

Reminder: Federal Communications Commission – January and February Filings

Chip Yorkgitis, Winafred R. Brantl

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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

The following are reminders for upcoming Federal Communications Commission (“FCC”) reports and compliance requirements:

A. Form 855: Hearing Aid Compatibility Certification (due January 31, 2025)

The annual Form 855 Hearing Aid Compatibility (HAC) Certification must be filed by all digital mobile service providers within the scope of FCC Rule 20.19, including mobile virtual network operators (“MVNOs”) and resellers. Among other requirements, filers must:

- certify whether or not they are in full compliance with Commission hearing aid compatibility rules;
- explain any instances of noncompliance;
- provide the percentage of hearing aid compatible (“HAC”) handsets offered during the time period covered by the certification; and
- provide a link to the public webpage that lists information on HAC handsets, insofar as required by the rules.

The Form 855 Certification covers the preceding calendar year (January 1, 2024 – December 31, 2024) and is due to the FCC by **January 31, 2025**. The Form 855 Certification must be completed online and the link to the filing portal and instructions for the form are available [here](#).

Note that providers that are otherwise exempt from HAC rules, pursuant to the *de minimis* exception of FCC Rule 20.19(e), still are required to file the HAC Certification. Providers may also be subject to website content and record retention requirements and should be sure to review the FCC rules to

confirm any HAC compliance obligations.

B. Form 499-Q Quarterly Telecommunications Reporting Worksheet (due February 3, 2025)

Carriers and providers of interstate and international telecommunications, including, but not limited to, interconnected Voice over Internet Protocol providers, providers offering interstate telecommunications for a fee on a non-common carrier basis, and payphone providers that are aggregators, are required to file the FCC Form 499-Q on a quarterly basis. Carriers and providers must report their actual and projected end user and carrier's carrier interstate and international revenues for each calendar quarter by filing the Form 499-Q.

The Form 499-Q filing reporting historical revenue for October 1 through December 31 of 2024 and projected revenues for April 1 through June 30 of 2025 must be submitted to the Universal Service Administrative Company on or before **February 3, 2025** (because the February 1st deadline falls on a Saturday).

Carriers and providers do not have to submit the Form 499-Q provided they are not required to contribute directly to the universal service support mechanisms, including but not limited to carriers and providers whose annual interstate and international revenues will be *de minimis* or which are international-only carriers and providers.

Note: Post-filing revisions to this Form 499-Q filing, if any, must be filed within 45 days after February 3, 2025, *i.e.*, **by Thursday, March 20, 2025**.

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/>.

C. Form 502: Numbering Resource Utilization/Forecast Report (due February 3, 2025)

Section 52.15(f) of the FCC's rules requires carriers that receive numbers from the North American Numbering Plan Administrator ("NANPA"), a pooling administrator, or another telecommunications carrier, to file Form 502 twice annually to report numbering usage and to forecast future numbering resource needs.

The next Form 502 must be submitted to NANPA by **February 3, 2025**, (because the February 1st deadline falls on a Saturday) and reflects information for the preceding 6-month period ending December 31, 2024. Form 502 and related information can be found [here](#).

II. FILING DEADLINES IN SELECT RULEMAKINGS, INQUIRIES, AND OTHER PROCEEDINGS:

Commercial Space Launch Communications - Comments on Spectrum Coordination Public Notices. On December 6, 2024, the Wireless Telecommunications Bureau issued two Public Notices related to the coordination of commercial space launch and reentry operations in the 2025-2110, 2200-2290, and 2360-2395 MHz bands. In [ET Dkt. No. 13-115](#), the Bureau proposes and seeks comment on certain licensing and coordination procedures for the new commercial Space Launch Service adopted in the 2023 Second Report and Order in that proceeding. In a new [WT Dkt. No. 24-687](#), the Bureau proposes and seeks comment on the mechanism and criteria for selecting the third-party frequency coordinator for the new commercial Space Launch Service. An FCC [Third Report and Order](#) in ET Dkt. No. 13-115, allocating the 2360-2395 MHz band on a secondary basis for commercial space launch and reentry, was adopted on December 23, 2024, and the Public Notices seek comment with regard to coordination in that band as well. Both notices were published in the

December 23, 2024 Federal Register (for [ET Dkt. No. 13-115](#) and for [WT Dkt. No. 24-687](#)) and comments in the respective dockets are due on **January 22, 2025**.

FM Terrestrial Digital Audio Broadcasting System Rules - Paperwork Reduction Act (“PRA”) Comments. On September 24, 2024, the FCC adopted a [First Report and Order](#) in MB Dkt. No. 22-405 authorizing digital FM station operation with asymmetric power on the digital sidebands upon notice (rather than requiring an experimental authorization). The transition includes modifications to Schedule 335-FM and FCC Rule sections 73.404 and 73.406, triggering mandatory PRA review by the Office of Management and Budget (“OMB”). Following publication in the [December 2, 2024 Federal Register](#), PRA comments are due on **January 31, 2025**.

Hearing Aid Compatibility - PRA Comments. On October 17, 2024, the FCC adopted a [Report and Order](#) in WT Docket No. 23-388, adopting a requirement that all wireless handset models be hearing aid compatible and revising the heading for Rule 20.19 to “Hearing loss compatible wireless handsets.” The FCC also adopted rule revisions involving labeling, website posting, and certification requirements, triggering a requirement for OMB approval prior to implementation. Following publication in the [December 2, 2024 Federal Register](#), PRA comments are due on **January 31, 2025**.

