

# **Policy Resolutions**

**PASSED**

**by the**

**Board of Directors**

**of the**

**NATIONAL ASSOCIATION OF  
REGULATORY UTILITY COMMISSIONERS  
Wednesday, February 8<sup>th</sup>, 2012**

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## ***CA-1/GS-1 Resolution on LIHEAP Funding***

**WHEREAS**, The National Association of Regulatory Utility Commissioners (NARUC) recognizes adequate utility service to be a vital key to the health and safety of American households; *and*

**WHEREAS**, The need for energy assistance is growing rapidly during the current recession, at the same time that severe constraints on State budgets and the increased strain on the nation's support system provided by non-profit, faith-based, and other community organizations have limited the resources available for energy assistance; *and*

**WHEREAS**, Even though the number of households eligible for the program continues to exceed those receiving assistance, this funding has been a lifeline during the economic downturn and rising energy costs, helping to ensure that people do not have to choose between paying their energy bills and paying for food or medicine; *and*

**WHEREAS**, The Low-Income Home Energy Assistance Program (LIHEAP) is the main federal program that helps low-income households and seniors with their energy bills, providing vital assistance during both the cold winter and hot summer months; *and*

**WHEREAS**, The U.S. Census recently reported that 46.2 million people lived in poverty in 2010, the largest number in the 52 year history of published poverty estimates; *and*

**WHEREAS**, The increasing poverty rate, coupled with underfunding of energy assistance programs, could increase arrearages and service disconnections, causing electric and gas utilities to write off increasing levels of revenue due to consumers being unable to pay bills and leave families to resort to unsafe and life-threatening measures in lieu of utility services; *and*

**WHEREAS**, According to the National Energy Assistance Director's Association (NEADA), last year LIHEAP provided vital energy assistance to 8.9 million households, an increase of 54 percent since 2008; *and*

**WHEREAS**, The number of veteran households served by LIHEAP increased by more than 150 percent during the same period from about 700,000 in FY 2008 to 1.78 million in FY 2011, which represents an increase from 12 percent of total LIHEAP recipients to 20 percent since 2008; *and*

**WHEREAS**, The Administration's proposed \$2.5 billion cut (45 percent) to LIHEAP in its Fiscal Year 2012 budget threatened to reduce the overall number served by over 2 million households; *and*

**WHEREAS**, Congress was only able to restore funding in the FY 2012 appropriations to approximately \$3.5 billion, representing a significant cut from Fiscal Year 2011's appropriation of \$4.7 billion and less than FY 2010 funding of \$5.1 billion; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., understands that Congress, the Administration, and our nation confront challenging fiscal decisions, and we recognize that we will need to work cooperatively to address our country's deficit in a manner that will promote job growth and economic recovery. However, we urge Congress to fund, and the Administration to request, the Low-Income Home Energy Assistance Program at \$5.1 billion.

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*Sponsored by the Committees on Consumer Affairs and Gas  
Adopted by the NARUC Board of Directors February 8, 2012*

***CA-2/TC-1 Resolution Regarding the Federal Communications Commission's Complaint Procedure***

**WHEREAS**, A competitive marketplace benefits consumers by offering the ability to choose between competing services and providers based on many factors; *and*

**WHEREAS**, True competition requires consumer access to all pertinent information about the price, quality and service plans available so potential customers can make informed decisions; *and*

**WHEREAS**, The Federal Communications Commission (FCC) posts a copy on its Website of the "Report of Consumer Inquiries and Informal Complaints" approximately four months after each quarter for wireline and wireless telecommunications services, cable and satellite television services, bundled and Voice over Internet Protocol (VoIP) services, and radio and television broadcast services; *and*

**WHEREAS**, It is often difficult for consumers to research information regarding complaint data on services regulated by the FCC because the relevant information is currently not publicly available in an online searchable database; *and*

**WHEREAS**, The FCC clearly has the legal authority, pursuant to §4(m) of the Communications Act of 1934, as amended, to create an online publicly searchable database of consumer service complaints; *and*

**WHEREAS**, A publicly available, searchable database on the FCC website that is user friendly and is capable of sorting consumer service complaints by date filed, topic of complaint, location of complaint, service provider, and related issues would be a useful tool for consumers to use when choosing between service providers; *and*

**WHEREAS**, An online publicly searchable database of consumer service complaints would also be useful to the FCC and to other State and federal agencies to detect systemic anti-competitive and/or anti-consumer behavior by service providers; *and*

**WHEREAS**, An online publicly searchable database of consumer service complaints would also promote competition and allow service providers with fewer complaints to promote their services; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., urges the FCC to create an online publicly searchable database of its consumer service complaints as soon as possible; *and be it further*

**RESOLVED**, That NARUC supports federal legislation to require the FCC to present its consumer service complaint information in a publicly available, searchable database on its website that is easily accessible by consumers and that enables public research comparisons.

