

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
RevTel Communications, LLC) File No.: EB-IHD-20-00031703
) NAL/Acct. No.: 202332080028
) FRN: 0022363006

NOTICE OF APPARENT LIABILITY FOR FORFEITURE AND ORDER

Adopted: May 19, 2023

Released: May 19, 2023

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. Under the rules and orders of the Federal Communications Commission (FCC or Commission), telecommunications service providers and certain telecommunications providers (collectively, service providers) are required to file Telecommunications Reporting Worksheets (Worksheets) with the Universal Service Administrative Company (USAC) in furtherance of the Universal Service Fund (USF) and other regulatory requirements implemented by the FCC pursuant to the Communications Act of 1934, as amended (Act). USAC and the administrators of the Telecommunications Relay Service (TRS) Fund, Local Number Portability (LNP), and the North American Numbering Plan (NANP) rely on information filed in the Worksheets to determine, as prescribed in Commission rules, each service provider’s equitable contributions responsibilities for the USF, TRS Fund, LNP, and NANP. Likewise, the Commission relies on the information filed in Worksheets to assess equitable federal regulatory fees owed by service providers.

2. To ensure that information in Worksheets submitted by service providers is accurate and complete, the Commission’s rules grant USAC the authority to verify the information and require service providers to maintain records to enable verification. Service providers are required to submit the records to USAC and the Commission upon demand. Failure to submit required documentation, or failure to maintain and provide the documentation needed to verify the Worksheets, undermines the Commission’s efforts to maintain the USF, TRS Fund, LNP, NANP, and federal regulatory fee cost recovery requirements. In this case, RevTel Communications, LLC, formerly RevTel, LLC (RevTel or Company) failed repeatedly to respond to directives from USAC to provide documentation supporting information reported in the Company’s Annual Worksheets for 2020, 2021, and 2022. We therefore propose in this Notice of Apparent Liability for Forfeiture (NAL) a forfeiture penalty of \$100,000 against RevTel for its failure to cooperate with documentation requirements in apparent violation of section 54.711(a) of the Commission’s rules.¹

II. BACKGROUND

A. Legal Framework

3. The Act codifies Congress’s commitment to promoting universal service to ensure that consumers in all regions of the nation have access to affordable, quality telecommunications services. In particular, section 254(d) of the Act requires, among other things, that “[e]very telecommunications carrier [providing] interstate telecommunications services . . . contribute, on an equitable and nondiscriminatory basis, to the specific, predictable, and sufficient mechanisms established by the Commission to preserve and advance universal service.”² In implementing this Congressional mandate,

¹ See 47 CFR § 54.711(a).

the Commission directed all telecommunications carriers providing interstate telecommunications services to contribute to the USF based on their interstate and international end-user telecommunications revenues.³ The Commission also requires certain providers of interstate telecommunications to contribute to the USF.⁴

4. The Commission has established specific procedures to administer the USF. Each service provider required to contribute to the USF is required to file annually an FCC Form 499-A, also known as the Annual Worksheet,⁵ and, with certain exceptions, to file quarterly an FCC Form 499-Q, also known as the Quarterly Worksheet.⁶ USAC, as the Commission's administrator of the USF, uses the revenue projections submitted in the Quarterly Worksheets to determine and invoice each service provider's monthly universal service contribution amount.⁷ Monthly USF contributions that were invoiced based on projected revenues reported in a service provider's Quarterly Worksheets are then subject to an annual true-up based on actual revenues reported in the service provider's Annual Worksheet.⁸ Each service provider's Annual Worksheet revenues for 2019 through 2021 were respectively due by April 1 of 2020, 2021, and 2022.⁹ The Commission's rules require that service providers report accurate information in the Annual Worksheets.¹⁰ The Commission's rules also

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² 47 U.S.C. § 254(d).

³ 47 CFR § 54.706(b).

⁴ *Id.* § 54.706(a) ("Entities that provide interstate telecommunications to the public, or to such classes of users as to be effectively available to the public, for a fee will be considered telecommunications carriers providing interstate telecommunications services and must contribute to the universal service support mechanisms."). According to its 2022 Annual Worksheet filing, RevTel provides competitive local exchange carrier (CLEC) services, and is therefore subject to the Worksheet filing and contribution requirements established under the FCC's rules. *See id.*; <https://efile.universalservice.org/EFileContributor/CompanyForms/SearchCompanyForms?filerId=829664> (last visited May 10, 2023). A CLEC is a local exchange carrier that provides some or all of the interstate exchange access services used to send traffic to or from an end user. *See* 47 CFR § 61.26(a)(1). RevTel is also an interconnected Voice over Internet Protocol (VoIP) service provider. *See* <https://www.itvoice.com/revtel> (last visited May 10, 2023); <https://www.itvoice.com/voice> (last visited May 10, 2023); *see also* *Universal Service Contribution Methodology, Report and Order and Notice of Proposed Rulemaking*, 21 FCC Rcd 7518 (2006) (extending section 254(d) permissive authority to require interconnected VoIP providers to contribute to the USF), *petition for review denied, and vacated in part on other grounds, Vonage Holding Corp. v. FCC*, 489 F.3d 1232 (D.C. Cir. 2007).

⁵ *See* 47 CFR § 54.711; *Telseven, LLC*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 6636, 6637, para. 2 (2012) (*Telseven NAL*), Forfeiture Order, 31 FCC Rcd 1629 (2016) (*Telseven Forfeiture Order*). Within 30 days of beginning to provide service, new service providers must register with the Commission by obtaining an FCC registration number (FRN) from CORES and obtaining a Filer ID from USAC's E-File system. *E.g.*, *Wireline Competition Bureau Releases the 2020 Telecommunications Reporting Worksheets and Accompanying Instructions*, Public Notice, 35 FCC Rcd 1350, 1372 (WCB 2020) (*2020 Annual Worksheet Instructions*).

⁶ *See* 47 CFR § 54.711; *Telseven NAL*, 27 FCC Rcd at 6637, para. 2.

⁷ *E.g.*, *2020 Annual Worksheet Instructions*, 35 FCC Rcd at 1409.

⁸ *See Federal-State Joint Board on Universal Service, Report and Order and Order on Reconsideration*, 16 FCC Rcd 5748, 5752-53, para. 12 (2001); 47 CFR § 54.711.

