



PUBLIC NOTICE

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FCC ANNOUNCES RELEASE OF FCC FORM 477 (LOCAL COMPETITION AND BROADBAND REPORTING FORM) FOR THE SEPTEMBER 1, 2003 FILING

In this Public Notice, the Federal Communications Commission (Commission) announces the release of the Local Competition and Broadband Reporting Form (FCC Form 477) for the September 1, 2003 filing,¹ and accompanying Instructions. Providers of broadband services and local telephone service that meet the defined reporting threshold, described below, are required to file Form 477.² Filers should obtain the revised form and Instructions from the Commission's form page at <http://www.fcc.gov/formpage.html>.

Broadband. 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 state.³ The term "state" "includes the District of Columbia and the Territories and possessions."⁴ 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, municipalities, and others. Non-facilities-based providers of Internet access should not report broadband lines or customers on Form 477. In particular, an Internet Service Provider (ISP) that purchases broadband service from another entity, which the ISP incorporates

¹ Completed Form 477(s) are due Tuesday, September 2, 2003, due to the Labor Day holiday. 47 C.F.R. § 1.4(j).

² The Commission adopted the Local Competition and Broadband Reporting program to determine the extent of local telecommunications competition and deployment of broadband services. *Local Competition and Broadband Reporting*, CC Docket No. 99-301, Report and Order, 15 FCC Rcd 7717 (2000). The data collected advance the Commission's efforts to implement the pro-competitive, deregulatory provisions of the Telecommunications Act of 1996 and assist 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.

³ 47 C.F.R. §§ 1.7000 *et seq.*

⁴ 47 U.S.C. § 153(40).

into a premium Internet-access service marketed under its own name, should not report such lines or customers.

Local Telephone. 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.⁵ This obligation applies to both incumbent and competitive local exchange carriers (LECs) and applies without regard to the type of technology utilized in delivering these services and without regard to the carrier's market-entry strategy (*e.g.*, facilities-based, unbundled network elements, pure resale, or hybrid).

ALTERNATIVE FILING METHODS.⁶ 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. The Commission therefore encourages filers to submit completed FCC Form 477(s) by the use of *one* of the following alternatives. In all cases, filers should use up-to-date virus detection software to ensure that electronic media are virus-free.

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). Access to the FCC477 account is limited to only those within the Commission required to participate in the filing process. All media will be protected to ensure that as received by the Commission, 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: WCB/IATD, Room 6-A220), Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

Overnight delivery by a service other than USPS Express Mail or Priority Mail. Diskette(s) or compact disc(s) containing completed Form 477(s), accompanied by the signed, original copy of the Certification Statement, may be delivered by *an overnight delivery service other than the USPS Express Mail or Priority Mail* (*e.g.*, UPS, DHL, Federal Express). Such deliveries must be addressed and delivered to: FCC FORM 477 (ATTN: WCB/IATD, Room 6-A220), Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743.⁷

Hand delivery or messenger delivery. Hand and messenger deliveries are accepted, by the Commission's contractor, Vistrionix, Inc., at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. All Form 477-filing materials delivered to this location must be clearly identified so as to be directed to: FCC FORM 477 (ATTN: WCB/IATD, Room 6-A220).

For further information, contact the Industry Analysis and Technology Division, Wireline Competition Bureau, at (202) 418-0940 or via TTY at (202) 418-0484.

⁵ 47 C.F.R. § 43.11.

⁶ The alternative filing methods are discussed in Section IV of the currently-posted Instructions. The required Certification Statement is Section V of the Instructions.

⁷ See *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).

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