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FCC Grants Waiver from Enhanced Reporting Requirements for Small BIAS Providers with 250,000 or Fewer Broadband Connections

On March 2, 2017, the Federal Communication Commission (“FCC”) released an Order that the FCC originally adopted in February that grants a waiver from the 2015 Open Internet Order’s enhanced reporting requirements for BIAS providers.

BIAS Providers Whom The Waiver Applies – The FCC waived grants a waiver from the 2015 Open Internet Order’s enhanced reporting requirements for small BIAS providers with 250,000 or fewer BIAS connections as reported on their most recent Form 477 filing.

When Will The Waiver Expire? – The FCC’s waiver generally allows for a five-year waiver from the rule (retroactive to January 17, 2017) for the period January 17, 2017 to March 2, 2022.

The waiver shall remain in effect for a BIAS provider that has no more than 250,000 BIAS connections as of its last FCC Form 477 Filing and the BIAS provider will remain covered as long as its subsequent FCC Form 477 reports have no more than 250,000 BIAS connections. If the BIAS provider files a subsequent FCC Form 477 Report that were to surpass 250,000 BIAS connections, then that provider would no longer be able to be covered by the waiver and, therefore, would have to comply with the enhanced reporting requirements. However, if a provider that is currently over the 250,000 BIAS connections were to file a FCC Form 477 report with 250,000 or fewer BIAS connections, then the waiver would start to cover that provider as long as it files subsequent Form 477 reports that continue to have 250,000 or fewer BIAS connections.

Are Prior Transparency Obligation Rules Still in Effect? – BIAS providers must still meet their transparency obligations adopted in the 2010 Open Internet Order and in effect since 2011. These transparency obligations include publicly disclosing information about their network management practices, and performance and commercial terms that will allow consumers to make informed choices.

Please contact your GPNW Consultant or Steve Gatto (830.895.7226, sgatto@gpnw.com) or Judi Ushio (719.594.5814, jushio@gpnw.com) or Jim Rennard (503-612-4410, jrennard@gpnw.com) with any additional questions or concerns you may have about the waiver of the enhanced reporting requirement for BIAS providers with 250,000 or fewer BIAS connections.