



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PROPOSED CHANGES TO FCC FORM 499-A, FCC FORM 499-Q, AND ACCOMPANYING INSTRUCTIONS

WC Docket No. 06-122

Comment Date: November 27, 2013

In order to promote clarity, transparency and predictability, the Wireline Competition Bureau (Bureau) seeks comment on proposed revisions to (1) the annual Telecommunications Reporting Worksheet, FCC Form 499-A (Form 499-A) and accompanying instructions (Form 499-A Instructions) to be used in 2014 to report 2013 revenues,¹ and (2) the quarterly Telecommunications Reporting Worksheet, FCC Form 499-Q (Form 499-Q) and accompanying instructions (Form 499-Q Instructions) to be used in 2014 to report projected collected revenues on a quarterly basis.² The revisions to the forms and instructions are attached to this Public Notice in redline format, showing proposed changes from the forms and instructions currently in effect.³

¹ The Communications Act of 1934, as amended (the Act), requires that the Commission establish mechanisms to fund universal service, interstate telecommunications relay services (TRS), the administration of the North American Numbering Plan, and the shared costs of local number portability administration. 47 U.S.C. §§ 151, 225, 251, 254. To accomplish these congressionally-directed objectives, the Commission requires telecommunications carriers and certain other providers of telecommunications (including Voice-over-Internet-Protocol (VoIP) service providers) to report each year on Form 499-A the revenues they receive from offering service. See 47 C.F.R. §§ 52.17(b), 52.32(b), 54.708, 54.711, 64.604(b)(5)(iii)(B). Form 499-A is due on April 1 of each year. See USAC Schedule of Filings, <http://www.usac.org/cont/499/filing-schedule.aspx> (last visited Oct. 29, 2013).

² Sections 54.706, 54.711, and 54.713 of the Commission's rules require all telecommunications carriers providing interstate telecommunications services, interconnected VoIP providers that provide interstate telecommunications, providers of interstate telecommunications that offer interstate telecommunications for a fee on a non-common carrier basis, and payphone providers that are aggregators to contribute to universal service and file Form 499-Q on February 1, May 1, August 1, and November 1, each year. 47 C.F.R. §§ 54.706, 54.711, 54.713.

³ The Bureau has delegated authority to revise the Forms 499 and accompanying instructions to ensure "sound and efficient administration of the universal service programs." See *Changes to the Board of Directors of the National Exchange Carrier Association, Inc.; Federal-State Joint Board on Universal Service*, CC Docket Nos. 96-45, 97-21, Report and Order and Second Order on Reconsideration, 12 FCC Rcd 18400, 18442, para. 81 (1997) ("Because it is difficult to determine in advance precisely the information that will be needed to administer the new universal service programs, the Bureau will have delegated authority to waive, reduce, or eliminate contributor reporting requirements that may prove unnecessary. The Bureau also will have delegated authority to require any additional contributor reporting requirements necessary to the sound and efficient administration of the universal service programs."). Consistent with this authority, the Bureau annually revises the Telecommunications Reporting Worksheet Instructions to provide instructions and guidance for complying with existing rules and requirements. 47 C.F.R. § 54.711(c). The FCC Forms 499 instructions are modified based on experience in administering the universal service program and explicit rulings by the Commission. See, e.g., *Universal Service Contribution*

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The proposed revisions include the following modifications:

- **Form 499-A Instructions**

- Page 6. Revised to direct filers to the USAC website for details regarding documentation that must be filed when a filer ceases providing telecommunications.
- Page 10. Revised to instruct filers that lack Internal Revenue Service employer identification numbers to contact USAC for an alternative identification number.
- Page 10. Revised to emphasize that all “affiliated” filers, as that term is defined under 47 U.S.C. § 153, should enter a common identifier (the “Affiliated Filers Name/Holding Company Name”). Typically this is the name of the filer’s holding company, but in some instances, a group of affiliated filers may choose to designate an entity that is not the holding company of each affiliate. The term “holding company” is replaced by “Affiliate Filers Name/Holding Company Name” where appropriate throughout the Form 499-A Instructions.
- Page 11. Contact information is added for filer inquiries regarding the instructions for Interstate Telecommunications Service Providers (ITSP) regulatory fee bills.
- Page 11. Revised to clarify that only common carriers are required to designate an agent in the District of Columbia.
- Page 14. A paragraph containing instructions on reporting of certain international revenues is moved from Page 20 to the “Note on International Services” on Page 14. This edit clarifies that the instruction applies to all international revenues.
- Page 18. Consistent with the *Lifeline Reform Order*, the following sentence is deleted: “Line 308 should include as revenues Lifeline Assistance reimbursement for the waived portion of subscriber line or presubscribed interexchange carrier charges from the Low Income or High Cost universal service support mechanism.”⁴
- Pages 22-26. Consistent with the *2012 Wholesaler-Reseller Clarification Order*,⁵ and consistent with a recent industry proposal to implement that order,⁶ revised to clarify the

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Methodology et al., WC Docket No. 06-122 et al., Report and Order and Notice of Proposed Rulemaking, 21 FCC Rcd 7518, 7533-50, paras. 24-62 (2006).

