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

## Subpart A—Organization

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

### GENERAL

#### § 0.1 The Commission.

The Federal Communications Commission is composed of five (5) members who are appointed by the president subject to confirmation by the Senate. Normally, one Commissioner is

appointed or reappointed each year, for a term of five (5) years.

[53 FR 29054, Aug. 2, 1988]

#### § 0.3 The Chairman.

(a) One of the members of the Commission is designated by the President to serve as Chairman, or chief executive officer, of the Commission. As Chairman, he has the following duties and responsibilities:

(1) To preside at all meetings and sessions of the Commission.

(2) To represent the Commission in all matters relating to legislation and legislative reports; however, any other Commissioner may present his own or minority views or supplemental reports.

(3) To represent the Commission in all matters requiring conferences or communications with other governmental officers, departments or agencies.

(4) To coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission.

(b) The Commission will, in the case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, temporarily designate one of its members to act as Chairman until the cause or circumstance requiring such designation has been eliminated or corrected.

[32 FR 10569, July 19, 1967]

#### § 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 Public Affairs.
- (6) Office of Legislative Affairs.
- (7) Office of Administrative Law Judges.
- (8) Office of Inspector General.
- (9) Mass Media Bureau.

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- (10) Common Carrier Bureau.
- (11) Wireless Telecommunications Bureau.
- (12) International Bureau.
- (13) Cable Services Bureau.
- (14) Compliance and Information Bureau.

(b) Staff responsibilities and functions. The organization and functions of these major staff units are described in detail in §§0.11 through 0.151. The defense and emergency preparedness functions of the Commission are set forth separately, beginning at §0.181. For a complete description of staff functions, reference should be made to those provisions. (See also the U.S. Government Organization Manual, which contains a chart showing the Commission's organization, the names of the members and principal staff officers of the Commission, and other information concerning the Commission.)

(c) *Delegations of authority to the staff.* Pursuant to section 5(c) of the Communications Act, the Commission has delegated authority to its staff to act on matters which are minor or routine or settled in nature and those in which immediate action may be necessary. See subpart B of this part. Actions taken under delegated authority are subject to review by the Commission, on its own motion or on an application for review filed by a person aggrieved by the action. Except for the possibility of review, actions taken under delegated authority have the same force and effect as actions taken by the Commission. The delegation of authority to a staff officer, however, does not mean that he will exercise that authority in all matters subject to the delegation. In non-hearing matters, the staff is at liberty to refer any matter at any stage to the Commission for action, upon concluding that it involves matters warranting the Commission's consideration, and the Commission may instruct the staff to do so.

(d) *Commission action.* Matters requiring Commission action, or warranting its consideration, are dealt with by the Commission at regular monthly meetings, or at special meetings called to consider a particular matter. Meetings are normally held at the principal offices of the Commission in the District

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of Columbia, but may be held elsewhere in the United States. In appropriate circumstances, Commission action may be taken between meetings "by circulation", which involves the submission of a document to each of the Commissioners for his approval.

(Secs. 4(i), 303(r) and 5(c)(i), Communications Act of 1934, as amended; 47 CFR 0.61 and 0.283)

[32 FR 10569, July 19, 1967, as amended at 62 FR 4170, Jan. 29, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §0.5, see the List of CFR Sections Affected in the Finding Aids section of this volume.

### OFFICE OF MANAGING DIRECTOR

#### §0.11 Functions of the Office.

(a) The Managing Director is appointed by the Chairman with the approval of the Commission. Under the supervision and direction of the Chairman, the Managing Director shall serve as the Commission's chief operating and executive official with the following duties and responsibilities:

(1) Provide managerial leadership to and exercise supervision and direction over the Commission's Bureaus and Offices with respect to management and administrative matters but not substantive regulatory matters such as regulatory policy and rule making, authorization of service, administration of sanctions, and adjudication.

(2) Formulate and administer all management and administrative policies, programs, and directives for the Commission consistent with authority delegated by the Commission and the Chairman and recommend to the Chairman and the Commission major changes in such policies and programs.

(3) Assist the Chairman in carrying out the administrative and executive responsibilities delegated to the Chairman as the administrative head of the agency.

(4) Advise the Chairman and Commission on management, administrative, and related matters; review and evaluate the programs and procedures of the Commission; initiate action or make recommendations as may be necessary to administer the Communications Act most effectively in the public interest.

Assess the management, administrative, and resource implications of any proposed action or decision to be taken by the Commission or by a Bureau or Office under delegated authority; recommend to the Chairman and Commission program priorities, resource and position allocations, management, and administrative policies.

(5) Plan and administer the Commission's Management by Objectives system. Assure that objectives, priorities, and action plans established by Bureaus and Offices are consistent with overall Commission objectives and priorities.

(6) Plan and administer the Commission's Program Evaluation System. Ensure that evaluation results are utilized in Commission decision-making and priority-setting activities.

(7) Direct agency efforts to improve management effectiveness, operational efficiency, employee productivity, and service to the public. Administer Commission-wide management programs.

(8) Plan and manage the administrative affairs of the Commission with respect to the functions of personnel and position management; labor-management relations; 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.

(9) [Reserved]

(10) With the concurrence of the General Counsel, interpret rules and regulations pertaining to fees.

(b) The Secretary is the official custodian of the Commission's documents.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[46 FR 59975, Dec. 8, 1981, as amended at 47 FR 41380, Sept. 20, 1982; 49 FR 45583, Nov. 19, 1984; 50 FR 27953, July 9, 1985; 53 FR 29054, Aug. 2, 1988; 53 FR 47536, Nov. 23, 1988; 54 FR 152, Jan. 4, 1989; 59 FR 26971, May 25, 1994; 60 FR 5323, Jan. 27, 1995; 62 FR 15853, Apr. 3, 1997; 62 FR 51052, Sept. 30, 1997]

## OFFICE OF INSPECTOR GENERAL

**§0.13 Functions of the Office.**

The Office of Inspector General is directly responsible to the Chairman as head of the agency. However, the Chairman may not prevent or prohibit the Office of Inspector General from carrying out its duties and responsibilities as mandated by the Inspector General Act Amendments of 1988 (Pub. L. 100-504) and the Inspector General Act of 1978 (5 U.S.C. Appendix 3), as amended. The Office has the following duties and responsibilities.

(a) Provide policy direction for and to conduct, supervise and coordinate audits and investigations relating to the programs and operations of the Federal Communications Commission.

(b) Review existing and proposed legislation and regulations relating to programs and operations of the Commission and to make recommendations in its required semiannual reports to Congress concerning the impact of such legislation or regulations on the economy and efficiency in the administration of these programs and operations, or the prevention and detection of fraud and abuse in such programs and operations.

(c) Recommend policies and conduct or coordinate other activities to promote economy and efficiency in the administration of Commission programs, or detect and prevent fraud and abuse in Commission activities. Coordinate with other governmental agencies and non-governmental entities on these matters.

(d) Keep the Chairman of the Commission—and through him the other Commissioners—and the Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of Commission programs and operations; recommend corrective action and report on the progress made in implementing such corrective action. In addition to providing the Chairman with the results of completed audits and inspections, the Inspector General shall prepare statutorily required reports, identified as such, to include:

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(1) Semiannual reports summarizing activities of the office during the preceding six month period (due to the Chairman by April 30 and October 31);

(2) Special reports specifically identifying any serious or flagrant problems, abuses or deficiencies (due to the Chairman immediately upon discovery of these matters by the Inspector General).

[54 FR 15194, Apr. 17, 1989]

OFFICE OF PUBLIC AFFAIRS

**§0.15 Functions of the Office.**

The Office of Public Affairs is directly responsible to the Commission. The Office has the following duties and responsibilities:

(a) Develop, recommend, coordinate and administer Commission objectives, plans and programs to enhance public understanding of and compliance with the Commission's regulatory requirements. Evaluate public information dissemination practices and develop methods of improving these practices.

(b) Act as the principal channel for communicating information to the news media, regulated industries, and the general public on Commission policies, programs, and activities. Make official announcements of Commission decisions and actions. Maintain liaison with the information media to facilitate the dissemination of news and information on FCC activities. Advise the Commission on public reaction to and comment on FCC policies and programs.

(c) Develop, recommend, coordinate and administer objectives, plans and programs to encourage participation by the public in the Commission's decision-making processes. Promote increased awareness within the Commission of the impact of Commission policies on the ability of consumers of communications services to participate in decisions that affect them. Evaluate the effectiveness of mechanisms developed and used to facilitate public input and develop new initiatives as appropriate.

(d) Serve as the Commission's primary point of contact with individual consumers of communications services and with organizations of such consumers. Maintain liaison with consumers

to facilitate an interchange of information and cooperative efforts to improve the Commission's information-gathering, policy-making, and information dissemination functions.

(e) Act as the principal point of public contact in disseminating information about Commission programs to promote equal employment opportunity and minority enterprise in Commission-regulated industries. Maintain liaison with industry representatives, women's and minority groups and other interested parties regarding public information about and public evaluation of these programs. Organize FCC seminars and serve as FCC spokesperson to outside organizations on these subjects.

(f) Develop and implement programs to assist in providing information to minority entrepreneurs engaged in or seeking to participate in telecommunications industries regulated by the Commission.

(g) Review Commission contract procurement policy to devise ways of increasing information about proposed Commission contracts received by minority contractors.

(h) Advise the Commission on its information dissemination and public participation policies, as they affect liaison with the information media, the public and the Commission's regulatees. Provide policy and program guidance to the bureaus and offices on these subjects based on feedback received through the information dissemination functions of the Office.

(i) Maintain liaison with the Compliance and Information Bureau regarding the press and news media, and consumer assistance and information activities of the Commission's field offices.

(Secs. 4, 5, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 155, 303)

[44 FR 12425, Mar. 7, 1979, as amended at 44 FR 70471, Dec. 7, 1979; 50 FR 2985, Jan. 23, 1985; 52 FR 42438, Nov. 5, 1987; 61 FR 8477, Mar. 5, 1996]

OFFICE OF LEGISLATIVE AFFAIRS

**§0.17 Functions of the Office.**

The Office of Legislative Affairs is directly responsible to the Commission.

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The Office has the following duties and responsibilities:

(a) Advise and make recommendations to the Commission with respect to legislation proposed by members of Congress or the Executive Branch and coordinate the preparation of Commission views thereon for submission to Congress or the Executive Branch.

(b) Coordinate with the Office of General Counsel responses to Congressional or Executive Branch inquiries as to the local ramifications of Commission policies, regulations, rules, and statutory interpretations.

(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 Public Affairs in preparation of the Commission's Annual Report.

(d) Assist the Chairman and Commissioners in preparation for, and the coordination of their appearances before the Committees of Congress.

(e) Coordinate the annual Commission legislative program.

(f) Coordinate Commission and staff responses to inquiries by individual members of Congress, congressional committees and staffs.

[52 FR 42438, Nov. 5, 1987]

### OFFICE OF PLANS AND POLICY

#### §0.21 Functions of the Office.

The Office of Plans and Policy, as a staff office to the Commission, assists, advises and makes recommendations to the Commission with respect to the development and implementation of communications policies in all areas of Commission authority and responsibility. A principal function of the Office is to conduct independent policy analyses to assess the long-term effects of alternative Commission policies on domestic and international communication industries and services, with due consideration of the responsibilities and programs of other staff units, and to recommend appropriate Commission action. The Office is also responsible for coordinating the policy research and development activities of other staff units, with special concern for matters which transcend their individual areas of responsibility. The Office

is composed of legal, engineering, economic, and sociological policy analysts and other personnel, and is headed by a chief having the following duties and responsibilities:

(a) To identify and define significant communications policy issues in all areas of Commission interest and responsibility;

(b) To conduct technical, economic, and sociological impact studies of existing and proposed communications policies and operations, including cooperative studies with other staff units and consultant and contract efforts as appropriate;

(c) To develop and evaluate alternative policy options and approaches for consideration by the Commission;

(d) To review and comment on all significant actions proposed to be taken by the Commission in terms of their overall policy implications;

(e) To recommend and evaluate governmental (state and federal), academic, and industry sponsored research affecting Commission policy issues;

(f) To prepare briefings, position papers, proposed Commission actions, or other agenda items as appropriate;

(g) To manage the Commission's policy research program, recommend budget levels and priorities for this program, and serve as central account manager for all contractual policy research studies funded by the Commission;

(h) To coordinate the formation and presentation of Commission positions in communications policy; represent the Commission at appropriate discussions and conferences.

(i) Develop and recommend procedures and plans for the effective handling of policy issues within the Commission.

[38 FR 17005, June 28, 1973, as amended at 45 FR 25400, Apr. 15, 1980; 51 FR 12615, Apr. 14, 1986; 60 FR 5323, Jan. 27, 1995]

### OFFICE OF ENGINEERING AND TECHNOLOGY

#### §0.31 Functions of the Office.

The Office of Engineering and Technology has the following duties and responsibilities:

(a) To evaluate evolving technology for interference potential and to suggest ways to facilitate its introduction in response to Bureau initiatives, and advise the Commission and staff offices in such matters.

(b) Represent the Commission at various national conferences and meetings (and, in consultation with the International Bureau, at various international conferences and meetings) devoted to the progress of communications and the development of technical and other information and standards, and serve as Commission coordinator for the various national conferences when appropriate.

(c) To conduct scientific and technical studies in advanced phases of terrestrial and space communications, and special projects to obtain theoretical and experimental data on new or improved techniques.

(d) To advise the Commission concerning engineering matters, including the privacy and security of communications, involved in making or implementing policy or in resolving specific cases.

(e) To develop and implement procedures to acquire, store, and retrieve scientific and technical information useful in the engineering work of the Commission.

(f) To advise and represent the Commission on frequency allocation and spectrum usage matters.

(g) To render, in cooperation with the General Counsel and the Office of Plans and Policy, advice to the Commission, participate in and coordinate staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any single bureau, and render service and advice with respect to rule making matters and proceedings affecting more than one Bureau.

(h) To collaborate with and advise other Bureaus and Offices in the formulation of technical requirements of the Rules.

(i) To administer parts 2, 5, 15, and 18 of this chapter, including licensing, recordkeeping, and rule making.

(j) To perform all engineering and management functions of the Commission with respect to formulating rules and regulations, technical standards,

and general policies for parts 15, 18 and §63.100 of this chapter, and for type approval and acceptance, and certification of radio equipment for compliance with the Rules.

(k) To maintain liaison with other agencies of government, technical experts representing foreign governments, and members of the public and industry concerned with communications and frequency allocation and usage.

(l) To calibrate and standardize technical equipment and installations used by the Commission.

(m) To exercise authority as may be assigned or referred by the Commission pursuant to section 5(c) of the Communications Act of 1934, as amended.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[45 FR 28718, Apr. 30, 1980, as amended at 46 FR 45342, Sept. 11, 1981; 51 FR 12615, Apr. 14, 1986; 60 FR 5323, Jan. 27, 1995; 62 FR 4170, Jan. 29, 1997; 63 FR 37499, July 13, 1998]

#### OFFICE OF GENERAL COUNSEL

##### §0.41 Functions of the Office.

The Office of the General Counsel has the following duties and responsibilities:

(a) To advise and represent the Commission in matters of litigation.

(b) To advise and make recommendations to the Commission with respect to proposed legislation and submit agency views on legislation when appropriate.

(c) To interpret the statutes, international agreements, and international regulations affecting the Commission.

(d) To prepare and make recommendations and interpretations concerning procedural rules of general applicability and to review all rules for consistency with other rules, uniformity, and legal sufficiency.

(e) To conduct research in legal matters as directed by the Commission.

(f) In cooperation with the Office of Engineering and Technology, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any



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single bureau, and to render advice with respect to rule making matters and proceedings affecting more than one bureau.

(g) To serve as the Commission's advocate for competition throughout the telecommunications industry and, specifically, to help to ensure that Commission policy development employs uniform or consistent analysis and that FCC policy encourages and promotes competitive market structures in affected industry segments by providing bureaus/offices with the necessary support to identify, evaluate, and effectively resolve competitiveness issues.

(h) To exercise such authority as may be assigned or referred to it by the Commission pursuant to section 5(c) of the Communications Act of 1934, as amended.

(i) To cooperate with the International Bureau on all matters pertaining to space satellite communications.

(j) To interpret statutes and executive orders affecting the Commission's national defense responsibilities, and to perform such functions involving implementation of such statutes and executive orders as may be assigned to it by the Commission or the Defense Commissioner.

(k) To perform all legal functions with respect to leases, contracts, tort claims and such other internal legal problems as may arise.

(l) To issue written determinations on behalf of the Chairman, and otherwise act as the Chairman's designee on matters regarding the interception of telephone conversations, as required by the General Services Administration's regulations. 41 CFR 201-6.202 *et seq.*

(m) To advise the Commission in the preparation and revision of rules and the implementation and administration of ethics regulations and the Freedom of Information, Privacy, Government in the Sunshine and Alternative Dispute Resolution Acts.

(n) To assist and make recommendations to the Commission, and to individual Commissioners assigned to review initial decisions, as to the disposition of cases of adjudication and such other cases as, by Commission policy, are handled in the same manner and

which have been designated for hearing.

(o) To serve as the principal operating office on *ex parte* matters involving restricted proceedings. To review and dispose of all *ex parte* communications received from the public and others.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[28 FR 12392, Nov. 22, 1963; 37 FR 19372, Sept. 20, 1972, as amended at 40 FR 17253, Apr. 18, 1975; 43 FR 29006, July 5, 1978; 44 FR 39179, July 5, 1979; 46 FR 57050, Nov. 20, 1981; 49 FR 47604, Dec. 6, 1984; 50 FR 2985, Jan. 23, 1985; 50 FR 49048, Nov. 29, 1985; 51 FR 12615, Apr. 14, 1986; 60 FR 5323, Jan. 27, 1995; 60 FR 34901, July 5, 1995; 62 FR 4170, Jan. 29, 1997; 62 FR 15853, Apr. 3, 1997]

### INTERNATIONAL BUREAU

#### §0.51 Functions of the Bureau.

The International Bureau has the following duties and responsibilities:

(a) To initiate and direct the development and articulation of international telecommunications policies, consistent with the priorities of the Commission;

(b) To advise the Chairman and Commissioners on matters of international telecommunications policy, and on the adequacy of the Commission's actions to promote the vital interests of the American public in international commerce, national defense, and foreign policy;

(c) To develop, recommend, and administer policies, rules, standards, and procedures for the authorization and regulation of international telecommunications facilities and services, domestic and international satellite systems, and international broadcast services;

(d) To monitor compliance with the terms and conditions of authorizations and licenses granted by the Bureau, and to pursue enforcement actions in conjunction with appropriate bureaus and offices;

(e) To represent the Commission on international telecommunications matters at both domestic and international conferences and meetings, and to direct and coordinate the Commission's preparation for such conferences and meetings;

(f) To serve as the single focal point within the Commission for cooperation and consultation on international telecommunications matters with other Federal agencies, international or foreign organizations, and appropriate regulatory bodies and officials of foreign governments;

(g) To develop, coordinate with other Federal agencies, and administer the regulatory assistance and training programs for foreign administrations to promote telecommunications development;

(h) To provide advice and technical assistance to U.S. trade officials in the negotiation and implementation of telecommunications trade agreements, and consult with other bureaus and offices as appropriate;

(i) To conduct economic, legal, technical, statistical, and other appropriate studies, surveys, and analyses in support of international telecommunications policies and programs.

(j) To collect and disseminate within the Commission information and data on international telecommunications policies, regulatory and market developments in other countries, and international organizations;

(k) To work with the Office of Legislative Affairs to coordinate the Commission's activities on significant matters of international policy with appropriate Congressional offices;

(l) To promote the international coordination of spectrum allocations and frequency and orbital assignments so as to minimize cases of international radio interference involving U.S. licensees;

(m) To direct and coordinate, in consultation with other bureaus and offices as appropriate, negotiation of international agreements to provide for arrangements and procedures for coordination of radio frequency assignments to prevent or resolve international radio interference involving U.S. licensees;

(n) To ensure fulfillment of the Commission's responsibilities under international agreements and treaty obligations, and, consistent with Commission policy, to ensure that the Commission's regulations, procedures, and frequency allocations comply with the mandatory requirements of all applica-

ble international and bilateral agreements;

(o) To oversee and, as appropriate, administer activities pertaining to the international consultation, coordination, and notification of U.S. frequency and orbital assignments, including activities required by bilateral agreements, the international Radio Regulations, and other international agreements;

(p) To advise the Chairman on priorities for international travel and develop, coordinate, and administer the international travel plan;

(q) To develop, recommend, and administer policies, rules, and regulations implementing the Commission's oversight responsibilities regarding COMSAT's participation in INTELSAT and INMARSAT;

(r) 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.

[60 FR 5323, Jan. 27, 1995, as amended at 60 FR 35504, July 10, 1995]

#### MASS MEDIA BUREAU

#### §0.61 Functions of the Bureau.

The Mass Media Bureau develops, recommends and administers policies and programs for the regulation of all radio and television broadcast industry services. Advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of radio and television services. The Mass Media Bureau has the following duties and responsibilities:

(a) Process applications for authorizations in radio and television services, including conventional and auxiliary broadcast services (other than international broadcast services) and multi-point and multi-channel multi-point distribution services.

(b) Process applications for renewal of licenses and for assignment or transfer of ownership interests in such licenses.

(c) Participate in hearings before the Administrative Law Judges and the Commission.

(d) Plan and develop proposed rulemakings and conduct comprehensive studies and analyses (legal, engineering, social and economic) of various petitions for policy or rule changes submitted by industry or the public.

(e) Conduct studies and compile data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

(f) Investigate complaints and answer general inquiries from the public and handle political broadcasting and fairness doctrine complaints.

(g) [Reserved]

(h) 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 Mass Media Bureau. Before issuing a subpoena, the Mass Media Bureau shall obtain the approval of the Office of General Counsel.

[47 FR 47829, Oct. 28, 1982, as amended at 49 FR 12271, Mar. 29, 1984; 58 FR 29752, May 21, 1993; 59 FR 32132, June 22, 1994; 59 FR 38374, July 28, 1994; 60 FR 5323, Jan. 27, 1995; 60 FR 35504, July 10, 1995; 62 FR 4170, Jan. 29, 1997; 62 FR 45172, Aug. 26, 1997]

#### OFFICE OF WORKPLACE DIVERSITY

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

(a) The Office of Workplace Diversity (OWD), as a staff office to the Commission, shall develop, coordinate, evaluate, and recommend to the Commission policies, programs, and practices that foster a diverse workforce and promote and ensure equal opportunity for all employees and applicants for employment. A principal function of the Office is to lead, advise, and assist the Commission, including all of its component Bureau/Office managers, supervisors, and staff, at all levels, on ways to pro-

mote inclusion and full participation of all employees in pursuit of the Commission's mission. In accordance with this function, the Office shall:

(1) Conduct independent analyses of the Commission's policies and practices to ensure that those policies and practices foster diversity in the workplace and ensure equal opportunity and equal treatment for employees and applicants; and

(2) Advise the Commission, Bureaus, and Offices of their responsibilities under Title VII of the Civil Rights Act of 1964, as amended; Section 501 of the Rehabilitation Act of 1973, as amended; Age Discrimination in Employment Act of 1967, as amended; Executive Order 11478; and all other statutes, Executive Orders, and regulatory provisions relating to workplace diversity, equal employment opportunity, non-discrimination, and civil rights.

(b) The Office has the following duties and responsibilities:

(1) Through its Director, serves as the principal advisor to the Chairman and Commission officials on all aspects of workplace diversity, affirmative recruitment, equal employment opportunity, non-discrimination, and civil rights;

(2) Provides leadership and guidance to create a work environment that values and encourages diversity in the workplace;

(3) Is responsible for developing, implementing, and evaluating programs and policies to foster a workplace whose diversity reflects the diverse makeup of the Nation, enhances the mission of the Commission, and demonstrates the value and effectiveness of a diverse workforce;

(4) Is responsible for developing, implementing, and evaluating programs and policies that promote understanding among members of the Commission's workforce of their differences and the value of those differences and provide a channel for communication among diverse members of the workforce at all levels;

(5) Develops, implements, and evaluates programs and policies to ensure that all members of the Commission's workforce and candidates for employment have equal access to opportunities for employment, career growth,

training, and development and are protected from discrimination and harassment;

(6) Develops and recommends Commission-wide workforce diversity goals and reports on achievements;

(7) Is responsible for developing, implementing, and evaluating programs and policies to enable all Bureaus and Offices to manage a diverse workforce effectively and in compliance with all equal employment opportunity and civil rights requirements;

(8) Works closely with the Associate Managing Director—Human Resources Management to ensure compliance with Federal and Commission recruitment and staffing requirements;

(9) Manages the Commission's equal employment opportunity compliance program. Responsibilities in this area include processing complaints alleging discrimination, recommending to the Chairman final decisions on EEO complaints within the Commission, and providing counseling services to employees and applicants on EEO matters;

(10) Develops and administers the Commission's program of accessibility and accommodation for disabled persons in accordance with applicable regulations;

(11) Represents the Commission at meeting with other public and private groups and organizations on matters counseling workplace diversity and equal employment opportunity and workplace diversity issues;

(12) Maintains liaison with and solicits views of organizations within and outside the Commission on matters relating to equal opportunity and workplace diversity.

[61 FR 2727, Jan. 29, 1996]

#### COMMON CARRIER BUREAU

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

The Common Carrier Bureau develops, recommends, and administers policies and programs for the regulation of services, facilities and practices of entities which furnish interstate communications service or interstate access service for hire—whether by wire, radio or cable—and of ancillary operations related to the provision of such services (excluding public coast stations in

the maritime mobile services and multi-point and multi-channel multi-point distribution services and excluding matters pertaining exclusively to the regulation and licensing of wireless telecommunications services and facilities). The Bureau also develops, recommends, and administers policies and programs for the regulation of rates, terms and conditions under which communications entities furnish interstate communications service, interstate access service, and (in cooperation with the International Bureau) foreign communications service for hire—whether by wire, cable or satellite. 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 the regulation and licensing of communication common carriers and ancillary operations (other than matters pertaining exclusively to the regulation and licensing of wireless telecommunications services and facilities). This includes: Policy development and coordination; adjudicatory and rule making proceedings, including rate and service investigations; determinations regarding lawfulness of carrier tariffs; action on applications for service and facility authorizations; review of carrier performance; economic research and analysis; administration of Commission accounting and reporting requirements; compliance and enforcement activities; and any matters concerning wireline carriers that also affect wireless carriers in cooperation with the Wireless Telecommunications Bureau.

(b) Collaborates with representatives of state regulatory commissions and with the National Association of Regulatory Utility Commissioners in cooperative studies of common carrier and related matters.

(c) Advises and assists the public, other government agencies and industry groups on wireline common carrier regulation and related matters.

(d) Exercises such authority as may be assigned or referred to it by the Commission pursuant to Section 5(c) of the Communications Act of 1934, as amended.

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## § 0.101

(e) Obtains from carriers and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objectives for which it was created.

(f) Carries out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to Commission under § 0.291.

(g) Acts jointly with the Office of Engineering and Technology on applications for registration of equipment to be directly connected to the telephone network, and acts on complaints brought by any party concerning the registration or operation of such equipment.

(h) Administers the Telecommunications Service Priority System with the concurrence of the Compliance and Information Bureau, and resolves matters involving assignment of priorities and other issues pursuant to part 64 of this chapter.

(i) Acts upon matters involving telecommunications relay services complaints and certification.

(j) Develops, in coordination with the Office of Plans and Policy, policies for the selection of licenses from mutually exclusive applicants in the Common Carrier Service subject to competitive bidding; issues Public Notices announcing auctions for Common Carrier Service Licenses; specifies the licenses to be auctioned; the deadlines for filing short-form applications, filing fees, and submission of upfront payments; the time and place of the auction; the method of competitive bidding to be used; competitive bidding procedures including, but not limited to, designated entity preferences, applicable bid submission procedures, upfront payment requirements, activity rules,

stopping rules, and bid withdrawal procedures.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[39 FR 28435, Aug. 7, 1974, as amended at 40 FR 7451, Feb. 20, 1975; 41 FR 7751, Feb. 20, 1976; 42 FR 42341, Aug. 23, 1977; 43 FR 36094, Aug. 15, 1978; 44 FR 39179, July 5, 1979; 45 FR 71569, Oct. 29, 1980; 48 FR 23431, May 25, 1983; 50 FR 26567, June 27, 1985; 51 FR 12615, Apr. 14, 1986; 53 FR 47536, Nov. 23, 1988; 54 FR 152, Jan. 4, 1989; 56 FR 36731, Aug. 1, 1991; 59 FR 26747, May 24, 1994; 59 FR 26971, May 25, 1994; 59 FR 38374, July 28, 1994; 60 FR 5323, 5324, Jan. 27, 1995; 60 FR 35504, July 10, 1995; 61 FR 8477, Mar. 5, 1996; 62 FR 4170, Jan. 29, 1997; 62 FR 8401, Feb. 25, 1997]

### CABLE SERVICES BUREAU

#### § 0.101 Functions of the Bureau.

The Cable Services Bureau develops, recommends and administers policies and programs with respect to the regulation of services, facilities, rates and practices of cable television systems and with respect to the creation of competition to cable systems, and with respect to video programming services provided by other multichannel video programming distributors and multichannel video programmers. The Cable Services Bureau advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of cable television and other multichannel video programming services. The Bureau also performs the following functions:

(a) Administers and enforces rules and policies regarding:

(1) 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; acting upon complaints involving cable programming service rates except for final action on complaints raising 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 Commission's complaint process regarding cable programming service rates; the certification process for local franchising authorities wishing to regulate rates, and the substantive rate regulation standards prescribed by the Commission;

(2) Access to poles, ducts, conduits and rights-of-way and the rates, terms and conditions for pole attachments, when such attachments are not regulated by a state and not provided by railroads or governmentally or cooperatively owned utilities, and complaints involving access to or rates, terms and conditions arising from pole attachments, except for final action on complaints raising novel or unusual issues;

(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; and

(7) Scrambling of sexually explicit adult video programming by multichannel video programming distributors.

