

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

**OMB Control Number 3060-0986**  
FCC Universal Service Fund Data Collections  
Paperwork Reduction Act, Request for Comments

**Comments of  
The National Tribal Telecommunications Association**

**I. INTRODUCTION AND SUMMARY**

The National Tribal Telecommunications Association (NTTA) provides these comments in response to the Federal Communications Commission's (FCC or Commission) Paperwork Reduction Act (PRA) Notice requesting comment on certain information collection requirements.<sup>1</sup>

NTTA consists of Tribally-owned communications companies including Cheyenne River Sioux Telephone Authority, Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., Hopi Telecommunications, Inc., Mescalero Apache Telecom, Inc., Saddleback Communications, San Carlos Apache Telecommunications Utility, Inc., Tohono O'odham Utility Authority, and Warm Springs Telecom. NTTA's mission is to be the national advocate for telecommunications service on behalf of its member companies and to provide

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<sup>1</sup> Published in the Federal Register, Vol. 82, No. 61 (March 31, 2017) and Vol. 82, No. 72 (April 17, 2017) (*PRA Notice*)

guidance and assistance to members who are working to provide modern telecommunications services to Tribal lands.

In the PRA notice, the FCC requests comment on several currently-approved data collections related to the federal universal service fund programs, and on proposed changes to Form 481, the annual Eligible Telecommunications Carrier (ETC) reporting form. Specifically, the Commission requests comments concerning:

“whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.”<sup>2</sup>

The data collections under review, in addition to the proposed revisions to Form 481, are those contained in Forms 505, 507, 508, 509, and 525. NTTA will briefly comment on Forms 507, 508, and 509, all of which relate to data collected for the FCC’s Connect America Fund Broadband Loop Support (CAF BLS) program, and several items related to Form 481.

### **Form 481**

The FCC adopted annual ETC reporting rules in conjunction with the 2011 *USF/ICC Transformation Order*.<sup>3</sup> The ETC reporting rules require all ETCs to submit certain information on an annual basis to the FCC, USAC, and state commissions/Tribal and other governmental

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<sup>2</sup> *Id*

<sup>3</sup> *In the Matter of Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 10-90, et al (FCC 11-161) rel. November 18, 2011; see also 47 CFR § 54.313

agencies. Originally, the intent of this reporting was to gather uniform information for use in ensuring federal support is being used consistent with the Telecommunications Act and FCC rules. Since the inception of Form 481 in 2013, the FCC has revised the requirements, including but not limited to, elimination of the five-year service quality plan progress report, the addition of certifications regarding the schools and libraries, and the reporting of certain information by Alaska Plan carriers. In addition, the FCC recently proposed to eliminate more requirements from Section 54.313 (and Form 481): Outages, Unfulfilled Service Requests, Complaints, Certification of compliance with service quality standards, and ILEC price offerings.<sup>4</sup> Thus, the FCC over time has, on balance, eliminated requirements from the Form 481.

The current proposed revisions are, in large part, non-substantive. For rate-of-return (RoR) ETCs, the Commission proposes to eliminate section 100 of Form 481 because of the OMB's approval of a separate collection of broadband location data.<sup>5</sup> Since one data collection is being replaced by another, NTTA considers this a net zero effect on reporting burdens. The other Form 481 revisions mostly consist of cosmetic changes, clarifications, and revisions that affect only price cap carriers.<sup>6</sup>

NTTA recommends the Commission go further to reduce the burden of Form 481 filings on RoR carriers. NTTA's preferred solution to the estimated 100-hour burden for reporting carriers to prepare and file the Form 481 is to eliminate the requirement for all state designated

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<sup>4</sup> *In the Matter of Connect America Fund*, Report and Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, WC Docket No. 10-90, et al (FCC 16-33, rel. March 20, 2016) (*RoR USF Reform Order*) at 388

<sup>5</sup> FCC February 2017 Supporting Statement, at 2.

