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Wireline Competition Bureau Releases OMB Approved Amended Form Questions And Instructions For Special Access Data Collection And Filing

On September 15, 2014, the Federal Communications Commission's ("FCC") Wireline Competition Bureau ("Bureau") released its anticipated Office of Management and Budget's ("OMB") approved amended form questions and instructions for the data collection process relating to the special access circuit market.

You will recall that all providers and purchasers of dedicated services in areas where the incumbent local exchange carrier ("ILEC") is subject to price cap regulation ("Price Cap Areas") must respond to this data collection unless they are an entity specifically excluded by the data collection. A map depicting price cap areas where an ILEC is subject to price cap regulation can be found at the following location: <http://www.fcc.gov/maps/regulatory-type-holding-company-level-study-area>. The data collection is for Calendar Year 2013. Responses are mandatory for covered purchasers and providers and entities providing Best Efforts Business Broadband Internet Access Services in price cap areas. Failure to respond to the collection may result in monetary penalties. The Order with the data collection questions and instructions to complete the form can be found at https://apps.fcc.gov/edocs_public/attachmatch/DA-14-1327A1.pdf.

Who Must Respond To The Data Collection:

- **FCC Form 477 Filers - Every company that is required to file an FCC Form 477 for 2013 will be required to respond to this data collection.** If the Form 477 filer is not a provider or a purchaser of dedicated service in a price cap area as described below, or a provider of Business Broadband Internet Access Services to 15,000 or more customers or 1,500 or more business broadband customers, they need only certify as such by providing the contact information along with a signature when filing the response to the data collection. **Most companies will likely fall into this category for this data collection.**
- **Covered Providers** - Covered Providers are entities that provide dedicated services (at a rate of at least 1.5 Mbps in both directions) or have connections with the capability of providing dedicated services in a price cap area.

- Covered Purchasers - Covered Purchasers are entities that buy dedicated services (at a rate of at least 1.5 Mbps in both directions) in a price cap area. However, companies that purchased less than \$5 million in dedicated services in 2013 will be excluded from the “Purchaser” category.
- Best Efforts Business Broadband Internet Access Services - Providers of Best Efforts Business Broadband Internet Access Services in a price cap area are required to respond to the data collection unless they have fewer than 15,000 customers and fewer than 1,500 business broadband customers as of December 18, 2012.

Type Of Filers And The Sections of Data Collections To Complete

<i>Competitive Provider</i>	Sections II.A.1 and II.A.2. If answer to II.A.2 or II.A.2(a) are yes, continue to answer II.A. and II.D. If II.A.2 or II.A.2(a) are no, you are not required to answer remaining questions in II.A. and II.D.
<i>ILEC (Price Cap)</i>	Section II.B and II.D
<i>Best Efforts Broadband Services to 15,000 or more customers or 1,500 Business Broadband Customers</i>	Section II.C
<i>Purchaser that is a mobile wireless provider</i>	Section II.E
<i>Purchaser that is <u>not</u> a mobile wireless provider</i>	Section II.F
<i>None of the above</i>	Section II.G

Filers falling into multiple categories must respond to all applicable sections. Some responses are optional or only required if records are kept in the normal course of business. Responses to non-applicable sections are voluntary.

How To Respond To The Data Collection

The Bureau will provide a format that an entity will be able to download from its website in order to submit the required data collection responses in the appropriate format online using an FCC Federal Registration Number (“FRN”) and password. The Bureau will be providing additional information about the filing process prior to the submission deadline of December 15, 2014. Confidential filings will be permitted. An electronic Certification will occur when the filing is submitted by the filer.

If you have specific questions about the data collection or you would like GVNW to help with the data collection and filing, you can contact Dodie North in the Southwest office at (830) 895-7220 or dnorth@gvnw.com.