BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Utah Administrative Code R746-360 Universal Public Telecommunications Service Support Fund	Docket No. 17-R360-01 **COMMENTS OF CTIA**

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CTIA - The Wireless Association® ("CTIA") files these comments in response to the Notice of Rulemaking and Response to Comments[1] in the above-captioned Docket, issued by the Public Service Commission of Utah ("Commission" or "PSC") on May 16, 2017.

I. INTRODUCTION AND SUMMARY

As discussed in more detail below, the Commission's proposed decision ("Proposed Rule") to adopt a per-connection assessment for the Utah Universal Public Telecommunications Service Support Fund ("UUSF") is unnecessary and would create a myriad of legal and logistical problems. The Commission should reject the proposed decision, and retain a revenue-based charge, consistent with Senate Bill 130 ("S.B. 130"), the federal Universal Service Fund ("USF") mechanism, and every other state that maintains a USF.

First, the proposed change to a per-connection assessment is unnecessary and would engender a host of ambiguities and inequities. As drafted, the rule is unclear as to whether and how prepaid wireless services – a significant segment of the wireless market – would contribute to the UUSF. If the ambiguities in the rule cause prepaid wireless services to be unassessed and

[1] *In the Matter of the Utah Administrative Code R746-360 Universal Public Telecommunications Service Support Fund*, Docket No. 17-R360-01, Notice of Rulemaking and Response to Comments (issued May 16, 2017) ("Notice").

exempted, the surcharge may collect insufficient revenue. The Commission has not shared its methodology for calculating the proposed surcharge, but if it includes revenue from all prepaid customers – many of which cannot be surcharged because they do not have a direct retail relationship with the carrier, nor can surcharges be collected at the point of sale – under-collection from the prepaid segment is certain to occur under the proposed methodology. This is further problematic because it could advantage prepaid wireless service providers over postpaid providers, and Utah's governing statute requires that telecommunications regulations be non-discriminatory and competitively neutral.[2]

Many of Utah's low or fixed income telecommunications consumers could also be harmed by the Proposed Rule. The requirement to pass through the UUSF surcharge would interfere with the marketing and sale of wireless carriers' all-in, single-rate service plans that are popular among these consumers. Most importantly, the proposed rule, with its flat per-access line fees, would be unjust and regressive to Utah's consumers, imposing far higher relative costs on low-volume users.

The proposal also would not limit the jurisdictional scope of the assessment consistent with the Mobile Telecommunications Sourcing Act,[3] and therefore would violate S.B. 130.[4] Further, the definition of access lines could facially be read to include broadband lines, in contravention of state and federal law.

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[2] *See* Utah Code § 54-8b-15(9)(a)-(b); *see, e.g.*, Rural Cellular Association v. FCC, 588 F.3d 1095, 1104 (D.C. Cir. 2009) (Competitive neutrality requires that "universal service support mechanisms and rules neither unfairly advantage nor disadvantage one provider over another, and neither unfairly favor nor disfavor one technology over another") (quoting Report and Order, *Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, ¶ 47 (1997)).

[3] *See* 4 U.S.C. §§ 106-252 (2017).

[4] S.B. 130, Utah Reg. Session 2017 (Utah 2017) ("S.B. 130"), new § 54-8b-10(11) (effective July 1, 2017) requires the Commission to assess universal service "only to the extent permitted by the MTSA."

These issues with the Proposed Rule are exacerbated by the fact that the assessment change is unnecessary. S.B. 130 specifically empowers the Commission to retain its current revenue-based assessment. The existing contribution mechanism—in addition to presenting none of the issues discussed above—remains legally sound and demonstrably successful. Implementation of the proposed changes would impose unnecessary burdens on contributing providers, in addition to Utah's consumers. Meanwhile, the UUSF is currently running a surplus. These facts demonstrate there is no need to change the revenue-based assessment mechanism.

Finally, if the Commission ultimately decides to implement a per-connection assessment—which it should not—it must adopt a more reasonable timeline for carriers to comply with its onerous obligations. S.B. 130 does not require that this rulemaking be concluded until January 1, 2018, and imposes no deadline for the implementation of the new rules. Carriers will need significant time to implement necessary modifications to their billing systems. Accordingly, any per-connection charge should not begin until the beginning of a fiscal year or quarter that is at least 120 days after publication of the final rule.