⁹ *2020 Annual Worksheet Instructions*, 35 FCC Rcd at 1373; *Wireline Competition Bureau Releases the 2021 Telecommunications Reporting Worksheets and Accompanying Instructions*, Public Notice, 35 FCC Rcd 13671, 13693 (WCB 2020) (*2021 Annual Worksheet Instructions*); *Wireline Competition Bureau Releases the 2022 Telecommunications Reporting Worksheets and Accompanying Instructions*, Public Notice, 36 FCC Rcd 14176, 14200 (WCB 2021) (*2022 Annual Worksheet Instructions*).

¹⁰ 47 CFR §§ 54.711(a), 54.713. An officer of a company completing an Annual Worksheet must certify, in part, as follows: "I have examined the foregoing report and, to the best of my knowledge, information and belief, all statements of fact contained in this Worksheet are true and that said Worksheet is an accurate statement of the affairs of the above-named company for the previous calendar year." *E.g.*, 2020 FCC Form 499-A, Line 605. While the Commission permits revisions to Worksheets in certain circumstances, *see 2020 Annual Worksheet Instructions*, 35

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explicitly warn service providers that the failure to file timely and accurate Worksheets or submit timely USF payments potentially subjects them to enforcement action.¹¹

5. In order to confirm the accuracy of service providers' Worksheet filings, section 54.711(a) of the Commission's rules provides that the Commission and USAC have the authority to verify any information contained in Annual and Quarterly Worksheets.¹² Filers are required to maintain records and documentation to justify the information reported in the Worksheets, including the methodology used to determine revenue projections, for a period of three years, and to provide it to the Commission or USAC upon request.¹³ The recordkeeping requirement is necessary to verify that contributors report correct information in the Worksheets.¹⁴ The Commission and USAC can review records and documentation underlying revenue reported in a service provider's Worksheets to determine whether the contributor is properly reporting revenues, and thus contributing its fair share to the costs of the universal service program and other cost recovery requirements implemented under the Act.¹⁵

6. Section 225(b)(1) of the Act, which codifies Title IV of the Americans with Disabilities Act of 1990, directs the Commission to "ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States."¹⁶ To that end, the Commission established the TRS Fund to reimburse TRS providers for the costs of providing interstate TRS.¹⁷ The Commission implemented TRS capability rules to enable persons with hearing and speech disabilities to communicate by telephone with voice-telephone users.¹⁸ Such services provide telephone access to a significant number of Americans who without it might not be able to make calls to or receive calls from voice-telephone users.¹⁹ Pursuant to section 64.604(c)(5)(iii)(A) of the Commission's rules, certain service providers²⁰ must contribute to the TRS Fund based on their interstate end-user revenues.²¹ Under the

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FCC Rcd at 1373-74, that opportunity does not affect the separate requirement to submit accurate information in the first instance to the best of the filer's knowledge, information and belief. *See* 2020 FCC Form 499-A, Line 605.

¹¹ 47 CFR § 54.713.

¹² *Id.* § 54.711(a); *see also id.* § 54.707 (providing that USAC has the authority to audit contributors reporting data to USAC).

¹³ *Id.* § 54.711(a). Additionally, under section 54.706(e) of the Commission's rules, any entity required to contribute to the USF shall retain, for at least five years from the date of the contribution, all records that may be required to demonstrate to auditors that the contributions made were in compliance with the universal service Commission's rules. These records include without limitation the following: financial statements and supporting documentation; accounting records; historical customer records; general ledgers; and any other relevant documentation. *Id.* § 54.706(e).

¹⁴ *Federal-State Board on Universal Service*, Report and Order and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 24952, 25791, para. 34 (2002).

¹⁵ *See* 47 CFR §§ 1.1154, 52.17(b), 52.32(b), 54.711(a), 64.604(c)(5)(iii)(B) (establishing requirements to file Worksheets so that administrators can assess payment requirements for, respectively, federal regulatory fees, LNP, NANP, USF, and TRS Fund).

¹⁶ 47 U.S.C. § 225(b)(1).

¹⁷ *See Telecommunications Relay Servs. & the Ams. with Disabilities Act of 1990*, Third Report and Order, 8 FCC Rcd 5300, 5301 para. 7 (1993).

¹⁸ *See Telecommunications Relay Servs. and Speech-to-Speech Servs. for Individuals with Hearing and Speech Disabilities*, Report and Order, 15 FCC Rcd 5140, 5143 para. 5 (2000).

¹⁹ *Id.*

²⁰ Every carrier providing interstate or intrastate telecommunications services, including interconnected VoIP service providers, 47 CFR § 64.601(b), and providers of non-interconnected VoIP service must contribute to the TRS Fund. *Id.* § 64.604(c)(5)(iii)(A).

Commission's rules, the TRS Fund administrator, Rolka Loube Saltzer Associates, LLC d/b/a Rolka Loube (Rolka Loube), uses Annual Worksheet filings to determine each service provider's annual or monthly TRS Fund contribution amounts.²²

7. Section 251(e)(1) of the Act directs the Commission to oversee the administration of telecommunications numbering to ensure the availability of telephone numbers on an equitable basis.²³ Section 251(e)(2) of the Act requires that “[t]he cost of establishing telecommunications numbering administration arrangements and numbering portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission.”²⁴ In carrying out these statutory directives, the Commission adopted sections 52.17 and 52.32 of the Commission's rules.²⁵ Under the Commission's rules, service providers²⁶ must contribute to the costs of numbering administration and LNP on the basis of their end-user telecommunications revenues.²⁷ The NANP administrator's billing and collection agent, Welch LLP (Welch),²⁸ and the LNP administrator, Telcordia Technologies, Inc.

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²¹ *Id.* Under the Commission's rules, service providers must contribute at least \$25.00 per year, and service providers whose annual contributions are less than \$1,200.00 must pay the entire amount at the beginning of the contribution period. Otherwise, if their account is in good standing, service providers are permitted to divide their contributions into 12 equal monthly payments. *Id.* § 64.604(c)(5)(iii)(B).

²² *Id.* Rolka Loube replaced the National Exchange Carrier Association as the TRS Fund administrator effective July 1, 2011. See *Interstate Telecommun. Relay Serv. (TRS) Fund Adm'r Transition*, Public Notice, 26 FCC Rcd 8436 (2011).

²³ 47 U.S.C. § 251(e)(1).

