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Docket No. 32235

In Re: **Generic Proceeding to Implement House Bill 168**

ORDER VACATING PRIOR ORDERS DUE TO THE PROMULGATION OF RULE 515-12-1-.39 UNIVERSAL ACCESS FUND

I. Background

On December 7, 2022, the Georgia Public Service Commission issued a Notice of Proposed Rulemaking to adopt Commission Rule 515-12-1-.39 Universal Access Fund. The proposed rule was intended to codify existing requirements in state law and Commission orders in Docket Nos. 32235 and 36116 related to the Universal Access Fund. The proposed rule required carriers to remit funds on a quarterly basis to support the Universal Access Fund, specified billing language for carriers that choose to include a surcharge on customer, and established minimum filing requirements and a deadline for the filing of applications for disbursements. Finally, the proposed rule would eliminate the existing Track 1/Track 2 process.

In Administrative Session on January 17, 2023, the Commission adopted the rule. The Final Order Adopting Rule was issued on January 25, 2023. The rule was subsequently filed with the Secretary of State on January 26, 2023 and went into effect 20 days later, on February 15, 2023, pursuant to O.C.G.A. § 50-13-6.

II. Staff Recommendation

Staff recommended that the Commission issue an order vacating any orders, or portions of orders, that are in conflict with those contained in Commission Rule 515-12-1-.37.

III. Commission Decision

The Commission adopts the Staff's recommendation for the reasons stated therein.

* * * * *

WHEREFORE, it is

ORDERED, that any orders, or portions of orders, in Docket No. 32235 that are in conflict with the provisions of Commission Rule 515-12-1-.39 Universal Access Fund are hereby vacated.

ORDERED FURTHER, that a motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order(s) as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 21st day of February 2023.

Sallie Tanner
Executive Secretary

2-27-23
DATE

Tricia Pridemore
Chairman

2-27-23
DATE