



PUBLIC NOTICE

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

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

DA 07-469

Released: January 31, 2007

Wireline Competition Bureau Reminds *De Minimis* Telecommunications Providers of Certain FCC Registration, Reporting, and Contribution Requirements

WC Docket No. 06-122;
CG Docket No. 03-123;
CC Docket Nos. 95-116, 98-67, 99-200;
MD Docket No. 00-205

The Federal Communications Commission requires telecommunications providers to register with the Commission, comply with periodic reporting requirements, and contribute to certain regulatory programs. In this Public Notice, the Wireline Competition Bureau (Bureau) reminds telecommunications providers that are considered “*de minimis*” under the Commission’s rules of how these requirements apply to them.¹

De minimis Telecommunications Providers

Under the Commission’s rules, a telecommunications provider is considered *de minimis* if it is required to contribute to the federal Universal Service Fund (USF), but its contribution to the USF in a given year would be less than \$10,000.² Telecommunications providers that are required to contribute to the USF include, for example, wireline telephone companies, wireless telephone companies, paging service providers, and certain Voice over Internet Protocol (VoIP) providers, known as “interconnected VoIP providers.”³ If a telecommunications provider meets the *de minimis* standard, it may be exempt from some, but not all, of the requirements described below.

Registration Requirements

1. FCC Registration Number (FRN)

¹ This Public Notice is not intended to address all of the requirements that may apply to certain telecommunications providers, such as application and licensing requirements or the requirement to pay regulatory fees.

² See 47 C.F.R. § 54.708. In this Public Notice, the term “telecommunications providers” includes “telecommunications carriers” as well as certain other providers of “telecommunications,” such as payphone providers that are aggregators, providers of interstate telecommunications for a fee on a non-common carrier basis, and interconnected Voice over Internet Protocol (VoIP) providers. See 47 C.F.R. § 54.706. The terms “telecommunications carrier” and “telecommunications” are defined in section 54.5 of the Commission’s rules. See 47 C.F.R. § 54.5.

³ 47 C.F.R. § 54.706. See also 47 C.F.R. § 54.5 (defining “interconnected VoIP provider”); 47 C.F.R. § 9.3 (defining “interconnected VoIP service”).

Anyone doing business with the Commission, regardless of their *de minimis* status, must obtain an FCC Registration Number (FRN).⁴ The FRN may be obtained through the Commission's website at: <https://svartifoss2.fcc.gov/coresWeb/publicHome.do>.

2. Registration and Designation of an Agent for Service of Process

All telecommunications carriers, payphone aggregators, and interconnected VoIP providers, regardless of their *de minimis* status, must register with the Commission and designate an agent for service of process.⁵ They may do so by filing FCC Form 499-A (blocks 1, 2, and 6) with the Universal Service Administrative Company (USAC) or with the Office of the Secretary.⁶

In addition, all telecommunications carriers and interconnected VoIP providers must notify the Commission of any changes to registration information and agent for service of process information within one week of such changes.⁷ Changes to registration information must be filed with USAC.⁸ Changes to the agent for service of process must be filed with the Chief of the Market Disputes Resolution Division of the Enforcement Bureau.⁹

Periodic Reporting Requirements

Telecommunications providers must file Telecommunications Reporting Worksheets (FCC Forms 499-A and 499-Q) periodically.¹⁰ The data reported on these forms are used to calculate their contributions to the USF, the North American Numbering Plan (NANP), Local Number Portability (LNP) cost recovery mechanisms, and the Telecommunications Relay Services (TRS) Fund.¹¹

FCC Form 499-A is due on April 1 of each year.¹² FCC Form 499-A must be filed with USAC.¹³ All telecommunications carriers, payphone aggregators, and interconnected VoIP providers must file a

⁴ 47 C.F.R. § 1.8002(a).

⁵ 47 C.F.R. §§ 1.47, 64.1195. *See Universal Service Contribution Methodology*, WC Docket Nos. 06-122 & 04-36, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, & 98-170, & NSD File no. L-00-72, Report and Order and Notice of Proposed Rulemaking, 21 FCC Rcd 7518, 7548-49, para. 61 (2006) (*2006 Contribution Methodology Order*); Federal Communications Commission, Instructions to the Telecommunications Reporting Worksheet, Form 499-A, pp.16-17 (2006) (2006 FCC Form 499-A Instructions).

⁶ 47 C.F.R. §§ 1.47, 64.1195; 2006 FCC Form 499-A Instructions at 10. We encourage new filers to submit the Form directly to USAC.

⁷ 47 C.F.R. §§ 1.47, 64.1195.

⁸ 47 C.F.R. § 64.1195; 2006 FCC Form 499-A Instructions at 10.

⁹ 47 C.F.R. § 1.47; 2006 FCC Form 499-A Instructions at 10.

¹⁰ 47 C.F.R. §§ 52.17, 52.32, 54.706, 54.711, 54.713, 64.604(c)(5)(iii)(B). *But see* 47 C.F.R. § 54.708.

¹¹ *See* 2006 FCC Form 499-A Instructions at 1.

¹² *Id.* at 10.

