

Instructions for the Local Competition and Broadband Reporting Form (FCC Form 477)

I. PURPOSE

The FCC Form 477 collects information on the deployment of broadband, local telephone and mobile telephony services from providers of these services. Data obtained from this form will be used to describe competition for local telecommunications services and deployment of broadband services. *See Local Competition and Broadband Reporting*, Order, FCC 00-114 (rel. March 30, 2000) for additional information about this collection.

II. WHO MUST FILE THIS FORM?

Three types of communications service providers must file this form:

- **Providers of Broadband Services:**

Facilities-based providers of broadband services (including incumbent and competitive LECs, cable companies, fixed wireless providers, terrestrial and satellite mobile wireless providers, MMDS providers, utilities, and others) must complete and file the applicable portions of this form for **each state** in which they provide **250 or more** “full or one-way broadband” lines (or wireless channels) or provide “full or one-way broadband” service to **250 or more** end user consumers. The applicable portions of the form are: 1) the Cover Page; 2) Part I; 3) Part IV (if necessary); and Part V. The term “state” includes the District of Columbia and the “Territories and possessions.”

Note: an entity is considered a “facilities-based broadband provider” if it provides broadband services over facilities that it owns or provisions/equips as broadband. More specifically, “facilities-based providers” include entities that provide broadband services over their own “local loop” facilities connecting to end users, or over unbundled network elements (UNEs), special access lines, and other leased lines and wireless channels that they obtain from other entities and equip as broadband.

- **Providers of Local Telephone Services:**

Incumbent and competitive local exchange carriers (LECs) must complete and file the applicable portions of the form for **each state** in which they provide **10,000 or more** “voice-grade equivalent lines (or wireless channels).” For purposes of this threshold, filers need only consider the number of voice-grade equivalent lines (or wireless channels) that would be reported in Line D.II-7(a) of the form. The applicable portions of the form are: 1) the Cover Page; 2) Part II; 3) Part IV (if necessary); and Part V.

- **Providers of Mobile Telephony Services:**

Facilities-based providers of mobile telephony services (*see* 47 C.F.R. 20.15(b)(1)) must complete and file the applicable portions of this form for **each state** in which they serve **10,000 or more** mobile telephony subscribers. Firms providing mobile telephony services using spectrum obtained

via lease or other agreement with a Band Manager must also complete the applicable portions of this form. The applicable portions of the form are: 1) the Cover Page; 2) Part III; 3) Part IV (if necessary).

Note: Mobile telephony is defined as 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.

Important Note for All Providers about Calculating Reporting Thresholds: Reporting thresholds are calculated based collectively on all commonly-owned and commonly-controlled affiliates operating in a given state. [See 47 U.S.C. § 153(1) (establishing a 10% equity interest as indicia of ownership).] That is, a provider must report for each state in which it and all affiliates collectively meet reporting thresholds. Such affiliates are, nevertheless, permitted to file forms for such states either combined or separately -- at their discretion.

III. LINE-BY-LINE INSTRUCTIONS FOR COMPLETING FCC FORM 477

A. Cover Page -- Name and Contact Information (All Filers)

Line 1: Select from the drop-down menu the applicable filing status.

Line 2: Provide the name of the entity whose data is contained in the form.

Line 3: Select the category that best describes the type of technology that you use to provide services. Choose from Cable Coaxial, Fiber, Fixed Wireless, Mobile Wireless, Reseller, Satellite, Wireline Local Exchange Carrier, or Other.

Line 4: In general, you can combine operations in a state or report them separately. However, entities that are, or are affiliated with, an incumbent LEC must complete and file separate forms for their incumbent LEC and non-incumbent LEC operations. All filers should indicate whether this filing is for an incumbent LEC filing or a non-incumbent LEC filing.

Line 5: You must provide a single name, such as a holding company name, so that all affiliated or commonly operated companies can be identified. See "Important Note for All Providers about Calculating Reporting Thresholds," above, for more information on which companies should be considered to be affiliated or commonly-controlled. The Excel 97 spreadsheet version of the form (preferred) has a drop down box with standardized names. The Lotus 123 spreadsheet version of the form has a list of standardized names. If your company's name is not in the list, enter a name in the space provided.

Line 6: File a separate form for each state in which you meet the filing threshold. In this line, indicate the state for which you are filing data. The term "state" is defined to include the District of Columbia and the "Territories and possessions." See 47 U.S.C. § 153(40).

Line 7: Provide a contact name for the person who prepared this filing.

Line 8: Provide the telephone number and e-mail address for the contact person listed in Line 7.

