

CPNI Settlement of the Day

October 7, 2010

As we [noted](#), the FCC is working its way through the 600+ proposed fines included in the *Omnibus CPNI NAL*. Virtually every day, the Enforcement Bureau releases a handful of consent decrees resolving several proposed fines. This one contained an unusual feature, and therefore, caught our eye.

On October 5, the Bureau settled two investigations of Global Information Technologies. One investigation involved the failure to file a CPNI certification, for which GIT received a \$20,000 proposed fine. The other investigation involved whether GIT overcharged customers for the USF owed as a result of the services they received. (FCC rules prohibit carriers from collecting more than the contribution factor times the end user's interstate telecom revenues).

In this [Consent Decree](#), GIT agrees to a \$23,500 voluntary contribution to resolve the investigations. They get to pay it over 24 months (less than \$1,000 per month). In addition, however, GIT agreed to notify the customers it may have overcharged for USF contributions. If GIT refunds the USF overcharges to any of the customers, it gets to deduct that amount from its voluntary contribution to the FCC. In other words, GIT must pay its customers or the FCC, but not both. In our experience, that is the first time the FCC has agreed to a provision like that.