
829591 February 2016 FCC Form 499-Q Rejection

Form499 <form499@usac.org>

Wed, May 4, 2016 at 6:34 PM

To: "nicky.smith@carolinadigitalphone.com" <nicky.smith@carolinadigitalphone.com>

Dear James Smith Jr,

On 4/28/2016, the Universal Service Administrative Company (USAC) received a(n) February 2016 FCC Form 499-Q for the Guilford Communications Inc, Filer ID 829591. This email provides an update of the submitted form as well as the next steps.

Federal Communications Commission (FCC) regulations require telecommunications carriers to file an FCC Form 499-Q quarterly. The rules also require USAC to bill contributors based on reported revenues in the filings.^[1] USAC is not authorized to accept an FCC Form 499-Q submitted after the 45-day revision deadline has closed.^[2] Nor is USAC permitted to waive the 45-day revision deadline established by the FCC.^[3] However, if a carrier fails to submit an FCC Form 499 by the applicable due date, USAC is required to bill the carrier based on "whatever relevant data" is available to USAC.^[4]

The February 2016 FCC Form 499-Q was due 2/1/2016, with revisions due by 3/17/2016 (45 days later). Because USAC received the February 2016 FCC Form 499-Q submitted by Guilford Communications Inc on 4/28/2016, outside of the 45-day revision window, the form was late and USAC officially rejects this filing. USAC is unable to use the information in this form to update your FCC Form 499-Q of record.

USAC will note that this form was received and the company has now fulfilled its obligation to submit the February 2016 FCC Form 499-Q.

If you have questions or concerns regarding this letter, please contact USAC Customer Service at (888) 641-8722.

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Sincerely,

USAC

[1] See 47 C.F.R. § 54.706.

[2] In the 2002 *Interim Contribution Methodology Order*, the FCC established a 45-day deadline for revisions to the FCC Form 499-Q. *Interim Contribution Methodology Order*, 17 FCC Rcd 24952, 24972, ¶ 36. In its recent *deltathree Order*, the FCC confirmed that if a telecommunications provider determines that it has over or under projected its quarterly revenues after the 45-day revision window has closed, its proper recourse is the annual true-up process where the

provider must accurately report its historical revenues for the period in question. *In the Matter of Universal Service Contribution Methodology Request for Review of Decision of the Universal Service Administrator by deltathree, Inc.*, WC Docket No. 06-122, Order, DA 11-81, 26 FCC Rcd 333, 333-34, ¶ 2. See also, *ABS-CBN Order*, 22 FCC Rcd 4965, 4967, ¶ 8 (dismissing the requests for review as moot and stating in dicta that where the petitioners failed to meet the FCC Form 499-Q revision deadlines, USAC's rejection of their forms was appropriate).

[3] *Interim Contribution Methodology Order* at 17 FCC Rcd 24952, 24972, ¶ 36. See also, *Universal Service Contribution Methodology Requests for Waiver of Decisions of the Universal Service Administrator by Achieve Telecom Network of Mass., LLC, et al.*, WC Docket 06-122, Order, DA 08-2695, 23 FCC Rcd 17903 (2008) (FCC denies waiver of downward revision period finding that good cause did not exist to waive rule).

[4] 47 C.F.R. § 54.709(d).

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