

TEMPLATE FOR ANNUAL CERTIFICATION OF CONTRIBUTIONS TO THE FEDERAL UNIVERSAL SERVICE FUND

USAC provides this template as a voluntary resource for wholesale telecommunications service providers. Filers may use this template to obtain information from their resale customers regarding the status of their contributions to the federal Universal Service Fund (USF) on the revenue associated with the specific service(s) provided to resellers.

Use of this template is voluntary and is intended to provide wholesalers with a tool to obtain documentation to support the “reasonable expectation” standard for revenue reported in Block 3 on the FCC Form 499-A as revenue from a contributing reseller. By definition, a reseller is a “telecommunications carrier or telecommunications provider that: (1) incorporates purchased telecommunications into its own offerings; and (2) can reasonably be expected to contribute to federal universal support mechanisms based on revenues from those offerings.”¹

Background:

As set forth in the FCC Form 499-A Instructions, “a filer may demonstrate that it has a ‘reasonable expectation’ that a customer contributes to federal universal service support mechanisms based on revenues from the customer’s offerings by following the guidance in these instructions or by submitting other reliable proof.”

Specifically, the Instructions require each filer to have documented procedures to ensure that revenues reported as reseller revenues are only from entities meeting the definition of reseller. The procedures must include, at a minimum, the following information on resellers: (1) Filer 499 ID; (2) Legal name; (3) Legal address; (4) Name of contact person; (5) Phone number of the contact person; and (6) As described below, an annual certification by the reseller regarding its reseller status.²

If a wholesale provider follows procedures that deviate in any way from the guidance in the Instructions, the wholesale provider will have to demonstrate a reasonable expectation via other reliable proof. USAC shall evaluate the use of “other reliable proof” to demonstrate a “reasonable expectation” on a case-by-case basis, based on the reasonableness of the utilized method or proof.³

Certifications

The Instructions indicate that, in order to meet the safe harbor, wholesalers must collect a certificate signed by the customer **each calendar year**.

- The certificate must specify which services the customer is or is not purchasing for

¹ See *Universal Service Contribution Methodology*, Order, WC Docket No. 06-122, 27 FCC Rcd 13780, 13781-82, para. 3 (2012) (*2012 Wholesaler-Reseller Clarification Order*).

² See Instructions to the Telecommunications Reporting Worksheet, FCC Form 499-A, § IV.C.4.d at 37 (2018) (*2018 Instructions*).

³ See *2018 Instructions*, § IV.C.4.c at 36.

resale pursuant to the certificate and must be consistent with the sample language provided in the Instructions.

- The certificate must be signed and dated by the customer in the period during which the wholesaler provider collects and submits the revenue data at issue to USAC (*i.e.*, the calendar year that the filer is certifying until the date when the associated FCC Form 499-A is filed).⁴
- Reseller certifications must be signed by the “customer” (*i.e.*, the resale provider itself rather than a third-party representative or consultant).⁵
- A filer may sell additional service(s) to a customer after the date the annual certificate is signed. If the annual certificate does not cover those additional services, the filer may demonstrate a reasonable expectation that a customer is a reseller with respect to the service(s) purchased after the date of the annual certification signed by the customer by relying on either of the following (received prior to the filing of the applicable FCC Form 499-A):
 - (1) a verifiable notification from the customer that the customer is purchasing the service for resale consistent with the valid, previously signed annual certificate, or
 - (2) a subsequent certificate, covering the additional services purchased, signed by the customer.

⁴ See *2012 Wholesaler-Reseller Clarification Order* at 13782, para. 6 (“[W]e clarify that the relevant time period for the ‘reasonable expectation’ analysis is the period during which a wholesale provider collects and submits the revenue data at issue to USAC.”).

⁵ See Instructions to the Telecommunications Reporting Worksheet, FCC Form 499-A, § IV.C.4.e(1) at 39 (2022) (2022 Instructions).

**ANNUAL CERTIFICATION OF CONTRIBUTIONS
TO THE FEDERAL UNIVERSAL SERVICE FUND**

Calendar Year: (revenues to be reported on FCC Form 499-A)

(“Company”) submits this certification related to the services purchased from
(“Wholesaler”) for the calendar year and FCC Form 499-A year specified above.

Legal Name and 499 Filer ID of Wholesaler: **Legal Name and 499 Filer ID of Company:**

I certify, under penalty of perjury, that the Company is purchasing service(s) for resale, at least in part, and that the Company is incorporating the purchased services into its own offerings which are, at least in part, assessable U.S. telecommunications or interconnected Voice over Internet Protocol services. I also certify under penalty of perjury that the Company either directly contributes or has a reasonable expectation that another entity in the downstream chain of resellers directly contributes to the federal universal service support mechanisms on the assessable portion of revenues from offerings that incorporate the purchased services.

Select the option below that describes the use of the specific services that the Company purchased or will purchase from the Wholesaler:

(Check only one box)

Entity-Level Certification	All services purchased are, or will be, purchased for resale.
Account-Level Certification	All services associated with particular billing accounts as specified in Attachment A are or will be purchased for resale.
Service-specific Certification	Individual services specified in Attachment A are or will be purchased for resale.
Service-specific Exceptions Certification	Individual services EXCEPT those specified in Attachment A are or will be purchased for resale.

The undersigned individual is an employee of the Company and authorized to complete this certificate on its behalf:

Legal Name of Company: **Legal Address:**

Print Name: **Title:**

Phone: **Email:**

Signature: **Date Signed:**

Annual Certification of Contributions to the Federal Universal Service Fund
Attachment A

Calendar Year: (revenues to be reported on **FCC Form 499-A)**

Legal Name and 499 Filer ID of Wholesaler:

Legal Name and 499 Filer ID of Company:

List account numbers or individual service(s):