

FCC Issues Enforcement Advisory on VoIP, Broadband Reporting Requirements

January 13, 2012

Here's another VoIP item from our backlog. On December 16, the FCC's Enforcement Bureau issued an ["Enforcement Advisory"](#) reminding providers of their obligation to submit an FCC Form 477 every six months. The Form 477 collects information about broadband deployment on a Census Tract level. All facilities-based broadband providers and all interconnected VoIP providers are required to submit the form.

The Advisory lists several "problems" the Enforcement Bureau has noticed with the filings, including:

1. failing to file the form in a timely fashion, if at all;
2. failing to properly certify the form (and provide contact information); and
3. filing incomplete or inaccurate data (including failing to update data from previous submissions)

The FCC has not issued any forfeitures for failure to submit a Form 477, nor, to our knowledge, are any investigations into Form 477 compliance pending. Nevertheless, as a reminder, below is a summary of the Form 477 filing obligations for broadband providers and VoIP service providers.

Form 477: Local Competition and Broadband Report

The Local Competition and Broadband Report, containing data as of December 31, must be filed by March 1 of the following year. In addition, data as of June 30 of each year must be filed by September 1. The report requires the submission of information regarding broadband connections in individual states.

Who Must File:

- (1) ILECs or CLECs that provide local exchange service to one or more end user customers;
- (2) facilities-based providers of mobile telephony services that serve one or more mobile telephony subscribers;
- (3) entities (including all commonly-owned or commonly-controlled affiliates) that are facilities-based providers of broadband (i.e., faster than 200 kbps, in at least one direction) connections (including both wired lines and wireless channels) to one or more end users in a state; and
- (4) providers of interconnected VoIP services that provide interconnected VoIP service to one or more subscribers in a state.

Reporting Basis:

In addition to specific reporting requirements contained in the Form 477 Instructions, for all broadband technologies other than terrestrial mobile wireless, filers must report broadband subscribership information by Census Tract.

Filing Process:

The Form 477 Report must be submitted via an FCC web-based interface and filers will need to use their Federal Registration Number (FRN) and associated password to access the system.