



Oregon

John A. Kitzhaber, MD, Governor

Public Utility Commission

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September 26, 2011

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Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A306
Washington, DC 20554

Karen Majcher
Vice President, High Cost & Low Income Division
Universal Service Administrative Company
2000 L Street, NW, Suite 200
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RE: CC Docket No. 96-45
Annual State Certification of Eligible Telecommunications Carriers
Annual Certification of Non-Rural ILEC Basic Rates in Rural Service Areas

Enclosed is Order No. 11-364 of the Public Utility Commission of Oregon (OPUC), entered on September 21, 2011, pursuant to the annual certification requirements of 47 C.F.R. § 54.314 and 47 C.F.R. § 54.316.

Pursuant to the requirements of 47 C.F.R. § 54.314, Exhibit A in Appendix A to OPUC Order No. 11-364 lists the eligible telecommunications carriers (ETCs) certified to receive federal universal service (USF) high cost support in Oregon. These ETCs are rural ILECs and competitive ETCs designated in rural ILEC service areas. A copy of Exhibit A is included immediately following this cover letter for your use.

Pursuant to the requirements of 47 C.F.R. § 54.316, Exhibit B in Appendix A to OPUC Order No. 11-364 displays the basic service rates charged by non-rural incumbent local exchange carriers (ILECs) in their rural Oregon service territories. As all of the rates listed are below the safe harbor rate of \$36.52, they are presumed reasonably comparable to urban rates nationwide. The Order includes the Commission's certification to this effect.

Please address any questions to Kay Marinos of the OPUC Staff at (503) 378-6730.


Bryan Conway
Administrator
Telecommunications Division

Enclosures



Exhibit A

**Eligible Telecommunications Carriers (Oregon Rural ILECs and CETCs)
Certified to Receive Federal Universal Service Fund High Cost Support**

Company	USAC Study Area Code
1 Asotin Telephone Company	532404
2 Beaver Creek Cooperative Telephone Co.	532359
3 Canby Telephone Association	532362
4 Cascade Utilities, Inc.	532371
5 CenturyTel of Oregon, Inc. dba CenturyLink	532361
6 CenturyTel of Eastern Oregon, Inc. dba CenturyLink	532361
7 Citizens Telephone Co. of Oregon, Inc.	533401
8 Clear Creek Mutual Telephone Company	532363
9 Colton Telephone Company	532364
10 Eagle Telephone System, Inc.	532369
11 Gervais Telephone Co.	532373
12 Helix Telephone Company	532376
13 Home Telephone Company	532377
14 Molalla Communications Company	532383
15 Monitor Cooperative Telephone Company	532384
16 Monroe Telephone Company	532385
17 Mt. Angel Telephone Company	532386
18 Nehalem Telecommunications, Inc.	532387
19 North-State Telephone Company	532388
20 Oregon-Idaho Utilities, Inc.	532390
21 Oregon Telephone Corporation	532389, 532226
22 People's Telephone Company	532391
23 Pine Telephone System, Inc.	532392
24 Pioneer Telephone Cooperative	532393
25 Roome Telecommunications, Inc.	532375
26 Scio Mutual Telephone Association	532397
27 Stayton Cooperative Telephone Company	532399
28 United Telephone Co. of the Northwest dba CenturyLink	532400
29 St. Paul Cooperative Telephone Association	532396
30 Trans-Cascades Telephone Company	532378
31 United States Cellular Corporation	539002
32 AT&T Mobility LLC*	539010
33 Eagle Telephone System, Inc. dba Snake River PCS	539007

*New SAC consolidates former AT&T Mobility SAC of 539006 and previous Edge Wireless SAC of 539004.

ORDER NO. 11 364

ENTERED SEP 21 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1526

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

2011 Annual Recertification of Eligible
Telecommunications Carriers.

ORDER

**DISPOSITION: ELIGIBLE TELECOMMUNICATIONS CARRIERS
CERTIFIED TO RECEIVE FEDERAL UNIVERSAL
SERVICE HIGH COST FUND SUPPORT;**

**BASIC SERVICE RATES CHARGED BY NON-RURAL LOCAL
EXCHANGE CARRIERS IN RURAL AREAS CERTIFIED TO BE
COMPARABLE TO A NATIONAL URBAN BENCHMARK; and**

ANNUAL RECERTIFICATION FILINGS ACCEPTED.

