



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 15-1140
October 7, 2015
Enforcement Advisory No. 2015-04

FCC ENFORCEMENT ADVISORY

FORM 477 RULES

PROVIDERS MUST FILE A COMPLETE AND ACCURATE FORM 477 REPORT EVERY SIX MONTHS

The Enforcement Bureau reminds providers of voice and broadband Internet services of their continued duty to file timely, complete, and accurate FCC Form 477 reports.¹ This Advisory is intended to highlight the Form 477 submission requirements and the importance of telephone and broadband subscription and deployment data to the Commission's ongoing mission of increasing Internet availability.

The data reported on Form 477 is used by the Commission to assess and promote nationwide broadband deployment, to appropriately target universal service funds, to ensure access to emergency communications in disaster scenarios, and to help meet other public service goals.² In rural and underserved areas, data from providers is especially helpful to the Commission's ability to assess local competition and broadband availability.

Entities Required to File Form 477.³ The following entities are required to file Form 477 reports:

- Common carriers and their affiliates providing telephone exchange or exchange access service;

¹ 47 C.F.R. § 1.7001; 43.11.

² See *Modernizing the FCC Form 477 Data Program*, 28 FCC Rcd 9887, 9893-9896, paras. 15-19 (2013); see also 47 U.S.C. § 1302(b).

³ 47 C.F.R. § 1.7001; 43.11(a).

- Facilities-based Commercial Mobile Radio Service (CMRS) providers offering mobile phone service;
- Interconnected Voice over Internet Protocol (VoIP) providers;
- Facilities-based broadband Internet service providers (including, but not limited to Wireless Internet Service Providers (WISPs)).

Form 477 filing requirements apply to providers regardless of size.⁴

Enforcement Activities. The Bureau is prepared to take enforcement action against providers who violate this reporting requirement.⁵ Today, the Bureau released a consent decree with Rio Verde Wireless, LLC (Rio Verde), resolving an investigation into Rio Verde's repeated failures to file Form 477 reports.⁶ As part of the settlement, Rio Verde will pay a \$10,500 penalty and designate a compliance officer, develop a compliance plan, and provide compliance training to staff to ensure appropriate reporting in the future. Providers, including WISPs and other rural entities, are on notice that failure to timely file Form 477 reports may result in enforcement action, including monetary penalties.⁷

How to File Form 477. Form 477 must be filed twice each year, by March 1 (reporting data collected as of December 31 of the previous year), and September 1 (reporting data collected as of June 30 of the current year).⁸ Forms must be submitted electronically through the FCC website. The Form and Instructions, as well as additional information for filers, are available at the Form 477 Resources page (www.fcc.gov/form477). For Form 477 filing assistance, please call 1-877-480-3201 or 1-717-338-2824 (TTY), or submit a request online via e-support.

⁴ See *Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband and Subscribership Data, and Development of Data on Interconnected Voice Over Internet Protocol (VOIP) Subscribership*, 23 FCC Rcd 9691, 9708, para. 32 (2008).

⁵ See, e.g., *Rio Verde Wireless, LLC*, Notice of Apparent Liability for Forfeiture, 30 FCC Rcd 2196 (Investigations & Hearings Div., Enf. Bur. 2015); *Marseilles Telephone Co., Metamora Telephone Co. and MTCO Communications, Inc.*, Order, 29 FCC Rcd 2603 (Enf. Bur. 2014).

⁶ *Rio Verde Wireless, LLC*, Consent Decree, DA 15-1014 (Enf. Bur. Oct. 7, 2015).

⁷ See 47 U.S.C. § 503(b)(2); 47 C.F.R. § 1.80(b); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of civil Monetary Penalties to Reflect Inflation*, Order, 28 FCC Rcd 10785 (Enf. Bur. 2013).

⁸ C.F.R. § 1.7002; 43.01(d).

Need more information? For further information on how to fill out Form 477, email 477INFO@fcc.gov, or contact the Form 477 staff at the Industry Analysis & Technology Division, Wireline Competition Bureau, (202) 418-0940.

Media inquiries should be directed to Will Wiquist, 202-418-0509.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). You may also contact the Enforcement Bureau on its TTY line at (202) 418-1148 for further information about this Enforcement Advisory.