70/80/90 GHz bands - PRA Comments. On January 26, 2024, the FCC released a [Report and Order](#) (with [Erratum](#) on April 10, 2024) in WT Dkt. No. 20-133 adopting new rules and updating existing rules regarding efficient use and development of the 71-76 GHz, 81-86 GHz, 92-94 GHz, and 94.1-95 GHz bands (the “70/80/90 GHz bands”). Certain rule changes revise reporting, recordkeeping and/or third-party disclosure requirements and require OMB approval prior to implementation. Following publication in the [December 2, 2024 Federal Register](#), PRA comments are due on **January 31, 2025**.

Interoperable Video Conferencing Services (“IVCS”) Accessibility. On September 26, 2024, the FCC adopted a [Second Report and Order and Further Notice of Proposed Rulemaking](#) (with [Erratum](#) on December 4, 2024) in CG Dkt. Nos 23-161, 10-213 and 03-123, seeking comment on further steps to “ensure the accessibility of video conferencing, including potential amendments to the Part 14 rules to provide additional specificity on user control of IVCS accessibility features and to address IVCS accessibility for individuals with vision, cognitive, and mobility disabilities.” The FCC also requests comment regarding the need for changes in the Part 64 rules to “facilitate the provision of TRS in video conferences and protect the TRS Fund from waste, fraud, and abuse in this context.” Following publication in the [January 2, 2025 Federal Register](#), comments are due on **February 3, 2025**, with reply comments due on **March 3, 2025**.

Alaska Connect Fund. On November 1, 2024, the FCC adopted a [Further Notice of Proposed Rulemaking](#) in WC Dkt. Nos. 10-90, 23-328, 16-271, 14-58, and 09-197 and WT Dkt. No. 10-208, seeking comment on Alaska Connect Fund (“ACF”) issues. These include implementation of ACF Phase II, service level goals for ACF Mobile Phase II, the appropriate methodology and mechanism to determine and distribute support amounts for duplicate support areas, methods to distribute support to unserved areas, Tribal consent requirements for the ACF and related issues. Following publication in the [December 4, 2024, Federal Register](#), comments are due on **February 3, 2025**, with reply comments due on **March 4, 2025**.

IoT Cybersecurity Labeling Program - PRA Comments. In March, 2024, the FCC adopted a [Report and Order and Further Notice of Proposed Rulemaking](#) in PS Dkt. No. 23-239, establishing a program for voluntary cybersecurity labeling for consumer wireless Internet of Things (“IoT”) products. Subsequently, on September 10, 2024, the Public Safety and Homeland Security Bureau

issued a [Public Notice](#) announcing the filing window to apply for designation as Cybersecurity Labeling Administrators (“CLAs”) and Lead Administrator. Among other responsibilities attaching to the CLAs and the Lead Administrator will be the creation, management and implementation of a cybersecurity risk management plan, which requirement is subject to advance OMB approval. Following publication in the [December 30, 2024, Federal Register](#), PRA comments on the adoption of the responsibilities for CLAs are due on **February 28, 2025**.

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. Most *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). Unlike non-pro forma assignments and transfers of control, where there is a substantial change in direct or indirect ownership or control, *i.e.*, a *de jure* or *de facto* change introducing a new party or person with a controlling interest, requests regarding *pro forma* changes where the ultimate control and ownership remains the same 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 such that FCC advance approval generally is required for *pro forma* transfers and assignments of private licenses.

Substantive Assignments, Transfers, Modifications and Section 310(b) Petitions

Pursuant to a recent [Public Notice](#), new, additional requirements are now in effect for all applications for assignment, transfer or license modification, in connection with international Section 214 authorizations and submarine cable landing licenses, where applicants have direct or indirect foreign ownership above threshold levels (generally 10% or more equity or voting interests, or based upon other FCC-recognized indicia of control). The requirements also apply to petitions for declaratory ruling related to foreign ownership under section 310(b) of the Communications Act. Parties making such filings must submit responses to a set of “Standard Questions” to the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the “Committee”) prior to, or concurrent with, filing their application with the FCC and also must submit a copy of their FCC application to the Committee within three business days after filing. Additional information and the Standard Questions (which vary by category of applicant) are available on the Office of International Affairs (“OIA”) dedicated [webpage](#).

Additionally, specified certifications and point of contact information must now be included in all applications involving international Section 214 authorizations or submarine cable landing licenses (regardless of ownership) as well as petitions for declaratory ruling relating to foreign ownership. Details for this required content are available at the OIA dedicated [webpage](#).

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

Change in Robocall Mitigation Plans

Voice service providers, gateway providers, and non-gateway intermediate providers are required under the FCC's Caller ID Authentication rules (47 C.F.R. § 64.6300 *et sec.*) to implement an appropriate robocall mitigation program and remit information about that program in the FCC's Robocall Mitigation Database ("RMD"). **Providers are required to update their filings in the RMD within 10 business days of any change to the information provided, including the following:**

- Certification as to the implementation of STIR/SHAKEN in the provider's network;
- The extension(s) that apply to the provider's implementation of the STIR/SHAKEN framework;
- The specific reasonable steps the provider has taken to avoid originating, carrying, or processing illegal robocall traffic as part of a robocall mitigation program;
- The provider's 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 remitting the required RMD filing is available [here](#).

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Attorneys in Kelley Drye's Communications Practice Group are experienced in addressing a full range of communications business and regulatory issues, including negotiating contracts between service providers, and between service providers and their enterprise customers, as well as finding creative

solutions to resolve disputes that may arise between interconnecting carriers and between carriers and their customers, or, if necessary, taking such disputes to mediation, to arbitration, or to court. For more information, please contact your current Kelley Drye attorney or any member of the [Communications Practice Group](#).