

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the matter of )  
 )  
Establishment of the Media Bureau, the )  
Wireline Competition Bureau and the )  
Consumer and Governmental Affairs Bureau )  
 )  
Reorganization of the International Bureau )  
 )  
And Other Organizational Changes )

**Order**

**Adopted:** January 16, 2002

**Released:** March 14, 2002

By the Commission:

1. To promote a more efficient, effective and responsive organizational structure, the Commission has concluded that the proper dispatch of its business and the public interest will be served by creating a Media Bureau, Wireline Competition Bureau and Consumer and Governmental Affairs Bureau, by reorganizing the International Bureau and by further consolidating enforcement and consumer information functions. In this Order, we amend the Commission's Rules to reflect the new structure, describe their functions and delegated authority, and to make other conforming changes. We also note that the new Bureaus will have delegated authority to act on petitions for reconsideration of decisions of their predecessor Bureaus on matters within the scope of their relevant delegated authority. The Order also delegates to the Wireline Competition Bureau all functions previously delegated to the Common Carrier Bureau by Commission order.
2. Authority for the adoption of the foregoing revisions is contained in Sections 4(i), 4(j), 5(b), 5(c), 201(b) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §154(i), 154(j), 155(b), 201(b) and 303 (r).
3. The amendments adopted herein pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act contained in 5 U.S.C. §553(b) is inapplicable.

4. ACCORDINGLY, IT IS ORDERED that Parts 0, 1, 21, 22, 27, 32, 43, 51, 52, 53, 54, 61, 64, 65, 68, and 90 of the Commission Rules, set forth in Title 47 of the Code of Federal Regulations, ARE AMENDED as set forth in the Appendix attached to this Order, TO BE EFFECTIVE March 25, 2002.<sup>1</sup>

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton  
Acting Secretary

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<sup>1</sup> See 5 U.S.C. § 553(d) (procedural rule may be effective on publication).

## APPENDIX A

Parts 0, 1, 21, 22, 27, 32, 43, 51, 52, 53, 54, 61, 64, 65, 68, and 90 of Title 47 of the Code of Federal Regulations are amended as follows:

### PART 0 – COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read as follows:

AUTHORITY: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 0.5 is amended by revising paragraph (a) to read as follows:

#### **§ 0.5 General description of Commission organization and operations.**

(a) *Principal staff units.* The Commission is assisted in the performance of its responsibilities by its staff, which is divided into the following principal units:

- (1) Office of Managing Director.
- (2) Office of Engineering and Technology.
- (3) Office of General Counsel.
- (4) Office of Plans and Policy.
- (5) Office of Media Relations.
- (6) Office of Legislative Affairs.
- (7) Office of Inspector General.
- (8) Office of Communications Business Opportunities.
- (9) Office of Administrative Law Judges.
- (10) Office of Workplace Diversity
- (11) Wireline Competition Bureau.
- (12) Wireless Telecommunications Bureau.
- (13) International Bureau.
- (14) Media Bureau.
- (15) Enforcement Bureau.
- (16) Consumer and Governmental Affairs Bureau.

\* \* \* \* \*

3. Section 0.11 is amended by revising paragraphs (5) and (8) to read as follows:

#### OFFICE OF MANAGING DIRECTOR

#### **§ 0.11 Functions of the Office.**

\* \* \* \* \*

- (5) Plan and administer the Commission's performance review system. Assure that objections, priorities, and action plans established by Bureau and Offices are consistent with overall Commission objectives and priorities.

\* \* \* \* \*

- (8) Plan and manage the administrative affairs of the Commission with respect to the functions of personnel and position management; labor-management relations; training; budget and financial management; information management and processing; organization planning; management analysis; procurement; office space management and utilization; administrative and office services; supply and property management; records management; personnel and physical security; and international telecommunications settlements.

4. Section 0.15 is amended by revising paragraph (e) to read as follows:

#### OFFICE OF MEDIA RELATIONS

##### **§ 0.15 Functions of the Office.**

\* \* \* \* \*

- (e) Maintain liaison with the Consumer and Governmental Affairs Bureau on press and media issues concerning consumer assistance and information including informal consumer complaints.

5. Section 0.17 is amended by revising the Office name and paragraphs (c) and (g) to read as follows:

#### OFFICE OF LEGISLATIVE AFFAIRS

##### **§ 0.17 Functions of the Office.**

\* \* \* \* \*

- (c) Assist the Office of the Managing Director in preparation of the annual report to Congress, the Commission budget and appropriations legislation to Congress; assist the Office of Media Relations in preparation of the Commission's Annual Report.

\* \* \* \* \*

- (g) Coordinate with the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

6. Section 0.31 is amended by revising paragraph (n) to read as follows:

OFFICE OF ENGINEERING AND TECHNOLOGY

**§ 0.31 Functions of the Office.**

\* \* \* \* \*

- (n) To assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

7. Section 0.51 is amended by removing paragraph (q), redesignating paragraph (r) and redesignating and revising paragraph (s) to read as follows:

INTERNATIONAL BUREAU

**§ 0.51 Functions of the Bureau.**

\* \* \* \* \*

- (q) To exercise authority to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the jurisdiction of the International Bureau. Before issuing a subpoena, the International Bureau shall obtain the approval of the Office of General Counsel.

- (r) To assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

8. Section 0.61 is revised to read as follows:

MEDIA BUREAU

**§ 0.61 Functions of the Bureau.**

The Media Bureau develops, recommends and administers the policy and licensing programs for the regulation of media, including cable television, broadcast television and radio, and satellite services in the United States and its territories. The Bureau advises and recommends to the Commission, or acts for

the Commission under delegated authority, in matters pertaining to multichannel video programming distribution, broadcast radio and television, direct broadcast satellite service policy, and associated matters. The Bureau will, among other things:

- (a) Process applications for authorization, assignment, transfer and renewal of media services, including AM, FM, TV, the cable TV relay service, and related services.
- (b) Conduct rulemaking proceedings concerning the legal, engineering, and economic aspects of media service.
- (c) Conduct comprehensive studies and analyses concerning the legal, engineering, and economic aspects of electronic media services.
- (d) Administer and enforce rules and policies regarding equal employment opportunity.
- (e) Administer and enforce rules and policies regarding political programming and related matters.
- (f) Administer and enforce rules and policies regarding: (1) Radio and television broadcast industry services; (2) Cable television systems, operators, and services, including those relating to rates, technical standards, customer service, ownership, competition to cable systems, broadcast station signal retransmission and carriage, program access, wiring equipment, channel leasing, and federal-state/local regulatory relationships. This includes: acting, after Commission assumption of jurisdiction to regulate cable television rates for basic service and associated equipment, on cable operator requests for approval of existing or increased rates; reviewing appeals of local franchising authorities' rate making decisions involving rates for the basic service tier and associated equipment, except when such appeals raise novel or unusual issues; evaluating basic rate regulation certification requests filed by cable system franchising authorities; periodically reviewing and, when appropriate, revising standard forms used in administering: the certification process for local franchising authorities wishing to regulate rates, and the substantive rate regulation standards prescribed by the Commission; (3) Open video systems; (4) Preemption of restrictions on devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, and direct broadcast satellite services; (5) The commercial availability of navigational devices; (6) The accessibility of video programming to persons with disabilities; (7) program access and carriage; (8) The Satellite Home Viewer Improvement Act; and (9) Post-licensing for satellite consumer broadcast services (DBS, DTH and DARS).

NOTE TO PARAGRAPH (f): The Media Bureau's enforcement authority does not include enforcement in those areas assigned to the Enforcement Bureau. See 47 C.F.R. §0.111.

- (g) Conduct rulemaking and policy proceedings regarding pole attachments.
- (h) Process and act on all applications for authorization, petitions for special relief, petitions to deny, waiver requests, requests for certification, objections, complaints, and requests for declaratory rulings and stays regarding the areas listed above.
- (i) Assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.
- (j) Exercise authority to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the jurisdiction of the Media Bureau. Before issuing a subpoena, the Media Bureau shall obtain the approval of the Office of General Counsel.
- (k) Carry out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under section 0.283.

9. Section 0.91 is amended by revising the Bureau name and by revising the text to read as follows:

#### WIRELINE COMPETITION BUREAU

The Wireline Competition Bureau advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in all matters pertaining to the regulation and licensing of communications common carriers and ancillary operations (other than matters pertaining exclusively to the regulation and licensing of wireless telecommunications services and facilities). The Bureau will, among other things:

- (a) Develop and recommend policy goals, objectives, programs and plans for the Commission in rulemaking and adjudicatory matters concerning wireline telecommunications, drawing on relevant economic, technological, legislative, regulatory and judicial information and developments. Overall objectives include meeting the present and future wireline telecommunications needs of the Nation; fostering economic growth; ensuring choice, opportunity, and fairness in the development of wireline telecommunications; promoting economically efficient investment in wireline telecommunications infrastructure; promoting the development and widespread availability of wireline telecommunications services; and developing deregulatory initiatives where appropriate.

(b) Act on requests for interpretation or waiver of rules.

(c) Administer the provisions of the Communications Act requiring that the charges, practices, classifications, and regulations of communications common carriers providing interstate and foreign services are just and reasonable.

(d) Act on applications for service and facility authorizations, including applications from Bell operating companies for authority to provide in-region interLATA services and applications from wireline carriers for transfers of licenses and discontinuance of service.

(e) Develop and administer rules and policies relating to incumbent local exchange carrier accounting.

(f) Develop and administer recordkeeping and reporting requirements for telecommunications carriers.

(g) Provide federal staff support for the Federal-State Joint Board on Universal Service and the Federal-State Joint Board on Jurisdictional Separations.

(h) Review the deployment of advanced telecommunications capability to ensure that such deployment is reasonable and timely, consistent with section 706 of the Act, and, where appropriate, recommend action to encourage such deployment.

(i) Provide economic, financial, and technical analyses of telecommunications markets and carrier performance.

(j) Interact with the public, local, state, and other governmental agencies and industry groups on wireline telecommunications regulation and related matters. Assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

(k) Review and coordinate orders, programs and actions initiated by other Bureaus and Offices in matters affecting wireline telecommunications to ensure consistency with overall Commission policy.

(l) Carry out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under section 0.331.

10. Section 0.101 is removed.

**§ 0.101 [Removed]**

11. Section 0.111 is amended by revising paragraphs (a)(1)-(a)(4), (a)(8), (a)(11) as set forth below, by adding paragraphs (a)(12) and (a)(13) as set forth below; by renumbering

existing paragraphs (12) – (20) as (14) – (22); and by revising renumbered paragraphs (a)(15) and (a)(19) as set forth below.

## ENFORCEMENT BUREAU

### **§ 0.111 Functions of the Bureau.**

(a) Serve as the primary Commission entity responsible for enforcement of the Communications Act and other communications statutes, the Commission's rules, Commission orders and Commission authorizations, other than matters that are addressed in the context of a pending application for a license or other authorization or in the context of administration, including post-grant administration, of a licensing or other authorization or registration program.

(1) Resolve complaints, including complaints filed under section 208 of the Communications Act, regarding acts or omissions of common carriers (wireline, wireless and international).

NOTE TO PARAGRAPH (a)(1): The Consumer and Governmental Affairs Bureau has primary responsibility for informally resolving individual informal complaints from consumers against common carriers (wireline, wireless and international) and against other wireless licensees, and informal consumer complaints involving access to telecommunications services and equipment for persons with disabilities. The International Bureau has primary responsibility for complaints regarding international settlements rules and policies.

(2) Resolve complaints regarding acts or omissions of non-common carriers subject to the Commission's jurisdiction under Title II of the Communications Act and related provisions, including complaints against aggregators under section 226 of the Communications Act and against entities subject to the requirements of section 227 of the Communications Act.

NOTE TO PARAGRAPH (a)(2): The Consumer and Governmental Affairs Bureau has primary responsibility for informally resolving individual informal complaints from consumers against non-common carriers subject to the Commission's jurisdiction under Title II of the Communications Act and related provisions.

(3) Resolve formal complaints regarding accessibility to communications services and equipment for persons with disabilities,

including complaints filed pursuant to sections 225 and 255 of the Communications Act.

(4) Resolve complaints regarding radiofrequency interference and complaints regarding radiofrequency equipment and devices, including complaints of violations of sections 302 and 333 of the Communications Act.

NOTE TO PARAGRAPH (a)(4): The Office of Engineering and Technology has shared responsibility for radiofrequency equipment and device complaints.

\* \* \* \* \*

(8) Resolve complaints regarding the broadcast and cable television children's television programming commercial limits contained in section 102 of the Children's Television Act.

NOTE TO PARAGRAPH (a)(8): The Media Bureau has responsibility for enforcement of these limits in the broadcast television renewal context.

\* \* \* \* \*

(11) Resolve other complaints against Title III licensees and permittees.

NOTE TO PARAGRAPH (a)(11): The Media Bureau has primary responsibility for complaints regarding children's television programming requirements, and for political and related programming matters and equal employment opportunity matters involving broadcasters, cable operators and other multichannel video programming distributors. The relevant licensing Bureau has primary responsibility for complaints involving tower siting and the Commission's environmental rules. The Media Bureau has primary responsibility for complaints regarding compliance with conditions imposed on transfers of control and assignments of licenses of Cable Antenna Relay Service authorizations.