Eligible Telecommunication Carriers (ETCs) designated in Oregon filed annual recertification reports for 2011 in this docket. Under Commission Order No. 06-292, recertification reports are due each year on July 15. All carriers met the filing deadline this year.

A full description of the filing and its procedural history is contained in Commission Staff's Report, attached as Appendix A, and incorporated by reference.

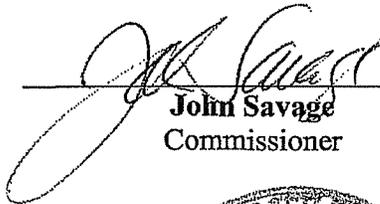
At its Public Meeting on September 20, 2011, the Commission adopted Staff's recommendations.

ORDER

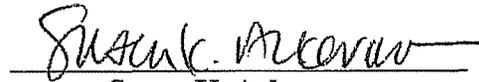
IT IS ORDERED that:

1. The rural incumbent local exchange carriers (ILECs) and the competitive eligible telecommunication carriers (CETCs), listed in Appendix A, page 8, are authorized to receive federal Universal Service Fund (USF) high cost support under 47 C.F.R. § 54.314;
2. The 2011 annual recertification filings of all eligible telecommunications carriers (ETCs) currently designated in Oregon are accepted; and
3. We certify that the basic service rates charged by non-rural ILECs in their rural service areas, as summarized in Appendix A, page 9, are reasonably comparable to urban basic service rates nationwide under 47 C.F.R. § 54.316.

Made, entered, and effective SEP 21 2011



John Savage
Commissioner



Susan K. Ackerman
Commissioner



A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

ITEM NO. CA10

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: September 20, 2011**

REGULAR _____ CONSENT X EFFECTIVE DATE September 20, 2011

DATE: September 12, 2011

TO: Public Utility Commission

FROM: Celeste Han ^{CH} and Mitch Moore ^{MM}

THROUGH: Lee Sparling ^{LS}, Bryan Conway ^{BC} and Kay Marinos ^{KM}

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1526) 2011 Annual Recertification of Eligible
Telecommunications Carriers.

STAFF RECOMMENDATION:

Staff recommends that the Commission:

1. Certify that the rural incumbent local exchange carriers (ILECs) and the competitive eligible telecommunications carriers (CETCs), listed in Exhibit A to this report, are authorized to receive federal Universal Service Fund (USF) high cost support pursuant to 47 C.F.R. § 54.314;
2. Accept the 2011 annual recertification filings of all eligible telecommunications carriers (ETCs); and
3. Certify that the basic service rates charged by non-rural ILECs in their rural service areas, as summarized in Exhibit B to this report, are reasonably comparable to urban basic service rates nationwide pursuant to 47 C.F.R. § 54.316.

DISCUSSION:

A. Certification of Rural ILECs and CETCs

Section 214(e)(2) of the Telecommunications Act of 1996 (Act) authorizes state public utility commissions to designate telecommunications carriers eligible to receive federal USF high cost support. The Commission first exercised this

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authority in December 1997 when it designated Oregon's ILECs as ETCs.¹ Since then, the Commission has designated five wireless carriers operating in various service areas of rural and non-rural ILECs as CETCs authorized to receive federal USF high cost support.² The Commission designated one non-ILEC wireline carrier as a CETC in the service areas of Qwest Corporation (Qwest), and another in the service areas of Qwest and Frontier Communications Northwest Inc. (Frontier NW).³ The Commission designated one wireless carrier as an ETC to receive low-income-only support in various service areas of rural and non-rural ILECs.⁴

One ETC's corporate structure changed significantly since last year's annual recertification. On April 1, 2011, CenturyLink, Inc. acquired the Oregon exchanges of the ILEC Qwest Corporation. The ILEC ETC operating in those exchanges is now known as Qwest Corporation dba CenturyLink QC.⁵

Section 54.314 of the FCC rules requires state public utility commissions to annually certify that rural ILEC ETCs, and CETCs operating in the service areas of rural ILECs, are using their federal USF support in compliance with Section 254(e) of the Act. This section of the Act requires that federal USF high cost support be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The Commission must provide this annual certification to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC) by October 1st of each year in order for the rural ETCs to continue receiving high cost support.

