

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matters of)	
)	
Reform of Certain Part 61 Tariff Rules)	WC Docket No. 18-276
)	
Petitions for Limited Waiver of Rule 61.74(a))	WC Docket No. 17-308
)	
)	

**COMMENTS OF
ITTA – THE VOICE OF AMERICA’S BROADBAND PROVIDERS**

ITTA – The Voice of America’s Broadband Providers (ITTA) hereby submits brief comments in response to the *NPRM* proposing to eliminate certain tariff filing requirements currently in Part 61 of the Commission’s rules.¹ The cross-referencing rule, which prohibits a tariff from cross-referencing other tariffs,² is antiquated and no longer serves a legitimate purpose. It should be removed.

Nearly four score years ago, when the Commission, under the leadership of Chairman James Lawrence Fly, adopted the cross referencing rule, oft-voluminous tariffs were filed in hard copy, making it quite cumbersome to retrieve and follow a tariff’s cross-reference to another. In 1984 -- months after “Ma Bell’s” divestiture of its operating companies -- when the Commission adopted the “modern” iteration of the cross-referencing rule among its first major revisions to its tariffing rules since prior to World War II,³ the Commission did not substantively alter the rule.⁴

¹*Reform of Certain Part 61 Tariff Rules; Petitions for Limited Waiver of Rule 61.74(a)*, Notice of Proposed Rulemaking and Interim Waiver Order, FCC 18-142 (Oct. 18, 2018) (*NPRM*).

² See 47 CFR § 61.74(a).

³ Federal Communications Commission, Amendment of the Commission’s Rules With Regard to Tariffs, 49 Fed. Reg. 40858, 40859 (Oct. 18, 1984) (1984 Tariff Rules) (revision to the tariff rules “represents the first overall review of these rules since 1939”); see Federal Communications Commission, Chapter XVII – Rules Governing the Construction, Filing and

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As the *NPRM* depicts, during the subsequent three-and-a-half decades, the Commission established the Electronic Tariff Filing System (ETFS), promoting “ease of access to tariffs and related information that has come with electronic filing,”⁵ and the Wireline Competition Bureau (Bureau) “routinely” has granted waivers of the cross-referencing rule via the “special permission” procedures set forth in the Commission’s rules.⁶

When the Fly Commission adopted the cross-referencing rule, it also included a proviso that an issuing carrier could publish certain matter applicable to a particular service separately from other matter applicable to that service, so long as such separation “does not result in undue complication.”⁷ Even in 1984, prior to implementation of ETFS, although the Commission did not alter the cross-referencing rule, “[s]everal parties” commented that “referencing of other tariffs and documents would contribute to administrative efficiency and eliminate applications for waivers.”⁸ Certainly now, in light of “technological advances that make tariff information more publicly and readily accessible,”⁹ it is the *disallowance* of cross-referencing that either results in undue complication, or results in undue burdens for carriers.¹⁰ It also results in

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Posting of Schedules of Charges for Interstate and Foreign Communication Service, 4 Fed. Reg. 2287 (June 7, 1939).

⁴ See 1984 Tariff Rules, 49 Fed. Reg. at 40867.

⁵ *NPRM* at 1, para. 1.

⁶ *Id.* at 2, para. 5 (citing 47 CFR § 61.17 (governing applications for special permission)).

⁷ Federal Communications Commission, Part 61 – Tariffs: Rules Governing the Construction and Posting of Schedules of Charges for Interstate and Foreign Communication Service, 5 Fed. Reg. 5082, 5083 (Dec. 14, 1940).

⁸ 1984 Tariff Rules, 49 Fed. Reg. at 40866.

⁹ *NPRM* at 2, para. 4.

¹⁰ In this regard, ITTA concurs with Verizon and AT&T that the current process requiring a carrier to obtain special permission each time it seeks to cross-reference its own tariffs is unduly burdensome. See *id.* at para. 5. In the alternative, carriers must file tariffs that are unnecessarily lengthy due to not being able to cross-reference relevant language in their other tariff filings absent a waiver. In either scenario, the cost of wastefully devoting resources to special permission applications or preparation of excessively lengthy tariff filings far eclipse any benefit

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administrative inefficiency for Commission staff, insofar as the *NPRM* concedes that the Bureau “routinely grants such waivers and as a practical matter those waivers do not appear to have resulted in any negative consequences.”¹¹

In sum, the cross-referencing rule imposes burdens and inefficiencies that carriers and Commission staff no longer should have to bear. ITTA fully supports the *NPRM*’s proposal to eliminate the cross-referencing rule.¹² Doing so as quickly as permissible under relevant statutes will help carriers and Commission staff alike shed the unnecessary burdens associated with the continued implementation of this regulatory relic.¹³

Respectfully submitted,

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of maintaining the cross-referencing rule, especially since the ease of access to tariffs and related information facilitated by ETFS neutralize whatever benefit the cross-referencing rule may have conferred at one time.

¹¹ *Id.*

¹² *See id.* at 1, para. 1 (proposing to eliminate Section 61.74(a) of the Commission’s rules, as well as price cap carriers’ required filing of short form tariff review plans 90 days in advance of their annual access tariff filings). At a minimum, the Commission should amend the cross-referencing rule to allow a carrier to refer to its own tariff and those of its affiliated companies in its tariff publications.

¹³ *See id.* at 5, para. 14 (seeking comment on the timing for making the *NPRM*’s proposed changes).