

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., WEST TOWER, SUITE 200
WASHINGTON, DC 20005

**NOTICE OF EMERGENCY
AND PROPOSED RULEMAKING**

**Formal Case No. 988, In the Matter of the Development of Universal Service
Standards and a Universal Service Trust Fund for the District of Columbia**

1. The Public Service Commission of the District of Columbia ("Commission"), pursuant to its authority under D.C. Code § 34-802, § 34-2003, and § 2-505 (c) (2001 Ed.), hereby gives notice of its adoption of amendments to Chapter 28 of Title 15 DCMR, "Universal Service," ("Chapter 28") on an emergency basis. Chapter 28 contains the Commission's regulations governing the District of Columbia Universal Service Trust Fund ("DC USTF" or "Trust Fund") and the provision of Universal Service and Telecommunications Relay Service in conformance with the District of Columbia Telecommunications Competition Act of 1996.

2. The DC USTF's Administrator, NECA Services, suggested the proposed amendments to Sections 2805.2, 2812.1, and 2813.2 of Chapter 28 to make the audit and administration of the Trust Fund more efficient. This emergency action is taken because the rule changes are necessary for the development of the new 2005 DC USTF budget before the end of October 2004. Adoption of these rules on an emergency basis will also provide continuity in the provision of universal service to the District's low-income, hearing-impaired, and speech-impaired telecommunications users. These emergency amendments were adopted on September 21, 2004, and will become effective upon publication in the register.

3. The Commission also gives notice of its intent to take final rulemaking action to adopt these amendments in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*. The emergency rules will expire 120 days from the date of adoption, or upon publication of the Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

4. Currently, Section 2805.2 reads:

2805.2 The Fund Administrator shall submit to the Commission by August 31 of each year a report, which shall include an income statement of the Fund's activity for the preceding calendar year and a proposed budget for the upcoming calendar year.

The proposed amended Section 2805.2 (a)-(b) shall read:

2805.2 The Fund Administrator shall submit to the Commission:

- (a) **An income statement of the Fund's activity based on the preceding calendar year by April 15; and**
- (b) **A proposed budget for the Fund for the upcoming calendar year by October 31.**

5. Currently, Section 2812.1 reads:

2812.1 By October 31 of each year, each ETC shall submit to the Fund Administrator a report, based on the 12-month period ending September 30 of that year, containing the total revenues for local exchange service provided in the District of Columbia.

The proposed amended Section 2812.1 shall read:

2812.1 By October 31 of each year, ETCs shall submit to the Fund Administrator a report containing the total revenue for local exchange service provided in the District of Columbia based on the 12-month period beginning on July of the preceding year and ending on June of that year (e.g. July 2XXX - June 2XXX).

6. Currently, Section 2813.2 (a) - (b) reads:

2813.2 On October 31 every year after the establishment of the DC USTF, the Fund Administrator shall submit to the Commission a report, which shall include:

- (a) An audit and recommendation report of the DC USTF provided by an independent accountant; and
- (b) A proposed budget for the upcoming year.

The proposed amended Section 2813.2 shall read:

2813.2 On October 31 every year after the establishment of the DC USTF, the Fund Administrator shall submit to the Commission a report that includes a proposed budget for the upcoming year.

A new Section 2813.3 is proposed to read:

2813.3 On July 15 every year after the establishment of the DC USTF, the Fund Administrator shall submit to the Commission an audit and recommendation report of the DC USTF provided by an independent accountant.

7. Comments on the proposed amendments to Chapter 2800 must be made in writing to Sanford M. Speight, Acting Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., Second Floor, West Tower, Washington, DC 20005. All comments must be received within 20 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 30 days of the date publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final rulemaking action.