(b) Plans and develops proposed rulemakings and conducts studies and analyses (legal, engineering, social and economic) of various petitions for pol-

icy or rule changes submitted by industry or the public.

(c) Conducts studies and compiles data relating to multichannel video programming services necessary for the Commission to develop and maintain an adequate regulatory program.

(d) Advises and assists the public, other government agencies and industry groups.

(e) Administers financial and other reporting systems.

(f) Investigates complaints and answers general inquiries from the public.

(g) Participates in hearings before the Administrative Law Judges and the Commission.

(h) Processes applications for authorizations in the Cable Television Relay Service.

(i) Processes and acts 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, that do not involve novel questions of fact, law or policy that cannot be resolved under existing precedents and guidelines.

(j) Periodically reviews and, when appropriate, revises standard forms related to the areas listed above.

(k) Exercises authority to issue non-hearing related subpoenas for the attendance of witnesses and the production of books, papers, correspondence, memoranda, schedule of charges, contracts, agreements, and any other records deemed relevant to the investigation of the Cable Services Bureau. Before issuing a subpoena, the Cable Services Bureau shall obtain the approval of the Office of General Counsel.

(l) Carries out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under §0.321.

[62 FR 8401, Feb. 25, 1997]

COMPLIANCE AND INFORMATION BUREAU

#### §0.111 Functions of the Bureau.

(a) Enforce the Commission's Rules and Regulations; provide support to other governmental units, investigate all non-government communications matters; issue sanctions.

(b) Disseminate to the public on a local basis information regarding communications issues and Commission rules, policies, and programs.

(c) Collect information through a customer intelligence network to inform the Commission on the needs of its customer and on the impact of regulations and necessary refinements to them as suggested by the users and the public.

(d) Participate in international conferences dealing with monitoring and measurement; serve as the point of contact for the U.S. Government in matters of international monitoring, fixed and mobile direction-finding, and interference resolution. Provide technical and administrative support on the administration of the ITU Fellowship program and oversee coordination of non-routine communications and materials between the Commission and international or regional public organizations or foreign administrations.

(e) Reduce or eliminate interference to authorized communications. Promote private sector solutions to interference problems; investigate and resolve those unsuitable for private sector resolution or where the private sector is unable to provide solutions. Work, in conjunction with the Office of Engineering and Technology, with technical standards bodies.

(f) Perform investigations in support of Commission policies.

(g) Maintain, operate, and manage the toll-free telephone receiving center for complaint and inquiries. Coordinate with the Office of Public Affairs and maintain liaison with the rest of the agency to ensure that the needs of the public for information are handled promptly, accurately, and comprehensively and that complaints are directed to those charged with acting upon them.

(h) Under the general direction of the Defense Commissioner, coordinate the defense activities of the Commission, and provide support to the Defense Commissioner in his participation in the Joint Telecommunication Resources Board and the National Security Telecommunications Advisory Committee, including recommendation of national emergency plans and preparedness programs covering Commis-

sion functions during national emergencies. Support the Chief, Common Carrier Bureau on assignment of Telecommunications Service Priority System priorities and the administration of this system. The Chief, Compliance and Information Bureau, or the designee of that person, acts as the FCC Defense Coordinator and the principal of the Commission to the National Communications System.

[61 FR 8476, Mar. 5, 1996]

#### § 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 Compliance and Information Bureau or see the U.S. Government Manual.

(b) Protected field offices are located at the following geographical coordinates:

Allegan, Michigan  
42</d>36'20" N. Latitude  
85</d>57'20" W. Longitude

Anchorage, Alaska  
61</d>09'43" N. Latitude  
149</d>59'55" W. Longitude

Belfast, Maine  
44</d>26'42" N. Latitude  
69</d>04'58" W. Longitude

Canandaigua, New York  
42</d>54'48" N. Latitude  
77</d>15'59" W. Longitude

Douglas, Arizona  
31</d>30'02" N. Latitude  
109</d>39'12" W. Longitude

Ferndale, Washington  
48</d>57'21" N. Latitude  
122</d>33'13" W. Longitude

Grand Island, Nebraska  
40</d>55'21" N. Latitude  
98</d>25'42" W. Longitude

Kingsville, Texas  
27</d>26'29" N. Latitude  
97</d>53'00" W. Longitude

Laurel, Maryland  
39</d>09'54" N. Latitude  
76</d>49'17" W. Longitude

Livermore, California  
37</d>43'30" N. Latitude  
121</d>45'12" W. Longitude

Powder Springs, Georgia  
33</d>51'44" N. Latitude  
84</d>43'26" W. Longitude

Sabana Seca, Puerto Rico  
18</d>27'23" N. Latitude  
66</d>13'37" W. Longitude

Santa Isabel, Puerto Rico  
18</d>00'26" N. Latitude  
66</d>22'32" W. Longitude

Vero Beach, Florida

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27</d>36'21" N. Latitude  
80</d>38'06" W. Longitude  
Waipahu, Hawaii  
21</d>22'45" N. Latitude  
157</d>59'54" W. Longitude

[53 FR 29054, Aug. 2, 1988, as amended at 61 FR 8477, Mar. 5, 1996]

WIRELESS TELECOMMUNICATIONS  
BUREAU

**§0.131 Functions of the Bureau.**

The Wireless Telecommunications Bureau develops, recommends and administers the programs and policies for the regulation of the terms and conditions under which communications entities offer domestic wireless telecommunications services and of ancillary operations related to the provision of such services (satellite communications excluded). These functions include all wireless telecommunications service providers' and licensees' activities. The Bureau also performs the following specific functions:

(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 Common Carrier Bureau. These activities include: policy development and coordination; conducting rulemaking and adjudicatory proceedings, including licensing and complaint proceedings; acting on waivers of rules; acting on applications for service and facility authorizations; compliance and enforcement activities; determining resource impacts of existing, planned or recommended Commission activities concerning wireless telecommunications, and developing and recommending resource deployment priorities.

(b) Develops and recommends policy goals, objectives, programs and plans for the Commission on matters concerning wireless telecommunications, drawing upon relevant economic, technological, legislative, regulatory and judicial information and developments. Such matters include meeting the present and future wireless tele-

communications needs of the Nation; fostering economic growth by promoting efficiency and innovation in the allocation, licensing and use of the electromagnetic spectrum; ensuring choice, opportunity and fairness in the development of wireless telecommunications services and markets; promoting economically efficient investment in wireless telecommunications infrastructure and the integration of wireless communications networks into the public telecommunications network; enabling access to national communications services; promoting the development and widespread availability of wireless telecommunications services. Reviews and coordinates orders, programs and actions initiated by other Bureaus and Offices in matters affecting wireless telecommunications to ensure consistency of overall Commission policy.

(c) Serves as the Commission's principal policy and administrative staff resource with regard to spectrum auctions. Administers all Commission spectrum auctions. Develops, recommends and administers policies, programs and rules concerning auctions of spectrum for wireless telecommunications. Advises the Commission on policy, engineering and technical matters relating to auctions of spectrum used for other purposes. Administers procurement of auction-related services from outside contractors. Provides policy, administrative and technical assistance to other Bureaus and Offices on auction issues.

(d) Regulates the charges, practices, classifications, terms and conditions for, and facilities used to provide, wireless telecommunications services. Develops and recommends consistent, integrated policies, programs and rules for the regulation of commercial mobile radio services and private mobile radio services.

(e) Develops and recommends policy, rules, standards, procedures and forms for the authorization and regulation of wireless telecommunications facilities and services, including all facility authorization applications involving domestic terrestrial transmission facilities. Coordinates with and assists the



International Bureau regarding frequency assignment, coordination and interference matters.

(f) Develops and recommends responses to legislative, regulatory or judicial inquiries and proposals concerning or affecting wireless telecommunications.

(g) Develops and recommends policies regarding matters affecting the collaboration and coordination of relations among Federal agencies, and between the Federal government and the states, concerning wireless telecommunications issues. Maintains liaison with Federal and state government bodies concerning such issues.

(h) Develops and recommends policies, programs and rules to ensure interference-free operation of wireless telecommunications equipment and networks. Coordinates with and assists other Bureaus and Offices, as appropriate, concerning spectrum management, planning, and interference matters and issues, and in all compliance and enforcement activities. Studies technical requirements for equipment for wireless telecommunications services in accordance with standards established by the Chief, Office of Engineering and Technology.

(i) Advises and assists consumers, businesses and other government agencies on wireless telecommunications issues and matters relating thereto.

(j) Administers the Commission's commercial radio operator program (part 13 of this chapter) and the Commission's program for registration, construction, marking and lighting of antenna structures (part 17 of this chapter).

(k) Coordinates with and assists the International Bureau with respect to treaty activities and international conferences concerning wireless telecommunications.

(l) Exercises such authority as may be assigned, delegated or referred to it by the Commission.

(m) Certifies frequency coordinators; considers petitions seeking review of coordinator actions; and engages in oversight of coordinator actions and practices.

(n) Administers the Commission's commercial radio operator (part 13 of this chapter) and amateur radio pro-

grams (part 97 of this chapter) and the program for construction, marking and lighting of antenna structures (part 17 of this chapter).

(o) Exercises 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 wireless telecommunications operators for any alleged violation or violations of the Communications Act of 1934, as amended, or the Commission's rules and orders. Before issuing a subpoena, the Wireless Telecommunications Bureau shall obtain the approval of the Office of General Counsel.

(p) Certifies, in the name of the Commission, volunteer entities to coordinate maintain and disseminate a common data base of amateur station special event call signs, and issues Public Notices detailing the procedures of amateur service call sign systems.

[60 FR 35505, July 10, 1995, as amended at 61 FR 4361, Feb. 6, 1996; 62 FR 17567, Apr. 10, 1997]

#### OFFICE OF ADMINISTRATIVE LAW JUDGES

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

The Office of Administrative Law Judges consists of a Chief Administrative Law Judge, an Assistant Chief Administrative Law Judge, and as many other Administrative Law Judges qualified and appointed pursuant to the requirements of section 11 of the Administrative Procedure Act as the Commission may find necessary. It is responsible for hearing and conducting all adjudicatory cases designated for any evidentiary adjudicatory hearing other than those designated to be heard by the Commission en banc, those designated to be heard by one or more members of the Commission, and those involving the authorization of service in the Instructional Television Fixed Service. The Office of Administrative Law Judges is also responsible for conducting such other hearings as the Commission may assign.

[61 FR 10689, Mar. 15, 1996]

§0.181

DEFENSE AND EMERGENCY  
PREPAREDNESS FUNCTIONS

**§0.181 The Defense Commissioner.**

A Defense Commissioner and two Alternate Defense Commissioners are designated by the Commission. The Defense Commissioner directs the defense activities of the Commission and has the following duties and responsibilities:

(a) To keep the Commission informed as to significant developments in the field of emergency preparedness, defense mobilization, and any defense activities that involve formulation or revision of Commission policy in any area of responsibility of the Commission.

(b) To represent the Commission in national defense matters requiring conferences or communications with other governmental officers, departments, or agencies.

(c) To act as the Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under national emergency conditions, and to serve as the principal representative of the Commission to the Interagency Emergency Planning Committee of the Federal Preparedness Agency/General Services Administration.

(d) To serve as the principal representative of the Commission to the Interagency Civil Defense Committee of the Defense Civil Preparedness Agency of the Department of Defense.

(e) To serve as the principal point of contact for the Commission on all matters pertaining to the National Communications System.

(f) To take such measures as will assure continuity of the Commission's functions under any foreseeable circumstances with a minimum of interruption.

(g) In the event of enemy attack, or the imminent threat thereof, or other disaster resulting in the inability of the Commission to function at its offices in Washington, D.C., to assume all of the duties and responsibilities of the Commission and the Chairman, until relieved or augmented by other Commissioners or members of the staff, as set forth in §§0.186 and 0.383.

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(h) To approve national emergency plans and develop preparedness programs covering: provision of service by common carriers; broadcasting facilities, and the safety and special radio services; radio frequency assignment; electromagnetic radiation; investigation and enforcement.

(i) To perform such other duties and assume such other responsibilities related to the Commission's defense activities as may be necessary for the continuity of functions and the protection of Commission personnel and property.

[29 FR 14664, Oct. 28, 1964, as amended at 41 FR 31209, July 27, 1976]

**§0.182 Chief, Compliance and Information Bureau.**

(a) Recommends national emergency plans and preparedness programs covering: Provision of service by common carriers, broadcasting facilities, and the safety and special radio services; radio frequency assignment; electromagnetic radiation; investigation and enforcement.

(b) 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 national emergency conditions.

(c) Serves as the alternate representative of the Commission to the Interagency Emergency Planning Committee of the Federal Preparedness Agency/General Services Administration; serves as the alternate representative of the Commission to the Interagency Civil Defense Committee of the Defense Civil Preparedness Agency of the Department of Defense.

(d) Provides administrative support for the National Advisory Committee (NAC).

(e) Keeps the Defense Commissioner informed as to significant developments in the field of emergency preparedness and related defense activities.

[41 FR 31209, July 27, 1976, as amended at 50 FR 27953, July 9, 1985; 59 FR 26971, May 25, 1994; 59 FR 67092, Dec. 28, 1994]

**§ 0.183 Emergency Communications Administration.**

The Compliance and Information Bureau coordinates the National Security and Emergency Preparedness (NSEP) activities of the Federal Communications Commission including Continuity of Government Planning, the Emergency Alert System (EAS) and other functions as may be delegated during a national emergency or activation of the President's war emergency powers as specified in section 706 of the Communications Act; maintains liaison with FCC Bureaus/Offices, and other government agencies, the telecommunications industry and FCC licensees on NSEP matters; and, as requested, represents the Commission at NSEP meetings and conferences.

[59 FR 67092, Dec. 28, 1994]

**§ 0.185 Responsibilities of the bureaus and staff offices.**

The head of each of the bureaus and staff offices, in rendering assistance to the Chief, Compliance and Information Bureau in the performance of that person's duties with respect to defense activities will have the following duties and responsibilities:

(a) To keep the Chief, Compliance and Information Bureau informed of the investigation, progress, and completion of programs, plans, or activities with respect to defense in which they are engaged or have been requested to engage.

(b) To render assistance and advice to the Chief, Compliance and Information Bureau on matters which relate to the functions of their respective bureaus or staff offices.

(c) To render such assistance and advice to other agencies as may be consistent with the functions of their respective bureaus or staff offices and the Commission's policy with respect thereto.

(d) To perform such other duties related to the Commission's defense activities as may be assigned to them by the Commission.

[29 FR 14665, Oct. 28, 1964, as amended at 50 FR 27953, July 9, 1985; 59 FR 26971, May 25, 1994; 61 FR 8477, Mar. 5, 1996]

**§ 0.186 Emergency Relocation Board.**

(a) As specified in the Commission's Continuity of Government Plan and consistent with the exercise of the War Emergency Powers of the President as set forth in section 706 of the Communications Act of 1934, as amended, an Emergency Relocation Board will be convened at the Commission's Headquarters or other relocation site designated to serve as Primary FCC Staff to perform the functions of the Commission following the announcement of national level mobilization of the Federal government by the President or other designated authority; in the absence of such announcement, immediately following receipt of an attack warning signal; or in the absence of either announcement or attack warning, immediately following an actual attack.

(b) The Board shall comprise such Commissioners as may be present and able to act. In the absence of the Chairman, the Commissioner present with the longest seniority in office will serve as acting Chairman. If no Commissioner is present and able to act, the person designated as next most senior official in the Commission's Continuity of Government Plan will head the Board.

[53 FR 29055, Aug. 2, 1988]

**Subpart B—Delegations of Authority**

AUTHORITY: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

**GENERAL****§ 0.201 General provisions.**

(a) There are three basic categories of delegations made by the Commission pursuant to section 5(c) of the Communications Act of 1934, as amended:

(1) *Delegations to act in non-hearing matters and proceedings.* The great bulk of delegations in this category are made to bureau chiefs and other members of the Commission's staff. This category also includes delegations to individual commissioners and to boards or committees of commissioners.

## §0.203

(2) *Delegations to rule on interlocutory matters in hearing proceedings.* Delegations in this category are made to the Chief Administrative Law Judge.

NOTE TO PARAGRAPH (A)(2): Interlocutory matters which are not delegated to the Chief Administrative Law Judge are ruled on by the presiding officer by virtue of the authority vested in him to control the course and conduct of the hearing. This authority stems from section 7 of the Administrative Procedure Act and section 409 of the Communications Act rather than from delegations of authority made pursuant to section 5(c) of the Communications Act. (See §§0.218 and 0.341.).

(3) *Delegations to review an initial decision.* Delegations in this category are made to individual commissioners, to panels of commissioners.

(b) Delegations are arranged in this subpart under headings denoting the person, panel, or board to whom authority has been delegated, rather than by the categories listed in paragraph (a) of this section.

(c) Procedures pertaining to the filing and disposition of interlocutory pleadings in hearing proceedings are set forth in §§1.291 through 1.298 of this chapter. Procedures pertaining to appeals from rulings of the presiding officer are set forth in §1.301. Procedures pertaining to reconsideration of the presiding officer's rulings are set forth in §1.303. Procedures pertaining to reconsideration and review of actions taken pursuant to delegated authority are set forth in §§1.101, 1.102, 1.104, 1.106, 1.113, 1.115, and 1.117. Procedures pertaining to exceptions to initial decisions are set forth in §§1.276–1.279.

(d) The Commission, by vote of a majority of the members then holding office, may delegate its functions either by rule or by order, and may at any time amend, modify, or rescind any such rule or order.

(1) Functions of a continuing or recurring nature are delegated by rule. The rule is published in the FEDERAL REGISTER and is included in this subpart.

(2) Functions pertaining to a particular matter or proceeding are delegated by order. The order is published in the FEDERAL REGISTER and associated with the record of that matter or proceeding, but neither the order nor any ref-

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erence to the delegation made thereby is included in this subpart.

[28 FR 12402, Nov. 22, 1963, as amended at 50 FR 26567, June 27, 1985; 62 FR 4170, Jan. 29, 1997]

### §0.203 Authority of person, panel, or board to which functions are delegated.

(a) The person, panel, or board to which functions are delegated shall, with respect to such functions, have all the jurisdiction, powers, and authority conferred by law upon the Commission, and shall be subject to the same duties and obligations.

(b) Except as provided in §1.102 of this chapter, any action taken pursuant to delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

[28 FR 12402, Nov. 22, 1963]

### §0.204 The exercise of delegated authority.

(a) *Authority to issue orders and to enter into correspondence.* Any official (or group of officials) to whom authority is delegated in this subpart is authorized to issue orders (including rulings, decisions, or other action documents) pursuant to such authority and to enter into general correspondence concerning any matter for which he is responsible under this subpart or subpart A of this part.

(b) *Authority of subordinate officials.* Authority delegated to any official to issue orders or to enter into correspondence under paragraph (a) of this section may be exercised by that official or by appropriate subordinate officials acting for him.

(c) *Signature.* (1) Other orders made by a committee, board or panel identify the body and are signed by the Secretary.

(2) Upon signing an order, the Secretary affixes the Commission's seal.

(3) General correspondence by a committee or board is signed by the committee or board chairman.

(4) All other orders and letters are signed by the official who has given final approval of their contents.

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(5) With the exception of license forms requiring the signature of an appropriate official of the issuing bureau or office, license forms bear only the seal of the Commission.

(d) *Form of orders.* Orders may be issued in any appropriate form (e.g., as captioned orders, letters, telegrams) and may, if appropriate, be issued orally. Orders issued orally shall, if practicable, be confirmed promptly in writing.

(e) *Minutes entries.* Except as otherwise provided in this subpart, actions taken as provided in paragraph (d) of this section shall be recorded in writing and filed in the official minutes of the Commission.

[33 FR 8227, June 1, 1968, as amended at 38 FR 18550, July 12, 1973; 62 FR 4170, Jan. 29, 1997]

### COMMISSIONERS

#### §0.211 Chairman.

The responsibility for the general administration of internal affairs of the Commission is delegated to the Chairman of the Commission. The Chairman will keep the Commission advised concerning his actions taken under this delegation of authority. This authority includes:

(a) Actions of routine character as to which the Chairman may take final action.

(b) Actions of non-routine character which do not involve policy determinations. The Chairman may take final action on these matters but shall specifically advise the Commission on these actions.

(c) Actions of an important character or those which involve policy determinations. In these matters the Chairman will develop proposals for presentation to the Commission.

(d) To act within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed \$5,000.

(e) Authority to act as "Head of the Agency" or "Agency Head" for administrative determinations required by

Federal Procurement Regulations and Federal Management Circulars.

[28 FR 12402, Nov. 22, 1963, as amended at 41 FR 49095, Nov. 8, 1976; 51 FR 23550, June 30, 1986]

#### §0.212 Board of Commissioners.

(a) Whenever the Chairman or Acting Chairman of the Commission determines that a quorum of the Commission is not present or able to act, he may convene a Board of Commissioners. The Board shall be composed of all Commissioners present and able to act.

(b) The Board of Commissioners is authorized to act upon all matters normally acted upon by the Commission en banc, except the following:

(1) The final determination on the merits of any adjudicatory or investigatory hearing proceeding or of any rule making proceeding, except upon a finding by the Board that the public interest would be disserved by waiting the convening of a quorum of the Commission.

(2) Petitions for reconsideration of Commission actions.

(3) Applications for review of actions taken pursuant to delegated authority.

(c) The Board of Commissioners is authorized to act upon all matters normally acted upon by an individual Commissioner (when he or his alternates are not present or able to act) or by a committee of Commissioners (in the absence of a quorum of the committee).

(d) Actions taken by the Board of Commissioners shall be recorded in the same manner as actions taken by the Commission en banc.

(e) This section has no application in circumstances in which the Commission is unable to function at its offices in Washington, D.C. See §§0.181-0.186 and §§0.381-0.387.

[30 FR 9314, July 27, 1965]

#### §0.218 Authority of, and delegated to, an individual Commissioner or Commissioners.

(a) One or more members of the Commission may be designated to preside in a hearing proceeding. The Commissioner or Commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall

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act upon all motions, petitions or other matters which may arise while the proceeding is in hearing status.

(b) One or more members of the Commission may be designated to review an initial decision issued in any hearing case.

(c) Except for actions taken during the course of a hearing and upon the record thereof, actions taken by a Commissioner or Commissioners pursuant to the provisions of this section shall be recorded in writing and filed in the official minutes of the Commission.

[27 FR 7931, Aug. 10, 1962]

MANAGING DIRECTOR

§0.231 Authority delegated.

(a) The Managing Director, or his designee, upon securing concurrence of the General Counsel, is delegated authority to act upon requests for waiver, reduction or deferment of fees, establish payment dates, and issue notices proposing amendments or adjustments to the fee schedules established under part 1, subpart G, of this chapter.

(b) The Managing Director, or his designee, is delegated authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the bureau or staff office primarily responsible for the particular part or section involved.

(c) [Reserved]

(d) The Managing Director, or his designee, upon securing the concurrence of the General Counsel, is delegated authority, within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, to grant tort claims directed against the Commission where the amount of the claim does not exceed \$5,000. In addition thereto, the Managing Director, or his designee, upon securing the concurrence of the General Counsel, is delegated authority to act in the disposition of claims arising under the Military Personnel and Civilian Employees' Claims Act, as amended, 31 U.S.C. 3701 and 3721, where the amount of the claim does not exceed \$6,500.

(e) The Managing Director is delegated authority to act as Head of the Procurement Activity and Contracting Officer for the Commission and to des-

ignate appropriate subordinate officials to act as Contracting Officers for the Commission. As Head of the Procurement Activity, the Managing Director will refer all appeals filed against final decisions regarding award of contracts to the Board of Contract Appeals of the General Services Administration for resolution. Appeals will be handled in accordance with the Rules of the Board of Contract Appeals.

(f) [Reserved]

(g) The Managing Director, after consultation with the Chairman shall establish, renew, and terminate all Federal advisory committees. He shall also exercise all management responsibilities under the Federal Advisory Committee Act as amended (Pub. L. No. 92-463, 5 U.S.C. App.).

(h) [Reserved]

(i) The Secretary, acting under the supervision of the Managing Director, serves as the official custodian of the Commission's documents and shall have authority to appoint a deputy or deputies for the purposes of custody and certification of documents located in Gettysburg, Pennsylvania or other established locations. The Secretary is delegated authority to rule on requests for extensions of time based on operational problems associated with the Commission's electronic comment filing system. See §1.46 of this chapter.

CROSS REFERENCE: 47 CFR part 19, subpart E.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303; 18 U.S.C. 207(j); 39 U.S.C. 3220; Notice of Preliminary Guidelines issued by the Department of Justice, 50 FR 46622, November 8, 1985)

[29 FR 14666, Oct. 28, 1964]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §0.231, see the List of CFR Sections Affected in the Finding Aids section of this volume.

CHIEF ENGINEER

§0.241 Authority delegated.

(a) The performance of functions and activities described in §0.31 of this part is delegated to the Chief Engineer: *Provided*, That the following matters shall be referred to the Commission en banc for disposition:

(1) Notices of proposed rulemaking and of inquiry and final orders in rulemaking proceedings, inquiry proceedings and non-editorial orders making changes. See § 0.231(d).

(2) Petitions for review of actions taken to delegated authority. See § 1.115 of this chapter.

(3) Petitions and other requests for waivers of the Commission's rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission or preset facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading or request presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(6) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(7) Authority to issued a notice of opportunity for hearing pursuant to § 1.80(g) of this chapter; and authority to issue notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) of this chapter, if the amount set out in the notice of apparent liability is more than \$20,000.

(8) Proposed actions following any case remanded by the courts.

(b) The Chief Engineer is delegated authority to administer the Equipment Authorization program as described in part 2 of the Commission's Rules.

(c) The Chief Engineer is delegated authority to administer the Experimental Radio Service program pursuant to part 5 of the Commission's Rules.

(d) The Chief engineer is delegated 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, Mass Media Bureau.

(e) The Chief Engineer is authorized to dismiss or deny petitions for rulemaking which are repetitive or moot or which, for other reasons plainly do not warrant consideration by the Commission.

(f) The Chief of the Office of Engineering and Technology is authorized to enter into agreements with the National Institute of Standards and Technology and other accreditation bodies to perform accreditation of test laboratories pursuant to § 2.948(d) of this chapter. In addition, the Chief is authorized to make determinations regarding the continued acceptability of individual accrediting organizations and accredited laboratories.

[51 FR 41106, Nov. 13, 1986, as amended at 57 FR 18088, Apr. 29, 1992; 60 FR 5324, Jan. 27, 1995; 60 FR 32119, June 20, 1995; 61 FR 4918, Feb. 9, 1996; 61 FR 31045, June 19, 1996; 62 FR 48952, Sept. 18, 1997]

#### § 0.247 Record of actions taken.

The application and authorization files and other appropriate files of the Office of Engineering and Technology are designated as the official minute entries of actions taken pursuant to §§ 0.241 and 0.243.

[33 FR 8228, June 1, 1968, as amended at 44 FR 39179, July 5, 1979; 51 FR 12615, Apr. 14, 1986]

#### GENERAL COUNSEL

#### § 0.251 Authority delegated.

(a) The General Counsel is delegated authority to act as the "designated agency ethics official."

(b) Insofar as authority is not delegated to any other Bureau or Office, and with respect only to matters which are not in hearing status, the General Counsel is delegated authority:

(1) To act upon requests for extension of time within which briefs, comments or pleadings may be filed.

(2) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(3) To dismiss or deny petitions for rulemaking which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

(4) To dismiss as repetitious any petition for reconsideration of a Commission order denying an application for review which fails to rely on new facts or changed circumstances.