(12) Resolve complaints regarding pole attachments filed under section 224 of the Communications Act.

(13) Resolve complaints regarding multichannel video and cable television service under Part 76 of the Commission's Rules.

NOTE TO PARAGRAPH (a)(13): The Media Bureau has primary responsibility for complaints regarding the following: (i) Subpart A (general), with the exception of section 76.11; (ii) Subpart B (Registration Statements); (iii) Subpart C (Federal-State/Local Relationships [Reserved]); (iv) Subpart D (carriage of television broadcast signals); (v) Subpart E (equal employment opportunity requirements); (vi) Subpart F (nonduplication protection and syndicated exclusivity); (vi) Subpart G, sections 76.205, 76.206 and 76.209 (political broadcasting); (vii) subpart I (Forms and Reports)(viii) Subpart J (ownership); (ix) Subpart L (cable television access); (x) Subpart N, sections 76.944 (basic cable rate appeals), and sections 76.970, 76.971 and 76.977 (cable leased access rates); (xi) Subpart O (competitive access to cable programming); (xii) Subpart P (competitive availability of navigation devices); (xiii) Subpart Q (regulation of carriage agreements); (xiv) Subpart S (Open Video Systems); and (xv) Subparts T, U and V to the extent related to the matters listed above.

\* \* \* \* \*

- (15) Identify and analyze complaint information, conduct investigations, conduct external audits and collect information, including pursuant to sections 218, 220, 308(b), 403 and 409(e) through (k) of the Communications Act, in connection with complaints, on its own initiative or upon request of another Bureau or Office.

\* \* \* \* \*

- (19) Provide information regarding pending complaints, compliance with relevant requirements and the complaint process, where appropriate and to the extent the information is not available from the Consumer and Governmental Affairs Bureau or other Bureaus and Offices.

\* \* \* \* \*

12. Section 0.121 is amended to read as follows:

**§ 0.121 Location of field installations.**

(a) Field offices are located throughout the United States. For the address and phone number of the closest office contact the Enforcement Bureau or see the U.S. Government Manual.

(b) Protected field offices are located at the following geographical coordinates (coordinates are referenced to North American Datum 1983 (NAD83)):

Allegan, Michigan

42degrees36'20.1" N. Latitude

85degrees57'20.1" W. Longitude

Anchorage, Alaska

61degrees09'41.0" N. Latitude

150degrees00'03.0" W. Longitude

Belfast, Maine

44degrees26'42.3" N. Latitude

69degrees04'56.1" W. Longitude

Canandaigua, New York

42degrees54'48.2" N. Latitude

77degrees15'57.9" W. Longitude

Douglas, Arizona

31degrees30'02.3" N. Latitude

109degrees39'14.3" W. Longitude

Ferndale, Washington

48degrees57'20.4" N. Latitude

122degrees33'17.6" W. Longitude

Grand Island, Nebraska

40degrees55'21.0" N. Latitude

98degrees25'43.2" W. Longitude

Kingsville, Texas

27degrees26'30.1" N. Latitude

97degrees53'01.0" W. Longitude

Laurel, Maryland

39degrees09'54.4" N. Latitude

76degrees49'15.9" W. Longitude

Livermore, California

37degrees43'29.7" N. Latitude

121degrees45'15.8" W. Longitude

Powder Springs, Georgia

33degrees51'44.4" N. Latitude

84degrees43'25.8" W. Longitude

Santa Isabel, Puerto Rico

18degrees00'18.9" N. Latitude

66degrees22'30.6" W. Longitude

Vero Beach, Florida

27degrees36'22.1" N. Latitude

80degrees38'05.2" W. Longitude

Waipahu, Hawaii

21degrees22'33.6" N. Latitude

157degrees59'44.1" W. Longitude

13. Section 0.131 is amended by revising paragraphs (a) and (i) to read as follows:

WIRELESS TELECOMMUNICATIONS BUREAU

**§ 0.131 Functions of the Bureau.**

\* \* \* \* \*

(a) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in all matters pertaining to the licensing and regulation of wireless telecommunications, including ancillary operations related to the provision or use of such services; and any matters concerning wireless carriers that also affect wireline carriers in cooperation with the Wireline Competition Bureau. These activities include: policy development and coordination; conducting rulemaking and adjudicatory proceedings, including licensing and complaint proceedings for matters not within the responsibility of the Enforcement Bureau; acting on waivers of rules; acting on applications for service and facility authorizations; compliance and enforcement activities for matters not within the responsibility of the Enforcement Bureau; determining resource impacts of existing, planned or recommended Commission activities concerning wireless telecommunications, and developing and recommending resource deployment priorities.

\* \* \* \* \*

(i) Advises and assists consumers, businesses and other government agencies on wireless telecommunications issues and matters related thereto. Also assists the Consumer and Governmental Affairs Bureau with informal consumer complaints and other general inquiries by consumers.

\* \* \* \* \*

14. Section 0.141 is amended by revising the Bureau name and the text to read as follows:

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU

**§ 0.141 Functions of the Bureau.**

The Consumer and Governmental Affairs Bureau develops and administers the Commission's consumer and governmental affairs policies and initiatives to enhance the public's understanding of the Commission's work and to facilitate the Agency's relationships with other governmental agencies and organizations. The Bureau is responsible for rulemaking proceedings regarding general consumer education policies

and procedures and serves as the primary Commission entity responsible for communicating with the general public regarding Commission policies, programs, and activities in order to facilitate public participation in the Commission's decision-making processes. The Bureau also performs the following functions:

- (a) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in matters pertaining to consumers and governmental affairs. This includes policy development and coordination as well as adjudication and rulemaking.
- (b) Collaborates with, and advises and assists, the public, state and local governments, and other governmental agencies and industry groups on consumer matters.
- (c) Advises the Commission and other Bureaus and Offices of consumer and governmental affairs-related areas of concern or interest; initiates, reviews, and coordinates orders, programs and actions, in conjunction with other Bureaus and Offices, in matters regarding consumer education policies and procedures, and any other related issues affecting consumer policy; represents the Commission on consumer and governmental-related committees, working groups, task forces and conferences within and outside the Commission; and provides expert advice and assistance to Bureaus and Offices and consumers regarding compliance with applicable disability and accessibility requirements, rules, and regulations.
- (d) Collects and analyzes information from industry, other Bureaus and Offices, and the media, as well as information received in the Bureau from informal consumer inquiries and complaints, rulemakings, and consumer forums; identifies trends that affect consumers; in consultation with the Office of the Managing Director, provides objectives and evaluation methods for the public information portion of the Commission's Government Performance and Results Act submissions and other Commission-wide strategic planning efforts.
- (e) Researches, develops, and distributes materials to inform consumers about the Commission's rules, proposals, and events, and to promote consumer participation in Commission rulemakings and activities; maintains the Commission's Consumer Information Directory; develops a library of commonly requested materials on issues of interest to all consumers. Ensures that alternative translations of Commission materials are available to Commission employees, Bureaus, Offices, and members of the public.
- (f) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in matters pertaining to persons with disabilities. Provides expert advice and assistance, as

required, to other Bureaus and Offices, consumers, industry, and others on issues relevant to persons with disabilities. Initiates rulemakings, where appropriate; reviews relevant agenda items and other documents and coordinates with Bureaus and Offices to develop recommendations and propose policies to ensure that communications are accessible to persons with disabilities, in conformance with existing disability laws and policies, and that they support the Commission's goal of increasing accessibility of communications services and technologies for persons with disabilities.

(g) Plans, develops, and conducts consumer outreach and education initiatives to educate the public about important Commission regulatory programs. In coordination with other Bureaus and Offices, establishes liaison(s) for information sharing purposes to ensure coordination on all consumer outreach projects. Ensures that alternative translations of Commission materials are available to Commission employees, Bureaus, Offices and members of the public.

(h) Serves as the official FCC records custodian for designated records, including intake processing, organization and file maintenance, reference services, and retirement and retrieval of records; manages the Electronic Comment Filing System and certifies records for adjudicatory and court proceedings. Maintains manual and computerized files that provide for the public inspection of public record materials concerning Broadcast Ownership, AM/FM/TV, TV Translators, FM Translators, Cable TV, Wireless, Auction, Common Carrier Tariff matters, International space station files, earth station files, DBS files, and other miscellaneous international files. Also maintains for public inspection Time Brokerage and Affiliation Agreements, court citation files, and legislative histories concerning telecommunications dockets. Provides the public and Commission staff prompt access to manual and computerized records and filing systems.

(i) Provides informal mediation and resolution of individual informal consumer inquiries and complaints consistent with Commission regulations. Resolves certain classes of informal complaints, as specified by the Commission, through findings of fact and issuance of orders. Receives, reviews, and analyzes responses to informal complaints; maintains manual and computerized files that permit the public inspection of informal consumer complaints; mediates and attempts to settle unresolved disputes in informal complaints as appropriate; and coordinates with other Bureaus and Offices to ensure that consumers are provided with accurate, up-to-date information. Develops and fosters partnerships with state regulatory entities to promote the sharing of information pertaining to informal complaint files maintained by the Bureau.

(j) Provides leadership to other Bureaus and Offices for dissemination of consumer information via the Internet.

(k) In coordination with other Bureaus and Offices, handles Congressional and other correspondence related to specific informal consumer complaints, or other specific matters within the responsibility of the Bureau, to the extent not otherwise handled by the Office of General Counsel or other Bureaus or Offices. Responds to and/or coordinates due diligence and other requests for information pertaining to informal inquiries and complaints under the responsibility of the Bureau with other Bureaus and Offices.

15. Section 0.182 is amended by revising paragraph (b) to read as follows:

**§ 0.182 Chief, Enforcement Bureau.**

\* \* \* \* \*

(b) In coordination with the Office of Managing Director, which has responsibility for developing the Commission's Continuity of Operations Plan (COOP). Acts as Alternate Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under emergency conditions.

\* \* \* \* \*

16. Section 0.241 is amended by revising paragraph (d) to read as follows:

CHIEF ENGINEER

**§ 0.241 Authority delegated.**

\* \* \* \* \*

(d) The Chief Engineer is delegate authority to examine all applications for certification (approval) of subscription television technical systems as acceptable for use under a subscription television authorization as provided for in this chapter, to notify the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the system does or does not appear to be acceptable for authorization as a subscription television system. This delegation shall be exercised in consultation with the Chief, Media Bureau.

17. Section 0.261 is amended by revising paragraph (a)(3) to read as follows:

INTERNATIONAL BUREAU

**§ 0.261 Authority delegated.**

(a) Subject to the limitations set forth in paragraph (b) of this section, the Chief, International Bureau, is hereby delegated the authority to perform the functions and activities described in § 0.51, including without limitation the following:

\* \* \* \* \*

(3) To act upon applications for international telecommunications and services pursuant to part 23 of this chapter and relevant portions of part 63 of this chapter, and coordinate with the Wireline Competition Bureau as appropriate;

\* \* \* \* \*

18. Section 0.283 is amended by revising the bureau name and text to read as follows:

CHIEF, MEDIA BUREAU

**§ 0.283 Authority delegated.**

The Chief, Media Bureau, is delegated authority to perform all functions of the Bureau, described in Section 0.61, provided that the following matters shall be referred to the Commission en banc for disposition:

- (a) Notices of proposed rulemaking and of inquiry and final orders in such proceedings, with the exception of rulemaking proceedings involving the allotment of FM and television channels.
- (b) Application for review of actions taken pursuant to delegated authority.
- (c) Matters that present novel questions of law, fact or policy that cannot be resolved under existing precedents and guidelines.
- (d) The imposition, reduction or cancellation of forfeitures pursuant to Section 503(b) of the Communications Act of 1934, as amended, in amounts of more than \$20,000.

19. Section 0.284 is amended by revising the introductory text in paragraph (a), removing paragraphs (a)(2) and (a)(7), and revising paragraph (b) and removing paragraph (c) to read as follows:

**§ 0.284 Actions taken under delegated authority.**

(a) In discharging the authority conferred by §0.283 of this part, the Chief, Media Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility;

\* \* \* \* \*

(2) [Removed]

\* \* \* \* \*

(7) [Removed]

\* \* \* \* \*

(b) With respect to non-routine applications granted under authority delegated in §0.283 of this part, the Chief, Media Bureau or his designees, shall enter on the working papers associated with each application a narrative justification of the action taken. While not available for public inspection, these working papers shall, upon request, be made available to the Commissioners and members of their staffs.

(c) [Removed]

\* \* \* \* \*

20. Section 0.285 is revised by amending the bureau name and text to read as follows:

**§ 0.285 Record of actions taken.**

The history card, the station file, and other appropriate files are designated to be the official records of action taken by the Chief of the Media Bureau. The official records of action are maintained in the Reference Information Center in the Consumer and Governmental Affairs Bureau.

