

ATTACHMENT A

Selected excerpts from proposed changes to Chapter 288 (Maine Universal Service Fund). Proposed changes in the text are underlined. (Headings were already underlined; there are no proposed changes to the headings.)

Section 4(D) [assessments]:

D. Assessment of Revenues Derived from Jurisdictionally Mixed Charges.

1. Application. Assessments shall apply to anythose retail charges or rates of an IXC, a mobile telecommunications provider or a radio-paging provider that apply on an unseparated basis to both intrastate and interstate service (e.g., minimum monthly bills, with or without a usage allowance and bills that combine interexchange and local services) provided in Maine, except as provided in paragraph 2 below.

2. Exception. If approved by the Commission or by the Director of Finance, IXCs, mobile telecommunications carriers and radio paging providers may apportion revenue derived from retail charges or rates that apply on an unseparated basis to both intrastate and interstate service using minutes of use or some other reasonable and verifiable apportionment method. Mobile telecommunications providers may use the “safe harbor” methodology established by the Federal Communications Commission.

Section 5(B)(3) [surcharges]:

3. Application to Jurisdictionally Mixed Charges.

a. Application Allowed only with Approved Apportionment Method. If an IXC has rates or charges that that apply on an unseparated basis to both intrastate and interstate service (e.g., minimum monthly bills, with or without a usage allowance and bills that combine interexchange and local services), it may not apply the surcharge to any portion of those charges except pursuant to an apportionment method for those rates or charges approved pursuant to sub-paragraph (b) below;

b. Approval of Apportionment Method. The Commission or the Director of Finance may approve an apportionment method, using minutes of use or some other reasonable method, that will allow an IXC to surcharge the intrastate portion of mixed intrastate-interstate charges. If, pursuant to Section 4(D)(2), the Commission approves an apportionment method (e.g., minutes of use) for the assessment of revenues derived from mixed intrastate-interstate charges, the carrier shall apply the same apportionment method to every mixed intrastate-interstate charge on each customer's bill;