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*Sponsored by the Committees on Consumer Affairs and Telecommunications  
Adopted by the NARUC Board of Directors February 8, 2012*

***EL-1 Resolution on the Need for Review of FERC Incentive Rate Regulation Policies Under Order No. 679***

**WHEREAS**, The National Association of Regulatory Utility Commissioners (NARUC) is the national organization of the State commissions responsible for economic and safety regulation of the retail operations of utilities as well as responsible for ensuring that such services are provided at just and reasonable rates; *and*

**WHEREAS**, NARUC represents the collective interests of State regulatory commissions; *and*

**WHEREAS**, Retail customers are impacted by the decisions and orders issued by the Federal Energy Regulatory Commission (FERC or Commission); *and*

**WHEREAS**, In May 2011, FERC issued its Notice of Inquiry (NOI)<sup>1</sup> requesting comment on the Commission's transmission-incentive regulations and policies under Order No. 679;<sup>2</sup> *and*

**WHEREAS**, Nationwide, incentives already granted as of June 2009 by FERC pursuant to Order No. 679 will cost consumers hundreds of millions of dollars per year or more;<sup>3</sup> *and*

**WHEREAS**, FERC's implementation of Order 679 incentives has resulted in the approval of overly generous ROE incentives requests by transmission developers; *and*

**WHEREAS**, It appears the Commission has not attempted to gather the necessary data or analyses establishing a link between improved performance and specific incentives as result of decisions applying Order No. 679; *and*

**WHEREAS**, Available industry data as early as 2005 and prior to decisions applying Order No. 679 appears to demonstrate that transmission developers, prior to enactment of FPA 219, planned and were prepared to construct appropriate improvement to the interstate grid without incentives;<sup>4</sup> *and*

**WHEREAS**, The significant development and enforcement of mandatory reliability standards by the Commission and the North American Electric Reliability Corporation (NERC) also affected the level of investment in transmission facilities outside of the Commission's decisions applying Order No. 679; *and*

**WHEREAS**, Under current Federal Energy Regulatory Commission (FERC) Order 679 rate incentive implementation policy there is a near certainty a transmission developer's petition for rate incentives will be granted through overly generous incentive awards such as formula rate recovery of all (prudent) project costs, inclusion of CWIP in rate base, and recovery of abandonment costs which greatly reduces investors' risk of financial loss; *and*

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<sup>1</sup> Promoting Transmission Investment Through Pricing Reform, 135 FERC ¶ 61,146, 76 Fed. Reg. 30,869 (May 27, 2011).

<sup>2</sup> Promoting Transmission Investment Through Pricing Reform, Order No. 679, 71 Fed. Reg. 43294 (Jul. 31, 2006), FERC Stats. & Regs. ¶ 31,222 (2006), order on reh'g, Order No. 679-A, 72 Fed. Reg. 1152 (Jan. 10, 2007), FERC Stats. & Regs. ¶ 31,236, order on reh'g, 119 FERC ¶ 61,062 (2007).

<sup>3</sup> See Letter from Hon. Jon Wellenhoff, Chairman, Federal Energy Regulatory Commission, to Hon. Edward J. Markey, Chair, Subcommittee on Energy and Environment, U.S. House of Representatives, Attachment A (June 11, 2009) (eLibrary No. 20090618-0125), with adjustment for taxes.

<sup>4</sup> EEI, EEI Survey of Transmission Investment Historical and Planned Capital Expenditures (1999-2008) (May 2005) (available at [http://www.eei.org/ourissues/ElectricityTransmission/Documents/Trans\\_Survey\\_Web.pdf](http://www.eei.org/ourissues/ElectricityTransmission/Documents/Trans_Survey_Web.pdf)).

**WHEREAS**, Even though Federal Power Act (FPA) Section 219 requires the Commission to adopt, by rule, “incentive-based (*including performance-based*) rate treatments” for new transmission investment,<sup>5</sup> to date, the Commission’s incentive-rate policy has included no performance-based element; *and*

**WHEREAS**, The Commission’s award of overly generous incentive rates to transmission developers subsequent to the issuance of Order 679 has received considerable critical attention in Congress, among the States, users of the interstate transmission system and retail customers, raising important issues that FERC has recognized as requiring exploration by issuance of the Commission’s May 19, 2011 Notice of Inquiry; *now, therefore be it*

**RESOLVED**, The Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., supports the goals of FPA Section 219,<sup>6</sup> but has concerns about the manner in which that provision has been implemented; *and be it further*

**RESOLVED**, That NARUC supports the Commission’s decision to undertake an inquiry into the design and implementation of transmission-incentive rate policies; *and be it further*

**RESOLVED**, That NARUC encourages the Commission to commit to a rigorous analysis of available data to determine whether there exists a significant and cost effective link between FERC’s award of transmission incentives and real-world transmission development investment decisions; *and be it further*

**RESOLVED**, That NARUC encourages the Commission to specify enforceable performance metrics goals and require regular metrics filings to demonstrate achievement of required goals; *and be it further*

**RESOLVED**, That while Congress has directed the development of incentive transmission rate rules, the National Association of Regulatory Utility Commissioners concludes that the granting of incentive rates under the Commission’s current transmission-incentive regulations and policies under Order No. 679 has transferred hundreds of millions of dollars from consumers to transmission investors without any clear showing of need or benefit and Order 679 prescribes policies that are in dire need of reform; *and be it further*

**RESOLVED**, That NARUC encourages the Commission to respond to the comments filed in response to its Notice of Inquiry and amend its rules and modify its policies in order to reduce unnecessary costs imposed on consumers.