21. Section 0.291 is revised by amending the bureau name and text to read as follows:

CHIEF, WIRELINE COMPETITION BUREAU

**§ 0.291 Authority delegated.**

The Chief, Wireline Competition Bureau, is hereby delegated authority to perform all functions of the Bureau, described in §0.91, subject to the following exceptions and limitations.

(a) *Authority concerning applications.*

(1) The Chief, Wireline Competition Bureau shall not have authority to act on any formal or informal common carrier applications or section 214 applications for common carrier services which are in hearing status.

(2) The Chief, Wireline Competition Bureau shall not have authority to act on any applications or requests which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Authority concerning section 220 of the Act.* The Chief, Wireline Competition Bureau shall not have authority to promulgate regulations or orders prescribing permanent depreciation rates for common carriers, or to prescribe interim depreciation rates to be effective more than one year, pursuant to section 220 of the Communications Act of 1934, as amended.

(c) [Removed]

(d) *Authority to designate for hearing.* The Chief, Wireline Competition Bureau shall not have authority to designate for hearing any applications except applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines.

(e) *Authority concerning forfeitures.* The Chief, Wireline Competition Bureau shall not have authority to impose, reduce or cancel forfeitures pursuant to Section 203 or Section 503(b) of the Communications Act of 1934, as amended, in amounts of more than \$80,000.

(f) *Authority concerning applications for review.* The Chief, Wireline Competition Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Wireline Competition Bureau, pursuant to any delegated authority.

(g) *Authority concerning rulemaking and investigatory proceedings.* The Chief, Wireline Competition Bureau, shall not have authority to issue notices of proposed rulemaking, notices of inquiry, or reports or orders arising from either of the foregoing, except that the Chief, Wireline Competition Bureau, shall have authority, in consultation and coordination with the Chief, International Bureau, to issue and revise a manual on the details of the reporting requirements for international carriers set forth in §43.61(d) of this chapter.

(h) *Authority concerning the issuance of subpoenas.* The Chief of the Wireline Competition Bureau or her/his designee is authorized to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other

records deemed relevant to the investigation of matters within the jurisdiction of the Wireline Competition Bureau. Before issuing a subpoena, the Bureau shall obtain the approval of the Office of General Counsel.

(i) The Chief, Wireline Competition Bureau, is delegated authority to enter into agreements with the National Institute of Standards and Technology to perform accreditation of Telecommunication Certification Bodies (TCBs) pursuant to §§68.160 and 68.162 of this chapter. In addition, the Chief is delegated authority to develop specific methods that will be used to accredit TCBs, to designate TCBs, to make determinations regarding the continued acceptability of individual TCBs and to develop procedures that TCBs will use for performing post-market surveillance.

(j) *Authority concerning petitions for pricing flexibility.* (1) The Chief, Wireline Competition Bureau, shall have authority to act on petitions filed pursuant to part 69, subpart H, of this chapter for pricing flexibility involving special access and dedicated transport services. This authority is not subject to the limitation set forth in paragraph (a)(2) of this section.

(2) The Chief, Wireline Competition Bureau, shall not have authority to act on petitions filed pursuant to part 69, subpart H, of this chapter for pricing flexibility involving common line and traffic sensitive services.

\* \* \* \* \*

22. Section 0.302 is revised to read as follows:

**§ 0.302 Record of actions taken.**

The application and authorization files are designated as the Commission's official records of action of the Chief, Wireline Competition Bureau pursuant to authority delegated to the Chief. The official records of action are maintained in the Reference Information Center in the Consumer and Governmental Affairs Bureau.

23. Section 0.303 is revised to read as follows:

**§ 0.303 Authority concerning registration of telephone terminal equipment.**

Authority is delegated to the Chief of the Wireline Competition Bureau jointly in cooperation with the Chief Engineer to act upon applications for registration of equipment to be directly connected to the telephone network; *Provided, however,* That the Chief, Wireline Competition Bureau shall exercise

overall policy direction of the program, with appropriate consultation with the Chief Engineer (For record of actions taken under this section, see §0.247).

24. Section 0.304 is revised to read as follows:

**§ 0.304 Authority for determination of exempt telecommunications company status.**

Authority is delegated to the Chief, Wireline Competition Bureau to act upon any application for a determination of exempt telecommunications company status filed pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935, as amended by section 103 of the Telecommunications Act of 1996.

25. Section 0.311 is amending by revising the introductory text and by adding paragraphs (a)(6) and by revising paragraph (c) to read as follows:

**§ 0.311 Authority delegated.**

The Chief, Enforcement Bureau, is delegated authority to perform all functions of the Bureau, described in § 0.111, provided that:

(a) The following matters shall be referred to the Commission en banc for disposition:

\* \* \* \* \*

(6) Release of information pursuant to section 220(f) of the Communications Act, except for release of such information to a state public utility commission or in response to a Freedom of Information Act Request.

\* \* \* \* \*

(c) Action on emergency requests for Special Temporary Authority during non-business hours shall be promptly reported to the responsible Bureau or Office.

NOTE TO PARAGRAPH (c): See also § 0.182 of this chapter.

26. Section 0.314 is amended by revising paragraphs (f), (g), (h), (i), and (j) to read as follows:

**§ 0.314 Additional authority delegated.**

The Regional Director, Deputy Regional Director, District Director or Resident Agent at each installation is delegated authority to act upon applications, requests, or other matters, which are not in hearing status, and direct the following activities necessary to conduct investigations or inspections:

\* \* \* \* \*

(f) Issue notices and orders to operators of industrial, scientific, and medical (ISM) equipment, as provided in § 18.115 of this chapter.

(g) Act on requests for permission to resume operation of ISM equipment on a temporary basis, as provided by § 18.115 of this chapter, and requests for extensions of time within which to file final reports, as provided by § 18.117 of this chapter.

(h) Issue notices and orders to operators of Part 15 devices, as provided in § 15.5 of this chapter.

(i) Issue notices and orders to suspend operations to multi-channel video programming distributors, as provided in § 76.613 of this chapter.

(j) Issue notices and orders to suspend operations to part 74 licensees, as provided in § 74.23 of this chapter.

27. Section 0.321 is removed.

**§ 0.321 [Removed]**

28. Section 0.325 is removed.

**§ 0.325 [Removed]**

29. Section 0.347 is revised to read as follows:

**§ 0.347 Record of actions taken.**

The official record of all actions taken by an Administrative Law Judge, including initial and recommended decisions and actions taken pursuant to § 0.341, is contained in the original docket folder, which is maintained in the Reference Information Center of the Consumer and Governmental Affairs Bureau.

30. Section 0.357 is revised to read as follows:

**§ 0.357 Record of actions taken.**

The official record of all actions taken by the Chief Administrative Law Judge in docketed proceedings pursuant to §0.351 is contained in the original docket folder, which is maintained by the Reference Information Center of the Consumer and Governmental Affairs Bureau.

31. Section 0.361 is amended by revising the Bureau name, the introductory text to read as follows:

## CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU

**§ 0.361 Authority delegated.**

The Chief, Consumer and Governmental Affairs Bureau, is delegated authority to perform all functions of the Bureau, described in §0.141, provided that the following matters shall be referred to the Commission en banc for disposition:

\* \* \* \* \*

32. Section 0.387 is amended by revising paragraph (a) to read as follows:

**§ 0.387 Other national security and emergency preparedness delegations; cross reference.**

\* \* \* \* \*

(a) For authority of the Chief of the Media Bureau to issue Emergency Alert System Authorizations (FCC Form 392), see §§ 0.284 (a) (4) and 73.913.

33. Section 0.401 (a)(5) is revised to read as follows:

**§ 0.401 Location of Commission offices.**

\* \* \* \* \*

(a)(5) The location of the Office of General Counsel is 445 12th Street, SW, Washington, DC 20554.

\* \* \* \* \*

34. Section 0.423 is revised to read as follows:

**§ 0.423 Information Bulletins.**

Information bulletins and fact sheets containing information about communications issues and the Federal Communications Commission are available on the Commission's web site at [www.fcc.gov](http://www.fcc.gov), [ftp.fcc.gov](ftp://ftp.fcc.gov) or may be requested from the Consumer and Governmental Affairs Bureau.

35. Section 0.441 is revised to read as follows:

## PUBLIC INFORMATION AND INSPECTION OF RECORDS

**§ 0.441 General.**

Any person desiring to obtain information may do so by contacting the Consumer and Governmental Affairs Bureau. Requests for information, general inquiries, and complaints may be submitted by:

- (a) Internet at [www.fcc.gov/CIB/FCCINFO](http://www.fcc.gov/CIB/FCCINFO) or [ftp.fcc.gov/CIB/FCCINFO](ftp://ftp.fcc.gov/CIB/FCCINFO).
- (b) Telephone at 1-(888) CALLFCC (1-888-225-5322).
- (c) TDD/TDY at (202) 418-0484.
- (d) Correspondence at: Consumer and Governmental Affairs Bureau, P.O. Box FCC, 445 12th Street, S.W., Washington, DC 20554.
- (e) Visiting the Reference Information Center of the Consumer and Governmental Affairs Bureau at the Commission's main office in Washington, DC.

36. Section 0.453 is amended by revising the introductory text and paragraphs (a), (b), (d), (e) and (f) and removing paragraph (l) to read as follows:

**§ 0.453 Public Reference Rooms.**

The Commission maintains the following public reference rooms at its offices in Washington, DC, and Columbia, Maryland. Much of the information available from the public reference rooms may also be retrieved from the Commission's WorldWide Website at <http://www.fcc.gov>:

(a) The Reference Information Center of the Consumer and Governmental Affairs Bureau.

\* \* \* \* \*

(2) Files, documents, and records related to the following services:

\* \* \* \* \*

(B) Common Carrier Services, including:

\* \* \* \* \*

(v) All applications for common carrier authorizations acted upon by the Wireline Competition Bureau, and related files.

\* \* \* \* \*

(E) Cable Services. The following files and documents are available, including:

(i) All complaints regarding cable programming rates, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to §0.459 that such information not be made routinely available for public inspection.

(ii) Special relief petitions and files pertaining to cable television operations.

(iii) Cable television system reports filed by operators pursuant to § 76.403 of this chapter.

(iv) Annual employment reports filed by cable television systems pursuant to § 76.77 of this chapter.

(v) Files and documents related to Cable Television Relay Service (CARS).

(b) *Reference Information Center.* Station files containing applications and related materials for Remote Pickup, Aural STL/ICR, TV Auxiliary, and Low Power Auxiliary Stations in the mass media services.

\* \* \* \* \*

(d) *The Office of Engineering and Technology, FCC Laboratory Reference Room.* The following documents, files and records are available for inspection at this location. Files containing approved applications for Equipment Authorization and related materials are available for review. These files are available in the Commission's Laboratory in Columbia, Maryland.

(e) *The International Bureau.* The International Bureau maintains international settlement agreements and contracts and international cable agreements.

(f) *The Media Bureau.* The Media Bureau maintains all cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission had assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to §0.459 that such information not be made routinely available for public inspection.

(g) *The Wireline Competition Bureau.* Section 214 applications and related files, to the extent that they concern domestic communications facilities and services are available for inspection at this location.

\* \* \* \* \*

(i) *The Wireline Competition Bureau, Industry Analysis Reference Room.* The following documents, files and records are available for inspection at this location.

(1) Files containing reports required by FCC Rules and Regulations, annual reports to stockholders, administrative reports, monthly bypass reports and related materials.

(2) Files containing reference material from major telephone companies.

(3) Files containing Local Exchange Rates and related files.

(j) *The Wireline Competition Bureau, Tariff Review Reference Room.* Contains currently effective tariffs filed by Communications Common Carriers pursuant to various FCC Rules and Regulations. Also available for review and copying are recent revisions to tariff filings and the Public Reference Room Log, which is prepared daily and lists the tariff filings received the previous day.

\* \* \* \* \*

(l) [Removed]

\* \* \* \* \*

(n) *The Media Bureau Reference Center.* The following documents, files and records are available for inspection at this location.

(1) All complaints regarding cable programming rates, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(2) All cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission has assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(3) Special relief petitions and files pertaining to cable television operations.

(4) Cable television system reports filed by operators pursuant to §76.403 of this chapter.

37. Section 0.455 is revised to read as follows:

**§ 0.455 Other locations at which records may be inspected.**

Except as provided in §§ 0.453, 0.457, and 0.459, records are routinely available for inspection in the Reference Information Center or the offices of the Bureau or Office which exercises responsibility over the matters to which those records pertain (see §0.5), or will be made available for inspection at those office upon request. Upon inquiry to the appropriate Bureau or Office, persons desiring to inspect such records will be directed to the specific location at which the particular records may be inspected. A list of Bureaus and Offices and examples of the records available at each is set out below.

(a) Media Bureau.

(1) Rulings under the Fairness Doctrine and section 315 of the Communications Act, and related materials.

(2) Ruling lists which contain brief summaries of rulings.

Congressional correspondence and related materials.

Correspondence and other actions and decisions relating to cable television services that are not filed in the FCC Reference Information Center, e.g. rate regulation files and related documents.

(b) Wireline Competition Bureau.

(1) Reports of public coast station operators filed under §43.71 of this chapter.

