

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

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Establishing Just and Reasonable Rates for Local Exchange Carriers	)	WC Docket No. 07-135
	)	
High-Cost Universal Service Support	)	WC Docket No. 05-337
	)	
Developing an Unified Intercarrier Compensation Regime	)	CC Docket No. 01-92
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link-Up	)	WC Docket No. 03-109
	)	
Universal Service Fund Reform Mobility Fund	)	WT Docket No. 10-208
	)	

**PAPERWORK REDUCTION ACT COMMENTS OF  
TEXAS STATEWIDE TELEPHONE COOPERATIVE, INC.**

**I. INTRODUCTION**

Texas Statewide Telephone Cooperative, Inc. (“TSTCI”) is an organization representing 35 small, rural incumbent local exchange companies (ILECs) and cooperatives in Texas, all operating under rate-of-return regulation. (See Attachment 1.) TSTCI provides these comments in response to the Commission’s proposed collection of information through a new FCC Form 481 – Carrier Annual Reporting.

The Commission is requesting the Office of Management and Budget’s (“OMB”) approval under the Paperwork Reduction Act (“PRA”) of a proposed annual data collection form, FCC Form 481, to be completed by eligible telecommunications carriers (“ETCs”) in the implementation of 47 C.F.R. sections 54.313 and 54.422. One stated purpose of the PRA is “minimizing the burden of federal paperwork on individuals, small businesses, state and local governments, and others.” TSTCI has concerns that the FCC Form 481 does not minimize the

burden for many ETCs, but in fact may have the opposite effect on small ETCs, particularly if the document is approved in its present form.

## **II. THE PRA BURDEN ON SMALL ENTITIES MUST BE RECONSIDERED**

According to the FCC Form 481, the Commission's estimated average time to compile and prepare the report is 20 hours. The PRA Notice<sup>1</sup> estimates the time per response between 0.5 hour to 100 hours with the total annual cost "not applicable." Such a wide disparity in the time per response (0.5 to 100 hours) immediately raises questions regarding the estimates. Form 481 is 21 pages in length (not including the many attachments the ETC filers must provide to complete the form), with 34 pages of instructions. Reading and trying to understand the instructions would by itself likely take more than .5 hour. TSTCI believes that the estimates given, even at 100 hours, significantly understate the time it will take for a small company to compile the substantial data on numerous topics, analyze and present it in specific formats as required (some of which is quite detailed such as price offerings for voice and broadband), complete the Form 481, review, certify compliance with various rules and standards, and submit the filings to the Commission, USAC, and state and Tribal entities.

The cost of compiling, preparing and submitting this report can also be significant, although the Commission indicated in the PRA Notice there is no cost, or at least the cost is not applicable. TSTCI is not sure why there is no cost associated with completion of the report, when clearly the time and resources necessary to produce the report will be quite burdensome to small companies. In many cases, small companies with limited resources will need to employ third party consultants to help produce information (e.g., five-year plans), and prepare and submit the report. (The need for consultants will especially increase if there is "last minute" approval of the Form 481 for the July 1, 2013 report.) Regardless of whether or not consultants are used, employees will still need to be trained on processes necessary to collect data, verify its accuracy, and provide it in a format appropriate for completing the Form 481.

The Commission's PRA analysis is crucial to the PRA mandate to minimize the burden of federal paperwork, particularly on small entities. TSTCI believes the burden estimates provided by the Commission are not realistic and must be reconsidered. The OMB should not approve the Form 481 based on the estimates provided.

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<sup>1</sup> Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested, 78 Fed. Reg. 12750 (Feb. 25, 2013) (PRA Notice)

### **III. FCC FORM 481 SHOULD NOT BE REQUIRED FOR THE JULY 1, 2013 REPORT**

The July 1, 2013 deadline for section 54.313 reports is fast approaching. The proposed data collection form presumes all of the rules relating to the data being collected have received any required OMB approvals and the rules are effective. As of today, this is not the case. OMB approval has still not been obtained for sections 54.313(a)(7) through (a)(10). TSTCI believes it is premature to approve a form with a requirement that it be used for a July 1, 2013 deadline when the effective date(s) for various sections of the rule is not known. Not only is it premature; such an approval will be confusing to filers.

