

**ALERT**

# FCC Sunsets Form 477 Filing Obligations

December 13, 2022

On December 8, 2022, the Federal Communications Commission (FCC) released an Order sunsetting the obligation of facilities-based providers to report Form 477 broadband deployment data. The FCC's action is consistent with its obligation to reform the Form 477 data collection process under the provisions of the Broadband DATA Act.<sup>[1]</sup> While providers will no longer be required to submit deployment data, they will be required to continue reporting Form 477 broadband and voice subscription data. The Form 477 system will remain open so that previous filers can revise past submissions, but all future filings will be made through the Broadband Data Collection (BDC) system. The Order will become effective on publication in the Federal Register.

The FCC's Form 477 has been used to collect information about broadband deployment and local telephone competition since the year 2000. The information collected was at the census block level, however, and has long been criticized as insufficiently granular to provide an accurate picture of broadband deployment. With the adoption of the Broadband DATA Act, and the FCC's subsequent orders establishing the BDC, the FCC has required more precise location-specific broadband deployment data, which, according to the FCC, obviates the need for some of the Form 477 data collection. "Sunsetting the collection of broadband deployment data through Form 477 will reduce burdens on providers by eliminating the need for concurrent filings in both the Form 477 and BDC systems."<sup>[2]</sup> As required by the Broadband DATA Act, however, providers must continue to report broadband and voice subscribership information. "Although we sunset the collection of Form 477 broadband deployment data, providers must continue to submit the subscription data required under Form 477."<sup>[3]</sup>

## Authors

Bennett L. Ross  
Partner  
202.719.7524  
bross@wiley.law  
Kevin G. Rupy  
Partner  
202.719.4510  
krupy@wiley.law

## Practice Areas

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As an administrative matter, providers should note that they will now be required to submit their Form 477 data through the BDC portal. This is true even for enterprise broadband providers that may otherwise not have been subject to BDC reporting obligations. “Beginning with data as of December 31, 2022, providers are required to submit the following data using the BDC filing system: Fixed and mobile broadband and voice Form 477 subscription data, fixed and mobile BDC broadband availability data, BDC mobile voice availability data. The Form 477 filing system will no longer be used to collect new Form 477 submissions..”<sup>[4]</sup> The FCC gave various Bureaus delegated authority to determine the appropriate transitional steps for various programs that rely on Form 477 deployment data for other purposes, such as the Alaska Plan, the Bringing Puerto Rico Together Fund, and the Connect USVI Fund.

Please contact one of the authors of this article for further information.

[1] 47 U.S.C. §642(b)(6).

[2] *In the Matter of Establishing the Digital Opportunity Data Collection*, Order, WC Docket No. 19-195, FCC 22-93 (December 9, 2022) para. 12.

[3] *Id.* at para. 13.

[4] *Id.*