



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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

DA 15-1361

Released: November 24, 2015

## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PROPOSED CHANGES TO THE 2016 FCC FORM 499-A, FCC FORM 499-Q, AND ACCOMPANYING INSTRUCTIONS

WC Docket No. 06-122

Comment Date: December 24, 2015

In order to promote clarity, transparency and predictability, the Wireline Competition Bureau (Bureau) seeks comment on proposed revisions to the (1) annual Telecommunications Reporting Worksheet (FCC Form 499-A) and accompanying instructions (FCC Form 499-A Instructions) to be used in 2016 to report 2015 revenues,<sup>1</sup> and (2) quarterly Telecommunications Reporting Worksheet (FCC Form 499-Q) and accompanying instructions (FCC Form 499-Q Instructions) to be used in 2016 to report projected collected revenues on a quarterly basis.<sup>2</sup>

The Bureau has delegated authority to revise the FCC Forms and accompanying instructions to, among other things, ensure “sound and efficient administration of the universal service programs.”<sup>3</sup>

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<sup>1</sup> The Communications Act of 1934, as amended (Act), requires that the Commission establish mechanisms to fund universal service, interstate telecommunications relay services, 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 the FCC 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). The FCC Form 499-A is due on April 1 of each year. See Universal Service Administrative Company Schedule of Filings, <http://www.usac.org/cont/499/filing-schedule.aspx> (last visited Nov. 17, 2015).

<sup>2</sup> 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 the universal service fund and file an FCC 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.

<sup>3</sup> *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 and 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 [Common Carrier, now Wireline Competition] 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. See 47 C.F.R.

(continued...)

The changes to the FCC Forms and accompanying instructions are summarized below. Redlined versions of the FCC Forms and instructions are also attached to this Public Notice, showing proposed changes from the FCC Forms and instructions currently in effect.

The revisions to the 2016 FCC Forms 499-A and 499-Q and the accompanying instructions, as applicable, are summarized below:

Changes to the 2016 FCC Form 499-A and instructions:

- **DC Agent Service of Process Change:** Filers are now required to submit updates to their registration information, including their DC Agent for Service of Process, to only the Universal Service Administrative Company (USAC), the universal service Administrator (page 12).
- **Corporate Contact Information:** Line 207 of the FCC Form 499-A and the accompanying instructions (pages 17) were revised slightly to reflect the fact that USAC does not send Worksheets to filers.
- **Language Conforming to the *TRS Order*:** The language of the FCC Form 499-A Instructions (page 18) was revised slightly to conform to the Commission's decision in the *TRS Order* to require non-interconnected VoIP providers to register with the Commission.<sup>4</sup>
- **Language Conforming to the *Open Internet Order*:** The language of the FCC Form 499-A Instructions (page 26 and footnote 50) was revised slightly to conform to the Commission's decision regarding broadband Internet access service in the 2015 *Open Internet Order*.<sup>5</sup>
- **International Service Provider Reporting Changes:** Changed references to section 43.61 to 43.62 throughout the FCC Form 499-A Instructions to conform to Commission rule changes.
- **Changes to Reflect Electronic Filing:** Minor wording in the FCC Form 499-A Instructions was revised to reflect the fact that the FCC Forms are filed electronically (e.g., deleting references to "paper" filings).

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§ 54.711(c). The FCC Forms and accompanying instructions are modified based on experience in administering the universal service program and explicit rulings by the Commission. *See, e.g., Universal Service Contribution 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).

<sup>4</sup> *See Contributions to the Telecommunications Relay Services Fund*, CG Docket No. 11-47, Report and Order, 26 FCC Rcd 14532, 14542, para. 21 (2011) (*TRS Order*).

<sup>5</sup> *See Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, GN Docket No. 14-28, 30 FCC Rcd 5601, 5836, para. 489 and n.1472 (2015) (*2015 Open Internet Order*), *pets. for review pending sub nom USTA v. FCC No. 15-1063* (D.C. Cir. filed May 22, 2015).

Changes to the 2016 FCC Form 499-Q instructions:

- **Revision to the FCC Form 499-Q Instructions:** The description of what to include on Line 117 on page 17 of the FCC Form 499-Q Instructions was revised to include the term “cable service” to be consistent with the FCC Form 499-A Instructions.

Changes to both the 2016 FCC Form 499-A and FCC Form 499-Q, and instructions:

- **Traffic Studies Filing Change:** Removed the requirement for filers to send a copy of their traffic studies to the Commission. Filers must now only submit one copy to USAC at the address provided in the instructions.
- **Date Changes:** Dates were updated throughout the FCC Forms and instructions. References to “2015” were changed to “2016” and references to “2014” were changed to “2015.”
- **Circularity Factor Update:** The circularity factor was adjusted and updated in the FCC Form 499-A and the FCC Form 499-Q instructions based upon the quarterly contribution factors.
- **Stylistic Changes:** In a number of instances, minor wording in the FCC Forms 499-A and 499-Q and accompanying instructions was revised for clarification purposes, without changing the substance. Citations were also added in several instances in the FCC Form 499-A for clarification purposes and section number references were updated throughout the FCC Form 499-A Instructions to accurately reference the sections. Additionally, the FCC Form 499-A Instructions were reformatted with visual headers for each section to make them more reader-friendly.

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Interested parties may file comments **on or before December 24, 2015.**

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.<sup>6</sup> All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- *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 hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325,

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<sup>6</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1999).

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 12<sup>th</sup> 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](mailto: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:

- (1) Regina Brown, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-A333, Washington, DC 20554; e-mail: [Regina.Brown@fcc.gov](mailto:Regina.Brown@fcc.gov); and
- (2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-A452, Washington, DC 20554; e-mail: [Charles.Tyler@fcc.gov](mailto: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.<sup>7</sup> 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 Regina Brown, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-0792 or TTY (202) 418-0484.

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<sup>7</sup> 47 C.F.R. §§ 1.1200 *et seq.*

**Attachments:**

- Attachment 1: 2016 FCC Form 499-A (Redline Copy)
- Attachment 2: 2016 FCC Form 499-A Instructions (Redline Copy)
- Attachment 3: 2016 FCC Form 499-Q (Redline Copy)
- Attachment 4: 2016 FCC Form 499-Q Instructions (Redline Copy)

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