²⁴ *Id.* § 251(e)(2). “Number Portability” means “the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.” *Id.* § 153(37). The inability of customers to retain their telephone numbers when changing local service providers would hamper the development of local competition. *Telephone Number Portability*, Third Report and Order, 13 FCC Rcd. 11701, 11702, para. 3 (1998), *aff'd*, Memorandum Opinion and Order on Reconsideration and Order on Application for Review, 17 FCC Rcd. 2578 (2002).

²⁵ 47 CFR §§ 52.17, 52.32.

²⁶ All telecommunications carriers and interconnected VoIP providers in the United States shall contribute to meet the costs of establishing numbering administration and LNP. See *id.* §§ 52.17, 52.32.

²⁷ See *id.* § 52.17(a) (“Contributions to support numbering administration shall be the product of the contributors’ end-user telecommunications revenues for the prior calendar year and a contribution factor determined annually [with] such contributions to be no less than twenty-five dollars (\$25).”); *id.* § 52.32(a) (service providers that have no intrastate, interstate, or international end-user telecommunications revenues derived from providing telecommunications service in areas a regional database serves must pay \$100 contributions for LNP, and if service providers derive intrastate, interstate, or international end-user telecommunications revenues in areas a regional database serves, the service providers must pay a charge that recovers the remaining shared costs of long-term number portability attributable to each service provider on a proportional basis.)

²⁸ In 2004, the Commission selected Welch & Company, LLP as the billing and collection agent for the NANP. New Release, Fed. Comm’n Comm’n, Federal Communications Commission Selects Welch & Co., LLP as the Next North American Numbering Plan Billing & Collection Agent (WCB Apr. 12, 2004), <https://www.fcc.gov/document/federal-communications-commission-selects-welch-company-llp-next>. In 2007, the billing and collection agent changed its name to Welch LLP. See <https://welchllp.com> (last visited May 10, 2023); see also *Welch LLP celebrates 100th anniversary in Ottawa*, OTTAWA BUSINESS JOURNAL (Feb. 8, 2018), <https://obj.ca/welch-llp-celebrates-100th-anniversary-in-ottawa>.

d/b/a iconectiv (iconectiv),²⁹ respectively use Annual Worksheet filings to determine service providers' required payments for NANP and LNP administration.³⁰

8. The Act directs the Commission to “assess and collect regulatory fees to recover the costs of carrying out” the functions of the Commission,³¹ including “enforcement activities, policy and rulemaking activities, user information services, and international activities.”³² Consistent with this directive, the Commission has implemented rules for annual regulatory fees for entities regulated by the Commission.³³ Service providers³⁴ must pay federal regulatory fees annually based on interstate and international end-user revenues as reported in Annual Worksheets.³⁵

9. Because USAC, Rolke Loube, iconectiv, Welch, and the Commission rely on Worksheets to determine respective payment requirements for administration of the USF, TRS Fund, LNP, NANP, and federal regulatory fees, the accuracy and timeliness of Worksheet filings are vital. The Commission, through USAC, must be able to verify that each service provider is compliant with the Commission's rules, including being able to review documents that support the accuracy of information reported in Worksheets.³⁶ When a service provider underreports its revenues in its Worksheets, and then exacerbates the problem by not complying with USAC's attempts to verify the reported revenues through supporting documentation, the service provider could prevent administrators from fully invoicing the service provider for its USF, TRS Fund, LNP, NANP, and federal regulatory fee payment obligations.³⁷ A contributor's failure to comply with the Worksheet filing and verification functions can impede the very purpose for which Congress enacted section 254(d)—to ensure that every required contributor to the USF “contribute[s], on an equitable and nondiscriminatory basis, to the specific, predictable, and sufficient mechanisms established by the Commission to preserve and advance universal service.”³⁸ The effects on the administration of TRS, LNP, NANP and on the Commission's assessment of federal regulatory fees are similar. Indeed, a service provider that impedes the Commission and USAC from verifying the revenue information submitted in Worksheets can evade its federal obligations to contribute fully toward the vital programs linked to the reporting rules.³⁹ As a consequence of this evasion, other service providers carry an unfair burden of funding the USF and the other federal regulatory requirements arising

²⁹ See *Telcordia Techs., Inc. Petition to Reform Amendment 57 & to Order a Competitive Bidding Process for No. Portability Admin.*, Order, 31 FCC Rcd 8406 (2016) (approving the recommendation of the North American Numbering Council (NANC) that iconectiv serve as the next LNP administrator).

³⁰ 47 CFR §§ 52.17(b), 52.32(b).

³¹ 47 U.S.C. § 159(a); see also *id.* § 156(a).

³² *2020 Annual Worksheet Instructions*, *supra* note 5, 35 FCC Rcd at 1365.

³³ See 47 CFR §§ 1.1152–1.1156, 1.1157(b) (addressing federal regulatory fee requirements for wireless radio, mass media, common carrier, cable television, and international service providers).

³⁴ See <https://www.fcc.gov/licensing-databases/fees/regulatory-fees> (identifying Commission licensees and other regulated entities that must pay federal regulatory fees) (last visited May 10, 2023).

³⁵ See 47 CFR § 1.1154.

³⁶ See *id.* § 54.711(a); see also *id.* § 54.706(e).

³⁷ See *id.* § 54.711(a); *Telseven NAL*, *supra* note 5, 27 FCC Rcd at 6643–44, 6646–48, paras. 15, 23–25, *Telseven Forfeiture Order*, *supra* note 5, 31 FCC Rcd at 1636, para. 20; *Telrite Corp.*, Notice of Apparent Liability for Forfeiture and Order, 23 FCC Rcd 7231, 7241–42, para. 24 (2008), *consent decree adopted*, Order, 27 FCC Rcd 4110 (2012).

³⁸ 47 U.S.C. § 254(d).