(2) Valuation reports filed under section 213 of the Communications Act, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213(f) of the Communications Act. See § 0.457(c)(2).

(3) Computer II files and related materials.

(c) Office of Managing Director.

(1) All minutes of Commission actions, containing a record of all final votes, minutes of actions and internal management matters as provided in § 0.457 (b)(1) and (c)(1)(i). These records and files are available for inspection in the Agenda Branch.

(2) Files containing information concerning the history of the Commission's rules. These files are available for inspection in the Publications Branch.

(3) See § 0.443.

(4) Reports filed pursuant to subpart E of part 19 of this chapter and applications for inspection of such reports. See § 0.460(k).

(d) Office of Engineering and Technology which includes the Bureau's Technical Library containing technical reports, technical journals, and bulletins of spectrum management and related technical materials. Also files containing approved applications for Equipment Authorization (Type accepted, certified and notified) and related materials are available for review. These files are available in the Commission's Laboratory in Columbia, Maryland.

(1) Experimental application and license files.

(2) The Master Frequency Records.

(3) Applications for Equipment Authorization (type accepted, type approval, certification, or advance approval of subscription television systems), following the effective date of the authorization. See § 0.457(d)(1)(ii). (Application files, technical journals and other technical materials are maintained at the Commission's Laboratory at Columbia, Maryland.)

International Bureau. The treaties and other international and bilateral agreements listed in § 73.1650 of this chapter are available for inspection in the office of the Chief, Strategic Analysis and Negotiations Division, International Bureau. Also contracts and other arrangements filed under § 43.51 and reports of negotiations regarding foreign communication matters filed under § 43.52 of this chapter, except for those kept confidential by the Commission pursuant to section 412 of the Communications Act. See § 0.457(c)(3). Also files relating to international settlements under part 64 of this chapter.

38. Section 0.465(a) is revised by amending NOTE TO PARAGRAPH (a) to read as follows:

**§0.465 Request for copies of materials which are available, or made available, for public inspection.**

NOTE TO PARAGRAPH (a): The name, address, telephone number, and schedule of fees for the current duplication contractor are published at the time of contract award or renewal in a Public Notice and periodically thereafter. Questions regarding this information should be directed to the Reference Information Center of the Consumer and Governmental Affairs Bureau.

#### PART 1 - PRACTICE AND PROCEDURE

39. The authority citation for Part 1 continues to read as follows:

**AUTHORITY:** 47 U.S.C. 151, 154(I), 154(j), 155, 225, 303(r), 309 and 325(e).

40. Section 1.4 is amended by revising paragraph (f) to read as follows:

#### **§ 1.4 Computation of time.**

1.4(b)(2)

\* \* \* \* \*

(f) Except as provided in §0.401(b) of this chapter, all petitions, pleadings, tariffs or other documents not required to be accompanied by a fee and which are hand-delivered must be tendered for filing in complete form, as directed by the Rules, with the Office of the Secretary before 7:00 p.m., at 445 12th Street, SW, TW-A325, Washington, DC. The Secretary will determine whether a tendered document meets the pre-7:00 p.m. deadline. Documents filed electronically pursuant to §1.49(f) must be received by the Commission's electronic filing system before midnight. Applications, attachments and pleadings filed electronically in the Universal Licensing System (ULS) pursuant to §1.939(b) must be received before midnight on the filing date. Media Bureau applications and reports filed electronically pursuant to §73.3500 of this chapter must be received by the electronic filing system before midnight on the filing date.

\* \* \* \* \*

41. Section 1.115 is amended by revising paragraph (3)(4) to read as follows:

#### **§ 1.115 Application for review of action taken pursuant to delegated authority.**

\* \* \* \* \*

(4) Applications for review of final staff decisions issued on delegated authority in formal complaint proceedings on the Enforcement Bureau's Accelerated Docket (see, e.g., §1.730) shall be filed within 15 days of public notice of the decision, as that date is defined in §1.4(b). These applications for review oppositions and

replies in Accelerated Docket proceedings shall be served on parties to the proceeding by hand or facsimile transmission.

\* \* \* \* \*

42. Section 1.221 is amended by revising paragraphs (b) and (c) to read as follows:

**§ 1.221 Notice of hearing, appearances.**

\* \* \* \* \*

(b) The order designating an application for hearing is mailed to the applicant by the Reference Information Center of the Consumer and Governmental Affairs Bureau and this order or a summary thereof is published in the Federal Register. Reasonable notice of hearing will be given to the parties in all proceedings; and, whenever possible, the Commission will give at least 60 days notice of comparative hearings.

(c) In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Reference Information Center of the Consumer and Governmental Affairs Bureau, file with the Commission, in triplicate, a written appearance stating that he will appear of the date fixed for hearing and present evidence on the issues specified in the order. Where an applicant fails to file such a written appearance within the time specified, or has not filed prior to the expiration of that time a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the application will be dismissed with prejudice for failure to prosecute.

\* \* \* \* \*

43. Section 1.403 is revised to read as follows:

**§ 1.403 Notice and availability.**

All petitions for rule making (other than petitions to amend the FM, Television, and Air-Ground Tables of Assignments) meeting the requirements of §1.401 will be given a file number and, promptly thereafter, a “Public Notice” will be issued (by means of a Commission release entitled “Petitions for Rule Making Filed”) as to the petition, file number, nature of the proposal, and date of filing, Petitions for rule making are available at the Commission’s Reference Information Center, 445 12th Street, SW, Washington, DC and may also be available electronically over the Internet at <http://www.fcc.gov/>.

44. Section 1.419 is revised by amending paragraph (b) to read as follows:

§ 1.419 Form of comments and replies; number of copies.

\* \* \* \* \*

(b) An original and 4 copies of all comments, brief and other documents filed in a rulemaking proceeding shall be furnished the Commission. The distribution of such copies shall be as follows:

Secretary (original and 1).....	2
Bureau .....	2
Reference Information Center .....	1
	<u>5</u>

Participants filing the required 5 copies who also wish each Commissioner to have a personal copy of the comments may file an additional 5 copies. The distribution of such copies shall be as follows:

Commissioners .....	5
Secretary (original and 1).....	2
Bureau .....	2
Reference Information Center .....	1
	<u>10</u>

However, members of the general public who wish to express their interest by participating informally in a rulemaking proceeding may do so by submitting an original and one copy of their comments, without regard to form, provided only that the Docket Number is specified in the heading. Informal comments filed after close of the reply comment period, or, if on reconsideration, the reconsideration reply comment period, should be labeled “ex parte” pursuant to section 1.1206(a) of this chapter. Letters submitted to Commissioners or Commission staff will be treated in the same way as informal comments, as set forth above. Also such informal participants who wish the responsible members of the staff and the Commissioners to have personal copies may file an additional 7 copies. The distribution of such copies shall be as follows:

Commissioners .....	5
Secretary .....	2
Bureau .....	2
Total .....	<u>9</u>

\* \* \* \* \*

45. Section 1.703 is revised by amending paragraph (c) to read as follows:

§ 1.703 Appearances.

\* \* \* \* \*

(c) *Commission Counsel.* The requirement of paragraph (b) of this section shall not apply to counsel representing the Commission or the Chief of the Enforcement Bureau.

\* \* \* \* \*

46. Section 1.735 is revised by amending paragraph (b)(3) to read as follows:

**§ 1.735 Copies; service; separate filings against multiple defendants.**

\* \* \* \* \*

(b)(3) If the complaint is filed against a carrier concerning matters within the responsibility of the International Bureau (see § 0.261 of this chapter), serve a copy on the Chief, Policy Division, International Bureau; and

\* \* \* \* \*

47. Section 1.742 is amending to read as follows:

**§ 1.742 Place of filing, fees, and number of copies.**

All applications which do not require a fee shall be filed at the Commission's main office in Washington, D.C., Attention: Office of the Secretary. Hand-delivered applications will be dated by the Secretary upon receipt (mailed applications will be dated by the Mail Branch) and then forwarded to the Wireline Competition Bureau. All applications accompanied by a fee payment should be filed with the Commission's lockbox bank in accordance with §1.1105, Schedule of Fees. The number of copies required for each application and the nonrefundable processing fees and any applicable regulatory fees (see subpart G of this part) which must accompany each application in order to qualify it for acceptance for filing and consideration are set forth in the rules in this chapter relating to various types of applications. However, if any application is not of the type covered by this chapter, an original and two copies of each such application shall be submitted.

48. Section 1.743 is amended by revising paragraph (e) to read as follows:

**§ 1.743 Who may sign applications.**

\* \* \* \* \*

(e) "Signed," as used in this section, means an original handwritten signature, except that by public notice in the FEDERAL REGISTER the Wireline Competition Bureau may allow signature by any symbol executed or adopted by the applicant with the intent that such symbol be a signature, including symbols formed by computer generated electronic impulses.

49. Section 1.749 is amended to read as follows:

**§ 1.749 Action on application under delegated authority.**

Certain applications do not require action by the Commission but, pursuant to the delegated authority contained in subpart B of part O of this chapter, may be acted upon by the Chief of the Wireline Competition Bureau subject to reconsideration by the Commission.

50. Section 1.773 is amended by revising paragraphs (a)(2), (a)(4) and (b)(3) to read as follows:

**§ 1.773 Petitions for suspension or rejection of new tariff filings.**

\* \* \* \* \*

(a)(2) *When filed.* All petitions seeking investigation, suspension, or rejection of a new or revised tariff filing shall meet the filing requirements of this paragraph. In case of emergency and within the time limits provided, a telegraphic request for such relief may be sent to the Commission setting forth succinctly the substance of the matters required by paragraph (a)(1) of this section. A copy of any such telegraphic request shall be sent simultaneously to the Chief, Wireline Competition Bureau, the Chief, Pricing Policy Division, and the publishing carrier. Thereafter, the request shall be confirmed by petition filed and served in accordance with §1.773(a)(4).

\* \* \* \* \*

(a)(4) *Copies, service.* An original and four copies of each petition shall be filed with the Commission as follows: the original and three copies of each petition shall be filed with the Secretary, FCC room TW-A325, 445 12th Street, SW., Washington, DC 20554; one copy must be delivered directly to the Commission's copy contractor. Additional, separate copies shall be served simultaneously upon the Chief, Wireline Competition Bureau; and the Chief, Pricing Policy Division. Petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served either personally or via facsimile on the filing carrier. If a petition is served via facsimile, a copy of the petition must also be sent to the filing carrier via first class mail on the same day of the facsimile transmission. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on more than 15 days notice may be served on the filing carrier by mail.

\* \* \* \* \*

(b)(3) *Copies, service.* An original and four copies of each reply shall be filed with the Commission, as follows: the original and three copies must be filed with the Secretary, FCC room TW-A325, 445 12th Street, SW., Washington, DC 20554; one copy must be delivered directly to the Commission's copy

contractor. Additional separate copies shall be served simultaneously upon the Chief, Wireline Competition Bureau, the Chief, Pricing Policy Division and the petitioner. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served on petitioners personally or via facsimile. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on more than 15 days notice may be served upon petitioner personally, by mail or via facsimile.

51. Section 1.774 is revised by amending paragraphs (e)(2)(ii) and (f) to read as follows:

**§ 1.774 Pricing flexibility.**

\* \* \* \* \*

(e)(2)(ii) Any interested party electing to file an opposition or comment in response to a pricing flexibility petition through a method other than ETFS must file an original and four copies of each opposition or comment with the Commission, as follows: the original and three copies of each pleading shall be filed with the Secretary, FCC, 445 12th Street, SW., Washington, DC, 20554; one copy must be delivered directly to the Commission's copy contractor. Additional, separate copies shall be served upon the Chief, Wireline Competition Bureau and the Chief, Pricing Policy Division.

\* \* \* \* \*

(f) *Disposition.* (1) A petition for pricing flexibility pertaining to special access and dedicated transport services shall be deemed granted unless the Chief, Wireline Competition Bureau, denies the petition no later than 90 days after the close of the pleading cycle. The period for filing applications for review begins the day the Bureau grants or denies the petition, or the day that the petition is deemed denied. Time shall be computed pursuant to §1.4.

\* \* \* \* \*

52. Section 1.821 is revised to read as follows:

GRANTS BY RANDOM SELECTION

**§ 1.821 Scope.**

The provisions of §§1.822 and 1.824 of this part apply as indicated to those applications for permits, licenses or authorizations in the Multichannel Multipoint Distribution Service for which action may be taken by the Wireless Telecommunications Bureau pursuant to delegated authority.

53. Section 1.924 is revised by amending paragraph (c)(3) to read as follows:

**§ 1.924 Quiet zones.**

\* \* \* \* \*

(c)(3) In the event that the calculated field strength exceeds 10 mV/m at the protected field office site, or if there is any question whether field strength levels might exceed that level, advance consultation with the FCC to discuss possible measures to avoid interference to monitoring activities should be considered. Prospective applicants may communicate with: Chief, Enforcement Bureau, Federal Communications Commission, Washington, DC 20554.

