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## **UPDATE**

### **February 12, 2019**

#### **FCC Form 477 Deadline Extended to March 8, 2019**

On January 31, 2019, the FCC's Wireline Competition Bureau, Wireless Telecommunications Bureau and the Office of Economics and Analytics (collectively, "Bureaus") released a [Public Notice](#) extending the Form 477 deadline to **March 8, 2019**. Telephone, broadband, and interconnected VoIP providers must report information about broadband connections and local telephone service as of December 31, 2018.

The Bureaus also reminded service providers that are required to file Form 477 but fail to do so may be subject to enforcement action under sections 502 and 503 of the Communications Act and any other applicable law.

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](mailto:sfriedman@cinnamonmueller.com).

#### **CPNI Officer's Certificate Due March 1, 2019**

Telecommunications carriers and interconnected VoIP providers must file their annual reports certifying compliance with the FCC's Customer Proprietary Network Information ("CPNI") **on or before March 1, 2019**.

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 2018 must be filed on or before March 1, 2019.**

Filings can be made in EB Docket No. 06-36 via the FCC's [ECFS](#) system. In past years, the FCC has issued Public Notices in 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.

In 2017, however, President Trump signed into law a congressional Joint Resolution pursuant to the Congressional Review Act repealing the broadband and telecommunications privacy rules adopted in 2016 by the FCC.

If you have any questions regarding CPNI or the filing of the officer's certificate, please contact Bruce Beard at (314) 394-1535 or [bbeard@cinnamonmueller.com](mailto:bbeard@cinnamonmueller.com).

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