Line 9: File a revised form if you discover mistakes. Use Line 9 to indicate whether this filing is an original or a revised filing.

Line 10: Indicate whether you request non-disclosure of some or all of the information reported in the Form 477. You may request non-disclosure if you believe that this information is privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the filer. Note that if you request non-disclosure of some or all of the data, you must also file a public version of the form with such information redacted, as explained below in Sections IV-B and IV-C of the instructions.

Line 11: Indicate whether this file is a complete file or a redacted version of a complete file. *See* Sections IV-B and IV-C of the instructions for information on preparing a redacted file.

B. Part I: Broadband (Broadband Providers Only)

INCLUDE in Part I: In this section, broadband providers report information about their **full and one-way broadband lines/wireless channels** (for purposes of this section “lines”) in service to **end users**. **End users** are residential, business, institutional and government entities who use broadband services for their own purposes and who do not resell such services to other entities or incorporate such services into retail Internet-access services that they market to end users. Note that the end users of retail services delivered over the lines reported in Part I may be billed by the filer (including affiliates), by an agent of the filer, or by an unaffiliated entity. **Full broadband lines** are lines with information carrying capability in excess of 200 Kbps in both directions, simultaneously. **One-way broadband lines** are lines with information carrying capacity in excess of 200 Kbps in one direction (typically downstream) and less than or equal to 200 Kbps in the other direction (typically upstream). For purposes of this information collection, the information carrying capacity of a line or wireless circuit is the end user's authorized maximum usage (“speed”) on that line or wireless circuit. Filers must report broadband lines that they provide over their own “local loop” facilities connecting to end users as well as those provided over UNEs, special access lines, and other leased lines that the filer obtains from another entity and equips as broadband. **Do not** convert into voice-grade equivalent measures any lines reported in **Part I**.

EXCLUDE in Part I: Broadcast cable television service and other multi-channel video programming; video-on-demand type service unless it is bundled with Internet-type access or uses Internet-type delivery protocols; and channelized services which restrict the customer to both transmitting and receiving data at 200 Kbps or less. Exclude lines that connect two locations of the same customer (not to be reported anywhere on FCC Form 477) and special access and private line services that you believe are used for exchange telephone service (to be reported in Part II-C). Where a provider does not know whether a high capacity line or wireless channel is being used as a broadband line or as a telephone service line, it should report that line in Part II, on Line C.II-6. If you provide a line to another filer who is likely to include services provided over that line in its own report (for example, because the other filer equips the line or UNE as broadband), then that line should be reported in Part II-C of your filing.

Report broadband lines on Lines I-1 through I-8 based on the technology employed by the part of the line that actually connects to the end user's premises. If different technologies are used in different directions, then report the line based on the direction for which you provide the greatest bandwidth.

Lines

Important note about categorizing services to provide line counts: In general, a single service offering should be reported in only one part of the form by a single reporter. In categorizing lines, base your response on the portion of the line or channel that connects to the end user's premises and the type of service that is provided. **Count only lines that are in service**, including lines that you provide to end

users and lines that you provide to companies that in turn use those lines to provide broadband or telephone service to end users.

Line A.I-1: Report the number of broadband lines/wireless channels used to provide asymmetric xDSL service. **Do not** convert these lines into a voice-grade equivalent measure.

Line A.I-2: Report the number of broadband lines/wireless channels provided over other traditional wireline facilities including symmetric xDSL service. **Do not** convert these lines into a voice-grade equivalent measure.

Line A.I-3: Report the number of broadband lines/wireless channels provided over coaxial carrier systems (including hybrid fiber-coaxial systems). **Do not** convert these lines into a voice-grade equivalent measure.

Line A.I-4: Report the number of broadband lines/wireless channels provided over optical carrier terminations **at the end-user premises**. Note that broadband lines that are provisioned over optical fiber facilities elsewhere in the network should not be reported in this category. For example, lines provisioned as “fiber to the curb” do not qualify (because, by using a non-fiber “drop,” they are not “fiber to the home.”) **Do not** convert these lines into a voice-grade equivalent measure.

Line A.I-5: Report the number of broadband lines/wireless channels provided over satellite. **Do not** convert these lines into a voice-grade equivalent measure.

Line A.I-6: Report the number of broadband lines/wireless channels provided over terrestrial fixed wireless. **Do not** convert these lines into a voice-grade equivalent measure.

Line A.I-7: Report the number of broadband lines/wireless channels provided over terrestrial mobile wireless. **Do not** convert these lines into a voice-grade equivalent measure.