(c) The General Counsel is delegated authority in adjudicatory hearing proceedings which are pending before the Commission en banc to act on all requests for relief, and to issue all appropriate orders, except those which involve final disposition on the merits of a previously specified issue concerning an applicant's basic qualifications or two or more applicants' comparative qualifications.

(d) When an adjudicatory proceeding is before the Commission for the issuance of a final order or decision, the General Counsel will make every effort to submit a draft order or decision for Commission consideration within four months of the filing of the last responsive pleading. If the Commission is unable to adopt an order or decision in such cases within five months of the last responsive pleading, it shall issue an order indicating that additional time will be required to resolve the case.

(e) The official record of all actions taken by the General Counsel pursuant to §0.251 (c) and (d) is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

(f) The General Counsel is delegated authority to issue written determinations on behalf of the Chairman, and otherwise act as the Chairman's designee on matters regarding the interception of telephone conversations, as required by the General Services Administration's regulations. 41 CFR 201-6.202 *et seq.*

(g) The General Counsel is delegated authority 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.

(h) The General Counsel is delegated authority to issue rulings on whether violations of the *ex parte* rules have occurred.

(i) The General Counsel is delegated authority to make determinations regarding and waive the applicability of section 4(b) of the Communications Act (47 U.S.C. §154(b)) and the Federal conflict of interest statutes (18 U.S.C. §§203, 205 and 208).

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[28 FR 12402, Nov. 22, 1963, as amended at 31 FR 3074, Feb. 24, 1966; 31 FR 4456, Mar. 16, 1966; 31 FR 11756, Sept. 8, 1966; 31 FR 13474, Oct. 19, 1966; 44 FR 60294, Oct. 19, 1979; 46 FR 57050, Nov. 20, 1981; 47 FR 16032, Apr. 14, 1982; 48 FR 57133, Dec. 28, 1983; 49 FR 47604, Dec. 6, 1984; 50 FR 85, Jan. 2, 1985; 50 FR 49048, Nov. 29, 1985; 56 FR 792, Jan. 9, 1991; 57 FR 19387, May 6, 1992; 59 FR 39703, Aug. 4, 1994; 60 FR 34902, July 5, 1995; 61 FR 26464, May 28, 1996; 61 FR 29311, June 10, 1996; 62 FR 15853, Apr. 3, 1997; 62 FR 24055, May 2, 1997; 62 FR 51052, Sept. 30, 1997]

INTERNATIONAL BUREAU

SOURCE: Sections 0.261 and 0.262 appear at 60 FR 5324, Jan. 27, 1995, unless otherwise noted.

**§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:

(1) To recommend rulemakings, studies, and analyses (legal, engineering, social, and economic) of various petitions for policy or rule changes submitted by industry or the public, and to assist the Commission in conducting the same;



(2) To assume the principal representational role on behalf of the Commission in international conferences, meetings, and negotiations, and direct Commission preparation for such conferences, meetings, and negotiations with other bureaus and offices, as appropriate;

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

(4) To act upon applications for international and domestic satellite systems and earth stations pursuant to part 25 and part 100 of this chapter;

(5) To act upon applications for cable landing licenses pursuant to § 1.767 of this chapter;

(6) To act upon requests for designation of Recognized Private Operating Agency (RPOA) status under part 63 of this chapter;

(7) To act upon applications relating to international broadcast station operations, or for permission to deliver programming to foreign stations, under part 73 of this chapter;

(8) To administer and enforce the policies and rules on international settlements under part 64 of this chapter;

(9) To administer portions of part 2 of this chapter dealing with international treaties and call sign provisions, and to make call sign assignments, individually and in blocks, to U.S. Government agencies and FCC operating bureaus;

(10) To act upon applications for closure of public coast stations in the maritime service under part 63 of this chapter and to coordinate its efforts with the Wireless Telecommunications Bureau.

(11) To administer Commission participation in the International Telecommunication Union (ITU) Fellowship telecommunication training program for foreign officials offered through the U.S. Telecommunications Training Institute;

(12) In consultation with the affected Bureaus and Offices, to recommend revision of Commission rules and procedures as appropriate to conform to the

outcomes of international conferences, agreements, or treaties;

(13) To notify the ITU of the United States' terrestrial and satellite assignments for inclusion in the Master International Frequency Register;

(14) To conduct studies and compile such data relating to international telecommunications as may be necessary for the Commission to develop and maintain an adequate regulatory program; and

(15) To interpret and enforce rules and regulations pertaining to matters under its jurisdiction.

(b) Notwithstanding the authority delegated in paragraph (a) of this section, the Chief, International Bureau, shall not have authority:

(1) To act on any application, petition, pleading, complaint, enforcement matter, or other request that:

(i) Presents new or novel arguments not previously considered by the Commission;

(ii) Presents facts or arguments which appear to justify a change in Commission policy; or

(iii) Cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or Offices.

(2) To issue notices of proposed rulemaking, notices of inquiry, or reports or orders arising from rulemaking or inquiry proceedings;

(3) To act upon any application for review of actions taken by the Chief, International Bureau, pursuant to delegated authority, which application complies with § 1.115 of this chapter;

(4) To act upon any formal or informal radio application or section 214 application for common carrier services which is in hearing status;

(5) To designate for hearing any applications except:

(i) Mutually exclusive applications for radio facilities filed pursuant to parts 23, 25, 73, or 100 of this chapter; and

(ii) Applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines; or

(6) 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 for common carrier providers and \$20,000 for non-common carrier providers.

[60 FR 5324, Jan. 27, 1995, as amended at 60 FR 35506, July 10, 1995]

**§0.262 Record of actions taken.**

The application and authorization files in the appropriate central files of the International Bureau are designated as the Commission's official records of actions by the Chief, International Bureau, pursuant to authority delegated to him.

OFFICE OF PLANS AND POLICY

**§0.271 Authority delegated.**

(a) Insofar as authority is not delegated to any other Bureau or Office, and with respect only to matters which are not in hearing status, the Chief, Office of Plans and Policy is delegated authority to deny requests or to extend the time within which comments may be filed in dockets over which the Office of Plans and Policy has primary authority.

(b) [Reserved]

[45 FR 10347, Feb. 15, 1980]

CHIEF, MASS MEDIA BUREAU

**§0.283 Authority delegated.**

The performance of functions and activities described in §0.61 of this part is delegated to the Chief, Mass Media Bureau: Provided, That the following matters shall be referred by the Chief, Mass Media Bureau to the Commission en banc for disposition:

(a) *Applications.* Formal and informal applications for new or modified facilities, and for the renewal, assignment, and transfer of construction permits and licenses involving such facilities, when such applications fail to satisfy the requirements of Commission rules or established Commission policy in the following areas of special concern:

(1) *Multiple ownership, concentration of control, and cross-interests.* (i) Acquisition of a third broadcast station or modification of facilities if such would result in the common ownership of three broadcast stations where any two are within 100 miles of a third and primary service contour overlap would

occur; "one-to-a-market" situations involving UHF stations or TV satellite stations; and duopoly situations involving TV satellite stations. (Commonly owned AM and FM stations in the same market are treated as one station for the purpose of the "third station" limitations.)

(ii) Acquisition of a broadcast station by a newspaper in the same area, or other organization having substantial interests in the print media in the same area.

(iii) Creation of common ownership interests, management ties, or employment relationships between licensees serving substantial common areas and populations. Commonality of areas and populations served shall be determined in duopoly situations by overlap of the following service contours: AM—1 mVm; FM—1 mVm; and TV—Grade B. In "one-to-a-market" situations, commonality of areas and populations served shall be determined by community encompassment with the following service contours: AM—2 mVm; FM—1 mVm; and TV—Grade A.

(iv) Acquisition of broadcast properties by corporations or individuals appearing to dominate the economic life of the community.

(2) *Anti-trust activity, unfair trade practices, and violations of law not previously considered by the Commission.* (i) Proposals by applicants against whom communications-related anti-trust suits are pending or against whom there is pending any anti-trust suit in which an adverse verdict has been reached.

(ii) Proposals by applicants who have entered into a consent decree, have pleaded guilty or nolo contendere, or have been adjudged guilty in an anti-trust case during the three-year period preceding the filing of the application.

(iii) Proposals by applicants who have been the subject of a final cease and desist or consent order issued by the Federal Trade Commission during the three-year period preceding the filing of the application.

(iv) Proposals by applicants or including parties with felony or capital offense conviction records, or against whom a criminal proceeding is pending.

(3) *Violations and complaint matters.* Proposals filed by applicants against whom violation notices of a serious nature are outstanding or against whom questions suggesting serious misconduct remain unresolved, or by applicants with records of serious past misconduct.

(4) *Equal employment opportunities.* Proposals filed by applicants whose equal employment opportunities programs do not comply with Commission rules or policies and cannot be cleared by further staff inquiry or action, or whose past performance suggests the existence of discriminatory practices.

(5) *Short term licenses and renewals.* Proposals which in the opinion of the Chief, Mass Media Bureau, warrant the issuance of a short-term license or renewal authorization.

(6) [Reserved]

(7) *Programming: Program content and ascertainment of community needs.* (i) Applications for new stations or assignments and transfers.

(A) Commercial AM and FM proposals and commercial TV proposals of applicants for new stations and of assignees and transfers that have not submitted a narrative statement of their proposed programming.

(8) [Reserved]

(9) *Hearing orders.* (i) Mutually exclusive applications not in the Instructional Television Fixed Service, including renewal and construction permit applications, involving non-routine hearing issues.

(ii) Other renewal and assignment and transfer applications which appear to call for an evidentiary hearing.

(iii) Such other applications, as in the opinion of the Chief, Mass Media Bureau, warrant referral to the Commission prior to designation for hearing.

(10) *Interference and mileage separations.* Proposals for new or modified AM, FM, and TV facilities which would create substantial new prohibited overlap or station separation shortages. In the case of AM proposals (other than Class IV), a net increase in objectionable interference to another AM station involving more than 1 percent of the population served by such other station, whether or not consented to by

the station affected, shall be referred to the Commission.

(11) *VHF television expansion.* Commercial VHF television proposals seeking to bring or extend their Grade B contours into a significant area or population included within the predicted Grade B contour of a UHF television station where the area or population involved is covered by fewer than 4 VHF television signals.

(12) *Agreements to amend or dismiss applications.* Any situation in which a community will be deprived of a proposed broadcast station by reason of amendment or dismissal of an application mutually exclusive with another application for a different community.

(13) *Experimental and developmental operation.* Proposals for experimental and developmental authority containing policy implications which, in the opinion of the Chief, Mass Media Bureau, warrant referral to the Commission.

(14) *Miscellaneous applications and requests.* (i) Proposals for special temporary, emergency, conditional, or interim operating authority of more than routine significance.

(ii) Any other application, proposals, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Petitions and other requests for Commission action.* (1) Petitions to deny, informal objections, and other petitions, directed against AM, FM, and TV applications for new or modified facilities, or for renewal, assignment or transfer of control, will be referred to the Commission if they: (i) Contain new or novel issues not previously considered by the Commission, (ii) appear to justify a change in Commission policy; or (iii) present documented allegations of failure to comply with the Commission's Equal Employment Opportunity rules and policies, or the applicant in question falls outside the applicable processing criteria in its employment of women and minorities.

(2) Petitions and other requests for reconsideration of actions taken by the Chief, Mass Media Bureau, when such petitions or requests contain new or novel arguments not previously considered by the Commission, present facts

or arguments which appear to justify a change in Commission policy, or request reconsideration of orders designating cases for hearing.

(3) Applications for review of actions taken by the Chief, Mass Media Bureau, which comply with §1.115 of this chapter.

(4) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(6) Petitions for rulemaking which have been accepted under §1.403, and final dispositions of rulemaking proceedings not involving routine changes in the FM and TV Tables of Assignments.

(7) Petitions and other requests for waiver of the prime-time access rule, in areas where Commission policy is not clearly established.

(8) Petitions and other requests for long-term waiver of the policy limiting affiliations by commonly owned networks in the same market.

(9) Petitions and other requests for waiver of the sponsorship identification provisions of the Communications Act, in accordance with section 317(d) thereof.

(10) Any other petition, pleading, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(c) *Administration and enforcement.* (1) Proposed orders to show cause why station licenses or construction permits should not be revoked.

(2) Proposed actions following any case remanded by the courts.

(3) Notices of opportunity for hearing pursuant to §1.80(g) of this chapter, and notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under

§1.80(f) of this chapter if the amount set out in the notice of apparent liability is more than \$20,000, except that all forfeiture matters relating to the Commission's equal employment opportunity rules shall be referred to the Commission.

(4) Proposed public notices expressing Commission policy, interpreting the provisions of law, regulations, or treaties, or warning the broadcast industry as to certain types of violations.

(5) Problems involving apparent violation of the Commission's rules governing equal employment opportunities or otherwise indicating the existence of discriminatory practices which, in the opinion of the Chief, Mass Media Bureau, or the Equal Employment Opportunity Commission should be brought to the attention of FCC Commissioners.

(6) Any other complaint or enforcement matter presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

[47 FR 47829, Oct. 28, 1982, as amended at 47 FR 55929, Dec. 14, 1982; 47 FR 58269, Dec. 30, 1982; 48 FR 24386, June 1, 1983; 49 FR 33603, Aug. 23, 1984; 57 FR 18088, Apr. 29, 1992; 61 FR 10689, Mar. 15, 1996]

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

(a) In discharging the authority conferred by §0.283 of this part, the Chief, Mass 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;

(1) Complaints arising under sections 315 and 605 of the Communications Act—Office of General Counsel.

(2) Objections to proposed call signs and requests for waiver of procedural rules governing call sign assignments—Office of Managing Director.

(3) Requests for waiver of tower painting and lighting specifications—Wireless Telecommunications Bureau.

(4) Matters involving emergency communications, including the issuance of Emergency Alert System Authorizations (FCC Form 392) Compliance and Information Bureau.

(5) Requests for use of frequencies or bands of frequencies shared with private sector nonbroadcast or government services—Office of Engineering and Technology and appropriate operating bureau.

(6) Requests involving coordination with other agencies of government—Office of General Counsel, Office of Engineering and Technology and appropriate operating bureau.

(7) Proposals involving transmitter sites on public lands owned or controlled by the Departments of Agriculture or Interior—Office of Engineering and Technology.

(8) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Engineering and Technology.

(9) [Reserved]

(b) With respect to non-routine applications granted under authority delegated in §0.283 of this part, the Chief, Mass 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) The Chief, Mass Media Bureau, shall prepare and submit to the Commission a quarterly statistical summary of actions taken during the preceding quarter under authority delegated to him in §0.283 of this part. The statistical summary shall be accompanied by a statement of industry trends apparent in the staff handling of non-routine matters during the same quarter.

[47 FR 47829, Oct. 28, 1982; 47 FR 56852, Dec. 21, 1982, as amended at 51 FR 12615, Apr. 14, 1986; 52 FR 5288, Feb. 20, 1987; 53 FR 29055, Aug. 2, 1988; 59 FR 26971, May 25, 1994; 59 FR 32132, June 22, 1994; 59 FR 67092, Dec. 28, 1994; 61 FR 8477, Mar. 5, 1996]

#### §0.285 Record of actions taken.

The history card, the station file, and other appropriate files are designated to be the official record of the action taken by the Chief of the Mass Media Bureau.

[47 FR 47829, Oct. 28, 1982]

#### CHIEF, COMMON CARRIER BUREAU

#### §0.291 Authority delegated.

The Chief, Common Carrier 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, Common Carrier 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, Common Carrier 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, Common Carrier 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) *Authority concerning section 221(a) of the Act.* (1) The Chief, Common Carrier Bureau shall not have authority to determine whether hearings shall be held on applications filed under section 221(a) of the Communications Act of 1934, as amended, where a request has been made by a telephone company, an association of telephone companies, a State Commission or local government authority.

(2) The Chief, Common Carrier Bureau shall not have authority to act upon applications filed under section 221(a) of the Communications Act of 1934, as amended, where the proposed expenditure for consolidation, acquisition or control is in excess of \$10 million.

(3) The Chief, Common Carrier Bureau shall not have authority to act upon any application, petition or request under section 221(a) of the Communications Act of 1934, as amended, which presents novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(d) *Authority to designate for hearing.* The Chief, Common Carrier Bureau shall not have authority to designate for hearing any formal complaints which present novel questions of law or policy which cannot be resolved under outstanding precedents or guidelines. The Chief, Common Carrier 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, Common Carrier 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, Common Carrier Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Common Carrier Bureau, pursuant to any delegated authority.

(g) *Authority concerning rulemaking and investigatory proceedings.* The Chief, Common Carrier 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, Common Carrier 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 Common Carrier 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 Common Carrier Bureau. Before issuing a subpoena, the Bureau

shall obtain the approval of the Office of General Counsel.

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303; secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1089; 47 U.S.C. 152, 153, 154, 155, 303, 307, 308, 309, 315, 317)

[44 FR 18501, Mar. 28, 1979; 44 FR 22078, Apr. 13, 1979, as amended at 45 FR 22945, Apr. 4, 1980; 45 FR 25399, Apr. 15, 1980; 45 FR 31723, May 14, 1980; 48 FR 23431, May 25, 1983; 49 FR 6908, Feb. 24, 1984; 50 FR 18489, May 1, 1985; 51 FR 13230, Apr. 18, 1986; 52 FR 35918, Sept. 24, 1987; 55 FR 30461, July 26, 1990; 57 FR 8579, Mar. 11, 1992; 57 FR 22181, May 27, 1992; 59 FR 66487, Dec. 27, 1994; 60 FR 5324, Jan. 27, 1995; 60 FR 35506, July 10, 1995; 61 FR 16230, Apr. 12, 1996; 63 FR 1035, Jan. 7, 1998]

**§0.301 [Reserved]**

**§0.302 Record of actions taken.**

The application and authorization files in the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief, Common Carrier Bureau pursuant to authority delegated to the Chief.

[60 FR 35506, July 10, 1995]

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

Authority is delegated to the Chief of the Common Carrier 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, Common Carrier 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).

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303)

[41 FR 7750, Feb. 20, 1976. Redesignated at 44 FR 18501, Mar. 28, 1979, and amended at 44 FR 39180, July 5, 1979; 51 FR 12615, Apr. 14, 1986]

COMPLIANCE AND INFORMATION BUREAU

**§0.311 Authority delegated.**

The performance of functions and activities described in §0.111 is delegated

to the Chief, Compliance and Information Bureau, provided that:

(a) The following matters shall be referred by the Chief, Compliance and Information Bureau to the Commission en banc for disposition:

(1) Notices of proposed rulemaking and of inquiry and final orders in rulemaking and inquiry proceedings.

(2) Applications for review of actions taken pursuant to delegated authority. (See §1.115 of this chapter).

(3) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading, or request presenting new or novel questions of fact, law, or policy, which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(6) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(b) The Chief and the Deputy Chief of the Compliance and Information Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of §97.107 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

(c) Rulings and orders concerning radio operator matters in a hearing status shall not be made by the Chief, Compliance and Information Bureau.

(d)(1) The Chief of the Compliance and Information Bureau is authorized to issue notices of apparent liability,

final forfeiture orders, and orders cancelling or reducing forfeitures, pursuant to §1.80 of this chapter, if the amount set out in the notice of apparent liability is \$20,000 or less. The Chief of the Compliance and Information Bureau is authorized to further delegate this authority.

(2) The Chief of the Compliance and Information Bureau is authorized to issue citations pursuant to §1.80(d) of this chapter and to further delegate this authority.

(e) The Chief of the Compliance and Information Bureau is authorized to make determinations and notifications of the presence of harmful interference to radio communications involving safety of life or protection of property which requires temporary suspension of operation under §74.23 of this chapter. Upon invoking the authority granted pursuant to this section, the Chief of the Compliance and Information Bureau shall immediately inform the Chairman of the Commission.

(f) The Chief, Compliance and Information Bureau, is authorized to issue non-hearing related subpoenas for the production of books, papers, correspondence, memoranda, and other records relating to investigations under the authority of the Communications Act of 1934, as amended. Before issuing a subpoena, the bureau shall obtain the approval of the Office of General Counsel.

(g) The Chief, Compliance and Information Bureau is delegated authority to grant waivers of the requirements of part 11 of this chapter to participants required to install, operate or test Emergency Alert System (EAS) equipment. The Chief, Compliance and Information Bureau is further authorized to delegate this authority. Waiver requests must be made in writing and forwarded to the FCC's EAS office 1919 M Street NW., Washington, DC 20554. Such requests must state the reason why the waiver is necessary and provide sufficient information such as, statements of fact regarding the financial status of the broadcast station, the number of other broadcast stations providing coverage in its service area or the likelihood of hazardous risks to justify a grant of the waiver.

(h) The Chief, Compliance and Information Bureau is delegated authority to execute in the name of the Commission all agreements pertaining to the loan of United States Government property to broadcast stations or other entities participating in the Emergency Alert System (EAS) for national defense purposes. The Chief, Compliance and Information Bureau is authorized to delegate this authority.

(i)(1) The Chief of the Compliance and Information Bureau is authorized to rely on reports, documents or log entries made by the holder of an FCC General Radiotelephone Operator License, GMDSS Radio Maintainer's License, Second Class Radiotelegraph Operator's Certificate, or First Class Radiotelegraph Operator's Certificate as certification that the vessel complies with requirements of Articles XI, XII, and XIII of the Great Lakes Agreement. The Chief, Compliance and Information Bureau is authorized to delegate this authority.

(2) The Chief of the Compliance and Information Bureau is authorized to rely on reports, documents, or log entries made by the holder of an FCC license or Certificate—detailed in §80.59 of this Chapter—as certification that a U.S. vessel required to be equipped with a radio installation and inspected by the Commission or an entity designated by the Commission, under the Safety Convention or subparts Q, R, S, U, or W of part 80 of this chapter meets such inspection requirements. The Chief, Compliance and Information Bureau is further authorized to delegate this authority.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[40 FR 17254, Apr. 18, 1975, as amended at 47 FR 1395, Jan. 13, 1982; 48 FR 37414, Aug. 18, 1983; 50 FR 37189, Sept. 12, 1985; 57 FR 18088, Apr. 29, 1992; 58 FR 13020, Mar. 9, 1993; 58 FR 68053, Dec. 23, 1993; 59 FR 26971, May 25, 1994; 59 FR 67092, Dec. 28, 1994; 60 FR 31256, June 14, 1995; 60 FR 35506, July 10, 1995; 60 FR 55998, Nov. 6, 1995; 60 FR 61662, Dec. 1, 1995; 61 FR 8477, Mar. 5, 1996; 61 FR 25805, May 23, 1996; 63 FR 29658, June 1, 1998]

**§0.314 Additional authority delegated.**

The Engineer in Charge 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:

(a)–(b) [Reserved]

(c) On informal requests from broadcast stations to extend temporary authority for operation without monitors, plate ammeter, plate voltmeter, base current meter, common point meter, and transmission line meter from FM and television stations.

(d) [Reserved]

(e)(1) For periodic survey as required by section 385 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, and issuance of Communications Act radiotelephony certificates in accordance with §80.903 of this chapter. The District Director or Resident Agent will require that the inspection be conducted by an FCC-licensed technician holding an appropriate class of FCC license in accordance with §80.59 of this chapter.

(2) Extend the Communications Act Safety Radiotelephony Certificate for a period of up to 90 days beyond the specified expiration date.

(3) Grant emergency exemption requests, extensions or waivers of inspection to ships in accordance with applicable provisions of the Communications Act, the Safety Convention, the Great Lakes Agreement or the Commission's rules.

(f) [Reserved]

(g) To act on and make determinations on behalf of the Commission regarding requests for assignments and reassignments of priorities under the Telecommunications Service Priority System, Part 64 of the rules, when circumstances require immediate action and the common carrier seeking to provide service states that it cannot contact the National Communications System or the Commission office normally responsible for such assignments.

(h) Require special equipment and program tests during inspections or investigations to determine compliance with technical requirements specified by the Commission.

(i) Require stations to operate with pre-sunrise and nighttime facilities during daytime hours in order that an



inspection or investigation may be made by an authorized Commission representative to determine operating parameters.

(j) For ship radio inspection and certification of the ship radio license, pursuant to the requirements of Section 362(b) and 385 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996. The District Director or Resident Agent will require that the inspection be conducted by an FCC-licensed technician holding an appropriate class of FCC license in accordance with §80.59 of this chapter.

(k) Issue a Safety Radiotelegraphy Certificate or a Safety Radiotelephony Certificate in accordance with the terms of Regulations 12 and 13, Chapter I, of the Safety Convention.

(l) For inspection or periodical survey as required by Article XII of the Great Lakes Agreement and certification prescribed by Article XIII thereof. The District Director may require that the inspection be conducted by an FCC-licensed technician holding an FCC General Radiotelephone Operator License, GMDSS Radio Maintainer's License, Second Class Radiotelegraph Operator's Certificate, or First Class Radiotelegraph Operator's Certificate.

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

(n) 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.

(o)-(w) [Reserved]

(x) When deemed necessary by the Engineer-in-Charge of a Commission field facility to assure compliance with the Rules, a station licensee shall maintain a record of such operating and maintenance records as may be necessary to resolve conditions of in-

terference or deficient technical operation.

(Secs. 4, 5, 303, 307, 308, 309, 48 Stat., as amended, 1066, 1068, 1082, 1083, 1084, 1085; 47 U.S.C. 154, 303, 307, 308, 309)

[28 FR 12402, Nov. 22, 1963, as amended at 36 FR 8871, May 14, 1971; 40 FR 17254, Apr. 18, 1975; 42 FR 3167, Jan. 17, 1977; 43 FR 25122, June 9, 1978; 46 FR 35460, July 8, 1981; 48 FR 23432, May 25, 1983; 48 FR 26607, June 9, 1983; 48 FR 37414, Aug. 18, 1983; 50 FR 36067, Sept. 5, 1985; 51 FR 20290, June 4, 1986; 51 FR 31304, Sept. 2, 1986; 53 FR 29055, Aug. 2, 1988; 53 FR 47536, Nov. 23, 1988; 58 FR 13020, Mar. 9, 1993; 61 FR 25805, May 23, 1996; 63 FR 29658, June 1, 1998]

#### §0.317 Record of action taken.

The application, authorization, and other appropriate central files of the Compliance and Information Bureau are designated as the Commission's official records of action taken pursuant to authority delegated under §§0.311 and 0.314, and shall constitute the official Commission minutes entry of such actions.

[40 FR 17254, Apr. 18, 1975, as amended at 61 FR 8477, Mar. 5, 1996]

#### CABLE SERVICES BUREAU

#### §0.321 Authority delegated.

The Chief, Cable Services Bureau is delegated authority to perform all functions of the Bureau, described in §0.101, subject to the following exceptions and limitations:

(a) Designate for hearing any formal complaints that present novel questions of fact, law or policy that cannot be resolved under existing precedents for guidelines;

(b) Impose, reduce, or cancel forfeitures pursuant to section 503(b) of the Communications Act of 1934, as amended, in amounts of more than \$20,000;

(c) Act upon any applications for review of actions taken by the Chief, Cable Services Bureau pursuant to any delegated authority which comply with §1.115 of this chapter;

(d) Issue notices of proposed rule-making, notices of inquiry or to issue report and orders arising from either of

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the foregoing, except that the Chief, Cable Services Bureau shall have authority to issue notices of rulemaking and report and orders redesignating market areas in accordance with section 614(f) of the Communications Act of 1934, as amended; and

(e) Act on any applications in the Cable Television Relay Service that present novel questions of fact, law, or policy that cannot be resolved under existing precedents and guidelines.

[62 FR 8401, Feb. 25, 1997]

§0.325 Record of actions taken.

The original file, the station file, and other appropriate files are designated to be the official record of the action taken by the Chief of the Cable Services Bureau.

[59 FR 32132, June 22, 1994]

WIRELESS TELECOMMUNICATIONS BUREAU

§0.331 Authority delegated.

The Chief, Wireless Telecommunications Bureau, is hereby delegated authority to perform all functions of the Bureau, described in §0.131, subject to the following exceptions and limitations.

(a) Authority concerning applications.

(1) The Chief, Wireless Telecommunications Bureau shall not have authority to act on any radio applications that are in hearing status.

(2) The Chief, Wireless Telecommunications Bureau shall not have authority to act on any complaints, petitions or requests, whether or not accompanied by an application, when such complaints, petitions or requests present new or novel questions of law or policy which cannot be resolved under outstanding Commission precedents and guidelines.

(b) Authority concerning forfeitures and penalties. The Chief, Wireless Telecommunications Bureau, shall not have authority to impose, reduce, or cancel forfeitures pursuant to the Communications Act of 1934, as amended, and imposed under regulations in this chapter in amounts of more than \$80,000 for commercial radio providers and \$20,000 for private radio providers. Payments for bid withdrawal, default

or to prevent unjust enrichment that are imposed pursuant to Section 309(j) of the Communications Act of 1934, as amended, and regulations in this chapter implementing Section 309(j) governing auction authority, are excluded from this restriction.

