

Credits for Double USF Contribution - Overview

USAC provides this form as a voluntary resource for reseller telecommunications service providers to demonstrate a double USF contribution and to receive credit for its duplicative contribution to the USF on telecommunications revenues for which its wholesale carrier also contributed.

2017 Wholesaler-Reseller Reconsideration Order

The FCC's 2017 Wholesaler-Reseller Reconsideration Order¹ allows resellers to request a credit from USAC when they demonstrate that both the reseller and wholesaler contributed USF funds on the same service. The reseller must demonstrate, by a preponderance of the evidence, that its underlying wholesale provider also contributed by providing (1) a sworn affidavit from its wholesale provider attesting to the revenue received from the reseller and the universal contributions paid to USAC on that revenue by quarter based on its records, and (2) a certification from the reseller that it attests to the veracity of the underlying wholesale provider's statement based upon a review of its own records.²

If a reseller is unable to provide a sworn affidavit and a certification from its wholesale carrier, the reseller must demonstrate a reasonable expectation via other reliable proof that both it and its wholesale carrier contributed to the USF on the same telecommunications revenue.³ 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. Please contact USAC if you wish to submit other reliable proof demonstrating double USF contribution.

Double USF Request Process

1. Review Account Standing – The account must meet the following requirements:
 - a) The 20xx FCC Form(s) 499-A related to the duplicate USF payment(s) refund request must not have any outstanding issues with the filing(s).
 - b) The 20xx FCC Form(s) 499-A related to the duplicate USF payment(s) refund request must not have any open appeals.
2. Determine Filing Period - If the FCC Form 499-A filing period of the double contributions is still open, notify your Wholesale Carrier that you are a direct USF contributor for that period. The Wholesale Carrier may revise its FCC Form 499-A moving revenues reported from your company from Block 4 (End-User Revenues) to Block 3 (Revenues from contributing resellers). USAC will use the revised FCC Form 499-A filing to re-calculate the Wholesale Carrier's annual true-up. If the Wholesale Carrier chooses not to revise its FCC Form 499-A, you will need to submit that communication to USAC.
3. Review "Credits for Double USF – Cover Sheet" – Submit the completed cover sheet (provided on the next page) with required supporting documentation, along with the supporting documentation, to ContributorAppeals@usac.org.

¹ *In the Matter of Universal Service Contribution Methodology Federal-State Joint Board on Universal Service Application for Review by American Telecommunications Systems Inc., et al.*, WC Docket No. 06-122, CC Docket No. 96-45, DA 17-66, 32 FCC Rcd 535 (2017) (Order).

² *Id.* at 544, para. 22.

³ *Id.* at 540, para. 12-13; *Universal Service Contribution Methodology, Petition for Clarification and Partial Reconsideration by XO Communications Services, LLC, Order on Reconsideration*, WC Docket No. 06-122, 29 FCC Rcd 9715, 9719-9720, para. 9, 13 (2014) (Wholesaler-Reseller Reconsideration Order).

Credits for Double USF Contribution – Cover Sheet

Reseller Legal Name: _____ Reseller Filer ID: _____

Wholesaler(s) Legal Name: _____ Wholesaler(s) Filer ID: _____

Confirm that you have included each of the required supporting documents by CHECKING the boxes below. Your package must include this Cover Sheet with the supporting documents LABELED as indicated.

Item 1 - Affidavit from the wholesale carrier's certifying officer on the wholesaler carrier's corporate letterhead to include:

- ☐ A statement that the affiant has personal knowledge of the information in the affidavit, how s/he acquired this knowledge, and the following sentence at the end: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."
- ☐ Filer ID and company name of the wholesale carrier;
- ☐ Filer ID and company name of the reseller;
- ☐ Total amount of USF surcharges paid on behalf of the reseller for the given period.
Total USF amount paid: \$ _____ Calendar year(s) covered: _____
- ☐ Services sold to the reseller and the line number(s) of the wholesale carrier's 20xx FCC Form(s) 499-A where those service(s) were reported.
- ☐ If the filing period is open, a declaration that the reseller requested a refund from the wholesale carrier based upon the reseller's updated contributor status but the wholesale carrier will neither refund USF to the reseller nor file a revision to the FCC Form 499-A, reclassifying the reseller's revenues from Block 4 to Block 3.

Item 2 - Affidavit from the reseller's certifying officer on the reseller's corporate letterhead to include:

- ☐ A statement that the affiant has personal knowledge of the information in the affidavit, how s/he acquired this knowledge, and the following sentence at the end: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."
- ☐ Filer ID and company name of the wholesale carrier
- ☐ Filer ID and company name of the reseller
- ☐ Total USF surcharges paid to the wholesale carrier broken out by month for the year(s) the credit is being requested.
Total credits requested: \$ _____ Calendar year(s) covered: _____
- ☐ Services purchased from the wholesale carrier, and in turn resold to its customers as telecommunications and/or VoIP services.
- ☐ The line number(s) of the 20xx FCC Form(s) 499-A where the reseller reported those services.

Item 3 - Supporting documents:

- ☐ Item 3.a. - Invoices or other evidence of the services that the wholesale carrier billed the reseller for or the amounts that the reseller paid to the wholesale carrier. This evidence should outline the USF surcharges billed and the time period covered. Highlight the USF surcharges on each of the invoices.
- ☐ Item 3.b. - The total USF surcharges on the affidavits must match the total amounts on the invoices and/or spreadsheet. If there is a variance, you must provide an explanation.

Name: _____

Signature: _____

Phone #: _____

Date: _____