

# Reminder: Federal Communications Commission – February / March / April 1st Filings

February 13, 2024

Each month, Kelley Drye’s Communications Group offers this reminder of upcoming filing deadlines that may affect our clients and friends. Please review the deadlines below and contact us if you would like assistance or have any questions.

## I. Featured Upcoming Compliance Deadlines

## II. Filing Deadlines in Select Rulemakings, Inquiries, and Other Proceedings

## III. Select Ongoing Filing Requirements

### I. Featured Upcoming Compliance Deadlines

#### A. Robocall Mitigation Database Filings (due February 26, 2024)

On March 17, 2023, the FCC adopted the [Sixth Report and Order](#) in WC Docket No. 17-97, including new and revised rules 47 CFR §§ 64.6303(c), 64.6305(d), 64.6305(e), 64.6305(f) and 64.6305(g):

- “Pursuant to these rules, **all providers**, regardless of whether they are required to implement STIR/SHAKEN—including all intermediate providers and providers that lack control over the network infrastructure necessary to implement STIR/SHAKEN—are now required to file certifications and robocall mitigation plans to the [Robocall Mitigation Database](#). They must also comply with expanded content requirements for these submissions. **Providers newly required to file in the Robocall Mitigation Database must submit their initial filings containing all required information and certifications by February 26, 2024. Existing filers must update their Robocall Mitigation Database submissions to provide all newly required information and certifications by the same date.**” (emphasis added)

An explanation of the expanded Robocall Mitigation Database filing requirements and filing instructions are available in the FCC’s January 25, 2024 [Public Notice](#).

#### B. Customer Proprietary Network Information (CPNI) Annual Compliance Certification (due March 1, 2024)

In accordance with section 64.2009(e) of the FCC’s rules, telecommunications carriers and interconnected VoIP service providers must file annually a certificate of compliance with the CPNI rules. The next certification is due **March 1, 2024** and may be filed either through ECFS (in EB Docket No. 06-36) or through the FCC’s web-based application, located at <https://apps.fcc.gov/eb/CPNI/>.

The upcoming certification covers calendar year 2023 and must:

1. Be signed by a company officer who certifies to his/her personal knowledge that the company has adequate procedures to ensure compliance with the CPNI rules;
2. Explain how the operating procedures ensure the company is, or is not, in compliance with the rules;
3. Explain any actions taken against data brokers or provide a statement that the carrier has not taken any such action; and

Summarize all customer complaints received in the past year concerning the unauthorized release of CPNI.

### **C. The Modernized Form 477 (Broadband Data Collection) Report (due March 1, 2024)**

The successor to the Form 477 Local Competition and Broadband Report, containing data as of December 31, 2023, is due by **March 1, 2024**. 2020 Census geography codes must be used when creating and filing your data. (To ease revisions, filings of data as of June 30, 2021, and before, continue to rely on 2010 Census codes.)

The report requires the submission of information regarding broadband connections in service to end user locations, wired and wireless local telephone services, and interconnected VoIP services in all states and territories as well as Washington, DC.

- **Who Must File:**

(1) Facilities-based providers of one or more broadband (*i.e.*, faster than 200 kbps, in at least one direction) connections (including wired facilities-based lines and wireless channels where the provider holds the license) to end users;

(2) Incumbent local exchange carriers (“ILECs”) or competitive local exchange carriers (“CLECs”) that provide wired or fixed wireless local exchange service to one or more end user customers;

(3) interconnected VoIP service providers with one or more revenue-generating end user customer of interconnected VoIP service; and

(4) facilities-based providers of mobile telephony services that serve one or more mobile telephony subscribers.

#### **Filing Process:**

For data as of December 31, 2023, the Form 477 Report must be submitted electronically using the [Broadband Data Collection \(BDC\) System](#). (The prior Form 477 Filing Interface will remain open for *revisions* only for data as of June 30, 2022, and earlier.) Filers will need to use their Federal Registration Number (“FRN”) and associated password to access this new BDC system. The Form 477 submission must include in the Filer Identification information the name of the company official that certifies he/she examined the information contained in this Form 477 and

that, to the best of his/her knowledge, information, and belief, all statements of fact contained in this Form 477 are true and correct.

Note that with the change from use of the Form 477 interface to the BDC system, the FCC issued a new [instruction guide](#) and posted an updated [Form 477 Resources](#) page for submission of this report.