(c) Authority concerning applications for review. The Chief, Wireless Telecommunications Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Wireless Telecommunications Bureau pursuant to any delegated authority, except that the Chief may dismiss any such application that does not comply with the filing requirements of §1.115 (d) and (f) of this chapter.

(d) Authority concerning rulemaking proceedings. The Chief, Wireless Telecommunications Bureau shall not have the authority to act upon notices of proposed rulemaking and inquiry, final orders in rulemaking proceedings and inquiry proceedings, and reports arising from any of the foregoing except such orders involving ministerial conforming amendments to rule parts, or orders conforming any of the applicable rules to formally adopted international conventions or agreements where novel questions of fact, law, or policy are not involved. Also, the addition of new Marine VHF frequency coordination committee(s) to §80.514 of this chapter need not be referred to the Commission if they do not involve novel questions of fact, policy or law, as well as requests by the United States Coast Guard to:

(1) Designate radio protection areas for mandatory Vessel Traffic Services (VTS) and establish marine channels as VTS frequencies for these areas; or

(2) Designate regions for shared commercial and non-commercial vessel use of VHF marine frequencies.

[60 FR 35506, July 10, 1995, as amended at 61 FR 26465, May 28, 1996; 62 FR 40285, July 28, 1997]

§0.332 Actions taken under delegated authority.

In discharging the authority conferred by §0.331, the Chief, Wireless Telecommunications 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:

(a) Complaints arising under section 605 of the Communications Act—Office of General Counsel.

(b) Requests for waiver of tower painting and lighting specifications—Compliance and Information Bureau.

(c) Matters involving emergency communications—Compliance and Information Bureau.

(d) Complaints involving equal employment opportunities—Office of General Counsel.

(e) Requests for use of frequencies or bands of frequencies shared with broadcast, common carrier, or government services—Office of Engineering and Technology and appropriate operating bureau.

(f) Requests involving coordination with other Federal or state agencies when appropriate—Office of General Counsel, Office of Engineering and Technology or operating bureau.

(g) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Engineering and Technology.

[40 FR 4423, Jan. 30, 1975, as amended at 44 FR 11070, Feb. 27, 1979; 44 FR 39180, July 5, 1979; 50 FR 27953, July 9, 1985; 51 FR 12615, Apr. 14, 1986; 51 FR 20290, June 4, 1986; 52 FR 5288, Feb. 20, 1987; 59 FR 26971, May 25, 1994; 60 FR 5325, Jan. 27, 1995; 60 FR 35507, July 10, 1995; 61 FR 8477, Mar. 5, 1996]

**§§ 0.333–0.337 [Reserved]**

ADMINISTRATIVE LAW JUDGES

**§ 0.341 Authority of administrative law judge.**

(a) After an administrative law judge has been designated to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another administrative law judge, all motions, petitions and other pleadings shall be acted upon by such administrative law judge, except the following:

(1) Those which are to be acted upon by the Commission. See § 1.291(a)(1) of this chapter.

(2) Those which are to be acted upon by the Chief Administrative Law Judge under § 0.351.

(b) Any question which would be acted upon by the administrative law judge if it were raised by the parties to the proceeding may be raised and acted upon by the administrative law judge on his own motion.

(c) Any question which would be acted upon by the Chief Administrative Law Judge or the Commission, if it were raised by the parties, may be certified by the administrative law judge, on his own motion, to the Chief Administrative Law Judge, or the Commission, as the case may be.

(d) In the conduct of routine broadcast comparative hearings involving applicants for only new facilities, i.e., cases that do not involve numerous applicants and/or motions to enlarge issues, the presiding administrative law judge shall make every effort to conclude the case within nine months of the release of the hearing designation order. In so doing, the presiding judge will make every effort to release an initial decision in such cases within 90 days of the filing of the last responsive pleading.

(e) Upon assignment by the Chief Administrative Law Judge, Administrative Law Judges, including the Chief Judge, will act as settlement judges in appropriate cases. See 47 CFR 1.244 of this chapter.

[29 FR 6442, May 16, 1964, as amended at 37 FR 19372, Sept. 20, 1972; 41 FR 14870, Apr. 8, 1976; 56 FR 792, Jan. 9, 1991; 62 FR 4170, Jan. 29, 1997]

**§ 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 by the Secretary in the Dockets Branch.

[39 FR 37061, Oct. 17, 1974]

CHIEF ADMINISTRATIVE LAW JUDGE

**§ 0.351 Authority delegated.**

The Chief Administrative Law Judge shall act on the following matters in

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proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions under authority delegated by §0.296.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their attorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with §1.251(a) of this chapter. (The administrative law judge named to preside at the hearing may order an initial prehearing conference although the Chief Administrative Law Judge may not have seen fit to do so and may order supplementary prehearing conferences in accordance with §1.251(b) of this chapter.)

(d) Petitions requesting a change in the place of hearing where the hearing is scheduled to begin in the District of Columbia or where the hearing is scheduled to begin at a field location and all appropriate proceedings at that location have not been completed. (See §1.253 of this chapter.) However, if all parties to a proceeding concur in holding all hearing sessions in the District of Columbia rather than at any field location, the presiding administrative law judge may act on the request.

(e) In the absence of the administrative law judge who has been designated to preside in a proceeding, to discharge the administrative law judge's functions.

(f) All pleadings filed, or matters which arise, after a proceeding has been designated for hearing, but before a law judge has been designated, which would otherwise be acted upon by the law judge, including all pleadings filed, or matters which arise, in cease and desist and/or revocation proceedings prior to the designation of a presiding officer.

(g) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Administrative Law Judge.

(h) If the administrative law judge designated to preside at a hearing becomes unavailable, to order a rehearing or to order that the hearing continue before another administrative law

judge and, in either case, to designate the judge who is to preside.

(i) The consolidation of related proceedings pursuant to §1.227(a) of this chapter, after designation of those proceedings for hearing.

[29 FR 6443, May 16, 1964, as amended at 37 FR 19372, Sept. 20, 1972; 38 FR 30559, Nov. 6, 1973; 43 FR 49307, Oct. 23, 1978; 44 FR 76295, Dec. 26, 1979]

**§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 Secretary in the Dockets Branch.

[39 FR 37061, Oct. 17, 1974]

NATIONAL SECURITY AND EMERGENCY  
PREPAREDNESS DELEGATIONS

**§0.381 Defense Commissioner.**

The authority delegated to the Commission under Executive Order 11490 is redelegated to the Defense Commissioner.

[41 FR 31210, July 27, 1976]

**§0.383 Emergency Relocation Board, authority delegated.**

(a) During any period in which the Commission is unable to function because of the circumstances set forth in §0.186(b), all work, business or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, is assigned and referred to the Emergency Relocation Board.

(b) The Board, acting by a majority thereof, shall have the power and authority to hear and determine, order, certify, report or otherwise act as to any of the said work, business or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

(c) Any order, decision or report made or other action taken by the said Board in respect of any matters so assigned or referred shall have the same

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effect and force, and may be made, evidenced, and enforced in the same manner, as if made or taken by the Commission.

[28 FR 12402, Nov. 22, 1963, as amended at 33 FR 8228, June 1, 1968; 53 FR 29055, Aug. 2, 1988]

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

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

(b) For authority of the Chief and Deputy Chief of the Compliance and Information Bureau to declare a general communications emergency, see § 0.311.

[28 FR 12411, Nov. 22, 1963, as amended at 40 FR 17254, Apr. 18, 1975; 53 FR 29055, Aug. 2, 1988; 54 FR 15195, Apr. 17, 1989; 61 FR 8477, Mar. 5, 1996]

### OFFICE OF WORKPLACE DIVERSITY

#### **§ 0.391 Authority delegated.**

The Director, Office of Workplace Diversity, or his/her designee, is hereby delegated authority to:

(a) Manage the Commission's internal EEO compliance program pursuant to Title VII of the Civil Rights Act of 1964, as amended, the Rehabilitation Act of 1973, as amended, the Age Discrimination in Employment Act of 1967, as amended, the Equal Pay Act, and other applicable laws, rules, regulations, and Executive Orders, with authority that includes appointing EEO counselors, investigators, and mediators; investigating complaints of employment discrimination, and recommending to the Chairman final agency decisions on EEO complaints;

(b) Mediate EEO complaints;

(c) Develop the Commission's affirmative action goals and objectives;

(d) Collect and analyze data on the Commission's affirmative action and EEO activities and accomplishments;

(e) Prepare and release reports on EEO, affirmative action, workplace diversity, and related subjects;

(f) Review personnel activities, including hiring, promotions, discipline, training, awards, and performance recognition for conformance with EEO

and workplace diversity goals, objectives and requirements;

(g) Conduct studies and collect data on workplace diversity issues and problems;

(h) Assume representational role on behalf of the Commission at conferences, meetings, and negotiations on EEO and workplace diversity issues;

(i) Develop programs and strategies designed to foster and encourage fairness, equality, and inclusion of all employees in the workforce.

[61 FR 2728, Jan. 29, 1996]

## Subpart C—General Information

### GENERAL

#### **§ 0.401 Location of Commission offices.**

The Commission maintains several offices and receipt locations. Applications and other filings not submitted in accordance with the addresses or locations set forth below will be returned to the applicant without processing. When an application or other filing does not involve the payment of a fee, the appropriate filing address or location is established elsewhere in the rules for the various types of submissions made to the Commission. The public should identify the correct filing location by reference to these rules. Applications or submissions requiring fees must be submitted in accordance with § 0.401(b) of the rules irrespective of the addresses that may be set out elsewhere in the rules for other submissions.

(a) General correspondence, as well as applications and filings not requiring the fees set forth at part 1, subpart G of the rules (or not claiming an exemption, waiver or deferral from the fee requirement), should be delivered to one of the following locations.

(1) The main office of the Commission is located at 1919 M Street, NW., Washington, DC.

(i) Documents submitted by mail to this office should be addressed to: Federal Communications Commission, Washington, DC 20554.

(ii) Hand-carried documents should be delivered to the Secretary's Office, 1919 M Street, NW., Room 222, Washington, DC.

(iii) Electronic filings, where permitted, must be transmitted as specified by the Commission or relevant Bureau or Office.

(2) The Commission's laboratory is located near Columbia, Maryland. The mailing address is:

Federal Communications Commission,  
Equipment Authorization Division, 7435  
Oakland Mills Road, Columbia, MD 21046

(3) The Commission also maintains offices at Gettysburg, PA.

(i) The address of the Wireless Telecommunications Bureau's licensing facilities are:

(A) Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245; and

(B) Federal Communications Commission, Wireless Telecommunications Bureau, Washington, DC 20554.

(ii) The mailing address of the International Telecommunications Section of the Finance Branch is: Federal Communications Commission, P.O. Box IT-70, Gettysburg, PA 17326.

(4) The locations of the field offices of the Compliance and Information Bureau are listed in §0.121.

(5) The location of the Office of General Counsel is Room 614, 1919 M Street NW., Washington, DC 20554.

(b) Applications or filings requiring the fees set forth at part 1, subpart G of the rules must be delivered to the Commission's lockbox bank in Pittsburgh, Pennsylvania with the correct fee and completed Fee Form attached to the application or filing, unless otherwise directed by the Commission. In the case of any conflict between this rule subpart and other rules establishing filing locations for submissions subject to a fee, this subpart shall govern.

NOTE: Applicants seeking a waiver or deferral of fees must submit their application or filing in accordance with the addresses set forth below. Applicants claiming a statutory exemption from the fees should file their applications in accordance with paragraph (a) of this section.

(1) Applications and filings submitted by mail shall be addressed to the Mellon Bank in Pittsburgh, Pennsylvania. The bank maintains separate post office boxes for the receipt of different types of applications. It will also establish special post office boxes to receive

responses to special filings such as applications filed in response to "filing windows" established by the Commission. The address for the submission of filings will be established in the Public Notice announcing the filing dates. In all other cases, applications and filings submitted by mail should be sent to the addresses listed in the appropriate fee rules.

NOTE: Wireless Telecommunications Bureau applications that require frequency coordination by certified coordinators must be submitted to the appropriate certified frequency coordinator before filing with the Commission. After coordination, the applications are filed with the Commission as set forth herein. (See §§90.127 and 90.175 of this chapter.)

(2) Applications and other filings may also be hand carried, in person or by courier, to the Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th Floor, room 153-2713, Pittsburgh, Pennsylvania. All applications and filings delivered in this manner must be in an envelope clearly marked for the "Federal Communications Commission," addressed to the attention of "Wholesale Lockbox Shift Supervisor," and identified with the appropriate Post Office Box address as set out in the fee schedule (§§1.1102-1.1107). Applications should be enclosed in a separate envelope for each Post Office Box. Hand-carried or couriered applications and filings may be delivered at any time on any day. Applications or filings received by the bank before midnight on any Commission business day will be treated as having been filed on that day. Materials received by the bank after midnight, Monday through Friday, or on weekends or holidays, will be treated as having been filed on the next Commission business day.

[52 FR 10227, Mar 31, 1987, as amended at 53 FR 18564, May 24, 1988; 53 FR 40886, Oct. 19, 1988; 54 FR 12453, Mar. 27, 1989; 55 FR 19154, May 8, 1990; 56 FR 64714, Dec. 12, 1991; 58 FR 13020, Mar. 9, 1993; 60 FR 5325, Jan. 27, 1995; 60 FR 35507, July 10, 1995; 61 FR 8477, Mar. 5, 1996; 63 FR 24124, May 1, 1998; 63 FR 36596, July 7, 1999]

EFFECTIVE DATE NOTE: At 63 FR 36596, July 7, 1998, in §0.401, paragraph (a)(2) was amended by revising the second sentence, effective Oct. 5, 1998. For the convenience of the user, the superseded text is set forth as follows:

**§ 0.401 Location of Commission offices.**

\* \* \* \* \*

(a) \* \* \*  
 (2) \* \* \* The mailing address is: Authorizations and Evaluation Division, Federal Communications Commission Laboratory, 7435 Oakland Mills Road, Columbia, MD 21045

\* \* \* \* \*

**§ 0.403 Office hours.**

The main offices of the Commission are open from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays, unless otherwise stated.

[52 FR 10228, Mar. 31, 1987]

**§ 0.405 Statutory provisions.**

The following statutory provisions, among others, will be of interest to persons having business with the Commission:

(a) The Federal Communications Commission was created by the Communications Act of 1934, 48 Stat. 1064, June 19, 1934, as amended, 47 U.S.C. 151-609.

(b) The Commission exercises authority under the Submarine Cable Landing Act, 42 Stat. 8, May 27, 1921, 47 U.S.C. 34-39. See section 5 of Executive Order 10530, 19 FR 2709, May 10, 1954, as amended, 3 CFR, 1965 ed., p. 463.

(c) The Commission exercises authority under the Communications Satellite Act of 1962, 76 Stat. 419, August 31, 1962, 47 U.S.C. 701-744.

(d) The Commission operates under the Administrative Procedure Act, 60 Stat. 237, June 11, 1946, as amended, originally codified as 5 U.S.C. 1001-1011. Pursuant to Pub. L. 89-554, September 6, 1966, 80 Stat. 378, the provisions of the Administrative Procedure Act now appear as follows in the Code:

Administrative Procedure Act	5 U.S.C.
Sec. 2-9 .....	551-558
Sec. 10 .....	701-706
Sec. 11 .....	3105, 7521, 5362, 1305
Sec. 12 .....	559

[32 FR 10570, July 19, 1967]

**§ 0.406 The rules and regulations.**

Persons having business with the Commission should familiarize themselves with those portions of its rules

and regulations pertinent to such business. All of the rules have been published and are readily available. See §§ 0.411(b), 0.412, and 0.415. For the benefit of those who are not familiar with the rules, there is set forth in this section a brief description of their format and contents.

(a) *Format.* The rules are set forth in the Code of Federal Regulations as chapter I of title 47. Chapter I is divided into parts numbered from 0-99. Each part, in turn, is divided into numbered sections. To allow for the addition of new parts and sections in logical sequence, without extensive renumbering, parts and sections are not always numbered consecutively. Thus, for example, part 2 is followed by part 5, and § 1.8 is followed by § 1.10; in this case, parts 3 and 4 and § 1.9 have been reserved for future use. In numbering sections, the number before the period is the part number; and the number after the period locates the section within that part. Thus, for example, § 1.1 is the first section of part 1 and § 5.1 is the first section in part 5. Except in the case of accounting regulations (parts 31-35), the period should not be read as a decimal point; thus, § 1.511 is not located between §§ 1.51 and 1.52 but at a much later point in the rules. In citing the Code of Federal Regulations, the citation, 47 CFR 5.1, for example, is to § 5.1 (in part 5) of chapter I of title 47 of the Code, and permits the exact location of that rule. No citation to other rule units (e.g., subpart or chapter) is needed.

(b) *Contents.* Parts 0-19 of the rules have been reserved for provisions of a general nature. Parts 20-69 of this chapter have been reserved for provisions pertaining to common carriers. Parts 20-29 and 80-109 of this chapter have been reserved for provisions pertaining to the wireless telecommunications services. In the rules pertaining to common carriers, parts 20-25 and 80-99 of this chapter pertain to the use of radio; In the rules pertaining to common carriers, parts 21, 23, and 25 of this chapter pertain to the use of radio; parts 31-66 of this chapter pertain primarily to telephone and telegraph companies. Persons having business with the Commission will find it useful to consult one or more of the following

parts containing provisions of a general nature in addition to the rules of the radio or wire communication service in which they are interested:

(1) *Part 0, Commission organization.* Part 0 describes the structure and functions of the Commission, lists delegations of authority to the staff, and sets forth information designed to assist those desiring to obtain information from, or to do business with, the Commission. This part is designed, among other things, to meet certain of the requirements of the Administrative Procedure Act, as amended.

(2) *Part 1 of this chapter, practice and procedure.* Part 1, subpart A, of this chapter contains the general rules of practice and procedure. Except as expressly provided to the contrary, these rules are applicable in all Commission proceedings and should be of interest to all persons having business with the Commission. Part 1, subpart A of this chapter also contains certain other miscellaneous provisions. Part 1, subpart B, of this chapter contains the procedures applicable in formal hearing proceedings (see §1.201 of this chapter). Part 1, subpart C, of this chapter contains the procedures followed in making or revising the rule or regulations. Part 1, subpart D, of this chapter contains rules applicable to applications for licenses in the Broadcast Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting upon such applications, and certain other matters. Part 1, subpart F, of this chapter contain rules applicable to applications for licenses in the Wireless Telecommunications Bureau services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Additional procedures applicable to certain common carriers by radio are set forth in part 21 of this chapter. Part 1, subpart F, of this chapter contains rules applicable to applications for licenses in the Private Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Part 1, subpart G, of this chapter contains rules pertaining to the application

processing fees established by the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272, 100 Stat. 82 (1986)) and also contains rules pertaining to the regulatory fees established by the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103-66, 107 Stat. 397 (1993)). Part 1, subpart H, of this chapter, concerning *ex parte* presentations, sets forth standards governing communications with commission personnel in hearing proceedings and contested application proceedings. Part 1, subparts G and H, of this chapter will be of interest to all regulatees, and part 1, subpart H, of this chapter will, in addition, be of interest to all persons involved in hearing proceedings.

(3) *Part 2, frequency allocations and radio treaty matters; general rules and regulations.* Part 2 will be of interest to all persons interested in the use of radio. It contains definitions of technical terms used in the rules and regulations; provisions governing the allocation of radio frequencies among the numerous uses made of radio (e.g., broadcasting, land mobile) and radio services (e.g., television, public safety), including the Table of Frequency Allocations (§2.106); technical provisions dealing with emissions; provisions dealing with call signs and emergency communications; provisions governing authorization of radio equipment; and a list of treaties and other international agreements pertaining to the use of radio.

(4) *Part 5, experimental radio services (other than broadcast).* Part 5 deals with the temporary use of radio frequencies for research in the radio art, for communication involving other research projects, and for the development of equipment, data, or techniques.

(5) *Part 13, commercial radio operators.* Part 13 describes the procedures to be followed in applying for a commercial operator license, including the forms to be used and the examinations given, and sets forth rules governing licensed operators. It will be of interest to applicants for such licenses, licensed operators, and the licensees of radio stations which may be operated only by persons holding a commercial radio operator license.



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(6) *Part 15, radio frequency devices.* Part 15 contains regulations designed to prevent harmful interference to radio communication from radio receivers and other devices which radiate radio frequency energy, and provides for the certification of radio receivers. It also provides for the certification of low power transmitters and for the operation of certificated transmitters without a license.

(7) *Part 17, construction, marking, and lighting of antenna structures.* Part 17 contains criteria for determining whether applications for radio towers require notification of proposed construction to the Federal Aviation Administration, and specifications for obstruction marking and lighting of antenna structures.

(8) *Part 18, industrial, scientific and medical equipment.* Part 18 contains regulations designed to prevent harmful interference to radio communication from ultrasonic equipment, industrial heating equipment, medical diathermy equipment, radio frequency stabilized arc welders, and other equipment which uses radio energy for purposes other than communication.

(9) *Part 19, employee responsibilities and conduct.* Part 19 prescribes standards of conduct for the members and staff of the Commission.

[32 FR 10571, July 19, 1967, as amended at 32 FR 12180, Aug. 24, 1967; 37 FR 20553, Sept. 30, 1972; 52 FR 5288, Feb. 20, 1987; 58 FR 13021, Mar. 9, 1993; 59 FR 30998, June 16, 1994; 60 FR 35507, July 10, 1995; 63 FR 36596, July 7, 1998]

EFFECTIVE DATE NOTE: At 63 FR 36596, July 7, 1998, in § 0.406, paragraph (b)(3) was amended by removing the term *type acceptance and type approval* and adding in its place *authorization*, effective Oct. 5, 1998.

**§ 0.408 OMB control numbers and expiration dates assigned pursuant to the Paperwork Reduction Act.**

(a) *Purpose.* This section collects and displays the control numbers and expiration dates for the Commission information collection requirements assigned by the Office of Management and Budget ("OMB") pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. The Commission intends that this section comply with the requirement that agencies display current control numbers and expiration dates assigned by the Director of OMB for each approved information collection requirement. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, Washington, DC 20554.

(b) *Display.*

OMB control no.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0003	FCC 610 .....	10/31/99
3060-0004	Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation, ET Doc. 96-62 ..	06/31/01
3060-0009	FCC 316 .....	05/31/99
3060-0010	FCC 323 .....	09/30/98
3060-0012	Parts 21, 23, 25 and 101 and FCC 701 .....	05/31/00
3060-0016	FCC 346 .....	07/31/00
3060-0017	FCC 347 .....	07/31/00
3060-0020	FCC 406 .....	05/31/99
3060-0021	FCC 480 .....	12/31/00
3060-0022	FCC 610A .....	06/30/01
3060-0024	Sec. 76.29 .....	08/31/01
3060-0025	FCC 755 .....	07/31/00
3060-0027	FCC 301 .....	12/31/00
3060-0028	FCC 313 .....	02/28/99
3060-0029	FCC 302-TV .....	12/31/00
3060-0031	FCC 314 .....	10/31/98
3060-0032	FCC 315 .....	10/31/98
3060-0034	FCC 340 .....	12/31/00
3060-0035	FCC 313-R .....	04/30/00
3060-0040	FCC 404/404-R .....	08/31/00
3060-0041	FCC 301-A .....	02/28/00
3060-0048	FCC 704 .....	05/31/00

OMB control no.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0049	FCC 753 .....	06/30/00
3060-0051	FCC 405-B .....	08/31/00
3060-0053	FCC 703 .....	11/30/99
3060-0054	FCC 820 .....	02/28/99
3060-0055	FCC 327 .....	04/30/00
3060-0056	FCC 730 .....	03/31/00
3060-0057	FCC 731 .....	09/30/99
3060-0059	FCC 740 .....	12/31/98
3060-0061	FCC 325 .....	07/31/01
3060-0062	FCC 330 .....	11/31/98
3060-0065	FCC 422 .....	09/30/98
3060-0066	FCC 330-R .....	07/31/00
3060-0068	FCC 702 .....	08/31/00
3060-0069	FCC 756 .....	09/30/99
3060-0072	FCC 409 .....	08/31/01
3060-0075	FCC 345 .....	12/31/99
3060-0076	FCC 395 .....	12/31/99
3060-0079	FCC 610-B .....	08/31/99
3060-0084	FCC 323-E .....	04/30/99
3060-0089	FCC 503 .....	09/30/98
3060-0093	FCC 405 .....	05/31/00
3060-0095	FCC 395-A, 395-AS .....	06/30/99
3060-0096	FCC 506, 506-A .....	08/31/99
3060-0099	FCC M .....	08/31/99
3060-0104	FCC 572 .....	05/31/00
3060-0105	FCC 430 .....	09/30/00
3060-0106	Sec. 43.61, FCC 43.61 .....	05/31/01
3060-0107	FCC 405-A .....	01/31/00
3060-0108	FCC 201 .....	05/31/01
3060-0110	FCC 303-S .....	05/31/01
3060-0113	FCC 396 .....	01/31/00
3060-0119	Sec. 90.145 .....	12/31/99
3060-0120	FCC 396-A .....	10/31/99
3060-0126	Sec. 73.1820 .....	08/31/99
3060-0127	FCC 1046 .....	03/31/00
3060-0128	FCC 574 .....	08/31/01
3060-0132	FCC 1068A .....	12/30/00
3060-0134	FCC 574-R .....	05/31/99
3060-0136	FCC 574-T .....	12/31/00
3060-0139	FCC 854/854-R .....	12/31/98
3060-0141	FCC 402-R .....	06/30/00
3060-0147	Sec. 64.804 .....	01/31/00
3060-0149	Part 63, Sec. 214, 63.01-63.601 .....	12/31/98
3060-0157	Sec. 73.99 .....	02/28/00
3060-0160	Sec. 73.158 .....	02/28/99
3060-0161	Sec. 73.61 .....	12/31/99
3060-0165	Part 41 Sec. 41.31 .....	01/31/00
3060-0166	Part 42 .....	11/30/98
3060-0168	Sec. 43.43 .....	12/31/99
3060-0169	Sec. 43.51, 43.53 .....	11/30/98
3060-0170	Sec. 73.1030 .....	01/31/99
3060-0171	Sec. 73.1125 .....	12/31/00
3060-0173	Sec. 73.1207 .....	05/31/00
3060-0174	Sec. 73.1212 .....	03/31/99
3060-0175	Sec. 73.1250 .....	10/31/99
3060-0176	Sec. 73.1510 .....	12/31/99
3060-0178	Sec. 73.1560 .....	12/31/99
3060-0179	Sec. 73.1590 .....	06/30/01
3060-0180	Sec. 73.1610 .....	01/31/99
3060-0181	Sec. 73.1615 .....	12/31/99
3060-0182	Sec. 73.1620 .....	02/28/01
3060-0184	Sec. 73.1740 .....	01/31/99
3060-0185	Sec. 73.3613 .....	07/31/01
3060-0187	Sec. 73.3594 .....	02/28/01
3060-0188	Sec. 73.3550 .....	07/31/00
3060-0190	Sec. 73.3544 .....	02/28/01
3060-0192	Sec. 87.103 .....	01/31/01
3060-0194	Sec. 74.21 .....	01/31/99
3060-0202	Sec. 87.37 .....	12/31/00
3060-0204	Sec. 90.38(B) .....	04/30/99
3060-0206	Part 21 .....	05/31/01
3060-0207	Section 11.52 .....	12/31/98