<sup>6</sup> *Id.*, at pp 2-4

ETCs. If the FCC decides to retain the Form 481 filing requirement for all ETCs, then NTTA recommends a further reduction of the reporting requirements.

State commissions are given the authority to designate ETCs by the Telecommunications Act, other than in instances where the state commission does not exert jurisdiction over specific carriers or classes of carriers.<sup>7</sup> Between the adoption of the revisions to the Telecommunications Act in 1996 and the initial 2013 Form 481 filings, state commissions gathered data, designated ETCs, and recertified ETCs annually as they saw fit. With the advent of Form 481, the FCC intended to standardize this information collection, and required distribution to the appropriate state commission or other governmental entity. Some states still gather information in the discharge of their annual ETC certification duties.<sup>8</sup>

Instead of requiring state-designated ETCs to file Form 481 with USAC, the FCC, and state commission, NTTA recommends the FCC revert to the pre-*USF/ICC Transformation Order* process and allow the state commissions/other governmental entities to discharge their duties under the Act as they see fit. State commissions have always been and continue to be required to certify to the FCC each year that ETCs under their jurisdiction are complying with the applicable FCC rules and are thus eligible to receive support for the upcoming year.<sup>9</sup> Thus, receiving Form 481 data may or may not assist a state commission in discharging its duties under 214(e)(2).

In addition to the above discussion, it is NTTA members' experience that the requirements beyond submitting data via USAC's online portal cause a substantial amount of time, effort, and cost. For example, once the Form 481 data is submitted, reviewed, and certified with USAC,

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<sup>7</sup> 47 U.S.C. § 214(e)(2)

<sup>8</sup> See e.g., New Mexico, NMAC 17.11.10.17(E); Kansas, KCC Docket No. 17-GIMT-405-GIT

<sup>9</sup> 47 CFR § 54.314

carriers must then print the relevant schedules, determine which data is confidential, and then file the redacted and confidential versions with the FCC and relevant state authority. On the FCC side alone, there are typically two confidential designation requests for the Form 481 data – one for the financial information and one for other information that may be deemed confidential. Furthermore, each state commission has its own process for dealing with confidential information, which causes yet more effort, time, and costs to be incurred by small RoR ETCs and their state regulatory counsel.

Based on the above, NTTA recommends the FCC eliminate the Form 481 filing requirement for state-designated ETCs. However, NTTA also recommends that carriers serving Tribal areas continue to be subject to the Tribal Engagement rules contained in 54.313(a)(9), but instead provide all required information to the applicable Tribal government and state commission as opposed to the FCC.

In the event the FCC does not agree with NTTA's recommendations as outlined above, then NTTA submits the following. First, the Commission should undertake a detailed review as to the need and efficacy of gathering the financial data as required in 54.313(f)(2). State commissions in large part are well aware of the financial activities of the carriers under their jurisdiction, and, as discussed above, in many cases continue to gather further data in regards to the annual ETC certifications. Second, the Commission should move forward and eliminate the requirements listed above (outages, etc.) that are also under the purview of state commissions.

**Forms 507, 508, and 509**

Forms 507, 508, and 509 are previously-approved information collections that now relate to the FCC's CAF BLS program. The Commission now seeks to extend the previous emergency approval for the full three-year period. NTTA recommends eliminating Form 507 (line count filing) in its entirety. USAC currently obtains line counts from other sources, thus making the Form 507 duplicative. NTTA also recommends combining the Form 508 and 509 filings so that the combined filing is due once per year. This will eliminate 8 to 10 hours from the small company reporting burden per the FCC's estimates.<sup>10</sup>

**Conclusion**

NTTA appreciates this opportunity to provide input to the FCC regarding its USF information collection. NTTA believes that much can be done to reduce the reporting burden on small RoR carriers and has provided an outline for the FCC's consideration above.

Respectfully Submitted,

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**National Tribal Telecommunications Association**

May 1, 2017

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<sup>10</sup> See FCC February 2017 Supporting Statement, at p. 29, 31, 33.