



PUBLIC NOTICE

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DA 02-251
February 1, 2002

**FCC ANNOUNCES RELEASE OF FCC FORM 477
(LOCAL COMPETITION AND BROADBAND REPORTING FORM)
FOR THE MARCH 1, 2002 FILING**

SPECIFIES ALTERNATIVE FILING METHODS

In this Public Notice, the Federal Communications Commission (FCC) announces the release of the Local Competition and Broadband Reporting Form (FCC Form 477) for the March 1, 2002 filing, and accompanying Instructions. Providers of broadband services and local telephone service that meet the defined reporting threshold, described below, are required to file Form 477. Filers should obtain the revised form and Instructions from the Commission's form page at <http://www.fcc.gov/formpage.html>.

On March 24, 2000, the FCC adopted the Local Competition and Broadband Reporting program to determine the extent of local telecommunications competition and deployment of broadband services.¹ Data collected through this program advance the Commission's efforts to implement the pro-competitive, deregulatory provisions of the Telecommunications Act of 1996. Additionally, the information collected assists the Commission in its Congressionally-mandated inquiries as to whether "advanced telecommunications capability" is being deployed to all Americans in a reasonable and timely fashion.²

All providers of local telephone service that serve 10,000 or more voice-grade equivalent lines, or wireless channels, in a given state must file a Form 477 for that state.³ The term "state" "includes the District of Columbia and the Territories and possessions."⁴ This obligation applies to both incumbent and competitive local exchange carriers (LECs) and applies without regard to the type of technology utilized by the LEC in delivering these services and without regard to the carrier's use of entry strategy (i.e., facilities-based, unbundled network elements, pure resale, or hybrid).

Facilities-based providers (as defined in Instructions for Form 477) that serve at least 250 one-way or two-way broadband (i.e., in excess of 200 kilobits per second) service lines, or wireless channels, in a given state (or have at least 250 customers for such service in a given state) must file a Form 477 for that

¹ *Local Competition and Broadband Reporting*, Report and Order, FCC 00-114, CC Docket No. 99-301 (rel. Mar. 30, 2000) (*Data Gathering Order*).

² See, e.g., *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, Second Report, CC Docket No. 98-146, FCC 00-290 (rel. Aug. 21, 2000).

³ 47 C.F.R. § 43.11.

⁴ 47 U.S.C. § 153(40).

state.⁵ Such providers may include, but are not necessarily limited to, incumbent and competitive LECs, cable companies, fixed wireless providers, terrestrial and satellite mobile wireless providers, Multipoint Distribution Service (MDS) providers, utilities, and others. Entities that only resell the broadband services provided by other entities should not report broadband lines or customers on Form 477. In particular, an Internet Service Provider that purchases broadband service (e.g., DSL or cable modem service) from another entity and incorporates that service into its own Internet access service offering should not report such lines or customers.

ALTERNATIVE FILING METHODS.⁶ Because of last year's mail contamination, the Commission has had to take extraordinary precautions when receiving and handling ordinary posted mail. Delays and other disruptions caused by treating and processing such mail continue. In particular, floppy diskettes and compact discs likely will be rendered useless in the irradiation process applied to United States Postal Service (USPS) first-class mail, Express Mail, and Priority Mail addressed to the Commission's headquarters location. The Commission therefore encourages filers to submit completed FCC Form 477(s) by the use of *one* of the following alternatives to USPS delivery. In selecting any of these proposed solutions, those submitting electronic forms to the FCC should ensure that the media is virus free using up-to-date virus detection software.

E-mail: Completed Form 477(s) may be delivered as attachments to one or more e-mail messages sent to an address established uniquely for this purpose (FCC477@fcc.gov). The FCC has established the FCC477 account with limited access to only those within the FCC required to participate in the filing process. All media will be protected to ensure that as received by the FCC, the media is kept secure from unauthorized access. Filers using e-mail to file completed Form 477(s) must also submit the signed, original copy of the Certification Statement, which they may do by USPS first-class mail addressed to: FCC FORM 477 (ATTN: CCB/IAD, Room 6-A220), Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Filers who wish to do so may, instead, deliver the signed, original copy of the Certification Statement by hand delivery, messenger delivery, or non-USPS overnight delivery to the address specified below for such deliveries.

Hand delivery, messenger delivery, or overnight delivery service other than USPS Express Mail or Priority Mail. Filers may deliver properly identified diskette(s) or compact disc(s), accompanied by the signed, original copy of the Certification Statement, by hand, by messenger, or by overnight delivery *but only if an overnight delivery service other than the USPS Express Mail or Priority Mail is employed* (e.g., UPS, DHL, Federal Express). Such deliveries must be addressed and delivered to: FCC FORM 477 (ATTN: CCB/IAD, Room 6-A220), Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743.⁷ This location is open 8:00 a.m. to 5:30 p.m.

For further information, contact the Industry Analysis Division, Common Carrier Bureau, at (202) 418-0940 or via TTY at (202) 418-0484.

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⁵ 47 C.F.R. §§ 1.7000 *et seq.*

⁶ Filers should carefully review Section IV of the currently-posted Instructions.

⁷ See *Public Notice*, "FCC Announces Change in Filing Location for Paper Documents," DA 01-2436 (rel. October 17, 2001); *Public Notice*, "FCC Announces Change in Filing Procedures," DA 01-2430 (rel. October 17, 2001); *Public Notice*, "Clarification on FCC's Announced Changes in Filing Procedures," DA 01-2451 (rel. October 18, 2001); and *Public Notice*, "FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence," DA 01-2919 (rel. Dec. 14, 2001).