

Instructions for Local Telephone Competition and Broadband Reporting Form (FCC Form 477)

I. PURPOSE

FCC Form 477 collects information about broadband connections to end user locations, and about wired and wireless local telephone services, in individual states. The term “state” includes the District of Columbia and the “Territories and possessions” (*see* 47 U.S.C. § 153(40)). Data obtained from this form will be used to describe the deployment of broadband infrastructure and competition to provide local telecommunications services. *See Local Telephone Competition and Broadband Reporting*, Report and Order, FCC 04-266 (rel. Nov. 12, 2004) for additional information about this data collection.

II. WHO MUST FILE THIS FORM?

Three types of entities must file this form. For purposes of this information collection, the term “entity” (and synonyms used in these instructions) includes all **commonly-controlled or commonly-owned affiliates**. (*See* 47 U.S.C. § 153(1) (establishing a 10 percent equity interest, or the equivalent thereof, as indicia of ownership.))

- **Facilities-based Providers of Broadband Connections to End User Locations:**

Entities that are facilities-based providers of **broadband connections** – which, for purposes of this information collection, are wired “lines” or wireless “channels” that enable the end user to receive information from and/or send information to the Internet at information transfer rates **exceeding 200 kbps in at least one direction** – must complete and file the applicable portions of this form for **each state** in which the entity provides **one or more** such connections **to end user locations**.

For the purposes of Form 477, an entity is a “**facilities-based**” **provider** of broadband connections **to end user locations** if it **owns** the portion of the physical facility that terminates at the end user location, if it obtains unbundled network elements (UNEs), special access lines, or other leased facilities that terminate at the end user location and **provisions/equips** them as broadband, or if it **provisions/equips** a broadband wireless channel to the end user location over licensed or unlicensed spectrum.

Such entities include incumbent and competitive local exchange carriers (LECs), cable system operators, fixed wireless service providers (including “wireless ISPs”), terrestrial and satellite mobile wireless service providers, MMDS providers, electric utilities, municipalities, and other entities. (Such entities do not include equipment suppliers unless the equipment supplier uses the equipment to provision a broadband connection that it offers to the public for sale. Such entities also do not include providers of fixed wireless services (*e.g.*, “Wi-Fi” and other wireless ethernet, or wireless local area network, applications) that only enable local distribution and sharing of a premises broadband facility.) For such entities, the applicable portions of the form are: 1) the Cover Page; 2) Part I; 3) Part IV (if necessary); and the relevant portion(s) of Part V.

- **Providers of Wired or Fixed Wireless Local Telephone Services:**

Incumbent and competitive LECs must complete and file the applicable portions of the form for **each state** in which they provide local exchange service to **one or more** end user customers (which may include “dial-up” ISPs). For such entities, the applicable portions of the form are: 1) the Cover Page; 2) Part II; 3) Part IV (if necessary); and column (j) of Part V.

- **Providers of Mobile Telephony Services:**

Facilities-based providers of mobile telephony services (*see* 47 C.F.R. § 20.15(b)(1)) must complete and file the applicable portions of this form for **each state** in which they serve **one or more** mobile telephony subscribers. A **mobile telephony service** is a real-time, two-way switched voice service that is interconnected with the public switched network using an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless handoff of subscriber calls.

A mobile telephony service provider is considered “**facilities-based**” if it serves a subscriber using spectrum for which the entity holds a license, that it manages, or for which it has obtained the right to use via lease or other arrangement with a Band Manager. For such entities, the applicable portions of this form. The applicable portions of the form are: 1) the Cover Page; 2) Part III; 3) Part IV (if necessary).

III. LINE-BY-LINE INSTRUCTIONS FOR COMPLETING FCC FORM 477

(NOTE: Key terms that appear in this section are summarized in VI. Glossary of Selected Terms Appearing on FCC Form 477.)

A. COVER PAGE – Name and Contact Information (All Filers Must Complete the Cover Page)

- Line 1:** Provide the name of the company or operations whose data are reported in this form. (If the filer has a holding company or other controlling entity with a different name, that controlling entity’s name must be reported in Line 3 of the Cover Page.)
- Line 2:** Use the drop-down box to indicate whether the data in this form are for incumbent LEC (ILEC) operations or for non-ILEC operations. (Data for affiliated operations in a single state may be combined in a single form, except that filers **may not** combine data for ILEC operations with data for non-ILEC operations.)
- Line 3:** Use the drop-down box to select the single name, such as a holding company name, that identifies **all** commonly-owned or commonly-controlled entities that are filing Form 477. (If the appropriate name is not included in the provided list, enter the appropriate name in the space provided. If you have no holding company or other controlling entity, enter in Line 3 the same name as you entered in Line 1 of the Cover Page.)
- Line 4:** Use the drop-down box to select the state for which data are reported in this form. (You **may not** combine, in a single form, data for operations in more than one state. For example, the only data that may be reported in a “headquarters state” form are data for operations within that specific state.)
- Line 5:** Provide a contact name for the person who prepared this filing.

Line 6: Provide the telephone number and e-mail address for the contact person listed in Line 5 of the Cover Page.

Line 7: Use the drop-down box in Line 7 to indicate whether this filing is an original or a revised filing. (You must file a revised form if you discover mistakes as specified in Section IV.D. of these instructions.)

Line 8: Use the drop-down box to indicate whether you request non-disclosure of information reported in this form. You may request non-disclosure if you believe some or all of the information reported in this form is privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the filer.

