

Federal Communications Commission

Explanation of Non-Substantive Changes to OMB Control Number: 3060-0855:

- FCC Form 499-A
 - FCC Form 499-Q
 - Instructions to FCC Form 499-A
 - Instructions to FCC Form 499-Q
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Purpose of this Submission: This submission is being made for proposed non-substantive revisions to an existing information collection pursuant to 44 U.S.C. § 3507. This submission seeks to revise (i) FCC Form 499-A; (ii) the accompanying instructions to FCC Form 499-A; (iii) FCC Form 499-Q; and (iv) the accompanying instructions to FCC Form 499-Q. On October 29, 2013, the Commission issued a Public Notice seeking comment on the proposed revisions (DA 13-2090).¹

Summary of Proposed Revisions to Form 499-A²

- **Date Changes:** Dates were updated throughout. References to “2013” were changed to “2014,” and references to “2012” were changed to “2013.” In addition, “December” was added to the date reference at the bottom of each page.
- **Holding Company and Affiliates:** Form 499-A (Lines 106.1 and 106.2) were revised to read “Affiliated Filers Name/Holding Company Name” [Note: A similar change was made to the Form 499-A Instructions, Form 499-Q, and the Form 499-Q Instructions.]
- **“Reseller” Sample Certification Language:** Consistent with the *2012 Wholesaler-Reseller Clarification Order*,³ page 4 of Form 499-A was revised to direct filers to section III.C.2 of the instructions for the requirements applicable to reporting revenue in Block 3. Previously read as follows: “Except as noted in the Instructions, for all revenues reported on this page, you must: (1) retain the Filer 499 ID and contact information for the associated customer; (2) verify that each of these customers was a “reseller” for calendar year 2013, and (3) verify that the customer is purchasing service for resale as telecommunications.” Now reads as follows: “See section III.C.2 of the instructions for the requirement applicable to revenue reported on this page.” [Note: The revisions in section III.C.2 of the instructions reflect the Commission’s direction to the Bureau in the *2012 Wholesaler-Reseller Clarification Order* to clarify the reseller certification process.]

¹ The Commission also separately sought comment on an industry group proposal on how to implement the wholesaler-reseller certification process as clarified in the *2012 Wholesaler-Reseller Clarification Order*, WC Docket No. 06-122, Order, 27 FCC Rcd 13780 (2012) (*2012 Wholesaler-Reseller Clarification Order*). See *Wireline Competition Bureau Seeks Comment on Proposed Sample Reseller Certification Language for FCC Form 499-A Instructions*, WC Docket No. 06-122, Public Notice, 28 FCC Rcd 11195 (Wireline Comp. Bur. 2013) (*Reseller Certification Language Public Notice*).

² All page references are to the clean (non-redlined) versions of the forms and instructions.

³ *2012 Wholesaler-Reseller Clarification Order*, 27 FCC Rcd at 13801, para. 51.

Summary of Proposed Revisions to Form 499-A Instructions

- **Stylistic Changes:** In several instances, wording in the instructions was revised for clarification purposes, without changing the substance. For example, “please” was deleted in several places throughout the instructions. Several citations throughout the instructions were corrected for format and style.
- **Date Changes:** Dates were updated throughout. References to “2013” were changed to “2014,” and references to “2012” were changed to “2013.”
- **Termination of Service:** Page 6 of the Form 499-A Instructions was revised to direct filers to the website of the Universal Service Administrative Company (USAC) for details regarding documentation that must be filed when a filer ceases providing telecommunications.
- **Identification Numbers:** Page 10 of the Form 499-A Instructions was revised to instruct filers that lack Internal Revenue Service employer identification numbers to contact USAC for an alternative identification number.
- **“Affiliate” Identifier:** Page 10 of the Form 499-A Instructions was revised to emphasize that all “affiliated” filers, as that term is defined under 47 U.S.C. § 153, should enter a common identifier (the “Affiliated Filers Name/Holding Company Name”). Typically this is the name of the filer’s holding company, but in some instances, a group of affiliated filers may choose to designate an entity that is not the holding company of each affiliate. The term “holding company” is replaced by “Affiliated Filers Name/Holding Company Name” where appropriate throughout the Form 499-A Instructions.
- **Contact Information:** Contact information is added to page 11 of the Form 499-A Instructions for filer inquiries regarding the instructions for Interstate Telecommunications Service Providers (ITSP) regulatory fee bills. Page 36 of the Form 499-A Instructions was revised to delete contact information for the Wireline Competition Bureau and Industry Analysis and Technology Division; filers should contact USAC with questions about the Forms 499. The phone number for NANPA is corrected on page 36 of the FCC Form 499-A Instructions.
- **Agent Designation:** Page 11 of the Form 499-A Instructions was revised to clarify that only common carriers are required to designate an agent in the District of Columbia.
- **International Services:** A paragraph containing instructions on reporting of certain international revenues is moved from page 20 to the “Note on International Services” on page 14 in the FCC Form 499-A Instructions. This edit clarifies that the instruction applies to all international revenues.
- **Lifeline Assistance:** Consistent with the *Lifeline Reform Order*, the following sentence is deleted from page 18 of the FCC Form 499-A Instructions: “Line 308 should include as revenues Lifeline Assistance reimbursement for the waived portion of subscriber line or presubscribed interexchange carrier charges from the Low Income or High Cost universal service support mechanism.”⁴

⁴ See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket 11-42 et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6682-83, paras. 54-59 (2012).