II. THE COMMISSION FAILED TO CONSIDER THE LEGAL AND LOGISTICAL PROBLEMS INHERENT IN ADOPTING A NEW, UNTESTED APPROACH TO USF ASSESSMENT

A. The Proposed Rule Fails to Address Adequately the Large Prepaid Wireless Market and Violates Statutory Provisions Requiring Non-Discriminatory and Competitively Neutral Surcharges

The Proposed Rule does not address how assessments on prepaid wireless carriers and their customers will be implemented. The Proposed Rule requires providers to "collect [UUSF surcharges] *from* their end-user customers," but many prepaid carriers lack a direct billing relationship with their customers that purchase top-up or refill cards from third-party retailers to

replenish their accounts.[5] Such cards are widely available from both online and brick-and-mortar third-party retailers, from convenience stores to big-box retailers. Wireless providers cannot collect surcharges from end-users who purchase top-up cards from these retailers, and the Commission does not have the authority to require point-of-sale collection of surcharges from non-carrier retailers.[6]

Ignoring even the Commission's lack of authority to require non-carrier retailers to impose point-of-sale surcharges, other problems would arise if UUSF surcharges nonetheless were collected at the point-of-sale under the Proposed Rule's regime. Prepaid plans allow consumers to limit their spending, control usage, and avoid the burdens of long-term contracts, including termination fees. Accordingly, they are often favored by cost-sensitive consumers—such as low-income individuals, students, and travelers—who favor prepaid plans' generally lower costs, flexibility, and minimal contractual hurdles, such as requirements for a permanent address, phone number, or credit card. Many prepaid customers accordingly purchase top-up cards as needed, and not necessarily on a monthly basis. Thus, even coupling the Proposed Rule with point-of-sale collection would result in customers that purchase top-up cards more than once a month being assessed multiple surcharges per month, unjustly burdening a vulnerable customer base. Conversely, customers that purchase top-up cards less than monthly would be assessed fewer surcharges than other customers, effectively creating a partial exemption from the surcharge for such customers and discriminating against both monthly-billed customers and prepaid customers purchasing top-up cards more often than monthly.

[5] Proposed Rule, R746-360-4(3)(a) (emphasis added).

[6] Although the PSC lacks this authority currently, CTIA would support appropriate legislation to provide for point-of-sale collection of the state USF surcharge. Other states have taken similar steps.

Either of these scenarios further raises serious issues around competitive neutrality and non-discrimination. Utah Code Section 54-8b-15 requires contributions to be assessed on a nondiscriminatory basis, and the Commission's contribution methodology must be fair and competitively neutral.[7] If some prepaid wireless connections are omitted for UUSF assessment, this would have the effect of unfairly advantaging this type of provider. Alternately, if the Commission were to amend its Proposed Rule to require prepaid providers to remit surcharges for customers who purchase top-up cards from retailers,[8] such treatment would likewise be discriminatory. Prepaid providers would be forced to remit surcharges without the ability to recover them by listing them as a line item on customer bills, while other providers would remain free to collect such surcharges directly from their customers.

In short, the lack of clarity regarding the application of the proposed rule to the large segment of prepaid wireless sales through third-party retailers needlessly engenders additional legal issues. Crucially, none of these issues exist under the current assessment of UUSF funds under the current percentage-of-revenue model.

B. The Proposed Rule Fails to Account for Popular All-Inclusive Wireless Rate Plans, Limiting Consumer Choice

The requirement that UUSF contributions be collected from end-user customers "as a separate charge … not included in, nor paid from, the provider's rates or telecommunications revenues"[9] prevents the offering of wireless providers' "all-in," single-rate service plans.

Many prepaid plans, and some post-paid plans, are all-inclusive, single-rate plans without separate fees and charges, and are advertised as such. These flat-rate prepaid plans are very

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[7] Utah Code § 54-8b-15(9)(a)-(b).

[8] As noted above, the PSC currently lacks the authority to require non-carrier retailers to collect the surcharge.

[9] Proposed Rule, R746-360-4(3)(b).

popular with consumers, especially consumers of limited means. However, the Proposed Rule appears to require collection of the UUSF surcharge "as a separate charge" in addition to the flat rate, which would prevent carriers from offering these popular rate plans to Utah consumers alone.[10]

The Commission should not adopt a rule that prevents carriers from offering all-inclusive rate plans to customers, and limits consumers' choices. Retaining a revenue-based charge would avoid these problems.