54. Section 1.1106 is revised by amending the address to read as follows:

**§ 1.1106 Schedule of charges for applications and other filings in the cable services.**

Action	FCC Form No.	FCC amount	Payment type code	Address
1. Cable Television Services:	327 & 159	\$210.00	TIC	Federal Communications Commission, Cable Services, P.O. Box 358205, Pittsburgh, PA 15215-5205.
a. CARS Construction Permit	.....			
b. CARS Modification.....	327 & 159	\$210.00	TIC	Federal Communications Commission, Cable Services, P.O. Box 358205, Pittsburgh, PA 15215-5205
c. CARS License Renewal	327 & 159	\$210.00	TIC	Federal Communications Commission, Cable Services, P.O. Box 358205, Pittsburgh, PA 15215-5205
d. CARS License Agreement	327 & 159	\$210.00	TIC	Federal Communications Commission, Cable Services, P.O. Box 358205, Pittsburgh, PA 15215-5205
e. CARS Transfer of Control	327 & 159	\$210.00	TIC	Federal Communications Commission, Cable Services, P.O. Box 358205, Pittsburgh, PA 15215-5205
f. Special Temporary Authorization	Corres & 159	\$135.00	TGC	Federal Communications Commission, Cable Services, P.O. Box 358205, Pittsburgh, PA 15215-5205
g. Cable Special Relief Petition.	Corres & 159	\$1,055.00	TQC	Federal Communications Commission, Cable Services, P.O. Box 358205, Pittsburgh, PA 15215-5205
h. §76.1801 Registration Statement 19.	Corres & 159	\$ 50.00	TAC	Federal Communications Commission, Cable Services, P.O. Box 358205, Pittsburgh, PA 15215-5205
i. Aeronautical Frequency Usage Notification 20.	Corres & 159	\$ 50.00	TAC	Federal Communications Commission, Cable Services, P.O. Box 358205, Pittsburgh, PA 15215-5205
j. Pole Attachment Complaint	Corres & 159	\$205.00	TPC	Federal Communications Commission, Cable Services, P.O. Box 358205,

				Pittsburgh, PA 15215-5205
--	--	--	--	---------------------------

55. Section 1.1163 is revised by amending paragraph (c)(1) to read as follows:

**§ 1.1163 Adjustments to regulatory fees.**

\* \* \* \* \*

(c)(1) Be derived by determining the full-time equivalent number of employees performing enforcement activities, policy and rulemaking activities, user information services, and international activities within the Wireline Competition Bureau, Media Bureau, International Bureau and other offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities, including such factors as service coverage area, shared use versus exclusive use, and other factors that the Commission determines are necessary in the public interest:

\* \* \* \* \*

56. Section 1.1202 is revised by amending paragraph (d)(6) note 4 to read as follows:

Subpart H - Ex Parte Communications

**§ 1.1202 Definitions.**

\* \* \* \* \*

(d)(6) NOTE 4 TO PARAGRAPH (d): Individual listeners or viewers submitting comments regarding a pending broadcast application pursuant to §1.1204(a)(8) will not become parties simply by service of the comments. The Media Bureau may, in its discretion, make such a commenter a party, if doing so would be conducive to the Commission's consideration of the application or would otherwise be appropriate.

\* \* \* \* \*

57. Section 1.4000 is amended by revising paragraph (g) to read as follows:

**§ 1.4000 Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.**

\* \* \* \* \*

(g) All allegations of fact contained in petitions and related pleadings before the Commission must be supported by affidavit of a person or persons with actual knowledge thereof. An original and two copies of all petitions and pleadings should be addressed to the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Copies of the petitions and related pleadings will be available for public inspection in the Reference Information Center, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Copies will be available for purchase from the Commission's contract copy center, and the Commission decisions will be available on the Internet.

Subpart V - Implementation of Section 706 of the Telecommunications Act of 1996;  
Commission Collection of Advanced Telecommunication Capability Data

58. Section 1.7001 is revised by amending paragraph (d) to read as follows:

**§ 1.7001 Scope and content of filed reports.**

\* \* \* \* \*

(d) Respondents may make requests for Commission non-disclosure of provider-specific data contained in FCC Form 477 under §0.459 of this chapter by so indicating on Form 477 at the time that the subject data are submitted. The Commission shall make all decisions regarding non-disclosure or provider-specific information, except that the Chief of the Wireline Competition Bureau may release provider-specific information to a state commission provided that the state commission has protections in place that would preclude disclosure of any confidential information.

\* \* \* \* \*

PART 21 - DOMESTIC PUBLIC FIXED RADIO SERVICES

59. The authority citation for Part 21 continues to read:

**Authority:** §§ 1, 2, 4, 201-205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070-1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102, 47 U.S.C. 151, 154, 201-205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

Subpart K - Multipoint Distribution Service

60. Section 21.305 is revised to read as follows:

**§ 21.305 Reports required concerning amendments to chapters and partnership agreements.**

Any amendments to charters, articles of incorporation or association, or partnership agreements shall promptly be filed at the Commission's main office in Washington, DC. Such filing shall be directed to the attention of the Chief, Wireless Telecommunications Bureau.

61. Section 21.912 is amended by revising paragraph (d) to read as follows:

**§ 21.912 Cable television company eligibility requirements and MDS/cable cross-ownership.**

\* \* \* \* \*

(d) The provisions of paragraphs (a) through (c) of this section will not apply to one MDS or MMDS channel used to provide locally-produced programming to cable headends. Locally-produced programming is programming produced in or near the cable operator's franchise area and not broadcast on a television station available within that franchise area. A cable operator will be permitted one MDS channel in an MMDS protected service area for this purpose, and no more than one MDS channel in an MMDS protected service area may be used by a cable television company or its affiliate or lessor pursuant to this paragraph. The licensee for a cable operator providing local programming pursuant to a lease must include in a notice filed with the Wireless Telecommunications Bureau a cover letter explicitly identifying itself or its lessees as a local cable operator and stating that the lease was executed to facilitate the provision of local programming. The first application or the first lease notification in an area filed with the Commission will be entitled to the exemption. The limitations on one MDS channel per party and per area include any cable/MDS operations grandfathered pursuant to paragraph (f) of this section or cable/ITFS operations grandfathered pursuant to § 74.931(e) of this chapter. The cable operator must demonstrate in its MDS/MMDS application that the proposed local programming will be provided within one year from the date its application is granted. Local programming service pursuant to a lease must be provided within one year of the date of the lease or one year of grant of the licensee's application for the leased channel, whichever is later. If an MDS license for these purposes is granted and the programming is subsequently discontinued, the license will be automatically forfeited the day after local programming service is discontinued.

62. Section 21.924 is amended by revising paragraph (a) to read as follows:

**§ 21.924 Service areas.**

(a) MDS service areas are regional Basic Trading Areas (BTAs) which are based on the Rand McNally 1992 Commercial Atlas & Marketing Guide, 123rd Edition, at pages 38-39. The BTA Map is available for public inspection at the Reference Information Center, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

\* \* \* \* \*

PART 22 – PUBLIC MOBILE SERVICES

63. The authority citation for Part 22 continues to read:

**Authority:** 47 U.S.C. 154,222,303, 309, and 332.

64. Section 22.757 is amended by revising paragraph (3)(e) to read as follows:

**§ 22.757 Channels for basic exchange telephone radio systems.**

\* \* \* \* \*

(e) Frequencies between 816-865 MHz are available for use on a coordinated basis by both commercial and private wireless licensees.

65. Section 22.947 is amended by revising paragraph (c) to read as follows:

**§ 22.947 Five year build-out period.**

\* \* \* \* \*

(c) *System information update.* Sixty days before the end of the five year build-out period, the licensee of each cellular system authorized on each channel block in each cellular market must file, in triplicate, a system information update (SIU), comprising a full size map, a reduced map, and an exhibit showing technical data relevant to determination of the system's CGSA. Separate maps must be submitted for each market into which the CGSA extends, showing the extension area in the adjacent market. Maps showing extension areas must be labeled (i.e. marked with the market number and channel block) for the market into which the CGSA extends. SIUs must accurately depict the relevant cell locations and coverage of the system at the end of the five year build-out period. SIUs must be filed at the Wireless Telecommunications Bureau, Commercial Wireless Division, 445 12<sup>th</sup> Street SW, Room 4-C232, Washington, DC 20554. If any changes to the system occur after the filing of the SIU, but before the end of the five year build-out period, the licensee must file, in triplicate, additional maps and/or data as necessary to insure that the cell locations and coverage of the system as of the end of the five year build-out period are accurately depicted.

\* \* \* \* \*

PART 27 - WIRELESS COMMUNICATIONS SERVICE

66. The authority for part 27 continues to read as follows:

**Authority:** 47 U.S.C. 154,301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

**Subpart A - General Information**

67. Section 27.6 is amended by revising the introductory paragraph to read as follows:

**§ 27.6 Service areas.**

WCS service areas are Major Economic Areas (MEAs) and Regional Economic Area Groupings (REAGs) as defined below. Both MEAs and REAGs are based on the U.S. Department of Commerce's 172 Economic Areas (Eas). See 60 FR 13114 (March 10, 1995). In addition, the Commission shall separately license Guam and the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands, American Samoa, and the Gulf of Mexico, which have been assigned Commission-created EA numbers 173-176, respectively. Maps of the EAs, MEAs, and REAGs and the Federal Register Notice that established the 172 EAs are available for public inspection and copying at the Reference Information Center, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

\* \* \* \* \*

**PART 32 - UNIFORM SYSTEMS OF ACCOUNTS FOR  
TELECOMMUNICATIONS COMPANIES**

68. The authority citation for Part 32 continues to read:

**Authority:** 47 U.S.C. 154(I), 154(j) and 220 as amended, unless otherwise noted.

69. Section 32.17 is revised to read as follows:

**§ 32.17 Interpretation of accounts.**

To the end that uniform accounting shall be maintained within the prescribed system, questions involving significant matters which are not clearly provided for shall be submitted to the Chief, Wireline Competition Bureau, for explanation, interpretation, or resolution. Questions and answers thereto with respect to this system of accounts will be maintained by the Wireline Competition Bureau.

70. Section 32.19 is revised to read as follows:

**§ 32.19 Address for reports and correspondence.**

Reports, statements, and correspondence submitted to the Federal Communications Commission in accordance with or relating to instructions and

requirements contained herein shall be addressed to the Wireline Competition Bureau, Federal Communications Commission, Washington, DC 20554.

71. Section 32.27 is amended by revising paragraph (a) to read as follows:

**§ 32.27 Transactions with affiliates.**

(a) Unless otherwise approved by the Chief, Wireline Competition Bureau, transactions with affiliates involving asset transfers into or out of the regulated accounts shall be recorded by the carrier in its regulated accounts as provided in paragraphs (b) through (f) of this section.

\* \* \* \* \*

**PART 43 - REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES**

72. The authority citation for Part 43 continues to read:

**Authority:** 47 U.S.C. 154; Telecommunications Act of 1996, Pub. L. 104-104, secs. 402(b)(2)(B), (c), 110 Stat. 56 (1996) as amended unless otherwise noted. 47 U.S.C. 211, 219, 220 as amended.

73. Section 43.21 is amended by revising paragraphs (g) and (h) to read as follows:

**§ 43.21 Transactions with affiliates.**

\* \* \* \* \*

(g) Each incumbent local exchange carrier for whom price cap regulation is mandatory and every incumbent local exchange carrier that elects to be covered by the price cap rules shall file, by April 1 of each year, a report designed to capture trends in service quality under price cap regulation. The report shall contain data relative to network measures of service quality, as defined by the Wireline Competition Bureau, from the previous calendar year on a study area basis.

(h) Each incumbent local exchange carrier for whom price cap regulation is mandatory shall file, by April 1 of each year, a report designed to capture trends in service quality under price cap regulation. The report shall contain data relative to customer measures of service quality, as defined by the Wireline Competition Bureau, from the previous calendar year a study area basis.

74. Section 43.61 amended by revising paragraph (a)(3) to read as follows:

**§ 43.61 Reports of international telecommunications traffic.**

\* \* \* \* \*

(a)(3) The information required under this section shall be furnished in conformance with the instructions and reporting requirements prepared under the direction of the Chief, Wireline Competition Bureau, prepared and published as a manual, in consultation and coordination with the Chief, International Bureau.

#### PART 51 - INTERCONNECTION

75. The authority citation for Part 51 continues to read:

**Authority:** Sections 1-5, 7, 201-05, 207-09, 218, 225-27, 251-54, 271, 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. §§ 151-55, 157, 201-05, 207-09, 218, 225-27, 251-54, 271, 332, unless otherwise noted.

76. Section 51.329 is amended by revising paragraph (c)(3) to read as follows:

#### **§ 51.329 Notice of network changes: Methods for providing notice.**

\* \* \* \* \*

(c)(3) In addition, one paper copy and one diskette copy must be sent to the “Chief, Wireline Competition Bureau, Federal Communications Commission, Washington, DC 20554.” The diskette copy must be on a standard 3 1/2 inch diskette, formatted in IBM-compatible format to be readable by high-density floppy drives operating under MS DOS 5.X or later compatible versions, and shall be in a word-processing format designated, from time-to-time, in public notices released by the Bureau. The diskette must be submitted in “read only” mode, and must be clearly labeled with the carrier’s name, the filing date, and an identification of the diskette’s contents.