- **Reseller Sample Certification Language:** Consistent with the *2012 Wholesaler-Reseller Clarification Order*,⁵ and consistent with a recent industry proposal to implement that order,⁶ pages 22-26 of the Form 499-A Instructions were revised to clarify the definition of “reseller,” provide sample reseller certification language, and clarify the safe harbor and “reasonable expectation” standards for filers that report revenues from reseller customers. [Note: Similar changes were made to the Form 499-Q Instructions.]
- **Intrastate Revenue:** Page 26 of the FCC Form 499-A Instructions was revised to clarify that total revenues reported in column (a) include intrastate revenues; intrastate revenues are not reported separately on Form 499-A.
- **TRS Support Mechanism:** Consistent with the requirements of the Twenty-First Century Communications and Video Accessibility Act of 2010,⁷ and the *2011 TRS Contributions Order* implementing those requirements,⁸ citations to section 715 of the Act (47 U.S.C. § 616) are added throughout, and page 37 of the Form 499-A Instructions is revised to clarify that providers of non-interconnected VoIP service are required to contribute to the interstate TRS support mechanism.

Summary of Proposed Revisions to Form 499-Q

- **Date Changes:** Dates were updated throughout. References to “2013” were changed to “2014,” and references to “2012” were changed to “2013.”
- **Holding Company and Affiliates:** Form 499-Q (Lines 105 and 105.1) were revised to read “Affiliated Filers Name,” with an explanation that in most cases, the affiliated filers name will be the holding company name. [Note: A corresponding change was made to Form 499-A, the Form 499-A Instructions, and the Form 499-Q Instructions.]

Summary of Proposed Revisions to Form 499-Q Instructions

- **Stylistic Changes:** In several instances, wording in the instructions was revised for clarification purposes, without changing the substance. For example, “please” was deleted in several places throughout the instructions.
- **Date Changes:** Dates were updated throughout. References to “2013” were changed to “2014,” and references to “2012” were changed to “2013.”
- **Identification Numbers:** Page 10 of the of the Form 499-Q Instructions were revised to instruct filers that lack Internal Revenue Service employer identification numbers to contact USAC for an alternative identification number.

⁵ See *2012 Wholesaler-Reseller Clarification Order*, 27 FCC Rcd at 13801, para. 51.

⁶ The Bureau has already sought public comment on these proposed revisions. *Reseller Certification Language Public Notice*, 28 FCC Rcd 11195.

⁷ Pub. L. No. 111-260, § 103(b), 124 Stat. 2751, 2755 (2010).

⁸ See *Contributions to the Telecommunications Relay Services Fund*, CG Docket No. 11-47, Report and Order, 26 FCC Rcd 14532, 14537, para. 12 (2011) (*2011 TRS Contributions Order*) (added definition of “non-interconnected VoIP service” to the Commission’s TRS rules at section 64.601(a)).

- **“Affiliated” Identifier:** Pages 10-11 of the Form 499-Q Instructions were revised to emphasize that each affiliate or subsidiary should identify their ultimate controlling parent or entity on Block 1 Line 105. The term “holding company” is replaced by “Affiliated Filers Name” where appropriate throughout the Form 499-Q Instructions.
- **Reseller Sample Certification Language:** Consistent with the *2012 Wholesaler-Reseller Clarification Order*,⁹ and consistent with a recent industry proposal to implement that order, pages 11-12 of the Form 499-Q Instructions were revised to clarify the definition of “reseller,” and refer filers to section III.C.2 of the FCC Form 499-A Instructions for detailed instructions.
- **Intrastate Revenue:** Page 14 of the Form 499-Q Instructions were revised to clarify that total revenues reported in column (a) include intrastate revenues; intrastate revenues are not reported separately on Form 499-Q.
- **Contact Information:** Page 21 of the Form 499-Q Instructions was revised to delete contact information for the Wireline Competition Bureau and Industry Analysis and Technology Division; filers should contact USAC with questions about the Forms 499.

Line By Line Changes: Line by line changes to the forms and instructions are shown in the attached documents (in redline form):

- Attachment 1: Proposed revisions to Form 499-A
- Attachment 2: Proposed revisions to Form 499-A Instructions
- Attachment 3: Proposed revisions to Form 499-Q
- Attachment 4: Proposed revisions to Form 499-Q Instructions

⁹ See *2012 Wholesaler-Reseller Clarification Order*, 27 FCC Rcd at 13801, para. 51.