³⁹ See, e.g., *Telseven NAL*, *supra* note 5, 27 FCC Rcd at 6638–39, para. 6; *Globalcom, Inc.*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 3479, 3484, para. 12 (2010) (*Globalcom NAL*), *consent decree adopted*, Order, 29 FCC Rcd 2593 (2014); *Local Phone Services, Inc.*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 9974, 9977–78, para. 9 (2006) (*LPSI NAL*), *forfeiture issued*, Order of Forfeiture, 23 FCC Rcd 8952 (2008).

under the Act.⁴⁰ Delinquent service providers obtain an unfair competitive advantage over service providers that comply with the reporting provisions, and fully pay USF, TRS Fund, LNP, NANP, and federal regulatory fee assessments, required under the Commission's rules.⁴¹

B. Factual Background

10. On October 23, 2020, USAC referred Slappey Telephone, Inc. d/b/a Slappey Communications (Slappey Telephone), Slappey Communications, LLC (Slappey Communications), and BMP Slappey Holdco, LLC (BMP) to the Enforcement Bureau (Bureau) for investigation of these companies' repeated failures to comply with the document production requirements under section 54.711(a) of the Commission's rules.⁴² On December 17, 2020, the Bureau issued a Letter of Inquiry (LOI) to Slappey Telephone, Slappey Communications, and BMP, concerning compliance with requirements arising under the Act and the Commission's rules.⁴³ Slappey Telephone, Slappey Communications, and BMP responded to the Bureau's LOI on January 11, February 5 and 6, and March 8, 2021.⁴⁴ In the January 11, 2021 LOI Response, Slappey Telephone, Slappey Communications, and BMP identified RevTel and Volstate, LLC (Volstate), a Tennessee limited liability company, as wholly-owned subsidiaries of BMP.⁴⁵ Slappey Telephone, Slappey Communications, and Volstate then requested USAC deactivate them from the Worksheet filing requirements on the basis that these companies no longer provided telecommunications or telecommunications service, and USAC approved the requests effective as of December 31, 2021.⁴⁶

11. RevTel is a Texas limited liability company that is headquartered in Birmingham, Alabama.⁴⁷ The Tennessee Public Service Commission granted authority to RevTel to operate as a CLEC

⁴⁰ See *Telseven NAL*, *supra* note 5, 27 FCC Rcd at 6638-39, para. 6; *Globalcom NAL*, 25 FCC Rcd at 3484, para. 12; *LPSI NAL*, 21 FCC Rcd at 9977-78, para. 9.

⁴¹ See *Telseven NAL*, *supra* note 5, 27 FCC Rcd at 6638-39, para. 6; *Globalcom NAL*, 25 FCC Rcd at 3484, para. 12; *LPSI NAL*, 21 FCC Rcd at 9977-78, para. 9.

⁴² See 47 CFR § 54.711(a); Letter from Fred Theobald, Director of Contributor Operations, Universal Service Administrative Company, to David Janas, Special Counsel, Investigations & Hearings Division, FCC Enforcement Bureau, at 1 (May 4, 2023) (on file in EB-IHD-20-00031703) (USAC Letter).

⁴³ See Letter from Jeffrey J. Gee, Chief, Investigations & Hearings Division, FCC Enforcement Bureau, to William Slappey, President, Slappey Communications, LLC, Chief Operating Officer, Slappey Telephone, Inc. (Dec. 17, 2020) (regarding compliance with 47 U.S.C. §§ 159(a), 222, 251(e)(2), 254(d); 47 CFR §§ 1.1154, 1.1157, 1.7001, 1.8002, 52.17, 52.32, 54.706, 54.711, 54.712, 64.604, 64.2009(e), 64.2115) (on file in EB-IHD-20-00031703) (LOI). In the LOI, the Bureau defined the investigation target or the "Company" to include "Slappey Telephone, Inc., Slappey Communications, LLC, BMP Slappey Holdco, LLC, and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, . . ." *Id.* at 21.

⁴⁴ See Response to Letter of Inquiry, from Compliance Solutions, Inc., on behalf of Slappey Telephone, Inc., Slappey Communications, LLC, and BMP Slappey Holdco, LLC, to Jeffrey J. Gee, Chief, Investigations & Hearings Division, FCC Enforcement Bureau (on file in EB-IHD-20-00031703) (January 11, 2021 LOI Response); E-mail from Compliance Solutions, Inc., Consultant to RevTel Communications, LLC, to David Janas, Special Counsel, Investigations & Hearings Division, Enforcement Bureau, FCC (Feb. 5, 2021, 21:40 EDT) (on file in EB-IHD-20-00031703) (February 5, 2021 LOI Response); E-mail from Compliance Solutions, Inc., Consultant to RevTel Communications, LLC, to David Janas, Special Counsel, Investigations & Hearings Division, Enforcement Bureau, FCC (Feb. 6, 2021, 07:51 EDT) (on file in EB-IHD-20-00031703) (February 6, 2021 LOI Response); E-mail from Compliance Solutions, Inc., Consultant to RevTel Communications, LLC, to David Janas, Special Counsel, Investigations & Hearings Division, FCC Enforcement Bureau (Mar. 8, 2021, 23:29 EDT) (on file in EB-IHD-20-00031703) (March 8, 2021 LOI Response).

⁴⁵ See January 11, 2021 LOI Response at 1-2, Responses to Questions 1 and 3.

⁴⁶ See USAC Letter at 1.

⁴⁷ See January 11, 2021 LOI Response at 1-2, Responses to Questions 1 and 3.

in 2012,⁴⁸ and the Company provides CLEC services in nine states.⁴⁹ The Company also provides interconnected VoIP service.⁵⁰ RevTel has rebranded itself as IT Voice.⁵¹

12. Between February 1, 2021, and May 22, 2022, USAC repeatedly requested supporting documentation from RevTel in order to verify the accuracy of the Company's 2020, 2021, and 2022 Annual Worksheets, and in particular the accuracy of reported non-telecommunications revenues, gross billed revenues, and any federal USF surcharge revenues.⁵² The Company, however, repeatedly failed to respond, or submitted non-responsive and late replies, over the course of this nearly 16-month period.⁵³ The Company has still not provided USAC the documentation necessary to verify the accuracy of RevTel's Annual Worksheets for 2020 through 2022.⁵⁴

13. RevTel failed to comply with six USAC directives to provide timely and complete documentation to support revenues reported in the Company's 2020, 2021, and 2022 Annual Worksheets. *First*, to verify the accuracy of the Company's 2020 Annual Worksheet filing, on February 1, 2021, USAC directed RevTel to provide documentation supporting revenues other than telecommunications revenues reported on Line 418.3.⁵⁵ RevTel's response was due February 8, 2021, but RevTel did not respond by the deadline.⁵⁶ *Second*, on February 19, 2021, USAC again directed RevTel to provide the documentation, with a response deadline of March 8, 2021.⁵⁷ RevTel did not respond by this deadline either.⁵⁸

⁴⁸ See *id.* at 4-6, Responses to Questions 6, 8, 11-12.

⁴⁹ See *id.* at 4-5, Responses to Questions 6 and 8; <https://efile.universalservice.org/EFileContributor/CompanyForms/SearchCompanyForms?filerId=829664> (last visited May 10, 2023).