C. The Proposed Rule Would Be Unjust and Regressive to Utah's Telecommunications Consumers

As CTIA argued in its reply comments, a "per-line or per-connection charge may treat unfairly different connections that have very different values."[11] Technological advancements in IP-based voice services have enabled large users to buy a single connection for a very high volume of service.[12] As CTIA has previously observed, a "large business today is likely to buy a single high-capacity data line, over which it … could easily support hundreds of voice lines."[13] Yet, on a principal of basic fairness, "the high-capacity connection serving a large enterprise user in Salt Lake City should not be subject to the same level of assessment as a wireless phone used only infrequently by a senior citizen in rural Utah."[14] Flat fees are, by nature, regressive and a per-line surcharge will most heavily burden lower-income residents.

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[10] *See id.*

[11] Reply Comments of CTIA ("CTIA Reply Comments"), Utah Public Services Commission Docket No. 17-R360-01 at 5 (filed May 11, 2017).

[12] Comments of CTIA ("CTIA Comments"), Utah Public Services Commission Docket No. 17-R360-01 at 6 (filed April 26, 2017).

[13] *Id.*

[14] *Id.* at 5.

The proposed unfair and regressive charge likely violates the Commission's obligation in administering the state's telecommunications laws to ensure "just and reasonable rates for all classes of customers throughout this state."[15] As the Department of Commerce Office of Consumer Services observed in its comments: "basing a fee on a per customer allocation rather than a percentage of revenue has the effect of unfairly shifting the burden of such a fee away from large users disproportionately burdening small users."[16] By way of illustration, the $0.36 per line assessment represents a 7% tax on a $5 rate plan, but only a 0.65% tax on a $55 rate plan. As such, the proposed rule would place a greater economic burden on Utah residents purchasing the least expensive packages of telecommunications services. Conversely, a revenue-based approach applying the same surcharge percentage to all customers avoids such an unfair and regressive result. The Notice unfortunately fails to even mention this important public interest concern.

III. THE PROPOSED RULE MAY BURDEN THE FEDERAL USF AND IS MISALIGNED WITH THE MTSA AND OTHER STATES' USF PROGRAMS

A. The Proposed Rule Fails to Ensure That the UUSF Surcharge is Imposed Only on Intrastate Revenue and Does not Burden the Federal USF

Under Section 254(f) of the federal Communications Act, as amended, state universal service mechanisms such as the UUSF must be "not inconsistent" with the federal mechanism for calculating USF contributions and cannot "rely on or burden" the federal mechanism.[17] As the Commission is aware, the Federal Communications Commission ("FCC") calculates its USF contributions based upon interstate telecommunications revenues. Accordingly, Section 254(f)

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[15] Utah Code § 54-8b-11.

[16] Comments of Department of Commerce Office of Consumer Services, Utah Public Services Commission Docket No. 17-R360-01 at 3 (filed April 26, 2017).

[17] *See* 47 U.S.C. § 254(f).

has been found to prohibit state funds, like the UUSF, from also assessing those revenues.[18] Although S.B. 130 empowers the Commission "to adopt a surcharge mechanism based on the number of lines and connections," the Commission still must ensure that whatever methodology it adopts is not inconsistent with and does not burden the federal USF contribution methodology.[19]

Nothing in the Notice of Rulemaking or Proposed Rule addresses CTIA and others' argument that the Commission cannot impose a per-connection surcharge without addressing how its charge is not "inconsistent" with, and does not "burden," the federal mechanism contrary to federal law.[20] The Notice's observations that the federal Communications Act does not require it to "use precisely the same funding mechanism as is used by the FCC"[21] and that the Commission must "consider the Legislature's actions in promulgating S.B. 130 to be constitutional and otherwise in compliance with federal law"[22] are not responsive to this concern. CTIA does not argue that Utah is legally required to use the same contribution methodology as the federal mechanism. Rather, CTIA simply observes that, by using the same revenue-based mechanism, the Commission can ensure that Utah does not run afoul of the prohibition against inconsistency with or burdening of the federal mechanism. Unlike a revenues-based mechanism, a flat-rate connections assessment may inadvertently apply to interstate revenues or otherwise burden the federal USF. For instance, for a wireless customer with a voice-only plan that places

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[18] *See, e.g.*, AT&T Corp. v. Public Utility Commission of Texas, 373 F.3d 641 (5th Cir. 2004) (finding "assessment on both interstate and intrastate calls creates an inequitable, discriminatory, and anti-competitive regulatory scheme. … PUC assessment of interstate and international calls is discriminatory, conflicts with § 254(f), and thus is preempted by federal law.").

