

New Electronic Tariff Filing Rules in Effect—Carriers Must File Electronic Versions of Existing FCC Tariffs by Jan. 17, 2012

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The Federal Communications Commission (FCC) has adopted new rules that eliminate paper tariff filings. All carriers that have an existing tariff on file with the FCC must e-file a complete copy of that tariff using the Electronic Tariff Filing System (ETFS) by **Jan. 17, 2012**. As of that date, the FCC will cancel all paper tariffs on file that have not been replaced with an electronic filing. Carriers who want to maintain an access tariff in the future must make this e-filing prior to the deadline.

In their initial e-filing via ETFS, carriers are required to e-file the exact tariff that is currently effective with the FCC. This initial ETFS e-filing does not require an FCC filing fee.

The e-filed tariff must be in PDF format and must include a transmittal letter that explains the nature and purpose of the filing. In addition, carriers will need their FCC Registration Number (FRN) and their FRN password for their initial e-filing, which will be used by ETFS to create a new ETFS-specific user ID.

Although tariffs cannot be amended when making the initial e-filing, carriers that have not recently reviewed their tariffs may wish to consider updating their tariffs. This is particularly advisable for any companies that collect access revenues for voice-over-IP traffic or that have based their access tariffs upon incumbent carrier tariffs that may refer to network architectures the carrier does not have (e.g. references to tandem and end office switching). The FCC recently found a CLEC access tariff to be unenforceable because it did not accurately describe the CLEC's actual service and network architecture.

Carriers that have not previously filed FCC tariffs and that wish to do so should use the ETFS system, but such new tariff filings will require the customary FCC filing fee.

Davis Wright Tremaine, LLP can assist with carriers' e-filings through ETFS. Please let us know if you would like help or have any questions.

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