

## MEMORANDUM

### **DETERMINE IF YOU ARE A QUALIFIED FILER FOR THE FCC 477 Local Competition and Broadband Reporting**

#### **Who Must File Form 477?**

Four types of entities must file this form. For purposes of this information collection, the terms “entity” and “entities” include all *commonly-controlled or commonly-owned affiliates*. (See 47 U.S.C. § 153 (2) (establishing a greater than 10 percent equity interest, or the equivalent thereof, as indicia of ownership.))

#### **1. Facilities-based Providers of Broadband Connections to End Users**

An entity that is a *facilities-based provider of broadband connections to end users must report* if it has one or more *broadband connection in service* to an *end user* on the as-of date associated with the form (either June 30 or December 31).

- *Facilities-Based Provider*: An entity is a facilities-based provider if any of the following conditions are met: (1) it owns the portion of the physical facility that terminates at the end-user premises or obtains the right to use dark fiber or satellite transponder capacity as part of its own network to complete such terminations; (2) it obtains unbundled network element (UNE) loops, special access lines, or other leased facilities that terminate at the end-user premises and provisions/equips them as broadband; (3) it provisions/equips a broadband wireless channel to the end-user premises over licensed or unlicensed spectrum; or (4) it provides terrestrial mobile wireless service using its own network facilities and spectrum for which it holds a license, manages, or has obtained the right to use via a spectrum leasing arrangement. A non-exhaustive list of examples of facilities-based providers of broadband connections includes: incumbent and competitive local exchange carriers (LECs), cable television system operators, terrestrial fixed wireless providers (including wireless ISPs, or WISPs) that provide service to end user premises, satellite network operators, terrestrial mobile wireless operators with owned network facilities, electric utilities, public utility districts, municipalities, and other entities. However, facilities-based providers of broadband connections 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; providers of air-to-ground service; providers of ship-to-shore service; or providers of terrestrial wireless “hot spot” services—whether offered for an occasional-use fee or offered free of charge—that only enable local distribution and sharing of a broadband connection within a residential or non-residential premises (for example, local-area Wi-Fi or Wi-Fi within public places such as libraries, schools, parks, shopping malls, coffee shops, hotels, and airports).

- *Broadband Connection*: A wired line or wireless channel that terminates at an end-user location and enables 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.

*Note*: The *facilities-based provider* that is obligated to report the *in-service broadband connection* may—or may not—sell the *end user* the Internet access service that is delivered over that *broadband connection*. Nevertheless, for convenience, the terms *broadband connection* and *broadband subscription* are used interchangeably in these instructions.

- *End User*: A residential, business, institutional, or government entity that uses services for its own purposes and does not resell such services to other entities. For the purposes of this form, an Internet Service Provider (ISP) is not an end user of a *broadband connection*.

- *In Service*: A *broadband connection* is *in service* to an end user if: (1) it is delivering Internet access service at the residential or non-residential premises of the end-user that has purchased Internet access service on a month-to-month or longer-term basis (*in-service fixed broadband*), or (2) it is delivering service to a terrestrial mobile wireless service subscriber whose device and data plan provide the ability to transfer, on a monthly basis, either a specified or unlimited amount of data to and from lawful Internet sites of the subscriber's choice (*in-service mobile broadband*).

## **2. Providers of Wired or Fixed Wireless Local Exchange Telephone Service**

Each *incumbent* or *competitive Local Exchange Carrier (LEC)* must report if it has one or more *end user customer of local exchange telephone service* on the as-of date associated with the form (either June 30 or December 31).

- *Incumbent Local Exchange Carrier (ILEC)*: The entity that was providing *local exchange telephone service* (traditional local phone service) in a particular area on February 8, 1996, the date on which the Telecommunications Act of 1996 was enacted into law. See [47 C.F.R. § 51.5](#). Each such area has a 6-digit *Study Area Code (SAC)*.
- *Competitive Local Exchange Carrier (CLEC)*: An entity authorized, by the state regulatory authority (State commission), to provide *local exchange telephone service* within the *study areas* of one or more *ILECs* in that state.
- *Local Exchange Telephone Service*: Local exchange (local telephone) or exchange access service that allows *end users* to originate and/or terminate local telephone calls on the *public switched telephone network*, whether used by the *end user* for voice telephone calls or for other types of calls carried over *the public switched telephone network* (for example, lines connected to facsimile equipment or lines used occasionally or exclusively for dial-up connection to the Internet).
- *End-User Customer of Local Exchange Telephone Service*: A residential, business, institutional, or government entity that purchases *local exchange telephone service*, uses that service for its own purposes, and does not resell that service to other entities.

*Note*: The obligation to report information about *local exchange telephone service* does not depend on whether or not the entity owns any telecommunications network facilities.

## **3. Providers of Interconnected Voice over Internet Protocol (VoIP) Service**

Each provider of *interconnected VoIP service* must report if it has one or more revenue-generating *end-user customer of interconnected VoIP service* on the as-of date associated with the form (either June 30 or December 31).

- *Interconnected VoIP Service*: A service that: (1) enables real-time, two-way voice communications; (2) requires a broadband connection from the user's location; (3) requires Internet-protocol compatible customer premises equipment; and (4) permits users generally to receive calls that originate on the *public switched telephone network* and to terminate calls to the *public switched telephone network*. See [47 C.F.R. § 9.3](#).

*Note*: A service must meet all four elements of the definition of *interconnected VoIP service* to be considered interconnected VoIP. *Local exchange telephone service* that is converted to IP format for transport within the telecommunications network does not meet this definition.

- *End-User Customer of Interconnected VoIP Service*: A residential, business, institutional, or government entity that subscribes to *interconnected VoIP service*, uses that service for its own purposes, does not resell that service to other entities.

*Note*: The obligation to report information about *interconnected VoIP service* does not depend on whether or not the entity owns any telecommunications network facilities.

## **4. Facilities-based Providers of Mobile Telephony (Mobile Voice) Service:**

Each facilities-based provider of mobile telephony service must complete and file the applicable portions of this form if its network serves one or more mobile telephony subscriber on the as-of date associated with the form (either June 30 or December 31). The subscriber served may be a customer of the facilities-based provider or a customer of a mobile voice service reseller. The italicized terms are defined below, above, or in

the Glossary. Additional information can be found in these separate documents: Mobile Voice Deployment Terms and Mobile Voice Subscription Terms.

- *Mobile Telephony (Mobile Voice) Service:* 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. (See 47 C.F.R. § 20.15(b)(1))

- *Mobile Telephony (Mobile Voice) Subscriber:* A mobile handset, car-phone, or other revenue-generating, active, voice unit that has a unique phone number and that can place calls to and receive calls from the public switched telephone network.

- *Facilities-Based Mobile Voice Provider:* A mobile voice provider is considered facilities-based if it serves a subscriber using its own network facilities and spectrum for which it holds a license, manages, or for which it has obtained the right to use via a spectrum leasing arrangement.

*Note:* Mobile voice service resellers—including entities that have filed Lifeline Compliance Plans with the Commission—are not facilities-based providers for Form 477 purposes.