⁵⁰ RevTel provides "IT support, sells hardware and software, sells PBX solutions, sells structured cabling, manages telecom bills, sells Hosted PBX and internet, sells interconnected VoIP services, and provides labor to configure and maintain various technology solutions." January 11, 2021 LOI Response, *supra* note 44, at 6, Response to Question 11.

⁵¹ See <https://www.itvoice.com/revtel> (last visited May 10, 2023).

⁵² See USAC Letter, *supra* note 42, at 1-3. If a service provider recovers its federal USF contributions by billing its customers, "the amount of the federal [USF] line-item charge may not exceed the interstate telecommunications portion of that customer's bill times the relevant contribution factor." 47 CFR § 54.712.

⁵³ See generally USAC Letter, *supra* note 42.

⁵⁴ *Id.*

⁵⁵ RevTel filed its 2020 Annual Worksheet on March 24, 2020. On February 1, 2021, after USAC became aware of potential reporting inaccuracies, USAC requested (a) financial statements supporting the revenues in RevTel's 2020 Annual Worksheet; (b) an explanation of how the Company used the data in the financial statements to determine the revenues reported on each line of the Worksheet; and (c) identifications, descriptions, and revenues for services or products reported on Line 418.3, and explanations concerning why the revenues reported on Line 418.3 were not telecommunications revenues. *Id.* at 1.

⁵⁶ *Id.*

⁵⁷ *Id.* RevTel provided the Bureau documentation on February 5, 2021, that the Company indicated was responsive to USAC's February 1, 2021, documentation request. USAC informed RevTel that the documentation the Company provided the Bureau on February 5, 2021, was not responsive to USAC's February 1, 2021, documentation request. RevTel did not provide (a) an explanation of how the Company used data in financial statements to determine revenues reported on each line of the 2020 Annual Worksheet; and (b) identifications, descriptions, and revenues for services or products reported on Line 418.3, and explanations concerning why the revenues reported on Line 418.3 were not telecommunications revenues. See *id.*; see also February 5, 2021 LOI Response; February 6, 2021 LOI Response. USAC also informed the Company that the Bureau would be apprised of RevTel's failure to comply with USAC's February 1, 2021 documentation request. USAC Letter, *supra* note 42, at 2.

14. *Third*, on January 5, 2022, USAC directed RevTel to provide documentation that supported the accuracy of revenues other than telecommunications revenues reported on Line 418.3 of the Company's 2021 Annual Worksheet.⁵⁹ This documentation was due to USAC on January 12, 2022, but RevTel did not respond by the deadline.⁶⁰ *Fourth*, on February 21, 2022, USAC again directed RevTel to provide the supporting documentation for the 2021 Annual Worksheet, with a response deadline of February 28, 2022, and RevTel did not respond by this deadline either.⁶¹

15. *Fifth*, on March 28, 2022, USAC directed RevTel to provide documentation supporting revenues reported in the Company's 2022 Annual Worksheet, and in particular (a) revenues other than telecommunications revenues reported on Line 418.3, (b) gross billed revenues reported on Line 419, and (c) any federal USF surcharge revenues.⁶² The Company's response was due on April 4, 2022, but again RevTel did not respond by the deadline.⁶³ *Sixth*, on April 22, 2022, USAC again directed RevTel to provide the documentation supporting the Company's 2022 Annual Worksheet.⁶⁴ The response deadline was May 22, 2022, and the Company did not respond by the deadline.⁶⁵

16. More than two years and three months has elapsed since USAC's February 1, 2021 request for documentation. RevTel has still not complied with USAC's documentation requests concerning the Annual Worksheet filings for 2020 through 2022.⁶⁶ Additionally, on March 24, 2023, RevTel filed a revised 2022 Annual Worksheet, reducing its reported revenues from \$878,810 to zero.⁶⁷

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⁵⁸ USAC Letter, *supra* note 42, at 2. On January 5 and February 21, 2022, USAC informed RevTel the Company's documentation requirements for the 2020 Annual Worksheet were still pending. *Id.*

⁵⁹ *Id.* RevTel filed its 2021 Annual Worksheet on March 27, 2021. USAC requested (a) financial statements, and if audited financial statements were not available, the Company's federal tax return, to support revenues reported on each line of the 2021 Annual Worksheet; and (b) an explanation regarding how the Company used the data in the financial statements or tax return to determine the revenues reported on each line of the Worksheet. *Id.* When discussing the Company's ongoing failures to comply with documentation requirements on June 16, 2022, RevTel informed USAC that the Company provided telecommunications services in 2021. However, RevTel did not report any telecommunications services revenue in the Company's 2021 Annual Worksheet. *See id.*

⁶⁰ *Id.*

⁶¹ *Id.* USAC informed RevTel that if the Company again failed to respond it would refer the document production failure to the Bureau. *Id.*

⁶² *Id.* RevTel filed its 2022 Annual Worksheet on March 28, 2022, and on the same day, USAC directed RevTel to provide (a) documentation supporting the significant increase in gross billed revenues on Line 419 of the Worksheet; (b) financial statements, and if audited financial statements were not available, the Company's federal tax return, to support revenues reported on each line of the Worksheet; (c) an explanation regarding how the Company used the data in the financial statements and tax return to determine the revenues reported on each line of the Worksheet; (d) identifications, descriptions, and revenues for services or products reported on Line 418.3, and explanations regarding why the revenues reported on Line 418.3 were not telecommunications revenues; and (e) RevTel's January, April, July, and October 2021 invoices to the Company's top five customers of telecommunications, telecommunications service, or interconnected VoIP service, documentation showing how the billed revenues in each invoice were reported in the 2022 Annual Worksheet, and documentation showing how RevTel calculated any federal USF surcharges on each invoice. *Id.*

⁶³ USAC Letter, *supra* note 42, at 2-3.

⁶⁴ *Id.* USAC informed RevTel that if the Company failed to respond, the document production failure would be referred to the Bureau. *Id.*

⁶⁵ *Id.* On June 7 and July 5, 2022, USAC notified RevTel that the Company's documentation requirements were still pending. *Id.* USAC also communicated with RevTel concerning the pending documentation requirements in e-mail messages sent between June 13 and August 3, 2022. *Id.*

⁶⁶ *Id.* at 1.

