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Submitted July 3, 2017

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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Utah Administrative Code R746-360 Universal Public Telecommunications Service Support Fund ) Docket No. 17-R360-01  
)  
) **COMMENTS OF COMCAST**  
) **PHONE OF UTAH, LLC**  
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Comcast Phone of Utah, LLC (“Comcast”) hereby submits these comments in response to the Notice of Rulemaking and Response to Comments issued by the Public Service Commission of Utah (“Commission” or “PSC”) in the above-captioned proceeding on May 16, 2017, and the Notice of Proposed Rule Amendment published by the Commission in the Utah State Bulletin on June 1, 2017.<sup>1</sup>

**I. INTRODUCTION AND FACTUAL BACKGROUND**

In its Notice of Proposed Rule Amendment, the Commission stated that the reason for the amendment is to comply with Senate Bill 130, passed during the 2017 Utah General Legislative Session. Senate Bill 130 allows the Commission to fund the Utah Universal Public Telecommunications Service Support Fund (“UUSF”) through a surcharge based upon a

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<sup>1</sup> *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 of Rulemaking”); Utah State Bulletin, June 1, 2017, at 180.

provider's intrastate revenue, the number of access lines or connections maintained by a provider in the state, or a combination of the two methodologies.<sup>2</sup> The Commission has determined that funding the UUSF by assessing end-users a surcharge based on access lines, rather than a revenue-based surcharge, would be the best and most sustainable course to follow.<sup>3</sup> As such, the Commission concluded that it would move forward with a rule change to Utah Administrative Code R746-360-4, requiring that access lines be assessed for purposes of funding the UUSF based upon the location of an address within the state of Utah associated with an access line.<sup>4</sup>

Under this rule change, beginning August 1, 2017, service providers will be required to collect from end-user customers a monthly surcharge of \$0.36 per access line that has a physical endpoint or associated address within the state of Utah, and providers must remit the total monthly surcharges to the Commission, with the option to retain up to 1.31 percent of the total monthly surcharges to offset the administrative costs of collections. An "access line" as defined at Utah Code Subsection 54-8b-2(1), means "a circuit-switched connection, or the functional equivalent of a circuit-switched connection, from an end-user to the public switched network."<sup>5</sup> Comcast believes that the Commission must establish clear procedures for determining how providers count the number of access lines when calculating the total monthly UUSF surcharges.

Given the number of different technologies used for voice services, having clear procedures for counting access lines will help ensure a contribution system that is competitively neutral and administratively efficient. These comments address the rules required by Senate Bill 130 and the manner in which they should be implemented in order to comply with Senate Bill

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<sup>2</sup> Utah Code § 54-8b-15 (effective July 1, 2017). The surcharge applies to all access line and connection providers, including those that provide services through voice over Internet protocol (VoIP) technology.

<sup>3</sup> Comcast continues to believe that the Commission should fund the UUSF through surcharges based on a provider's revenue. *See* Comments of Comcast Phone of Utah, LLC, Apr. 26, 2017 ("Comcast Comments") and Reply Comments of Comcast Phone of Utah, LLC, May 11, 2017 ("Comcast Reply Comments").

<sup>4</sup> Notice of Rulemaking at 4-5.

<sup>5</sup> Utah Code § 54-8b-2(1) (effective July 1, 2017).

130, which mandates a contribution system that does not discriminate against any provider or technology, and is competitively neutral.

## **II. THE COMMISSION SHOULD COUNT ACCESS LINES BASED UPON THE NUMBER OF CONCURRENT CALLS THAT CAN BE MADE OR RECEIVED**

Pursuant to Utah Administrative Code R746-360-4, providers must collect from their end-user customers, except those end-users who have received a waiver of the surcharge, \$.036 per month per access line that has a physical endpoint or as to which the provider has record of an associated address within the State.<sup>6</sup> For purposes of applying the definition of “access line” in Utah Code Subsection 54-8b-2(1), Utah Administrative Code R746-360-4 provides clarification on the functional equivalent of a circuit-switched connection. Access line means a circuit-switched connection from an end-user to the public switched network, or the functional equivalent, which is equipment or technology that allows an end-user to place or receive a real-time voice communication.

To maintain competitive equity and avoid potential disputes or confusion, Comcast urges the Commission to clarify exactly how to count access lines and apply surcharges for multiline services.<sup>7</sup> Comcast recommends that access lines, or the functional equivalent of access lines, should be counted based on the number of concurrent real-time voice communication call sessions that an end-user can place to (outbound) or receive from (inbound) the public switched network. This method of counting access lines should be employed for residential and business customers, including those customers with multiline services, and the surcharge should be applied to the maximum number of provisioned call paths.

Specifically, the maximum number of surcharges a telephone end-user customer may be assessed should not exceed the number of outbound or inbound calls that can be made

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<sup>6</sup> See Utah Admin. Code R746-360-4 (effective August 1, 2017).

<sup>7</sup> See Comcast Comments at 4, and Comcast Reply Comments at 2, 7.

simultaneously from voice channels that are activated and enabled. For telephone service that provides shared simultaneous inbound and outbound voice channel capacity to multiple locations in different states, and is capable of connecting to the public switched network, the monthly surcharge should be assessed only for the portion of such shared voice channel capacity in Utah as identified by the provider's records. In determining the portion of the shared capacity in Utah, a provider may rely on, among other factors, a customer's certification of its allocation of capacity in Utah, which may be based on each end-user location, the total number of end-users, and the number of end-users at each end-user location.

A system in which the Commission counts access lines based upon the number of concurrent real-time voice communication calls that can be placed or received, would be consistent with the definition of "access line" in Utah Code Subsection 54-8b-2(1) and the rule changes in Utah Administrative Code R746-360-4.

### **III. CONCLUSION**

For the foregoing reasons, Comcast respectfully recommends that the proposed rules clarify that access lines should be counted based on the number of concurrent real-time voice communication call sessions that an end-user can place to or receive from the public switched network.

RESPECTFULLY SUBMITTED this 3rd day of July, 2017.

**COMCAST PHONE OF UTAH, LLC**

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## CERTIFICATE OF SERVICE

I certify that on July 3, 2017, a true and correct copy of the foregoing Comments of Comcast Phone of Utah, LLC in response to the Notice of Rulemaking and Response to Comments issued by the Public Service Commission of Utah in Docket No. 17-R360-01, and the Notice of Proposed Rule Amendment, was delivered to the following by electronic mail:

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