¹ See Order No. 97-481, Docket UM 873.

² See Order No. 04-355 in Docket UM 1083 designating RCC Minnesota, Inc.; Order No. 04-356 in Docket UM 1084 designating US Cellular Corporation; Order No. 05-965 in Docket UM 1177 designating Edge Wireless, LLC; Order No. 07-103 in Docket UM 1306 designating Eagle Telephone System, Inc., dba Snake River PCS; and Order No. 07-111 in Docket UM 1253 designating AT&T Mobility LLC fka Cingular Wireless, LLC. RCC Minnesota relinquished its ETC status in 2009, after being acquired by Verizon Wireless. See Order No. 09-153 in Docket UM 1083.

³ See Order No. 03-749 in Docket UM 1107 designating Stan Efferding, dba VCI Company. See Order No. 05-856 in Docket UM 1202, Order No. 06-681 in Docket UM 1255, Order No. 07-210 in Docket 1307, and Order No. 08-101 in Docket UM 1316 designating Comspan Communications, Inc. fka Wantel Inc. In 2007, VCI relinquished its ETC status. See Order No. 07-027 in Docket UM 1107.

⁴ See Order No. 10-070 in Docket UM 1456 designating LCW Wireless, LLC dba Cricket Wireless. LCW Wireless became a wholly-owned subsidiary of Cricket Communications, Inc., on August 25, 2010. Its name is now Cricket Communications, Inc.

⁵ See Order No. 11-095 in Docket UM 1484.

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From 2001 through 2005, this annual certification (also referred to as "recertification") was achieved by requiring the corporate officers of rural ILECs and CETCs to provide a sworn affidavit attesting to their use of federal USF high cost funds.⁶ While the requirement to provide such affidavits continues, additional requirements for recertification were adopted by the Commission in Docket UM 1217, Order No. 06-292, entered on June 13, 2006.

To meet the annual recertification requirements, each ETC must formally file specific information designed to demonstrate that the ETC: offers the supported services; will provide, and advertise, the supported services throughout its designated service area; offers and advertises low-income services (Lifeline, Link Up, and OTAP); is able to remain functional in emergencies; is committed to service quality and consumer protection; and uses support funds for their intended purposes. The required reports are generally comparable for all ETCs, with one significant exception. CETCs that receive high cost universal service support must submit a network improvement plan explaining how they used support funds in the previous year and how they will use support funds in the coming two years. For reasons explained in the Order, ILEC ETCs are not required to submit such plans.

Carriers filed annual recertification reports for this year under Docket UM 1526. Per Order No. 06-292, recertification reports are due each year on July 15. All ETCs met the filing deadline this year. Staff reviewed each carrier's report for completeness, and contacted any companies that submitted incomplete or apparently erroneous reports. All such reports were re-filed to correct errors and achieve completeness.

Staff also reviewed the confidential network improvement plans of each CETC to verify that: 1) support funds received in 2010 were spent as planned, and 2) projects planned for 2011 and 2012 represent appropriate use of support funds. Staff held discussions with each CETC regarding the details of their network improvement plans. In some cases, Staff requested modifications to the plans to better meet the objectives of the program, and the CETCs agreed to the changes. The plans now on file reflect the goals of the universal service program and will result in significant benefits to rural wireless consumers.

Based on the information contained in the filed reports, including signed affidavits attesting to the use of support funds for the intended purposes, and because the continued receipt of federal USF high cost support is vital to maintaining

⁶ See PUC Orders 01-819, 02-605, 03-551, 04-532, and 05-1049 in Docket UM 873.

