

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

| | |
|-------------------|--------------|
| Gregory Scott | Chair |
| Edward A. Garvey | Commissioner |
| Marshall Johnson | Commissioner |
| LeRoy Koppendraye | Commissioner |
| Phyllis A. Reha | Commissioner |

In the Matter of Requested Variance from
Minnesota Rule 7817.0900

ISSUE DATE: August 28, 2002

DOCKET NO. P-999/CI-01-1997

ORDER APPROVING VARIANCE

PROCEDURAL HISTORY

On April 8, 2002, Commission Staff issued a notice reminding telephone companies of their obligations under the Telephone Assistance Program (TAP). Among other things, telephone companies are required to file TAP reports no later than 30 days after the end of the reporting period.

After sending the notice, the Commission received numerous inquiries from new competitive local exchange carriers (CLECs) regarding the submission of late-filed reports.

On July 11, 2002, Commission Staff requested authorization from the Commission to accept any late-filed TAP reports by companies that will be submitting TAP reports for the first time.

This matter came before the Commission on August 15, 2002.

FINDINGS AND CONCLUSIONS

I. Background

TAP is a state program which provides financial support through bill credits to eligible telephone customers. It is funded through a telephone surcharge imposed on access lines.

Effective July 1, 2001, the TAP credits are \$6.98 for customers not receiving federal Lifeline assistance, and \$1.75 for customers getting federal Lifeline assistance. The monthly TAP surcharge is currently \$0.05 per line.

Telephone companies are required to file their TAP Reports with the Commission either quarterly or monthly. Minn. Rule 7817.0900, subparts 2 and 3 set forth the reporting requirements for telephone companies and describe the specific content to be included in the report. The TAP Report is due no later than 30 days after the end of the reporting period (which may be monthly or quarterly).

The Commission has received inquiries about late-filed reports from new CLECs.

II. Requirements for a Variance

Since the deadline for companies to file their TAP Report is set by rule, extending the time for filing requires a variance. The Commission may grant a variance upon finding that the following conditions apply:

1. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
2. Granting the variance would not adversely affect the public interest; and
3. Granting the variance would not conflict with standards imposed by law.

Minn. Rules, part 7829.3200.

Enforcing the rules 30-day filing requirement would impose an excessive burden on CLECs operating in Minnesota who have not filed TAP Reports before and may have missed the 30 day deadline for past reports. It would deny these companies the opportunity to receive any reimbursement they were entitled to. Further, without the reports necessary information may not be available to the Commission.

Extending the 30 day filing period for these companies would not adversely affect the public interest. Rather, it would serve the public interest by ensuring that relevant information from all companies was available.

Finally, extending the period will not conflict with any standards imposed by law.

III. Commission Action

For the reasons stated above, the Commission will grant the variance and accept late filed TAP Reports from companies submitting these reports for the first time.

ORDER

1. The provisions of Minn. Rules, part 7817.0900, subp. 2 are hereby varied to extend the time for filing TAP Reports for companies reporting for the first time. Delinquent TAP Reports from these companies will be accepted.
- 2.. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), (651) 297-1200 (TTY), or 1-800-627-3529 (TTY relay service).