[19] Reply Comments of AT&T, Utah Public Services Commission Docket No. 17-R360-01 at 10 (filed May 11, 2017).

[20] *See, e.g.*, CTIA Comments at 4-5; CTIA Reply Comments at 2-4. *Accord.* 47 U.S.C. § 254(f).

[21] Notice at 4-5.

[22] Notice at 4.

only interstate calls, there is no intrastate nexus upon which to apply the proposed surcharge. The same is true for a customer that uses only data service. In each of these instances, the federal program allows the use of a safe harbor or other method of separating jurisdictional revenues so that state surcharges may apply without burdening or being inconsistent with the federal program despite the usage patterns. Because it diverges from the federal program, the proposed surcharge cannot avail itself of the safe harbor or other methods of determining jurisdictional separations and must stand on its own. In the examples provided, the proposed surcharge is inconsistent with and burdens the federal program since there is no intrastate nexus on which to base the proposed surcharge, resulting in the charge being applied to interstate revenue.

Further, retaining a revenues-based collection in no way impugns the constitutionality of S.B. 130. As discussed below, S.B. 130 specifically permits retention of a revenues-based system.[23] In short, CTIA is not questioning the legality of S.B. 130, but rather the legality of the Commission's proposed implementation of it.

UUSF assessments should remain coordinated with the federal mechanism to ensure Utah's assessments neither overlap with nor burden the federal mechanism. Utah may be able to take a different approach, but not without taking any consideration of whether its new approach violates federal law. It has failed to consider that issue here.

B. The Proposed Definition of "Access Line" Will Lead to Violation of the Mobile Telecommunications Sourcing Act and S.B. 130

The requirement in the Proposed Rule to assess access lines with "a physical endpoint within the State of Utah" or "as to which the provider has record of an associated address within

[23] *See infra* Section IV.

the State of Utah"[24] could lead to the assessment of connections that are not truly "within" Utah, in violation of the Mobile Telecommunications Sourcing Act[25] and S.B. 130, which requires conformance with the MTSA.[26]

Under the MTSA, states are only permitted to assess charges on mobile services if the "customer's place of primary use" is in the state.[27] The Proposed Rules, however, make no reference to place of primary use and instead establish two vague and conflicting standards, neither of which ensures conformity with the MTSA. Under the Proposed Rules, surcharged access lines could either have "a physical endpoint within the State of Utah" or could have "record of an associated address within the State of Utah,"[28] regardless of whether the customer's place of primary use is in Utah. For example, vacationers or other visitors to Utah could make use of access lines that only briefly have endpoints in the state. Conversely, customers who retain Utah billing addresses but who have temporarily or permanently left Utah—for example, for college or military service—would also be subject to UUSF surcharges, in contravention of the MTSA. In these examples, Utah would over- or under-collect contributions. Also, because the proposed rule does not align with the MTSA, the UUSF's contribution methodology could easily conflict with programmatic rules in other states, resulting in Utah and another state both claiming to assess state USF contribution against the same customer/customer revenue.

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[24] Proposed Rule, R746-360-4(3)(a)(i)-(ii).

[25] 4 U.S.C. §§ 106-252.

[26] Utah Code § 54-8b-10(11) requires the Commission to assess universal service "only to the extent permitted by the MTSA."

[27] 4 U.S.C. § 117. Use of the MTSA to assess Utah taxes is well-established. *See, e.g.,* Utah State Tax Commission, "Sales Tax Information for Telecommunications Service Providers," available at http://www.tax.utah.gov/forms/pubs/pub-62.pdf (indicating that the MTSA "defines the location of a wireless telephone call for taxing purposes").

[28] Proposed Rule, R746-360-4(3)(a)(i)-(ii).