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*Sponsored by the Committee on Electricity*  
*Adopted by the NARUC Board of Directors February 8, 2012*

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<sup>5</sup> 16 U.S.C. § 824s (a) (emphasis added).

<sup>6</sup> Section 219 directed the Commission to “establish ... incentive-based (including performance-based) rate treatments for the transmission of electric energy in interstate commerce by public utilities for the purpose of benefitting consumers by ensuring reliability and reducing the cost of delivered power by reducing transmission congestion.” 16 U.S.C. § 824s (a). Section 219 required the rule to “promote reliable and economically efficient” transmission and generation of electric energy. *Id.* § 824s (b) (1).

***EL-2/ERE-1 Resolution Regarding the Recommendations of the Blue Ribbon Commission on America's Nuclear Future***

**WHEREAS**, It has been national policy well before and affirmed by the Nuclear Waste Policy Act (NWPA) that the Federal Government is responsible for the safe, permanent disposal of all government and commercial high-level radioactive nuclear waste—including used or spent nuclear fuel from nuclear power plants; *and*

**WHEREAS**, The owners of the commercial spent nuclear fuel are obligated to pay for its disposal through contracts with the U.S. Department of Energy (DOE) required by the NWPA, and such payments have been continuously made since 1983 and continue today; *and*

**WHEREAS**, Fees paid to the Nuclear Waste Fund and interest earned by the Fund today total a reported \$26.7 billion in the Fund because funds appropriated for the planned geologic repository—that was supposed to be operational in 1998—have never kept pace with annual fee revenue; *and*

**WHEREAS**, The present Administration has taken steps to cancel the repository at Yucca Mountain, Nev., that was approved by Congress in 2002 and for which the previous Administration submitted a license application to the Nuclear Regulatory Commission (NRC) in 2008; *and*

**WHEREAS**, In 2010 the President directed the Secretary of Energy to appoint a Blue Ribbon Commission on America's Nuclear Future (BRC) to recommend a new nuclear waste disposal strategy—excluding Yucca Mountain; *and*

**WHEREAS**, The distinguished members of the BRC appointed by the Secretary have conducted an extensive review of the troubled history of the repository program in this country, toured domestic and international waste facilities, received testimony and comments from experts and the public on relevant subject matters as well as the reports and recommendations culminating in the Final Report to the Secretary of Energy in January 2012; *and*

**WHEREAS**, NARUC maintains the view that the 2002 Joint Resolution (P.L. 107-200) approved the Yucca Mountain site subject to the NRC issuing a license, and is challenging the NRC's termination of the license application review since the Atomic Safety Licensing Board denied DOE's motion to withdraw the license; *and*

**WHEREAS**, Notwithstanding the disagreement on the need to continue the Yucca Mountain repository program, the BRC report contains many other recommendations that NARUC and State commissions would support and which would advance NARUC's interest in getting the U.S. nuclear waste disposal program back on track; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., appreciates the efforts of the Blue Ribbon Commission on America's Nuclear Future in reviewing the policy and technical factors involved with managing and disposing of both government and commercial high-level radioactive waste and proposing a strategy to resolve the waste disposal problems that have too-long been deferred; *and be it further*

**RESOLVED**, That NARUC review the BRC Final Report and communicate the willingness to work with the Administration, Congress, stakeholder organizations and others in determining a transition

plan that stands the best chance of succeeding while protecting the public and the environment; *and be it further*

**RESOLVED**, That NARUC take action to encourage the Administration to implement the BRC recommendation to amend the standard contracts to allow standard contract holders to pay into the Nuclear Waste Fund an annual amount matching the appropriations for the waste management program and to place the remainder into an approved third-party trust account from which withdrawals could only be made to fund the waste management program; *and be it further*

**RESOLVED**, That NARUC take action to encourage the Administration to work with the appropriate congressional authorities to reclassify the fees paid to the Nuclear Waste Fund to prevent the government from diverting the fee for other unrelated uses; *and be it further*

**RESOLVED**, That NARUC remains vigilant in assuring that the corpus of the Nuclear Waste Fund remains fully available, with appropriate congressional oversight, for the purposes authorized in the NWPA.