Line A.I-8: Report the number of broadband lines/wireless channels provided over all other technologies. **Do not** convert these lines into a voice-grade equivalent measure.

Columns

Note about Reporting Percentage Breakouts: Parts I, II, and III of Form 477 direct filers to provide percentages breakouts for specific line/wireless channel counts. If disaggregated counts exist for another purpose, then these must be used to calculate the requested percentage breakouts. However, filers are not expected to calculate percentages based on exhaustive counts performed solely for this task. Rather, where disaggregated counts do not exist, filers may provide good faith estimates of percentages based on the best information available to the filer. For example, if there is a pricing distinction between services provided to residential, small business and large business customers, then billing information should be used to estimate the percentage of lines provided to residential and small business customers. In the absence of such counts, however, filers should rely on studies done for other purposes, such as marketing and business plan information, demographic data, etc. A filer should conduct limited special studies only in the event that it cannot provide estimates that it reasonably expects to be accurate within plus or minus five percentage points.

Column (a): Report the number of total one-way and full-broadband lines/wireless channels (“lines”) in service that are used to provide the type of service described in each of Lines A.I-1 through A.I-8, above.

Column (b): Report the percentage of total lines from column (a) that are in service to residential and small business end users (as opposed to large business, institutional, or other end users). In Part I, classify lines in service to end users as residential and small business if the end user takes a broadband service normally associated with residential customers. Such lines could be classified as residential and small business based on marketing information, such as demographics associated with the geographic area where the lines are provided.

Column (c): Report the percentage of total lines from column (a) that are provided over your own **local loop** facilities connecting to the end user’s premises. Count as your own such facilities, those facilities that you (including your affiliates) actually owned as well as facilities that you obtained the right to use from other entities as dark fiber or satellite transponder capacity (and that you used as part of your own system). Do **not** include, in column (c), broadband lines that you provided over UNEs, special access lines, and other leased lines that you obtained from an unaffiliated entity and equipped as broadband.

Column (d): Report the percentage of total lines from column (a) that are billed to end users by the filer (including affiliates) or by its agents. Do not include in this percentage any lines reported in column (a) that are billed to an unaffiliated Internet Service Provider (ISP) that has incorporated the filer’s broadband service into a premium Internet-access service marketed under the unaffiliated ISP’s own name.

Column (e): Report the percentage of total lines from column (a) that deliver to the end-user consumer greater than 200 Kbps in both directions, simultaneously.

Column (f): Report the percentage of total lines from column (a) that deliver to the end-user consumer greater than 2 Mbps in both directions, simultaneously. Note that every line reported in this column would, by definition, also be reported in column (e). Thus, column (f) should not contain a greater percentage than column (e).

C. Part II: Wireline and Fixed Wireless Local Telecommunications (Local Telephone Service Providers Only)

INCLUDE in Part II: Report all **local exchange service lines** and all lines that are used for exchange access services that you do not report in Part I. Include lines you provide using wireline as well as fixed wireless technologies. Include any lines (or wireless channels) that you reported as broadband in Part I, but that your customer can switch between broadband and local exchange or exchange access service without you changing how the line (or wireless channel) is provisioned. See “Note for reporting channelized service” and definition of “voice telephone service,” below, at page 6.

EXCLUDE in Part II: Do **not** report in Part II lines not yet in service, lines used for interoffice trunking, lines that connect two locations of the same customer, company official lines, or lines that you provide as a broadband service reported in Part I. Do not report in Part II transport lines between your switching center and Internet protocol, ATM or circuit switched networks, where you already are reporting the portion of the line between the end user and your switching center, even if you multiplexed those lines and provided higher capacity lines between your switching center and those networks.

Note for reporting channelized service: In **Part II-A and Part II-B**, providers are to report voice-grade equivalent lines. Count as one voice-grade equivalent line: traditional analog POTS lines, Centrex-CO extensions, and Centrex-CU trunks. Count lines based on how they are charged to the customer

rather than how they are physically provisioned. That is, when a customer is charged for channelized service, report the number of activated, charged-for channels rather than the theoretical capacity of the line. Examples: Count Basic Rate Integrated (BRI) Services Digital Network (ISDN) lines as two voice-grade equivalent lines. Report 8 voice-grade equivalent lines if a customer is charged for 8 trunks that happen to be provisioned over a DS1 circuit. If a customer is charged for a fully-channelized DS1 circuit, report 24 voice-grade equivalent lines. Lines reported in **Part II-C**, however, should **not** be reported in voice-grade equivalents, but should reflect actual circuit counts.