77. Section 51.333 is amended by revising paragraph (e) to read as follows:

#### **§ 51.333 Notice of network changes: Short term notice.**

\* \* \* \* \*

(e) *Resolution.* If an objection is filed pursuant to paragraph (c) of this section, then the Chief, Wireline Competition Bureau, will issue an order determining a reasonable public notice period, provided however, that if an incumbent LEC does not file a response within the time period allotted, or if the incumbent LEC’s response accepts the latest implementation date stated by an objector, then the incumbent LEC’s public notice shall be deemed amended to specify the implementation date requested by the objector, without further Commission action. An incumbent LEC must amend its public notice to reflect any change in the applicable implementation date pursuant to § 51.329(b).

#### PART 52- NUMBERING

78. The authority citation for Part 52 continues to read:

**Authority:** Sec. 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. §151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201-05, 207-09, 218, 225-7, 251,2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201-05, 207-09, 218, 225, 251-2, 271 and 332 unless otherwise noted.

79. Section 52.15 is amended by revising paragraphs (f)(6)(iii) and (i)(7) to read as follows:

**§ 52.15 Central office code administration.**

\* \* \* \* \*

(6)(iii) A state commission seeking to reduce the reporting frequency pursuant to paragraph (f)(6)(ii) of this section shall notify the Wireline Competition Bureau and the NANPA in writing prior to reducing the reporting frequency.

(7) If a state commission declines to exercise the authority delegated to it in this paragraph, the entity or entities designated by the Commission to serve as the NANPA shall exercise this authority with respect to NXX codes and the Pooling Administrator shall exercise this authority with respect to thousands-blocks. The NANPA and the Pooling Administrator shall consult with the Wireline Competition Bureau prior to exercising the authority delegated to it in this provision.

80. Section 52.16 is amended by revising paragraph (c) to read as follows:

**§ 52.16 Billing and Collection Agent.**

\* \* \* \* \*

(c) Keep confidential all data obtained from carriers and not disclose such data in company-specific form unless authorized by the Commission. Subject to any restrictions imposed by the Chief of the Wireline Competition Bureau, the B & C Agent may share data obtained from carriers with the administrators of the universal service support mechanism (See 47 CFR 54.701 of this chapter), the TRS Fund (See 47 CFR 64.604(c)(4)(iii)(H) of this chapter, and the local number portability cost recovery (See 47 CFR 52.32). The B & C Agent shall keep confidential all data obtained from other administrators. The B & C Agent shall use such data, from carriers or administrators, only for calculating, collecting and verifying payments. The Commission shall have access to all data reported to the Administrator. Contributors may make requests for Commission nondisclosure of company-specific revenue information under §0.459 of this chapter by so indicating on the Telecommunications Reporting Worksheet

at the time that the subject data are submitted. The Commission shall make all decisions regarding nondisclosure of company-specific information.

\* \* \* \* \*

81. Section 52.23 is amended by revising paragraph (f) to read as follows:

**§ 52.23 Deployment of long-term database methods for number portability  
by LECs.**

\* \* \* \* \*

(f) The Chief, Wireline Competition Bureau, shall monitor the progress of local exchange carriers implementing number portability, and may direct such carriers to take any actions necessary to ensure compliance with the deployment schedule set forth in the appendix to this part 52.

82. Section 52.25 is amended by revising paragraph (g) to read as follows:

**§ 52.25 Database architecture and administration.**

\* \* \* \* \*

(g) Any state may opt out of its designated regional database and implement a state-specific database. A state must notify the Wireline Competition Bureau and NANC that it plans to implement a state-specific database within 60 days from the release date of the Public Notice issued by the Chief, Wireline Competition Bureau, identifying the administrator selected by the NANC and the proposed locations of the regional databases. Carriers may challenge a state's decision to opt out of the regional database system by filing a petition with the Commission.

\* \* \* \* \*

83. Section 52.26 is amended by revising paragraph (b)(3) to read as follows:

**§ 52.26 NANC recommendations on Local Number Portability  
Administration.**

\* \* \* \* \*

(b)(3) The NANC shall provide ongoing oversight of number portability administration, including oversight of the regional LLCs, subject to Commission review. Parties shall attempt to resolve issues regarding number portability deployment among themselves and, if necessary, under the auspices of the NANC. If any party objects to the NANC's proposed resolution, the NANC shall issue a written report summarizing the positions of the parties and the basis for the recommendation adopted by

the NANC. The NANC Chair shall submit its proposed resolution of the disputed issue to the Chief of the Wireline Competition Bureau as a recommendation for Commission review. The Chief of the Wireline Competition Bureau will place the NANC's proposed resolution on public notice. Recommendations adopted by the NANC and forwarded to the Bureau may be implemented by the parties pending review of the recommendation. Within 90 days of the conclusion of the comment cycle, the Chief of the Wireline Competition Bureau may issue an order adopting, modifying, or rejecting the recommendation. If the Chief does not act within 90 days of the conclusion of the comment cycle, the recommendation will be deemed to have been adopted by the Bureau.

84. Section 52.32 is amended by revising paragraphs (b) and (c) to read as follows:

**§ 52.32 Allocation of the shared costs of long-term number portability.**

\* \* \* \* \*

(b) All telecommunications carriers providing service in the United States shall complete and submit a "Telecommunications Reporting Worksheet" (as published by the Commission in the FEDERAL REGISTER), which sets forth the information needed to calculate contributions referred to in paragraph (a) of this section. The worksheet shall be certified to by an officer of the contributor, and subject to verification by the Commission or the administrator at the discretion of the Commission. The Chief of the Wireline Competition Bureau may waive, reduce, modify, or eliminate contributor reporting requirements that prove unnecessary and require additional reporting requirements that the Bureau deems necessary to the sound and efficient administration of long-term number portability.

(c) Local number portability administrators shall keep all data obtained from contributors confidential and shall not disclose such data in company-specific form unless directed to do so by the Commission. Subject to any restrictions imposed by the Chief of the Wireline Competition Bureau, the local number portability administrators may share data obtained from carriers with the administrators of the universal service support mechanism (See 47 CFR 54.701 of this chapter), the TRS Fund (See 47 CFR 64.604(c)(4)(iii)(H) of this chapter), and the North American Numbering Plan cost recovery (See 47 CFR 52.16). The local number portability administrators shall keep confidential all data obtained from other administrators. The administrators shall use such data, from carrier or administrators, only for purposes of administering local number portability. The Commission shall have access to all data reported to the Administrator. Contributors may make request for Commission nondisclosure of company-specific revenue information under § 0.459 of this chapter by so indicating on the Telecommunications Worksheet at the time that the subject data are submitted. The Commission shall make all decisions regarding nondisclosure of company-specific information.

\* \* \* \* \*

85. Section 52.109 is amended by revising paragraph (c) to read as follows:

**§ 52.109 Permanent cap on number reservations.**

(c) The Wireline Competition Bureau shall modify the quantity of numbers a Responsible Organization may have in reserve status or the percentage of numbers in the spare poll that a Responsible Organization may reserve when exigent circumstances make such action necessary. The Wireline Competition Bureau shall establish, modify, and monitor toll free number conservation plans when exigent circumstances necessitate such action.

**PART 53 - SPECIAL PROVISIONS CONCERNING BELL OPERATING COMPANIES**

86. The authority citation for Part 53 continues to read:

**Authority:** Sections 1-5, 7, 201-05, 218, 251, 253, 271-75, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151-55, 157, 201-05, 218, 251, 253, 271-75, unless otherwise noted.

87. Section 53.209 is amended by revising paragraph (d) to read as follows:

**§ 53.209 Biennial audit.**

\* \* \* \* \*

(d) The Chief, Enforcement Bureau, shall work with the regulatory agencies in the states having jurisdiction over the Bell operating company's local telephone services, to attempt to form a Federal/State joint audit team with the responsibility for overseeing the planning of the audit as specified in § 53.211 and the analysis and evaluation of the audit as specified in § 53.213. The Federal/State joint audit team may direct the independent auditor to take any action necessary to ensure compliance with the audit requirements listed in paragraph (b) of this section. If the state regulatory agencies having jurisdiction choose not to participate in the Federal/State joint audit team, the Chief, Enforcement Bureau, shall establish an FCC audit team to oversee and direct the independent auditor to take any action necessary to ensure compliance with the audit requirement in paragraph (b) of this section.

88. Section 53.211 is amended by revising paragraph (e)(3) to read as follows:

**53.211 Audit planning.**

(e)(3) Submit to the Chief, Enforcement Bureau, any accounting or rule interpretations necessary to complete the audit.

**PART 54 - UNIVERSAL SERVICE**

89. The authority citation for Part 54 continues to read:

**Authority:** 47 U.S.C. 1, 4(i), 201 205, 214, and 254 unless otherwise noted.

90. Section 54.207 is amended by revising paragraph (e) to read as follows:

**§ 54.207 Service areas.**

(e) The Commission delegates its authority under paragraphs (c) and (d) of this section to the Chief, Wireline Competition Bureau.

91. Section 54.301 is amended by revising paragraph (f)(2) to read as follows:

**§ 54.301 Local Switching Support.**

\* \* \* \* \*

(f)(2) The Commission delegates its authority to review, modify, and approve the formula submitted by the Administrator pursuant to this paragraph to the Chief, Wireline Competition Bureau.

92. Section 54.703 is amended by revising paragraphs (c)(2) and (d) to read as follows:

**§ 54.703 The Administrator's Board of Directors.**

\* \* \* \* \*

(c)(2) The name of an industry or non-industry group's nominee shall be filed with the Office of the Secretary of the Federal Communications Commission in accordance with part 1 of this chapter. The document nominating a candidate shall be captioned "In the matter of: Nomination for Universal Service Administrator's Board of Directors" and shall reference FCC Docket Nos. 97-21 and 96-45. Each nomination shall specify the position on the Board of Directors for which such nomination is submitted. Two copies of the document nominating a candidate shall be submitted to the Wireline Competition Bureau's Telecommunications Access Policy Division.

\* \* \* \* \*

(d) *Board member terms.* The directors of the Administrator's Board shall be appointed for three-year terms, except that the Chief Executive Officer shall be a permanent member of the Board. Board member terms shall run from January 1 of the first year of the term to December 31 of the third year of the term, except that, for purposes of the term beginning on January 1, 1999, the terms of the six directors shall expire on December 31, 2000, the terms of another six directors on December 31, 2001, and the terms of the remaining six directors on December 31, 2002. Directors may be

reappointed for subsequent terms pursuant to the initial nomination and appointment process described in paragraph (c) of this section. If a Board member vacates his or her seat prior to the completion of his or her term, the Administrator will notify the Wireline Competition Bureau of such vacancy, and a successor will be chosen pursuant to the nomination and appointment process described in paragraph (c) of this section.

\* \* \* \* \*

93. Section 54.709 is amended by revising paragraph (a)(3) to read as follows:

**§ 54.709 Computations of required contributions to universal service support mechanisms.**

(3) Total projected expenses for the federal universal service support mechanisms for each quarter must be approved by the Commission before they are used to calculate the quarterly contribution factor and individual contributions. For each quarter, the Administrator must submit its projections of demand for the federal universal service support mechanisms for high-cost areas, low-income consumers, schools and libraries, and rural health care providers, respectively, and the basis for those projections, to the Commission and the Wireline Competition Bureau at least sixty (60) calendar days prior to the start of that quarter. For each quarter, the Administrator must submit its projections of administrative expenses for the high-cost mechanism, the low-income mechanism, the schools and libraries mechanism and the rural health care mechanism and the basis for those projections to the Commission and the Wireline Competition Bureau at least sixty (60) calendar days prior to the start of that quarter. Based on data submitted to the Administrator on the Telecommunications Reporting Worksheets, the Administrator must submit the total contribution base to the Wireline Competition Bureau at least sixty (60) days before the start of each quarter. The projections of demand and administrative expenses and the contribution factor shall be announced by the Commission in a public notice and shall be made available on the Commission's website. The Commission reserves the right to set projections of demand and administrative expenses at amounts that the Commission determines will serve the public interest at any time within the fourteen-day period following release of the Commission's public notice. If the Commission take no action within fourteen (14) days of the date of release of the public notice announcing the projections of demand and administrative expenses, the projections of demand and administrative expenses, and the contribution factor shall be deemed approved by the Commission. Except as provided in § 54.706(c), the Administrator shall apply the quarterly contribution factor, once approved by the Commission, to contributor's interstate and international end-user telecommunications revenues to calculate the amount of individual contributions.

