
UPDATE
March 12, 2019

FCC Issues Reminder: Accessibility Recordkeeping Compliance Certification Due April 1, 2019

On March 6, 2019, the FCC released a [Public Notice](#) reminding telecommunications carriers, interconnected VoIP and advanced communications service (“ACS”) providers that they **must file their annual accessibility compliance certificate (covering 2017) by April 1, 2019**. This certificate certifies that the provider has operating procedures in place to ensure compliance with the recordkeeping requirements contained within the FCC’s rules adopted in accordance with the 21st Century Communications and Video Accessibility Act of 2010.

Who must file. Telecommunications carriers, Interconnected VoIP providers, and ACS providers (e.g., providers of email, text messaging, instant messaging, interoperable video conferencing services).

What must the certification contain? All covered providers must submit an annual certification certifying that the company has established operating procedures adequate to ensure compliance with the recordkeeping rules and that the records are being kept accordingly. In addition, covered providers must designate and keep current:

- A contact person authorized to resolve accessibility-related complaints from consumers;
- An agent to accept service of complaints filed with the FCC.

How to File. Providers must submit their certifications through the [Recordkeeping Compliance Certification and Contact Information Registry](#). You will need your FCC Registration Number and password to login. Step-by-step instructions and FAQs with filing are available [here](#).

If you have further questions regarding accessibility and FCC compliance, please contact Bruce Beard at (314) 394-1535 or bbeard@cinnamonmueller.com.

FCC Form 499-A Due April 1, 2019

All providers of telecommunications, including resellers and those offering interconnected VoIP service, with very limited exceptions, must file their annual telecommunications revenue report (Form 499-A) **on or before April 1, 2019**. This includes any entity that relies on the *de minimis* exception for contributions to the federal Universal Service Fund (“USF”).

Information reported on Form 499-A is used to calculate the support contribution an entity must pay into the USF as well as the Telecommunications Relay Service (“TRS”), North America Numbering Plan (“NANP”), and Local Number Portability Administration (“LNPA”) funds. Providers owing less than \$10,000 in USF support are considered *de minimis* and do not have to contribute to USF, but must still file the form and pay any TRS and NANP contributions due.

All covered providers must complete the [Form 499-A Worksheet](#) (also available as an [online form](#)) using 2018 revenue data.

Note: Each USF-related violation carries its own forfeiture amount. Failure to file Form 499-A or failure to file the form on time can result in hefty financial penalties. Additional forfeitures can be assessed for failing to contribute to USF, TRS, and NANP.

If you have any questions regarding these filings, please contact Bruce Beard at (314) 394-1535 or bbeard@cinnamonmueller.com.

FCC Issues Notice of Violation of Tower Lighting Rules

Antenna Structure Owners Are Reminded to Register and Maintain Structures

On March 4, 2019, the Dallas Office of the FCC's Enforcement Bureau issued a [Notice of Violation](#) ("NOV") to Steckline Communications, Inc. for potentially violating the FCC's antenna structure lighting rules. Specifically, the NOV claims that the lighting systems on two towers owned by Steckline Communications in Guymon, Oklahoma are not currently in working order.

Background. Under the FCC's antenna structure rules, any proposed or existing antenna structure that requires notice of proposed construction to the FAA must be registered with the FCC. In general, this obligation applies to towers exceeding 200 feet in height. Some shorter towers may also require registration due to the tower's location (e.g., proximity to an airport runway).

Registering a tower is a two-step process. Antenna structure owners must first file a form with the FAA, and receive a determination from that agency that the structure will not pose a hazard to air navigation (the FAA will also provide marking and lighting requirements). Next, the antenna structure owner must submit to the FCC the FAA's "no hazard" determination and FCC Form 854.

If the application is accepted, the FCC will incorporate the FAA's "no hazard" determination, along with any FAA marking or lighting specifications, and will assign the structure a registration number. Once an antenna structure is registered, owners must comply with various requirements, including monitoring and periodically inspecting tower lighting systems, reporting lighting outages to the FAA immediately, and repairing outages "as soon as practicable."

Notice of Violation. On January 28, 2019, the Enforcement Bureau's Dallas Office investigated Steckline's towers and found that the required top-level flashing red beacons at the top of the structures were extinguished. Further, on February 12, 2019, the FCC Enforcement Agent called the FAA and verified that no Notice to Airmen was issued for the outage on either antenna structure.

The NOV seeks additional information concerning the violations and any remedial action taken by the tower owner. Issuance of the NOV does not preclude further action from the Enforcement Bureau if warranted, such as issuing a Notice of Apparent Liability for Forfeiture.

Cable operators with registered towers should ensure that their towers are painted and lighted in accordance with FCC registrations. If you have any questions about the FCC's antenna structure rules, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

Please visit our website at www.cinnamonmueller.com to learn more about our lawyers and practice. You can reach Cinnamon Mueller at (314) 462-9000. *This update is provided by the law firm of Cinnamon Mueller. The document is intended for informational purposes only as a service*

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