B. Part I.A: BROADBAND

INCLUDE in Part I.A: In Part I.A., facilities-based providers of broadband connections **to end user locations** report information about those connections. See page 1 of these instructions for definitions of **facilities-based provider** and **broadband connection**. **End users** are residential, business, institutional and government entities who use broadband services for their own purposes and who do not resell such services to other entities or incorporate such services into retail Internet-access services that they market to end users. (Note that an Internet Service Provider is not an “end user” for purposes of Part I of FCC Form 477.) The end users of retail services delivered over the broadband connections reported in Part I.A. may be billed by the filer (including affiliates), by an agent of the filer, or by an unaffiliated entity.

In categorizing lines as “broadband,” filers should consider the end user's authorized maximum information transfer rate (“speed”) on that connection.

Do not convert into voice-grade equivalent measures any connections reported in Part I.A.

EXCLUDE in Part I.A: Exclude subscribership connections for cable television service and other multi-channel video programming service; video-on-demand type service unless it is bundled with Internet-type access or uses Internet-type delivery protocols; and services that do connect the end user to the Internet but restrict the end user to both transmitting data to the Internet and receiving data from the Internet at information transfer rates (“speeds”) of 200 kbps or less. Exclude connections between two locations of the same business or other end user entity (such as point-to-point connections within private or semi-private data networks or corporate telephone systems). Exclude high-capacity connections between network components within the public switched telephone network or the Internet (*note that* such connections do not terminate at an end user location). Exclude in Part I.A. high-capacity dedicated connections (“special access” circuits) between end users and interexchange (telephone) carrier points of presence.

Lines in Part I.A.

Report broadband connections to end user locations on Lines A.I-1 through A.I-10 based on the technology employed by the part of the connection that actually connects to the end user location. If different technologies are used in the two directions of information transfer (“downstream” and “upstream”), report the connection in the technology category for the higher-rate direction. **Count only connections that are in service**, including connections over which you (including affiliates or agents) provide an Internet-access service to the end user and connections over which an unaffiliated entity (which is not your agent) provides an Internet-access service to the end user.

Line A.I-1: Report the number of broadband connections provided over asymmetric xDSL technologies. **Do not** convert these connections into a voice-grade equivalent measure.

Line A.I-2: Report the number of broadband connections provided over symmetric xDSL technologies. **Do not** convert these connections into a voice-grade equivalent measure.

Line A.I-3: Report the number of broadband connections provided over traditional wireline facilities, such as T-carrier. **Do not** include broadband connections provided over symmetric xDSL service, but report such connections in Line A.I-2. **Do not** convert these connections into a voice-grade equivalent measure.

Line A.I-4: Report the number of cable modem connections. **Do not** convert these connections into a voice-grade equivalent measure.

Line A.I-5: Report the number of broadband connections provided over optical carrier terminations **at the end-user premises**. (Note that broadband connections that are provisioned over optical fiber facilities used elsewhere in the network should not be reported in this category. For example, connections provisioned as “fiber to the curb” do not qualify because, by using a non-fiber “drop,” they are not “fiber to the home.”) **Do not** convert these connections into a voice-grade equivalent measure.

Line A.I-6: Report the number of broadband connections provided over satellite facilities. **Do not** convert these connections into a voice-grade equivalent measure.

Line A.I-7: Report the number of broadband connections provided over terrestrial fixed wireless facilities (whether provisioned/equipped over licensed spectrum or over spectrum used on an unlicensed basis). **Do not** convert these connections into a voice-grade equivalent measure. (Do not report those fixed wireless services (*e.g.*, “Wi-Fi” and other wireless ethernet, or wireless local area network, applications) that only enable local distribution and sharing of a premises broadband facility.)

Line A.I-8: Report the number of subscribers to broadband services provided over terrestrial mobile wireless facilities (whether provisioned/equipped over licensed spectrum or over spectrum used on an unlicensed basis). Terrestrial wireless broadband providers should report the number of end users whose mobile devices, such as wireless modem laptop cards, smartphones, or handsets, are capable of sending or receiving data at speeds in excess of 200 kbps and whose billing addresses are within the areas of terrestrial mobile wireless broadband availability as reported in Part V.

Line A.I-9: Report the number of broadband connections provided over electric power lines. **Do not** convert these connections into a voice-grade equivalent measure.

Line A.I-10: Report the number of broadband connections provided over all other technologies. **Do not** convert these connections into a voice-grade equivalent measure. **Note** that the filer must **identify each specific technology** used to provide the connections reported in Line A.I-10, and the corresponding number of connections for each specific technology, in the comment section of Part IV of the form.

Columns in Part I.A.

General Note about Reporting Percentage Breakouts: Parts I, II, and III of Form 477 direct filers to provide percentage breakouts for specific counts of connections. If disaggregated counts exist for another purpose, then these must be used to calculate the requested percentage breakouts. However, filers are not expected to calculate percentages based on exhaustive counts performed solely for this task. Rather, where disaggregated counts do not exist, filers may provide good faith estimates of percentages based on the best information available to the filer. For example, if there is a pricing distinction between services provided to residential end users, then billing information may be used to estimate the percentage of connections provided to such end users. In the absence of such information, however, filers should rely on studies done for other purposes such as marketing and business plan information, demographic data, etc. A filer should conduct limited special studies only in the event that it cannot provide **estimates of percentage breakouts that it reasonably expects to be accurate within plus or minus five percentage points.**

Column (a): Report the total number of broadband connections as described in each of Lines A.I-1 through A.I-10, above.

