## BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Proposed Modifications to the ) Case No. TO-2019-0346
Missouri Universal Service Fund

## STAFF'S NOTICE

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its Notice in this matter hereby states:

1. The Commission opened this docket May 15, 2019, to permit Staff to review and make recommendations regarding the Missouri Universal Service Fund (MoUSF). The Commission issued an order on November 3, 2021 further suspending the MoUSF assessment until September 2022. In addition, the Commission directed Staff to file updated fund financial information and an assessment recommendation no later than June 1, 2022. Staff now presents its findings in order to seek feedback based on its most recent review of the MoUSF.
2. Staff's Memorandum attached here as Appendix A provides updated information and recommendations. Staff recommends continuing the suspension of the MoUSF assessment through December 31, 2022, and then reinstate the assessment on January 1, 2023. In addition, Staff recommends increasing the MoUSF support amount for Lifeline voice-only service from $\$ 18.75$ to $\$ 24.00$ if the FCC reduces federal Lifeline voice-only support by $\$ 5.25$ on December $1,2022 .{ }^{1}$ The MoUSF assessment should be reinstated at .0015 or .0020 depending on if MoUSF Lifeline voice-only support is increased. If MoUSF Lifeline voice-only support is increased then companies should be

[^0]given flexibility to implement the support increase any time from December 1, 2022 through February 1, 2023.
3. Staff recommends that the Commission seek comments from interested parties based on the timing considerations identified in Staff's Memorandum.

WHEREFORE, Staff prays that the Commission will accept its Notice and grant such other and further relief as the Commission considers just in the circumstances.

## /s/ Ron Irving

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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this $25^{\text {th }}$ day of May, 2022, to all counsel of record.

## /s/Ron Irving

# MEMORANDUM 

To: Official Case File Case No. TO-2019-0346<br>From: John Van Eschen, Regulatory Compliance Manager<br>Kari Salsman, Senior Research/Data Analyst<br>Telecommunications Department<br>Subject: Missouri USF Assessment and Support Levels<br>Date: $\quad$ May 25, 2022

## Summary

The Missouri Public Service Commission ("Commission") directed Staff to file updated fund financial information and an assessment recommendation no later than June 1, 2022. This filing provides ten additional months of updated information through April 2022 and an additional year of reported net jurisdictional revenues. ${ }^{1}$ This updated information appears to support all of the assumptions and projections contained in Staff's September 2, 2021 filing. Consequently Staff will maintain all of the assumptions and projections described in Staff's prior filing. Staff recommends extending the Missouri USF assessment suspension time period through December 31, 2022 and then reinstate the assessment on January 1, 2023. The Missouri USF assessment should be reinstated at .0015 or . 0020 depending on if Missouri USF Lifeline voice-only support is increased. Staff recommends increasing the Missouri USF support amount for Lifeline voice-only service from $\$ 18.75$ to $\$ 24.00$ if the Federal Communications Commission ("FCC") reduces federal Lifeline voice-only support by $\$ 5.25$ on December 1, 2022. ${ }^{2}$ Companies should be given as much advance notice and flexibility as possible to implement any change in Missouri USF support. The Commission should also solicit feedback from any interested parties. ${ }^{3}$

## Background

The Missouri USF is a fund enabled by Missouri statutes that became operational in 2005. ${ }^{4}$ The fund provides financial support to landline companies participating in the Lifeline and

[^1]Disabled programs. ${ }^{5}$ This financial support ultimately provides discounted voice service to subscribers in both programs. ${ }^{6}$ Overall, the current fund balance is $\$ 1,062,304$ and is declining at the rate of approximately $\$ 72,606$ per month. ${ }^{7}$ The fund's decline is based on two factors: (1) suspension of the Missouri USF assessment and (2) an increase in Missouri USF support. The Missouri USF assessment is currently suspended through September 30, 2022. MoUSF support is available at the following support levels: ${ }^{8}$

- $\$ 18.75$ for any Lifeline subscriber with voice-only service or voice service bundled with a non-qualifying broadband service. ${ }^{9}$
- $\$ 14.75$ for any Lifeline subscriber with a bundled voice and qualifying broadband service.
- $\$ 24.00$ for any Disabled program subscriber.


## Relevant Federal Action

Federal Lifeline support is $\$ 9.25$ for Lifeline subscribers with qualifying broadband-only service or voice service bundled with a qualifying broadband service. Federal Lifeline support is currently $\$ 5.25$ for voice-only service or for voice service bundled with a non-qualifying broadband service. The FCC had intended to eliminate this $\$ 5.25$ support on December 1, 2021, however the FCC paused this elimination for one year to further study whether to follow-through with this plan. ${ }^{10}$ If the FCC takes no further action then federal Lifeline support for voice-only service will be eliminated as planned.

