should affirm that because IP CTS calls are severable between *interstate* and *intrastate* calls, the rationale of *Vonage Preemption Order[[5]](#footnote-5)* is inapplicable to IP CTS and states can assess Voice-over-Internet-Protocol (VoIP) service providers for TRS purposes and state TRS programs have the authority to administer IP CTS.

**DISCUSSION**

1. **Waste, Fraud, Abuse And Uniform Standards.**

Several commentators support the Commission’s efforts to focus on the waste, fraud and abuse in IP CTS and also encourage the Commission to continue to examine the factors contributing to the rapidly increasing size and costs for the program.[[6]](#footnote-6) However, the commentators also state that the Commission should prioritize curbing the waste, fraud and abuse of IP CTS before attempting to restructure IP CTS funding and shifting its focus to state administration and the referral of the jurisdictional separations of these calls to the Federal- State Joint Board on Separations under Section 410 of the Act, as amended, 47 U.S.C. § 410. [[7]](#footnote-7)

The Arizona Commission for Deaf and the Hard of Hearing (ACDHH) states that a uniform approach is essential to establishing the stability and clear guidelines necessary for the smooth administration and seamless provision of IP CTS to consumers across the country.[[8]](#footnote-8) As the Kansas Corporation Commission (KCC) notes in its comments, “to pursue state administration of IP CTS programs prior to implementing rules and regulations to control and reduce waste, fraud and abuse of the existing problems at the federal level would only spread the problems over a larger audience.”[[9]](#footnote-9)

The Pa. PUC commends the Commission for taking steps to more effectively and efficiently administer and support IP CTS and prevent waste, fraud and abuse. The Pa. PUC agrees, however, with the other commentators that have noted that it would not be desirable to implement state administration of IP CTS programs while usage for IP CTS calls is still uncontrolled and other issues regarding waste, fraud and abuse have not been fully addressed or resolved by the Commission.[[10]](#footnote-10) Moreover, elimination of waste, fraud and abuse can only be accomplished if the Commission establishes clear, uniform standards at the federal level. Accordingly, the Commission should not implement any of its proposals before it identifies and addresses means to reduce waste, fraud and abuse in the manner IP CTS equipment is currently being distributed and the way user eligibility is currently being determined by some distributors.

**II. Expansion Of The Contribution Base For IP CTS To Include Intrastate Voice Service Revenues.**

In the *FNPRM*, in order to recover the cost of the exponential growth in IP CTS minutes, the Commission proposes a modification to the existing approach for assessing contributions to the interstate telecommunications relay service fund (TRS Fund) for IP CTS calls. Essentially, the Commission proposes to expand the TRS contribution base in order to be able to assess the *intrastate* end-user revenues of telecommunications carriers and VoIP service providers in order to support the provision of *interstate* IP CTS.

In their comments, two separate groups of consumers contend that the Commission should expand the TRS Fund base and use a percentage of annual intrastate revenues to fund the interstate TRS and recover the cost for IP CTS minutes.[[11]](#footnote-11) These consumer groups assert that the Commission has the statutory authority to assess intrastate revenues under Section 225(b)(2) of the Act, as amended, which they assert explicitly grants to the Commission authority over carriers engaged in intrastate communications for purposes of administering and enforcing the provisioning of TRS.[[12]](#footnote-12)

However, other commentators have expressed opposition to the Commission’s proposal to expand the IP CTS contribution base to assess annual intrastate revenues in order to recover the costs of IP CTS calls. The California Public Utilities Commission (CPUC), NARUC and the National Association for State Relay Administration (NASRA) all note that the Commission’s proposed solution to expand the TRS contribution base to include intrastate revenues to recover the exponential growth in the costs of IP CTS calls does nothing to address the legal basis for the Commission’s ability to access “intrastate revenues” so that it can recover the costs of IP CTS calls and continue to compensate eligible IP CTS providers from the interstate TRS Fund.[[13]](#footnote-13)