Note for competitive LECs providing local exchange service over hybrid fiber-coaxial cable television systems: If you cannot determine the number of lines from your records, you are permitted to report the number of subscribers.

Lines

Important note about categorizing services to provide line counts: *see* this note, above, at page 3.

In **Lines A.II-1** (service provided to end users) and **Lines B.II-2 through B.II-3** (service provided to other carriers), report voice-grade equivalent lines (or wireless channels) used to provide voice telephone service. By “**voice telephone service,**” we mean local exchange or exchange access services that allow end users to originate and/or terminate local telephone calls on the public switched network, whether used by the end user for voice telephone calls or for other types of calls carried over the public switched network (for example, lines used for facsimile equipment or lines used occasionally or exclusively for “dial-up” connection to the Internet). Filers report voice telephone service in terms of voice-grade equivalent lines or wireless channels. Thus, a voice-grade equivalent line (or wireless channel) is a line or channel that directly connects an end user to a carrier and allows the end user to originate and/or terminate local telephone calls on the public switched network. Voice-grade equivalent lines include high capacity lines that are channelized to provide voice-grade service. *See* “Note for reporting channelized service,” above.

Line A.II-1: Report total voice-grade equivalent lines/wireless channels you provided – that is, billed – directly to end-user consumers. Include lines provided to end users by your agents or under traditional marketing arrangements. For example, include lines provided to shared-tenant service providers. Note that an Internet Service Provider (ISP) may be an end user of local exchange service lines.

Line B.II-2: Report total voice-grade equivalent lines/wireless channels you provided to unaffiliated telecommunications carriers under a Total Service Resale arrangement (i.e., provided pursuant to section 251(c)(4) of the Communications Act of 1934, as amended).

Line B.II-3: Report total voice-grade equivalent lines/wireless channels you provided to unaffiliated telecommunications carriers under other resale arrangements.

In **Lines C.II-4 through C.II-6**, report the actual number of lines billed to the customer (i.e., reflecting actual circuit counts). **Do not** convert into voice-grade equivalent measures any high capacity lines reported on Lines C.II-4 through C.II-6. As noted in the instructions for Part I, where a provider does not know whether a high capacity line or wireless channel is being used as a broadband line or as a telephone service line, it should report that line on Line C.II-6, rather than in Part I of its filing. Also, if you provide a line to another filer who is likely to include broadband services provided over that line in its own report (for example, because the other filer equips the line or UNE as broadband), then that line should be reported in Part II-C of your filing, not in Part I.

Line C.II-4: Report lines/wireless channels that you provided to unaffiliated telecommunications carriers under a UNE loop arrangement, where you do **not** provide switching for the line. Include the high frequency portion of the loop if sold as a UNE. **Do not** convert any high capacity lines provided under such UNE arrangements into voice-grade equivalent measures.

Line C.II-5: Report lines/wireless channels that you provided to unaffiliated telecommunications carriers under a UNE loop arrangement, where you **also** provide switching for the line. (Note that the so-called “UNE-Platform” provided to telecommunications carriers is included here.) **Do not** convert any high capacity lines provided under such UNE arrangements into voice-grade equivalent measures.

Line C.II-6: Report special access lines that you do not provide as broadband. Also report private lines that connect an end-user premise to a telecommunications carrier and that you do not provide as broadband. Note that for lines reported on Line C.II-6, your customer may be either an end user or another telecommunications carrier. **Do not** convert lines reported on Line C.II-6 into voice-grade equivalent measures.

Line D.II-7: Report the total of the (voice-grade equivalent) lines/wireless channels reported in Lines A.II-1, B.II-2, and B.II-3.

Columns

Column (a): For **Lines A.II-1** (service provided to end users), **Lines B.II-2 through B.II-3** (service provided to other carriers), and **Line D.II-7** (total voice-grade equivalent lines in service), report voice-grade equivalent lines used to provide local exchange services. For **Lines C.II-4 through C.II-6** (UNEs, and special access and private lines not provided as broadband), report the number of lines or wireless channels (*i.e.*, **not** the voice-grade equivalent of those lines or wireless channels) that are used for local exchange or exchange access services that you do not report in Part I.

Note: *See* note above, page 4, about reporting data on percentages.

Column (b): Report percentage of column (a) used for service billed to “residential and small business” customers. In Part II, consider your own end-user customer to be residential and small business if you provide fewer than four (4) voice-grade equivalent lines to that customer. Also, consider any lines you provide to a shared-tenant service provider in an apartment building to be residential and small business lines. For end-user lines you provide to other carriers (*i.e.*, under resale or UNE arrangements), classify lines as residential and small business if the carrier orders fewer than four (4) voice-grade equivalent lines for its use in serving a particular end user. If such information on the number of voice-grade lines to the end user is not available, you may estimate a comparable classification based on tariffs or on marketing information, such as demographic information associated with the geographic areas where the lines are provided.