The proposed waiver and exemption procedure essentially concedes this tension: if the assessment mechanism were truly consistent with the MTSA, no cumbersome waiver process would be necessary because each connection would be allocated to a single state in a uniform manner. This inconsistency is underscored by the fact that the proposed waiver/exemption test materially differs from the MTSA's "place of primary use" test.[29] Under the proposed waiver/exemption test an access line is eligible for waiver if "[it] was not used to access Utah intrastate telecommunications services … at all times and continuously during the six calendar months preceding the date of the petition."[30]

To illustrate the issues with this approach, consider a customer that relocates from Utah to California but uses his or her service only in California for all but a single day from January to June. Clearly, their "place of primary use" is, both from a common sense perspective and from the MTSA's perspective, California. Yet this customer would fail the Proposed Rule's exemption test, leaving them subject to the surcharge, because that single day of use in Utah violates the "at all times and continuously during the six calendar months" standard in the Proposed Rule. This cannot be the intended result.

The waiver process – which would not be needed at all if Utah maintained its present assessment method – also is not logistically practicable as proposed. For example, it would be crucial for carriers to have notice of any waivers, but the proposed rule calls for notice to carriers of renewals, but not waivers, in the first instance. It also does not address the significant lead time that carriers would need in order to execute a waiver.

[29] 4 U.S.C. § 122 (Determination of place of primary use).

[30] Proposed Rule, R746-360-4(5)(b).

Again, an assessment based on intrastate revenues would avoid all of these problems. At minimum, the Commission must align the geographic scope of the Proposed Rule with the MTSA. Failure to do so will violate both the MTSA and S.B. 130's requirement to conform to the MTSA.

C. The Proposed Definition of "Access Line" Could Facially Include Broadband Lines, in Contravention of State and Federal Law

As the FCC noted in the *2015 Open Internet Order*, broadband internet access service is an interstate service,[31] and any state contribution methodology based on inherently interstate data services will impermissibly "rely upon or burden" the federal USF.[32] In addition to being preempted from imposing UUSF surcharges on broadband connections under federal law, the Commission is prohibited from doing so under state law as well.[33]

The Proposed Rule defines an access line as "equipment or technology that allows an end-user to place or receive a real-time voice communication."[34] Although the best reading of this definition excludes data-only broadband connections, the definition could be subject to a problematic interpretation that, with easily-obtained VoIP apps or services, a broadband connection allows "plac[ing] or receiv[ing] … real-time voice communications" and therefore would have to be assessed.[35] Although this interpretation would be factually erroneous, at minimum, the Commission should make clear that data-only connections are excluded and only voice lines are assessed. Again, an assessment based on intrastate telecommunications revenues would avoid this problem, along with the others described above.

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[31] Report and Order on Remand, Declaratory Ruling, and Order, *In the Matter of Protecting and Promoting the Open Internet*, 30 FCC Rcd 5601, ¶ 431 (rel. Mar. 12, 2015).

[32] 47 U.S.C. § 254(f).

[33] Utah Code § 54-8b-15(14)

[34] Proposed Rule, R746-360-4(1)(b).

[35] *See id.*

IV. NEITHER THE RECORD NOR S.B. 130 REQUIRE THE COMMISSION TO ADOPT A PER-CONNECTION ASSESSMENT

There is no statutory basis for the Commission's conclusion that it must move ahead with its Proposal and implement a per-connection surcharge. Numerous commenters,[36] including CTIA, have advised the Commission to proceed slowly and cautiously as federal universal service reform remains pending. The Notice suggests, however, that S.B. 130 requires the Commission to move ahead with a per-connection surcharge, such that the Commission may not wait for the FCC's rulemaking to keep the UUSF contribution methodology aligned with the federal mechanism.[37]

On the contrary, S.B. 130 explicitly permits the Commission to retain a revenues-based surcharge.[38] It provides that the Commission may fund the UUSF through a surcharge that is based upon (i) a provider's intrastate revenue, (ii) the number of access lines or connections maintained by a provider in the state, or (iii) a combination of the two methodologies.[39] As other commenters have noted, "the existing revenues-based contribution methodology satisfies the new law's requirements and the Commission's policy objectives."[40] The Commission states that it has "determined to move forward with a rule change that will fund the UUSF through a per-connection surcharge rather than a revenue-based remittance," but provides no indication of why it believes it needs to take this drastic step immediately.[41] Indeed, the record shows that there is no reason to change the contribution mechanism now. As CTIA has previously indicated, the

[36] *See, e.g.*, Comments of Comcast Phone of Utah ("Comcast Comments"), Utah Public Services Commission Docket No. 17-R360-01 at 3 (filed April 26, 2017).