In its comments, the Pa. PUC did not take issue with the Commission’s authority to promulgate regulations regarding cost allocations between the interstate and intrastate TRS costs.[[14]](#footnote-14) However, the Pa. PUC believes that the Commission’s statutory ability to differentiate between interstate and intrastate TRS costs does not grant the Commission the plenary authority to assess *intrastate revenues* for the purpose of recovering *interstate TRS costs*. Consequently, the Pa. PUC agrees with those commentators who assert that the Commission lacks the requisite statutory authority to assess *intrastate* service revenues in order to fund the *interstate* costs of IP CTS.[[15]](#footnote-15)

The Act, as amended, created a system of “dual jurisdiction” over communications between federal and state authorities. Section 2(a) of the Act grants the Commission the exclusive authority to “regulat[e] all *interstate* and foreign communication by wire and radio[.]”[[16]](#footnote-16) Concomitantly, Section 2(b) of the Act reserves to the states jurisdiction over “charges, classifications, practices, services, facilities, or regulations for or in connection with *intrastate* communication service by wire or radio of any carrier.”[[17]](#footnote-17) Generally, Section 2(b) of the Act has been interpreted as fencing off intrastate matters from the Commission’s reach or regulation. However, the reservation of state regulatory authority over intrastate communications is made “[s]ubject to the provisions of [47 U.S.C.] section 225,”[[18]](#footnote-18) which directs the Commission to “ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States” in order to carry out the purposes established under Section 1 of the Act, 47 U.S.C. § 151.[[19]](#footnote-19) Thus, the states’ exclusive authority over intrastate communications under section 152(b) of the Act is limited by the Commission’s general jurisdiction over telecommunications relay services.[[20]](#footnote-20)

Section 225 of the Act was enacted because prior to its enactment, some states offered relay services, but the services offered differed from state to state, were subject to many limitations, and were generally confined to intrastate calls. Congress sought to ensure that interstate and intrastate telecommunications relay services were widely and efficiently available. Thus, the primary intent of Section 225 is to ensure that individuals with hearing or speech disabilities who need to use telephone services have consistent access to functionally equivalent communications services. Accordingly, Section 225(b)(1) of the Act grants the Commission broad regulatory authority *only over certain aspects of intrastate TRS*.

The Commission generally makes available to consumers new forms of TRS. As directed by Section 225, the Commission’s regulatory authority over intrastate TRS is limited to setting forth terminology and definitions of TRS, prescribing operational, technical, and functional minimum standards required of all TRS providers, thus delineating the appropriate state certification process.[[21]](#footnote-21) Section 225 does not grant the Commission unlimited or plenary authority to assess *intrastate revenues* for *interstate* TRS costs.

Pursuant to Section 225, the Commission promulgated rules that govern compensation to TRS providers for their reasonable costs of providing various forms of TRS, including public switched telecommunications network (PSTN)-based services such as TTY-to-voice, speech-to-speech, and captioned telephone relay service, and Internet-based forms of TRS, such as video relay service, Internet Protocol (IP) relay, and IP CTS.[[22]](#footnote-22) However, the cost recovery regime regarding TRS established by the federal regulations promulgated pursuant to Section 225(d)(3)(B)[[23]](#footnote-23) does not usurp the principle of Section 152(b) of the Act that expressly preserves state jurisdiction over the charges of intrastate telecommunications[[24]](#footnote-24) but rather is consistent with this principle.

The interstate TRS Fund was established to administer only the recovery of costs for interstate TRS.[[25]](#footnote-25) Payments from the interstate TRS fund are only designed to cover the reasonable costs incurred in providing the interstate TRS services as only interstate TRS providers submit reports of their interstate TRS minutes of use to the Administrator in order to receive payments.[[26]](#footnote-26) However, the federal TRS Administrator is not authorized to assess intrastate telecommunications revenues in order to provide compensation from the interstate TRS Fund to eligible TRS providers for the costs of providing interstate PSTN-based TRS calls and all IP Relay, VRS, and IP CTS calls.[[27]](#footnote-27) Moreover, the cost recovery rules explicitly prescribe that intrastate revenues can only be used by the states to compensate eligible TRS providers from state TRS programs for providing PSTN-based TRS services.[[28]](#footnote-28) Rather, the solution required under federal law is to allocate intrastate costs to the states to be funded by the states from their intrastate revenues as they see fit.