#### **D. Revisions to February 1, 2024, Form 499-Q Quarterly Telecommunications Reporting Worksheet (due March 18, 2024)**

Carriers and providers of interstate and international telecommunications that seek to revise their February 1, 2024, Form 499-Q filing must do so within 45 days of the Form 499-Q filing deadline, *i.e.*, by **March 18, 2024** (because the 45<sup>th</sup> day, March 17, 2024, falls on a Sunday).

As a reminder, Form 499-Q filers are required to submit the form electronically through USAC's E-File system, available at <https://www.usac.org/service-providers/>.

#### **E. Form 499-A Annual Telecommunications Reporting Worksheet (due April 1, 2024)**

All intrastate, interstate, and international providers of telecommunications within the United States, including, but not limited to, telecommunications common carriers, inter connected 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. In addition, 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 (*i.e.*, the Interstate Telecommunications Service Provider ("ITSP") Fee. For new providers, the Form 499-A also serves as a carrier's FCC registration.

The Form 499-A worksheet, reporting CY 2023 revenues, must be filed by **Monday, April 1, 2024**. Filers are required to submit the Form 499-A electronically through USAC's available at <https://www.usac.org/service-providers/>. Additional guidance is available in the FCC's October 30, 2023, [release](#) of the [2024 Form 499-A](#) and associated [2024 Form 499-A Instructions](#).

- **NOTE:** Any **revisions to a filer's 2023 Form 499-A** (reporting CY 2022 revenues) which effect a reduction in the filer's USF obligations are due by **April 1, 2024** (please note that the USAC website lists the March 31 deadline, although it is a Sunday). There is no deadline for Form 499-A revisions that result in an increased obligation.

#### **F. Accessibility Recordkeeping Compliance and Contact Information Reporting Requirement (due April 1, 2024)**

Telecommunications service providers, providers of advanced communications services ("ACS") like electronic messaging, in-app voice calls and video conferencing, 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.

Service providers, providers of ACS, 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 1, 2024** utilizing the Federal Communications Commission's online filing system which can be found at <https://apps.fcc.gov/rccci-registry/>. Additional guidance for filers is available [here](#).

### **G. Supply Chain Annual Reporting (due April 1, 2024)**

Pursuant to Section 5 of the Secure and Trusted Communications Networks Act of 2019 and [§1.50007 of the Commission's rules](#), providers of advanced communications service are required to submit their annual Supply Chain Annual Report (unless exempted as described below). In this submission, due by April 1, 2024 (because March 31 is a Sunday), for information **as of December 31, 2023**, providers must report and certify whether they have purchased, rented, leased, or otherwise obtained any covered communications equipment or service on the list of covered communications equipment and services (the "[Covered List](#)") on or after August 14, 2018. Providers with such covered communications equipment or service must submit information annually "including the type, location, date purchased, rented, leased or otherwise obtained, and any removal and replacement plans." (47 C.F.R. § 1.50007). Filings are required from:

- Providers that reported and certified such covered communications equipment and/or services in 2023; and
- Providers reporting the presence of newly obtained covered equipment or services (since their last report).

Providers that do not have any covered communications equipment or services are only required to submit an initial report and certification. Therefore, a provider that made, or relied upon, such a certification for the 2023 report and that still has no covered communications equipment or services (as currently included in the Covered List) is not required to make a filing this year.

Providers are reminded that the Covered List is subject to change. Should the Commission subsequently add equipment and/or services to the Covered List (as it did in March 2022 and September 2022), providers with such equipment or services must report on these ***within 60 days of the change to the Covered List***.

Instructions for the submissions, access to the filing portal, and more extensive materials regarding the Supply Chain Annual Reporting requirement are located at <https://www.fcc.gov/supplychain>.

### **H. Quarterly Sec. 63.10(c) Dominant International Carrier Reports (due April 1, 2024)**

- International telecommunications service providers that are classified as dominant are required

to submit (i) a quarterly international traffic and revenue report and (ii) a quarterly provisioning and maintenance report. These reports are due within 90 days from the end of the preceding calendar quarter.

- Facilities-based international telecommunications service providers that are classified as dominant also are required to file a quarterly circuit status report. This report is due within 90 days from the end of the preceding calendar quarter (**April 1, 2024**, because March 30 is a Saturday).

#### **I. Quarterly Section 1.767(I) Submarine Cable Licensee Reports (due April 1, 2024)**

Submarine cable licensees that (i) are, or are affiliated with, carriers with market power in any of the submarine cable licensee's WTO Member destination countries; and (ii) have sought streamlined processing of a cable landing license, pursuant to section 1.767 of the Commission's rules are required to file a provisioning and maintenance report and a circuit status report within 90 days from the end of the preceding calendar quarter (**April 1, 2024**, because March 30 is a Saturday).