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reasonable basic service rates in the service areas of rural ILECs,⁷ Staff recommends that the Commission certify that the rural ILEC ETCs, and the CETCs designated in rural ILEC areas, listed in Exhibit A to this memo, are authorized to receive federal USF high cost support pursuant to 47 C.F.R. § 54.314.

B. Review of 2011 Annual Recertification Reports

In Section A. of this memo, Staff discussed the annual recertification reports of the rural ILEC ETCs and CETCs designated in rural ILEC service areas. These are the carriers the Commission must certify annually to the FCC. Order No. 06-292 also requires another group of ETCs -- the non-rural carriers -- to submit annual ETC reports. In Oregon, there are two non-rural ILEC ETCs -- Qwest and Frontier NW. There is also one CETC, Comspan Communications, Inc. (Comspan), designated only in non-rural ILEC service areas. The Commission is not required to recertify Qwest, Frontier NW, and Comspan to the FCC each year because they do not receive rural high cost support. These three carriers receive only Interstate Access Support (IAS) and low-income support, for which they recertify directly to the FCC and USAC each year. Staff has verified that each carrier has already submitted affidavits to meet this year's FCC recertification requirements for these types of support.

Although these ETCs certify directly to the FCC each year without Commission action, Order No. 06-292 requires these ETCs to submit annual reports to the Commission in order to provide evidence that they are fulfilling their universal service obligations. If the Commission finds that any ETC is not fulfilling all its universal service obligations, the Commission may revoke that ETC's certification, thereby prohibiting it from receiving any kind of federal universal service support. Based on review of the information that Qwest, Frontier NW, and Comspan have submitted in their annual reports, Staff sees no reason for the Commission to consider revocation of any of these carriers' ETC status at this time.

One wireless ETC, Cricket Communications (Cricket), is designated to receive only low-income (Lifeline) USF funds. The Commission is not required to recertify the company to the FCC and USAC each year because Cricket does not receive any high cost support. However, Cricket is required to submit an annual report to the Commission in order to provide evidence that it is fulfilling its universal service obligations. Cricket filed the required report on time.

⁷ Oregon's rural ILECs will receive approximately \$49 million from federal USF high cost support programs in 2011. Federal USF high cost support programs are: high cost loop support; local switching support; interstate access support; and interstate common line support.

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C. Certification of Non-Rural ILEC Rates in Rural Service Areas

In October 2003, the FCC issued Order No. 03-249, which added Section 54.316 to the FCC rules.⁸ This section requires state public utility commissions to certify that the basic service rates charged by non-rural ILECs in their rural service areas are reasonably comparable to urban rates nationwide. This determination is made by comparing the basic service rates charged by non-rural ILECs in their rural service areas to a national average benchmark for urban basic service rates as calculated by the FCC. For purposes of this comparison, the FCC has specified a "safe harbor" mechanism which allows non-rural basic service rates to be presumed reasonable if they are less than two standard deviations above the national average urban benchmark. For example, the FCC's most recently calculated national average rate for basic service in urban areas is \$25.62.⁹ The rate two standard deviations above this benchmark is \$36.52. States with non-rural ILEC rates below \$36.52 in their rural service areas are presumed to have basic service rates reasonably comparable to those charged in urban areas. States with non-rural ILEC rates that equal or exceed \$36.52 in rural areas must explain to the FCC why such rural and urban rate differentials are reasonable.

Failure to provide this annual certification to the FCC and USAC by October 1st of each year will prevent non-rural ETCs in Oregon from receiving federal forward-looking high cost fund support, also called High Cost Model support. Qwest and Frontier NW are the only two non-rural ILECs in the state of Oregon. However, as is the case with non-rural ILECs in 40 of the 50 states, neither company receives federal High Cost Model support funds in Oregon despite the fact that they both provide service in high cost rural areas. The lack of federal support for these carriers emphasizes the importance of the Oregon Universal Service Fund (OUSF), which was designed to achieve the comparability between rural and urban rates mandated by Section 254(b) of the Act.¹⁰ Because no federal High Cost Model support is available to Qwest and Frontier NW, the

⁸ See *In the Matter of Federal-State Joint Board on Universal Service*, Order on Remand, FNPRM, and MO&O, CC Docket 96-45 (released Oct. 27, 2003).