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*Sponsored by the Committees on Electricity and Energy Resources and the Environment  
Adopted by the NARUC Board of Directors February 08, 2012*

***ERE-2 Resolution Supporting the North American Electric Reliability Corporation Find, Fix and Track Report Compliance Monitoring and Enforcement Mechanism***

**WHEREAS**, State utility regulatory commissions have a statutory obligation to ensure that electric utilities operate and maintain the electric system in a reliable manner and that consumers receive safe, reliable electric service at just and reasonable rates; *and*

**WHEREAS**, Retail ratepayers ultimately bear both investment and compliance costs associated with reliability standards; *and*

**WHEREAS**, The North American Electric Reliability Corporation (NERC) is designated by the Federal Energy Regulatory Commission (FERC) as the Electric Reliability Organization (ERO) responsible nationally for the development and enforcement of mandatory electric reliability standards; *and*

**WHEREAS**, NARUC has supported and encouraged NERC to demonstrate that its requirements provide benefits to consumers that justify the associated compliance costs; *and*

**WHEREAS**, NERC and its eight regional entities have a current backlog of approximately 3,000 violations waiting to be processed, are receiving new issues and violations at a rate of approximately 250 per month, and estimate it will take several years to catch up and fully process under the initial compliance monitoring and enforcement program; *and*

**WHEREAS**, Over 50% of the reported violations are estimated to be minor and of minimal impact, NERC has recognized the need for comprehensive reform to refocus reliability enforcement on a risk-based approach directed at standards with the greatest reliability consequence; *and*

**WHEREAS**, The vast majority of the service interruptions that consumers experience are distribution-related, and the resources devoted to addressing violations that have a minor or minimal impact can divert attention from activities that could have a much greater impact on reliability for consumers; *and*

**WHEREAS**, Enforcing every self-reported reliability violation undermines effective reliability regulation, diverting enforcement resources away from serious reliability violations and dissipating the compliance resources of regulated entities; *and*

**WHEREAS**, NERC developed a new compliance enforcement mechanism, known as Find, Fix and Track Report (FFT), that provides NERC and its eight regional entities enhanced discretion in dealing with violations of reliability standards that pose a lesser risk to the reliability of the bulk power system; *and*

**WHEREAS**, The new FFT process is expected to result in efficiency gains while preserving system reliability, requiring all potential violations to continue to be reported to FERC in a timely manner, mitigated and made part of the entity's compliance history; *and*

**WHEREAS**, NERC and industry representatives, including Edison Electric Institute, American Public Power Association, National Rural Electric Cooperative Association, Large Public Power Council, Electric Power Supply Association, Electricity Consumers Resource Council, and Transmission Access Policy Study Group, indicate that FFT should increase the efficiency and effectiveness of the NERC compliance monitoring and enforcement program; *and*

**WHEREAS**, On September 30, 2011, NERC filed its Petition Requesting Approval of New Enforcement Mechanisms and Submittal of Initial Informational Filing Regarding its Efforts to Refocus Implementation of Compliance Monitoring and Enforcement Program with FERC; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., supports NERC's efforts to better focus on violations that pose a higher risk to the reliability of the bulk power system; *and be it further*

**RESOLVED**, That NARUC encourages FERC to take appropriate steps to support NERC efforts to continue to increase the efficiency and effectiveness of the reliability compliance enforcement program and reliability overall; *and be it further*

**RESOLVED**, That NARUC encourages NERC to measure the results of the FFT process to ensure the efficient allocation of industry resources to those areas that pose a higher risk to the reliability of the bulk power system; *and be it further*

**RESOLVED**, That NARUC supports changes to the NERC compliance monitoring and enforcement program that improve reliability benefits to consumers in a cost-effective manner.

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*Sponsored by the Committees on Electricity, Energy Resources and the Environment, & Consumer Affairs*

*Adopted by the NARUC Board of Directors February 8, 2012*

***ERE-3 Resolution Supporting the Interconnection of the U.S. Virgin Islands Water and Power Authority and the Puerto Rico Electric Power Authority***

**WHEREAS**, The Territory of the U.S. Virgin Islands is considered a rural and isolated area; *and*

**WHEREAS**, Due to its isolated nature, the Territory has limited ability to interconnect to any major electrical grids; *and*

**WHEREAS**, The stand-alone nature of its power infrastructure requires that the Territory carry generating reserves far in excess of mainland utilities, which directly contributes to a higher cost of energy in the Territory; *and*

**WHEREAS**, The Territory's current generating resources are totally dependent on imported fuel oil as its primary source of fuel; *and*

**WHEREAS**, The price of oil is highly volatile and also contributes to the high cost of energy production in the Territory, and the combustion of oil is highly polluting; *and*

**WHEREAS**, Distributed generation and renewable energy can increase energy independence, reduce fuel costs, and help develop a viable industry in the U.S. Virgin Islands; *and*

**WHEREAS**, The costs associated with carrying a higher generating reserve margin (as contrasted with mainland utilities) and dependence on imported fuel oil are ultimately borne by consumers; *and*

**WHEREAS**, The recently completed Feasibility Report conducted by the U.S. Water and Power Authority (WAPA) on the Interconnection of the WAPA and the Puerto Rico Electric Power Authority (PREPA) has found that such interconnection is economically and technically feasible; *and*

**WHEREAS**, The Feasibility Report found that a WAPA interconnection with PREPA would result in improved reliability, lower cost, and a reduced carbon footprint; *and*

**WHEREAS**, It has been the policy of the National Association of Regulatory Utility Commissioners to support the principles of high reliability, economy, reduced environmental footprint, and efficiency in electric power production; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., recognizes that the interconnection between PREPA and WAPA will enhance the principles of reliability, economy, environmental protection, and efficiency in the region and therefore, supports the development and construction of the proposed Interconnection between PREPA and WAPA.