#### **J. Submarine Cable Circuit Capacity Reports (due April 1, 2024)**

Each year the FCC collects data regarding capacity held on international submarine cable facilities through the following reports:

- **Circuit Capacity Report - International Submarine Cable - Cable Operators**

Licensee(s) of submarine cables between the United States and a foreign point must report available and planned capacity on the cable as of December 31, 2023.

- **Circuit Capacity Report - International Submarine Cable - Capacity Holders**

Cable landing licensees and common carriers that hold capacity on the U.S. end of a submarine cable between the United States and a foreign point as of December 31, 2023 must report available capacity held, via cable ownership, indefeasible right of use, or inter-carrier lease, on the U.S. end of every submarine cable between the United States and any foreign point.

The circuit capacity reports are due April 1, 2024 (because March 31 is a Sunday) and must be submitted via the [online filing portal](#). Filers should be sure to review the FCC's [Section 43.82 filing manual](#) for further details regarding the reports.

## **II. Filing Deadlines in Select Rulemakings, Inquiries, and Other Proceedings:**

**SIM Swap/Port-Out Fraud Protection:** On January 8, 2024, CTIA filed a petition in WC Docket No. 21-341 for partial reconsideration of the November 16, 2023 [Report and Order](#) adopted in this proceeding, seeking a 12-month extension to the adopted 6-month compliance deadline. Following the FCC's [Public Notice](#) of this petition and publication in the [January 29, 2024 Federal Register](#), oppositions to the petition are due on **February 13, 2024**, with replies to the oppositions due on **February 23, 2024**.

**Pole Attachments.** On December 15, 2023, the FCC released a [Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking](#) ("FNPRM") in WC Docket No. 17-84, addressing a number of pole attachment issues as key to the success of federal and state-funded broadband access projects. The FNPRM seeks comments on additional ways to facilitate the processing of pole attachment applications and make-ready, including timelines, self-help, and utility qualification of additional contractors, to speed broadband deployment. Comments are due on

**February 13, 2024**, with reply comments due on **February 28, 2024**.

**Pole Attachments.** On January 8, 2024, The Edison Electric Institute filed a [petition \(w/appendix\)](#) in WC Docket No. 17-84 for clarification and/or reconsideration of the December 15, 2023, [Declaratory Ruling](#) adopted in this proceeding. Following the FCC's [January 19, 2024, Public Notice](#) of this petition and publication in the [January 29, 2024 Federal Register](#) (and [subsequent correction](#) of the pleading cycle), oppositions to the petition are due on **February 13, 2024**, with replies to the oppositions due on **February 23, 2024**.

**Broadband Data Collection / Challenge Process.** On **January 19, 2024**, the FCC's Broadband Data Task Force, in coordination with the Wireless Telecommunications Bureau, Wireline Competition Bureau, and Office of Economics and Analytics issued a [Public Notice](#) in WC Docket No. 11-10 and No. 19-195, seeking comment on the Broadband Data Collection ("BDC") challenge processes, in connection with the FCC's statutorily required report to Congress concerning the adequacy of the challenge process and whether other tools are needed. In particular, comment is requested concerning the extent of stakeholder participation in the challenge processes, whether those processes are found to be "user-friendly," and what improvements the Commission can adopt to facilitate participation and enhance the effectiveness of the challenge processes in improving the quality and accuracy of broadband availability data. Comments are due on **February 19, 2024**, and replies are due on **March 5, 2024**.

**Hearing Aid Compatibility.** On December 14, 2023, the FCC adopted a [Notice of Proposed Rulemaking](#) ("NPRM") in WT Docket No. 23-388, tentatively concluding that "requiring 100% of all handset models to be certified as hearing aid compatible [HAC] is an achievable objective under the factors set forth in section 710(e) of the Communications Act." The NPRM seeks comment on this tentative determination as well as various proposals for implementation, specifically referencing the HAC Task Force Final Report and recommendations, including adoption of a broader definition of HAC that would include the use of Bluetooth connectivity between wireless handsets and hearing aids. Following publication in the [January 26, 2024, Federal Register](#), comments are due **February 26, 2024**, with replies due on **March 11, 2024**.