Several parties have requested that the Commission clarify which reporting obligations are effective for the upcoming July 1, 2013 deadline and that a reasonable time be given to accommodate any new reports<sup>2</sup>. TSTCI agrees that such clarification is necessary. However, given the looming deadline and concerns with the proposed form as discussed below, TSTCI does not believe there will be sufficient time to accommodate use of the FCC Form 481 for the reporting obligations on July 1, 2013, if OMB approval is eventually given.

### **IV. CORRECTIONS TO CERTAIN PARTS OF THE FORM 481 ARE REQUIRED**

TSTCI believes there are several corrections that need to be made to the proposed Form 481.

#### Line 112 – Annual Progress Report

On Page 13 of the instructions, footnote 33 cites 47 C.F.R. §54.202(a)(1)(ii) as follows:

*47 C.F.R. § 54.202(a)(1)(ii) Submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center by wire center basis throughout its proposed designated service area. Each applicant shall demonstrate how signal quality, coverage or capacity will improve due to the receipt of high-cost support, the projected start date and completion date for each improvement and the estimated amount of investment for each project that is funded by high-cost support, the specific geographic areas where the improvements will be made; and the estimated population that will be served as a result of the improvements. If an applicant believes that service improvements in a particular wire center are not needed, it must explain its basis*

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<sup>2</sup> NTCA Ex Parte Notice, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, February 25, 2013; Verizon Ex Parte Notice, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, February 5, 2013.

*for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area.*

This language is inconsistent with 47 C.F.R. §54.202(a)(1)(ii) which is currently in effect as noted below.

*47 C.F.R. § 54.202(a)(1)(ii) Submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area. Each applicant shall estimate the area and population that will be served as a result of the improvements. Except, a common carrier seeking designation as an eligible telecommunications carrier in order to provide supported services only under subpart E of this part does not need to submit such a five-year plan.*

The footnote must be corrected to accurately portray the rule.

### Service Outage Reporting

Page 15 of the Form 481 instructions provides the following:

Purpose: The carrier must report any service outage, in this study area, which occurred in the prior calendar year. It is deemed a reportable incident (as per 47 C.F.R. §4.5) if it has a duration of at least 30 minutes ***or*** impacts at least ten percent of the end users served in the service area or 911 facility. (Emphasis added.)

The requirement that an ETC report a service outage that lasts at least 30 minutes *or* impacts at least ten percent of the end users or a 911 special facility is inconsistent with 47 C.F.R. §4.5 and 47 C.F.R. §54.313(a)(2)(i) which both require that an outage last at least 30 minutes *and* have other defined impacts before it is reportable. TSTCI requests that a correction be made to the instructions to comply with the Commission's rules.

### Complaint Reporting Requirement

Pages 9 and 10 of the Form 481 instructions relating to the reporting of customer complaints refer to Lines 070, 072, 074, and 075. For example, Line 400 – Number of Complaints per 1,000 Customers (Voice Telephony Service) instructions state, “This line should be the sum of lines 071 and 072.” TSTCI could not locate lines identified as 070, 072, 074, or 075 anywhere on the Form 481. TSTCI requests that the instructions be reviewed and revised as appropriate.

## Line 1200 – Terms and Conditions for Lifeline Customers

Pursuant to Section 54.422 (a)(2) an ETC receiving low-income support must provide:

*Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan. To the extent the eligible telecommunications carrier offers plans to Lifeline subscribers that are generally available to the public, it may provide summary information regarding such plans, such as a link to a public Web site outlining the terms and conditions of such plans.*

TSTCI believes an ETC offering plans to Lifeline subscribers that are generally available to the public may provide a link to a Web site in lieu of providing a document that describes all of the above information. However, this is not clear in the instructions. The instructions, page 27, Line 1210, state:

*Please attach a document which details the terms and conditions of any voice telephone service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan. To the extent the ETC offers plans to Lifeline subscribers that are generally available to the public, please attach a document that describes such offerings. Summary information regarding such plans may be provided.*

Additionally, the instructions include Line 1220- Link to Website on page 27 that states, “Please attach any link to a public website outlining the terms and conditions to the carrier’s Lifeline plans.”

This implies that the ETC may provide a Website link in addition to a required summary document.

