

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2019-00246

October 25, 2019

PUBLIC UTILITIES COMMISSION
Change of Prepaid Wireless Fee Amount

ORDER CHANGING THE
PREPAID WIRELESS FEE
AMOUNT

BARTLETT, Chair; WILLIAMSON and DAVIS, Commissioners

I. SUMMARY

By this Order, and pursuant to Chapter 284 of the Commission's Rules, the Commission changes the per-retail-transaction amount that is included in the Prepaid Wireless Fee for the Maine Universal Service Fund, Maine Telecommunications Education Access Fund, and E-9-1-1 Fund.

II. BACKGROUND

A. Maine Universal Service Fund

On October 8, 2019, the Commission, after an investigation, changed the Maine Universal Service Fund (MUSF) fee for post-paid telecommunications carriers. *Public Utilities Commission, Investigation to Set the Per-Connection Amount of the MUSF Fee*, Docket No. 2019-00166, Order (Oct. 8, 2019). In its Order, the Commission set the per-number or per-line MUSF assessment for post-paid carriers at 44¢.

B. Maine Telecommunications Education Access Fund

the Commission, after an investigation, changed the Maine Telecommunications Education Access Fund (MTEAF) fee for post-paid telecommunications carriers. *Public Utilities Commission, Investigation to Set the Per-Number Amount of the MTEAF Fee*, Docket No. 2018-00068, Order (May 8, 2019). The Commission set the per-number or per-line Maine Telecommunications Education Access Fund (MTEAF) assessment at 21¢.

C. E-9-1-1 Fund

Currently, the E-9-1-1 portion of the Fee is set by statute at 45¢ per month per line or number. 25 M.R.S. § 2927(1-F) (2018). During its 2019 session, the Legislature changed the E-9-1-1 portion of the Prepaid Wireless Fee from 45¢ to a Commission-established amount not to exceed 35¢ per retail transaction. P.L. 2019 ch. 343, §

SSSS-2, to be codified at 25 M.R.S. § 2927(1-F).¹ The new surcharge is to take effect on January 1, 2020. *Id.*

III. DISCUSSION AND DECISION

On September 24, 2019, the Commission provided notice of its intent to change the Prepaid Wireless Fee. In its notice, the Commission proposed to reduce the MUSF portion of the fee from 53¢ to 44¢, increase the MTEAF portion of the fee from 18¢ to 21¢, and reduce the E-9-1-1 portion of the fee from 45¢ to the statutory maximum of 35¢. As a result of the changes, the Prepaid Wireless fee would be reduced from the current \$1.16 per retail transaction to \$1.00. The fee amounts were selected to both provide sufficient funding for the funds in question (or, in the case of the E-9-1-1 fee, the maximum amount of funding) and to harmonize the prepaid fee amounts with their post-paid counterparts.

The Commission solicited comments from interested persons and did not receive any comments regarding the fee change. The Commission sent its notice of intent to change the fee to all persons who were on the Notification List for the prior Commission fee-change proceeding, Docket 2016-00228. Pursuant to 35-A M.R.S. § 7104-C(2)(E) and Chapter 284, §4(B) of the Commission's Rules, the Commission posted a copy of the notice on its publicly accessible website and sent a copy of the notice to the State Tax Assessor, with a request that the State Tax Assessor post the notice on its publicly accessible website for at least 30 days.

Given the above reasoning for changing the components of the Prepaid Wireless Fee, and given that no interested persons opposed the changes, the Commission finds that the proposed changes are reasonable. Accordingly, the Commission adopts the changes to the Prepaid Wireless Fee and Orders that the changes go into effect on January 1, 2020.

Dated at Hallowell, Maine, this Twenty-Fifth Day of October, 2019

BY ORDER OF THE COMMISSION

/s/ Harry Lanphear

Administrative Director

¹ Even at the statutory maximum, the Bureau projects a budget deficit of over \$500,000. See *Public Utilities Commission, Investigation to Set the E-9-1-1 Surcharge*, Docket No. 2019-00233. The Commission notes that this budget deficit is intentional and intended to draw down a significant surplus in the E-9-1-1 Fund. This drawdown is necessary to meet the goal of aligning the surcharge and available revenues with future ESCB budgets.

COMMISSIONERS VOTING FOR:

Bartlett
Williamson
Davis

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.ch. 110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within **20** days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.