
UPDATE **February 6, 2018**

Reinstated Requirement: CPNI Officer's Certificate Due March 1, 2018

Last June, the FCC released an [Order](#) affirming that its customer proprietary network information ("CPNI") rules governing the privacy obligations of telecommunications carriers and interconnected VoIP providers, are again in effect. Accordingly, telecommunications carriers and interconnected VoIP providers must again comply with the annual compliance and recordkeeping requirements under the CPNI rules, including the obligation **to file an annual certificate with the FCC by March 1, 2018.**

Under the FCC's CPNI rules, an officer of each telecommunications carrier and interconnected VoIP provider must file an annual certificate with the FCC stating that the officer has personal knowledge that the provider has established operating procedures adequate to ensure compliance with the FCC's CPNI rules. The carrier must also provide a statement explaining how its operating procedures ensure that it is in compliance with the FCC's CPNI rules. The annual certificate for 2017 must be filed on or before March 1, 2018.

Filings can be made via the FCC's [CPNI template submission page](#). In past years, the FCC has issued Public Notices in January and February offering further guidance regarding the filing of the officer's certificate, including an acceptable sample form. Use of the sample form is not mandatory provided all required information is included.

Background. Under Section 222 of the Communications Act, telecommunications carriers, and, since 2007, interconnected VoIP providers, are required to protect the confidentiality of "customer proprietary network information," commonly known as "CPNI."

In its [2015 Open Internet Order](#), the FCC reclassified broadband Internet access services as a Title II telecommunications service, subjecting broadband providers to a variety of common carrier obligations under the Communications Act, including Section 222. Later, in its [2016 Privacy Order](#), the FCC adopted a new and expansive interpretation of Section 222 requirements and applied it to broadband Internet access service providers and other telecommunications services, including legacy voice and interconnected VoIP. Consistent with the FCC's desire to "harmonize" its privacy rules, the 2016 Privacy Order adopted a single set of governing definitions and obligations and also eliminated several privacy obligations imposed on voice and interconnected VoIP services, including the requirement to file an annual CPNI certification.

Last March, however, President Trump signed into law a congressional Joint Resolution pursuant to the Congressional Review Act repealing the new broadband and telecommunications privacy rules adopted in 2016 by the FCC.

Reinstated CPNI Requirements. The FCC's recent ministerial Order affirms that the FCC rules governing CPNI that were in effect prior to their amendment by the 2016 Privacy Order are again in effect, including the CPNI recordkeeping and annual reporting requirements.

If you have any questions regarding CPNI or the filing of the officer's certificate, please contact Bruce Beard at (314) 394-1535 or via email at bbeard@cm-chi.com.

Copyright Forms and Fees Due by March 1, 2018

Cable operators must file with the U.S. Copyright Office their Statement of Accounts (Form SA1-2 or SA3) and pay any royalty fees due for the July 2017 – December 2017 accounting period by March 1, 2018. The following forms apply:

- **SA1-2 Short Form.** For use by cable systems with semiannual gross receipts of less than \$527,600.
- **SA3 Long Form.** For use by cable systems with semiannual gross receipts of \$527,600 or more.

Cable operators may now electronically sign and submit their SOAs. Excel-based SA1-2E Short Form and SA3E Long Form, along with additional instructions regarding the forms, are available for download on the Copyright Office's [Section 111 webpage](#). Cable operators may choose to continue to use the paper-based forms as well.

Copyright filings must be accompanied by a filing fee in addition to the royalty payment. The filing fee is calculated based on the type of form filed:

SOA Type	Filing Fee
SA-1 (\$137,100 or less gross revenues)	\$15
SA-2 (\$137,101 – \$527,599 gross revenues)	\$20
SA-3 (\$527,600 or more gross revenues)	\$725

Operators must remit the royalty fee and filing fee in a single electronic payment. If you have any questions about copyright forms or fees, please contact Bruce Beard at (314) 394-1535 or bbeard@cinnamonmueller.com.

FCC Form 477 Due March 1, 2018

The next Form 477 is due March 1, 2018. Telephone, broadband, and interconnected VoIP providers must report information about broadband connections and local telephone service as of December 31, 2017.

As a reminder, Form 477 must be filed online through the [FCC's filing interface](#). Instructions for filers can be found [here](#). Filers can also review a brief summary of the Form 477 changes made in 2014 on the FCC's [website](#).

If you have any questions about Form 477, please contact Scott Friedman at (312) 372-3930 or sfriedman@cinnamonmueller.com.

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