Ultimately, the Commission may allocate intrastate costs to the states as opposed to paying them from the interstate revenues as occurs today. However, for the reasons stated in the comments of the Pa. PUC and others, the Commission should do that only after a referral to the Joint Board on Separations, which referral in turn should occur only after the Commission resolves issues of waste, fraud, and abuse.

**III. State Role In The Administration Of IP CTS.**

To the extent that IP-based services traffic may be treated as an information service that is classified as interstate for regulatory purposes, some states may lack authority to assess the revenues of interconnected VoIP providers.[[29]](#footnote-29) Requiring the states to administer IP CTS without the explicit authority to assess the intrastate revenues of VoIP service providers perpetuates and extends onto the states the present problem — pay all IP CTS providers but based only on the limited intrastate revenues of the intrastate telecommunications voice service providers. Thus, states would have to compensate eligible IP CTS providers based on a limited pool of traditional voice service providers contributing to their state TRS funds. This is contrary to the spirit and letter of Section 225 of the Act, which requires all voice service providers, including IP-enabled service providers, to contribute to the provisioning of intrastate TRS services. Accordingly, the Commission should either address the jurisdictional classification of IP‑enabled services, or alternatively extend the rationale in the *Kansas/Nebraska State USF Contribution Declaratory Ruling*[[30]](#footnote-30)to the states’ assessment of interconnected VoIP providers’ revenues for TRS purposes.

The *FNPRM* never fully addresses the jurisdictional issues inherent to giving individual states control over a fundamentally IP-based service. Commentators note that the regulatory classification of VoIP service is important because it impacts how and by whom VoIP service, including IP CTS, may be regulated. Information services fall exclusively under the jurisdiction of the Commission and state regulation is preempted by federal law.[[31]](#footnote-31) The Pa. PUC agrees with the assessment of the Nebraska Public Service Commission that if states are being asked to administer IP CTS calls, then the FCC must be prepared to explicitly repeal its previous position in *Vonage* that IP-based retail services are exclusively under federal jurisdiction. In its comments, NARUC notes that the Commission has already done so as it has already determined that VoIP traffic is severable and, thus, that states have jurisdiction regardless of the classification of the service.[[32]](#footnote-32)

In the *Vonage Preemption Order*,the Commission preempted the application of Minnesota’s traditional telephone regulations to Vonage’s retail VoIP service. The Commission’s determination in *Vonage* rested primarily on the premise that it is impossible to distinguish “between interstate and intrastate interconnected VoIP usage.”[[33]](#footnote-33) However, as noted in the Pa. PUC’s comments, the Commission has imposed some Title II regulation on VoIP services without deciding whether these services are a telecommunications or information services.[[34]](#footnote-34)

Further, the Commission has retreated from its initial exercise of pervasive preemption of state regulation of VoIP service that was premised on the inseverability of traffic. Two years after *Vonage Preemption Order*, the Commission, while still deferring a decision on whether to classify VoIP as a “telecommunications service” or an “information service,” issued an order requiring interconnected VoIP providers to contribute to the federal and state USF mechanisms.[[35]](#footnote-35) Pursuant to its permissive authority pursuant to Section 254(d) and its Title I ancillary jurisdiction, the Commission determined that interconnected VoIP providers must report and subject all of their interstate and international end-user telecommunications revenues to the federal USF contribution assessments.[[36]](#footnote-36) In addressing the implementation issues related to the requirement that interconnected VoIP service providers contribute their interstate revenue assessments to the federal USF, the Commission noted that if an interconnected VoIP service provider has the capability to track the jurisdictional confines of its customer calls and distinguish between the *interstate* and *intrastate* operations for the limited purpose of assessing universal service contributions, it would no longer qualify for the preemptive effects of the *Vonage Preemption Order* and would be subject to appropriate state regulation.[[37]](#footnote-37) This is because the central rationale justifying preemption set forth in *Vonage* would no longer be applicable to such an interconnected VoIP provider.

