
UPDATE
January 29, 2019

FINAL REMINDER: 24-Hour Battery Backup Power Disclosure Obligations
Go into Effect February 13, 2019

On **February 13, 2019**, all providers of facilities-based fixed, residential voice services, such as interconnected VoIP, that are not line-powered (“Covered Providers”) must provide 24-hour backup power sources to customers in order to ensure 911 service during a power outage.

Battery Backup Requirements. On August 7, 2015, the FCC released an [Order](#) obligating Covered Providers to provide backup power sources to customers in order to ensure 911 service during a power outage. The Order also obligated Covered Providers to comply with certain consumer disclosure requirements.

Pursuant to the Order, Covered Providers currently must offer for sale at least one option with a minimum of eight hours of standby backup power. This eight-hour battery backup requirement has been in effect for all Covered Providers since August 11, 2016. Beginning February 13, 2019, all Covered Providers, regardless of size, will be required to offer a minimum 24-hour backup power solution.

Providers may develop and offer their own backup power solution, if it meets certain minimum time obligations and are not obligated to retrofit equipment currently used by subscribers to accommodate new backup power solutions. In meeting the 24-hour option requirement, providers may choose to offer consumers a single 24-hour battery, three 8-hour batteries, or some other combination of installed and spare batteries, uninterrupted power supply systems, or other technologies to provide 24 hours total.

Providers may also charge subscribers for backup power capabilities. This includes compensation for all aspects of implementing the battery backup rules, including the backup power installation, and costs of equipment and labor, from the consumer that elects to have backup power installed.

Disclosure Obligations. The FCC’s Order includes an obligation to disclose certain information to subscribers, including:

- Availability of backup power sources;
- Service limitations with and without backup power during a power outage;
- Purchase and replacement options;
- Expected backup power duration;
- Proper usage and storage conditions for the backup power source;
- Subscriber backup power self-testing and monitoring instructions; and
- Backup power warranty details, if any.

These disclosures must be provided to subscribers both at the point-of-sale and annually thereafter. Covered Providers are permitted to convey the disclosures by any means reasonably calculated to reach the individual subscriber. For example, a Covered Provider may use a combination of disclosures via email, an online billing statement, or other digital or electronic means for subscribers that communicate with the provider. Posting the information on the provider's website will not, by itself, satisfy the requirement that notifications be reasonably calculated to reach individual subscribers. Similarly, an email notification for a subscriber who does not communicate with the provider through email would not satisfy the requirement.

Model Disclosure. The FCC's [Small Entity Compliance Guide](#), from 2015, contains a model backup power disclosure notice of a fictional Covered Provider, KTTel, which can be modified to fit the particular needs of each Covered Provider. The sample is based upon a Covered Service choosing to furnish backup power with a battery, though that is not the only permissible technical solution.

If you have further questions about the battery backup power requirements, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

Copyright Forms and Fees Due by March 1, 2019

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 2018 – December 2018 accounting period by March 1, 2019. 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, 2019

The next Form 477 is due March 1, 2019. Telephone, broadband, and interconnected VoIP providers must report information about broadband connections and local telephone service as of December 31, 2019.

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 (314) 462-9000 or sfriedman@cinnamonmueller.com.

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