New federal broadband assistance programs have been implemented within the past year. The Emergency Broadband Benefit Program (EBBP) became operational on May 12, 2021, providing a $\$ 50$ discount for broadband service. The Affordable Connectivity Program (ACP) replaced the EBBP on December 31, 2021, reducing the discount for broadband service from $\$ 50$ to $\$ 30$ monthly. The broadband discount program can impact Missouri USF support provided to landline subscribers with bundled voice and broadband service in the Lifeline and Disabled programs. The Missouri Commission provided clarification that Missouri USF support could be combined with such support but total federal support when

[^2]combined with Missouri USF support should not exceed the subscriber's monthly rate for service. The Missouri USF support is applied after the ACP support which can result in a subscriber's discount from the Missouri USF being less than the maximum $\$ 14.75$ for a Lifeline subscriber or $\$ 24.00$ for a Disabled subscriber.

## Current Status of the Missouri USF

Suspending the assessment, combined with maximizing Missouri USF support, has reduced the fund balance as intended. The graph below shows Missouri USF fund balance projections if Missouri USF support remains at current levels as shown by the $\$ 18.75$ support line versus increasing Missouri USF support for Lifeline voice-only service to $\$ 24.00$. This graph shows that a continued suspension of the assessment results in the fund balance becoming negative in 2023. Without incoming revenue the fund can't be sustained on a long term basis and the assessment needs to be reinstated.


## Staff Projections

Staff projections essentially forecast future fund balances by applying the basic formula of subtracting expenses from revenues. Revenues or fund inflows consist primarily of assessment remittances; however, revenue can also be attributed to late payment fees as well as interest earned on the fund's balance. Expenses or fund outflows consist primarily of Missouri USF support payments to companies for providing discounted voice service to qualifying landline subscribers in the Lifeline and Disabled programs but fund expenses can also include payments to a fund administrator for providing fund administration services and also payments to a third party performing independent auditing services and tax preparations services.

Fund Revenues: The Missouri USF receives most of its revenue through an assessment applied to a company's net jurisdictional revenue (NJR). ${ }^{11}$ Companies bill consumers the Missouri USF assessment and remit the amount collected to the Missouri USF fund. ${ }^{12}$ Remittances are either made monthly, quarterly or annually depending on a company's NJR. ${ }^{13}$ Assessable NJR has been declining as shown below: ${ }^{14}$


From 2019 to 2020, annual assessable NJR declined $7.3 \%$. Staff projected assessable NJR would continue to decline at the annual rate of $7.3 \%$. The most recent time period, from 2020 to 2021, annual assessable NJR declined $7.1 \%$. Staff projects assessable NJR will continue to decline at the $7.3 \%$. This rate is only slightly greater than the most recent time period but reflects a slightly more conservative approach to forecasting future fund balances. ${ }^{15}$

Fund revenues can also include interest and late payment fees. The Missouri USF earns a small amount of interest. Interest is earned daily by taking each day's collected balance by the current interest rate which is then divided by the number of days in the year. Interest earned is not included in Staff's projections. Late payment fees are applied if a company fails to remit in a timely manner. Staff's projections assume all companies will remit on a timely basis and consequently no late payment fees are included in Staff's projections.

[^3]
## Fund Expenses

Fund expenses consist of two components: (1) Support payments made to companies for providing discounted service to qualifying consumers in the Lifeline and Disabled programs and (2) administrative expenses. Support payments essentially replace lost revenue created by the discounts provided to subscribers within the Lifeline and Disabled programs. Future support payment projections will depend on subscriber quantities and the amount of Missouri USF support provided to these subscribers.

Subscriber quantities in the Lifeline and Disabled programs that receive Missouri USF support are shown below since 2018 to March 2022:



These graphs show subscriber quantities were declining and while there are months of sporadic increases and decreases, the quantities appear to have leveled out. As of March 2022 the total number of Lifeline and Disabled program subscribers was 3,169 and 306, respectively. Among the Lifeline program subscribers, 2,321 subscribers (73\%) are classified as voice-only subscribers and receive up to $\$ 18.75$ in Missouri USF support and 848 subscribers ( $27 \%$ ) have a bundled voice and qualifying broadband service and receive up to $\$ 14.75$ in Missouri USF support. Among the Disabled program subscribers, 280 subscribers ( $92 \%$ ) are classified as voice-only subscribers and 26 subscribers ( $8 \%$ ) have a bundled voice and qualifying broadband service. A closer look at subscriber quantities over time indicate voice-only subscribers are declining while bundled service subscribers are increasing but overall the total number of subscribers receiving Missouri USF support are declining at the rate of 29 subscribers per month. ${ }^{16}$ Despite this overall slight decline in subscribers Staff projections assume subscriber quantities remain stable at current levels to try and ensure fund expenses are not under-estimated. In addition, Staff's projections do not attempt to take into account some companies are appropriately seeking a smaller Missouri USF support amount than $\$ 14.75$ for bundled service subscribers. ${ }^{17}$