Column (b): Report the percentage of total connections reported in column (a) that are residential connections in the sense that these connections are used to deliver Internet-access services that are *primarily* purchased by, designed for, and/or marketed to residential end users. (Such Internet-access services may differ in price, “speed tier,” and other features from Internet-access services that are primarily purchased by, designed for, and/or marketed to non-residential end users.)

Column (c): Report the percentage of total connections reported in column (a) that are provided over your **own local loop facilities, or the wireless last-mile equivalent.** Your own such facilities include wired local loop facilities that you (including affiliates) owned, wireless connections to end user locations that you (including affiliates) have provisioned/equipped over spectrum that you use on an unlicensed basis or over spectrum for which you hold a license, manage, or have obtained the right to use via lease or other arrangement with a Band Manager, and facilities you obtained the right to use from unaffiliated entities as dark fiber or satellite transponder capacity (and that you used as part of your own system). **Do not** include, in column (c), broadband connections to end users that you provided over UNEs, special access lines, and other leased lines that you obtained from an unaffiliated entity and equipped as broadband.

Column (d): Report the percentage of total connections reported in column (a) that are billed (or incorporated in a service billed) to end users by the filer (including affiliates) or its agents. Do not include in this percentage any lines reported in column (a) that are billed to an unaffiliated Internet Service Provider (ISP) that has incorporated the filer’s broadband service into a premium Internet-access service marketed under the unaffiliated ISP’s own name.

Note on columns (e) – (j) of Part I.A: The percentages reported in columns (e) – (j) of Part I.A refer, in each case, to connections that carry information, at the end user location, at information transfer rates **exceeding 200 kbps in both directions.** In categorizing broadband connections in this manner, filers should consider the end user’s authorized maximum information transfer rate (“speed”) on that connection.

Column (e): Report the percentage of total connections reported in column (a) that carry information, at the end user location, at information transfer rates exceeding 200 kbps in **both** directions **and** that are residential connections in the sense that they are used to deliver Internet-access services that are *primarily* purchased by, designed for, and/or marketed to residential end users. (As noted in the instructions for

column (b), above, such Internet-access services may differ in price, “speed tier,” and other features from Internet-access services that are primarily purchased by, designed for, and/or marketed to non-residential end users.)

Column (f): Report the percentage of total connections reported in column (a) that carry information, at the end user location, at information transfer rates exceeding 200 kbps in both directions **and, in the faster direction**, at rates greater than 200 kbps and less than 2.5 mbps.

Column (g): Report the percentage of total connections reported in column (a) that carry information, at the end user location, at information transfer rates exceeding 200 kbps in both directions **and, in the faster direction**, at rates greater than or equal to 2.5 mbps and less than 10 mbps.

Column (h): Report the percentage of total connections reported in column (a) that carry information, at the end user location, at information transfer rates exceeding 200 kbps in both directions **and, in the faster direction**, at rates greater than or equal to 10 mbps and less than 25 mbps.

Column (i): Report the percentage of total connections reported in column (a) that carry information, at the end user location, at information transfer rates exceeding 200 kbps in both directions **and, in the faster direction**, at rates greater than or equal to 25 mbps and less than 100 mbps.

Column (j): Report the percentage of total connections reported in column (a) that carry information, at the end user location, at information transfer rates exceeding 200 kbps in both directions **and, in the faster direction**, at rates greater than or equal to 100 mbps.

C. Part I.B: BROADBAND (continued)

Incumbent LECs that report xDSL (asymmetric or symmetric) connections in Part I.A. (or whose affiliates report such connections) must complete Line B.I-11. Cable system operators that report cable modem connections (or whose affiliates report such connections) in Part I.A. must complete Line B.I-12.

Line B.I-11: Of those residential end user premises in this state to which you (including affiliates) can deliver telephone service over local loop facilities that you own (or over the fixed wireless last-mile equivalent), report your best estimate of the percentage of premises to which broadband (asymmetric or symmetric) xDSL service is also available from you (or your affiliate, or an agent of you or your affiliate) over those facilities.

Line B.I-12: Of those residential end user premises in this state to which you (including affiliates) can offer cable television service over cable plant that you own, report the best estimate of the percentage of premises to which broadband cable modem service also is available from you (or your affiliate, or an agent of you or your affiliate) over that plant.

Residential end user premises include residential living units (e.g., single family dwellings and individual households in multiple dwelling units such as apartments, condominiums, mobile home parks, etc.) and also individual living units in such institutional settings as college dormitories and nursing homes. For the purposes of this data collection, residential end user premises also include other end user locations to which you (including your affiliates and agents) market broadband services that are primarily designed for residential use.

Guidance on generating a “best estimate”: Rather than setting out detailed methodologies to which filers must adhere in reporting information in Part I.B., we intend to rely on current “best practices” in the local exchange and cable television industries to provide us with carefully considered estimates. Filers

should note the following points. (1) The reported estimate of xDSL or cable modem service availability should **not** require degradation, outside of normal operating parameters, of the service quality of the filer's most heavily purchased type(s) of xDSL or cable modem service. (2) Filers should take into account rule-of-thumb lessons from the experience of deploying particular broadband services in similar areas (*e.g.*, differences between actual and theoretical availability of xDSL service to end user premises in areas in which the service already has been deployed, such as may arise due from loop conditioning factors and loop lengths).