⁹ The rates for this year's certification are taken from Table 1.13 of the 2008 edition of the FCC publication entitled, *Reference Book of Rates, Price Indices, and Household Expenditures for Telephone Service*. The FCC ceased compiling the information and publishing this report as of 2008.

¹⁰ The FCC's regulations concerning whether an ILEC is considered to be "rural" or "non-rural" are somewhat arcane. Basically, an ILEC is considered to be a rural company if it serves less than 100,000 access lines in a single study area. By default, Qwest and Frontier NW are the only non-rural ILECs in Oregon.

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OUSF currently distributes approximately \$2.5 million per month to subsidize the basic service rates of these carriers in their high cost rural service territories.

Although neither Qwest nor Frontier NW receive federal High Cost Model support in Oregon, submitting the required demonstration will help the FCC to insure that federal and state universal service funding mechanisms are sufficient to meet the objectives of Section 254(b) of the Act, which provides that consumers in rural, insular and high cost areas should have access to telecommunications services at rates that are "reasonably comparable" to rates charged for similar services in urban areas.

Exhibit B to this report summarizes the basic service rates charged by Qwest and Frontier NW in each rural Oregon county where they provide service.¹¹

Consistent with the methodology used by the FCC to calculate the national urban benchmark, the basic service rates calculated for this analysis include charges for the following: flat rate service, extended area service, federal Subscriber Line Charge, Oregon Residential Service Protection Fund surcharge, E911 surcharge, city and county franchise fees, miscellaneous taxes, Oregon PUC fee assessment, Oregon Universal Service Fund surcharge, federal excise tax, and federal Universal Service Fund surcharge. Pursuant to section 54.316(d) of the FCC rules, the basic service rates are those for July 1, 2011.

As illustrated in Exhibit B, Qwest's basic service rates in rural Oregon counties range from \$23.66 to \$26.80 per month. Frontier NW's basic service rates in rural Oregon counties range from \$21.98 to \$28.41. All of these basic service rates are significantly below the safe harbor threshold of \$36.52 set by the FCC, and many are below the national average urban benchmark of \$25.62. Therefore, pursuant to Section 54.316 of the FCC rules, they are presumed reasonably comparable to urban basic service rates nationwide and the Commission is not required to provide any additional explanations or analysis to the FCC or USAC.

¹¹ The FCC requires state commissions to follow guidelines issued by the federal Office of Management and Budget (OMB) which publishes, and routinely updates, a list of metropolitan statistical areas in the United States. Pursuant to the OMB's methodology, any county which does not include a metropolitan statistical area is considered to be rural. Under this definition, only 10 of Oregon's 36 counties are considered to be non-rural.

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PROPOSED COMMISSION MOTION:

An order be issued in Docket UM 1526:

1. Certifying that the rural ILECs and CETCs listed in Exhibit A are authorized to receive federal universal service high cost support pursuant to 47 C.F.R. § 54.314;
2. Accepting the 2011 annual recertification filings of all ETCs currently designated in Oregon; and
3. Certifying that the basic service rates charged by Oregon's non-rural ILECs in their rural service areas are reasonably comparable to urban basic service rates nationwide pursuant to 47 C.F.R. § 54.316.

UM 1526 Annual ETC Recert

Exhibit A

**Eligible Telecommunications Carriers (Oregon Rural ILECs and CETCs)
Certified to Receive Federal Universal Service Fund High Cost Support**