TSTCI requests that the Form 481 clarify that a link to a Website that outlines the terms and conditions for the plans generally available to the public is considered summary information and a separate written document attached to the Form 481 is not required.

## **V. FILING OF CONFIDENTIAL INFORMATION SHOULD BE CLARIFIED**

Section 54.313(i) requires that all reports must be filed with the Commission, the Administrator (USAC), and the relevant state commissions, relevant authority in a U.S. Territory, or Tribal governments, as appropriate. The Commission has stated that USAC must

keep all data obtained from the Form 481 data collection confidential<sup>3</sup> and TSTCI agrees with and supports this requirement. However, TSTCI is concerned that the proposed Form 481 provides no way to indicate that certain data is being filed with the Commission as confidential information. Some information contained in the Form 481, such as the 5-year service improvement plan, is commercially sensitive and many companies may choose to file this information as confidential to prevent competitors from gaining a significant advantage in the marketplace. Financial information required of privately-held rate of return carriers in section 54.313(f) (2) is also extremely competitively sensitive information. In fact, the Commission released a Protective Order November 16, 2012 to provide limited access to certain information filed pursuant to section 54.313(f)(2) and there are specific directions in the Protective Order regarding the submission of the confidential financial information to the Secretary's office. However, the draft Form 481 provides checklists for the ETC to mark confirming that pdf files of the required information are attached to the data collection form, but there is no way to indicate the information is being filed as confidential information. Considering there is nothing on the proposed form or in the instructions that acknowledges some information may be filed as confidential, TSTCI strongly recommends a revision to the form to indicate when confidential information is part of the report.

## **VI. CONCLUSION**

TSTCI believes the burden imposed on small companies associated with compiling and preparing the Form 481 has been grossly understated and strongly urges the Commission to reconsider their estimates of the hours and costs.

If the OMB should approve use of the Form 481 prior to the July 1, 2013 deadline for the report, TSTCI urges the Commission to delay the requirement to use this data collection form for the 2013 filing. TSTCI also urges the Commission to make the corrections and clarifications to the Form 481 as noted above.

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<sup>3</sup> Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested, 78 Fed. Reg. 12750 (Feb. 25, 2013) (PRA Notice) (noting that "USAC must preserve the confidentiality of all data obtained from respondents and contributors to the universal service program mechanism; must not use the data except for purposes of administering the universal service support program; and must not disclose data in company-specific form unless directed to do so by the Commission").

Respectfully submitted,

*Cammie Hughes*

Texas Statewide Telephone Cooperative, Inc.

By: Cammie Hughes

Authorized Representative

April 26, 2013

**TEXAS STATEWIDE TELEPHONE COOPERATIVE, INC.**

Alenco Communications, Inc.  
Brazoria Telephone Company  
Brazos Telecommunications, Inc.  
Brazos Telephone Cooperative, Inc.  
Cameron Telephone Company  
Cap Rock Telephone Cooperative, Inc.  
Central Texas Telephone Cooperative, Inc.  
Coleman County Telephone Cooperative, Inc.  
Colorado Valley Telephone Cooperative, Inc.  
Community Telephone Company, Inc.  
Cumby Telephone Cooperative, Inc.  
E.N.M.R. Telephone Cooperative, Inc.  
Electra Telephone Company  
Etex Telephone Cooperative, Inc.  
Five Area Telephone Cooperative, Inc.  
Ganado Telephone Company, Inc.  
Hill Country Telephone Cooperative, Inc.  
Industry Telephone Company, Inc.  
La Ward Telephone Exchange, Inc.  
Lake Livingston Telephone Company  
Lipan Telephone Company, Inc.  
Livingston Telephone Company  
Mid-Plains Rural Telephone Cooperative, Inc.  
Nortex Communications, Inc.  
Panhandle Telephone Cooperative, Inc.  
Peoples Telephone Cooperative, Inc.  
Poka Lambro Telephone Cooperative, Inc.  
Riviera Telephone Company, Inc.  
South Plains Telephone Cooperative, Inc.  
Tatum Telephone Company  
Taylor Telephone Cooperative, Inc.  
Wes-Tex Telephone Cooperative, Inc.  
West Plains Telecommunications, Inc.  
West Texas Rural Telephone Cooperative, Inc.  
XIT Rural Telephone Cooperative, Inc.