As of May 10, 2023, the Company has also not filed its 2023 Annual Worksheet, which was due on April 1, 2023, and May 2023 Quarterly Worksheet, which was due on May 1, 2023.⁶⁸ The Commission reserves the right to take further enforcement action against RevTel for any violations of the Commission's documentation, filing, and payment requirements arising under the Act and pursuant to the Commission's rules or orders.

III. DISCUSSION

17. Based on the evidence developed through the Bureau's investigation, RevTel apparently violated section 54.711(a) of the Commission's rules by willfully and repeatedly failing to comply with USAC's directives to provide documentation supporting the accuracy of the Company's Annual Worksheets for 2020 through 2022.⁶⁹ Specifically, RevTel failed to submit supporting documentation to USAC by the deadlines established on February 8 and March 8, 2021, January 12, February 28, April 4, and May 22, 2022.⁷⁰

18. Companies that file Worksheets are required to maintain documentation to justify the information reported in Worksheets and provide it to the Commission or USAC upon request.⁷¹ The obligation is clearly stated in the Commission's rules and orders, is reiterated in the instructions to the Worksheets, and has been the subject of prior enforcement actions.⁷² To verify the accuracy of the Company's Annual Worksheets for 2020 through 2022, USAC directed the Company to provide documentation that supported reported revenues other than telecommunications revenues, gross billed revenues, and any federal USF surcharge revenues.⁷³ USAC's documentation directives were not unusual and were consistent with the Commission's rules.⁷⁴

19. USAC's ability to verify the accuracy of Worksheets on behalf of the Commission is fundamental to implementing the Congressional directive to ensure the equitable and non-discriminatory distribution of universal service costs among all service providers. A service provider must timely respond to each directive by USAC to provide documentation supporting information reported in a Worksheet. Service providers have an obligation to respond in a timely, full, and accurate manner in every instance, regardless of the number of times USAC must follow up to obtain or clarify a response. More importantly, the goal of section 54.711(a) of the Commission's rules—to allow USAC to verify each Worksheet to ensure compliance with payment requirements under FCC rules—is frustrated when the Commission and USAC have to make multiple requests, or wait multiple months or years, to obtain the documentation needed to verify the accuracy of a Worksheet. We consider each individual failure to

(Continued from previous page. . .) —————

⁶⁷ See <https://efile.universalservice.org/EFileContributor/CompanyForms/SearchCompanyForms?fileId=829664> (last visited May 10, 2023).

⁶⁸ *Id.*

⁶⁹ See 47 CFR § 54.711(a).

⁷⁰ USAC Letter, *supra* note 42, at 1-3.

⁷¹ See 47 CFR §§ 54.706(e), 54.711(a).

⁷² See, e.g., 47 CFR § 54.711(a); *PayG, LLC*, Notice of Apparent Liability for Forfeiture, FCC 22-69, 2022 WL 4245060, *12, para. 38 (Sept. 14, 2022) (*PayG NAL*); *Correct Solutions, LLC*, Notice of Apparent Liability for Forfeiture, DA 22-303, 2022 WL 1000385, *9, para. 27 (Apr. 1, 2022) (*Correct Solutions NAL*); *2022 Annual Worksheet Instructions*, *supra* note 9, 36 FCC Rcd at 14201-02; *US South Commc'ns, Inc.*, Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 12668, 12676, para. 22 (EB 2020) (*US South NAL*) (forfeiture paid); *Compu-Phone Voice & Data, Inc.*, Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 6573, 6583, para. 23 (EB 2020) (*Compu-Phone NAL*) (forfeiture paid); *Blue Casa Tel., LLC*, Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 6333, 6344, para. 25 (EB 2020) (*Blue Casa NAL*) (forfeiture paid).

⁷³ USAC Letter, *supra* note 42, at 1-3.

⁷⁴ See 47 CFR § 54.711(a); USAC Letter, *supra* note 42, at 1-3.

respond fully and accurately by a deadline a separate violation of section 54.711(a) of the Commission's rules.⁷⁵

20. RevTel has still not provided USAC the documentation that USAC needs to verify the revenues RevTel reported in the Company's Annual Worksheets for 2020 through 2022. By precluding USAC from verifying the Company's revenues, RevTel has also prevented the FCC from determining whether RevTel has fully paid its obligations under the Commission's rules for USF, TRS, LNP, NANP, and federal regulatory fee cost recovery requirements.⁷⁶ The Commission reserves the right to take further enforcement action against RevTel for any violations of payment requirements arising under the Act and pursuant to the Commission's rules or orders.

21. We find that the Company apparently violated section 54.711(a) of the Commission's rules by willfully and repeatedly failing to respond timely to USAC's directives to provide documentation supporting the accuracy of the Company's Annual Worksheets for 2020 through 2022. Specifically, RevTel failed to submit timely responses to USAC in response to six directives with six separate due dates over nearly a 16-month period between February 8, 2021, and May 22, 2022.⁷⁷

IV. PROPOSED FORFEITURE

22. Section 503(b) of the Act authorizes the Commission to impose a forfeiture against any entity that "willfully or repeatedly fail[s] to comply with any of the provisions of [the Act] or of any rule, regulation, or order issued by the Commission."⁷⁸ For the violations at issue here, section 503(b)(2)(B) of the Act authorizes the Commission to assess a forfeiture against a service provider such as RevTel of up to \$237,268 for each violation or each day of a continuing violation, up to a statutory maximum of \$2,372,677 for a single act or failure to act.⁷⁹ In exercising our forfeiture authority, we must consider the "nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."⁸⁰ In addition, the Commission has established forfeiture guidelines that establish base penalties for certain violations and identify criteria to consider when determining the appropriate penalty in any given case.⁸¹ The forfeiture guidelines listed in section 1.80 of the Commission's rules specifically "are intended as a guide for frequently recurring violations" and not "a complete or exhaustive list of violations."⁸²

⁷⁵ See, e.g., *PayG NAL* at *7, para. 22; *Correct Solutions NAL* at *5, para. 16; *US South NAL*, 35 FCC Rcd at 12674, para. 14.

⁷⁶ See 47 U.S.C. §§ 251(e)(2), 254(d); 47 CFR §§ 1.1154, 1.1157(b)(1), 52.17(a), 54.706(a), 64.604(c)(5)(iii)(A).

⁷⁷ See USAC Letter, *supra* note 42, at 1-3.

⁷⁸ 47 U.S.C. § 503(b)(1)(B).

