

TENNESSEE REGULATORY AUTHORITY

Eddie Roberson, Ph.D.
Director



460 James Robertson Parkway
Nashville, TN 37243-0505

January 22, 2009

Director Sara Kyle
Director Mary W. Freeman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: Rulemaking To Establish Requirements And Funding Mechanism To Support
Telecommunications Services For Individuals With Hearing Loss And Speech
Disabilities
TRA Docket 05-00237

Dear Director Kyle and Director Freeman:

Please find the attached motion that I plan to make in our scheduled Authority Conference on January 26, 2009 in the above-referenced docket. For your convenience, I am filing this today in order that you have sufficient time to review it prior to the Conference.

Sincerely,

Eddie Roberson, Ph.D.
Chairman

/jas

Attachment

c: Docket File 05-00237

Chairman Roberson's Motion
Docket No. 05-00237

I move approval of proposed TRA Rules 1220-4-14, which were filed with the Secretary of State for publication on June 27, 2008 prior to the second rulemaking hearing, with the following amendments:

- I. Rule 1220-4-14-.01(5), which defines "Contributing Service Provider," is changed from ". . . IP based providers. . ." to ". . . providers of interconnected Voice over Internet Protocol ("VoIP") services as defined at 47 C.F.R. §§ 9.3, 54.5. . ."
- II. Rule 1220-4-14-.01(8), which defines "Gross Receipts," is changed from ". . . means revenue, for services provided subject to Tennessee sales and use tax," to ". . . for wire line carriers means intrastate end user telecommunications service revenues. "Gross Receipts" for VOIP and wireless carriers means intrastate end-user telecommunications revenues calculated in accordance with section .05(2) of this chapter."
- III. Added to Rule 1220-4-14-.05(2), which delineates the methodology for calculating contributions to the TRS fund, is: "Wireless and Interconnected VoIP service providers shall contribute based on: (1) the intrastate percentage of the FCC's "safe harbor" method used in calculating their respective contributions to the federal interstate TRS fund, (2) actual intrastate revenues along with supporting documentation thereof, or (3) a traffic study, (as set forth *In the Matters of IP-Enabled Services*, 22 FCC Rcd. 11275 (2007) and adopted *In re Universal Service Contribution Methodology*, 21 FCC Rcd. 7518 (2006)). Interconnected VoIP providers may calculate their assessable revenues using end user customer service address instead of the customer billing address. Wireless providers may calculate their assessable revenues using end user customer place of primary use instead of the customer billing address."
- IV. Rule 1220-4-14-.05(4) is included to set a timeframe for compliance and states, "Contributing Service Providers shall have ninety (90) days from the effective date of Chapter 1220-4-14 to comply with its requirements."
- V. Rule 1220-4-14-.07 is added to allow severability of any provision found to be invalid or unenforceable and states, "If one or more of the term(s) or provision(s) of this Chapter or the application thereof, to any extent, are held to be invalid or unenforceable, then the remainder of this Chapter shall not be affected thereby."