The Commission then extended the rationale of the *Interim Contribution Methodology Order* further and determined that states are not preempted from imposing state universal service contribution obligations on the future intrastate revenues of interconnected nomadic VoIP service providers.[[38]](#footnote-38) The Commission determined that the establishment of a mechanism for separating interstate and intrastate revenues in the specific context of federal universal service contribution requirements has important implications on whether states were preempted from imposing their own universal service contribution obligations on interconnected VoIP service providers. The Commission determined that because it is possible to separate the interstate and intrastate revenues of interconnected VoIP service providers for purposes of calculating universal service contributions, there was no legal basis to continue to preempt states from imposing their own universal service contribution obligations on providers of interconnected VoIP services. The extension of the rationale set forth in the *Interim Contribution Methodology Order* should also apply to this proceeding.

The Pa. PUC believes the Commission can extend the rationale of the *Interim Contribution Methodology Order* and *Kansas/Nebraska State USF Contribution Declaratory Ruling* further to authorize states to assess providers of VoIP service for TRS purposes. The Commission admits in the *FNPRM* that it is possible to separate the interstate and intrastate costs of IP CTS calls. Hence, states then should be allowed to assess interconnected VoIP service providers for the purposes of calculating TRS contributions to their respective state TRS programs.

If the Commission concedes that all IP CTS calls are severable into intrastate and interstate, which it has done in the *FNPRM* consistent with its prior decisions, then it has already explicitly determined that the “impossibility doctrine” is inapplicable to IP CTS service. Consequently, regardless of the ultimate classification of VoIP as a “telecommunications service” or an “information service,” the Commission should explicitly state that the impossibility exception in the *Vonage Preemption Order* is inapplicable to IP-enabled services, including IP CTS service.

Accordingly, there would be no question that states, with or without express state statutory authority for TRS, are not preempted from assessing the revenues of VoIP service providers for TRS purposes so long as the state contribution requirements are not inconsistent with the federal rules and policies governing the provision of TRS. Because all state TRS programs have to be certified by the Commission, this would ensure that a state’s assessment of the interconnected VoIP service providers is consistent with federal law and the TRS cost recovery rules. This is a concern to the Pa. PUC because Commission action should not undermine Pennsylvania law, in particular, which already permits the Pa. PUC to assess VoIP providers for, *inter alia,* state universal service and TRS purposes.[[39]](#footnote-39)

In conclusion, if the Commission in this proceeding were to adhere to its findings and rationale in the *Interim Contribution Methodology Order* and *Kansas/Nebraska State USF Contribution Declaratory Ruling*, states would be free to adopt legislation or act under existing statutory authority without concern over jurisdictional challenges by VoIP providers contesting state action.

**CONCLUSION**

The Pa. PUC asserts that (1) the Commission should reduce current waste, fraud, and abuse in the IP CTS or TRS programs, including referring the matter to the Federal-State Joint Board on Separations for its expertise in addressing accurate separations of the jurisdictional costs, before attempting to implement its proposals regarding cost allocation and revenue assessment: (2) the Commission’s authority to promulgate regulations regarding cost allocations between the interstate and intrastate TRS costs does not grant the Commission unlimited or plenary authority to assess *intrastate revenues* for *interstate* TRS costs; and (3) the Commission should explicitly address the jurisdictional classification of IP-enabled services.

The Pa. PUC appreciates this opportunity to file reply comments in this proceeding.

