

Justification of Changes for Information Collection 3060-0855, Titled “Telecommunications Reporting Worksheets and Related Collections, FCC Forms 499-A and 499-Q”

The Commission received OMB preapproval for information collection requirements contained in OMB control number 3060-0855 on May 23, 2011. The information collections were adopted as proposed with some minor changes to the instructions to FCC Form 499-A. These changes were made for clarification purposes. The changes are non-substantive in nature. Therefore, the Commission is making this submission to provide OMB the final version the forms and to receive final OMB approval for the collection. The burden hours and costs remain the same. The updated supporting statement is uploaded into ROCIS for public viewing.

Below are the explanations for the proposed changes to FCC Form 499-A Instructions for 2011 and 2012. These changes are in addition to the changes in the Instructions for 2011 and 2012 which were submitted to OMB for PRA approval on April 4, 2011 and approved on May 23, 2011.

2011 Instructions	2012 Instructions	Change	Explanation
	Page 1	●Title of Appendix A changed from 2011 to 2012.	●Updates Instructions for 2012. (Fixes typographical error in previous submission.)
	Page 2	●Changed to read as follows: “including interconnected Voice-over-Internet-Protocol (VoIP) service providers...”	●Eliminates limitation to interconnected VoIP; includes both interconnected and non-interconnected VoIP. In concept, this change was highlighted in the April 2011 PRA filing; the proposed revision to the instructions further clarifies this concept. See supporting statement filed in April 2011, at page 2, last paragraph.
Page 3		●Changed to read as follows: “All providers of “non-interconnected VoIP providers service” (as defined in section 64.601(a) of the Commission’s rules), with interstate end-user revenues subject to TRS contributions, must file this Worksheet in order to register with the Commission by September 30 December 31, 2011.”	●Clarifies that the obligations described apply to non-interconnected VoIP service providers – as defined in the Commission’s rules – that have interstate end-user revenues subject to TRS contributions, in accordance with the rules adopted in the Report and Order. In concept, this change was highlighted in the April 2011 PRA filing; the proposed revision to the instructions further clarifies this concept. See supporting statement filed in April 2011, at pages 2-3. ●Also, changes the registration date from September 30 to December 31, 2011, in accordance with the deadline adopted in the Report and Order.
	Page 3	●Changed to read as follows: “All providers of “non-interconnected VoIP providers service” (as defined in section 64.601(a) of the Commission’s rules), with interstate end-user revenues subject to TRS contributions, must file this Worksheet in order to register with the Commission and report their revenues for purposes of calculating TRS contributions.”	●Clarifies that the obligations described apply to non-interconnected VoIP service providers – as defined in the Commission’s rules – that have interstate end-user revenues subject to TRS contributions, in accordance with the rules adopted in the Report and Order. In concept, this change was highlighted in the April 2011 PRA filing; the proposed revision to the instructions further clarifies this concept. See supporting statement filed in April 2011, at pages 2-3.

	Page 4	<ul style="list-style-type: none"> ● Changed two instances of 2011 to 2012. 	<ul style="list-style-type: none"> ● Updates Instructions for 2012. (Non-substantive change. Fixes typographical error in previous submission.)
Pages 11-12	Pages 11-12	<ul style="list-style-type: none"> ● Changed two instances of “interconnected VoIP providers” to “VoIP providers (including interconnected and non-interconnected)” and several instances of “interconnected VoIP provider(s)” to “VoIP provider(s).” ●● Changed (footnote): 47 U.S.C. § 413; see 47 C.F.R. § 1.47(h) (stating that every common carrier and, interconnected VoIP provider, and <u>non-interconnected VoIP provider with interstate end-user revenues subject to TRS contributions, that is</u> subject to the Act, “shall designate an agent in the District of Columbia” for service of process). 	<ul style="list-style-type: none"> ● Eliminates limitation to interconnected VoIP; includes both interconnected and non-interconnected VoIP. In concept, this change was highlighted in the April 2011 PRA filing; the proposed revision to the instructions further clarifies this concept. See supporting statement filed in April 2011, at page 2, last paragraph. ●● Adds non-interconnected VoIP service providers that have interstate end-user revenues subject to TRS contributions to the list of entities that must designate a DC agent, in accordance with the rules adopted in the Report and Order. In concept, this change was highlighted in the April 2011 PRA filing; the proposed revision to the instructions further clarifies this concept. See Instructions filed with the April 2011 PRA filing, at page 3: “All non-interconnected VoIP providers must file this Worksheet in order to register with the Commission and report their revenues for purposes of calculating TRS contributions.”
Page 15	Page 15	<ul style="list-style-type: none"> ● Changed two instances of “local exchange service provided using non-interconnected VoIP plans” to “local exchange service for plans (other than interconnected VoIP plans).” ●● Changed to read as follows: “Revenues from non-interconnected VoIP local exchange services plans (<u>other than interconnected VoIP plans</u>) that do not include interstate calling.” 	<ul style="list-style-type: none"> ● Rephrases to avoid confusion with “non-interconnected VoIP services.” This is a stylistic, non-substantive change. ●● Rephrases to avoid confusion with “non-interconnected VoIP services.” This is a stylistic, non-substantive change.
Page 18	Page 18	<ul style="list-style-type: none"> ● Changed to read as follows: “Ordinary long distance provided to end users using <u>technologies other than non-interconnected-VoIP technologies</u>, including toll service . . .” 	<ul style="list-style-type: none"> ● Rephrases to avoid confusion with “non-interconnected VoIP services.”
Page 19	Page 19	<ul style="list-style-type: none"> ● Changed to read as follows: “Note that the revenues for the toll portion of flat rated <u>local service (other than non-interconnected VoIP local service)</u> should be reported..” 	<ul style="list-style-type: none"> ● Rephrases to avoid confusion with “non-interconnected VoIP services.” This is a stylistic, non-substantive change.
	Page 20	<ul style="list-style-type: none"> ● Changed the title of the paragraph to read as follows: “<i>Other revenues that should not be reported in the contribution bases; <u>Non-interconnected VoIP Revenues.</u></i>” ●● Added: “Line 418.4 should include non-interconnected VoIP revenues, which are included in the TRS contribution base only.” ●●● Changed: “Non-interconnected VoIP service is a <u>service that (i) enables real-time voice communications that originate from or</u> 	<ul style="list-style-type: none"> ● Changes the title of the paragraph to clarify that the paragraph also addresses the reporting of non-interconnected VoIP revenues. This is a stylistic, non-substantive change. ●● Changed the text of the paragraph to clarify that Line 418.4 is for TRS contributions purposes only. In concept, this change was highlighted in the April 2011 PRA filing; the proposed revision to the instructions further clarifies this concept. See supporting statement filed in April 2011, at