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*Sponsored by the Committees on Energy Resources and the Environment and Electricity  
Adopted by the NARUC Board of Directors February 08, 2012*

***TC-2/CI-1 Resolution on Mandatory Reporting of Service Outages by Interconnected Voice over Internet Protocol Service Providers***

**WHEREAS**, On May 13, 2011, the Federal Communications Commission (FCC) released a *Notice of Proposed Rulemaking* (FCC 11-74; NPRM) that proposed to extend the service outage reporting requirements in 47 C.F.R. Part 4 to interconnected Voice over Internet Protocol (VoIP) service providers; *and*

**WHEREAS**, The FCC reports that as of December 31, 2010, 31 percent of residential telephone service subscribers received service from interconnected VoIP service providers, an increase of 27 percent from June 30, 2009, reflecting an ongoing trend for increased interconnected VoIP subscribership; *and*

**WHEREAS**, As the FCC points out, “interconnected VoIP services increasingly are viewed by consumers as a substitute for traditional telephone service” and “[i]nterconnected VoIP services ride over broadband networks;” *and*

**WHEREAS**, The FCC reports a significant growth in subscribership for broadband Internet access service providers, reflecting an “increasing reliance on [those] services [by American consumers] to conduct important daily communications;” *and*

**WHEREAS**, Robust, reliable and resilient communications networks, regardless of the platform technology, are necessary for local, State and federal agencies, utilities and the public to respond to man-made emergencies or natural disasters; *and*

**WHEREAS**, On September 22, 2011, the FCC released a *Notice of Proposed Rulemaking* (FCC 11-134) seeking “to accelerate the development and deployment of Next Generation (NG 911) technology,” including use of communications over broadband networks; *and*

**WHEREAS**, The FCC has concluded that service outages affecting interconnected VoIP service providers “could severely impact the ability of users to reach 9-1-1 during an emergency;” *and*

**WHEREAS**, Under 47 C.F.R. Part 4, only providers of legacy circuit-switched voice and/or paging communications services over wireline, wireless, cable, and satellite communications services must currently report communications service outages to the FCC, which maintains an outage reporting database (the Network Outage Reporting System or NORS); *and*

**WHEREAS**, The FCC grants only the U.S. Department of Homeland Security (DHS) direct access to its outage reporting database, and the DHS currently acts as an intermediary to share that information with State and local authorities, thereby, creating potential time delays and miscommunications of outage information to State, county and local emergency management entities; *and*

**WHEREAS**, The *National Broadband Plan* recommended that the FCC extend the 47 C.F.R. Part 4 outage reporting rules to broadband ISPs and interconnected VoIP service providers as “the lack of data limits our understanding of network operations and of how to prevent future outages;” *and*

**WHEREAS,** There are multiple recent examples of interconnected VoIP service providers experiencing local, regional and national service outages due to technical problems and natural disasters that have disrupted communications several hours or, in the cases of natural disasters, for days; *and*

**WHEREAS,** When communications service outages occur consumers usually contact State commissions first for assistance to submit service complaints; *and*

**WHEREAS,** When communications service outages occur many State, county and local emergency management entities contact State commissions for critical network status information, including networks operated and services provided by VoIP service providers; *and*

**WHEREAS,** Both the FCC and the States have many year's experience working with communications service providers to improve communications infrastructure and service resiliency and emergency readiness, and State and local entities often serve as the first line of defense for public safety and emergency situations; *now, therefore be it*

**RESOLVED,** That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., requests the Federal Communications Commission to:

1. Extend the mandatory service outage reporting requirements in 47 C.F.R. Part 4 to interconnected VoIP service providers; and
2. Require interconnected VoIP service providers to report service outage information comparable to that required from other communications service providers, and on a detail level and timeliness that will provide adequate network status information in support of State, county, and local emergency response efforts; and
3. Expand the criteria in 47 C.F.R. Part 4 that defines a significant service outage to specifically include VoIP service problems affecting public access to 9-1-1, emergency service communications, utilities, and other telecommunications service providers; and
4. Provide State commissions with the opportunity to have direct and immediate access to the FCC's outage reporting database and to all outage reports filed by interconnected VoIP service providers.