Respectfully submitted,

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Dated: October 17, 2018

1. *Misuse of Internet Protocol (IP) Captioned Telephone Service*; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, Docket Nos. CG Docket No. 13-24 and CG Docket No. 03-123, (rel. June 7, 2018) (*FNPRM*). [↑](#footnote-ref-1)
2. 83 *Fed. Reg.* 33899. [↑](#footnote-ref-2)
3. *Misuse of Internet Protocol (IP) Captioned Telephone Service*; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, Docket Nos. CG Docket No. 13-24 and CG Docket No. 03-123, (rel. June 7, 2018) (*FNPRM*). [↑](#footnote-ref-3)
4. 83 *Fed. Reg.* 33899. [↑](#footnote-ref-4)
5. *Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, 19 FCC Rcd 22404 (2004) (*Vonage Preemption Order*), *aff’d*, *Minn. Pub. Utils. Comm’n v. FCC*, 483 F.3d 570 (8th Cir. 2007) (*MPUC*). [↑](#footnote-ref-5)
6. ACDHH Comments at 1; National Association for State Relay Administration (NASRA) Comments at 2; ITTA – The Voice Of America’s Broadband Providers Comments at 2-3. [↑](#footnote-ref-6)
7. NASRA Comments at 3; NARUC Comments at 11, 13-14; Pa. PUC Comments at 11. [↑](#footnote-ref-7)
8. ACDHH Comments at 3. [↑](#footnote-ref-8)
9. KCC Comments at 2. [↑](#footnote-ref-9)
10. ACDHH Comments at 2, 3-4. [↑](#footnote-ref-10)
11. See joint comments of the Hearing Loss Association of America, Telecommunications for the Deaf and Hard of Hearing, Inc., the National Association of the Deaf, the Association of Late-Deafened Adults, the Cerebral Palsy and Deaf Organization, the American Association of the Deaf-Blind, Deaf Seniors of America, the California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc., and the Deaf and Hard of Hearing Consumer Advocacy Network; and the comments of the Deaf/Hard of Hearing Technology Rehabilitation Engineering Research Center and the Rehabilitation Engineering Research Center on Universal Interface & Information Technology Access. [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. CPUC Comments at 5-7; NARUC Comments at 15-17; NASRA Comments at 3. [↑](#footnote-ref-13)
14. Pa. PUC Comments at 9-10. [↑](#footnote-ref-14)
15. *See, e.g.*, NARUC Comments at 15-16. [↑](#footnote-ref-15)
16. 47 U.S.C. § 152(a). [↑](#footnote-ref-16)
17. 47 U.S.C. § 152(b) (emphasis added). [↑](#footnote-ref-17)
18. *Id*. [↑](#footnote-ref-18)
19. 47 U.S.C. § 225(b)(1). [↑](#footnote-ref-19)
20. *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366, 377–83 (1999) (holding that the FCC may prescribe rules governing intrastate communications when implementing provisions added by the Telecommunications Act of 1996); *Sw. Bell Tel. Co. v. Connect Commc’ns Corp.*, 225 F.3d 942, 948 (8th Cir. 2000). [↑](#footnote-ref-20)
21. *See* 47 C.F.R. § 64.604(a)-(c); *see also In the Matter of Telecommunications Services for Individuals with Hearings and Speech Disabilities and the Americans with Disabilities Act of 1990, (Report and Order and Request for Comments), 6 FCC Rcd 4657(First TRS Report and Order).* [↑](#footnote-ref-21)
22. 47 U.S.C. § 225(d)(3). [↑](#footnote-ref-22)
23. 47 U.S.C. § 225(d)(3)(B). [↑](#footnote-ref-23)
24. *See* 47 U.S.C. § 152(b) (“[C]harges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service” fall under state jurisdiction, “[e]xcept as otherwise provided” under certain provisions administered by the FCC). [↑](#footnote-ref-24)
25. *See Telecommunications Relay Service, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Third Report and Order and Further Notice of Proposed Rulemaking, 8 FCC Rcd 5300 n.34 (1993). [↑](#footnote-ref-25)