\* \* \* \* \*

94. Section 54.711 is amended by revising paragraph (b) to read as follows:

**§ 54.711 Contributor reporting requirements.**

\* \* \* \* \*

(b) The Commission shall have access to all data reported to the Administrator. Contributors may make requests for Commission nondisclosure of company-specific revenue information under § 0.459 of this chapter by so indicating on the Telecommunications Reporting Worksheet at the time that the subject data are submitted. The Commission shall make all decisions regarding nondisclosure of company-specific information. The Administrator shall keep confidential all data obtained from contributors, shall not use such data except for purposes of administering the universal service support programs, and shall not disclose such data in company-specific form unless directed to do so by the Commission. Subject to any restrictions imposed by the Chief of the Wireline Competition Bureau, the Universal Service Administrator may share data obtained from contributors with the administrator of the North American Numbering Plan administration cost recovery (See 47 CFR 52.16 of this chapter), the local number portability cost recovery (See 47 CFR 52.32 of this chapter), and the TRS Fund (See 47 CFR 64.604(c)(4)(iii)(H) of this chapter). The Administrator shall keep confidential all data obtained from other administrators and shall not use such data except for purposes of administering the universal service support mechanisms.

\* \* \* \* \*

95. Section 54.717 is revised to read as follows:

**§ 54.717 Audits of the Administrator.**

The Administrator shall obtain and pay for an annual audit conducted by an independent auditor to examine its operations and books of account to determine, among other things, whether the Administrator is properly administering the universal service support mechanisms to prevent fraud, waste, and abuse:

(a) Before selecting an independent auditor, the Administrator shall submit preliminary audit requirements, including the proposed scope of the audit and the extent of compliance and substantive testing, to the Wireline Competition Bureau.

(b) The Wireline Competition Bureau shall review the preliminary audit requirements to determine whether they are adequate to meet the audit objectives. The Wireline Competition Bureau shall prescribe modifications that shall be incorporated into the final audit requirements.

(c) After the audit requirements have been approved by the Wireline Competition Bureau, the Administrator shall engage within thirty (30) calendar days an independent auditor to conduct the annual audit required by this paragraph. In making its selection,

the Administrator shall not engage any independent auditor who has been involved in designing any of the accounting or reporting systems under review in the audit.

(d) The independent auditor selected by the Administrator to conduct the annual audit shall be instructed by the Administrator to develop a detailed audit program based on the final audit requirements and shall be instructed by the Administrator to submit the audit program to the Wireline Competition Bureau. The Wireline Competition Bureau shall review the audit program and make modifications, as needed, that shall be incorporated into the final audit program. During the course of the audit, the Wireline Competition Bureau may direct the Administrator to direct the independent auditor to take any actions necessary to ensure compliance with the audit requirements.

(e) During the course of the audit, the Administrator shall instruct the independent auditor to:

(1) Inform the Wireline Competition Bureau of any revisions to the final audit program or to the scope of the audit;

(2) Notify the Wireline Competition Bureau of any meetings with the Administrator in which audit findings are discussed; and

(3) Submit to the Chief of the Wireline Competition Bureau any accounting or rule interpretations necessary to complete the audit.

(f) Within sixty (60) calendar days after the end of the audit period, but prior to discussing the audit findings with the Administrator, the independent auditor shall be instructed by the Administrator to submit a draft of the audit report to the Wireline Competition Bureau.

(g) The Wireline Competition Bureau shall review the audit findings and audit workpapers and offer its recommendations concerning the conduct of the audit or the audit findings to the independent auditor. Exceptions of the Wireline Competition Bureau to the findings and conclusions of the independent auditor that remain unresolved shall be included in the final audit report.

(h) Within fifteen (15) calendar days after receiving the Wireline Competition Bureau's recommendations and making any revisions to the audit report, the Administrator shall instruct the independent auditor to submit the audit report to the Administrator for its response to the audit findings. At this time the auditor also must send copies of its audit findings to the Wireline Competition Bureau. The Administrator shall provide the independent auditor time to perform additional audit work recommended by the Wireline Competition Bureau.

(i) Within thirty (30) calendar days after receiving the audit report, the Administrator shall respond to the audit findings and send copies of its response to the Wireline Competition Bureau. The Administrator shall instruct the independent auditor

that any reply that the independent auditor wishes to make to the Administrator's responses shall be sent to the Wireline Competition Bureau as well as the Administrator. The Administrator's response and the independent auditor's replies shall be included in the final audit report;

(j) Within ten (10) calendar days after receiving the response of the Administrator, the independent auditor shall file with the Commission the final audit report.

(k) Based on the final audit report, the Chief of the Wireline Competition Bureau may take any action necessary to ensure that the universal service support mechanisms operate in a manner consistent with the requirements of this Part, as well as such other action as is deemed necessary and in the public interest.

96. Section 54.722 is amended by revising paragraph (a) to read as follows:

**§ 54.722 Review by the Wireline Competition Bureau or the Commission.**

(a) Requests for review of Administrator decisions that are submitted to the Federal Communications Commission shall be considered and acted upon by the Wireline Competition Bureau; provided, however, that requests for review that raise novel questions of fact, law or policy shall be considered by the full Commission.

\* \* \* \* \*

97. Section 54.723 is revised to read as follows:

**§ 54.723 Standard of review.**

(a) The Wireline Competition Bureau shall conduct *de novo* review of request for review of decisions issue by the Administrator.

(b) The Federal Communications Commission shall conduct *de novo* review of requests for review of decisions by the Administrator that involve novel questions of fact, law, or policy; provided, however, that the Commission shall not conduct *de novo* review of decisions issued by the Wireline Competition Bureau under delegated authority.

98. Section 54.724 is revised to read as follows:

**54.724 Time periods for Commission approval of Administrator decisions.**

(a) The Wireline Competition Bureau shall, within ninety (90) days, take action in response to a request for review of an Administrator decision that is properly before it. The Wireline Competition Bureau may extend the time period for taking action on a request for review of an Administrator decision for a period of up to ninety

days. The Commission may also at any time, extend the time period for taking action of a request for review of an Administrator decision pending before the Wireline Competition Bureau.

(b) The Commission shall issue a written decision in response to a request for review of an Administrator decision that involves novel questions of fact, law, or policy within ninety (90) days. The Commission may extend the time period for taking action on the request for review of an Administrator decision. The Wireline Competition Bureau also may extend action on a request for review of an Administrator decision for a period of up to ninety days.

99. Section 54.807 is amended by revising the introductory text of paragraph (c) to read as follows:

**§ 54.807 Interstate access universal service support.**

(c) In any study area within which the price cap local exchange carrier has established state approved geographically deaveraged rates for UNE loops, the Administrator shall calculate the Interstate Access Universal Service Support Per Line for each customer class and zone using all eligible telecommunications carriers' base period lines by customer class and zone adjusted for growth during the relevant support period based on the average nationwide annual growth in eligible lines during the three previous years. For the purpose of calculating growth, the Administrator shall use a simple average of annual growth rates for total switched access lines for the three most recent years as reported in the Wireline Competition Bureau Report, Statistics of Communications Common Carriers, Table 6.10--Selected Operating Statistics. Support shall be allocated to lines in the highest cost UNE zone first, and will "cascade" to lines in lower cost UNE zones to the extent that sufficient funding is available. Beginning with the zone with the highest Zone Average Revenue Per Line, support will be applied in the following order of priority:

(1) To all lines in the highest zone, to eliminate the amount per line by which Zone Average Revenue Per Line exceeds the higher of \$9.20 or the Average Revenue Per Line in the next highest zone;

(2) If the Zone Average Revenue Per Line in the next highest zone is greater than \$9.20, then to all lines in both zones to eliminate the amount per line by which Zone Average Revenue per Line exceeds \$9.20 or the Zone Average Revenue Per Line in the third highest zone. This application of support will continue to additional zones in the same fashion until the amount per line by which Zone Average Revenue Per Line exceeds \$9.20 has been eliminated in all zones, or until the available support has been exhausted;

(3) To all residential and single-line business lines in the highest zone, to eliminate the remaining amount per line that Zone Average Revenue Per Line for these lines exceeds the higher of \$7.00 or Zone Average Revenue Per Line in the next highest zone;

(4) If the Zone Average Revenue per Line in the next highest zone is greater than \$7.00, then to all residential and single-line business lines in both zones to eliminate the remaining amount per line by which Zone Average Revenue Per Line exceeds \$7.00. This application of support will continue to additional zones in the same fashion until the difference between Zone Average Revenue Per Line and \$7.00 has been eliminated in all zones, or until the available support has been exhausted.

#### PART 61- TARIFFS

100. The authority citation for Part 61 continues to read as follows:

**Authority:** Secs. 1, 4(i), 4(j), 201-05 and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201-05 and 403, unless otherwise noted.

101. Section 61.17 is amended by revising paragraph (c) Attention to read as follows:

#### **§ 61.17 Method of filing applications for special permission.**

\* \* \* \* \*

Attention: Wireline Competition Bureau (here provide the statements required by section 61.152).

\* \* \* \* \*

102. Section 61.32 is amended by revising paragraph (c) to read as follows:

#### **§ 61.32 Method of filing publications.**

\* \* \* \* \*

(c) In addition to the requirements set forth in paragraphs (a) and (b) of this section, the issuing carrier must send a copy of the transmittal letter with two copies of the proposed tariff pages and all attachments, including the supporting information specified in § 61.38 or § 61.49, as appropriate, to the Secretary, Federal Communications Commission. In addition, the issuing carrier must send a copy of the publication, supporting information specified in § 61.38 or § 61.49, as appropriate, and transmittal letter to the commercial contractor (at its office on Commission premises), and to the Chief, Pricing Policy Division. The latter should be clearly labeled as the "Public Reference Copy." The copies of supporting information required here are in addition to those required by § 61.38(c). The issuing carrier must file the copies required by this paragraph so they will be received on the same date as the filings in paragraph (a).

103. Section 61.33 is amended by revising paragraphs (a)(3) and (g) to read as follows:

#### **61.33 Letters of transmittal.**

\* \* \* \* \*

(a)(3) State whether copies have been delivered to the Commercial Contractor and the Chief, Pricing Policy Division.

\* \* \* \* \*

(g) The letter of transmittal must be substantially in the following format:

(Exact name of carrier in full)

(Post Office Address)

(Date)

Transmittal No.

Secretary, Federal Communications Commission

Washington, DC 20554

Attention: Wireline Competition Bureau

The accompanying tariff (or other publication) issued by \_\_\_\_\_, and bearing FCC No. \_\_\_\_\_, effective \_\_\_\_\_, 20\_\_\_\_, is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended. (Here give the additional information required.)

(Name of issuing officer or agent)

(Title)

\* \* \* \* \*

104. Section 61.38 is amended by revising paragraph (c)(1) to read as follows:

**61.38 Supporting information to be submitted with letters of transmittal.**

\* \* \* \* \*

(c) *Working papers and statistical data.* (1) Concurrently with the filing of any tariff change or tariff filing for service not previously offered, the Chief, Pricing Policy Division must be provided two sets of working papers containing the information underlying the data supplied in response to paragraph (b) of this section, and a clear explanation of how the working papers relate to that information.

\* \* \* \* \*

105. Section 61.58 is amended by revising paragraph (a)(2)(iii) to read as follows:

**§ 61.58 Notice requirements.**

\* \* \* \* \*

(2)(i) Local exchange carriers may file tariffs pursuant to the streamlined tariff filing provisions of § 204(a)(3) of the Communications Act. Such a tariff may be filed on 7 days' notice if it proposes only rate decreases. Any other tariff filed pursuant to §204(a)(3) of the Communications Act, including those that propose a rate increase or any change in terms and conditions, shall be filed on 15 days' notice. Any tariff filing made pursuant to § 204(a)(3) of the Communications Act must comply with the applicable cost support requirements specified in this part.

(ii) Local exchange carriers may elect not to file tariffs pursuant to § 204(a)(3) of the Communications Act. Any such tariffs shall be filed on at least 16 days' notice.

(iii) Except for tariffs filed pursuant to § 204(a)(3) of the Communications Act, the Chief, Wireline Competition Bureau, may require the deferral of the effective date of any filing made on less than 120 days' notice, so as to provide for a maximum of 120 days' notice, or of such other maximum period of notice permitted by § 203(b) of the Communications Act, regardless of whether petitions under § 1.773 of this chapter have been filed.

\* \* \* \* \*

106. Section 61.153 is amended by revising paragraph (c) to read as follows:

**61.153 Method of filing applications.**

\* \* \* \* \*

(c) In addition to the requirements set forth in paragraphs (a) and (b) of this section, the issuing carrier must send a copy of the application letter with all attachments to the Secretary, Federal Communications Commission and a separate copy with all attachments to the Chief, Pricing Policy Division. If a carrier applies for special permission to revise joint tariffs, the application must state that it is filed on behalf of all carriers participating in the affected service. Applications must be numbered consecutively in a series separate from FCC tariff numbers, bear the signature of the officer or agent of the carrier, and be in the following format:

Application No.

(Date)

Secretary

Federal Communications Commission Washington, DC 20554.

Attention: Wireline Competition Bureau (here provide the statements required by Sec. 61.152).

(Exact name of carrier)\_\_\_\_\_

(Name of officer or agent)\_\_\_\_\_

(Title of officer or agent)\_\_\_\_\_

**PART 64 - MISCELLANEOUS RULES RELATING TO COMMON CARRIERS**

107. The authority citation for Part 64 continues to read as follows:

**Authority:** 47 U.S.C. 154, 47 U.S.C. 225, 47 U.S.C. 251(e)(1), 151, 154, 201, 202, 205, 218-220, 254, 302, 303, and 337 unless otherwise noted. Interpret or apply sections 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended, 47 U.S.C. 201-204, 208, 225, 226, 227, 229, 332, 501 and 503, unless otherwise noted.