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*Sponsored by the Committees on Telecommunications and Critical Infrastructure  
Adopted by the NARUC Board of Directors February 08, 2012*

***TC-3 Resolution Supporting Continuing Improvements to CTIA's Best Practices to Further Reduce Wireless Bill Shock***

**WHEREAS**, The National Association of Regulatory Utility Commissioners (NARUC) joins President Obama, Federal Communications Commission (FCC) Chairman Genachowski and Consumers Union in its appreciation to the wireless industry to provide free alerts both before and after subscribers reach monthly limits on voice, data, text and international roaming charges when traveling abroad; *and*

**WHEREAS**, NARUC is pleased it brought attention to the need to harness technology to help empower consumers by notifying them of potential additional costs because of overages on services; *and*

**WHEREAS**, NARUC commends the Cellular Telecommunications and Internet Association for taking the important consumer oriented step to include these changes in its Consumer Code for Wireless Services; *and*

**WHEREAS**, Continued technological changes could provide more detailed and up to date information allowing easier access to usage information for each service; *and*

**WHEREAS**, A generic notification that consumers are close to exceeding their limits on voice, data or text plan is helpful to consumers but still requires the consumer to proactively log on to their account or call the carrier to determine which service they are about to exceed before taking action to avoid overage charges; *and*

**WHEREAS**, It would be most useful and more efficient for wireless consumers to receive timely or immediate usage information for each service prior to incurring any overage charges; *and*

**WHEREAS**, Consumers would benefit if usage and/or plan balances for each service were available timely; *and*

**WHEREAS**, Consumer demand for wireless services – voice, text and data – is expected to continue to grow, potentially increasing overages; *and*

**WHEREAS**, Congress and the FCC have kept this matter open for continued review; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., encourages wireless carriers to continue their efforts to streamline consumer access to updated information by investigating and implementing methods to receive immediate information on account usage for each service they have along with usage balances rather than waiting for notifications; *and be it further*

**RESOLVED**, That NARUC thanks the wireless industry for recognizing that government and consumer bodies can work with industry to benefit consumers and industry for the common good of our country.

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*Sponsored by the Committee on Telecommunications  
Adopted by the NARUC Board of Directors February 8, 2012*

***TC-4 Resolution Concerning Access to Numbering Resources and Adherence to Numbering Rules by Voice over Internet Protocol and IP-Enabled Service Providers***

**WHEREAS**, The National Association of Regulatory Utility Commissioners (NARUC) has long recognized that telephone numbers are a limited resource which must be utilized in the most efficient way to accommodate new entrants and new technologies into the competitive telecommunications marketplace; *and*

**WHEREAS**, NARUC previously adopted resolutions concerning the availability of telephone numbers to Voice over Internet Protocol (VoIP) and Internet Protocol (IP)-enabled service providers at its November 2007 Annual Convention and July 2007 Summer Committee Meetings; *and*

**WHEREAS**, Poor management of numbering resources can lead to unnecessary exhaust of area codes requiring relief proceedings and development of implementation plans which are costly and can have a negative impact on consumers and commerce; *and*

**WHEREAS**, Pursuant to § 251(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, the Federal Communications Commission (FCC) has exclusive jurisdiction over the North American Numbering Plan (NANP) although the FCC may and has delegated some of that authority to the States; *and*

**WHEREAS**, The FCC has delegated day-to-day responsibilities for administering numbering resources to the North American Numbering Plan Administrator (NANPA) and the National Pooling Administrator (PA); *and*

**WHEREAS**, Under the FCC's Part 52 numbering rules only carriers with FCC licenses, State certifications or FCC waivers may apply to the NANPA or the PA for direct access to numbering resources; *and*

**WHEREAS**, All eligible carriers seeking numbering resources directly from the NANPA or the PA are subject to the FCC's Part 52 numbering rules, including the filing of Number Resources Utilization and Forecast (NRUF) information, as well as meeting the requisite number utilization requirements; *and*

**WHEREAS**, Consumers have increased access to VoIP and other IP-enabled services which can benefit consumers by providing more choices of competitive voice service alternatives, however this increase in the number of providers creates a greater demand for numbering resources; *and*

**WHEREAS**, Most VoIP and IP-enabled service providers do not obtain FCC licenses, seek State certification, or obtain FCC waivers to gain direct access to numbering resources, but instead partner with eligible carriers to indirectly gain access to numbering resources; *and*

**WHEREAS**, Neither the NANPA nor the PA have a mechanism to directly monitor utilization of numbers by unlicensed and non-certificated VoIP and other IP-enabled service providers which may not have an incentive to efficiently utilize numbering resources and, thereby, increases the difficulty for States monitoring numbering resources utilization; *and*

**WHEREAS**, There is currently no consistent or stated FCC rule or policy regarding the assignment of numbers to unlicensed or non-certificated service providers; *and*

**WHEREAS**, In 2005, the FCC granted a waiver of the certification requirements to SBC Internet Services Inc. (SBCIS), an affiliate of an incumbent local exchange carrier, that enabled SBCIS to gain direct access to numbering resources, even though it was not an FCC licensed or State certificated service provider; *and*

**WHEREAS**, The FCC imposed a number of conditions on SBCIS requiring it to adhere to the same requirements as FCC licensed and State certificated service providers, including requirements that SBCIS comply with: (1) all numbering utilization and optimization requirements; (2) all numbering authority delegated by the FCC to States; (3) all industry numbering guidelines and practices; (4) all numbering request requirements and timelines; and (5) all facilities readiness requirements; *and*

