



PUBLIC NOTICE

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DA 22-1094

Released: October 14, 2022

WIRELINE COMPETITION BUREAU RELEASES THE 2023 TELECOMMUNICATIONS REPORTING WORKSHEETS AND ACCOMPANYING INSTRUCTIONS

WC Docket No. 06-122

The Wireline Competition Bureau (Bureau) announces the release of 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 2023 to report 2022 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 2023 to report projected and 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 The

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 Schedule of Filings, <https://www.usac.org/service-providers/contributing-to-the-usf/when-to-file/> (last visited Oct. 14, 2022).

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 an 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 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).

Bureau sought comment on the proposed revisions by Public Notice.⁴ The Bureau submitted an extension without change of the information collection for the FCC Forms and the accompanying instructions (collection 3060-0855) to the Office of Management and Budget (OMB) for approval pursuant to 44 U.S.C. § 3507 of the Paperwork Reduction Act of 1995.⁵ This information collection was approved by OMB on September 9, 2022.⁶

The revisions to the 2023 FCC Forms 499-A and 499-Q and the accompanying instructions, as applicable, are summarized below. The revised FCC Forms and the accompanying instructions are also attached to this Public Notice for informational purposes only and will be available soon on the Universal Service Administrative Company's (USAC) website at <https://www.usac.org/service-providers/contributing-to-the-usf/forms-to-file/>.

Changes to both the 2023 FCC Form 499-A and FCC Form 499-Q, where applicable, and instructions:

- **Date Changes:** Dates are updated throughout the FCC Forms and instructions. References to “2022” are changed to “2023” and references to “2021” are changed to “2022.”
- **Clarifications and Stylistic Changes:** In a number of instances, additional non-substantive clarifications and minor stylistic changes, such as correcting typographical errors and spacing, are also made.

Changes to the 2023 FCC Form 499-A Instructions:

- **Clarifications:**
 - Page 11 is updated to clarify that each affiliate and subsidiary entity should identify their ultimate controlling parent or entity, or provide a common identifier for all affiliated filers.
 - Page 19 is updated to remove the requirement to provide a fax number.
 - Page 26 is updated consistent with a recent Bureau order clarifying that incumbent LECs without a subscriber line charge should identify the interstate portion of fixed local exchange service revenues in column (d) of the appropriate line 404.1-404.5.⁷

⁴ *Wireline Competition Bureau Seeks Comment on Proposed Changes to the FCC Form 499-A, FCC Form 499-Q, and Accompanying Instructions*, Public Notice, DA 22-764 (rel. July 15, 2022) (*2023 Form 499 Public Notice*).

⁵ See OMB Website, OMB Control Number History, <http://reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3060-0855> (ICR Reference Number 202209-3060-001) (last visited Oct. 14, 2022).

⁶ See Notice of Office of Management and Budget Action (NOA) (dated Sept. 9, 2022), <http://reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3060-0855> (ICR Reference Number 202209-3060-001) (last visited Oct. 14, 2022).

⁷ See *Universal Service Contribution Methodology; Request for Review of Decision of the Universal Service Administrator by Mark Twain Telephone Company*, WC Docket Nos. 10-90, 06-122, Order, DA 22-757, at *9, para. 18 & n.62 (WCB July 15, 2022) (*Mark Twain Order*). We note that John Staurulakis, LLC (JSI) filed comments in response to the *2023 Form 499 Public Notice*, opposing this clarification. See JSI, Comments, WC Docket No. 06-122 (filed Aug. 15, 2022) (*JSI Comments*). JSI argues that the updates to the Instructions represent a rule change and that there is no Commission rule requiring incumbent LECs to report interstate loop revenue. Further, JSI incorrectly claims that the Bureau's *Mark Twain Order* clarifying this obligation “is new and has not been subject to notice and comment as required by the APA.” *JSI Comments* at 4. First, JSI did not seek reconsideration or file an application for review of the *Mark Twain Order*, in which the Bureau announced its intention to revise these instructions in light of its decision. See *Mark Twain Order*, DA 22-757, at *9, para. 18 n.62. Second, the Bureau

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- Page 29 is updated to clarify that amounts received from the federal USF support mechanism should be attributed as either interstate or international revenues, as appropriate.
- Page 39 is updated to clarify that the reseller safe harbor procedures require an *active* Filer 499 ID to meet the “reasonable expectation” standard.

Changes to the 2023 Form 499-Q Instructions:

- **Circularity Factor Update:** The circularity factor is updated in the Form 499-Q instructions based upon the quarterly contribution factors subsequent to the Fourth Quarter 2022 contribution factor announcement.

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).

For further information, please contact Negheen Sanjar, Telecommunications Access Policy Division, Wireline Competition Bureau, at Negheen.Sanjar@fcc.gov or at (202) 418-7390.

Attachments:

Attachment A: 2023 FCC Form 499-A
Attachment B: 2023 FCC Form 499-A Instructions
Attachment C: 2023 FCC Form 499-Q
Attachment D: 2023 FCC Form 499-Q Instructions

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did not create a new rule in the *Mark Twain Order* nor does it do so here. See *Mark Twain Order*, DA 22-757, at *10, para. 19. As the Bureau explained in the *Mark Twain Order*, in 2013 the Bureau adopted an order that applied to competitive LECs, but not to incumbent LECs. See *Universal Service Contribution Methodology, Petition for Declaratory Ruling by the Rural Independent Competitive Alliance, Request for Review of a Decision of the Universal Service Administrative Company by Blackfoot Communications, Inc.*, WC Docket No. 06-122, Declaratory Ruling and Order, 28 FCC Rcd 16037, 16041-42, paras. 10-12 (WCB 2013) (*RIC/Blackfoot Order*). Moreover, this revision to the FCC Form 499 Instructions does not change Commission rules, and the fact that the Bureau deleted certain language from the Instructions following the *RIC/Blackfoot Order* that may have appeared to have broader applicability than just to competitive LECs did not relieve incumbent LECs of their separate and ongoing contribution obligation. To the extent that JSI seeks a rule change for incumbent LECs, this proceeding is not the appropriate vehicle.