Fund administrative expenses consist of payments made to two outside parties who perform various fund services. These services are performed under two, competitively bid, Board approved contracts. One contract pertains to fund management services while the other contract is for an independent annual audit and tax preparation services. These expenses are paid on a quarterly basis; however, to simplify Staff projections fund administrative expenses are reflected on a monthly basis. ${ }^{18}$

## Staff recommendation for Missouri USF support levels

Staff recommends the Missouri USF support level for Lifeline voice-only service increase from $\$ 18.75$ to $\$ 24.00$ if the FCC eliminates federal monthly subscriber support for Lifeline voice-only service on December 1, 2022. Should the FCC not proceed with this plan then Staff recommends Missouri USF support levels remain unchanged. Staff's recommendation is intended to prevent affected Lifeline voice-only subscribers from experiencing a rate increase. Overall, this recommendation will benefit most Lifeline subscribers supported by the Missouri USF because as previously indicated $73 \%$ of Lifeline subscribers benefiting from Missouri USF support are voice-only subscribers.

[^4]Staff further recommends the support for the Disabled Program and the Lifeline bundled service subscribers remain unchanged.

The timing of a decision to increase the Missouri USF support level for Lifeline voice-only service should provide as much advance notice as possible to enable companies to make billing system adjustments. Missouri's rules specify companies will be provided with 60 days advance notice for changes to the Missouri USF assessment. Staff recommends similar advance notice provided, if possible, for changes in Missouri USF support levels. ${ }^{19}$ If Missouri USF support is increased as recommended by Staff then companies should be given some flexibility to accommodate the change so a company can implement the change on December 1, 2022 or soon as possible after that date but before February 1, 2023.

## Staff recommendation for the Missouri USF assessment

The Missouri USF can accommodate continued suspension of the Missouri USF assessment according to Staff's projections through December 2022, however the assessment then needs to be reinstated. Regardless of whether the Missouri Commission increases Missouri USF support for Lifeline voice-only service, the assessment suspension can be extended to December 31, 2022. The assessment will need to be reinstated in order to stabilize the fund balance at a level to recover five to nine months' worth of expenses. 20 Staff projects the following assessment levels and date of implementation depending on the Board's decision regarding increasing Missouri USF support for Lifeline voice-only service:

| Board Action | Assessment Level | Date of reinstating Assessment |
| :--- | :---: | :---: |
| Maintain $\$ 18.75$ | .0015 | January 1, 2023 |
| Increase to $\$ 24.00$ | .0020 | January 1, 2023 |

These projections are contained in Attachment A and B and also graphically shown below:

[^5]


## Timing Considerations

The Commission should invite interested parties to file comments. The comment deadline should be set so that the Board has access to any comments prior to a Missouri USF Board meeting where this matter is placed on the Board's agenda. The Board typically meets on a quarterly basis with its next meeting scheduled sometime in July. Ultimately the timing of a Missouri USF Board decision should be done to accommodate the issuance of a Missouri Commission order by September 30, 2022. Ideally the order should address all issues related to the Missouri USF but if a decision about reinstating the assessment is not
issued in the same order then November 2, 2022 is the deadline for a Commission order if the decision is to reinstate the assessment by January 1, $2023 .{ }^{21}$

## Summary of Staff recommendations

- Extend the suspension of the MoUSF assessment through December 31, 2022.
- Increase Missouri USF support for Lifeline voice-only service from $\$ 18.75$ to $\$ 24.00$, effective December 1, 2022 on the condition the FCC eliminates federal support for these subscribers. Companies should be allowed flexibility to implement this increase on or after December 1, 2022 but no later than February 1, 2023.
- Maintain the existing $\$ 24$ support for the Disabled Program and the $\$ 14.75$ for Lifeline service with voice and broadband services.
- Reinstate the Missouri USF assessment on January 1, 2023. The assessment factor should be .0015 if Missouri USF support levels remain unchanged or .0020 if Missouri USF support for voice-only Lifeline service is increased.
- Seek comments from interested parties based on the timing considerations identified in this memo.

Attachment A: Projections for $\$ 18.75$ lifeline discount
Attachment B: Projections for $\$ 24.00$ lifeline discount

[^6]\section*{| Proposed MoUSF Lifeline Support Amoun | $\mathbf{S 1 8 . 7 5}$ |
| :--- | :--- | :--- |
| Assessment Rate $1 / 1 / 2023$ | 0.0015 |}





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[^0]:    ${ }^{1}$ On November 5, 2021 the FCC delayed the elimination of Lifeline voice-only support and indicated a desire to reconsider its plan to phase-out such support.