108. 64.604 is amended by revising paragraphs (c)(5)(iii)(B) and (c)(5)(iii)(I) to read as follows:

**64.604 Mandatory minimum standards.**

\* \* \* \* \*

(c)(5)(iii)(B) *Contribution computations.* Contributors' contribution to the TRS fund shall be the product of their subject revenues for the prior calendar year and a contribution factor determined annually by the Commission. The contribution factor shall be based on the ratio between expected TRS Fund expenses to interstate end-user telecommunications revenues. In the event that contributions exceed TRS payments and administrative costs, the contribution factor for the following year will be adjusted by an appropriate amount, taking into consideration projected cost and usage changes. In the event that contributions are inadequate, the fund administrator may request authority from the Commission to borrow funds commercially, with such debt secured by future years' contributions. Each subject carrier must contribute at least \$25 per year. Carriers whose annual contributions total less than \$1,200 must pay the entire contribution at the beginning of the contribution period. Service providers whose contributions total \$1,200 or more may divide their contributions into equal monthly payments. Carriers shall complete and submit, and contributions shall be based on, a "Telecommunications Reporting Worksheet" (as published by the Commission in the Federal Register). The worksheet shall be certified to by an officer of the contributor, and subject to verification by the Commission or the administrator at the discretion of the Commission. Contributors' statements in the worksheet shall be subject to the provisions of § 220 of the Communications Act of 1934, as amended. The fund administrator may bill contributors a separate assessment for reasonable administrative expenses and interest resulting from improper filing or overdue contributions. The Chief of the Wireline Competition Bureau may waive, reduce, modify or eliminate contributor reporting requirements that prove unnecessary and require additional reporting requirements that the Bureau deems necessary to the sound and efficient administration of the TRS Fund.

\* \* \* \* \*

(c)(5)(iii)(I) *Information filed with the administrator.* The administrator shall keep all data obtained from contributors and TRS providers confidential and shall not disclose such data in company-specific form unless directed to do so by the Commission. Subject to any restrictions imposed by the Chief of the Wireline Competition Bureau, the TRS Fund administrator may share data obtained from carriers with the administrators of the universal support mechanisms (See 47 CFR 54.701 of this chapter), the North American Numbering Plan administration cost recovery (See 47 CFR 52.16 of this

chapter), and the long-term local number portability cost recovery (See 47 CFR 52.32 of this chapter). The TRS Fund administrator shall keep confidential all data obtained from other administrators. The administrator shall not use such data except for purposes of administering the TRS Fund, calculating the regulatory fees of interstate common carriers, and aggregating such fee payments for submission to the Commission. The Commission shall have access to all data reported to the administrator, and authority to audit TRS providers. Contributors may make requests for Commission nondisclosure of company-specific revenue information under § 0.459 of this chapter by so indicating on the Telecommunications Reporting Worksheet at the time that the subject data are submitted. The Commission shall make all decisions regarding nondisclosure of company-specific information.

\* \* \* \* \*

109. 64.605 is amended by revising paragraph (a) to read as follows:

**64.605 State certification.**

(a) *State documentation.* Any state, through its office of the governor or other delegated executive office empowered to provide TRS, desiring to establish a state program under this section shall submit, not later than October 1, 1992, documentation to the Commission addressed to the Federal Communications Commission, Chief, Wireline Competition Bureau, TRS Certification Program, Washington, DC 20554, and captioned ``TRS State Certification Application." All documentation shall be submitted in narrative form, shall clearly describe the state program for implementing intrastate TRS, and the procedures and remedies for enforcing any requirements imposed by the state program. The Commission shall give public notice of states filing for certification including notification in the Federal Register.

\* \* \* \* \*

110. 64.903 is amended by revising paragraph (h) to read as follows:

**64.903 Cost allocation manuals.**

\* \* \* \* \*

(b) Each carrier shall ensure that the information contained in its cost allocation manual is accurate. Carriers must update their cost allocation manuals at least annually, except that changes to the cost apportionment table and to the description of time reporting procedures must be filed at the time of implementation. Annual cost allocation manual updates shall be filed on or before the last working day of each calendar year. Proposed changes in the description of time reporting procedures, the statement concerning affiliate transactions, and the cost apportionment table must be accompanied by a statement quantifying the impact of each change on regulated operations. Changes in the description of time reporting procedures and the statement concerning affiliate

transactions must be quantified in \$100,000 increments at the account level. Changes in cost apportionment tables must be quantified in \$100,000 increments at the cost pool level. The Chief, Wireline Competition Bureau may suspend any such changes for a period not to exceed 180 days, and may thereafter allow the change to become effective or prescribe a different procedure.

\* \* \* \* \*

111. 64.904 is amended by revising paragraphs (b) and (c) to read as follows:

**64.904 Independent audits.**

\* \* \* \* \*

(b) The attest engagement shall be an examination engagement and shall provide a written communication that expresses an opinion that the systems, processes, and procedures applied by the carrier to generate the results reported pursuant to § 43.21(e)(2) of this chapter comply with the Commission's Joint Cost Orders issued in conjunction with CC Docket No. 86-111, the Commission's Accounting Safeguards proceeding in CC Docket No. 96-150, and the Commission's rules and regulations including §§ 32.23 and 32.27 of this chapter, and § 64.901, and § 64.903 in force as of the date of the auditor's report. At least 30 days prior to beginning the attestation engagement, the independent auditors shall provide the Commission with the audit program. The attest engagement shall be conducted in accordance with the attestation standards established by the American Institute of Certified Public Accountants, except as otherwise directed by the Chief, Enforcement Bureau.

(c) The biennial financial audit shall provide a positive opinion on whether the applicable date shown in the carrier's annual report required by § 43.21(e)(2) of this chapter present fairly, in all material respects, the information of the Commission's Joint Cost Orders issued in conjunction with CC Docket No. 86-111, the Commission's Accounting Safeguards proceeding in CC Docket No. 96-150, and the Commission's rules and regulations including §§ 32.23 and 32.27 of this chapter, and § 64.901, and § 64.903 in force as of the date of the auditor's report. The audit shall be conducted in accordance with generally accepted auditing standards, except as otherwise directed by the Chief, Enforcement Bureau. The report of the independent auditor shall be filed at the time that the carrier files the annual reports required by § 43.21(e)(2) of this chapter.

**APPENDIX A TO PART 64 - TELECOMMUNICATIONS SERVICE  
PRIORITY (TSP) SYSTEM FOR NATIONAL SECURITY EMERGENCY  
PREPAREDNESS (NSEP)**

112. Part 64, Appendix A is amended by revising paragraph (m) of section 6 to read as follows:

**Part 64, Appendix A**

*6. Responsibilities.*

\* \* \* \* \*

(m) All reports submitted to the FCC should be directed to Chief, Wireline Competition Bureau, Washington, DC 20554.

\* \* \* \* \*

PART 65- INTERSTATE RATE OF RETURN PRESCRIPTION PROCEDURES  
AND METHODOLOGIES

113. The authority citation for Part 65 continues to read as follows:

**Authority:** Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat., 1066, 1072, 1077, 1094, as amended, 47 U.S.C. 151, 154, 201, 202, 203, 204, 205, 218, 219, 220, 404.

114. Section 65.101 is revised by amending paragraph (c) to read as follows:

**§ 65.101 Initiation of unitary rate of return prescription proceedings.**

\* \* \* \* \*

(c) The Chief, Wireline Competition Bureau, may issue the notice described in Section 65.101(a).

115. Section 65.103 is revised by amending paragraph (a) to read as follows:

**§ 65.103 Procedures for filing rate of return submissions.**

(a) Rate of return submissions listed in § 65.103(b)(1) and (c) may include any relevant information subject to the page limitations of § 65.104. The Chief, Wireline Competition Bureau, may require from carriers providing interstate services, and from other participants submitting rate of return submissions, data, studies or other information that are reasonably calculated to lead to a full and fair record.

\* \* \* \* \*

116. Section 65.105 is revised by amending paragraphs (a) and (d) to read as follows:

**§ 65.105 Discovery.**

(a) Participants shall file with each rate of return submission copies of all information, including studies, financial analysts' reports, and any other documents relied upon by participants or their experts in the preparation of their submission. Information

filed pursuant to this paragraph for which protection from disclosure is sought shall be filed subject to protective orders which shall be duly granted by the Chief, Wireline Competition Bureau, for good cause shown.

\* \* \* \* \*

(d) Oppositions to discovery requests made pursuant to § 65.105(b), including written interrogatories, shall be filed within 7 calendar days after requests are filed. The Chief, Wireline Competition Bureau, shall rule upon any such opposition. Except as stayed by the Commission or a Court, any required response to a discovery request that is opposed shall be provided within 14 calendar days after release of the ruling of the Chief, Wireline Competition Bureau.

\* \* \* \* \*

117. Section 65.820 is revised by amending paragraph (d) to read as follows:

**§ 65.820 Included items.**

\* \* \* \* \*

(d) *Cash Working Capital*. The average amount of investor-supplied capital needed to provide funds for a carrier's day-to-day interstate operations. Class A carriers may calculate a cash working capital allowance either by performing a lead-lag study of interstate revenue and expense items or by using the formula set forth in paragraph (e) of this section. Class B carriers, in lieu of performing a lead-lag study or using the formula in paragraph (e) of this section, may calculate the cash working capital allowance using a standard allowance which will be established annually by the Chief, Wireline Competition Bureau. When either the lead-lag study or formula method is used to calculate cash working capital, the amount calculated under the study or formula may be increased by minimum bank balances and working cash advances to determine the cash working capital allowance. Once a carrier has selected a method of determining its cash working capital allowance, it shall not change to an optional method from one year to the next without Commission approval.

\* \* \* \* \*

**PART 68 - CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK**

118. The authority citation for Part 68 continues to read as follows:

**Authority:** 47 U.S.C. §§ 154, 303.

119. Section 68.211 is amended by revising paragraph (b) to read as follows:

**§ 68.211 Terminal equipment approval revocation procedures.**

\* \* \* \* \*

(b) *Notice of intent to revoke interconnection authority.* Before revoking interconnection authority under the provision of this section, the Commission, or the Wireline Competition Bureau under delegated authority, will issue a written Notice of Intent to Revoke Part 68 Interconnection Authority, or a Joint Notice of Apparent Liability for Forfeiture and Notice of Intent to Revoke Part 68 Interconnection Authority pursuant to §§ 1.80 and 1.89 of this chapter.

\* \* \* \* \*

**Subpart D - Conditions for Registration**

120. Section 68.317 is amended by revising paragraph (g) as follows:

**§ 68.317 Hearing aid compatibility volume control: technical standards.**

\* \* \* \* \*

(g) These incorporations by reference of paragraph 4.1.2 (including table 4.4) of American National Standards Institute (ANSI) Standard ANSI/EIA-470-A-1987 and paragraph 4.3.2 of ANSI/EIA/TIA-579-1991 were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these publications may be purchased from the American National Standards Institute (ANSI), Sales Department, 11 West 42nd Street, 13th Floor, New York, NY 10036, (212) 642-4900. Copies also may be inspected during normal business hours at the following locations: Consumer and Governmental Affairs Bureau, Reference Information Center, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554; and Office of the Federal Register, 800 N. Capitol Street, NW., Suite 700, Washington, DC.

121. Section 68.420 is amended by revising paragraph (b) to read as follows:

**§ 68.420 Review.**

\* \* \* \* \*

(b) In the event the Commission or the Consumer and Governmental Affairs Bureau determines, based on a review of the information provided in the informal complaint and the defendant's answer thereto, that no further action is required by the Commission or the Consumer and Governmental Affairs Bureau with respect to the allegation contained in the informal complaint, the informal complaint shall be closed and the complainant and defendant shall be duly informed of the reasons therefor. A complainant, unsatisfied with the defendant's response to the informal complaint and the

staff decision to terminate action on the informal complaint, may file a complaint with the Commission or the Enforcement Bureau as specified in §§ 68.400 through 68.412.

\* \* \* \* \*

#### PART 90 - PRIVATE LAND MOBILE RADIO SERVICES

122. The authority citation for Part 90 continues to read as follows:

**Authority:** Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1933, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

#### Subpart A - General Information

123. Section 90.7 is amended by revising the definition of “*MTA-based license or MTA license*” in the definitional section to read as follows:

#### § 90.7 Definitions.

\* \* \* \* \*

*MTA-based license or MTA license.* A license authorizing the right to use a specified block of SMR spectrum within one of the 51 Major Trading Areas (“MTAs”), as embodied in Rand McNally’s Trading Area System MTA Diskette and geographically represented in the map contained in Rand McNally’s Commercial Atlas & Marketing Guide ( the “MTA Map.”) The MTA Listings, the MTA Map and the Rand McNally/AMTA license agreement are available for public inspection at the Reference Information Center in the Consumer and Governmental Affairs Bureau.

\* \* \* \* \*