D. Part II: WIRELINE AND FIXED WIRELESS LOCAL TELEPHONE

INCLUDE in Part II: Report lines or wireless channels (hereafter, "lines") that you (including affiliates) use to provide voice telephone service in this state. For purposes of this data collection, "**voice telephone service**" means local exchange or exchange access services that allow end users to originate and/or terminate local telephone calls on the public switched network, whether used by the end user for voice telephone calls or for other types of calls carried over the public switched network (for example, lines used for facsimile equipment or lines used occasionally or exclusively for "dial-up" connection to the Internet). See "Note for reporting channelized service," below.

EXCLUDE in Part II: Do **not** report in Part II lines not yet in service, lines used for interoffice trunking, company official lines, or lines used for special access service. Do not report in Part II any lines that connect two locations of the same end user customer, ISP, or communications carrier. Where you are already reporting the portion of a circuit between the end user and your switching center, do not separately count the portion of that circuit between your switching center and a circuit switched, Internet protocol, or ATM network, irrespective of whether you multiplexed the circuit onto a higher-capacity facility between your switching center and that network

Note for reporting channelized service: In **Part II.A** and **Part II.B**, providers must report **voice-grade equivalent lines**. Count as one voice-grade equivalent line: traditional analog POTS lines, Centrex-CO extensions, and Centrex-CU trunks. **Count lines based on how they are charged to the customer rather than how they are physically provisioned.** That is, when a customer is charged for channelized service, report the number of activated, charged-for channels rather than the theoretical capacity of the line. Examples: Count Basic Rate Integrated (BRI) Services Digital Network (ISDN) lines as two voice-grade equivalent lines. Count fully-channelized PRI circuits (including PRIs that are used exclusively to provide local connectivity to "dial-up" ISPs) as 23 voice-grade equivalent lines. But report, for example, 8 voice-grade equivalent lines if a customer is charged for 8 trunks that happen to be provisioned over a DS1 circuit. If a customer is charged for a fully-channelized DS1 circuit, however, report 24 voice-grade equivalent lines. In **Part II.C**, however, any high-capacity UNEs should **not** be reported in voice-grade equivalents. UNEs should be reported as actual circuit counts.

Note for competitive LECs providing local exchange service over hybrid fiber-coaxial cable systems: If you cannot determine the number of lines from your records, you may report the number of subscribers.

Lines in Part II.

In **Line A.II-1** (service provided to end users) and **Lines B.II-2 through B.II-3** (service provided to unaffiliated carriers for resale), report **voice-grade equivalent** lines used to provide voice telephone service. See "Note for reporting channelized service," above.

Line A.II-1: Report total voice-grade equivalent lines that you (including affiliates and agents) provided – that is, billed – directly to end users. Include lines provided to end users by your agents or under traditional marketing arrangements; for example, include lines provided to shared-tenant service providers. Note that an Internet Service Provider (ISP) may be an end user of local exchange service lines. (For example, a “dial-up” ISP may purchase channelized PRI circuits so that its customers can reach it *via* a local telephone call.)

Line B.II-2: Report total voice-grade equivalent local telephone service lines that you **provided to** unaffiliated telecommunications carriers under a Total Service Resale arrangement (*i.e.*, provided pursuant to section 251(c)(4) of the Communications Act of 1934, as amended).

Line B.II-3: Report total voice-grade equivalent local telephone service lines that you **provided to** unaffiliated telecommunications carriers under other arrangements, such as Centrex/Centron or special access service, that provide the unaffiliated carrier with a connection to the end user premises and enable the unaffiliated carrier to provide local telephone service to the end user.

In Lines C.II-4 and C.II-5, report counts of circuits. **Do not** convert circuits to voice-grade equivalent measures.

Line C.II-4: Report the number of circuits you **provided to** unaffiliated telecommunications carriers under an unbundled network element (UNE) loop arrangement, where you do **not** provide switching for that circuit. **Do not** convert any high capacity circuits provided under such UNE arrangements into voice-grade equivalent measures.

Line C.II-5: Report the number of circuits you **provided to** unaffiliated telecommunications carriers under a UNE loop arrangement, where you **also** provide switching for that circuit (*i.e.*, “UNE-Platform”). **Do not** convert any high-capacity circuits provided under such UNE arrangements into voice-grade equivalent measures.

Columns in Part II.

Column (a): For **Lines A.II-1 through B.II-3,** report voice-grade equivalent lines used to provide voice telephone service, as defined above. For **Lines C.II-4 and C.II-5,** report the number of circuits (*i.e.*, **not** the voice-grade equivalent of those circuits).

Columns (b) – (j): Complete columns (b) – (j) for Line A.II-1. *See also* “General note about reporting percentage breakouts,” above.

Column (b): Report the percentage of the lines reported in column (a) that are used for residential service. Include lines provided to shared-tenant service providers in apartment buildings and similar residential settings. ILEC filers may report based on the percentage of lines reported in column (a) that are tariffed residential lines, with an appropriate adjustment for lines provided under shared-tenant service arrangements. Carriers that do not have separate residential tariffs or price lists should use marketing or other information about the demographic characteristics of the areas they serve to develop a comparable estimate, or should undertake a limited special study.

Column (c): Report the percentage of the lines reported in column (a) for which you (including affiliates) are the presubscribed interstate long distance carrier, *i.e.*, the (facilities-based or reseller) carrier to which an interstate long distance call is routed automatically, without the use of any access code by the end user.

