

## **FCC Requires Certain Non-Interconnected VoIP To Register with FCC and Contribute To Telecom Relay Service Fund**

October 12, 2011 by [Brian Hurh](#)

In addition to releasing its final "advanced communications services" accessibility rules this weekend (which requires accessibility of VoIP, texting, and video chat on a wide range of devices and communication services, as I discussed earlier [here](#)), the FCC also released its Report and Order (available [here](#)) requiring certain non-interconnected VoIP providers (including both two-way and one-way VoIP services) to register with the FCC and contribute to the Telecommunications Relay Services (TRS) Fund, similar to how telecommunications carriers and interconnected VoIP providers currently do. The requirement is significant, in that it further extends the FCC's reach to IP-based services that have been historically free from regulatory oversight.

In general, the new rules only apply to providers that offer non-interconnected VoIP:

(1) on a stand-alone basis for a fee; or

(2) offered with other non-VoIP services (such as on multi-purpose devices) that generate end-user revenue but only if (i) the non-interconnected VoIP service is also available on a stand-alone basis, or (ii) the non-VoIP services are available without the non-interconnected VoIP service feature at a discounted price.

Consequently, all other non-interconnected VoIP providers are not required to register with the FCC or contribute to the TRS fund.

Registration involves submitting an FCC Form 499-A to the Commission by December 31, 2011, and includes obtaining an FCC registration number (which is straightforward) and designating a District of Columbia agent for service of process. While this deadline may seem far away, note that the Form 499-A, in its current form, consists of 45 pages of instructions and forms.

Funding requires an annual revenue reports to the Commission (again, using the Form 499-A), with the first report due April 1, 2012, and then annually thereafter. Non-interconnected VoIP providers may follow the same approach to reporting revenue as interconnected VoIP providers, meaning, such entities may report their interstate revenue based on actual revenue, a traffic study, or the 64.9 percent safe harbor rate.

Look for our DWT Advisory on the TRS Report and Order for further details.

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