Column (c): Report percentage of lines and wireless channels in column (a) provided over your own **local loop** facilities connecting to the end user’s premises. Count as your own such facilities, those facilities that you (including your affiliates) actually owned as well as facilities that you obtained the right to use from unaffiliated entities as dark fiber or satellite transponder capacity (and that you used as part of your own system). **Do not** include, in column (c), lines provided over UNE loops that you obtained from an unaffiliated carrier.

Note for competitive LECs that own telephone switches: A competitive LEC should include, in column (c), a line for which it provided its own switching **only** if it also owned (as just discussed) the local loop connecting to the end user's premises.

Column (d): Report percentage of column (a) provided over UNE loops obtained from an unaffiliated carrier, including UNE loops obtained on a stand-alone basis and also UNE loops obtained in combination with other UNEs (such as the UNE-Platform).

Column (e): In column (e), **incumbent LECs** should report the percentage of column (a) that they provided through switching centers in which another carrier had at least one operational collocation arrangement ("ILEC COLO switching center"). **Other reporting carriers** should report in column (e) the percentage of column (a) that the reporting carrier provided by means of a UNE loop that it obtained from another telecommunications carrier **and** connected to its own collocation arrangement. Note, in particular, that a competitive LEC therefore would **not** report in column (e) lines it served by means of the UNE-Platform. Note also that a competitive LEC providing lines on a pure resale basis would report 0% in column (e), even if some of its resold lines were served from incumbent LEC switching centers in which some other entity had a collocation arrangement.

Note: For the purposes of completing Part II, an "ILEC COLO switching center" is an incumbent LEC switching center in which one or more unaffiliated competitive LECs has an operational collocation arrangement as defined in 47 C.F.R. § 51.5. A switching center is a location containing one or more switches. Do not consider separate three-digit telephone prefixes as separate switching centers. Consider a remote as a separate switching center if a competing carrier could obtain a UNE loop **only** at the remote switch rather than at the host switch. This definition of a switching center is different from wire center based definitions of switching centers, which include all remote switch locations as switching centers. If collocation occurs only at a remote switch, treat all lines served at the remote as being provided at an ILEC COLO switching center and treat lines at the host switch as not being provided at an ILEC COLO switching center.

Column (f): For Line D.II-7, report percentage of column (a) carried over coaxial cable facilities used in the part of the line/wireless channel at the end-user location.

Column (g): For Line D.II-7, report percentage of column (a) carried over fixed wireless facilities used in the part of the line/wireless channel at the end-user location.

Column (h): For Line D.II-7, report percentage of column (a) carried over all other facilities, including but not limited to twisted copper pair, used in the part of the line/wireless channel at the end-user location.

D. Part III: Mobile Local Telephone (Mobile Telephony Providers Only)

Line A. III-1: Report all mobile telephone subscribers served over your own facilities that give customers the ability to place or receive calls from the public switched telephone network. Include: satellite, cellular, and PCS telephone service & other terrestrial mobile services; and, units in service that combine voice telephone with other services. Report only mobile telephony subscribers that you serve using spectrum licenses you hold or manage, and not subscribers that you serve via resale of another firm's facilities.

Note: Exclude mobile services that customers cannot use to directly place calls to subscribers of ordinary telephone service, such as dispatch services and one-way or two-way paging services. Also exclude

voice services that permit communications between only a narrow range of locations such as automobile units that permit drivers to communicate only with a specific road service.

Column (a): Report the total number of subscribers, as described above, in the state. Count as a subscriber a mobile handset, car-phone, or other revenue-generating active voice unit that has a unique phone number and that can place and receive calls from the public switched network. Include directly billed subscribers, pre-paid subscribers, and subscribers billed by a service reseller. Mobile telephony subscriber counts by state should be based on billing addresses, not area codes of telephone numbers provided to subscribers.

Column (b): Report the percentage of subscribers in column (a) that you bill directly to end users (as opposed to those units in service that were provided through resellers or distributors for pre-paid service).

E. Part IV: Explanations and Comments (All Filers, only if necessary)

Complete Part IV if you wish to furnish any explanatory information with your data. Filers should identify the Part and Line to which their comment applies in the columns provided.