		<p>terminate to the user's location using Internet protocol or any successor protocol and (ii) requires Internet Protocol compatible customer-premises equipment, but (iii) is not an <u>defined in Appendix B, under non-interconnected VoIP service provider.</u>"</p> <p>●●●● Added footnote No. 42: "For TRS purposes, providers of non-interconnected VoIP services that are offered with other (non-VoIP) services that generate end-user revenues are required to allocate a portion of those end-user revenues to the non-interconnected VoIP service only: (1) when these providers also offer the non-interconnected VoIP service on a stand-alone basis for a fee; or (2) when these providers also offer the other (non-VoIP) services without the non-interconnected VoIP service feature at a different (discounted) price. For example, a video gaming service may integrate chat functions that utilize non-interconnected VoIP services, but use of such functions may not be readily identifiable or separable from the gaming service components. See <i>In the Matter of Contributions to the Telecommunications Relay Services Fund</i>, CG Docket No. 11-47, Report and Order, FCC 11-150, paras. 15-17 (October 7, 2011)."</p>	<p>pages 2-3.</p> <p>●●● Refers to the definition in Appendix B, rather than repeating the definition in the text. This is a stylistic, non-substantive change.</p> <p>●●●● Clarifies the reporting of non-interconnected VoIP revenues, in accordance with the Report and Order.</p>
	Page 21	<p>● Added: "Similarly, providers of non-interconnected VoIP services that are offered with end-user revenue generating (non-VoIP) services may avail themselves of the bundled service safe harbors for allocating revenue."</p> <p>●● Added footnote No. 44: "<i>See In the Matter of Contributions to the Telecommunications Relay Services Fund</i>, CG Docket No. 11-47, Report and Order, FCC 11-150 (October 7, 2011). Providers of non-interconnected VoIP services that are offered with other (non-VoIP) services that generate end-user revenues must allocate a portion of those end-user revenues to the non-interconnected VoIP service: (1) when these providers also offer the non-interconnected VoIP service on a stand-alone basis for a fee; or (2) when these providers also offer the other (non-VoIP) services without the non-interconnected VoIP service feature at a different (discounted) price. <i>Id.</i> at paras. 15-17."</p>	<p>● Clarifies the reporting of non-interconnected VoIP revenues by use of a safe harbor, in accordance with the Report and Order. In concept, this change was highlighted in the April 2011 PRA filing; the proposed revision to the instructions further clarifies this concept. See supporting statement filed in April 2011, at pages 2-3.</p> <p>●● Clarifies the reporting of non-interconnected VoIP revenues, in accordance with the Report and Order.</p>
Page 32	Page 32	<p>● Changed phone number of TRS Administrator from (973) 884-8334 to (717) 231-6669.</p>	<p>● Updates phone number. This is a non-substantive change.</p>
Page 34	Page 34	<p>● Corrected several line number cross</p>	<p>● Corrects line numbers (corrects typographical</p>

		references.	errors in previous submission).
	Page 34	<ul style="list-style-type: none"> ● Title of Appendix A changed from 2011 to 2012. ●● Changed one instance of 2010 to 2011, and two instances of 2011 to 2012. ●●● Noted information that “must be updated.” 	<ul style="list-style-type: none"> ● Updates Instructions for 2012 (corrects typographical errors in previous submission). ●● Updates Instructions for 2012 (corrects typographical errors in previous submission). ●●● Notes that certain information in Appendix A must be updated for the 2012 Instructions.
Page 35		<ul style="list-style-type: none"> ● Deleted hyphen and space. 	<ul style="list-style-type: none"> ● Corrects typographical errors.
	Page 35	<ul style="list-style-type: none"> ● Changed “Internet compatible” to Internet protocol compatible.” 	<ul style="list-style-type: none"> ● Corrects typographical errors.