Company	USAC Study Area Code
1 Asotin Telephone Company	532404
2 Beaver Creek Cooperative Telephone Co.	532359
3 Canby Telephone Association	532362
4 Cascade Utilities, Inc.	532371
5 CenturyTel of Oregon, Inc. dba CenturyLink	532361
6 CenturyTel of Eastern Oregon, Inc. dba CenturyLink	532361
7 Citizens Telephone Co. of Oregon, Inc.	533401
8 Clear Creek Mutual Telephone Company	532363
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17 Mt. Angel Telephone Company	532386
18 Nehalem Telecommunications, Inc.	532387
19 North-State Telephone Company	532388
20 Oregon-Idaho Utilities, Inc.	532390
21 Oregon Telephone Corporation	532389, 532226
22 People's Telephone Company	532391
23 Pine Telephone System, Inc.	532392
24 Pioneer Telephone Cooperative	532393
25 Roome Telecommunications, Inc.	532375
26 Scio Mutual Telephone Association	532397
27 Stayton Cooperative Telephone Company	532399
28 United Telephone Co. of the Northwest dba CenturyLink	532400
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30 Trans-Cascades Telephone Company	532378
31 United States Cellular Corporation	539002
32 AT&T Mobility LLC*	539010
33 Eagle Telephone System, Inc. dba Snake River PCS	539007

*New SAC consolidates former AT&T Mobility SAC of 539006 and previous Edge Wireless SAC of 539004.

Exhibit B

**Summary of Non-Rural ILEC Basic Service Rates in Rural Oregon Counties
As of July 1, 2011**

Qwest dba CenturyLink QC Exchange	Rural County	Monthly Rate	Frontier Northwest Exchange	Rural County	Monthly Rate
Baker City	Baker	\$ 24.04	Bandon	Coos	\$ 27.87
Sumpter	Baker	\$ 23.66	Coos Bay-N. Bend	Coos	\$ 24.62
Astoria	Clatsop	\$ 24.04	Coquille	Coos	\$ 28.41
Cannon Beach	Clatsop	\$ 24.74	Lakeside	Coos	\$ 27.87
Seaside	Clatsop	\$ 24.04	Myrtle Point	Coos	\$ 28.05
Warrenton	Clatsop	\$ 24.04	Powers	Coos	\$ 28.05
Westport	Clatsop	\$ 25.81	Brookings	Curry	\$ 21.98
Prineville	Crook	\$ 26.14	Gold Beach	Curry	\$ 22.36
Oakland-Sutherlin	Douglas	\$ 25.15	Langlois	Curry	\$ 23.25
Roseburg	Douglas	\$ 25.15	Port Orford	Curry	\$ 23.25
Camp Sherman	Jefferson	\$ 26.80	Reedsport	Douglas	\$ 23.67
Culver	Jefferson	\$ 26.14	Murphy-Provolt	Josephine	\$ 27.97
Madras	Jefferson	\$ 26.14	Mill City	Linn	\$ 27.97
Grants Pass	Josephine	\$ 25.04	Cove	Union	\$ 24.77
Klamath Falls	Klamath	\$ 24.04	Elgin	Union	\$ 24.32
Newport	Lincoln	\$ 23.81	Imbler	Union	\$ 24.32
Siletz	Lincoln	\$ 26.36	La Grande	Union	\$ 23.72
Toledo	Lincoln	\$ 25.01	Union	Union	\$ 24.77
Albany	Linn	\$ 25.18	Enterprise	Wallowa	\$ 23.67
Harrisburg	Linn	\$ 26.14	Joseph	Wallowa	\$ 23.67
Nyssa	Malheur	\$ 24.42	Lostine	Wallowa	\$ 23.39
Ontario	Malheur	\$ 23.31	Wallowa	Wallowa	\$ 23.25
Oregon Slope	Malheur	\$ 25.08			
Vale	Malheur	\$ 26.07			
Athena-Weston	Umatilla	\$ 26.25			
Hermiston	Umatilla	\$ 23.78			
Milton Freewater	Umatilla	\$ 25.15			
Pendleton	Umatilla	\$ 24.04			
Stanfield	Umatilla	\$ 25.15			
Umatilla	Umatilla	\$ 25.15			
Walla Walla	Umatilla	\$ 24.74			

Benchmarks from FCC 2008 Reference Book, Table 1.13 (most recent published):

National average rate in urban areas: \$25.62

"Safe Harbor" rate: \$36.52