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OMB control no.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0208	Sec. 73.1870 .....	01/31/00
3060-0209	Sec. 73.1920 .....	10/31/99
3060-0210	Sec. 73.1930 .....	06/30/01
3060-0211	Sec. 73.1943 .....	07/31/01
3060-0212	Sec. 73.2080 .....	12/31/99
3060-0213	Sec. 73.3525 .....	11/30/00
3060-0214	Sec. 73.3526 .....	12/31/99
3060-0215	Sec. 73.3527 .....	12/31/99
3060-0216	Sec. 73.3538 .....	11/30/98
3060-0219	Sec. 90.49(b) .....	10/31/99
3060-0221	Time in which stations must be placed in operation (exceptions) .....	04/30/01
3060-0222	Sec. 97.213 .....	12/31/00
3060-0223	Sec. 90.129(B) .....	05/31/99
3060-0224	Sec. 90.151 .....	2/28/01
3060-0225	Sec. 90.131(B) .....	09/30/99
3060-0226	Sec 90.135(d) & (e) .....	02/28/01
3060-0228	Sec 80.59 .....	08/31/01
3060-0233	Part 36 .....	07/31/99
3060-0236	Sec 74.703 .....	07/31/99
3060-0240	Sec 74.651 .....	02/28/00
3060-0241	Sec 74.633 .....	02/28/00
3060-0242	Sec 74.604 .....	02/28/00
3060-0243	Sec 74.551 .....	05/31/99
3060-0245	Sec 74.537 .....	05/31/99
3060-0246	Sec 74.452 .....	07/31/00
3060-0248	Sec 74.751 .....	07/31/99
3060-0249	Sec 74.781 .....	01/31/00
3060-0250	Sec 74.784 .....	01/31/00
3060-0251	Sec 74.833 .....	10/31/99
3060-0253	Part 68 Sec 68.106, 68.108, 68.110 .....	04/30/01
3060-0254	Sec 74.433 .....	07/31/00
3060-0258	Sec 90.176 .....	10/31/99
3060-0259	Sec 90.263 .....	12/31/00
3060-0261	Sec 90.215 .....	12/31/00
3060-0262	Sec 90.179 .....	11/30/98
3060-0263	Sec 90.177 .....	09/30/99
3060-0264	Sec 80.413 .....	12/31/00
3060-0270	Sec 90.443 .....	01/31/00
3060-0280	Sec 90.633(F) & (G) .....	05/31/99
3060-0281	Sec 90.651 .....	02/28/01
3060-0286	Sec 80.302 .....	04/30/01
3060-0287	Sec 78.69 .....	11/30/98
3060-0288	Sec 78.33 .....	12/31/99
3060-0289	Sec 76.601 .....	02/28/99
3060-0290	Sec 90.517 .....	05/31/99
3060-0291	Sec 90.477 .....	02/28/01
3060-0292	Part 69 .....	09/30/00
3060-0295	Sec 90.607(b)(1) & (c)(1) .....	12/31/00
3060-0297	Sec 80.503 .....	12/31/00
3060-0298	Part 61 .....	10/31/00
3060-0307	Sec 90.629(A) .....	04/30/99
3060-0308	Sec 90.505 .....	03/31/01
3060-0309	Sec 74.1281 .....	09/30/99
3060-0310	Sec 76.12 .....	12/31/99
3060-0311	Sec 76.54 .....	09/30/99
3060-0313	Sec 76.207 .....	07/31/01
3060-0314	Sec 76.209 .....	03/31/01
3060-0315	Sec 76.221 .....	09/30/99
3060-0316	Sec 76.305 .....	07/31/01
3060-0318	FCC 489 .....	12/31/00
3060-0319	FCC 490 .....	09/30/00
3060-0320	Sec 73.1350 .....	04/30/01
3060-0321	Sec 73.68 .....	02/28/99
3060-0325	Sec 80.605 .....	06/30/99
3060-0326	Sec 73.69 .....	09/30/99
3060-0329	Sec. 2.955 .....	04/30/99
3060-0330	Part 62 .....	04/30/01
3060-0331	Sec. 76.615 .....	05/31/01
3060-0332	Sec. 76.614 .....	09/30/98
3060-0340	Sec. 73.51 .....	08/31/00
3060-0341	Sec. 73.1680 .....	08/31/00
3060-0342	Sec. 74.1284 .....	07/31/00

OMB control no.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0344	Sec. 1.1705 .....	08/31/00
3060-0345	Sec. 1.1709 .....	08/31/00
3060-0346	Sec. 78.27 .....	03/31/01
3060-0347	Sec. 97.311 .....	11/30/00
3060-0348	Sec. 76.79 .....	02/28/01
3060-0349	Sec. 76.73 and 76.75 .....	02/28/01
3060-0355	FCC 492 and FCC 492A .....	07/31/01
3060-0357	Sec. 63.701 .....	08/31/01
3060-0360	Sec. 80.409(c) .....	10/31/98
3060-0361	Sec. 80.29 .....	04/30/01
3060-0362	Sec. 80.401 .....	08/31/99
3060-0364	Sec. 80.409 (d) and (e) .....	10/31/98
3060-0368	Sec. 97.523 .....	08/31/00
3060-0370	Part 32 .....	12/31/00
3060-0374	Sec. 73.1690 .....	11/30/98
3060-0384	Sec. 64.904 .....	02/28/99
3060-0386	Sec. 73.1635 .....	05/31/99
3060-0387	Sec 15.201(d) .....	05/31/99
3060-0390	FCC 395B .....	12/31/99
3060-0391	Monitoring Program for Impact of Federal State Joint Board Decisions .....	11/30/98
3060-0392	Sec. 1.1401–1.1416 .....	07/31/01
3060-0393	Sec. 73.45 .....	10/31/99
3060-0394	Sec. 1.420 .....	10/31/99
3060-0395	Sec. 43.21 and 43.22 FCC 43–02, FCC 43–05 and FCC 43–07 .....	09/30/98
3060-0397	Sec. 15.7(A) .....	04/30/00
3060-0398	Sec. 2.948, 15.117(G)(2), 80.1053 .....	10/31/99
3060-0400	Tariff Review Plan .....	09/30/99
3060-0404	FCC 350 .....	02/28/00
3060-0405	FCC 349 .....	09/30/98
3060-0407	FCC 307 .....	06/30/00
3060-0410	FCC 495A and FCC 495B .....	03/31/00
3060-0411	Sec. 1.720–1.735 .....	02/28/01
3060-0414	Terrain Shielding Policy .....	09/30/00
3060-0419	Sec. 76.94, 76.95, 76.155, 76.156, 76.157, 76.159 .....	09/30/98
3060-0421	New Service Reporting Requirements under Price Cap Regulation .....	02/28/99
3060-0422	Sec. 68.5 .....	11/31/98
3060-0423	Sec. 73.3588 .....	10/31/99
3060-0425	Sec. 74.913 .....	07/31/01
3060-0427	Sec. 73.3523 .....	09/30/00
3060-0430	Sec. 1.1206 .....	09/30/01
3060-0433	FCC 320 .....	01/31/99
3060-0434	Sec. 90.19(F)(7) .....	05/31/99
3060-0435	Sec. 80.361 .....	10/31/99
3060-0436	Sec. 15.214 and 68.200 .....	05/31/99
3060-0438	FCC 464 .....	12/31/00
3060-0439	Regulations Concerning Indecent Communications by Telephone .....	03/31/01
3060-0441	Sec. 90.621(B)(4) .....	08/31/99
3060-0443	FCC 572C .....	05/31/99
3060-0444	FCC 800A .....	06/30/01
3060-0448	Sec. 63.07 .....	08/31/00
3060-0449	Sec. 1.65(c) .....	01/31/99
3060-0452	Sec. 73.3589 .....	10/31/99
3060-0454	Regulation of International Accounting Rates .....	07/31/01
3060-0461	Sec. 90.173 .....	12/31/99
3060-0463	Telecommunications Services for Individuals with Hearing and Speech Disabilities .....	07/31/00
3060-0465	Sec. 74.985 .....	12/31/99
3060-0466	Sec. 74.1283 .....	01/31/00
3060-0470	Computer III Remand Proceeding: BOC Safeguards and Tier 1 LEC Safeguards and Implementation of Further Costs, CC Docket 90–623 .....	11/30/98
3060-0473	Sec. 74.1251 .....	12/31/99
3060-0474	Sec. 74.1263 .....	02/28/00
3060-0475	Sec. 90.713 .....	12/31/98
3060-0478	Informational Tariffs .....	04/30/00
3060-0481	FCC 452R .....	08/31/00
3060-0483	Sec. 73.687 .....	07/31/00
3060-0484	Sec. 63.100 .....	02/28/99
3060-0488	Sec. 73.30 .....	02/28/01
3060-0489	Sec. 73.37 .....	02/28/01
3060-0490	Sec. 74.902 .....	03/31/01
3060-0491	Sec. 74.991 .....	03/31/01
3060-0492	Sec. 74.992 .....	02/28/01
3060-0493	Sec. 74.986 .....	02/28/01

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3060-0494	Sec. 74.990 .....	02/28/01
3060-0496	FCC Report 43-08 .....	09/30/98
3060-0500	Sec. 76.607 .....	07/31/01
3060-0501	Sec. 76.206 .....	07/31/01
3060-0502	Sec. 73.1942 .....	07/31/01
3060-0504	Sec. 90.658 .....	11/30/98
3060-0506	FCC 302-FM .....	12/31/00
3060-0508	Rewrite and Update of Part 22, of the Public Mobile Service Rules, CC Docket 92-115 .....	01/31/01
3060-0511	FCC Report 43-04 .....	09/30/98
3060-0512	ARMIS Annual Summary Report, FCC Report 43-01 .....	09/30/98
3060-0513	FCC Report 43-03 .....	09/30/98
3060-0514	Sec. 43.21(c) .....	02/28/00
3060-0515	Sec. 43.21(d) .....	11/30/98
3060-0516	Revision of Radio Rules and Policies, Time Brokerage Ruling .....	11/30/98
3060-0519	Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 .....	09/30/98
3060-0520	Sec. 90.127(E) .....	02/28/99
3060-0526	Density Pricing Zone Plans, Expanded Interconnection with Local Telephone Facilities (CC Docket 91-141) .....	01/31/99
3060-0531	Local Multipoint Distribution Service (LMDS) .....	06/30/00
3060-0532	Sec. 2.975(A)(8) and 2.1033(B)(12) .....	05/31/99
3060-0536	FCC 431 .....	09/30/00
3060-0537	Sec. 13.217 .....	05/31/99
3060-0540	Tariff Filing Requirement for Nondominant Common Carriers .....	02/28/99
3060-0541	FCC 464-A .....	02/28/99
3060-0543	Signal Booster Stations, Sec 21.913 .....	07/31/99
3060-0544	Sec. 76.701 .....	10/31/00
3060-0546	Sec. 76.59 .....	06/30/99
3060-0547	Sec. 76.61 and 76.7 .....	09/30/98
3060-0548	Sec. 76.302 and 76.56 .....	09/30/98
3060-0549	FCC 329 .....	09/30/98
3060-0550	FCC 328 .....	08/31/99
3060-0551	Sec. 76.1002 & 76.1004 .....	05/31/00
3060-0552	Sec. 76.1003 & 76.1004 .....	05/31/00
3050-0554	Section 87.199 .....	06/30/99
3060-0556	Sec. 80.1061 .....	06/30/99
3060-0560	Sec. 76.911 .....	07/31/01
3060-0561	Sec. 76.913 .....	08/31/00
3060-0562	Sec. 76.916 .....	04/30/01
3060-0563	Sec. 76.915 .....	06/30/00
3060-0564	Sec. 76.924 .....	08/31/99
3060-0565	Sec. 76.944 .....	08/31/00
3060-0567	Sec. 76.962 .....	11/30/98
3060-0568	Commercial Leased Access Rates, Terms, & Conditions, Sec. 76.970 .....	04/30/00
3060-0569	Sec. 76.975 .....	06/30/00
3060-0570	Sec. 76.982 .....	04/30/01
3060-0572	Filing Manual for Annual International Circuit Status Reports, Sec. 43.82 .....	05/31/99
3060-0573	FCC 394 .....	09/30/99
3060-0574	FCC 395-M .....	06/30/99
3060-0576	FCC 610R .....	08/31/99
3060-0577	Expanded Interconnection with Local Telephone Company Facilities .....	09/30/00
3060-0579	Expanded Interconnection with Local Telephone Company Facilities for Interstate Switched Transport Service .....	09/30/00
3060-0580	Sec. 76.504 .....	06/30/00
3060-0581	Sec. 76.503 .....	01/31/00
3060-0582	Sec. 76.1302 .....	03/31/00
3060-0584	FCC 45 FCC 44 .....	07/31/99
3060-0589	FCC 159, and 159C .....	12/31/00
3060-0594	FCC 1220 .....	05/31/01
3060-0595	FCC 1210 .....	07/31/01
3060-0599	Implementation of Sections 3(n) and 322 of the Communications Act, GN 93-253 .....	06/30/00
3060-0600	FCC 175 and 175-S .....	11/30/98
3060-0601	FCC 1200 .....	05/31/01
3060-0602	Sec. 76.917 .....	04/30/00
3060-0607	Sec. 76.922 .....	08/31/00
3060-0609	Sec. 76.934(D) .....	04/30/01
3060-0610	Sec. 76.958 .....	04/30/01
3060-0611	Sec. 74.783 .....	07/31/00
3060-0613	Expanded Interconnection with Local Telephone Company Facilities, CC Docket 91-141 .....	09/30/98
3060-0621	FCC 401, 405, 430, 489, 490 and 854 .....	01/31/01
3060-0623	FCC 600 .....	02/28/99
3060-0624	Amendment of the Commission's Rules to Establish New Narrowband Personal Communications Services, ET Docket 92-100 and GN Docket 90-314 .....	10/31/00

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3060–0625	Amendment of the Commission's Rules to Establish New Personal Communications Services, GN Docket 90–314 .....	11/30/00
3060–0626	Implementation of Sections 3(N) and 332 of the Communications Act, GN Docket 93–252 .....	12/31/00
3060–0627	FCC 302–AM .....	04/30/01
3060–0629	Sec. 76.987(G) .....	05/31/01
3060–0630	Sec. 73.62 .....	06/30/01
3060–0633	Sec. 73.1230, 74.165, 74.432, 74.564, 74.664, 74.765, 74.832, 74.965 and 74.1265 .....	06/30/01
3060–0634	Sec. 73.691 .....	04/30/01
3060–0635	FCC 610–V .....	03/31/01
3060–0636	Part 2 and 18 .....	09/30/98
3060–0638	Sec. 76.934(F)(1) .....	11/30/98
3060–0639	Implementation of Section 309(J) of the Communications Act Competitive Bidding, PP 93–253 .....	10/31/98
3060–0640	FCC 8001 .....	10/31/98
3060–0641	FCC 218–I .....	09/30/99
3060–0644	FCC 1230 .....	11/30/98
3060–0645	Antenna Registration, Part 17 .....	02/28/99
3060–0646	Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers: CC Docket 94–129 .....	01/31/01
3060–0647	FCC Annual Survey of Cable Industry Prices (1997 Price Survey) .....	12/31/98
3060–0648	Sec. 21.902 .....	09/30/98
3060–0649	Sec. 76.58 .....	09/30/98
3060–0650	Sec. 76.502 .....	09/30/98
3060–0651	Sec. 76.9 .....	09/30/98
3060–0652	Sec. 76.309 and 76.964 .....	09/30/98
3060–0653	Sec. 64.703(b) .....	09/30/98
3060–0654	FCC 304 .....	09/30/98
3060–0655	Request for Waivers of Regulatory Fees Predicated on Allegations of Financial Hardship, MM Docket 94–19 .....	09/30/98
3060–0656	FCC 175–M .....	09/30/98
3060–0657	Sec. 21.956 .....	09/30/98
3060–0658	Sec. 21.960 .....	09/30/98
3060–0660	Sec. 21.937 .....	09/30/98
3060–0661	Sec. 21.931 .....	09/30/98
3060–0662	Sec. 21.930 .....	09/30/98
3060–0663	Sec. 21.934 .....	09/30/98
3060–0664	FCC 304A .....	09/30/98
3060–0665	Sec. 64.707 .....	09/30/98
3060–0666	Sec. 64.703(a) .....	09/30/98
3060–0667	Sec. 76.630 .....	09/30/98
3060–0668	Sec. 76.936 .....	09/30/98
3060–0669	Sec. 76.946 .....	09/30/98
3060–0673	Sec. 76.956 .....	09/30/98
3060–0674	Sec. 76.931 and 76.932 .....	09/30/98
3060–0676	Sec. 64.1100 .....	09/30/98
3060–0678	FCC 312 .....	05/31/01
3060–0679	Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures .....	09/30/98
3060–0681	Toll-Free Access Codes .....	09/30/00
3060–0682	Sec. 63.16 .....	01/31/99
60–0683	Direct Broadcast Satellite Service .....	01/31/99
3060–0684	Cost Sharing Plan for Microwave Relocation .....	08/31/99
3060–0685	FCC 1240 .....	05/31/01
3060–0686	Streamlining the International Section 214 Authorization Process and Tariff Requirements .....	06/30/01
3060–0687	Access to Telecommunications Equipment and Services by Persons with Disabilities .....	02/28/99
3060–0688	FCC 1235 .....	02/28/99
3060–0690	ET Docket 95–183, FCC 402, FCC 494 .....	06/30/01
3060–0691	Amendment to Part 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896–901 MHz Bands Allotted to Specialized Mobile .....	06/30/99
3060–0692	Sec. 76.802 .....	03/31/01
3060–0695	WT Docket No. 96–1 .....	04/30/99
3060–0697	Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems .....	04/30/99
3060–0698	Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico .....	01/31/01
3060–0699	Streamlining Broadcast EEO Rules and Policies, Vacating the EEO Forfeiture Policy Statement and Amending Section 1.80 of the Commission's Rules—MM Doc. 96–16 .....	05/31/99
3060–0700	FCC 1275 .....	07/31/00
3060–0701	CC Docket 96–23 .....	05/31/99
3060–0702	Amendment to Part 20 and 24 of the Commission's Rules Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap .....	05/31/99
3060–0703	FCC 1205 .....	06/30/99
3060–0704	Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934, as amended—CC Doc. 96–61 .....	03/31/01

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3060-0706	Order and NPRM on Cable Reform: Implementation of the Telecommunications Act of 1996 .....	10/31/98
3060-0707	Restriction on Over-the Air Reception Devices (NPRM) .....	10/31/99
3060-0708	NPRM in MM Docket 96-58, Amendments of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit .....	07/31/99
3060-0709	Revision to Part 22 and Part 90 to Facilitate Future Development of the Paging System and Implementation of Section 309(j) of the Communications Act .....	01/31/00
3060-0710	Policy and Rules Concerning the Implementation of the Local Competition Provisions in the Telecommunications Act of 1996—CC Doc. 96-98 .....	02/28/00
3060-0711	Implementation of Section 34(a)(1) of the Public Utility Holding Act of 1935, as amended by the Telecommunications Act of 1996—GC Doc. 96-101 .....	07/31/99
3060-0712	Petition for Declaratory Ruling by Inmate Calling Services Providers Task Force .....	07/31/99
3060-0713	Alternative Broadcast Inspection Program .....	07/31/99
3060-0714	Antenna Registration Number Required as Supplement to Application Forms .....	09/30/99
3060-0715	Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information—CC Doc. 96-115 .....	06/30/01
3060-0716	Section 73.1630 .....	08/31/99
3060-0717	CC Docket No. 92-77d .....	05/31/01
3060-0718	Part 101 Governing the Terrestrial Microwave Fixed Radio Service .....	09/30/99
3060-0719	Quarterly Report of IntraLATA Carriers Listing Pay Phone Automatic Numbering Identifications (ANIs) .....	12/31/99
3060-0720	Proposed Report of Bell Operating Companies of Modified Comparably Efficient Interconnection Plans .....	09/30/99
3060-0721	One-Time Report of Local Exchange Companies of Cost Accounting Studies .....	12/31/99
3060-0722	Proposed Initial Report of Bell Operating Companies of Comparably Efficient Interconnect Plans .....	08/31/99
3060-0723	Public Disclosure of Network Information by Bell Operating Companies .....	12/31/99
3060-0724	Annual Report of Interexchange Carriers Listing the Compensation Amount Paid to Pay Phone Providers and the Number of Payees .....	12/31/99
3060-0725	Proposed Annual Filing of Nondiscrimination Reports (On Quality of Service, Installation, and Maintenance) by BOC's .....	08/31/99
3060-0726	Proposed Quarterly Report of Interexchange Carriers Listing the Number of Dial-Around Calls for which Compensation is Being Paid to Pay Phone Owners .....	12/31/99
3060-0727	Sec. 73.213 .....	11/30/00
3060-0728	Supplemental Information Requesting Taxpayer Identifying Numbers for Debt Collection .....	05/31/00
3060-0729	Bell Operating Provision of Out-of-Region Interexchange Services (Affiliated Company Record-keeping Requirements) .....	12/31/99
3060-0730	Toll-Free Service Access Codes, 800/888 Number Release Procedures .....	02/28/00
3060-0731	Telecommunications Relay Services (TRS) .....	09/30/99
3060-0732	Consumer Education Concerning Wireless 911 .....	10/31/98
3060-0734	Implementation of the Telecommunications Act of 1996: Accounting Safeguards under the Telecommunications Act of 1996 .....	03/31/00
3060-0735	Partitioning and Disaggregation .....	09/30/99
3060-0736	Implementation of the Non-Accounting Safeguards of Section 271 and 272 of the Communications Act of 1934, as amended—CC Docket 96-149 .....	09/30/99
3060-0737	Disclosure Requirements for Information Services Provided under a Presubscription or Comparable Arrangement .....	09/30/99
3060-0738	Implementation of the Telecommunications Act of 1996: Electronic Publishing and Alarm Monitoring Services .....	04/30/00
3060-0739	Amendment of the Commission's Rules to Establish Competitive Service Safeguards for Local Exchange Carrier Provisions of Commercial Mobile Radio Service .....	01/31/01
3060-0740	Sec. 95.1015 .....	10/31/99
3060-0741	Implementation of the Local Competition Provisions on the Telecommunications Act of 1996—CC Docket No. 96-96, Second Report and Order and Memorandum Opinion and Order .....	10/31/99
3060-0742	Part 52, Subpart C, Sec. 52.21—52.31 .....	12/31/99
3060-0743	Implementation of the Local Competition Provisions on the Telecommunications Act of 1996—CC Docket No. 96-128 .....	12/31/99
3060-0745	Implementation of the Local Exchange Carrier Tariff Streamlining Provisions in the Telecommunications Act of 1996—CC Docket No. 96-187 .....	12/31/00
3060-0746	FCC 900 .....	06/30/00
3060-0747	FCC 415 .....	12/31/99
3060-0748	Sec. 64.1504, CC Docket No. 96-146 .....	12/31/99
3060-0749	Sec. 64.1509 .....	01/31/00
3060-0750	Sec. 73.673 .....	12/31/99
3060-0751	Regulation of International Accounting Rates: CC Docket No. 90-337 .....	01/31/00
3060-0752	Billing Disclosure Requirements for Pay-Per-Call and Other Information Services, 47 CFR 64.1510 .....	01/31/00
3060-0753	Policy and Rules Concerning the Interstate, Interexchange Marketplace, CC Docket 9661 (Integrated Rate Plans) .....	01/31/00
3060-0754	FCC 398 .....	12/31/99
3060-0755	Infrastructure Sharing—CC Docket 96-237 .....	05/31/00
3060-0756	Procedural Requirements and Policies for Commission Processing of Bell Operating Company Applications for the Provision of In-Region, InterLATA Services under Section 271 of the Communications Act .....	06/30/01
3060-0757	FCC Auctions Customer Survey .....	09/30/00

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3060-0758	Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations—ET Docket No. 96-256 (Proposed Rule) .....	03/31/00
3060-0759	Implementation of Section 273 of the Communications Act of 1934, as Amended by the Telecommunications Act of 1996 .....	04/30/00
3060-0760	Access Charge Reform—CC Docket No. 96-272 (First Report and Order) .....	10/31/98
3060-0761	Closed Captioning of Video Programming .....	12/31/00
3060-0762	Sec. 274 (b)(3)(B), CC Docket No. 96-152 (FNPRM) .....	04/30/00
3060-0763	ARMIS Customer Satisfaction Report, FCC 43-06 .....	09/30/98
3060-0764	Regulation of International Accounting Rates—CC Docket No. 90-337 .....	10/31/00
3060-0765	Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems (Further Notice of Proposed Rulemaking) .....	05/31/00
3060-0767	Auction Forms and License Transfer Disclosures; Supplement Fifth Notice of Proposed Rulemaking in CC Docket No. 92-297 .....	10/31/98
3060-0768	28 GHz Band Segmentation Plan Amending the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Reallocate the 29.5–30.0 GHz Frequency Band, and to Establish .....	06/30/00
3060-0769	Aeronautical Services Transition Plan .....	06/30/00
3060-0770	Price Cap Performance Review for Local Exchange Carriers—CC Docket No. 94-1 .....	06/30/00
3060-0771	Sec. 5.56 .....	10/31/00
3060-0773	Sec. 2.803 .....	07/31/00
3060-0774	Federal-State Joint Board on Universal Service—CC Docket No. 96-45, 47 CFR 36.611–36.612 and 47 CFR Part 54 .....	11/30/98
3060-0775	47 CFR 64.1901–64.1903 .....	07/31/00
3060-0777	Access Charge Reform—CC Docket No. 92-262 (Further Notice of Proposed Rulemaking) .....	08/31/00
3060-0779	Amendment to Part 90 of the Commission's Rules to Provide for Use of the 220–222 MHz Band by the Private Land Mobile Radio Service, PR Doc. 89-552 .....	08/31/00
3060-0780	Uniform Rate-Setting Methodology .....	09/30/00
3060-0782	Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations .....	01/31/01
3060-0783	Coordination Notification Requirements on Frequencies Below 512 MHz—Sec. 90.176 .....	09/30/00
3060-0785	FCC 457 .....	01/31/99
3060-0786	Petitions for LATA Association Changes by Independent Telephone Companies .....	01/31/01
3060-0787	Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 .....	10/31/00
3060-0788	DTV Showings/Interference Agreements .....	07/31/01
3060-0789	Modified Alternative Plan, CC Doc. 90-571, Order ("1997 Suspension Order") .....	06/30/01
3060-0790	Section 68.110(c) .....	11/30/00
3060-0791	CC Docket No. 93-240 .....	11/30/00
3060-0793	Procedures for State Regarding Lifeline Consent, Adoption of Intrastate Discount Matrix for Schools and Libraries, and Designation of Eligible Telecommunications Carriers .....	07/31/01
3060-0794	DTV Report on Construction Progress .....	11/30/00
3060-0795	ULS TIN Registration and FCC 606 .....	02/28/01
3060-0796	Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), CC Docket No. 92-237 .....	12/31/00
3060-0797	FCC 604 .....	11/30/00
3060-0798	FCC 601 .....	05/31/01
3060-0799	FCC 602 .....	11/30/00
3060-0800	FCC 603 .....	11/30/00
3060-0801	Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees .....	10/31/98
3060-0802	Administration of the North American Numbering Plan, Order on Reconsideration, Message Intercept Requirement, CC Docket No. 92-237 .....	08/31/01
3060-0804	FCC 465, 466, 467, and 468 .....	07/31/01
3060-0805	Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Agency Communications Requirements through the Year 2010 .....	01/31/01
3060-0806	Universal Service: Schools and Libraries Program, FCC 470 and 471 .....	06/30/01
3060-0807	Petitions for Preemption—47 CFR 51.803 and Supplemental Procedures for Petitions to Section 252(e)(5) of the Communications Act of 1934, as amended .....	04/30/01
3060-0808	Amendments to Uniform System of Accounts for Interconnection, CC Docket No. 97-212 .....	02/28/01
3060-0809	Communications Assistance for Law Enforcement Act (CALEA), CC Docket No. 97-213 .....	02/28/01
3060-0810	Procedures for Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended .....	05/31/01
3060-0811	Implementation of Section 309(j) of the Communications Act, MM Docket No. 97-234 .....	02/28/01
3060-0813	Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems .....	06/30/01
3060-0814	Local Switching Support and Local Switching Support Data Collection Form and Instructions, Section 54.301 .....	09/30/98
3060-0815	FCC 496 .....	10/31/98
3060-0816	Local Competition in the Local Exchange Telecommunications Services Report .....	02/28/99
3060-0817	Computer III Further Remand Proceedings: BOC Provision of Enhanced Services (ONA Requirements), CC Docket No. 95-20 .....	05/31/01
3060-0818	Geocode Data Request .....	09/30/98
3060-0819	Lifeline Assistance/Lifeline Connection Assistance (Link Up) Reporting Worksheet and Instructions, 47 CFR 54.400–54.417, FCC 497 .....	09/30/98



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OMB control no.	FCC form number or 47 CFR section or part, docket number or title identifying the collection	OMB expiration date
3060-0820	Amendment to Parts 22, 24, 27, 90 and 101 of the Commission's Rules Concerning Non-Substantial Assignments of Wireless Licenses and Transfers of Control Involving Telecommunications .....	09/30/98
3060-0821	DTV Engineering Analysis for De Minimis Standards .....	09/30/98
3060-0823	Pay Telephone Reclassification, Memorandum Opinion and Order, CC Docket No. 96-128 .....	09/30/98
3060-0824	FCC 498 .....	09/30/98
3060-0825	Requirements for Toll-Free Service Access Codes 888/877 .....	10/31/98
3060-0827	Request for Radio Station License Update .....	10/31/98
3060-0828	State Forward-Looking Cost Studies for Federal Universal Service Support (Public Notice) .....	10/31/98
3060-0829	Streamlining of Mass Media Applications, Rules and Processes .....	07/31/01
3060-0830	Year 2000 Data Request .....	10/31/98
983060-0831	MDS and ITFS Two-Way Transmissions .....	07/31/01
3060-0832	Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance, CC Docket No. 98-56 .....	07/31/01
3060-0834	Reconsideration of Rules and Policies for the 220-222 MHz Radio Service .....	12/31/98
3060-0835	Ship Inspection Certificates, FCC 806, 824, 827 and 829 .....	12/31/98
3060-0836	Network Preempted Children's Television Education and Informational Programming .....	12/31/98
3060-0839	Study of the Nexus Between Broadcast Ownership by Minorities and Non-Minorities and News Public Affairs Content .....	11/30/98

[63 FR 52618, Oct. 1, 1998]

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[53 FR 27861, July 25, 1988]

PRINTED PUBLICATIONS

**§0.411 General reference materials.**

The following reference materials are available in many libraries and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402:

(a) *Statutory materials.* Laws pertaining to communications are contained in Title 47 of the United States Code. Laws enacted since the printing of the last supplement to the Code are printed individually as slip laws, and these are compiled chronologically in the United States Statutes at Large. The Acts of Congress from 1910-62 pertaining to radio have been compiled in a single

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volume, Radio Laws of the United States (1962 ed.). See §§0.405 and 0.414.