F. Part V: Zip Code Listings (Broadband Providers and Local Telephone Service Providers)

Line V-1: Report the 5-digit Zip Codes -- for this state -- in which you provide service to end-user locations.

Column (a): If you file broadband information in Part I, you must provide a list of Zip Codes in the state in which you provide broadband service.

Column (b): If you file local exchange service information in Part II, then you must provide a list of Zip Codes in the state in which you provide local exchange service. Providers of mobile telephony services need not provide this information.

Note: These Zip Code lists should correspond to areas in which service is actually being used by customers, including "point Zip Codes" (i.e., a Zip Code assigned to a particular customer). The list should not include authorized territory in which you have no customers in service, planned build-out, location of facilities, etc. The list can be based on engineering information (such as maps showing actual service territory) or on billing information, such as the Zip Codes of actual customers. If the latter approach is selected, please review the resulting list and delete any Zip Codes which clearly are out of your service territory and which appear only because the billing address is likely different from the service address.

IV. GENERAL INFORMATION

A. Where and When to File

1. When to File

Service providers that meet the reporting thresholds must file the FCC Form 477 semi-annually:

- March 1st of each year: providers must file data as of December 31 of the preceding year.
- September 1st of each year: providers must file data as of June 30 of the same year.

2. Where to File

All filers must deliver to the FCC the signed, original paper copy of the Certification Statement. The Certification Statement is the single page that constitutes Section V of these Instructions. **Filers must deliver completed Form 477(s) to the FCC on electronic media. Paper copies of completed Form 477s may not be submitted.** Acceptable electronic media are spreadsheet files attached to an e-mail message, or one or more IBM format compact discs or 3.5-inch floppy diskettes containing such files. The latter should be **clearly labeled** to identify contents by (at a minimum): FCC Form 477 (6/30/04 data), name of filer, whether the item contains “complete” or (if relevant) “redacted” versions of Form 477, and the states for which data are included. In all cases, filers should use up-to-date virus detection software to ensure that electronic media are virus-free.

Attention: The United States Postal Service (USPS) requires all First Class, Priority, and Express Mail addressed to the Zip Code in which the FCC Headquarters is located to be irradiated (cleaned) prior to delivery.¹ Because the irradiation process can have an adverse effect on electronic media (*e.g.*, compact discs and floppy diskettes), the Commission encourages filers to submit Form 477(s) using one of the following alternatives, preferably e-mail. (Use **only one** filing method; do not make duplicate filings.)

E-mail: Filers are encouraged to deliver completed Form 477(s) as attachments to one or more e-mail messages sent to FCC477@fcc.gov. Filers submitting multiple files are encouraged to use a zip utility to compress them into one “complete” file and (if relevant) one “redacted” file. The subject field of the e-mail should contain the following phrase: **FCC Form 477 due 9/1/04**. If multiple e-mails must be sent, the subject line should so indicate; for example: FCC Form 477 due 9/1/04 (message 1 of 3). Filers submitting Form 477(s) by e-mail may deliver the signed, original paper copy of the Certification Statement by USPS first-class mail addressed to: FCC FORM 477 (ATTN: WCB/IATD, Room 6-A220), Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. (Alternatively, filers may deliver the signed, original copy of the Certification Statement by one of the following methods.)

Overnight delivery service other than USPS Express Mail or Priority Mail: Compact discs, or floppy diskettes, containing completed Form 477(s) -- accompanied by the signed, original copy of the Certification Statement -- may be delivered by *an overnight delivery service other than USPS Express Mail or Priority Mail* (*e.g.*, UPS, DHL, Federal Express). Such deliveries must be addressed and delivered to: **FCC FORM 477 (ATTN: WCB/IATD, Room 6-A220)**, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open 8:00 a.m. to 5:30 p.m. Eastern time.

Hand delivery or messenger delivery: Local hand and messenger deliveries directed to the Commission’s Secretary are accepted at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. These deliveries must be held together with rubber bands or fasteners; all envelopes must be disposed of before entering the building. All Form 477 filing materials delivered to this location must be clearly identified so as to be re-directed to: **FCC FORM 477 (ATTN: WCB/IATD, Room 6-A220)**.

A filer who is unable to use one of these delivery methods should contact the Industry Analysis and Technology Division, Wireline Competition Bureau, at (202) 418-0940 or via TTY at (202) 417-0484.

¹ See *Public Notice*, “Reminder: Filing Location for Paper Documents and Instructions for Mailing Electronic Media,” DA 03-2730 (rel. Aug. 22, 2003). See also, *Public Notice*, “FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence,” DA 01-2919 (rel. Dec. 14, 2001).

