

(June 19, 1934, ch. 652, title II, §214, 48 Stat. 1075; Mar. 6, 1943, ch. 10, §§2-5, 57 Stat. 11; Pub. L. 93-506, §1, Nov. 30, 1974, 88 Stat. 1577; Pub. L. 101-239, title III, §3002(d), Dec. 19, 1989, 103 Stat. 2131; Pub. L. 103-414, title III, §304(a)(4), Oct. 25, 1994, 108 Stat. 4296; Pub. L. 104-104, title I, §102(a), Feb. 8, 1996, 110 Stat. 80; Pub. L. 105-125, §1, Dec. 1, 1997, 111 Stat. 2540.)

AMENDMENTS

1997—Subsec. (e)(1). Pub. L. 105-125, §1(1), substituted “(2), (3), or (6)” for “(2) or (3)”.

Subsec. (e)(3). Pub. L. 105-125, §1(2), substituted “interstate services or an area served by a common carrier to which paragraph (6) applies” for “interstate services”.

Subsec. (e)(4). Pub. L. 105-125, §1(3), inserted “(or the Commission in the case of a common carrier designated under paragraph (6))” after “State commission” whenever appearing.

Subsec. (e)(5). Pub. L. 105-125, §1(4), inserted “(or the Commission under paragraph (6))” after “State commission”.

Subsec. (e)(6). Pub. L. 105-125, §1(5), added par. (6).

1996—Subsec. (e). Pub. L. 104-104 added subsec. (e).

1994—Subsec. (a). Pub. L. 103-414 substituted “section 221” for “section 221 or 222”.

1989—Subsec. (d). Pub. L. 101-239 substituted “\$1,200” for “\$100”.

1974—Subsec. (b). Pub. L. 93-506 substituted “the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points),” for “the Secretary of the Army, the Secretary of the Navy.”

1943—Subsec. (a). Act Mar. 6, 1943, §2, among other changes inserted all after “no carrier shall discontinue”, etc.

Subsec. (b). Act Mar. 6, 1943, §3, among other changes provided notice should be filed with Secretary of War and the Secretary of the Navy.

Subsec. (c). Act Mar. 6, 1943, §4, extended provisions to include discontinuance, reduction, or impairment of service.

Subsec. (d). Act Mar. 6, 1943, §5, amended first sentence.

EXTENSION OF LINES; ARMIS REPORTS

Section 402(b)(2) of Pub. L. 104-104 provided that: “The Commission shall permit any common carrier—

“(A) to be exempt from the requirements of section 214 of the Communications Act of 1934 [47 U.S.C. 214] for the extension of any line; and

“(B) to file cost allocation manuals and ARMIS reports annually, to the extent such carrier is required to file such manuals or reports.”

§ 215. Examination of transactions relating to furnishing of services, equipment, etc.; reports to Congress

(a) Access to records and documents

The Commission shall examine into transactions entered into by any common carrier which relate to the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier and/or which may affect the charges made or to be made and/or the services rendered or to be rendered by such carrier, in wire or radio communication subject to this chapter, and shall report to the Congress whether any such transactions have affected or are likely to affect adversely the ability of the carrier to render adequate service to the public, or may result in any undue or unreasonable increase in charges or in the maintenance of undue or unreasonable charges for such service;

and in order to fully examine into such transactions the Commission shall have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, of persons furnishing such equipment, supplies, research, services, finances, credit, or personnel. The Commission shall include in its report its recommendations for necessary legislation in connection with such transactions, and shall report specifically whether in its opinion legislation should be enacted (1) authorizing the Commission to declare any such transactions void or to permit such transactions to be carried out subject to such modification of their terms and conditions as the Commission shall deem desirable in the public interest; and/or (2) subjecting such transactions to the approval of the Commission where the person furnishing or seeking to furnish the equipment, supplies, research, services, finances, credit, or personnel is a person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier; and/or (3) authorizing the Commission to require that all or any transactions of carriers involving the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier be upon competitive bids on such terms and conditions and subject to such regulations as it shall prescribe as necessary in the public interest.

(b) Wire telephone and telegraph services

The Commission shall investigate the methods by which and the extent to which wire telephone companies are furnishing wire telegraph service and wire telegraph companies are furnishing wire telephone service, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

(c) Exclusive dealing contracts

The Commission shall examine all contracts of common carriers subject to this chapter which prevent the other party thereto from dealing with another common carrier subject to this chapter, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

(June 19, 1934, ch. 652, title II, §215, 48 Stat. 1076.)

§ 216. Receivers and trustees; application of chapter

The provisions of this chapter shall apply to all receivers and operating trustees of carriers subject to this chapter to the same extent that it applies to carriers.

(June 19, 1934, ch. 652, title II, §216, 48 Stat. 1077.)

§ 217. Agents' acts and omissions; liability of carrier

In construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omis-