⁷⁹ See *id.* § 503(b)(2)(B); 47 CFR § 1.80(b)(2). These amounts reflect inflation adjustments to the forfeitures specified in section 503(b)(2)(B) of the Act (\$100,000 per violation or per day of a continuing violation and a statutory maximum of \$1,000,000 for a single act or failure to act). See *Amendment of Section 1.80(b) of the Comm'n's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 22-1356, 2022 WL 18023008 (EB Dec. 23, 2022); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 88 Fed. Reg. 783 (Jan. 5, 2023) (setting January 15, 2023, as the effective date for the increases).

⁸⁰ 47 U.S.C. § 503(b)(2)(E); 47 CFR § 1.80(b)(10).

⁸¹ See 47 CFR § 1.80(b)(10), Tbl. 1 to para. (b)(10); *Commission's Forfeiture Policy Statement & Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17098-99, para. 22 (1997) (*1997 Forfeiture Guidelines*) (noting that "[a]lthough we have adopted the base forfeiture amounts as guidelines to provide a measure of predictability to the forfeiture process, we retain our discretion to depart from the guidelines and issue forfeitures on a case-by-case basis, under our general forfeiture authority contained in Section 503 of the Act"), *recon. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

⁸² See *1997 Forfeiture Guidelines*, 12 FCC Rcd at 17109-10, para. 53.

23. The Commission may adopt upward or downward adjustments to forfeitures when appropriate.⁸³ Under section 1.80 of the Commission's rules, we may adjust a forfeiture upward for egregious misconduct, ability to pay and relative disincentive, an intentional violation, substantial harm, prior violations of Commission requirements, substantial economic gain, or repeated or continuous violations.⁸⁴ We may adjust a forfeiture downward for a minor violation, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.⁸⁵

24. Section 503(b)(6)(B) of the Act provides that no forfeiture penalty shall be imposed if "the violation charged occurred more than one year prior to the date of issuance of the required notice or notice of apparent liability."⁸⁶ We therefore propose a forfeiture for RevTel's apparent failure to submit a timely and complete response to USAC's directive to provide supporting documentation by the May 22, 2022 deadline.

25. As the Commission observed in another USF enforcement action,⁸⁷ "the size and scope of the universal service and [other federal regulatory] programs impose a monumental burden on the Commission [and] USAC . . . to verify that each and every carrier has complied with the revenue reporting requirements. By necessity, the Commission and the other entities must rely on carriers' compliance with our rules."⁸⁸ To assist the Commission and USAC in this endeavor, the Commission's document retention and production rules were adopted to ensure the accuracy of each Worksheet and as a result ensure compliance with the USF, TRS, LNP, NANP and federal regulatory fee cost recovery requirements.⁸⁹ The Commission has imposed a \$50,000 base forfeiture for a contributor's failure under section 54.711(a) of the Commission's rules to maintain documentation that supports information reported in Worksheets, and provide it to USAC or the FCC upon request.⁹⁰ We thus propose a \$50,000 base forfeiture against RevTel for its failure to submit a timely and complete response to USAC's directives by the deadline of May 22, 2022.

26. In assessing a forfeiture amount, we consider the nature, extent and gravity of the failure to comply with service provider documentation requirements to be very serious.⁹¹ USAC's verification of Worksheets is a vital component of ensuring the integrity of the USF as well as compliance with the Commission's TRS, LNP, NANP, and federal regulatory fee payment requirements. We have also considered the degree of the Company's culpability.⁹² Service providers have an important obligation to comply with USAC verification functions, and the Company is thus highly culpable for the failures to respond to USAC documentation directives, which were repeated in this case over approximately 16 months. Section 1.80 of the Commission's rules provides for an upward adjustment to forfeiture amounts

⁸³ See *id.* at 17110, para. 53 (citing 47 U.S.C. § 503(b)(2)(E)).

⁸⁴ 47 CFR § 1.80(b)(10), Tbl. 3 to para. (b)(10). See also *1997 Forfeiture Guidelines*, 12 FCC Rcd at 17098-99, para. 22 (1997).

⁸⁵ 47 CFR § 1.80(b)(10), Tbl. 3 to para. (b)(10).

⁸⁶ 47 U.S.C. § 503(b)(6)(B).

⁸⁷ *Globcom, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893 (2003) (*Globcom NAL*), forfeiture issued, Order of Forfeiture, 21 FCC Rcd 4710 (2006) (*Globcom Forfeiture Order*).

⁸⁸ *Globcom NAL*, 18 FCC Rcd at 19904, para. 30.

⁸⁹ See *Federal-State Board on Universal Service*, Report and Order and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 24952, 24971, para. 34 (2002).

⁹⁰ See, e.g., *PayG NAL*, *supra* note 72, at *12, para. 37; *US South NAL*, *supra* note 72, 35 FCC Rcd at 12676, para. 22; *Compu-Phone NAL*, *supra* note 72, 35 FCC Rcd at 6583, para. 23; *Blue Casa NAL*, *supra* note 72, 35 FCC Rcd at 6344, para. 25.

⁹¹ See 47 U.S.C. § 503(b)(2)(E).

⁹² See *id.*

for prior violations of any FCC requirements and for repeated or continuous violations.⁹³ The Commission has recently issued several enforcement actions specifically involving service providers' failures to comply with the Worksheet documentation requirements under section 54.711(a) of the Commission's rules.⁹⁴ RevTel repeatedly violated these documentation requirements and has prevented USAC from verifying the accuracy of the Company's Worksheets.⁹⁵ Even after the Bureau issued the LOI to RevTel concerning compliance with the documentation requirements, RevTel has still not complied. We apply an upward adjustment of \$50,000, which is 100 percent of the proposed base forfeiture, because of the repeated nature of the Company's apparent violations, including the Company's failures to respond to USAC directives to provide supporting documentation by the February 8 and March 8, 2021, January 12, February 28, April 4, and May 22, 2022 deadlines.⁹⁶ We therefore propose a total forfeiture of \$100,000 against the Company, which includes a \$50,000 base forfeiture for failing to submit documentation in response to USAC's directive by May 22, 2022, and an upward adjustment of \$50,000 for the Company's repeated and ongoing failures to comply with USAC's directives.