⁴ See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket 11-42 et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6682-83, paras. 54-59 (2012).

⁵ See *Universal Contribution Methodology; Application for Review of Decision of the Wireline Competition Bureau filed by Global Crossing Bandwidth, Inc. et al.*, WC Docket No. 06-122, Order, 27 FCC Rcd 13780, 13801, para. 51 (2012) (*2012 Wholesaler-Reseller Clarification Order*) (instructing the Bureau to seek comment on revisions to the 2013 FCC Forms 499 and instructions, to report 2012 revenues).

definition of “reseller,” provide sample reseller certification language, and clarify the safe harbor and “reasonable expectation” standards for filers that report revenues from reseller customers.

- Page 27. Revised to clarify that total revenues reported in column (a) include intrastate revenues even though intrastate revenues are not reported separately on the Form 499-A.
- Page 37. Revised to delete contact information for the Wireline Competition Bureau and Industry Analysis and Technology Division; filers should contact USAC with questions about the Forms 499.
- Page 38. Consistent with the requirements of the Twenty-First Century Communications and Video Accessibility Act of 2010⁷ and the *2011 TRS Contributions Order* implementing those requirements,⁸ citations to section 715 of the Act (47 U.S.C. § 616) are added throughout, and Page 38 is revised to clarify that providers of non-interconnected VoIP service are required to contribute to the interstate TRS support mechanism.

- **Form 499-Q Instructions**

- Page 10. Revised to instruct filers that lack Internal Revenue Service employer identification numbers to contact USAC for an alternative identification number.
- Pages 10-11. Revised to emphasize that all “affiliated” filers, as that term is defined under 47 U.S.C. § 153, should enter a common identifier (the “Affiliated Filers Name”). Typically this is the name of the filer’s holding company, but in some instances, a group of affiliated filers may choose to designate an entity that is not the holding company of each affiliate.
- Pages 11-13. Consistent with the *2012 Wholesaler-Reseller Clarification Order*,⁹ revised to clarify the definition of “reseller,” provide sample reseller certification language, and clarify the safe harbor and “reasonable expectation” standards for filers that report revenues from reseller customers.
- Page 15. Revised to clarify that total revenues reported in column (a) include intrastate revenues even though intrastate revenues are not reported separately on the Form 499-Q.

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⁶ The Bureau has already sought public comment on these proposed revisions. *Wireline Competition Bureau Seeks Comment on Proposed Sample Reseller Certification Language for FCC Form 499-A Instructions*, WC Docket No. 06-122, Public Notice, 28 FCC Rcd 11195 (Wireline Comp. Bur. 2013).

⁷ Pub. L. No. 111-260, § 103(b), 124 Stat. 2751, 2755 (2010).

⁸ See *Contributions to the Telecommunications Relay Services Fund*, CG Docket No. 11-47, Report and Order, 26 FCC Rcd 14532, 14537, para. 12 (2011) (*2011 TRS Contributions Order*) (added definition of “non-interconnected VoIP service” to the Commission’s TRS rules at section 64.601(a)).

⁹ See *2012 Wholesaler-Reseller Clarification Order* 27 FCC Rcd at 13801, para. 51 (instructing the Bureau to seek comment on revisions to the 2013 FCC Forms 499 and instructions, to report 2012 revenues).

- Page 21. Revised to delete contact information for the Wireline Competition Bureau and Industry Analysis and Technology Division; filers should contact USAC with questions about the Forms 499.
- **Stylistic Changes:** In several instances, wording in the instructions is revised for clarification purposes, without changing the substance.
- **Date Changes:** Dates are updated throughout. References to “2013” are changed to “2014,” and references to “2012” are changed to “2013”.

Interested parties may file comments **on or before November 27, 2013.**

All pleadings are to reference **WC Docket 06-122**. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.¹⁰

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- **People with Disabilities:** To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

In addition, we request that one copy of each pleading be sent to each of the following:

¹⁰ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1999).

- (1) Charles Eberle, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-B530, Washington, DC 20554; e-mail: Charles.Eberle@fcc.gov; and
- (2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-B521, Washington, DC 20554; e-mail: Charles.Tyler@fcc.gov.

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s ex parte rules.¹¹ Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules.

For further information, please contact Charles Eberle, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-2248, or Charles.Eberle@fcc.gov.

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Attachments:

- Attachment 1: Draft Form 499-A (Redline Copy)
- Attachment 2: Draft Form 499-A Instructions (Redline Copy)
- Attachment 3: Draft Form 499-Q (Redline Copy)
- Attachment 4: Draft Form 499-Q Instructions (Redline Copy)

¹¹ 47 C.F.R. §§ 1.1200 *et seq.*