

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, Pennsylvania 17120**

**Proposed Rulemaking to Amend Pa.  
Universal Service Fund Regulations**

**Public Meeting held August 24, 2023  
3040646-LAW  
Docket No. I-2023-3040646  
Docket No. P-2010-2217748**

**MOTION OF CHAIRMAN GLADYS BROWN DUTRIEUILLE**

As an initial matter, I want to commend staff for a thorough discussion of the developments over the past decade in the evolution of federal and Pennsylvania law pertaining to universal service for voice and, now, internet service. This remains a complex and ever-changing process. Over the past 10 years, voice and internet service have both come to be viewed as essential public services needed by consumers. Pennsylvania has been providing universal service support for competitive long-distance voice service rates on networks for over 20 years, as well as a more limited support for the ability of consumers to purchase services provided over those supported networks.

Because this is an Advanced Notice of Proposed Rulemaking (ANOPR), the Commission does not yet have a record to support efforts to reform our Pennsylvania Universal Service Fund (Pa. USF) program nor suggested language for implementing those changes. As part of this deliberation, I have set out some broad questions about the challenges of supporting voice and internet networks and services. I urge the interested public to file comments but, also, proposed regulatory text supporting those comments as well. The areas of additional inquiry include:

1. Should the Commission model its own approach to universal service using the current federal approach which requires a recipient of universal service to construct a voice network that can provide voice but also internet service at federal speeds and requires recipients to stand ready to provide voice and internet service at a required speed as a condition of receiving universal service as a Provider of Last Resort (POLR service) and Carrier of Last Resort (COLR network) obligations;
2. Should the Commission's proposed provision of universal service support be conditioned on a recipient providing voice and internet services at federal speeds to all consumers in the designated area, particularly if VoIP and Broadband Internet Access Service (BIAS) are classified as telecommunications under federal law;
3. Should the Commission alter the current structure, in which support is provided in the entire service territory (study area) of an Incumbent Local Exchange Carrier (ILEC) service territory, in favor of another approach and, if so, how could the Commission do that consistent with federal law;

4. Should there be only one provider with a COLR/POLR obligation in a designated area and how should they be chosen;
5. Is it prudent to augment the Pa. USF by providing support so that consumers can purchase voice and/or internet service to further the federal universal service mandate of Section 254, *47 U.S.C.A. § 254*, that there must be comparable rates for comparable services in rural and urban areas and Pennsylvania's universal service mandate set out in Chapter 30, *66 Pa.C.S. §§ 3001 et seq.*;
6. Should a recipient of Pa. USF support document its network and service costs in a public on-the-record proceeding to ensure an accurate demonstration of the support to be drawn from the Pa. USF;
7. Should the Commission's support for the networks and services needed to advance universal service in Pennsylvania continue to be recovered via assessments on services from retail intrastate revenues alone, or should the contribution base be expanded to include revenues from all regulated and unregulated services provided over a supported network, including wholesale revenues and other services, given that the supported network can provide, *inter alia*, regulated and unregulated services such as wireless backhaul transport and internet service;
8. Should the Commission continue prohibiting a stand-alone surcharge on individual consumers to recover the cost of universal service;
9. What mechanism, other than certification of VoIP providers, can the Commission use to implement the universal service support provisions of the VoIP Freedom Bill and ensure compliance with the provisions in the Public Utility Code and the VoIP Freedom Bill;
10. How should the Commission address the issues outlined in my statement in the *Application of Sprint Communications Company L.P. for approval of abandonment of services*, Docket No. A-2021-3028993 (August 25, 2022) in this proceeding;
11. Does competition remain a valid focus when it comes to supporting networks and services given that over 95% of today's consumers are served by the "last mile" network owned by two industries i.e., telephone and cable, with cable and fiber networks lacking an open access mandate for competitors under federal law and precedent?

I believe that it is necessary for stakeholders to comprehensively respond to the above questions so that this Commission is fully informed as it considers revisions to Pennsylvania's universal service fund structure.

**THEREFORE, I MOVE THAT:**

1. The above questions be added to the appendix to this advance notice of rulemaking order.
2. The Law Bureau shall prepare an advance notice of rulemaking order consistent with this Motion.

August 24, 2023  
**DATE**

  
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**Gladys Brown Dutricuille, Chairman**