



PUBLIC NOTICE

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FCC ANNOUNCES RELEASE OF FCC FORM 477 (LOCAL COMPETITION AND BROADBAND REPORTING FORM) FOR THE MARCH 1, 2004 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 March 1, 2004 filing, and accompanying Instructions. Providers of broadband connections or local telephone service that meet the reporting threshold, described below, are required to file Form 477.¹ Filers should obtain the form and Instructions from <http://www.fcc.gov/formpage.html>

Broadband. Facilities-based providers (as defined in Instructions for Form 477) that provide at least 250 one-way or two-way broadband (*i.e.*, in excess of 200 kilobits per second) connections to end users in a given state (or have at least 250 subscribers to broadband service in a given state) must file a Form 477 for that state.² The term “state” includes the District of Columbia and the territories and possessions.³ Such providers may include, but are not necessarily limited to, incumbent and competitive local exchange carriers (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 service should not report broadband subscribers on Form 477. In particular, an Internet Service Provider (ISP) that purchases broadband service from another entity, which the ISP incorporates into a premium Internet-access service marketed under its own name, should not report its subscribers.

¹ 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.

² 47 C.F.R. §§ 1.7000 *et seq.*

³ 47 U.S.C. § 153(40).

Local Telephone. 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.⁴ This obligation applies to incumbent and competitive LECs 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). This obligation also applies to facilities-based providers of mobile telephone service.

ALTERNATIVE FILING METHODS.⁵ The United States Postal Service (USPS) requires all First Class, Priority, and Express Mail addressed to the Zip Code in which the FCC Headquarters is located to be irradiated (cleaned) prior to delivery.⁶ Because the irradiation process can have an adverse effect on electronic media, the Commission encourages filers to submit Form 477 using *one* of the following methods, preferably e-mail. In all cases, filers should use up-to-date virus detection software to ensure that electronic media are virus-free.

E-mail. Filers are encouraged to deliver completed Form 477(s) as attachments to e-mails sent to 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 submitting multiple files are encouraged to use a zip utility to compress them into one "complete" file and (if relevant) one "redacted" file. Filers submitting Form 477 by e-mail may send the required signed, original copy of the Certification Statement by USPS first-class mail to: FCC FORM 477 (ATTN: WCB/IATD, Room 6-A220), Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554.

Overnight delivery by a service other than USPS Priority or Express Mail. Compact discs, or floppy diskettes, 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 to: **FCC FORM 477 (ATTN: WCB/IATD, Room 6-A220)**, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. Filers who want a confirmation of receipt may include a stamped, self-addressed envelope and a photocopy of the Certification Statement, which will be receipt-stamped and returned by mail.

Hand delivery or messenger delivery. Local hand and messenger deliveries directed to the Commission's Secretary are accepted at 236 Massachusetts Ave, NE, Suite 110, Washington, DC 20002. All Form 477 filing materials delivered to this location must be **clearly identified so as to be re-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.

⁴ 47 C.F.R. § 43.11.

⁵ The alternative filing methods are discussed in Section IV of the currently-posted Instructions. The required Certification Statement is Section V of the Instructions.

⁶ See *Public Notice*, "Reminder: Filing Location for Paper Documents and Instructions for Mailing Electronic Media," DA 03-2730 (Office of the Secretary, 2003).

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