(b) *Regulatory materials*—(1) *The Code of Federal Regulations*. The rules and regulations of the Commission are contained in chapter I of title 47 of the Code of Federal Regulations. Chapter I is divided into the following four subchapters, which may be purchased separately: Subchapter A—General; Subchapter B—Common Carrier Services; Subchapter C—Broadcast Radio Services; and Subchapter D—Private Radio Services. Most persons will find that they need subchapter A, containing the general rules, and one of the other volumes, depending upon their area of interest. These four volumes are revised annually to reflect changes in the rules. See §§0.406, 0.412, and 0.415. The Code of Federal Regulations is fully indexed and contains numerous finding aids. See 1 CFR appendix C.

(2) *The Federal Register*. As rules are adopted, amended, or repealed, the changes are published in the FEDERAL REGISTER, which is published daily except on legal holidays. Notices of proposed rule making, other rule making documents, statements of general policy, interpretations of general applicability, and other Commission documents having general applicability and legal effect are also published in the FEDERAL REGISTER. Summaries of the full Notices of proposed rule making and other rule making decisions adopted by the Commission constitute rule-making documents for purposes of FEDERAL REGISTER publication. The FEDERAL REGISTER is fully indexed and contains numerous findings aids.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979; 51 FR 7444, Mar. 4, 1986]

#### §0.413 The Commission's printed publications.

The Commission's printed publications are described in §§0.414–0.420. These publications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Commission does not furnish copies of these publications but will furnish a price list (Administration Bulletin No. 1) upon request. Requests for copies of that list should be directed to the Office of Public Affairs, Federal Commu-

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nications Commission, Washington, D.C. 20554.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979]

#### §0.414 The Communications Act and other statutory materials.

This publication, with packets of revised pages, contains the Communications Act of 1934, with amendments through 1964; the Administrative Procedure Act, with amendments through 1964; the Judicial Review Act; the Communications Satellite Act of 1962; and selected sections of the Criminal Code pertaining to communications. It also contains indexes to the Communications Act and the Administrative Procedure Act. Persons who do not have ready access to the United States Code, or who refer frequently to these materials, may find this volume to be useful.

[32 FR 10571, July 19, 1967]

#### §0.415 The rules and regulations (looseleaf service).

(a) In this service, the rules are divided into 10 volumes, each containing several related parts. Each volume may be purchased separately from the Superintendent of Documents. The purchase price for a volume includes a subscription to replacement pages reflecting changes in the rules contained therein until such time as the volume is revised. Each volume is revised periodically, depending primarily on the frequency with which the rules it contains have been amended. When a volume is revised, the revised volume and replacement pages therefor will be furnished to those who renew their subscriptions.

(b) [Reserved]

[41 FR 21449, May 26, 1976, as amended at 45 FR 49935, July 28, 1980; 51 FR 31304, Sept. 2, 1986]

#### §0.416 The Federal Communications Commission Record.

Texts adopted by the Commission or a member of its staff on delegated authority and made available to the public through the Office of Congressional and Public Affairs are published in the FCC Record. The FCC Record is published biweekly in pamphlet form. The

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pamphlets are available on a subscription basis from the Superintendent of Documents. Each biweekly pamphlet contains a table of contents and current index. A consolidated index is published on a periodic basis.

[51 FR 45889, Dec. 23, 1986]

### §0.417 The Annual Reports.

At the end of each fiscal year, the Commission publishes an Annual Report containing general information concerning the Commission and the history of regulation, a summary of developments during the year, and selected industry statistics.

[32 FR 10571, July 19, 1967]

### §0.420 Other Commission publications.

The following additional Commission publications may be purchased from the Superintendent of Documents:

(a) Statistics of Communications Common Carriers.

(b) Figure M-3, Estimated AM Ground Conductivity of the United States (set of two maps).

(c) Television Network Program Procurement Report, 2d Interim Report, Part 2, by the Office of Network Study.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979]

#### FORMS AND DOCUMENTS AVAILABLE UPON REQUEST

### §0.421 Application forms.

All forms for use in submitting applications for radio authorization, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the field offices listed in §0.121. For information concerning the forms to be used and filing requirements, see subparts D, E, F, and G, of part 1 of this chapter and the appropriate substantive rules.

[40 FR 17254, Apr. 18, 1975]

### §0.422 Current action documents and public notices.

A limited number of copies of the text of documents adopted by the Commission, public notices of Commission actions, and other public releases is made available at the Press and News

Media Division when they are issued. Back issues of public releases are available for inspection in this office.

(47 U.S.C. 154, 155, 303)

[36 FR 15121, Aug. 13, 1971, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70471, Dec. 7, 1979]

### §0.423 Information bulletins.

A number of bulletins containing information about communications and the Federal Communications Commission have been prepared by the Commission for distribution to the public. A listing of these bulletins is included in ED Bulletin No. 1, "FCC Publications". Requests for bulletins should be directed to the Press and News Media Division.

(47 U.S.C. 154, 155, 303)

[36 FR 15121, Aug. 13, 1971, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70471, Dec. 7, 1979]

#### LISTS CONTAINING INFORMATION COMPILED BY THE COMMISSION

### §0.431 The FCC service frequency lists.

Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of an automated record system. All stations licensed by the Commission are included, except the following: Aircraft, amateur, personal (except General Mobile Radio Service), Civil Air Patrol, and disaster. The resulting documents, the FCC service frequency lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection at each of the Commission's Compliance and Information Bureau field offices (see §0.121) and, in Washington, DC, in the Office of Engineering and Technology. Copies may be purchased from the Commission's duplicating contractor. See §0.465(a).

[42 FR 8326, Feb. 9, 1977, as amended at 44 FR 39180, July 5, 1979; 51 FR 12615, Apr. 14, 1986; 61 FR 8477, Mar. 5, 1996]

**§0.433 The radio equipment lists.**

Lists of type approved and type accepted equipment (the radio equipment lists) are prepared periodically by the Commission. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see §0.121) and in the Office of Engineering and Technology. Copies may be purchased from the Commission's duplicating contractor. See §0.465(a).

[40 FR 17255, Apr. 18, 1975, as amended at 44 FR 39180, July 5, 1979; 51 FR 12615, Apr. 14, 1986; 63 FR 36596, July 7, 1998]

EFFECTIVE DATE NOTE: At 63 FR 36596, July 7, 1998, §0.433 was removed, effective Oct. 5, 1998.

**§0.434 Data bases and lists of authorized broadcast stations and pending broadcast applications.**

Periodically the FCC makes available copies of its data bases and lists containing information about authorized broadcast stations, pending applications for such stations, and rule-making proceedings involving amendments to the TV and FM Table of Allotments. The data bases, and the lists prepared from the data bases, contain frequencies, station locations, and other particulars. The lists are available for public inspection at the FCC's Public Reference Room, Washington, DC. Paper copies of the lists may be purchased from the FCC's duplicating contractor; see §0.465(a). Microfiche copies of the lists and the data bases themselves may be obtained from:

National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161.

(703) 487-4763 for data bases on magnetic tape.

(703) 487-4808 for data bases on diskette.

(703) 487-4630 for monthly subscription to microfiche lists.

(703) 487-4650 for one-time purchases of microfiche lists.

(a) For AM broadcast:

(1) Lists available only on paper from the Commission's duplicating contractor:

(i) Pending construction permit applications for new stations and changes in existing facilities in order by frequency.

(ii) Pending construction permit applications for new stations and changes in existing facilities in order by state and city.

(iii) Pending construction permit applications for new stations and changes in existing facilities in order by file number.

Complete lists are prepared approximately once each month, with updates at least once each week.

(2) Lists available only on microfiche from NTIS:

(i) AM stations in order by state (U.S. only); summary listing.

(ii) AM stations in order by frequency (U.S. only); summary listing.

(iii) AM stations in order by country and state; complete listing including all countries in Region 2, tower information, etc.

Complete lists are prepared approximately once each month; there are no updates.

(3) Copies of the AM Engineering Data Base are supplied to NTIS approximately once each month. NTIS refers to this as the "Broadcast AM Data Base."

(b) For FM Broadcast:

(1) Lists available only on paper from the Commission's duplicating contractor:

(i) FM stations (including translators) in order by state; complete lists available monthly, with updates at least once each week.

(ii) FM stations (including translators) in order by frequency; complete lists available monthly, with updates at least once each week.

(iii) Vacant FM channels and applications therefor in order by state; complete lists are available monthly; there are no updates.

(2) Lists available only on microfiche from NTIS:

(i) FM stations (including translators) in order by state.

(ii) FM stations (including translators) in order by frequency.

Complete lists are prepared approximately once each month; there are no updates.

(3) Copies of the FM Engineering Data Base are supplied to NTIS approximately once each month. NTIS refers to this as the "Broadcast FM Data Base."

(c) For TV stations, the lists are arranged as follows:

(1) Authorized stations, pending construction permit applications, proposed rulemakings, and vacant channels in order of state and city. A complete list is prepared approximately once a month, with updates approximately each week.

(2) Vacant assignments and applications therefor. The list is in order by state and city. Complete lists are prepared approximately once a month; there are no updates.

(d) For TV broadcast translator stations, the lists contain authorized stations and pending construction permit applications for new stations and changes in existing facilities. There is one list arranged in order by state, city, and channel; and another list arranged in order by state, channel, and call. Complete lists are prepared approximately once a month, with updates each week.

(e) Users of the data bases and the lists prepared from the data bases are cautioned that the data bases and the lists are unofficial. They have been prepared for the convenience of the FCC's staff, and should not be relied on by the public because in some instances the data bases and the lists may not agree with the primary sources of information (e.g., official license documents, international notifications, actual applications, and the like). Action by the public, such as the filing of applications, should be based on the primary sources of information and not on the data bases or lists. If there are discrepancies between the primary sources of information and the data bases or lists, the former control.

(f) The United States and its officers, agents, and employees shall not be responsible or liable for any loss, expense, or damage arising from or incident to the use of either the data bases or the lists by the public.

[45 FR 41151, June 18, 1980, as amended at 53 FR 4412, Feb. 16, 1988]

PUBLIC INFORMATION AND INSPECTION OF RECORDS

**§ 0.441 General.**

Any person desiring to obtain information may do so by writing or coming

in person to any of the Commission's offices. A broader range of information and more comprehensive information facilities are available at the Commission's main office in Washington, D.C., however, and inquiries of a general nature should ordinarily be submitted to that office. A wide range of information is also available from the Commission's World Wide Web site located at <<http://www.fcc.gov>>.

[62 FR 51797, Oct. 3, 1997]

**§ 0.442 Disclosure to other Federal government agencies of information submitted to the Commission in confidence.**

(a) The disclosure of records to other Federal government agencies is generally governed by 44 U.S.C. 3512 and 3508(a) rather than the Freedom of Information Act. The acceptance of materials in confidence under § 0.457 or § 0.459 does not provide assurance against their disclosure to other agencies.

(b) Information submitted to the Commission in confidence pursuant to § 0.457(c) (2) and (3), (d) and (g) or § 0.459 will be disclosed to other agencies of the Federal government upon request: *Provided* (1) Specific Commission assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3508(a), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law.

(c) The Commission's staff may give assurances against disclosure of information to other Federal agencies only with the prior written approval of the General Counsel. In no event will assurance against disclosure to other agencies be given in advance of submission of the information to the Commission if submission is required by statute or by the provisions of this chapter; but the notice provisions of paragraph (d) of this section will apply to such information.

(d)(1) Except as provided in paragraph (d)(2) of this section a party who furnished records to the Commission in confidence will be notified at the time

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that the request for disclosure is submitted and will be afforded 10 days in which to oppose disclosure.

(2) If the agency requesting the records states to the satisfaction of the Commission that notice to the party who furnished the records to the Commission will interfere unduly with its law enforcement activities and further states that it will notify that party of the Commission's disclosure once the potential for such interference is eliminated, the Commission will not give notice of disclosure.

(3) If notice is given to the party who furnished the records to the Commission in confidence and disclosure is not opposed, the staff is authorized to make the records available to the agency which requested them.

(4) If disclosure is opposed and the Commission decides to make the records available to the other agency, the party who furnished the records to the Commission will be afforded ten (10) working days from the date of the ruling in which to move for a judicial stay of the Commission's action. If he does not move for stay within this period, the records will be disclosed.

(e) Nothing in this section is intended to govern disclosure of information to Congress.

[44 FR 55573, Sept. 27, 1979; 44 FR 57096, Oct. 4, 1979]

#### §0.443 General information office.

The Public Service Division of the Office of Public Affairs is located at 1919 M Street, N.W., Washington, D.C. Here, the public may obtain copies of the "Federal Communications Commission Information Seekers Guide," which is a handbook for obtaining information from the FCC. This office also maintains current and back issues of public notices of Commission actions, formal documents adopted by the Commission, and copies of fact sheets that answer general questions about the Commission. Many such recent items may also be obtained from the Commission's World Wide Web site located at <<http://www.fcc.gov>>. Commission documents listed in §0.416 are published in the FCC Record, and many such documents or summaries thereof

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are also published in the FEDERAL REGISTER.

[62 FR 51797, Oct. 3, 1997]

#### §0.445 Publication, availability and use of opinions, orders, policy statements, interpretations, administrative manuals, and staff instructions.

(a) Adjudicatory opinions and orders of the Commission, or its staff acting on delegated authority, are mailed to the parties, and as part of the record, are available for inspection in accordance with §§0.453 and 0.455.

(b) Texts adopted by the Commission or a member of its staff on delegated authority and made available to the public through the Office of Congressional and Public Affairs are published in the FCC Record. Older materials of this nature are available in the FCC Reports. In the event that such older materials are not published in the FCC Reports, reference should be made to the FEDERAL REGISTER or Pike and Fischer Radio Regulation.

(c) All rulemaking documents are published in the FEDERAL REGISTER. Summaries of the full Notices of proposed rule making and other rule making decisions adopted by the Commission constitute rulemaking documents for purposes of FEDERAL REGISTER publication. See §1.412(a)(1). The complete text of the Commission decision also is released by the Commission and is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC, or as otherwise specified in the rulemaking document published in the FEDERAL REGISTER. The complete texts of rulemaking decisions may also be purchased from the Commission's duplicating contractor.

(d) Formal policy statements and interpretations designed to have general applicability and legal effect are published in the FEDERAL REGISTER, the FCC Record, FCC Reports, or Pike and Fischer. Commission decisions and other Commission documents not entitled formal policy statements or interpretations may contain substantive interpretations and statements regarding policy, and these are published as part of the document in the FCC Record,

FCC Reports or Pike and Fischer. General statements regarding policy and interpretations furnished to individuals, in correspondence or otherwise, are not ordinarily published.

(e) If the documents described in paragraphs (a) through (d) of this section are published in the FEDERAL REGISTER, the FCC Record, FCC Reports, or Pike and Fischer Radio Regulation, they may be relied upon, used or cited as precedent by the Commission or private parties in any manner. If they are not so published, they may not be relied upon, used or cited as precedent, except against persons who have actual notice of the document in question or by such persons against the Commission. No person is expected to comply with any requirement or policy of the Commission unless he has actual notice of that requirement or policy or a document stating it has been published as provided in this paragraph. Nothing in this paragraph, however, shall be construed as precluding a reference to the rationale set forth in a recent document that is pending publication if the requirement or policy to which the rationale relates is contained in a published document or if actual notice of that requirement or policy has been given.

(f) The FEDERAL REGISTER, the FCC Record, FCC Reports and Pike and Fischer Radio Regulation are indexed. If the documents described in paragraphs (a)-(d) of this section are not published, they are neither indexed nor relied upon, except as provided in paragraph (e) of this section.

(g) There are two Commission staff manuals, the FCC Administrative Manual and the CIB Manual. The FCC Administrative Manual (excepting Part IX, concerning Civil Defense, which contains materials classified under E.O. 10501) is available for inspection in the Office of the Managing Director. Portions of the CIB Manual which pertain to administrative matters are available for inspection in the Compliance and Information Bureau. Portions of the CIB Manual which pertain to enforcement matters are not available for inspection. The Manuals are not indexed but are organized by subject, with tables of contents, and the mate-

rials contained therein can be located without difficulty.

(h) Subparts A and B of this part describe the functions of the staff and list the matters on which authority has been delegated to the staff. Except as provided in paragraph (g) of this section, all general instructions to the staff and limitations upon its authority are set forth in those subparts. As part of the Commission's rules and regulations, the provisions of these subparts are indexed in the FEDERAL REGISTER and the Code of Federal Regulations. Instructions to the staff in particular matters or cases are privileged and are not published or made available for public inspection.

(i) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Commission may delete identifying details when it makes available or publishes any document described in this section. The justification for any such deletion will be fully explained in a preamble to the document.

[32 FR 10573, July 19, 1967, as amended at 40 FR 17255, Apr. 18, 1975; 50 FR 27953, July 9, 1985; 51 FR 7444, Mar. 4, 1986; 51 FR 45889, Dec. 23, 1986; 61 FR 8477, Mar. 5, 1996]

#### **§ 0.451 Inspection of records: Generally.**

(a) *Records which are routinely available for public inspection.* Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Procedures governing requests for inspection of such records are set out in § 0.460.

(b) *Records which are not routinely available for public inspection.* Records which are not listed in § 0.453 or § 0.455 are not routinely available for public inspection. Such records fall into two categories.

(1) The first category consists of those records or kinds of records listed in § 0.457 and of particular records withheld from public inspection under § 0.459. The Commission has determined that there is a statutory basis for withholding these records from public inspection. In some cases, the Commission is prohibited from permitting the inspection of records. In other cases, the records are the property of another

agency, and the Commission has no authority to permit their inspection. In still other cases, the Commission is authorized, for reason of policy, to withhold records from inspection, but is not required to do so.

(2) The second category consists of records which are not listed in §0.453, §0.455, or §0.457 and have not been withheld from inspection under §0.459. In some cases, these records have not been identified for listing. In other cases (e.g., the general correspondence files), the Commission is unable to determine either that all records in a class should be routinely available for inspection or that all records in that class should not be routinely available for inspection, and individual determination is required.

(3) Procedures governing requests for inspection of these records are set out in §0.461.

(4) Procedures governing demands by competent authority for inspection of these records are set out in §0.463.

(5) Except as provided in §§0.461 and 0.463, no officer or employee of the Commission shall permit the inspection of records which are not routinely available for public inspection under §0.453 or §0.455, or disclose information contained therein.

(c) *Copies.* Section 0.465 applies to requests for copies of Commission records which are routinely available for public inspection under §§0.453 and 0.455 and those which are made available for inspection under §0.461. Section 0.467 applies to requests for certified copies of Commission records.

(d) *Search fees.* Section 0.466 prescribes fees to cover the expense of searching for records made available for inspection under §0.460 or §0.461.

[40 FR 7313, Feb. 19, 1975]

#### §0.453 Public reference rooms.

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

(a) *The FCC Reference Center.* The following documents, files and records are

available for inspection at this location.

(1) Files containing the record of all docketed cases. A file is maintained for each docketed hearing case and for each docketed rule making proceeding. Cards summarizing the history of such cases are available for inspection.

(2) Broadcast applications and related files.

(3) Files containing petitions for rule making and related papers.

(b) [Reserved]

(c) *The Library.* Various legal and technical publications, and legislative history compilations, related to communications are available for inspection in the Library.

(d) *The Mass Media Bureau, Auxiliary Services Reference Room.* The following documents, files and records are available for inspection at this location.

(1) FM Translator applications and related files.

(2) FM Booster station applications and related files.

(e) *The Mass Media Bureau, Enforcement Division Reference Room.* The following documents, files and records are available for inspection at this location.

(1) Station files containing Notice of Apparent Liability and Memorandum of Opinion and Order and related files.

(2) Congressional correspondence files and related materials.

(3) Network correspondence files and related materials.

(f) *The Common Carrier Bureau, Accounting and Audits Reference Room.* The following documents, files and records are available for inspection at this location.

(1) Files containing contracts between carriers and affiliates, accounts and subaccounts, pension filings, property records, disposition units, and depreciation rate filings.

(2) Computer II files and related materials.

(3) Official correspondence files which include waiver requests and interpretations and related files.

(4) Docket 86-111 Implementation filings containing Cost Allocation Manuals and related materials.

(g) *The Common Carrier Bureau, Domestic Facilities Reference Room.* The following documents, files and records are



available for inspection at this location.

(1) Microwave Point-to-Point and Digital Electronic Message Service (DEMS) application files and related materials.

(2) Section 214 applications and related files, to the extent that they concern domestic communications facilities and services.

(h) *The Common Carrier Bureau, Mobile Services Reference Room.* The following documents, files and records are available for inspection at two different locations. The Legal Branch is the responsible custodian for both locations.

(1) Station files containing a complete history of data submitted by the applicant that has been approved by the Commission which includes maps, diagrams, petitions, co-channel searches, and other background material.

(2) Pending files containing applications for additional facilities or modifications of existing facilities.

(3) Cellular Granted Station files and related materials.

(4) Pending cellular applications and related files.

(5) Petitions and related materials.

(i) *The Common Carrier 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 Common Carrier Bureau Reference Room, 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.

(k) *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.

(l) *The Private Radio Bureau Reference Room.* Commercial radio operator application files and all authorizations in the Private Radio Services and files relating thereto, which includes Land Mobile, Microwave, Aviation Ground and Marine Coast applications. All of these materials are available in the Commission's offices in Gettysburg, Pennsylvania. See § 0.457(f)(3). This reference room also contains 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. This reference room also contains station files containing applications and related materials for the Point-to-Point Microwave (including the Local Television Transmission Service) and Digital Electronic Message (DEMS) services in the Common Carrier services. Cards summarizing the historical record of applications and dispositions of the Broadcast Auxiliary service through May 1982 are available for inspection as well.

(m) *The International Bureau Reference Room.* Except to the extent they are excluded from routine public inspection under another section of this chapter, the following documents, files, and records are available for inspection at this location:

(1) Satellite and earth station applications files and related materials under parts 25 and 100 of this chapter;

(2) Section 214 applications and related files under part 63 of this chapter, to the extent that they concern international communications facilities and services;

(3) International Fixed Public Radio applications and related files under part 23 of this chapter;

(4) Files relating to submarine cable landing licenses and applications for such licenses since June 30, 1934, except for maps showing the exact location of submarine cables, which are withheld from inspection under section 4(j) of

the Communications Act (see § 0.457(c)(1)(i));

(5) Files relating to international settlements under part 64 of this chapter;

(6) Documents relating to INTELSAT or INMARSAT;

(7) International broadcast applications, applications for permission to deliver programming to foreign stations, and related files under part 73 of this chapter; and

(8) International settlement agreements and contracts and international cable agreements.

(n) *The Cable Services 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.

[32 FR 10573, July 19, 1967, as amended at 36 FR 15121, Aug. 13, 1971; 46 FR 27655, May 21, 1981; 50 FR 40014, Oct. 1, 1985; 52 FR 38764, Oct. 19, 1987; 58 FR 19772, Apr. 16, 1993; 59 FR 32132, June 22, 1994; 59 FR 38374, July 28, 1994; 60 FR 5325, Jan. 27, 1995; 60 FR 35507, July 10, 1995; 62 FR 51797, Oct. 3, 1997; 63 FR 36596, July 7, 1998]

EFFECTIVE DATE NOTE: At 63 FR 36596, July 7, 1998, in § 0.453, paragraph (k) was amended by removing the term (*Type accepted, type approved, certified and notified*), effective Oct. 5, 1998.

#### § 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 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 offices upon request. Many of these records may be retrieved from the Commission's site on the World Wide Web, located at <<http://www.fcc.gov>>. 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) *Mass Media Bureau*. (1) Applications for broadcast authorizations and related files are available for public inspection in the FCC Reference Center. See § 0.453(a)(2). Certain broadcast applications, reports and records are also available for inspection in the community in which the station is located or is proposed to be located. See §§ 73.3526 and 73.3527 of this chapter.

(2) Ownership reports filed by licensees of broadcast stations pursuant to § 73.3615.

(3) Network affiliation contracts between stations and networks (for television stations only).

(4) Contracts relating to network service to broadcast licensees filed on or after the 1st day of May 1969 under § 73.3613.

(5) Annual employment reports filed by licensees and permittees of broadcast stations pursuant to § 73.3612 of this chapter and cable television systems pursuant to § 76.77 of this chapter.

(6) Contract files which contain pledges, trust agreements, options to purchase stock agreements, partnership agreements, management consultant agreements, and mortgage or loan agreements.

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

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

(9) Files containing Station History cards for stations in existence prior to 1982.

(b) *Common Carrier Bureau* which includes the *Formal Complaints and Investigations Branch* and the *Informal Complaints and Public Inquiries Branch*. (1) Annual reports filed by carriers under § 43.21 of this chapter.

(2) Monthly reports filed by carriers under § 43.31 of this chapter.

(3) Reports on pensions and benefits filed by carriers under § 43.42 of this chapter.

(4) Reports of proposed changes in depreciation rates filed by carriers under § 43.43 of this chapter.

(5) Reports regarding division of international telegraph communications charges filed under § 43.53 of this chapter.

(6) Reports regarding services performed by telegraph carriers filed under § 43.54 of this chapter.

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

(8) 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).

(9) A list of other reports filed by common carriers.

(10) 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).

(11) Tariff schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the Communications Act, all documents filed in connection therewith, and all communications related thereto.

(12) All applications for common carrier authorizations acted upon by the Common Carrier Bureau, and files relating thereto.

(13) All formal and informal complaints against common carriers filed under §§ 1.711 through 1.735 of this chap-

ter, all documents filed in connection therewith, and all communications related thereto.

(14) Annual employment reports filed by common carrier licensees or permittees pursuant to § 1.815 of this chapter.

(15) Enforcement proceedings and public inquiries 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) *Cable Services Bureau*. Correspondence and other actions and decisions relating to cable television services that are not filed in the FCC Reference Center.

(e) *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. (1) Experimental application and license files.

(2) The Master Frequency Records.

(3) Applications for Equipment Authorization, 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.)

(f) *The Commission's offices in Gettysburg, Pennsylvania*. See § 0.453(1) of this chapter.

(g) *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, Planning and

Negotiations Division, International Bureau.

[52 FR 38765, Oct. 19, 1987; 52 FR 40020, Oct. 26, 1987, as amended at 58 FR 13021, Mar. 9, 1993; 58 FR 29752, May 21, 1993; 59 FR 32133, June 22, 1994; 60 FR 5325, Jan. 27, 1995; 62 FR 51797, Oct. 3, 1997; 63 FR 36596, July 7, 1998]

EFFECTIVE DATE NOTE: At 63 FR 36596, July 7, 1998, in §0.455, paragraph (e)(3) was amended by removing the term (*type accepted, type approval, certification, or advance approval of subscription television systems*), effective Oct. 5, 1998.

**§0.457 Records not routinely available for public inspection.**

The records listed in this section are not routinely available for public inspection. The records are listed in this section by category, according to the statutory basis for withholding those records from inspection; and under each category, if appropriate, the underlying policy considerations affecting the withholding and disclosure of records in that category are briefly outlined. Except where the records are not the property of the Commission or where the disclosure of those records is prohibited by law, the Commission will entertain requests from members of the public under §0.461 for permission to inspect particular records withheld from inspection under the provisions of this section, and will weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in the light of the facts of the particular case. In making such requests, it is important to appreciate that there may be more than one basis for withholding particular records from inspection. The listing of records by category is not intended to imply the contrary but is solely for the information and assistance of persons making such requests. Requests to inspect or copy the transcripts, recordings or minutes of agency or advisory committee meetings will be considered under §0.603 rather than under the provisions of this section.