**WHEREAS**, Neither the 2005 SBCIS Waiver nor the 2007 NARUC Resolutions appeared to recognize the detrimental impacts of expanding number resource access to non-carrier VoIP and IP-enabled service providers, including:

- The impact on number exhaust as a myriad of VoIP and IP-enabled service providers become Code Holders to obtain local routing numbers (LRNs);
  - The impact on call routing issues raised by permitting VoIP and IP-enabled service providers that are not listed in the Local Exchange Routing Guide (LERG) to obtain numbers;
  - The impact on State commission consumer protection capabilities;
  - The uncertainty relating to whether VoIP and IP-enabled service providers have interconnection and compensation obligations;
  - The impact on area code exhaust if VoIP and IP-enabled service providers were allowed access to numbering resources in rural rate centers still designated as “Pooling Excluded” by the PA; and
  - The impact on area code exhaust if VoIP and IP-enabled service providers acquire numbering resources without regard for utilization and conditions in the local telecommunications market;
- and*

**WHEREAS**, In “Pooling Excluded” rate centers there are no thousands-blocks of numbers available to VoIP and IP-enabled service providers, and assignment of NXXs in ten thousands-blocks of telephone numbers would likely lead to premature area code exhaust in rural areas; *and*

**WHEREAS**, The numbering resource management authority delegated by the FCC to the States has greatly contributed to the overall success in meeting number utilization and optimization goals, reducing area code exhaust, and facilitating the efficient and timely porting of numbers between service providers; *and*

**WHEREAS**, Granting to the States the ability to determine which rate centers in the respective State are available to unlicensed and non-certificated VoIP and IP-enabled service providers will promote conservation and optimization of number utilization; *and*

**WHEREAS**, On December 27, 2011, the FCC requested Comments to refresh the record on petitions for waiver, in CC Docket No. 99-200, from unlicensed or non-certificated VoIP and IP-enabled service providers to allow them to gain direct access to numbering resources from the NANPA and PA; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., reaffirms and clarifies its positions “Concerning Availability of Numbers to Voice over Internet Protocol Providers and IP-Enabled Services” previously stated in November 2007 and “Concerning Adherence to Numbering Rules by Voice over Internet Protocol and IP-Enabled Service Providers” previously stated in July 2007; and *be it further*

**RESOLVED**, That NARUC urges the FCC to issue a Notice of Proposed Rulemaking to address the waiver requests by VoIP and IP-enabled service providers, in CC Docket No. 99-200, in order to proceed in a non-discriminatory manner and to consider:

- (1) Whether and on what conditions unlicensed or non-certificated VoIP and IP-enabled service providers should obtain numbering resources directly from the NANPA and the PA; *and*
- (2) Delegating pooling authority to all States; *and*
- (3) The broader implications of its decisions on numbering issues attributed to unlicensed and non-certificated VoIP and IP-enabled service providers, including their impact on:
  - i. Meeting number utilization and optimization goals; *and*
  - ii. Reducing area code exhaust; *and*
  - iii. Addressing critical routing issues; *and*
  - iv. Carrier and service provider interconnection and compensation obligations; *and*
  - v. Facilitating the efficient and timely porting of numbers between service providers; *and be it further*

**RESOLVED**, That should the FCC decide ultimately to permit unlicensed and non-certificated VoIP and IP-enabled service providers direct access to telephone numbers at some future point, it not do so unless it first proceeds with a Notice of Proposed Rulemaking and at least requires such service providers to comply with:

- (1) The FCC’s Part 52 numbering rules; *and*
- (2) The same conditions the FCC previously imposed on SBCIS; *and*
- (3) Any additional routing, interconnection, and compensation conditions that will mandate the seamless flow of traffic and efficient number utilization; *and be it further*

**RESOLVED**, That should the FCC decide ultimately to permit unlicensed and non-certificated VoIP and IP-enabled service providers direct access to numbering resources, it should also grant States the authority to determine which rate centers in the respective State are available for assignment to such service providers; *and be it further*

**RESOLVED**, That NARUC specifically stresses the importance of requiring all service providers (licensed and unlicensed, certificated and non-certificated, over-the-top and embedded alike) to comply with numbering utilization and optimization requirements, as well as the obligation to comply with all industry guidelines and practices approved by the FCC and all numbering authority delegated by the FCC to the States.

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*Sponsored by the Committee on Telecommunications*

*Adopted by the NARUC Board of Directors February 08, 2012*

***UMA-1/GS-3 Resolution Encouraging Inclusion of Historically Black Colleges and Universities in the Development of Long-Term Strategic Partnerships to Address Pending Retirements of Utility Professionals***

**WHEREAS**, The Utility Marketplace Access Subcommittee (UMA) of the National Association of Regulatory Utility Commissioners (NARUC) works to highlight areas of opportunity to encourage economic growth and inclusion among regulated utilities; *and*

**WHEREAS**, According to the United States Bureau of Labor and Statistics, as of 2008, about 53 percent of the utilities industry workforce is age 45 or older; *and*

**WHEREAS**, Many of these workers will retire or prepare to retire within the next ten years and will need to be replaced with new skilled utility professionals; *and*