Column (d): Report the percentage of the lines reported in column (a) that are used for residential service (as specified in the instructions for column (b), above) **and** for which you (including affiliates) are the presubscribed interstate long distance carrier (as specified in the instructions for column (c), above).

Column (e): Report the percentage of the lines reported in column (a) that are provided over your **own local loop facilities** connecting to the end user's premises. Count as your own such facilities, those wired local loop facilities you (including affiliates) own, those facilities you obtain the right to use from unaffiliated entities as dark fiber or satellite transponder capacity (and that you use as part of your own system), those fixed-wireless connections to end user premises that are deployed over spectrum for which you hold a license, manage, or have obtained the right to use via lease or other agreement with a Band Manager, or those fixed-wireless connections that are deployed over spectrum that you use on an unlicensed basis. **Do not** include, in column (e), lines provided over UNE loops, special access lines, or other leased lines that you **obtained from** an unaffiliated carrier.

Note for competitive LECs that own telephone switches: A competitive LEC should include, in column (e), a line for which it provided its own switching **only if** it also owned (as just discussed) the local loop facilities that connect to the end user's premises.

Column (f): Report the percentage of lines reported in column (a) that are provided over UNE loops that you **obtained from** an unaffiliated carrier **without** also obtaining UNE switching from that carrier.

Column (g): Report the percentage of lines reported in column (a) that are provided over UNE-Platform (*i.e.*, the combination of loop UNE, switching UNE, and transport UNE) that you **obtained from** an unaffiliated carrier.

Column (h): Report the percentage of lines reported in column (a) that are provided by reselling a telecommunications service (such as Centrex/Centron or special access) that you **obtained from** an unaffiliated carrier, or by using facilities that you **obtained from** an unaffiliated carrier under a commercial arrangement.

Column (i): Report the percentage of lines reported in column (a) that are delivered over coaxial cable facilities used in the part of the line that connects to the end user premises ("cable telephony").

Column (j): Report the percentage of lines reported in column (a) that are delivered over fixed wireless facilities used in the part of the line that connects to the end user premises.

E. Part III: MOBILE LOCAL TELEPHONE

Line A. III-1: Report all mobile voice telephony subscribers served over your own facilities that give customers the ability to place or receive calls from the public switched telephone network. (See column (a), below, for how to count subscribers.) Include: satellite, cellular, and PCS telephone service and other terrestrial mobile services; and, units in service that combine voice telephone with other services. Report subscribers that you (including affiliates) serve using spectrum for which you hold a license, manage, or have obtained the right to use via lease or other agreement with a Band Manager. **Do not report** any subscribers that you serve by reselling an unaffiliated carrier's mobile telephone service.

Note: Exclude mobile services that customers cannot use to directly place calls to subscribers of ordinary telephone service, such as dispatch services and one-way or two-way paging services. Also exclude voice services that permit communications between only a narrow range of locations such as automobile units that permit drivers to communicate only with a specific road service.

Column (a): Report the total number of mobile voice telephony subscribers in the state that are served over your own facilities. Count as a subscriber a mobile handset, car-phone, or other revenue-generating, active, voice unit that has a unique phone number and that can place and receive calls from the public switched network. Include in column (a) subscribers that you (including affiliates) bill directly (including through agents), pre-paid subscribers, and subscribers served via unaffiliated mobile telephone service resellers. Subscriber counts by state should be based on the **area codes** of the phone numbers provided to subscribers.

Column (b): Report the percentage of subscribers in column (a) that you bill directly (including through agents) or serve on a pre-paid basis. **Do not include** subscribers that are billed by an unaffiliated mobile telephone service reseller.

F. Part IV: EXPLANATIONS AND COMMENTS

Filers that must report: If there is a non-zero entry in column (a) of Line A.I-10 of Part I of a form, the filer **must** identify each specific technology used to provide the broadband connections reported in Line A.I-10, and the corresponding number of connections for each specific technology, in the comment section of Part IV of the form.

Other filers: Complete Part IV to furnish relevant explanatory information with your data. For example, an explanation should be provided if a percentage figure has changed noticeably from earlier filings. In Part IV, filers should identify the Part and Line to which their comment applies in the columns provided.

G. Part V: ZIP CODE LISTINGS

Line V-1: Report, in the appropriate column, the 5-digit Zip Codes – for this state – in which you provide at least one of the broadband connections reported in Part I.A, or at least one of the voice-grade telephone service lines provided to end users reported in Part II, Line II.A-1. **Do not** report line counts or subscriber counts by Zip Code.

Column (a) – (i): If you file broadband information in Part I, you must provide, for each individual technology indicated by the column head, a list of Zip Codes in the state in which at least one of the broadband connections reported in Part I is **in service** – **except that** the Zip Codes reported in column (g) should be the Zip Codes in the state in which the mobile wireless broadband service provider’s service is advertised and available to actual and potential subscribers.

Column (j): If you file local telephone service information in Part II, Line II.A-1, you must provide a list of Zip Codes in the state in which you have end user customers for your voice telephone service. (*See* the definition of “voice telephone service,” above.) Providers of mobile telephony services that report data in Part III **should not** report this Zip Code information.

Note: Zip Code lists reported in a form should be reviewed prior to filing to eliminate any out-of-state Zip Codes (such as may appear in Zip Code lists generated directly from billing databases). If you choose to paste Zip Codes into Part V of the form, please do so by clicking on **Edit . . . Paste Special . . . Values** to avoid inadvertently changing the pre-specified cell format.