26. The federal TRS cost recovery rules require all interstate telecommunications services providers and VoIP service providers, including both interconnected services and non-interconnected VoIP services, to contribute to the Interstate Telecommunications Relay Services Fund (TRS Fund). 47 C.F.R. § 64.604(c)(5)(iii)(A). The amount of their contribution to the TRS Fund is the product of the carrier’s gross interstate revenues for the previous year and a contribution factor determined annually by the Commission. 47 C.F.R. § 64.604(c)(5)(iii)(B). The Interstate TRS Fund, in turn, compensates eligible TRS providers for their reasonable costs of providing TRS. 47 C.F.R. § 64.604(c)(5)(iii)(E). Thus, with respect to *interstate* TRS, there are two components to the cost recovery framework set forth in the Commission’s rules: (1) collecting contributions currently from telecommunications carriers and providers of interconnected VoIP services based upon their interstate revenues, which are then put into the TRS Fund; and (2) compensating eligible TRS providers from the TRS Fund for the costs of providing eligible TRS services. [↑](#footnote-ref-26)
27. *See* 47 U.S.C. § 225(d)(3)(B); 47 C.F.R. § 64.604(c)(5). [↑](#footnote-ref-27)
28. 47 C.F.R. 64.604(c)(5)(ii). [↑](#footnote-ref-28)
29. Unlike other states, the Pennsylvania state legislature enacted the Voice-over-Internet-Protocol Freedom Act that has given the Pa. PUC the statutory authority to impose a monthly surcharge on VoIP service providers for TRS purposes. *See* 73 P.S. § 2251.6(1)(ii). [↑](#footnote-ref-29)
30. *In the Matter of Universal Service Contribution Methodology Petition of Nebraska Public Service Commission and Kansas Corporation Commission for Declaratory Ruling or, in the Alternative, Adoption of Rule Declaring that State Universal Service Funds May Assess Nomadic VoIP Intrastate Revenues*, 25 FCC Rcd 15651 (2010) (*Kansas/Nebraska State USF Contribution Declaratory Ruling*). [↑](#footnote-ref-30)
31. *See Minnesota Pub. Utilities Comm’n v. FCC*, 483 F.3d 570, 580 (8th Cir. 2007)*; see also* 47 C.F.R. § 64.702*.* [↑](#footnote-ref-31)
32. NARUC Comments at 16. [↑](#footnote-ref-32)
33. *Vonage*, 19 FCC Rcd at 22423, para. 31. [↑](#footnote-ref-33)
34. *See In Re IP-Enabled Services—E911 Requirements for IP-Enabled Service Providers*, 20 FCC Rcd 10245, 10262 (2005), *aff’d sub nom*. *Nuvio Corp. v. FCC*, 473 F.3d 302 (D.C. Cir. 2007); s*ee Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services, Report and Order and Further Notice of Proposed Rulemaking*, 22 FCC Rcd 6227 (2007); *see Communications Assistance for Law Enforcement Act and Broadband Access and Services*, ET Docket No. 04-295, RM‑10865, First Report and Order and Further Notice of Proposed Rulemaking, [20 FCC Rcd 14989, 14991-92, para. 8 (2005)](https://web2.westlaw.com/find/default.wl?tf=-1&rs=WLW7.02&referencepositiontype=S&serialnum=2007368220&fn=_top&sv=Split&tc=-1&findtype=Y&referenceposition=14991&db=4493&vr=2.0&rp=%2ffind%2fdefault.wl&mt=Westlaw), *aff'd*, *American Council on Education v. FCC*, 451 F.3d 226 (D.C. Cir. 2006) [↑](#footnote-ref-34)
35. *See Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service; 1998 Biennial Regulatory Review Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms; Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990; Administration of the North American Numbering Plan and North American Numbering Plan Cost Recovery Contribution Factor and Fund Size; Number Resource Optimization; Telephone Number Portability; Truth-in-Billing and Billing Format; IP-Enabled Services*, 21 FCC Rcd 7518, 7536, para. 34 (2006)*, aff’d in part and rev’d in part, Vonage Holdings Corp. v. FCC,* 489 F.3d 1232 (D.C. Cir. 2007) (*Interim Contribution Methodology Order).* [↑](#footnote-ref-35)
36. *Id.* [↑](#footnote-ref-36)
37. *Id.*, 21 FCC Rcd at 7456, para. 56, n.189. [↑](#footnote-ref-37)
38. *See Kansas/Nebraska State USF Contribution Declaratory Ruling.* [↑](#footnote-ref-38)
39. 73 Pa. C.S. § 2251.1 *et seq*. [↑](#footnote-ref-39)