



# Reminder: FCC Form 499-A Worksheet and Annual Accessibility Recordkeeping Compliance Certification Filings Due April 2, 2018

March 19, 2018

**Please be reminded of the upcoming due date for the Reports listed below:**

## **Form 499-A Annual Telecommunications Reporting Worksheet**

All intrastate, interstate and international providers of telecommunications within the United States, including, but not limited to, VoIP providers, telecommunications providers that provide services on a non-common carrier basis, and payphone providers that are aggregators, are required to file FCC Form 499-A with the Universal Service Administrative Company ("USAC") each year with limited exceptions. Non-interconnected VoIP providers with interstate end-user revenues subject to Telecommunications Relay Service ("TRS") contributions must file the Form 499-A to report the revenues.

The Form 499-A is used to determine a company's required contribution to the Universal Service Fund ("USF"), as well as to the Local Number Portability Administration ("LNPA"), North American Numbering Plan Administration ("NANPA") and TRS funds, and is the basis for a carrier's annual FCC regulatory fee. For new providers, the Form 499-A also serves as a carrier's FCC registration.

The Form 499-A worksheet, reporting CY 2017 revenues, must be filed by **Monday, April 2, 2018**. (The FCC registration is due upon the provision of service and can be filed at any time.) Filers are **required to submit the Form 499-A electronically through USAC's E-File system**.

Any revisions to a filer's 2017 Form 499-A (reporting CY 2016 revenues) which effect a reduction in the filer's USF obligations are also due by **Monday, April 2, 2018** (note that downward revisions are typically due on March 31<sup>st</sup> annually, but because that date falls on a weekend in 2018, Commission rules dictate that the reports are due on the following business day). There is no deadline for Form 499-A revisions that result in an increased obligation.

## **Accessibility Recordkeeping Compliance and Contact Information Reporting Requirement**

Telecommunications service providers, providers of advanced communications services ("ACS"), interconnected VoIP providers (collectively, "service providers") and equipment manufacturers, subject to sections 255, 716 and 718 of the Communications Act (as amended by the Twenty-First Century Communications and Video Accessibility Act ("CVAA")), are required to comply, subject to certain exceptions, with recordkeeping requirements to demonstrate that services and equipment are accessible by individuals with disabilities. Sections 716-718 of the Communications Act and the

rules implementing those sections detail these accessibility requirements.

Service providers and equipment manufacturers must submit an annual certification that records are being kept in accordance with the rules. The certification must state that the service provider or manufacturer has established operating procedures to ensure compliance with the recordkeeping requirements and that records are being kept accordingly. An authorized officer with personal knowledge of the representations in the certification, must submit an affidavit or declaration, executed under penalty of perjury, verifying the truth and accuracy of the certification. The certification also must include contact information for the person(s) responsible for resolving consumer complaints and the agent designated for service of formal and informal complaints. The certification must be submitted by **Monday, April 2, 2018**, utilizing the Federal Communications Commission's online filing system which can be found at <https://apps.fcc.gov/rccci-registry/login!input.action>.

\*\*\*Note that the FCC Form 499-A worksheet and annual accessibility recordkeeping compliance certification filings are typically due on April 1<sup>st</sup> annually. However, because that date falls on a weekend in 2018, Commission rules dictate that the reports are due on the following business day.

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Please be advised that attorneys in Kelley Drye & Warren's Communications Practice Group are experienced in addressing universal service filing and carrier contribution issues and are available to assist clients with determining how to report their revenues for universal service purposes, as well as with the filing of FCC Form 499-A. The Communications Practice Group also can assist in submission of the accessibility recordkeeping certification requirement.

For more information regarding this client advisory, please contact your usual Kelley Drye attorney or any member of the Communications Practice Group. For more information on the Communications Practice Group, please [click here](#).