27. Consistent with the Act and the Commission's rules,⁹⁷ we have exercised our discretion and considered the specific circumstances related to the Company and the violations it apparently committed, and we therefore find RevTel apparently liable for a total proposed forfeiture of one hundred thousand dollars (\$100,000) for willfully and repeatedly failing to comply with the Commission's Worksheet documentation requirements.⁹⁸

V. CONCLUSION

28. We have determined that RevTel apparently violated section 54.711(a) of the Commission's rules by willfully and repeatedly failing to submit timely responses to USAC in response to six document production directives with six separate due dates between February 8, 2021, and May 22, 2022.⁹⁹ We therefore find that RevTel is apparently liable for a forfeiture of \$100,000.

VI. ORDERING CLAUSES

29. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80 of the Commission's rules, 47 CFR § 1.80, RevTel Communications, LLC is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of one

⁹³ 47 CFR § 1.80(b)(10), Table 3 to Para. (b)(10).

⁹⁴ See, e.g., *PayG NAL*, *supra* note 72, FCC 22-69, 2022 WL 4245060; *Correct Solutions NAL*, *supra* note 72, DA 22-303, 2022 WL 1000385; *US South NAL*, *supra* note 72, 35 FCC Rcd 12668; *Compu-Phone NAL*, *supra* note 72, 35 FCC Rcd 6573; *Blue Casa NAL*, *supra* note 72, 35 FCC Rcd 6333.

⁹⁵ See USAC Letter, *supra* note 42, at 1.

⁹⁶ See 47 U.S.C. § 503(b)(2)(B); *PayG NAL*, *supra* note 72, *12, para. 38 (applying "upward adjustment of \$50,000, 100 percent of the proposed base forfeiture, because of the repeated nature of the Company's apparent violations"); *Correct Solutions NAL*, *supra* note 72, *8, para. 26 ("enforcement items could include upward adjustments to 100 percent or more of the proposed base forfeiture") (citing *Peace Communications, LLC*, Notice of Apparent Liability for Forfeiture, 36 FCC Rcd 11388, 11395, para. 17 (EB 2021) (providing notice that enforcement actions involving violations of section 54.711 of the Commission's rule could apply a higher upward adjustment to the base forfeiture amount)).

⁹⁷ See 47 U.S.C. § 503(b)(2)(E); 47 CFR § 1.80(b)(10), Note 2 to para. (b)(10).

⁹⁸ Any entity that is a "Small Business Concern" as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, "Oversight of Regulatory Enforcement," in addition to other rights set forth herein.

⁹⁹ 47 CFR § 54.711(a). This NAL applies exclusively to the Commission rule violations by RevTel described herein and does not address any other potential criminal, civil or administrative liabilities of RevTel and its successors, assigns, agents or consultants.

hundred thousand dollars (\$100,000) for its willful violation of section 54.711(a) of the Commission's rules, 47 CFR § 54.711(a).

30. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, RevTel Communications, LLC **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 33 below.

31. In order for RevTel Communications, LLC to pay the proposed forfeiture, RevTel Communications, LLC shall notify Pamela Gallant at Pamela.Gallant@fcc.gov, Kalun Lee at Kalun.Lee@fcc.gov, Georgina Feigen at Georgina.Feigen@fcc.gov, and David Janas at David.Janas@fcc.gov of its intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Upon payment, RevTel Communications, LLC shall send electronic notification of payment to Pamela Gallant at Pamela.Gallant@fcc.gov, Kalun Lee at Kalun.Lee@fcc.gov, Georgina Feigen at Georgina.Feigen@fcc.gov, and David Janas at David.Janas@fcc.gov on the date said payment is made. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:¹⁰⁰

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF". In addition, a completed Form 159¹⁰¹ or printed CORES form¹⁰² must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).¹⁰³ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.

¹⁰⁰ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

¹⁰¹ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

¹⁰² Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

¹⁰³ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

32. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554.¹⁰⁴ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

33. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(g)(3) of the Commission’s rules.¹⁰⁵ The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554, ATTN: Enforcement Bureau – Investigations and Hearings Division, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to Pamela Gallant at Pamela.Gallant@fcc.gov, Kalun Lee at Kalun.Lee@fcc.gov, Georgina Feigen at Georgina.Feigen@fcc.gov, and David Janas at David.Janas@fcc.gov.

34. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status.¹⁰⁶ Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.¹⁰⁷

35. **IT IS FURTHER ORDERED** that, pursuant to section 54.711(a) of the Commission’s rules, 47 CFR § 54.711(a), within 30 days, RevTel Communications, LLC **SHALL RESPOND** fully to (a) USAC’s February 1, 2021, request for documentation supporting the 2020 Annual Worksheet; (b) USAC’s January 5, 2022, request for documentation supporting the 2021 Annual Worksheet; and (c) USAC’s March 28, 2022, request for documentation supporting the 2022 Annual Worksheet. **IT IS**

¹⁰⁴ See 47 CFR § 1.1914.

¹⁰⁵ *Id.* §§ 1.16, 1.80(g)(3).

¹⁰⁶ 47 U.S.C. § 503(b)(2)(E).

¹⁰⁷ See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18–21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860–62, paras. 21–25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678–79, paras. 44–45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903–904, paras. 32–33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

FURTHER ORDERED that, pursuant to section 54.711(a) of the Commission's rules, 47 CFR § 54.711(a), RevTel Communications, LLC **SHALL RESPOND** fully to any further request by USAC for documentation supporting the Company's Annual Worksheets for 2020 through 2023 by each response deadline provided by USAC. **IT IS FURTHER ORDERED** that, pursuant to section 54.711(a) of the Commission's rules, 47 CFR § 54.711(a), within 30 days, RevTel Communications, LLC **SHALL FILE** the Company's 2023 Annual Worksheet and May 2023 Quarterly Worksheet. The failure of RevTel Communications, LLC to comply with these directives shall constitute a violation of a Commission order, entitling the Commission to exercise any and all rights and remedies authorized by law for the enforcement of a Commission order, including a forfeiture of up to \$237,268 for each violation.¹⁰⁸

36. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail, return receipt requested, to William Slappey, Chief Executive Officer, RevTel Communications, LLC, 4260 Cahaba Heights Court, Ste. 100, Birmingham, AL 35243, and by e-mail to Will.Slappey@slappey.com.

FEDERAL COMMUNICATIONS COMMISSION

Loyaan A. Egal
Chief
Enforcement Bureau

¹⁰⁸ See 47 U.S.C. § 503(b)(2)(B); 47 CFR § 1.80(b)(2); *Amendment of Section 1.80(b) of the Comm'n's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 22-1356, 2022 WL 18023008 (EB Dec. 23, 2022).