

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Universal Service Contribution Methodology	)	WC Docket No. 06-122
	)	
Wireline Competition Bureau Seeks Comment on	)	
Proposed Changes to the 2019 FCC Form 499-A,	)	
FCC Form 499-Q, and Accompanying Instructions	)	

**COMMENTS OF CTIA**

CTIA<sup>1</sup> submits these comments in response to the Wireline Competition Bureau's (Bureau's) Public Notice seeking comment on revisions to FCC Forms 499-A and 499-Q and their instructions.<sup>2</sup> Consistent with the other housekeeping changes proposed in the Public Notice, CTIA suggests that the Commission update the list of examples of information services already included in the instructions to FCC Forms 499-A and 499-Q to reflect the Commission's recent *Wireless Messaging Declaratory Ruling* that text messaging is an information service.<sup>3</sup>

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<sup>1</sup> CTIA® ([www.ctia.org](http://www.ctia.org)) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st-century connected life. The association's members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry's voluntary best practices, hosts educational events that promote the wireless industry, and co-produces the industry's leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, DC.

<sup>2</sup> *Wireline Competition Bureau Seeks Comment on Proposed Changes to the 2019 FCC Form 499-A, FCC Form 499-Q, and Accompanying Instructions*, Public Notice, DA 18-1298 (rel. Dec. 21, 2019) (Public Notice).

<sup>3</sup> *Petitions for Declaratory Ruling on Regulatory Status of Wireless Messaging Service*, Declaratory Ruling, FCC 18-178 (rel. Dec. 13, 2018) (*Wireless Messaging Declaratory Ruling*).

Under longstanding Commission precedent, information services are not subject to universal service contribution obligations.<sup>4</sup> This is already reflected in FCC Form 499-A and its Instructions and the Instructions for Form 499-Q. Specifically:

- On the Form 499-A, Line 418 directs that revenue reported there should include “[r]evenues other than U.S. telecommunications revenues, including information services,....”<sup>5</sup>
- The Instructions to Form 499-A, Line 418, state that this line should include “all non-telecommunications services revenues on the filer’s books” and that revenue reported on Line 418 “Includes: Information services.”<sup>6</sup>
- The Instructions to Form 499-Q, Line 117, state that this line should include “all non-telecommunications service revenues on the reporting entity’s books.... For example, information services ... are not included in the universal service or other fund contribution bases.”<sup>7</sup>

In the *Wireless Messaging Declaratory Ruling*, the Commission affirmed that “two forms of wireless messaging, Short Message Service (SMS) and Multimedia Messaging Service (MMS), are information services, not telecommunications services under the Communications Act.”<sup>8</sup> Further, the Commission noted that wireless messaging revenues have not been subject to federal universal service contribution requirements.<sup>9</sup>

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<sup>4</sup> See, e.g., *Request for Review of a Decision of the Universal Service Administrator by Cisco WebEx LLC*, Order, 31 FCC Rcd 13220 (WCB 2016) (“revenues from information services are not currently included in the USF contribution base”).

<sup>5</sup> Public Notice, App. A at 6, Line 418.

<sup>6</sup> *Id.*, App. B at 34.

<sup>7</sup> *Id.*, App. D at 17.

<sup>8</sup> *Wireless Messaging Declaratory Ruling* at ¶ 2. The Commission further noted that, to the extent that successor messaging protocols such as Rich Communications Service (RCS) “share the characteristics of SMS and MMS that we find controlling here, we expect they would be similarly classified under the Act.” *Id.* at n.55.

<sup>9</sup> *Id.* at n.162.

The instructions to Forms 499-A and 499-Q both include a brief list of examples of information services; in both cases, the three services listed are “voice mail, call moderation, and call transcription services.”<sup>10</sup> This list of examples has not been updated for several years and may not include information services that are being offered by Form 499 filers today.

CTIA therefore proposes that the Commission include the services covered by the *Wireless Messaging Declaratory Ruling* with the list of examples of information services already included in the instructions. Specifically, CTIA proposes that the Bureau modify the list of examples of information services in the instructions associated with Line 418 in FCC Form 499-A and Line 117 in FCC Form 499-Q to state as follows (new material underlined): “**For example, wireless text messaging services including Short Message Service (SMS) and Multimedia Messaging Service (MMS), voicemail, call moderation, and call transcription services are information services.**”

This proposed modification will increase the usefulness and clarity of the instructions to FCC Forms 499-A and 499-Q by incorporating information from the Commission’s determination in the *Wireless Messaging Declaratory Ruling* into the instructions. It also would provide greater clarity to filers of these forms regarding one of the most prevalent information services provided in the current marketplace.

For the foregoing reasons, CTIA encourages the Commission to modify the language to the instructions to FCC Form 499-A and FCC Form 499-Q consistent with the Commission’s *Wireless Messaging Declaratory Ruling*.

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<sup>10</sup> Public Notice, App. B at 34; App. D. at 17.

Respectfully submitted,

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