**WHEREAS**, On-the-job training is very intensive in many utilities industry occupations, and preparing a new workforce will be one of the industry's highest priorities during the next decade; *and*

**WHEREAS**, The imminent loss of such a large number of highly skilled utility professionals over the next ten to fifteen years, whose considerable training and expertise is extremely valuable to both utility performance and safety, represents a growing dilemma within the utility industry; *and*

**WHEREAS**, It is critical that utilities, the State commissions that regulate them, and interested stakeholders work collaboratively to establish long-term strategic partnerships to develop continuing educational programs and partnerships with private industry and universities to cultivate the next generation's utility professionals; *and*

**WHEREAS**, Under the direct guidance and support of UMA Subcommittee Chairman Commissioner Harold D. Williams, Morgan State University and PERI Institute of Technology have formed an International collaborative to prepare engineering students to address the global needs with Engineering, IT, Clean Tech, and other solutions; *and*

**WHEREAS**, This is an example of how to bring about newly trained diverse professionals to make them available to the industry; *and*

**WHEREAS**, The UMA Subcommittee wishes to remind, recommend, and encourage interested parties to include and incorporate America's historically Black Colleges and Universities (HBCUs) into workforce strategic development plans when establishing partnerships and initiatives to address impending retirements of utility professionals; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., supports enhanced efforts to include HBCUs within the development of long-term utility workforce plans to cultivate new talented and diverse professionals for the utility industry including utility regulatory agencies.

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*Sponsored by the Subcommittee on Utility Marketplace Access and the Committee on Gas*

*Adopted by the NARUC Board of Directors February 8, 2012*

***WA-1/ERE-4 Resolution Supporting EPA's WaterSense "Fix-a-Leak Week" in March 2012***

**WHEREAS**, The U.S. Environmental Protection Agency (EPA) launched the WaterSense initiative to make it easy for American consumers and businesses to save water and protect the environment by establishing water efficiency standards; *and*

**WHEREAS**, NARUC passed a resolution in July 2008 directing NARUC to join EPA's WaterSense partnership and support appropriate EPA and Congressional efforts to encourage water efficiency; *and*

**WHEREAS**, State commissions are uniquely positioned to encourage the adoption of programs and offering of products that will promote water efficiency and reduce the amount of electricity used by water treatment facilities; *and*

**WHEREAS**, EPA's WaterSense program announced its fourth annual water efficiency initiative: "Fix-a-Leak Week," March 12 - 18, 2012; *and*

**WHEREAS**, EPA encourages NARUC as a WaterSense partner, to use this week to remind Americans to check their household fixtures and irrigation systems for leaks; *and*

**WHEREAS**, During each of the 2009, 2010, and 2011 Winter Committee Meetings, NARUC adopted a resolution which urged its members to participate in the program by utilizing the online resources in order to raise consumer awareness about water conservation practices; *now, therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2012 Winter Committee Meetings in Washington, D.C., encourages its members to participate in EPA's "Fix-a-Leak Week" by utilizing any materials EPA provides and issuing an appropriate press release noting the EPA initiative and support for it; *and be it further*

**RESOLVED**, That NARUC send a letter to the chair of each State commission encouraging their participation in this initiative.

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*Sponsored by the Committees on Water and Energy Resources and the Environment  
Adopted by the Board of Directors February 8, 2012*

# Memo

**To:** NARUC Committee and Subcommittee Chairs  
**From:** NARUC Executive Committee  
**Date:** 2/8/2012  
**Re:** Proposed Amendment to NARUC Bylaws Formalizing Historical Practice re: Conduct of Committee Business

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## Quick Overview:

For years, NARUC Committees have drawn clear lines between members and non-members in the conduct of business to avoid even the appearance of impropriety. Despite a culture of informality for the conduct of committee business, it is important that NARUC continue to be seen as independent, particularly now when the level of public and press scrutiny is high. This draft amendment codifies this historical practice and specifies that only NARUC members can (i) participate in conference calls except by a special invitation, (ii) compile agendas for meetings and conference calls and (iii) sit at the tables reserved for the commissioners at meetings.

## Amendment to Section 14 of NARUC's Policy Governing Committees:

*Changes are shown in red.*

**Section 14. Conduct of Meetings and Conference Calls.** Committees and subcommittees are encouraged to meet in conjunction with the convention, winter and summer meetings of the Board of Directors. If a standing or ad hoc committee or subcommittee has failed to hold at least two meetings during the preceding Association year, the President shall consider replacing the committee or subcommittee chair, or recommending the consolidation or abolishment of the ad hoc committee or subcommittee to the Board of Directors. Only NARUC members and associate members shall (i) participate in Committee or Subcommittee conference calls, except by special invitation, (ii) compile and organize the agenda, and any panel presentations, for any Committee or Subcommittee meeting or conference call, and (iii) sit at the table reserved for NARUC Commissioners at meetings. Non-members may be permitted to sit at the reserved table as part of a special report or panel presentation to the committee or subcommittee, but only for the duration of the specified report or panel presentation.