(a) *Materials that are specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order, 5 U.S.C. 552(b)(1).* (1) E.O. 10450, "Security Re-

quirements for Government Employees," 18 FR 2489, April 27, 1953, 3 CFR, 1949–1953 Comp., p. 936. Pursuant to the provisions of E.O. 10450, reports and other material and information developed in security investigations are the property of the investigative agency. If they are retained by the Commission, it is required that they be maintained in confidence and that no access be given to them without the consent of the investigative agency. Such materials and information will not be made available for public inspection. See also paragraphs (f) and (g) of this section.

(2) E.O. 10501, "Safeguarding Official Information in the Interests of the Defense of the United States," 18 FR 7049, November 10, 1953, as amended, 3 CFR, 1965 ed., p. 450. E.O. 10501, as amended, provides for the classification of official information which requires protection in the interests of national defense, and prohibits the disclosure of classified information except as provided therein. Classified materials and information will not be made available for public inspection. See also, E.O. 10033, February 8, 1949, 14 FR 561, 3 CFR, 1949–1953 Comp., p. 226, and 47 U.S.C. 154(j).

(b) *Materials that are related solely to the internal personnel rules and practices of the Commission, 5 U.S.C. 552(b)(2).* (1) Materials related solely to internal management matters, including minutes of Commission actions on such matters. Such materials may be made available for inspection under §0.461, however, unless their disclosure would interfere with or prejudice the performance of the internal management functions to which they relate, or unless their disclosure would constitute a clearly unwarranted invasion of personal privacy (see paragraph (f) of this section).

(2) Materials relating to the negotiation of contracts.

(3) All materials used in conducting radio operator examinations, including test booklets, Morse Code tapes, and scoring masks.

(c) Materials that are specifically exempted from disclosure by statute (other than the Government in the Sunshine Act, 5 U.S.C. 552b): *Provided*, That such statute (1) requires that the

materials be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of materials to be withheld. The Commission is authorized under the following statutory provisions to withhold materials from public inspection.

(1) Section 4(j) of the Communications Act, 47 U.S.C. 154(j), provides, in part, that, "The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense." Pursuant to that provision, it has been determined that the following materials should be withheld from public inspection (see also paragraph (a) of this section):

(i) Maps showing the exact location of submarine cables.

(ii) Minutes of Commission actions on classified matters.

(iii) Maps of nation-wide point-to-point microwave networks.

(2) Under section 213(f) of the Communications Act, 47 U.S.C. 213(f), the Commission is authorized to order, with the reasons therefor, that records and data pertaining to the valuation of the property of common carriers and furnished to the Commission by the carriers pursuant to the provisions of that section, shall not be available for public inspection. If such an order has been issued, the data and records will be withheld from public inspection, except under the provisions of §0.461. Normally, however, such data and information is available for inspection. See §0.455(c) (8).

(3) Under section 412 of the Communications Act, 47 U.S.C. 412, the Commission may withhold from public inspection certain contracts, agreements and arrangements between common carriers relating to foreign wire or radio communication. Reports of negotiations regarding such foreign communication matters, filed by carriers under §43.52 of this chapter, may also be withheld from public inspection under section 412. Any person may file a petition requesting that such materials be withheld from public inspection. To support such action, the petition must show that the contract, agreement or arrangement relates to

foreign wire or radio communications; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that the public interest would be served by keeping its terms confidential. If the Commission orders that such materials be kept confidential, they will be made available for inspection only under the provisions of §0.461.

(4) Section 605 of the Communications Act, 47 U.S.C. 605, provides, in part, that, "no person not being authorized by the sender shall intercept any communication [by wire or radio] and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communications to any person." In executing its responsibilities, the Commission regularly monitors radio transmissions (see §0.116). Except as required for the enforcement of the communications laws, treaties and the provisions of this chapter, or as authorized in section 605, the Commission is prohibited from divulging information obtained in the course of these monitoring activities; and such information, and materials relating thereto, will not be made available for public inspection.

(5) Section 1905 of the Criminal Code, 18 U.S.C. 1905, prohibits the unauthorized disclosure of certain confidential information. See paragraph (d) of this section.

(d) *Trade secrets and commercial or financial information obtained from any person and privileged or confidential—categories of materials not routinely available for public inspection, 5 U.S.C. 552(b)(4) and 18 U.S.C. 1905.*

(1) The materials listed in this subparagraph have been accepted, or are being accepted, by the Commission on a confidential basis pursuant to 5 U.S.C. 552(b)(4). To the extent indicated in each case, the materials are not routinely available for public inspection. If the protection afforded is sufficient, it is unnecessary for persons submitting such materials to submit therewith a request for non-disclosure pursuant to §0.459. A persuasive showing as to the reasons for inspection will be required in requests for inspection of such materials submitted under §0.461.

(i) Financial reports submitted by licensees of broadcast stations pursuant to former §1.611 or by radio or television networks are not routinely available for inspection.

(ii) Applications for equipment authorizations (type acceptance, type approval, certification, or advance approval of subscription television systems), and materials relating to such applications, are not routinely available for public inspection prior to the effective date of the authorization. The effective date of the authorization will, upon request, be deferred to a date no earlier than that specified by the applicant. Following the effective date of the authorization, the application and related materials (including technical specifications and test measurements) will be made available for inspection upon request (see §0.460).

(iii) Information submitted in connection with audits, investigations and examination of records pursuant to 47 U.S.C. 220.

(iv) Programming contracts between programmers and multichannel video programming distributors.

(v) Prior to July 4, 1967, the rules and regulations provided that certain materials submitted to the Commission would not be made available for public inspection or provided assurance, in varying degrees, that requests for non-disclosure of certain materials would be honored. See, e.g., 47 CFR chapter I revised as of October 1, 1966, §§0.417, 2.557, 5.204, 5.255, 15.70, 21.406, 80.33, 87.153, 89.215, 91.208, 91.605 and 93.208. Materials submitted under these provisions are not routinely available for public inspection. To the extent that such materials were accepted on a confidential basis under the then existing rules, they are not routinely available for public inspection. The rules cited in this paragraph (d)(1)(v) were superseded by the provisions of this paragraph (d), effective July 4, 1967. Equipment authorization information accepted on a confidential basis between July 4, 1967 and March 25, 1974, will not be routinely available for inspection and a persuasive showing as to the reasons for inspection of such information will be required in requests for inspection

of such materials submitted under §0.461.

(2) Unless the materials to be submitted are listed in paragraph (d)(1) of this section and the protection thereby afforded is adequate, it is important for any person who submits materials which he wishes withheld from public inspection under 5 U.S.C. 552(b)(4) to submit therewith a request for non-disclosure pursuant to §0.459. If it is shown in the request that the materials contain trade secrets or commercial, financial or technical data which would customarily be guarded from competitors, the materials will not be made routinely available for inspection; and a persuasive showing as to the reasons for inspection will be required in requests for inspection submitted under §0.461. In the absence of a request for non-disclosure, the Commission may, in the unusual instance, determine on its own motion that the materials should not be routinely available for public inspection. Ordinarily, however, in the absence of such a request, materials which are submitted will be made available for inspection upon request pursuant to §0.461, even though some question may be present as to whether they contain trade secrets or like matter.

(e) *Interagency and intra-agency memorandums or letters, 5 U.S.C. 552(b)(5)*. Interagency and intra-agency memorandums or letters and the work papers of members of the Commission or its staff will not be made available for public inspection, except in accordance with the procedures set forth in §0.461. Only if it is shown in a request under §0.461 that such a communication would be routinely available to a private party through the discovery process in litigation with the Commission will the communication be made available for public inspection. Normally such papers are privileged and not available to private parties through the discovery process, since their disclosure would tend to restrain the commitment of ideas to writing, would tend to inhibit communication among Government personnel, and would, in some cases, involve premature disclosure of their contents.

(f) *Personnel, medical and other files whose disclosure would constitute a clearly unwarranted invasion of personal privacy, 5 U.S.C. 552(b)(6).* (1) Under Executive Order 10561, 19 FR 5963, September 13, 1954, 3 CFR, 1954-1958 Comp., page 205, the Commission maintains an Official Personnel Folder for each of its employees. Such folders are under the jurisdiction and control, and are a part of the records, of the U.S. Office of Personnel Management. Except as provided in the rules of the Office of Personnel Management (5 CFR 294.701-294.703), such folders will not be made available for public inspection by the Commission. In addition, other records of the Commission containing private, personal or financial information concerning particular employees will be withheld from public inspection.

(2) [Reserved]

(3) Information submitted to the Commission by applicants for commercial radio operator licenses concerning the character and mental or physical health of the applicant is available for inspection only under procedures set forth in § 0.461. Except in this respect, or where other aspects of a similar private nature warrant nondisclosure, commercial radio operator application files are available for inspection.

(g) *Investigatory records compiled for law enforcement purposes, to the extent that production of such records would:*

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source;

(5) Disclose investigative techniques or procedures; or

(6) Endanger the life or physical safety of law enforcement personnel, 5 U.S.C. 552(b)(7).

[32 FR 10573, July 19, 1967, as amended at 32 FR 12180, Aug. 24, 1967; 39 FR 5918, Feb. 14, 1974; 39 FR 27802, Aug. 1, 1974; 40 FR 7313, Feb. 19, 1975; 40 FR 17255, Apr. 18, 1975; 40 FR 34116, Aug. 14, 1975; 40 FR 39507, Aug. 28, 1975; 42 FR 12867, Mar. 7, 1977; 43 FR 51794, Nov. 7, 1978; 45 FR 39850, June 12, 1980; 51 FR 31304, Sept. 2, 1986; 63 FR 36596, July 7, 1998; 63 FR 44167, Aug. 18, 1998]

EFFECTIVE DATE NOTE 1: At 63 FR 36596, July 7, 1998, in § 0.457, paragraph (d)(1)(ii) was

amended by removing the term (*type acceptance, type approval, certification, or advance approval of subscription television systems*), effective Oct. 5, 1998.

EFFECTIVE DATE NOTE 2: At 63 FR 44167, Aug. 18, 1998, in § 0.457, paragraph (d) was revised, effective Nov. 20, 1998. For the convenience of the user, the superseded text is set forth as follows:

**§ 0.457 Records not routinely available for public inspection.**

\* \* \* \* \*

(d) *Trade secrets and commercial or financial information obtained from any person and privileged or confidential, 5 U.S.C. 552(b)(4) and 18 U.S.C. 1905.* Section 552(b)(4) is specifically applicable to trade secrets and commercial or financial information but is not limited to such matters. Under this provision, the Commission is authorized to withhold from public inspection materials which would be privileged as a matter of law if retained by the person who submitted them, and materials which would not customarily be released to the public by that person, whether or not such materials are protected from disclosure by a privilege. See, Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967, at pages 32-34.

(1) The materials listed in this subparagraph have been accepted, or are being accepted, by the Commission on a confidential basis pursuant to 5 U.S.C. 552(b)(4). To the extent indicated in each case, the materials are not routinely available for public inspection. If the protection afforded is sufficient, it is unnecessary for persons submitting such materials to submit therewith a request for non-disclosure pursuant to § 0.459. A persuasive showing as to the reasons for inspection will be required in requests for inspection of such materials submitted under § 0.461.

(i) Financial reports submitted by licensees of broadcast stations pursuant to § 1.611 of this chapter or by radio and television networks are not routinely available for public inspection. (Fees paid upon consummation of the assignment or transfer of a broadcast station license, pursuant to § 1.1111 of this chapter, are computed from information contained in financial reports submitted pursuant to § 1.611. Information and correspondence concerning such computations are not routinely available for public inspection.)

(ii) Applications for equipment authorizations, and materials relating to such applications, are not routinely available for public inspection prior to the effective date of the authorization. The effective date of the authorization will, upon request, be deferred to a date no earlier than that specified by the applicant. Following the effective date of the authorization, the application and related

materials (including technical specifications and test measurements) will be made available for inspection upon request (see §0.460).

(iii) Schedules 2, 3, and 4 of financial reports submitted for cable television systems pursuant to §76.403 of this chapter.

(iv) Annual fee computation forms submitted for cable television systems pursuant to §76.406 of this chapter.

(2) Prior to July 4, 1967, the rules and regulations provided that certain materials submitted to the Commission would not be made available for public inspection or provided assurance, in varying degrees, that requests for nondisclosure of certain materials would be honored. See, e.g., 47 CFR (1966 ed.) 0.417, 2.557, 5.204, 5.255, 15.70, 21.406, 80.33, 87.153, 89.215, 91.208, 91.605 and 93.208. Materials submitted under these provisions are not routinely available for public inspection. To the extent that such materials were accepted on a confidential basis under the then existing rules, they are not routinely available for public inspection. The rules cited in this subdivision were superseded by the provisions of this paragraph, effective July 4, 1967. Equipment authorization information accepted on a confidential basis between July 4, 1967 and March 25, 1974, will not be routinely available for inspection and a persuasive showing as to the reasons for inspection of such information will be required in requests for inspection of such materials submitted under §0.461.

(i) Unless the materials to be submitted are listed in paragraph (d)(1) of this section and the protection thereby afforded is adequate, it is important for any person who submits materials which he wishes withheld from public inspection under 5 U.S.C. 552(b)(4) to submit therewith a request for non-disclosure pursuant to §0.459. If it is shown in the request that the materials contain trade secrets or commercial, financial or technical data which would customarily be guarded from competitors, the materials will not be made routinely available for inspection; and a persuasive showing as to the reasons for inspection will be required in requests for inspection submitted under §0.461. In the absence of a request for non-disclosure, the Commission may, in the unusual instance, determine on its own motion that the materials should not be routinely available for public inspection. Ordinarily, however, in the absence of such a request, materials which are submitted will be made available for inspection upon request pursuant to §0.461, even though some question may be present as to whether they contain trade secrets or like matter.

\* \* \* \* \*

**§0.459 Requests that materials or information submitted to the Commission be withheld from public inspection.**

(a) Any person submitting information or materials to the Commission may submit therewith a request that such information not be made routinely available for public inspection. (If the materials are specifically listed in §0.457, such a request is unnecessary.) A copy of the request shall be attached to and shall cover all of the materials to which it applies and all copies of those materials. If feasible, the materials to which the request applies shall be physically separated from any materials to which the request does not apply; if this is not feasible, the portion of the materials to which the request applies shall be identified.

(b) Each such request shall contain a statement of the reasons for withholding the materials from inspection (see §0.457) and of the facts upon which those records are based, including:

- (1) Identification of the specific information for which confidential treatment is sought;
- (2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission;
- (3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged;
- (4) Explanation of the degree to which the information concerns a service that is subject to competition;
- (5) Explanation of how disclosure of the information could result in substantial competitive harm;
- (6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure;
- (7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties;
- (8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure; and
- (9) Any other information that the party seeking confidential treatment believes may be useful in assessing



whether its request for confidentiality should be granted.

(c) Casual requests which do not comply with the requirements of paragraphs (a) and (b) of this section will not be considered.

(d)(1) The Commission may defer acting on requests that materials or information submitted to the Commission be withheld from public inspection until a request for inspection has been made pursuant to § 0.460 or § 0.461. The information will be accorded confidential treatment, as provided for in § 0.459(g) and § 0.461, until the Commission acts on the confidentiality request and all subsequent appeal and stay proceedings have been exhausted.

(2) Requests which comply with the requirements of paragraphs (a) and (b) of this section will be acted upon by the appropriate Bureau or Office Chief, who is directed to grant the request if it presents by a preponderance of the evidence a case for non-disclosure consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552. If the request is granted, the ruling will be placed in the public file in lieu of the materials withheld from public inspection. A copy of the ruling shall be forwarded to the General Counsel.

(e) If the materials are submitted voluntarily (i.e., absent any direction by the Commission), the person submitting them may request the Commission to return the materials without consideration if the request for confidentiality should be denied. In that event, the materials will ordinarily be returned (e.g., an application will be returned if it cannot be considered on a confidential basis). Only in the unusual instance where the public interest so requires will the materials be made available for public inspection. However, no materials submitted with a request for confidentiality will be returned if a request for inspection is filed under § 0.461. If submission of the materials is required by the Commission and the request for confidentiality is denied, the materials will be made available for public inspection.

(f) If no request for confidentiality is submitted, the Commission assumes no obligation to consider the need for non-disclosure but, in the unusual instance, may determine on its own motion that

the materials should be withheld from public inspection. See § 0.457(g).

(g) If a request for confidentiality is denied, the person who submitted the request may, within 5 working days, file an application for review by the Commission. If the application for review is denied, the person who submitted the request will be afforded 5 working days in which to seek a judicial stay of the ruling. If these periods expire without action by the person who submitted the request, the materials will be returned to the person who submitted them or will be placed in a public file. Notice of denial and of the time for seeking review or a judicial stay will be given by telephone, with follow-up notice in writing. The first day to be counted in computing the time periods established in this subsection is the day after the date of oral notice.

(h) If the request is granted, the status of the materials is the same as that of materials listed in § 0.457. Any person wishing to inspect them may submit a request for inspection under § 0.461.

[40 FR 7313, Feb. 19, 1975, as amended at 49 FR 21719, May 23, 1984; 55 FR 8951, Mar. 9, 1990; 63 FR 44167, Aug. 18, 1998]

EFFECTIVE DATE NOTE: At 63 FR 44167, Aug. 18, 1998, in § 0.459, paragraphs (b), (d), and (e) were revised, effective Nov. 20, 1998. For the convenience of the user, the superseded text is set forth as follows:

**§ 0.459 Requests that materials or information submitted to the Commission be withheld from public inspection.**

\* \* \* \* \*

(b) Each such request shall contain a statement of the reasons for withholding the materials from inspection (see § 0.457) and of the facts upon which those reasons are based. If the request is that the materials be withheld from inspection for a limited period of time, that period shall be specified.

\* \* \* \* \*

(d) Requests which comply with the requirements of paragraphs (a) and (b) of this section will be acted on by the appropriate Bureau or Office Chief, who is directed to grant the request if it presents by a preponderance of the evidence a case for non-disclosure consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552. If the request is granted, the ruling will be placed in a public file in lieu of the materials

withheld from public inspection. A copy of the ruling shall be forwarded to the General Counsel.

(e) If the materials are submitted voluntarily (i.e., absent any direction by the Commission), the person submitting them may request the Commission to return the materials without consideration if the request for confidentiality should be denied. In that event, the materials will ordinarily be returned (e.g., an application will be returned if it cannot be considered on a confidential basis); only in the unusual instance where the public interest so requires will the materials be made available for public inspection. If submission of the materials is required by the Commission and the request for confidentiality is denied, the materials will be made available for public inspection.

\* \* \* \* \*

**§0.460 Requests for inspection of records which are routinely available for public inspection.**

(a) Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Subject to the limitations set out in this section and to the provisions of §0.466 and paragraph (l) of this section, a person who wants to inspect such records need only appear at the specified location and ask to see the records. Many such records also are available through the Commission's site on the World Wide Web, located at <<http://www.fcc.gov>>. Commission documents listed in §0.416 are published in the FCC Record, and many such documents or summaries thereof are also published in the FEDERAL REGISTER.

(b) A person who does not want a copy of the records must appear at the specified location during the office hours of the Commission and must inspect the records at that location. (Procedures governing requests for copies are set out in §0.465.) However, arrangements may be made in advance, by telephone or by correspondence, to make the records available for inspection on a particular date, and there are many circumstances in which such advance arrangements will save inconvenience. If the request is for a large number of documents, for example, a delay in collecting them is predictable. Current records may be in use by the

staff when the request is made. Older records may have been forwarded to another location for storage.

(c) The records in question must be reasonably described by the person requesting them so as to permit their location by staff personnel. The information needed to locate the records will vary, depending on the records requested. Advice concerning the kind of information needed to locate particular records will be furnished in advance upon request. Members of the public will not be given access to the area in which records are kept and will not be permitted to search the files.

(d) If it appears that there will be an appreciable delay in locating or producing the records (as where a large number of documents is the subject of a single request or where an extended search for a document appears to be necessary), the request shall be submitted in writing, either in person or by mail.

(e) Written requests shall be captioned "REQUEST FOR INSPECTION OF RECORDS", shall be dated, shall list the telephone number (if any) of the person making the request and for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document. Written requests shall, in addition, specify the maximum search fee the person making the request is prepared to pay. (see §0.467)

(f) Written requests shall be delivered or mailed directly to the chief of the organizational unit having custody of the records, as listed in §§0.453 and 0.455. If the request is enclosed in an envelope, the envelope shall be marked, "REQUEST FOR INSPECTION OF RECORDS."

(g) When a written request is received by the custodian of the records, it will be date-stamped.

(h) All requests limited to records listed in §§0.453 and 0.455 will be granted, subject to paragraph (k) of this section. Requests for records listed in those sections shall not be combined with requests for other records.

(i) The records will be produced for inspection at the earliest possible time.

(j) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage and additional charges may be imposed for again producing them.

(k) In addition to the other requirements of this section, the following provisions apply to the reports filed with the Commission pursuant to subpart E of part 19 of this chapter. (1) Such reports shall not be obtained or used:

(i) For any unlawful purpose; (ii) for any commercial purpose, other than by news and communications media for dissemination to the general public; (iii) for determining or establishing the credit rating of any individual; or (iv) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) Such reports may not be made available to any person nor may any copy thereof be provided to any person except upon a written application by such person stating: (i) That person's name, occupation and address; (ii) the name and address of any other person or organization on whose behalf the inspection or copying is requested; and (iii) that such person is aware of the prohibitions on the obtaining or use of the report. Further, any such application for inspection shall be made available to the public throughout the period during which the report itself is made available to the public.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 18 U.S.C. 207(j))

[40 FR 7314, Feb. 19, 1975, as amended at 45 FR 85027, Dec. 24, 1980; 48 FR 44800, Sept. 30, 1983; 53 FR 39093, Oct. 5, 1988; 62 FR 51797, Oct. 3, 1997]

**§0.461 Requests for inspection of materials not routinely available for public inspection.**

Any person desiring to inspect Commission records which are not listed in §0.453 or §0.455 shall file a request for inspection meeting the requirements of this section.

(a)(1) The records in question must be reasonably described by the person requesting them, so as to permit their location by staff personnel. See §0.460(c).

(2) The person requesting records under this section may specify the form or format of the records to be produced.

(b)(1) Requests shall be captioned "Freedom of Information Act Request," shall be dated, shall list the telephone number (if any) of the person making the request and, for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document.

(2) The request shall, in addition, specify the maximum search fee the person making the request is prepared to pay (see §0.467).

(c) If the records are of the kinds listed in §0.457 or if they have been withheld from inspection under §0.459, the request shall, in addition, contain a statement of the reasons for inspection and the facts in support thereof. In the case of other materials, no such statement need accompany the request; but the custodian of the records may require the submission of such a statement if he determines that the materials in question may lawfully be withheld from inspection.

(d)(1) Requests shall be delivered or mailed to the Managing Director, sent by electronic mail to <foia@fcc.gov>, or sent by facsimile. (For purposes of this section, the custodian of the records is the Chief of the appropriate Bureau or Office.)

(2) If the request is enclosed in an envelope, the envelope shall be marked, "Freedom of Information Act Request."

(3) An original and two copies of the request shall be submitted. If the request is for materials not open to routine public inspection under §0.457(d) or §0.459, or if a request for confidentiality is pending pursuant to §0.459, one copy of the request will be mailed by the custodian of the records to the person who originally submitted the materials to the Commission.

(e) When the request is received by the Managing Director, it will be assigned to the Freedom of Information Act (FOIA) Control Office, where it will be date-stamped and assigned to the custodian of the records.

(f) Requests for inspection of records will be acted on as follows by the custodian of the records.

(1) If the Commission is prohibited from disclosing the records in question, the request for inspection will be denied with a statement setting forth the specific grounds for denial.

(2) If the records are the property of another agency, the request will be referred to that agency and the person who submitted the request will be so advised, with the reasons therefor.

(3) If it is determined that the Commission does not have authority to withhold the records from public inspection, the request will be granted.

(4) If it is determined that the Commission does have authority to withhold the records from public inspection, the considerations favoring disclosure and non-disclosure will be weighed in light of the facts presented, and the request will be granted, either conditionally or unconditionally, or denied.

(5) If there is a statutory basis for withholding part of a document only from inspection, that part will be deleted and the remainder will be made available for inspection.

(6) In locating and recovering records responsive to a FOIA request, only those records within the Commission's possession and control as of the date of its receipt of the request shall be considered.

(g) The custodian of the records will make every effort to act on the request within 20 working days after it is received by the FOIA Control Office. If it is not possible to locate the records and to determine whether they should be made available for inspection within 20 working days, the custodian may, in any of the following circumstances, extend the time for action by up to 10 working days:

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request, or among two or more components of the Commission having substantial subject matter interest therein.

The custodian of the records will notify the requester in writing of any extension of time exercised pursuant to paragraph (g) of this section. If it is not possible to locate the records and make the determination within the extended period, the person or persons who made the request will be provided an opportunity to limit the scope of the request so that it may be processed within the extended time limit, or an opportunity to arrange an alternative time frame for processing the request or a modified request, and asked to consent to an extension or further extension. If the requester agrees to an extension, the custodian of the records will confirm the agreement in a letter specifying the length of the agreed-upon extension. If he or she does not agree to an extension, the request will be denied, on the grounds that the custodian has not been able to locate the records and/or to make the determination within the period for a ruling mandated by the Freedom of Information Act, 5 U.S.C. 552. In that event, the custodian will continue to search for and/or assess the records and will advise the person who made the request of further developments; but that person may file an application for review by the Commission. When action is taken by the custodian of the records, written notice of the action will be given.

(h)(1) Requesters who seek expedited processing of FOIA requests shall submit such requests, along with their FOIA requests, to the Managing Director, as described in §0.461(d). If the request is enclosed in an envelope, the envelope shall be marked "Request for Expedited Proceeding—FOIA Request." An original and two copies of the request for expedition shall be submitted, but only one copy is necessary if submitted by electronic mail. When the request is received by the Managing Director, it, and the accompanying FOIA request, will be assigned to the FOIA Control Office, where it will be date-

stamped and assigned to the custodian of records.

(2) Expedited processing shall be granted to a requester demonstrating a compelling need that is certified by the requester to be true and correct to the best of his or her knowledge and belief.

(3) For purposes of this section, *compelling need* means—

(i) That failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) With respect to a request made by a person primarily engaged in disseminating information, there is an urgency to inform the public concerning actual or alleged Federal Government activity.

(4)(i) Notice of the determination as to whether to grant expedited processing shall be provided to the requester by the custodian of records within 10 calendar days after receipt of the request by the FOIA Control Office. Once the determination has been made to grant expedited processing, the custodian shall process the FOIA request as soon as practicable.

(ii) If a request for expedited processing is denied, the person seeking expedited processing may file an application for review within five working days after the date of the written denial. The application for review and the envelope containing it (if any) shall be captioned "Review of FOIA Expedited Proceeding Request." The application for review shall be delivered or mailed to the General Counsel. (For general procedures relating to applications for review, see § 1.115 of this chapter.) The Commission shall act expeditiously on the application for review, and shall notify the custodian of records of the disposition of such an application for review.

(i)(1) If a request for inspection of records submitted to the Commission in confidence under § 0.457(d) or § 0.459 is granted, an application for review of the action may be filed only by the person who submitted the records to the Commission. The application for review and the envelope containing it (if any) shall be captioned "Review of Freedom of Information Action." The application for review shall be filed

within 10 working days after the date of the written ruling, shall be delivered or mailed to the General Counsel, and shall be served on the person who filed the request for inspection of records. The first day to be counted in computing the time period for filing the application for review is the day after the date of the written ruling. If an application for review is not filed within this period, the records will be produced for inspection. The person who filed the request for inspection of records may respond to the application for review within 10 working days after it is filed.

(2) If the request for inspection of records submitted to the Commission in confidence under § 0.457(d) or § 0.459 is partially granted and partially denied, the person who submitted the records to the Commission and the person who filed the request for inspection of those records may file an application for review within the 10 working days after the date of the written ruling. The application for review and the envelope containing it (if any) shall be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION." The application for review shall be delivered or mailed to the General Counsel. If either person files an application for review, it shall be served upon the other person.

(3) If the application for review filed by either person is denied, that person will be notified in writing and advised of their rights.

(4) If an application for review filed by the person who submitted the records to the Commission is denied, or if the records are made available on review which were not initially made available, the person who submitted the records to the Commission will be afforded 10 working days from the date of the written ruling in which to move for a judicial stay of the Commission's action. The first day to be counted in computing the time period for seeking a judicial stay is the day after the date of the written ruling. If a motion for stay is not made within this period, the record will be produced for inspection.

(5) Because of the statutory constraints imposed upon the Commission, no extensions of time will be granted

to seek either Commission review or a judicial stay.