IV. GENERAL INFORMATION

A. Where and When to File

1. When to File

- **March 1st** of each year: providers must file data as of December 31 of the preceding year.
- **September 1st** of each year: providers must file data as of June 30 of the same year.

Note: FCC rules provide that, if the above filing date falls on a holiday, the filing is due the next business day. The term “holiday” means Saturday, Sunday, officially recognized Federal legal holidays and any other day on which the Commission’s offices are closed and not reopened prior to 5:30 p.m. The term “business day” means all days which are not “holidays” as defined above.

2. Where to File

All filers must deliver to the FCC a completed and signed Certification Statement. The Certification Statement is the single page that constitutes Section V of these instructions. Filers are encouraged to deliver the completed and signed Certification Statement by faxing it to (202) 418-0520 or by attaching a scanned copy to an e-mail sent to FCC477@fcc.gov. **Filers must deliver completed Form 477(s) to the FCC on electronic media. Paper copies of completed Form 477s may not be submitted.** Acceptable electronic media are spreadsheet files attached to an e-mail message, or one or more IBM format compact discs or 3.5-inch floppy diskettes containing such files. The latter should be **clearly labeled** to identify contents by (at a minimum): FCC Form 477 (6/30/08 data), name of filer, and the states for which data are included. In all cases, filers should use up-to-date virus detection software to ensure that electronic media are virus-free.

Attention: The United States Postal Service (USPS) requires all First Class, Priority, and Express Mail addressed to the Zip Code in which the FCC Headquarters is located to be irradiated (cleaned) prior to delivery. Because irradiation can damage compact discs and floppy diskettes, filers are encouraged to submit Form 477 using one of the following three alternatives – preferably e-mail. (Use **only one** filing method; do not make duplicate filings. A filer who is unable to use one of the following delivery methods should contact the Industry Analysis and Technology Division, Wireline Competition Bureau, at (202) 418-0940 or via TTY at (202) 417-0484.)

E-mail: Filers are encouraged to deliver completed Form 477(s) as attachments to one or more e-mail messages sent to FCC477@fcc.gov. Filers submitting multiple files may use a zip utility to compress them. The subject field of the e-mail should contain the phrase: **FCC Form 477 due 9/1/08**. If multiple e-mails must be sent, the subject line should so indicate; for example: FCC Form 477 due 9/1/08 (message 1 of 3). Filers submitting Form 477(s) by e-mail may fax the completed and signed Certification Statement to (202) 418-0520, may e-mail a scanned copy of it to FCC477@fcc.gov, or may deliver the signed, original paper copy of the Certification Statement by USPS first-class mail addressed to: FCC FORM 477 (ATTN: WCB/IATD, Room 6-A220), Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. (Alternatively, filers may deliver the signed, original copy of the Certification Statement by one of the following methods.)

Overnight delivery service other than USPS Express Mail or Priority Mail: Compact discs, or floppy diskettes, containing completed Form 477(s) -- accompanied by the signed, original copy of the Certification Statement -- may be delivered by *an overnight delivery service other than USPS Express Mail or Priority Mail* (e.g., UPS, DHL, Federal Express). Such deliveries must be addressed and delivered to: **FCC FORM 477 (ATTN: WCB/IATD, Room 6-A220)**, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, MD 20743. Filers who want a confirmation of

receipt may include a stamped, self-addressed envelope and a photocopy of the Certification Statement, which will be receipt-stamped and returned by mail.

Hand delivery or messenger delivery: Local hand and messenger deliveries directed to the Commission's Secretary are accepted at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. All Form 477 filing materials delivered to this location must be **clearly identified to be re-directed to: FCC FORM 477 (ATTN: WCB/IATD, Room 6-A220)**.

Note: Because the specific requirements for overnight, hand, or messenger delivery may change, you may want to consult the Office of the Secretary (www.fcc.gov/osec) for the most current information.

B. How to File

1. Preparation of Data Files

You must file your local competition and broadband deployment data using the electronic version of Form 477 that is available at www.fcc.gov/formpage.html or by purchase from the FCC's duplicating contractor, Best Copy and Printing, Inc., telephone (202) 488-5300 or (800) 378-3160, fax (202) 488-5563, TTY (202) 488-5562, or e-mail to fcc@bcpiweb.com. Form 477 will be updated for each filing round, and filers must obtain the latest version for each filing period. Filers should also obtain the latest version of Instructions for Form 477.

The electronic version of Form 477 is provided in Excel 2003 format. It contains drop-down boxes and some edit checks. **Once you complete a filing, name the file in accordance with instructions provided below.**

Note: You may not move cells, insert or delete rows, or change the validation or formatting characteristics of any cell. **If the FCC cannot load your files into its databases as a result of modifications to the file, you will be required to correct and resubmit those files.** Filers must save each Form 477 as a **separate** spreadsheet file. Do not submit multiple Form 477 worksheets within a single Excel 2003 workbook. Filers choosing to submit Form 477(s) on a floppy diskette(s), or compact disc(s), may place multiple spreadsheet files on a single diskette or compact disc.

Each file name must adhere to the following convention:

SST#Hyearname.xls, where:

SS is the two letter post office abbreviation for the state.