[37] Notice at 4-5.

[38] Utah Code § 54-8b-2(9)(c)(i).

[39] Utah Code § 54-8b-15 (effective July 1, 2017).

[40] Comcast Comments at 3.

[41] Notice at 4.

record shows that the UUSF currently is over-collecting by an average of $150,472 per month, and had a total surplus of over $752,359 as of March 2017.[42]

Given the surplus that the UUSF is running, there is no evidence that a change to the funding approach is needed at this time. Further, as discussed above, a connections-based assessment will create a number of problems, and could create even more than have not been anticipated, in spite of the fact that such problems do not exist with the current assessment. Because of the problems that a transition to a per-connection charge would cause, and because such a transition is neither required nor justified, the Commission should reconsider the Proposed Rule.

V. THE IMPLEMENTATION SCHEDULE IN THE NOTICE OF RULEMAKING IS NEITHER REQUIRED BY S.B. 130 NOR OBJECTIVELY REASONABLE

If the Commission insists upon its proposal to transition to a per-connection surcharge for the UUSF—which it should not—the Commission should reject its proposed, unreasonably expedited implementation schedule and establish a reasonable timeline for implementation. Although S.B. 130 was effective as of July 1, 2017, it does not require the Commission to complete its underlying rulemaking until January 1, 2018.[43] Importantly, S.B. 130 also imposes no specific deadline for the effective date of the new rules.

The proposed change imposes new burdens that will require lead time for carriers to implement. For example, carriers will need time to modify their billing systems to impose a new, Utah-specific line item charge; to train their customer-facing representatives regarding the change; to update customer facing materials; and to otherwise modify financial recordkeeping and reporting processes as necessary to revise their systems for the new rule. Further, resolution

[42] Comments of Utah Division of Public Utilities, Utah Public Services Commission Docket No. 17-R360-01 at 5 (filed April 26, 2017).

[43] Utah Code § 54-8b-15(10).

of the significant questions raised in these comments pertaining to how to assess and surcharge prepaid, top-up, and all-inclusive rate plans in a manner that is fair to prepaid wireless consumers and carriers, and all other contributing carriers and consumers, is needed prior to implementation, and stakeholders need an opportunity to comment on the Commission's proposed resolution of those issues. Although the implementation challenges will vary from carrier to carrier, no carrier will be able to implement the proposed rule without considerable effort and expense.

The passage of S.B. 130 in no way put carriers on notice that a change was inevitable because it specifically contemplated the potential retention of revenue-based assessment.[44] Further, it is not relevant that carriers have been on notice since March 2017 that a change in methodology was possible.[45] No rational business would expend time, effort, and money to change systems for rules that have yet to be adopted in light of the possibility that the final rule could differ—perhaps significantly—from proposed versions.

Thus, the Commission should use its discretion to adopt a more reasonable timeline for carriers to comply with its onerous obligations. Ideally, a change of this significance would not be implemented before the beginning of the next fiscal year. If the proposed rule is retained, carriers will need a substantial amount of time to make and implement the necessary changes to their billing systems.[46] As the Commission has noted, it would be best to implement any change at the beginning of a fiscal year or quarter that is at least 120 days after publication of the final rule.[47]

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[44] *See supra* Section IV.

[45] Notice at 5.

[46] The Commission should consult with the industry to determine a reasonable implementation timeframe.

[47] Notice at 7 ("In the past, we have attempted to make any necessary changes to surcharges at the beginning of a fiscal quarter.")

VI. CONCLUSION

The proposed reform of the UUSF contribution mechanism is not only premature and legally questionable, but the Proposed Rule is likely to create more problems with the UUSF than it would solve. Accordingly, the PSC should not alter the UUSF contribution mechanism at this time.

Respectfully submitted July 3, 2017,

By: _______________/s/_________________

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CERTIFICATE OF SERVICE

I certify that on July 3, 2017, a true and correct copy of the foregoing Comments of CTIA in Docket No. 17-R360-01 was delivered to the following by electronic mail:

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