**Robotext / Robocall Prevention.** On December 13, 2023, the FCC adopted the [Second Further Notice of Proposed Rulemaking](#) ("FNPRM") in CG Docket No. 02-278 and No. 21-402, seeking comment on proposals to prevent unwanted and illegal texts and calls through required blocking of texts from "red-flagged" phone numbers, text message authentication protocols, adoption of a requirement that email-to-text services be "opt-in," and other strategies. Following publication in the [January 26, 2024, Federal Register](#) and an FCC [January 26, 2024, Public Notice](#), comments are due on **February 26, 2024**, with replies due on **March 11, 2024**.

**Service Blackout Reporting.** On December 19, 2023, the FCC adopted a [Notice of Proposed Rulemaking](#) ("NPRM") in MB Docket No. 23-427, seeking comment on a proposal to require "notification to the [FCC] when a blackout of a broadcast television station, or stations, occurs on a video programming service offered by a multichannel video programming distributor ("MVPD") for 24 hours or more due to a breakdown in retransmission consent negotiations between broadcasters and MVPDs." Following publication in the [January 26, 2024, Federal Register](#), comments are due on **February 26, 2024**, with replies due on **March 26, 2024**.

**E-RATE / Cybersecurity.** On November 8, 2023, the FCC adopted a [Notice of Proposed Rulemaking](#) ("NPRM") in Docket No. 23-234, seeking comment on its proposal to establish a three-year Schools and Libraries Cybersecurity Pilot Program, funding a limited number of schools and libraries to pay

for cybersecurity tools and training and providing the FCC with “valuable data” regarding the cybersecurity and advanced firewall services that would best support schools and libraries to protect their broadband networks against cyber-threats. Following publication in the [December 29, 2023, Federal Register](#), comments were due on January 29, 2024. Replies are due on **February 27, 2024**.

**World Radiocommunication Conference 2019 (“WRC-19”).** On December 12, 2023, the FCC adopted a [Notice of Proposed Rulemaking](#) (“NPRM”), in ET Docket No. 21-186, seeking comment on proposals to implement certain decisions regarding the 24.25–27.5 GHz band made at WRC-19, in particular to align Part 30 of the FCC’s rules for mobile operations with the Resolution 750 limits on unwanted emissions into the passive 23.6–24.0 GHz band that were adopted at WRC-19. Following publication in the [January 29, 2024, Federal Register](#), comments are due on **February 28, 2024**, with replies due on **March 14, 2024**.

**Preventing Digital Discrimination.** On November 20, 2023, the FCC released a [Further Notice of Proposed Rulemaking](#) (“FNPRM”) (with subsequent [Erratum](#)) in GN Docket No. 22-69, regarding implementation of Section 60506 of the Infrastructure Investment and Jobs Act and efforts to facilitate equal access to broadband. In particular, the FNPRM seeks comments on proposals for two sets of affirmative obligations for broadband providers as well as the “potential benefits and costs” of establishing an Office of Civil Rights at the FCC. Following publication in the [February 1, 2024, Federal Register](#) and a February 2, 2024, [FCC Public Notice](#), comments are due on **March 4, 2024**, and replies are due on **April 1, 2024**.

**Commercial Space Launch Spectrum.** On September 21, 2023, the FCC adopted a [Second Further Notice of Proposed Rulemaking](#) (“FNPRM”) in ET Docket No. 13-115 and RM-11341, seeking comment on a proposal to adopt certain footnotes to the Table of Frequency Allocations to address the use of spectrum by manned and unmanned spacecraft during space missions, whether to include new spectrum allocations in specific bands for communications with cargo and crew capsules and payload communications with the International Space Station (“ISS”) and other crewed space stations, and whether to expand the commercial space launch and reentry use of the 1435-1525 MHz and 2360–2395 MHz bands, in the context of expanding use in the band beyond the small number of frequencies currently designated and limited uses identified in the Commission’s rules. Following publication in the [February 1, 2024, Federal Register](#), comments are due on **March 4, 2024**, and reply comments are due on **April 1, 2024**. (Several Wireless Telecommunications Bureau public notices described in the Second Report and Order accompanying the FNPRM have yet to be issued, including one seeking comment on the designation of a third-party coordinator for commercial space flight operations – as well as the coordination process – in the recently adopted non-Federal 2200-2290 and 2025-2110 MHz Space Launch Service band allocations.)