B. How to File

1. Preparation of Data Files

You must file your local competition and broadband deployment data using the electronic version of Form 477 that is available at www.fcc.gov/formpage.html or by purchase from the FCC's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th St., SW, Room CY-B402, Washington, DC 20554, telephone (800) 378-3160, or via their website at www.bcpiweb.com. Form 477 will change over time, and filers must obtain the latest version for each filing period. Filers should also obtain the latest version of Instructions for Form 477.

The electronic version of Form 477 is provided in two formats: Excel 97 and Lotus 123 Version 5. The Excel 97 version contains drop-down boxes and some edit checks. The Lotus version should be usable in most spreadsheet programs. **Once you complete a filing, name the file in accordance with instructions provided below.** If you wish to assert confidentiality for any information provided in the filing, you must provide a redacted version of the file, renamed in accordance with the instructions provided below. If you do not provide a redacted version of the file using the proper file names, you risk having confidential information released.

Note: If you are required to complete a particular Part of Form 477, answer all the questions within that Part; if a particular question in that Part does not apply to you, enter the number "0" (zero) as your response. (If you are not required to complete a particular Part of Form 477, you may leave all cells in that particular Part blank.) For non-zero entries, enter all digits of the number. You may not move cells, insert or delete rows, or change the validation or formatting characteristics of any cell. **If the FCC cannot load your files into its databases as a result of modifications to the file, you will be required to correct and resubmit those files.** Filers must save each Form 477 as a **separate** spreadsheet file. Do not submit multiple Form 477 worksheets within a single Excel 97 workbook or as multiple levels in a single Lotus file. (Filers choosing to submit Form 477(s) on a floppy diskette(s), or compact disc(s), may place multiple spreadsheet files on a single diskette or compact disc.)

Each file name must adhere to the following convention:

SST#Hyearname.XLS or SST#Hyearname.WK4; where:

SS is the two letter post office abbreviation for the state.

T is a single character representing principal filing type. Since incumbent LEC (ILEC) data must be filed separately from non-ILEC data, this convention distinguishes the files. In addition, this character is used to distinguish refiled and redacted data. Use the following codes:

- A = original filing for non-ILEC operations
- B = original filing for ILEC operations
- C = original redacted filing for non-ILEC operations
- D = original redacted filing for ILEC operations
- E = revised filing for non-ILEC operations
- F = revised filing for ILEC operations
- G = revised redacted filing for non-ILEC operations
- H = revised redacted filing for ILEC operations

is a “sequence number” (i.e., 1, 2, 3, etc.) to be used to differentiate what would otherwise be identically named files when the file names are constructed according to the convention specified here. If no such redundancy of file names occurs, use the number “1” in place of the character “#”.

H is the half of the year of the data being filed. Use:
“J” for data as of June 30
“D” for data as of December 31

year is the last two digits of the year of the data being filed (e.g., for the filing due September 1, 2004, reported data will be as of June 30, 2004, so 2004 = 04).

name is the name identified on Line 2 of the Cover Page of Form 477. If you use software that limits file names to 8 characters plus a three character file extension, then use a one-character name abbreviation and identify that name in the Certification Statement.

Example: NCB1J04BellSouth.XLS or NCB1J04BellSouth.WK4

2. Additional Directions for Filing

Filers must submit the original, signed paper copy of the Certification Statement (which is the single page that constitutes Section V of these Instructions). **The Certification statement must be signed in ink by an officer of the filer of one of the legal entities whose data is included.** An officer is a person who occupies a position specified in the articles of incorporation (or partnership agreement), and would typically be president, vice president for operations, vice president for finance, comptroller, treasurer or a comparable position. If the filer is a sole proprietorship, the owner must sign the certification.

C. Requesting Confidentiality

Some information from the FCC Form 477 may be made publicly available. Any respondent to this form may submit a request that information on the FCC Form 477 not be made routinely available for public inspection by so indicating on Line 10 of the Cover Page of the form and on the Certification Statement. *See also* 47 C.F.R. §§ 0.457, 0.459, 1.7001(d), 43.11(c); *Examination of the Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, FCC 98-184 (rel. Aug. 4, 1998). Respondents seeking confidential treatment of data in an electronic file must provide a separate, redacted version of that file. Note that a redacted file must be given a different name from the complete version of the file, as specified above. Redacted data should be replaced with xxxxxx (note: enter precisely six x's) in the redacted version of the file.

D. Obligation to File Revisions

Filers must submit a revised form if the filer discovers a significant error in the data. For counts, a difference amounting to 5 percent of the filed number must be refiled. For percentages, a difference of 5 percentage points is significant and must be refiled.

