



PUBLIC NOTICE

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

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Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PROPOSED CHANGES TO THE 2020 FCC FORM 499-A, FCC FORM 499-Q, AND ACCOMPANYING INSTRUCTIONS

WC Docket No. 06-122

Comment Date: January 27, 2020

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 (FCC Form 499-A) and accompanying instructions (FCC Form 499-A Instructions) to be used in 2020 to report 2019 revenues,¹ and (2) quarterly Telecommunications Reporting Worksheet, FCC Form 499-Q (FCC Form 499-Q) and accompanying instructions (FCC Form 499-Q Instructions) to be used in 2020 to report projected collected revenues on a quarterly basis.²

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.”³

¹ The Communications Act of 1934 (Act), as amended, 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 CFR §§ 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, Service Providers, Resources, Forms, <https://www.usac.org/service-providers/resources/forms/> (last visited Dec. 26, 2019).

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 the universal service fund and file a FCC Form 499-Q on February 1, May 1, August 1, and November 1 each year. 47 CFR §§ 54.706, 54.711, 54.713.

³ *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 [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 CFR § 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*

(continued....)

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

The revisions to the 2020 FCC Forms 499-A and 499-Q and the accompanying instructions, as applicable, are summarized below:

Changes to the 2020 FCC Form 499-A Instructions:

• **Clarifications:**

- Page 15 was updated to reflect that filers who fail to submit, upon request, documentation supporting their Forms 499 are subject to enforcement provisions of the Act and other applicable law, as well as administrative penalties.
- Page 28 was updated to clarify that all amounts that filers receive as universal service support should be reported on line 308.⁴

Changes to both the 2020 FCC Forms 499-A and FCC Form 499-Q, where applicable, and instructions:

- **Date Changes:** Dates were updated throughout the FCC Forms and instructions. References to “2019” were changed to “2020” and references to “2018” were changed to “2019.”
- **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.
- **Traffic Study Submission:** Instructions were updated to reflect that providers are no longer required to file quarterly the traffic studies relied on to report interstate revenues on the FCC Form 499-Q.
- **Deletion of References to SMS and MMS Messaging Services:** References to text messaging were deleted to conform to a recent Commission decision classifying text messaging as an information service.⁵
- **Clarifications and Stylistic Changes:** In a number of instances, additional clarifications were made, and minor stylistic changes, such as typos and spacing, were corrected in the FCC Forms 499-A and 499-Q instructions, without changing the substance.

Interested parties may file comments **on or before January 27, 2020.**

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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 In the *USF First Report and Order*, the Commission stated that “payments received from the universal service support mechanisms do not qualify as revenues derived from end users for telecommunications revenues and should not be included in the assessment base.” See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9212, para. 857 (1997) (*USF First Report and Order*). The proposed revisions on page 28 of the 2020 Instructions clarify that the Commission’s directive in the *USF First Report and Order* still applies and amounts received as universal service support should not be reported as end user revenue. Contributions obligations continue to apply to unsubsidized interstate and international end user telecommunications revenue.

⁵ *Petitions for Declaratory Ruling on Regulatory Status of Wireless Messaging Service*, Declaratory Ruling, 33 FCC Rcd 12075 (2018).

All pleadings are to reference **WC Docket No. 06-122**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁶

- *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 9050 Junction Drive, Annapolis Junction, MD 20701.
 - 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:

- (1) Claudia Fox, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-A360, Washington, DC 20554; e-mail: Claudia.Fox@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.⁷ 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

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

⁷ 47 CFR §§ 1.1200 *et seq.*

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 Claudia Fox, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-1527 or TTY (202) 418-0484.

Attachments:

Attachment A: 2020 FCC Form 499-A (Redline Copy)

Attachment B: 2020 FCC Form 499-A Instructions (Redline Copy)

Attachment C: 2020 FCC Form 499-Q (Redline Copy)

Attachment D: 2020 FCC Form 499-Q Instructions (Redline Copy)

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