

UPDATE March 27, 2019

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 2018) 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.

Public File Reminder: 1st Quarter Children's Advertising Certifications
Must be Placed in Public File by April 10, 2019

FCC rules prohibit cable operators from airing more than 10.5 minutes of commercial matter per hour during children's programming on weekends, or more than 12 minutes on weekdays, and require cable operators to maintain records sufficient to verify their compliance with these advertising restrictions.

Though the FCC permits cable operators to meet this recordkeeping requirements in various ways, almost all operators rely on certifications from programmers that the channel meets FCC rules on children's advertising. Since 1991, the FCC has clarified that such records must be placed in the cable system's public file no later than the tenth day of the quarter following the quarter in which the covered programming aired and must be maintained for a period sufficient to cover the limitations period specified in the Communications Act (i.e., one year).

Note: Cable operators are not required to maintain records covering programs aired on a broadcast television channel which the cable operator passively carries, or to access channels over which the cable operator may not exercise editorial control.

Accordingly, cable systems with 1,000 or more subscribers must upload their 1st quarter 2019 KidVid certifications to their public inspection files in the FCC-hosted online public database no later than April 10, 2019. Cable systems with fewer than 1,000 subscribers are exempt from the requirement to maintain records demonstrating compliance with the children's advertising limits.

If you have questions about the cable public file rules or the requirement to post them online, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

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