



Federal Communications Commission
Washington, D.C. 20554

DA 09-748

April 1, 2009

Ms. Michelle Tilton
Director of Financial Operations
Universal Service Administrative Company
2000 L Street, N.W.
Suite 200
Washington, DC 20036

Dear Ms. Tilton:

On February 25, 2009, the Commission released the revised FCC Form 499-A and accompanying instructions.¹ The revised form and instructions incorporate nonsubstantive clarifications to ensure that all contributors are properly reporting revenues and are treating similar revenues uniformly. To assist contributors, the FCC Form 499-A Instructions provide examples of “interstate telecommunications” which include, among other services, frame relay and asynchronous transfer mode (ATM).² A nonsubstantive modification to the form included adding Multi-Protocol Label Switching (MPLS) as an example of “interstate telecommunications”.³ As stated in the FCC Form 499-A Instructions, the list of “interstate telecommunications” is not limited to the examples provided.⁴

The FCC Form 499-A Instructions further state, “[f]ilers should consult the Commission’s rules and orders to determine whether they must contribute to one or more of the mechanisms.”⁵ In addition, the instructions state that “[t]hese instructions contain an explanation of which carriers must contribute to particular mechanisms . . . but filers should consult the specific rules that govern contributions for each of the mechanisms.”⁶ Accordingly, in determining their universal service contribution obligations, contributors should do so in a manner consistent with the definitions of “information services” and “interstate telecommunications” established under the Communications Act of 1934, as amended, and the Commission’s rules and orders.⁷ For example, contribution obligations must be consistent with Commission precedent concerning the services for basic transmission purposes or transmission inextricably

¹ See *Wireline Competition Bureau Announces Release of the Revised 2009 FCC Form 499-A and Accompanying Instructions*, Public Notice, DA 09-454 (Wireline Comp. Bur., rel. Feb. 25, 2009).

² See 499-A Instructions, p. 5.

³ See 499-A Instructions, pp. 4-5.

⁴ See 499-A Instructions, p. 4.

⁵ See 499-A Instructions, p. 34.

⁶ See 499-A Instructions, p. 4.

⁷ See 47 U.S.C. § 254; 47 C.F.R. Part 54.

intertwined with information-processing capabilities.⁸ Filers providing services that use frame relay, ATM, MPLS, or other transmission protocols should report their revenues consistent with Commission precedent.

Thank you and please let me know if you have any questions.

Sincerely,

Jennifer K. McKee
Acting Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁸ See *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, CC Docket No. 02- 33, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853, 14860-61, para. 9 (2005), aff'd sub nom. *Time Warner Telecom, Inc. v. FCC*, 507 F.3d 205 (3d Cir. 2007).