[^1]:    ${ }^{1}$ This updated financial information includes Missouri USF support distributions, administrative expenses, miscellaneous revenues and subscriber quantities. 2021 NJR as recently reported in company annual reports is also being provided and used in Staff's projections contained in this filing.
    ${ }^{2}$ Staff's proposed support increase is limited to Lifeline voice-only service. Existing Missouri USF support should remain at $\$ 14.75$ for a Lifeline subscriber with voice and broadband services and $\$ 24$ for a Disabled program subscriber.
    ${ }^{3}$ The Commission should solicit feedback regarding the Missouri USF and Staff's proposals. Such feedback should be sought as soon as practical so that both the Missouri USF Board and Missouri Commission have such information before making any decisions about the Missouri USF.
    ${ }^{4}$ Section 392.248, RSMo.

[^2]:    ${ }^{5}$ The Lifeline program is a national program designed to provide discounted voice and broadband services to qualifying low-income consumers. The Lifeline program is administered by a partnership arrangement between the Federal Communications Commission and state commissions. The Disabled program is a unique Missouri program designed to provide discounted voice service to qualifying disabled consumers. For additional info see: https://psc.mo.gov/Telecommunications/Lifeline and Disabled_Programs_1
    ${ }^{6}$ The Missouri USF provides support for discounted voice-only service and discounted voice service bundled with broadband service; however, the Missouri USF does not support a discounted broadband-only service.
    ${ }^{7}$ Account balance as of April 30, 2022 per Missouri USF Administrator's Monthly Report. The average decline is the average of the monthly change over the last 12 months (May 2021 to April 2022).
    ${ }^{8}$ These amounts strive to ensure a subscriber in either program receives a total discount of $\$ 24$ per month. Lifeline support has two different Missouri USF support amounts to correspond with federal Lifeline funding's structure.
    ${ }^{9}$ Qualifying broadband service is defined by the FCC and is currently referring to a broadband speed of at least 25 (down) /3 (up) Mbps or meets the exceptions identified in FCC rule 54.408(d).
    ${ }^{10}$ The FCC provides a variety of reasons for reconsideration and maintain federal Lifeline support for voiceonly service in its order. The FCC's order is attached to Staff's Notice Regarding Continued Lifeline Support filed on November 22, 2021 in this docket.

[^3]:    ${ }^{11}$ Net Jurisdictional Revenue is defined by Missouri Commission rule 20 CSR 4240-31.010(10) and refers to a company's intrastate retail (but not wholesale) revenue for telecommunications and IVoIP services.
    ${ }^{12}$ An exception provided by Missouri Commission rule is a company with less than $\$ 24,000$ in annual net jurisdictional revenue is not required to remit.
    ${ }^{13}$ A total of 211 companies had above $\$ 24,000$ in NJR and would have been required to submit payments to the Missouri USF had the assessment not been suspended in 2021.
    ${ }^{14}$ Assessable NJR is the sum of NJR of all Missouri telecommunications and IVoIP companies that reported at least $\$ 24,000$ in annual NJR for that year.
    ${ }^{15}$ For example, a greater amount of funding will flow into the fund if actual assessable NJR declines at $-7.1 \%$ rather than Staff's projected $-7.3 \%$.

[^4]:    ${ }^{16}$ The Missouri USF Administrator started maintaining these records beginning in May 2020. Voice-only Lifeline subscriber quantities receiving $\$ 18.75$ in Missouri USF support have been declining at the rate of approximately 43 subscribers per month. In contrast, Lifeline bundled service subscribers receiving $\$ 14.75$ in Missouri USF support have been increasing at the rate of approximately 14 subscribers per month.
    ${ }^{17}$ This situation occurs if a company needs to seek a smaller amount of per-subscriber Missouri USF support in order to ensure the total of all federal and state support does not exceed the monthly rate for service plus subscriber line charge. Four companies applied for MoUSF support that is less than the maximum $\$ 14.75$ amount by requesting amounts ranging from $\$ 12.36$ to $\$ 13.77$.
    ${ }^{18}$ Fund administrative expenses are totaled for the year then divided by 12 months. New contracts were awarded in August 2021 and these expenses reflect the rates contained in the new contracts. The contracts are for one-year terms with the option to annually renew.

[^5]:    ${ }^{19}$ Advance notice is generally needed to make changes to consumer bills. In this instance, adjustments to consumer bills may not be ultimately necessary but uncertainty of federal or state support levels places companies in a difficult position.
    ${ }^{20}$ This desired range is based on prior guidance provided by the Missouri USF Board.

[^6]:    ${ }^{21}$ Missouri Commission rule 20 CSR 4240-31.012(2) requires at least 60 days advance notice of an assessment change. If the assessment is reinstated on January 1, 2023 then a Commission order must be issued no later than Tuesday November 2, 2022.

