

Summary of Current Telecommunications Regulatory Activities

Joint Corporations, Elections & Political Subdivisions Committee

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Lander, Wyoming

Wyoming Public Service Commission

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<https://psc.wyo.gov/home>

Background

Following the breakup of the AT&T/ Bell System in the early 1980s, the federal government and the states began the necessarily revision and creation of statutes intended to maintain adequate and reliable telecommunication services at reasonable rates while promoting the emergence of competition.

In 1995, the Wyoming Telecommunications Act (the Act) established a modernized regulatory regime consistent with those intentions, and creating the Wyoming Universal Service Fund (WUSF). The Act preceded the Federal Telecommunications Act of 1996.

The Act is comprised of Wyoming Statutes §§ 37-15-101 through 502. It has been amended twelve times since enactment, and is currently scheduled to sunset July 1, 2025.

The Wyoming Public Service Commission's (WPSC) *2021 Annual Telecommunications Legislative Report*, which provides additional detail on the topics discussed below, is available online at https://drive.google.com/file/d/10krj1U5dyAvW6cBalpB7-r5lfANqVe_-/view.

Current WPSC Telecommunications Regulation

• Administration of Wyoming Universal Service Fund (WUSF)

The WUSF is a mechanism designed to assist only those customers of telecommunications companies located in areas of this state with relatively high rates for noncompetitive essential local exchange services.ⁱ WUSF support is funded by an assessment on retail intrastate telecommunications revenue. In the 2022 WUSF program year, support to benefit approximately 23,000 customers of nine eligible Wyoming telecommunication companies totaled \$2.1 million, or \$92 per customer. All telecommunications companies providing service in Wyoming are required to collect and remit the WUSF assessment.

• **Certificates of Public Convenience and Necessity applications** This allows the WPSC to screen applicants seeking to provide essential telecommunication services in Wyoming to ensure that only legitimate businesses operate in the state.

• **Outage Reporting** Telecommunications companies are required by report significant essential service outages to the WPSC. This information is shared with the Wyoming Office of Homeland Security to assist with its mission.

• **Complaints:** The WPSC receives complaints from telecommunications customers concerning service quality, billing, and other issues. Customers are entitled to formal (contested case) review of complaints against non-competitive essential service providers. Complaints against competitive providers are processed informally.

• Eligible Telecommunications Carrier (ETC) Designation and Certification

To receive Federal Universal Service Fund (FUSF, now generally known as “Connect America Fund” or CAF support) telecommunications companies must be initially designated as ETCs and

must receive certification annually thereafter to ensure that federal support is properly expended and the required services are provided. This is a federal delegation of authority. Companies providing service in Wyoming received over \$40 million in FUSF in 2022.

- **Rate increase applications.** Noncompetitive essential service rates can be increased only with WPSC approval. These applications are rare, with only one filed in the past decade.

- **Interconnection Agreements and Amendments**

Telecommunications companies file interconnection agreements and amendments (wholesale contracts) with the PSC for approval. This a federal delegation of authority.

Other Telecommunications Functions of the WPSC

- **Wyoming Relay Service**

Upon notification by the Committee on Telecommunications Services for the Communications Impaired of the amount of the monthly access line special fee determined by the committee, the WPSC is required to “provide for the inclusion and identification of the special fee on each monthly billing for service from each local exchange company and radio communications service provider.” Wyo. Stat. §16-9-201 *et seq.*

- **911 Emergency Tax Rate Analysis (Prepaid Wireless)**

WPSC and the Department of Revenue are jointly responsible for collecting, analyzing, and reporting 911 emergency tax revenues and expenditures, and reporting to the Legislature regarding the “substantial equivalency” of taxes paid by prepaid wireless users relative to other taxpayers. Wyo. Stat. §16-9-109.

- **Utility Assessment**

The WPSC budget is funded primarily by the Utility Assessment, which is assessed against the gross intrastate utility revenues of public utilities. Telecommunications companies are considered public utilities for this purpose, and contribute about 6%, or \$240,000 per year, of total collections.

- **North American Numbering Plan Administration**

When telecommunications companies request new blocks of telephone numbers to issue to customers, they make a request through the North American Numbering Plan Administrator. (NANPA). NANPA contacts the WPSC, providing an opportunity to object to the issuance.

ⁱ "Essential telecommunications service" means a customer's access to service that is necessary for the origination or termination, or both, of two-way, switched telecommunications for both residential and business service within a local exchange area. Essential telecommunications services are limited to:

(A) Access to interexchange services provided by interexchange telecommunications companies;

(B) Single line flat-rate or single line measured residence or business voice service;

(C) Transmission service and facilities necessary for the connection between the end user's or customer's premises and local network switching facility including the necessary signaling service used by customers to access essential telecommunications services;

(D) Services necessary to connect 911 emergency services to the local network;

(E) Switched access, which for the purposes of this chapter shall mean the switching and transport necessary to connect an interexchange telecommunications company with the local exchange central office for the purpose of originating or terminating, or both, the interexchange telecommunications company's switched telecommunications service.

(Wyo. Stat. § 37-15-103 (a)(iv))