Revisions should consist of a certification statement and one or more electronic files. Carriers should refile all data for a state if one or more data element must be revised. A refiled Form 477 spreadsheet should contain all appropriate data for the state, not just the corrected figures. Note that files containing revisions must be given different names from the original filings, as specified above, Section IV-B.1.

E. Compliance

Service providers that are required to file the Form 477 but fail to do so may be subject to the enforcement provisions of the Communications Act and any other applicable law.²

² See 47 U.S.C. §§ 502, 503.

V. CERTIFICATION STATEMENT

FCC Form 477 Local Competition and Broadband Reporting (ATTENTION: WCB/IATD, Room 6-A220)

CERTIFICATION STATEMENT

Check the method (use ONLY one) used to deliver completed Form 477(s) to the FCC. See Instructions, Section IV, for the proper address to use for each delivery method:

E-mail Overnight service other than United States Postal Service
 Messenger or hand delivery Other (specify: _____)

Also see Instructions, Section IV, for separate directions on how to submit the signed, original paper copy of this Certification Statement to the FCC.

This filing is an (check one) original filing revised filing

Organization name: _____

Number of files provided for this reporting period: _____

Year (of the data): 2004 Data as of: [Check one: June 30 ; December 31]

I certify that I am an officer of _____; that I have examined the information contained in the data files submitted and that to the best of my knowledge, information and belief, all statements of fact contained in such files are true and that said files represent an accurate statement of the affairs of the above named respondent as of the following date:

If I have requested non-disclosure of some or all of the information in FCC Form 477 by so indicating on Line 10 of the Cover Page of the form, I certify that this information is privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the respondent.

PRINTED NAME: _____

POSITION: _____

SIGNATURE: _____

DATE: _____

Persons making willful false statements in the report form can be punished by fine or imprisonment under the Communications Act, 47 U.S.C. 220(e).

CONTACT PERSON: _____

TELEPHONE: _____ E-MAIL: _____

VI. DISCLOSURE, PRIVACY ACT, PAPERWORK REDUCTION ACT NOTICE

The Privacy Act of 1974 and the Paperwork Reduction Act of 1995 require that when we ask you for information, we must first tell you our legal right to ask for the information, why we are asking for it, and how it will be used. We must also tell you what could happen if we do not receive it and whether your response is voluntary, required to obtain a benefit, or mandatory under the law. See Privacy Act of 1974, P.L. 93-579, December 31, 1974, 5 U.S.C. § 552a (e)(3), and the Paperwork Reduction Act of 1995, P.L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

Our legal right to ask for this information is sections 1.7000-1.7002, 20.15, 43.01, 43.11 of the Federal Communications Commission's rules require. 47 C.F.R. §§ 1.7000-1.7002, 20.15, 43.01, 43.11. Your response is mandatory.

This collection of information stems from the Commission's authority under sections 4(i), 201, 218-220, 251-252, 303(r), 332, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 201, 218-220, 251-252, 303(r), 332, and 403, and section 706 of the Telecommunications Act of 1996. The data in the worksheet will be used to monitor the deployment of broadband services and the development of local telephone service competition. Selected information provided in the worksheet will be made available to the public in a manner consistent with the Commission's rules and orders.

We have estimated that each response to this collection of information will take, on average, 11 hours. Note that many companies will file multiple responses and that this estimated average reflects the fact that many companies will be required to file only a single service count that should be readily available from internal company records. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, enter the data in a Form 477 spreadsheet, prepare a floppy diskette or compact disc (if the filer decides to submit completed Form 477(s) by a method other than e-mail) and certification, and actually file the report. If you have any comments on this estimate, or how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Washington, D.C. 20554, Paperwork Reduction Project (3060-0816). We also will accept your comments via the Internet if you send them to Judith-B.Herman@fcc.gov. Please **DO NOT SEND COMPLETED FCC FORM 477 TO THIS ADDRESS.**

Remember -- You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid Office of Management and Budget (OMB) control number. This collection has been assigned an OMB control number of 3060-0816.

The Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. If we believe there may be a violation or potential violation of a statute or a Commission regulation, rule, or order, your filing may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation, or order. In certain cases, the information in your worksheet may be disclosed to the Department of Justice, court, or other adjudicative body when (a) the Commission; or (b) any employee of the Commission; or (c) the United States government, is a party to a proceeding before the body or has an interest in the proceeding.

Reporting entities failing to file the worksheet in a timely fashion may be subject to penalties under the Communications Act, including sections 502 and 503 (b).