**Cable Operator/DBS Provider Billing Practices.** On December 14, 2023, the FCC released a [Notice of Proposed Rulemaking](#) in MB Docket No. 23-405, proposing to restrict the imposition of early termination fees (“ETFs”) and billing cycle fees (refusal to pro-rate charges for a customer cancelling service prior to the end of a billing cycle). Following publication in the [January 5, 2024, Federal Register](#), comments were due on February 5, 2024. Replies are due on **March 5, 2024**.

**Service Blackout Rebates.** On January 10, 2024, the FCC adopted a [Notice of Proposed Rulemaking](#) (“NPRM”) in MB Docket No. 24-20, seeking comment on proposals to require cable TV operators and direct broadcast satellite (“DBS”) providers to give rebates to subscribers for the loss of programming during blackouts “that result from failed retransmission consent negotiations or failed non-broadcast carriage negotiations.” Following publication in the [February 7, 2024, Federal Register](#), comments are due on **March 8, 2024**, with replies due on **April 8, 2024**.

**Priority Broadcast Application Review.** On January 10, 2024, the FCC adopted a [Notice of Proposed Rulemaking](#) (“NPRM”) in MB Docket No. 24-14 proposing to prioritize the review and processing of renewal applications and applications for assignment or transfer of license filed by commercial and noncommercial radio and television broadcast stations that provide locally originated programming. Following publication in the [February 8, 2024, Federal Register](#), comments are due on **March 11, 2024**, and reply comments are due on **April 8, 2024**.

### III. Select Ongoing Filing Requirements

#### Pro Forma Assignments and Transfers

Assignments of Authorization and Transfers of Control can be filed either as *pro forma* applications or non-*pro forma* applications.

A pro forma assignment or transfer is one in which the form of ownership changes but actual control of the license remains with the same entity or person. Pro forma assignments and transfers may be approved under streamlined Forbearance procedures in the case of most telecommunications carriers (*e.g.*, Section 214 authorization holders, wireless licensees (excluding those with installment payment or designated entity issues) and earth station licensees). These *pro forma* requests do not require prior FCC approval provided that the parties **notify the FCC of the change within 30 days**. Note that private licenses are not subject to forbearance. FCC approval generally is required for *pro forma* transfers and assignments of private licenses.

#### Change in FCC Form 499 Filer Information

Filers must update their registration information, including a DC Agent for Service of Process in accordance with these instructions to the FCC Form 499-A. Filers must file updated information within one week of the contact information change. Filers wishing to update Preparer information, headquarters address, billing contact information, or DC Agent for Service of Process, can submit either an FCC Form 499-A or an FCC Form 499-Q or, for billing-related matters only, email USAC’s billing department. Filers wishing to update any other information must submit a revised FCC Form 499-A. For more information, see <https://www.usac.org/service-providers/contributing-to-the-usf/making-revisions/>.

Filers that cease providing telecommunications must deactivate their Filer ID with USAC by submitting a letter with termination date and information on their successor entity to USAC. Filers must also update their CORES ID information with the Commission

**Filers must file within 30 days of the date that the company ceases to provide telecommunications service or telecommunications.**

FCC: <https://apps.fcc.gov/cores/userLogin.do>

USAC: [www.usac.org/service-providers/contributing-to-the-usf/manage-your-499-id](http://www.usac.org/service-providers/contributing-to-the-usf/manage-your-499-id)

#### Change in Robocall Mitigation Plans

A voice service provider that has not fully implemented the STIR/SHAKEN call authentication framework for all calls must submit a robocall mitigation plan pursuant to 47 CFR § 64.6305(b). Any provider that makes a change in any of the following information **must submit a revised robocall mitigation plan within 10 business days of the change**. See 47 CFR § 64.6305(b)(5).

- Its certification as to the implementation of STIR/SHAKEN in its network;

- The extension(s) that apply to its implementation of the STIR/SHAKEN framework;
- The specific reasonable steps the voice service provider has taken to avoid originating illegal robocall traffic as part of its robocall mitigation program;
- Its commitment to respond to all traceback requests and law enforcement requests for information on illegal robocalling; and
- The provider’s business name, d/b/a name(s), former name(s), its legal address and contact information for one person within the company responsible for addressing robocall mitigation-related issues.

The link for submitting a revised robocall mitigation plan is available [here](#).

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Attorneys in Kelley Drye’s Communications Practice Group are experienced in addressing universal service filing and affected provider contribution issues and are available to assist clients with determining how to report their revenues for universal service purposes and to respond to FCC and Universal Service Administrative Company (“USAC”) inquiries, investigations, and audits. For more information, please contact your current Kelley Drye attorney or any member of the [Communications Practice Group](#).

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