I is a single character that indicates whether the file contains incumbent LEC (ILEC) data or non-ILEC data (which **must** be filed separately) and whether the file contains revised data. Select the appropriate code from the following list:

- A = original filing for non-ILEC operations
- B = original filing for ILEC operations
- C = revised filing for non-ILEC operations
- D = revised filing for ILEC operations

is a “sequence number” (*i.e.*, 1, 2, 3, etc.) to be used to differentiate what would otherwise be identically named files when the file names are constructed according to the convention specified here. If no such redundancy of file names occurs, use the number “1” in place of the character “#”.

H is the half of the year of the data being filed. Use:
“J” for data as of June 30
“D” for data as of December 31

year is the last two digits of the year of the data being filed (e.g., for the filing due September 1, 2008, reported data will be as of June 30, 2008, so 2008 = 08).

name is the company name identified on Line 1 of the Cover Page of Form 477.

Example: AZB1J08Qwest Corporation.xls

2. Additional Directions for Filing

Filers must submit a completed and signed Certification Statement (which is the single page that constitutes Section V of these Instructions). **The Certification Statement must be signed by an officer of the filer of one of the legal entities whose data is included.** An officer is a person who occupies a position specified in the articles of incorporation (or partnership agreement), and would typically be president, vice president for operations, vice president for finance, comptroller, treasurer or a comparable position. If the filer is a sole proprietorship, the owner must sign the certification.

C. Requesting Confidentiality

Filers may submit a request that information on Form 477 not be made routinely available for public inspection by so indicating on Line 8 of the Cover Page of the form and on the Certification Statement. *See also* 47 C.F.R. §§ 0.457, 0.459, 1.7001(d), 43.11(c); *Examination of the Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, FCC 98-184 (rel. Aug. 4, 1998).

D. Obligation to File Revisions

Filers must submit a revised form if the filer discovers a significant error in the data. For counts, a difference amounting to 5 percent of the filed number must be re-filed. For percentages, a difference of 5 percentage points is significant and must be re-filed. Revisions should consist of a certification statement and one or more electronic files. Carriers should re-file all data for a state if one or more data element must be revised. A re-filed Form 477 spreadsheet should contain all appropriate data for the state, not just the corrected figures. Note that files containing revisions must be given different names from the original filings, as specified above, Section IV.B.1 of these instructions.

E. Compliance

Service providers that are required to file the Form 477 but fail to do so may be subject to enforcement action under sections 502 and 503 of the Communications Act and any other applicable law.¹

¹ *See* 47 U.S.C. §§ 502, 503.

V. CERTIFICATION STATEMENT

FCC Form 477 Local Telephone Competition and Broadband Reporting (ATTENTION: WCB/IATD, Room 6-A220)

CERTIFICATION STATEMENT

Check the method (use ONLY one) used to deliver completed Form 477(s) to the FCC. See Instructions, Section IV, for the proper address to use for each delivery method:

E-mail Overnight service other than United States Postal Service
 Messenger or hand delivery Other (specify: _____)

Also see Instructions, Section IV, for separate directions on how to submit the signed, original paper copy of this Certification Statement to the FCC.

This filing is an (check one) original filing revised filing

Organization name: _____

Number of files provided for this reporting period: _____

Year (of the data): 2008 Data as of: [Check one: June 30 ; December 31]

I certify that I am an officer of _____; that I have examined the information contained in the data files submitted and that to the best of my knowledge, information and belief, all statements of fact contained in such files are true and that said files represent an accurate statement of the affairs of the above named respondent as of the following date:

If I have requested non-disclosure of some or all of the information in FCC Form 477 by so indicating on Line 8 of the Cover Page of the form, I certify that this information is privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the respondent.

PRINTED NAME: _____

POSITION: _____ TELEPHONE: _____

SIGNATURE: _____ E-MAIL: _____

DATE: _____

Persons making willful false statements in the report form can be punished by fine or imprisonment under the Communications Act, 47 U.S.C. 220(e).

CONTACT PERSON: _____

TELEPHONE: _____ E-MAIL: _____

VI. GLOSSARY OF SELECTED TERMS APPEARING ON FCC FORM 477

The following selected terms are noted on FCC Form 477. The filer **must** interpret these terms in the specific context of the detailed reporting instructions, above. All terms are as defined for the specific purposes of this information collection.

Part I: Broadband

Broadband connections: Lines (or wireless channels) that terminate at an end user location and enable the end user to receive information from and/or send information to the Internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction.

End user: Residential, business, institutional and government entities who use services for their own purposes and who do not resell such services to other entities. For purposes of Part I of Form 477, an Internet Service Provider (ISP) is not an “end user” of a broadband connection.

Facilities-based broadband provider: A provider of broadband connections to end user locations that owns the portion of the physical facility that terminates at the end user location, obtains unbundled network elements (UNEs), special access lines, or other leased facilities that terminate at end user locations and provisions/equips them as broadband, or provisions/equips broadband wireless channels to end user location over licensed spectrum or over spectrum that the provider uses on an unlicensed basis.

Local loop: For purposes of this data collection, the “last mile” facilities (either wired facilities or the wireless equivalent) between a central office and the end user premises in a telephone network, a node and the end user premises in a cable network, or the analogous portion of the facilities of other providers of telephone service or broadband connections.

Own local loop facilities: Those wired local loop facilities that the filer (including affiliates) actually owns as well as facilities that the filer obtains the right to use from unaffiliated entities as dark fiber or satellite transponder capacity (and that the filer uses as part of its own system). Also, for purposes of Part I of Form 477, broadband wireless connections to end user locations that the filer provisions/equips as broadband over licensed spectrum or over spectrum that the filer uses on an unlicensed basis. For the purposes of Part I of Form 477, this term **does not** include unbundled network elements (UNEs), special access lines, or other leased lines that the filer obtains from an unaffiliated entity and equips as broadband.