¹³ *Id.*

completed FCC Form 499-A regardless of their *de minimis* status.¹⁴ Filers of FCC Form 499-A must retain Figure 1 of the FCC Form 499-A Instructions, as well as documentation of their contribution base revenues for three years.¹⁵

FCC Form 499-Q is due on February 1, May 1, August 1, and November 1 of each year.¹⁶ FCC Form 499-Q must be filed with USAC.¹⁷ *De minimis* telecommunications providers are not required to file FCC Form 499-Q.¹⁸ Nonetheless, *de minimis* telecommunications providers should retain Figure 1 of the Instructions for each FCC Form 499-Q as well as documentation of their contribution base revenues for three years as they may be required to provide it to the Commission or USAC upon request.¹⁹

Contribution Requirements

1. Universal Service Fund

The USF helps ensure that telecommunications services are available to all Americans at just, reasonable, and affordable rates.²⁰ In general, telecommunications providers contribute to the USF based on a percentage of their interstate and international end-user telecommunications revenues. However, telecommunications providers that would be required to contribute to USF but meet the *de minimis* standard in a given year are not required to contribute to the USF that year.²¹

2. North American Numbering Plan Administration

The North American Numbering Plan (NANP) is the telephone numbering scheme for 19 North American countries, including the United States.²² All telecommunications carriers in the United States

¹⁴ Providers that offer telecommunications for a fee exclusively on a non-common carrier basis need not file Form 499-A if their contribution to the USF would be *de minimis* under the universal service rules unless they are required to do so by the rules governing TRS, LNP administration, and NANP administration. See 47 C.F.R. § 54.708; 2006 FCC Form 499-A Instructions at 5. Nonetheless, telecommunications providers that do not file FCC Form 499-A should retain Figure 1 of the Instructions as well as documentation of their contribution base revenues for three years. 2006 FCC Form 499-A Instructions at 6.

¹⁵ 2006 FCC Form 499-A Instructions at 5.

¹⁶ 2006 FCC Form 499-A Instructions at 10.

¹⁷ *Id.*

¹⁸ Federal Communications Commission, Instructions to the Telecommunications Reporting Worksheet, Form 499-Q, Section II.A.1 p.4 (2006) (2006 FCC Form 499-Q Instructions).

¹⁹ *Id.*

²⁰ 47 U.S.C. § 254(b).

²¹ 47 C.F.R. § 54.708. See also 2006 FCC Form 499-A Instructions, Section II.A. Additional exceptions are described in section 54.706 of the Commission's rules and in Section II.A of the Instructions to FCC Form 499-A and FCC Form 499-Q. 47 C.F.R. § 54.706; 2006 FCC Form 499-A Instructions, Section II.A; 2006 FCC Form 499-Q Instructions, Section II.A.

²² 47 C.F.R. § 52.5(c).

must contribute to meet the costs of administering the NANP regardless of their *de minimis* status.²³ Carriers contribute based on a percentage of their intrastate, interstate, and international end-user telecommunications revenues.²⁴ The minimum contribution amount is \$25, even if a carrier has no end-user telecommunications revenues.²⁵

3. Local Number Portability Administration

Local Number Portability (LNP) is a service that allows telecommunications customers to keep the same telephone number (at the same location) when switching from one telecommunications carrier to another.²⁶ All telecommunications carriers must contribute to meet the costs of administering LNP, on a regional basis, regardless of their *de minimis* status.²⁷ Carriers contribute based on their intrastate, interstate, and international end-user telecommunication service revenues.²⁸ Carriers that have no intrastate, interstate, or international end-user revenues derived from providing telecommunications services must contribute \$100.²⁹

4. Telecommunications Relay Services Fund

The TRS Fund supports the provision of telecommunications relay services allowing individuals with a hearing or speech disability to communicate through the telephone system with individuals without hearing or speech disabilities.³⁰ Interstate telecommunications carriers must contribute to the TRS Fund based on a percentage of their interstate and international end-user telecommunications revenues regardless of their *de minimis* status.³¹ Every carrier providing interstate and international telecommunications services, which receives some revenues, must contribute at least \$25.³² If a carrier contributes less than \$1,200 annually, that payment must be made at the beginning of the contribution period.³³ Otherwise, a carrier may divide contributions into equal monthly payments.³⁴

* * * * *

²³ 47 C.F.R. § 52.17(a).

²⁴ *Id.*

²⁵ *Id.*

²⁶ 47 C.F.R. § 52.21(l).

²⁷ 47 C.F.R. § 52.32.

²⁸ 47 C.F.R. § 52.32(a)(2).

²⁹ 47 C.F.R. § 52.32(a)(1).

³⁰ 47 C.F.R. § 64.601(14).

³¹ 47 C.F.R. § 64.604(c)(5)(iii)(A).

³² 47 C.F.R. § 64.604(c)(5)(iii)(B).

³³ *Id.*

³⁴ *Id.*

The Commission is committed to ensuring that all telecommunications providers comply with its registration, periodic reporting, and contribution requirements. Although the Bureau issues this Public Notice to promote compliance by *de minimis* telecommunications providers, all telecommunications providers have a clear and affirmative duty to apprise themselves of, and to satisfy, their federal obligations. If telecommunications providers fail to satisfy their obligations, the Commission will not hesitate to take appropriate action to enforce its rules.

For further information, contact Melissa Kirkel, Wireline Competition Bureau, (202) 418-7958. Press inquiries should be directed to Mark Wigfield, Wireline Competition Bureau, (202) 418-0253.

– FCC –