

R746. Public Service Commission, Administration.

R746-360. Universal Public Telecommunications Service Support Fund.

R746-360-6. Eligibility for Fund Distributions.

A. Qualification --

1. To qualify to receive USF support funds, a telecommunications corporation shall be designated an "eligible telecommunications carrier," pursuant to 47 U.S.C. Section 214(e), and shall be in compliance with Commission orders and rules. Each telecommunications corporation receiving support shall use that support only to provide basic telecommunications service and any other services or purposes approved by the Commission.

2. Additional qualification criteria for Incumbent telephone corporations - In addition to the qualification criteria of R746-360-6A.1.,

a. Non-rate-of-return Incumbent telephone corporations, except Incumbent telephone corporations subject to pricing flexibility pursuant to 54-8b-2.3 shall make Commission approved, aggregate rate reductions for public telecommunications services, provided in the State of Utah, equal to each incremental increase in USF distribution amounts received after December 1, 1999.

b. Rate-of-return Incumbent telephone corporations shall complete a Commission review of their revenue requirement and public telecommunications services' rate structure prior to any change in their USF distribution which differs from a prior USF distribution, beginning with the USF distribution for December, 1999.

B. Affordable Base Rate [~~Ceiling~~]~~Floor~~ [~~---~~]

~~1. Unless a petition brought pursuant to Subsection (B)(2) is granted, the Affordable Base Rate in Utah shall be the local urban rate floor plus state regulated fees as set forth in 47 C.F.R. §54.318, to be eligible for USF subsidization. In determining the amount of state USF support that a telecommunications corporation is entitled to, the Commission shall impute the difference between the rates charged per line by the telecommunications corporation for residential and business service and the Affordable Base Rate. [may not charge retail rates in excess of the Commission determined] shall charge, at a minimum, the following Affordable Base Rates for basic telecommunications service:~~

~~a. As of July 1, 2016:~~

~~i. \$18 per residential line; and~~

~~ii. \$27.50 per business line.~~

~~b. As of July 1, 2017:~~

~~i. \$20 per residential line; and~~

~~ii. \$29.50 per business line.~~

~~2.a. A telecommunications corporation may petition the Commission to deviate from the Affordable Base Rates set forth in this Subsection (B)(1).~~

~~b. A telecommunications corporation that files a petition under this Subsection (B)(2)(a) has the burden to demonstrate that the Affordable Base Rate is not reasonable in the particular geographic area served. [or vary from the terms and conditions determined by the Commission for other telecommunications services for which it receives Universal Service Fund support.]~~

C. Lifeline Requirement -- A telecommunications corporation may qualify to receive distributions from the fund only if it offers Lifeline service on terms and conditions prescribed by the Commission.

D. Exclusion of Resale Providers -- Only facilities-based providers, will be eligible to receive support from the fund. Where service is provided through one telecommunications corporation's resale of another telecommunications corporation's service, support may be received by the latter only.

KEY: public utilities, telecommunications, universal service fund, affordable base rate

Date of Enactment or Last Substantive Amendment: ~~[July 8, 2015]~~2016

Notice of Continuation: November 13, 2013

Authorizing, and Implemented or Interpreted Law: 54-3-1; 54-4-1; ~~[54-7-25; 54-7-26; 54-8b-12; 54-8b-15]~~54-8b-15(8)

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