Residential broadband connection: For the purposes of Part I of Form 477, broadband connections of a type (as indicated by, *e.g.*, price, “speed,” or other features) that is primarily purchased by, designed for, and/or marketed to residential end users.

Residential end user premises: Residential living units (*e.g.*, single family dwellings and individual households in multiple dwelling units such as apartments, condominiums, mobile home parks, etc.) and also individual living units in such institutional settings as college dormitories and nursing homes. Also includes other end user locations to which you (including affiliates and agents) market broadband services that are primarily designed for residential use.

Part II: Wireline and Fixed Wireless Local Telephone

End user: Residential, business, institutional and government entities who use services for their own purposes and who do not resell such services to other entities.

Local loop: See the definition provided for Part I, above.

Own local loop facilities: Those wired local loop facilities that the filer (including affiliates) actually owns as well as facilities that the filer obtains the right to use from unaffiliated entities as dark fiber or satellite transponder capacity (and that the filer uses as part of its own system). Also, for purposes of Part II of Form 477, fixed wireless

voice-grade channels to end user locations that the filer provisions/equips over licensed spectrum or over spectrum that the filer uses on an unlicensed basis. For the purposes of Part II of Form 477, the term **does not** include voice-grade channels to end user premises that the filer provisions over UNE loops, special access lines, or other leased lines that the filer obtains from an unaffiliated carrier.

Presubscribed interstate long distance carrier: The (facilities-based or reseller) carrier to which an interstate long distance call is routed automatically, without the use of any access code by the end user.

Residential lines: Lines provided to residential end user premises. Also includes any lines the filer provides to a shared-tenant service provider in an apartment building or similar residential setting.

UNE-Platform: The combination of unbundled network elements (UNEs) consisting of loop UNE, switching UNE, and transport UNE. (Unbundled network elements are defined in the FCC Rules. *See* 47 C.F.R § 51.319.)

Voice-grade equivalent: Generally, the number of DS0 (64 kbps) lines/channels in a higher-capacity circuit. In the specific context of Part II of Form 477, *see* “Note for reporting channelized service” in the detailed instructions, above.

Voice telephone service: Local exchange or exchange access services that allow end users to originate and/or terminate local telephone calls on the public switched network, whether used by the end user for voice telephone calls or for other types of calls carried over the public switched network (for example, lines connected to facsimile equipment or lines used occasionally or exclusively for “dial-up” connection to the Internet).

Part III: Mobile Local Telephone

Mobile voice telephony subscribers: A mobile handset, car-phone, or other revenue-generating, active, voice unit that has a unique phone number and that can place and receive calls from the public switched network.

Own facilities: Spectrum for which the filer (including affiliates) holds a license, manages, or has obtained the right to use via lease or other agreement with a Band Manager.

VII. DISCLOSURE, PRIVACY ACT, PAPERWORK REDUCTION ACT NOTICE

The Privacy Act of 1974 and the Paperwork Reduction Act of 1995 require that when we ask you for information, we must first tell you our legal right to ask for the information, why we are asking for it, and how it will be used. We must also tell you what could happen if we do not receive it and whether your response is voluntary, required to obtain a benefit, or mandatory under the law. *See* Privacy Act of 1974, P.L. 93-579, December 31, 1974, 5 U.S.C. § 552a (e)(3), and the Paperwork Reduction Act of 1995, P.L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

Our legal right to ask for this information is sections 1.7000-1.7002, 20.15, 43.01, 43.11 of the Federal Communications Commission's rules. 47 C.F.R. §§ 1.7000-1.7002, 20.15, 43.01, 43.11. Your response is mandatory.

This collection of information stems from the Commission's authority under sections 4(i), 201, 218-220, 251-252, 303(r), 332, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 201, 218-220, 251-252, 303(r), 332, and 403, and section 706 of the Telecommunications Act of 1996. The data in the worksheet will be used to monitor the deployment of broadband services and the development of local telephone service competition. Selected information provided in the worksheet will be made available to the public in a manner consistent with the Commission's rules and orders.

We have estimated that each response to this collection of information will take, on average, 12.6 hours. Note that many companies will file multiple responses and that this estimated average reflects the fact that many companies will be required to file only a single service count that should be readily available from

internal company records. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, enter the data in a Form 477 spreadsheet, prepare a floppy diskette or compact disc (if the filer decides to submit completed Form 477(s) by a method other than e-mail) and certification, and actually file the report. If you have any comments on this estimate, or how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Washington, D.C. 20554, Paperwork Reduction Project (3060-0816). We also will accept your comments via the Internet if you send them to PRA@fcc.gov. **DO NOT SEND COMPLETED FCC FORM 477 TO THIS ADDRESS.**

Remember -- You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid Office of Management and Budget (OMB) control number. This collection has been assigned an OMB control number of 3060-0816.

The Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. If we believe there may be a violation or potential violation of a statute or a Commission regulation, rule, or order, your filing may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation, or order. In certain cases, the information in your worksheet may be disclosed to the Department of Justice, court, or other adjudicative body when (a) the Commission; or (b) any employee of the Commission; or (c) the United States government, is a party to a proceeding before the body or has an interest in the proceeding.

Reporting entities failing to file Form 477 in a timely fashion may be subject to penalties under the Communications Act, including sections 502 and 503(b).