(j) Except as provided in paragraph (i) of this section, an application for review of an initial action on a request for inspection may be filed only by the person who made the request. The application shall be filed within 30 days after the date of the written ruling by the custodian of records, and shall be captioned, "Review of Freedom of Information Action." The envelope (if any) shall also be so captioned. The application shall be delivered or mailed to the General Counsel and shall be served on the person (if any) who originally submitted the materials to the Commission. That person may file a response within 10 working days after the application for review is filed. If the records are made available on review, the person who submitted them to the Commission (if any) will be afforded 10 working days after the date of the written ruling to seek a judicial stay. See paragraph (i) of this section. The first day to be counted in computing the time period for filing the application for review or seeking a judicial stay is the day after the date of the written ruling. (For general procedures relating to applications for review, see §1.115 of this chapter.)

(k) The Commission will make every effort to act on an application for review of an action on a request for inspection of records within 20 working days after it is filed. See, however, paragraph (i) of this section. If it is not possible to locate the records and to determine whether they should be made available for inspection within 20 working days, the General Counsel may, in the following circumstances and to the extent time has not been extended under paragraphs (g) (1)(i), (ii), or (iii) of this section, extend the time for action up to 10 working days. (The total period of extensions taken under this paragraph and under paragraph (g) of this section without the consent of the person who submitted the request shall not exceed 10 working days.):

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that

are separate from the office processing the request;

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the Commission having substantial subject matter interest therein.

If these circumstances are not present or if it is not possible to locate the records and make the determination within the extended period, the person who made the request will be advised of his/her rights and asked to consent to an extension or further extension. If the requester or person who made the request agrees to an extension, the General Counsel will confirm the agreement in a letter specifying the length of the agreed-upon extension. If the requestor or person who made the request does not agree to an extension, the Commission will continue to search for and/or assess the record and will advise the person who made the request of further developments; but that person may file a complaint in an appropriate United States district court.

(l) Subject to the application for review and judicial stay provisions of paragraphs (h) and (i) of this section, if the request is granted, the records will be produced for inspection at the earliest possible time.

(m) Staff orders and letters denying requests for inspection are signed by the official (or officials) who give final approval of their contents. If a request is denied by the Commission, notice of denial will set forth the names of the Commissioners participating in the decision.

(n) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional

charges may be imposed for again producing them.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 47 FR 0.231(d))

[40 FR 39507, Aug. 28, 1975, as amended at 40 FR 59439, Dec. 24, 1975; 45 FR 85028, Dec. 24, 1980; 49 FR 13367, Apr. 4, 1984; 49 FR 38122, Sept. 27, 1984; 53 FR 39093, Oct. 5, 1988; 55 FR 8951, Mar. 9, 1990; 55 FR 9445, Mar. 14, 1990; 62 FR 51797, Oct. 3, 1997; 63 FR 25778, 25779, May 11, 1998; 63 FR 44168, Aug. 18, 1998]

EFFECTIVE DATE NOTE: At 63 FR 44168, Aug. 18, 1998, in § 0.461, paragraph (d)(3) was revised, effective Nov. 20, 1998. For the convenience of the user, the superseded text is set forth as follows:

**§ 0.461 Requests for inspection of materials not routinely available for public inspection.**

\* \* \* \* \*

(d) \* \* \*

(3) An original and two copies of the request shall be submitted. If the request is submitted by electronic mail, only one copy need be submitted. If the request is for materials not open to routine public inspection under § 0.457(d) or § 0.459, one copy of the request will be mailed by the custodian of the records to the person who originally submitted the materials to the Commission.

\* \* \* \* \*

**§ 0.463 Demand by competent authority for the production of documents or testimony concerning information contained therein.**

(a) In the event that a demand (subpoena, order or other demand) is made by a court or other competent authority outside the Commission for the production of records or files or for testimony concerning information contained therein, the Managing Director shall promptly be advised of such demand, the nature of the papers or information sought, and all other relevant facts and circumstances. The Commission will thereupon issue such instructions as it may deem advisable.

(b) Unless specifically authorized to produce such records or files or to testify with respect thereto, any officer or employee of the Commission who is served with a demand for the production of records or files or testimony concerning the same, shall appear in response to the demand and respect-

fully decline to produce such records or files or to testify concerning them, basing the refusal upon this rule.

(Secs. 4(i), 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[49 FR 13367, Apr. 4, 1984]

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

(a) The Commission awards a contract to a commercial duplication firm to make copies of Commission records and offer them for sale to the public. In addition to the charge for copying, the contractor may charge a search fee for extracting the requested documents from the Commission's files.

NOTE: The name, address, telephone number, and schedule of fees for the current duplication contractor are published annually at the time of contract award or renewal in a Public Notice. This information may be obtained from the Office of Congressional and Public Affairs, Consumer Assistance and Small Business Division, Telephone (202) 632-7000.

(b) The Commission awards a contract to a commercial firm to transcribe Commission proceedings in which a verbatim record is kept and to offer copies of the transcript for sale to the public. Except as authorized by the Commission, the firm is required to retain the capacity to furnish copies of the transcript for a period of 5 years, and may retain that capacity for a longer period, even though another firm is currently transcribing Commission proceedings. Requests for copies of the transcript of the current proceedings should be directed to the current contractor. Requests for transcripts of older proceedings will be forwarded by the Commission to the firm which made the transcript in question; and the names of contracting firms for past years will be furnished upon request.

NOTE: The name, address, telephone number, and schedule of fees for the current transcription contractor are published annually at the time of contract award or renewal in a Public Notice. This information may be obtained from the Office of Congressional and Public Affairs, Consumer Assistance and Small Business Division, Telephone (202) 632-7000.

(c)(1) Contractual arrangements which have been entered into with commercial firms, as described in this section, do not in any way limit the right of the public to inspect Commission records or to extract therefrom whatever information may be desired. Coin-operated copy machines are available for use by the public in various reference rooms for the purpose of duplicating records available at those locations. In addition, any person may make photocopies of Commission records with his or her own equipment at locations where those records may be inspected. Prior approval for such arrangements, which must be obtained from the Operations Support Division, Office of Managing Director, is subject to the availability of adequate space and facilities to accommodate the user's equipment.

(2) The Commission has reserved the right to make copies of its records for its own use or for the use of other agencies of the U.S. Government. When it serves the regulatory or financial interests of the U.S. Government, the Commission will make and furnish copies of its records free of charge. In other circumstances, however, if it should be necessary for the Commission to make and furnish copies of its records for the use of others, the fee for this service shall be 17 cents per page. For copies prepared with other media, such as computer tapes, microfiche or videotape, the charge will be the actual direct cost including operator time. Requests for copying should be accompanied by a statement specifying the maximum copying fee the person making the request is prepared to pay. If the Commission estimates that copying charges are likely to exceed \$25 or the amount which the requester has indicated that he/she is prepared to pay, then it shall notify the requester of the estimated amount of fees. Such a notice shall offer the requester the opportunity to confer with Commission personnel with the object of revising or clarifying the request.

NOTE: The criterion considered in acting on a waiver request is whether "waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. 552(a)(4)(A). The following

factors are relevant in applying that criterion: the number of persons to be benefited, the significance of the benefit, the private interest of the requester which the release may further, the usefulness of the materials to be released to the general public and the likelihood that a tangible public benefit will be realized. (See Attorney General's 1974 FOI Amdts. Memorandum, at 15.)

(3) Requests for copies by representatives of foreign governments or persons residing in foreign countries shall be submitted to the General Counsel and will be reviewed by the General Counsel under criteria established by the Department of Commerce for controlling the export of technical data.

(4) Certified Documents. Copies of documents which are available or made available, for inspection under §§0.451 through 0.465, will be prepared and certified, under seal, by the Secretary, or for documents located in the Commission's Gettysburg, Pennsylvania Office by his deputy. Requests shall be in writing, specifying the exact documents, the number of copies desired, and the date on which they will be required. The request shall allow a reasonable time for the preparation and certification of copies. The fee for preparing copies shall be the same as that charged by the Commission as described in §0.465(c)(2). The fee for certification shall be \$10 for each document.

(d)(1) Copies of computer maintained data bases produced by the Commission may be obtained from the National Technical Information Service (NTIS), Department of Commerce, in the form of machine-readable media, e.g., magnetic tapes, microfiche, or diskettes. These materials are not available to the general public directly from the Commission. Data bases produced on magnetic tape and microfiche by the Commission are listed in two catalogs which may be obtained from NTIS. Extracts from these catalogs pertaining to the Commission are available without charge from the Office of Congressional and Public Affairs, Consumer Assistance and Small Business Division. The catalogs describe the data base, state the estimated fee for providing it, and specify ordering information. Periodic updates to computer maintained data bases, as they occur,



will not be furnished in machine-readable form.

NOTE: The Commission awards a contract to provide the public with direct electronic access to a portion of the non-Government Master Frequency File data base released for access and residing on the contractor's computer system. The name, address, telephone number, and schedule of fees for the current contractor are published annually at the time of contract award or renewal in a Public notice. This information may be obtained from the Office of Congressional and Public Affairs, Consumer Assistance and Small Business Division, Telephone (202) 632-7000.

(2) Copies of computer generated data stored as paper printouts or on microfiche may also be obtained from the Commission's duplicating contractor (see paragraph (a) of this section).

(3) Copies of computer source programs and associated documentation produced by the Commission shall be obtained through the National Technical Information Service (NTIS), Department of Commerce. NTIS will forward each request to the Commission. If it can be determined that the requested program is available, the Commission will distribute the current edition to the requester. NTIS will act as billing agent for the Commission. NTIS will bill the requester for the direct costs of production plus their overhead based on billing information provided by the Commission. Estimates of the total cost may be obtained from NTIS in advance. NTIS will not stock Commission source programs and documentation, nor will they maintain a catalog of Commission computer programs that may be available due to the large volume of programs and the frequency with which they are revised. Requests shall be limited to computer source programs and associated documentation in existence when the request is submitted; requests which require the Commission to produce unique computer programs, data bases and documentation, which are not part of its inventory at the time of the request, will not be honored. Likewise, periodic updates of these materials, as they occur, will not be furnished.

(4) The Commission reserves the right to distribute copies of its computer source programs and data bases to other entities as it sees fit, and when it serves the regulatory interests

of the U.S. Government or the Commission, as determined by the Managing Director.

(e) This section has no application to printed publications, which may be purchased from the Superintendent of Documents or private firms (see §§ 0.411 through 0.420). Nor does it apply to application forms or information bulletins, which are prepared for the use and information of the public and are available upon request (see §§ 0.421 and 0.423).

(f) Anyone requesting copies of documents pursuant to this section may select either the Commission or the contractor to fulfill the request. If a request goes directly to the contractor, the requester will be charged by the contractor pursuant to the price list set forth in the latest contract. If a request goes directly to the Commission, it shall be sent to the Office of the Managing Director for appropriate processing according to the fee standards established under the FOIA.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 47 CFR 0.231(d))

[32 FR 10573, July 19, 1967, as amended at 41 FR 51610, Nov. 23, 1976; 45 FR 85028, Dec. 24, 1980; 49 FR 13368, Apr. 4, 1984; 51 FR 34982, Oct. 1, 1986; 52 FR 36774, Oct. 1, 1987; 53 FR 39093, Oct. 5, 1988]

#### § 0.466 Definitions.

(a) For the purpose of §§ 0.467 and 0.468, the following definitions shall apply:

(1) The term *direct costs* means those expenditures which the Commission actually incurs in searching for and duplicating (and in case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include the salary of the employee performing the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits), and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses, such as costs of space, and heating or lighting the facility in which the records are stored.

(2) The term *search* includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material contained within documents.

Such activity should be distinguished, however, from “review” of material in order to determine whether the material is exempt from disclosure (see paragraph (a)(3) of this section).

(3) The term *review* refers to the process of examining documents located in response to a commercial use request (see paragraph (a)(4) of this section) to determine whether any portion of a document located is exempt from disclosure. It also includes processing any documents for disclosure, e.g., performing such functions that are necessary to excise them or otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of FOIA exemptions.

(4) The term *commercial use* request refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial interests of the requester. In determining whether a requester properly falls within this category, the Commission shall determine the use to which a requester will put the documents requested. Where the Commission has reasonable cause to question the use to which a requester will put the documents sought, or where that use is not clear from the request itself, the Commission shall seek additional clarification before assigning the request to a specific category.

(5) The term *educational institution* refers to a preschool, a public or private elementary or secondary school, an institution or graduate higher education, an institution of professional education and an institution of vocational education, which operates a program or programs of scholarly research.

(6) The term *non-commercial scientific institution* refers to an institution that is not operated on a commercial basis as that term is referenced in paragraph (a)(4) of this section, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(7) The term *representative of the news media* refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term *news* means information that is about

current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances where they can qualify as disseminators of “news”) who make their products available for purchase or subscription by the general public. These examples are not intended to be all inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of “freelance” journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

[53 FR 39093, Oct. 5, 1988]

**§0.467 Search and review fees.**

(a)(1) Subject to the provisions of this section, an hourly fee shall be charged for recovery of the full, allowable direct costs of searching for and reviewing records requested under §0.460(e) or §0.461, unless such fees are precluded or waived pursuant to §0.470. The fee is based on the grade level of the employee(s) who conducts the search, as specified in the following schedule:

Grade	Hourly fee
GS-1 .....	\$9.06
GS-2 .....	9.86
GS-3 .....	11.11
GS-4 .....	12.48
GS-5 .....	13.96
GS-6 .....	15.56
GS-7 .....	17.29
GS-8 .....	19.15
GS-9 .....	21.16
GS-10 .....	23.29
GS-11 .....	25.58
GS-12 .....	30.67
GS-13 .....	36.47
GS-14 .....	43.10
GS-15 .....	50.70

Note: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a)(1) of this section were computed at step 5 of each grade level based on the General Schedule effective January 1998 and include 20 percent for personnel benefits.

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(b) Search fees may be assessed for time spent searching, even if the Commission fails to locate the records or if the records are determined to be exempt from disclosure.

(c) The Commission shall charge only for the initial review, i.e., the review undertaken initially when the Commission analyzes the applicability of a specific exemption to a particular record. The Commission shall not charge for review at the appeal level of an exemption already applied. However, records or portions of records withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs of such a subsequent review, under these circumstances, are properly assessable.

(d) The fee charged will not exceed an amount based on the time typically required to locate records of the kind requested.

(e) If the Commission estimates that search charges are likely to exceed \$25 or the amount which the requester indicated he/she is prepared to pay, then it shall notify the requester of the estimated amount of fees. Such a notice shall offer the requester the opportunity to confer with Commission personnel with the object of revising or clarifying the request.

(f) When the search has been completed, the custodian of the records will give notice of the charges incurred to the person who made the request.

(g) The fee shall be paid to the Financial Management Division, Office of Managing Director, or as otherwise directed by the Commission.

(h) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional

charges may be imposed for again producing them.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 47 CFR 0.231(d))

[40 FR 7316, Feb. 19, 1975, as amended at 45 FR 85028, Dec. 24, 1980; 49 FR 13368, Apr. 4, 1984. Redesignated and amended at 53 FR 39093, Oct. 5, 1988; 59 FR 21946, Apr. 27, 1994; 60 FR 30002, June 7, 1995; 61 FR 14500, Apr. 2, 1996; 62 FR 42929, Aug. 11, 1997 63 FR 8140, Feb. 18, 1998]

### §0.468 Interest.

Interest shall be charged those requesters who fail to pay the fees charged. The agency will begin assessing interest charges on the amount billed starting on the 31st day following the day on which the billing was sent. The date on which the payment is received by the agency will determine whether and how much interest is due. The interest shall be set at the rate prescribed in 31 U.S.C. 3717.

[53 FR 39094, Oct. 5, 1988]

### §0.469 Advance payments.

(a)(1) The Commission may not require advance payment of estimated FOIA fees except as provided in subsection (a)(2) or where the Commission estimates or determines that allowable charges that a requester may be required to pay are likely to exceed \$250.00 and the requester has no history of payment. Where allowable charges are likely to exceed \$250.00 and the requester has a history of prompt payment of FOIA fees the Commission may notify the requester of the estimated cost and obtain satisfactory assurance of full payment.

(2) Where a requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing), the Commission may require the requester to pay the full amount owed plus any applicable interest as provided in §0.468, and to make an advance payment of the full amount of the estimated fee before the Commission begins to process a new request

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or a pending request from that requester.

(3) When the Commission acts under paragraph (a) (1) or (2) of this section, the administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denials, plus permissible extensions of these time limits) will begin only after the agency has received the fee payments described above.

(b) [Reserved]

[53 FR 39094, Oct. 5, 1988]

**§0.470 Assessment of fees.**

(a)(1) Commercial use requesters. When the Commission receives a request for documents for commercial use, it will assess charges that recover the full direct cost of searching for, reviewing and duplicating the records sought pursuant to §§0.466 and 0.467, above.

(2) Educational and non-commercial scientific institution requesters and requesters who are representatives of the news media. The Commission shall provide documents to requesters in these categories for the cost of reproduction only, pursuant to §0.465 above, excluding reproduction charges for the first 100 pages, provided however, that requesters who are representatives of the news media shall be entitled to a reduced assessment of charges only when the request is for the purpose of disseminating information.

(3) All other requesters. The Commission shall charge requesters who do not fit into any of the categories above fees which cover the full, reasonable direct cost of searching for and reproducing records that are responsive to the request, pursuant to §§0.467 and 0.465 above, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge.

(b)(1) The 100 page restriction on assessment of reproduction fees in paragraphs (a)(2) and (a)(3) of this section refers to 100 paper copies of a standard size, which will normally be "8½ × 11" or "11 × 14," or microfiche containing the equivalent of 100 pages or 100 pages of computer printout. Requesters will not be entitled to 100 microfiche.

(2) When the agency reasonably believes that a requester or group of requesters is attempting to segregate a request into a series of separate individual requests for the purpose of evading the assessment of fees, the agency will aggregate any such requests and assess charges accordingly.

(c) When a requester believes he is entitled to a restricted fee assessment pursuant to paragraphs (a)(2) and (a)(3), of this section, or a waiver pursuant to paragraph (e) of this section, the requester must include, in his original FOIA request, a statement explaining with specificity, the reasons demonstrating that he/she qualifies for a restricted fee or a fee waiver. Included in this statement should be a certification that the information will not be used to further the commercial interests of the requester.

NOTE: Anyone requesting a restricted fee must submit the request directly to the Commission and not to the contractor who will provide documents only at the contract price.

(d) If the Commission reasonably believes that a commercial interest exists, based on the information provided pursuant to paragraph (c) of this section, the requester shall be so notified and given an additional 5 working days to provide further information to justify receiving a restricted fee. During this time period, the materials will be available for inspection to the extent that the time period exceeds the 10 or 20 day time period for responding to FOIA requests, as appropriate.

(e) Copying, search and review charges shall be waived or reduced by the General Counsel, when "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. 552(a)(4)(A)(iii).

(f) The Commission shall not assess any fees if the routine cost of collecting the fee would be equal to or greater than the fee itself.

[53 FR 39094, Oct. 5, 1988]

## PLACES FOR MAKING SUBMITTALS OR REQUESTS, FOR FILING APPLICATIONS, AND FOR TAKING EXAMINATIONS

**§0.471 Miscellaneous submittals or requests.**

Persons desiring to make submittals or requests of a general nature should communicate with the Secretary of the Commission.

[36 FR 15121, Aug. 13, 1971]

**§0.473 Reports of violations.**

Reports of violations of the Communications Act or of the Commission's rules and regulations may be submitted to the Commission in Washington or to any field office.

[32 FR 10578, July 19, 1967]

**§0.475 Applications for employment.**

Persons who wish to apply for employment should communicate with the Associate Managing Director-Personnel Management.

(Secs. 4(i), 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[49 FR 13368, Apr. 4, 1984]

**§0.481 Place of filing applications for radio authorizations.**

For locations for filing applications, and appropriate fees, see §§1.1102-1.1105 of this chapter.

[56 FR 64714, Dec. 12, 1991]

**§0.482 Application for waiver of private radio rules.**

All requests for waiver of the rules governing the Private Radio Services that require a fee (see §1.1102) shall be submitted to the Mellon Bank, Pittsburgh, Pennsylvania at the address set forth in §1.1102. Waiver requests that do not require a fee should be addressed to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325-7245. Waiver requests attached to applications must be submitted in accordance with §0.401(b) of the rules.

[55 FR 19154, May 8, 1990, as amended at 56 FR 64714, Dec. 12, 1991]

**§0.483 Applications for amateur or commercial radio operator licenses.**

(a) Application filing procedures for amateur radio operator licenses are set forth in part 97 of this chapter.

(b) Application filing procedures for commercial radio operator licenses are set forth in part 13 of this chapter. Detailed information about application forms, filing procedures, and places to file applications for commercial radio operator licenses is contained in the bulletin "Commercial Radio Operator Licenses and Permits." This bulletin is available from any Commission field office or the FCC, Washington, DC 20554.

[47 FR 53378, Nov. 26, 1982]

**§0.484 Amateur radio operator examinations.**

Generally, examinations for amateur radio operation licenses shall be administered at locations and times specified by volunteer examiners. (See §97.509). When the FCC conducts examinations for amateur radio operator licenses, they shall take place at locations and times designated by the FCC.

[58 FR 13021, Mar. 9, 1993]

**§0.485 Commercial radio operator examinations.**

Generally, written and telegraphy examinations for commercial radio operator licenses shall be conducted at locations and times specified by commercial operator license examination managers. (See §13.209 of this chapter). When the FCC conducts these examinations, they shall take place at locations and times specified by the FCC.

[58 FR 9124, Feb. 19, 1993]

**§0.489 Applications for ship radio inspection and periodical survey.**

Applications for ship radio inspection or for periodical survey shall be forwarded to the radio district office nearest the desired port of inspection or place of survey.

[28 FR 12413, Nov. 22, 1963. Redesignated at 32 FR 10578, July 19, 1967]

**§0.491 Applications for exemption from compulsory ship radio requirements.**

Applications for exemption filed under the provisions of section 352(b) or 383 of the Communications Act; Regulation 4, chapter I of the Safety Convention; Regulation 5, chapter IV of the Safety Convention; Regulation 5, chapter IV of the Safety Convention; or article IX of the Great Lakes Agreement, must be filed at Exemption Requests, P.O. Box 358300, Pittsburgh, Pennsylvania 15251-5300. Emergency requests must be filed at the Federal Communications Commission, Office of the Secretary, 1919 M Street, NW., room 222, Washington, DC 20554.

[56 FR 64714, Dec. 12, 1991]

**§0.493 Non-radio common carrier applications.**

All such applications shall be filed at the Commission's offices in Washington, DC.

[28 FR 12413, Nov. 22, 1963. Redesignated at 32 FR 10578, July 19, 1967]

**Subpart D—Mandatory Declassification of National Security Information**

AUTHORITY: Secs. 4(i), 303(r), Communications Act of 1934, as amended (47 U.S.C. 154(i) and 303(r)).

SOURCE: 47 FR 53377, Nov. 26, 1982, unless otherwise noted.

**§0.501 General.**

Executive Order 12356 requires that information relating to national security be protected against unauthorized disclosure as long as required by national security considerations. The Order also provides that all information classified under Executive Order 12356 or predecessor orders be subject to a review for declassification upon receipt of a request made by a United States citizen or permanent resident alien, a Federal agency, or a state or local government.

**§0.502 Purpose.**

This subpart prescribes the procedures to be followed in submitting requests, processing such requests, ap-

peals taken from denials of declassification requests and fees and charges.

**§0.503 Submission of requests for mandatory declassification review.**

(a) Requests for mandatory review of national security information shall be in writing, addressed to the Managing Director, and reasonably describe the information sought with sufficient particularity to enable Commission personnel to identify the documents containing that information and be reasonable in scope.

(b) When the request is for information originally classified by the Commission, the Managing Director shall assign the request to the appropriate bureau or office for action.

(c) Requests related to information, either derivatively classified by the Commission or originally classified by another agency, shall be forwarded, together with a copy of the record, to the originating agency. The transmittal may contain a recommendation for action.

**§0.504 Processing requests for declassification.**

(a) Responses to mandatory declassification review requests shall be governed by the amount of search and review time required to process the request. A final determination shall be made within one year from the date of receipt of the request, except in unusual circumstances.

(b) Upon a determination by the bureau or office that the requested material originally classified by the Commission no longer warrants protection, it shall be declassified and made available to the requester, unless withholding is otherwise authorized under law.

(c) If the information may not be declassified or released in whole or in part, the requester shall be notified as to the reasons for the denial, given notice of the right to appeal the denial to the Classification Review Committee, and given notice that such an appeal must be filed within 60 days of the date of denial in order to be considered.

(d) The Commission's Classification Review Committee, consisting of the Managing Director (Chairman), the General Counsel or his designee, and

the Chief, Internal Review and Security Division, shall have authority to act, within 30 days, upon all appeals regarding denials of requests for mandatory declassification of Commission-originated classifications. The Committee shall be authorized to overrule previous determinations in whole or in part when, in its judgment, continued classification is no longer required. If the Committee determines that continued classification is required under the criteria of the Order, the requester shall be promptly notified and advised that an application for review may be filed with the Commission pursuant to 47 CFR 1.115.

**§0.505 Fees and charges.**

(a) The Commission has designated a contractor to make copies of Commission records and offer them for sale (See §0.465).

(b) An hourly fee is charged for recovery of the direct costs of searching for requested documents (See §0.466).

**§0.506 FOIA and Privacy Act requests.**

Requests for declassification that are submitted under the provisions of the Freedom of Information Act, as amended, (See §0.461), of the Privacy Act of 1974, (See §0.554) shall be processed in accordance with the provisions of those Acts.

**Subpart E—Privacy Act Regulations**

AUTHORITY: Secs. 4, 303, 49 Stat. as amended, 1066, 1082 (47 U.S.C. 154, 303).

SOURCE: 40 FR 44512, Sept. 26, 1975, unless otherwise noted.

**§0.551 Purpose and scope; definitions.**

(a) The purpose of this subpart is to implement the Privacy Act of 1974, 5 U.S.C. 552(a), and to protect the rights of the individual in the accuracy and privacy of information concerning him which is contained in Commission records. The regulations contained herein cover any group of records under the Commission's control from which information about individuals is retrievable by the name of an individual or by some other personal identifier.

(b) In this subpart:

(1) *Individual* means a citizen of the United States or an alien lawfully admitted for permanent residence;

(2) *Record* means any item, collection or grouping of information about an individual that is maintained by the Commission, including but not limited to, such individual's education, financial transactions, medical history, and criminal or employment history, and that contains such individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(3) *System of Records* means a group of records under the control of the Commission from which information is retrievable by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(4) *Routine Use* means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;

(5) *System Manager* means the Commission official responsible for the storage, maintenance, safekeeping, and disposal of a system of records.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

**§0.552 Notice identifying Commission systems of records.**

The Commission publishes in the FEDERAL REGISTER upon establishment or revision a notice of the existence and character of the system of records, including for each system of records:

(a) The name and location of the system;

(b) The categories of individuals on whom records are maintained in the system;

(c) The categories of records maintained in the system;

(d) Each routine use of the records contained in the system, including the categories of users and the purposes of such use;

(e) The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(f) The title and business address of the system manager;

(g) The address of the agency office to which inquiries should be addressed and the addresses of locations at which the individual may inquire whether a system contains records pertaining to himself;

(h) The agency procedures whereby an individual can be notified how access can be gained to any record pertaining to that individual contained in a system of records, and the procedure for correcting or contesting its contents; and

(i) The categories of sources of records in the system.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

**§0.553 New uses of information.**

Before establishing a new routine use of a system of records, the Commission will publish a notice in the FEDERAL REGISTER of its intention to do so, and will provide at least 30 days for public comment on such use. The notice will contain:

(a) The name of the system of records for which the new routine use is to be established;

(b) The authority for the system;

(c) The categories of records maintained;

(d) The proposed routine use(s); and

(e) The categories of recipients for each proposed routine use.

**§0.554 Procedures for requests pertaining to individual records in a system of records.**

(a) Upon request, the Commission will notify individuals as to whether it maintains information about them in a system of records and, subject to the provisions of §0.555(b), will disclose the substance of such information to that individual. In order to properly request notification or access to record information, reference must be made to the Notice described in §0.552. A table of contents, which is alphabetized by bureau or office, precedes the system descriptions and allows members of the public to easily identify record systems of interest to them. An individual may

inquire into information contained in any or all systems of records described in the Notice. However, each inquiry shall be limited to information from systems located within a single bureau or office and shall be addressed to that bureau or office.

(b) Reasonable identification is required of all individuals making requests pursuant to paragraph (a) of this section in order to assure that disclosure of any information is made to the proper person.

(1) Individuals who choose to register a request for information in person may verify their identity by showing any two of the following: social security card; drivers license; employee identification card; medicare card; birth certificate; bank credit card; or other positive means of identification. Documents incorporating a picture and/or signature of the individual shall be produced if possible. If an individual cannot provide suitable documentation for identification, that individual will be required to sign an identity statement stipulating that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to \$5,000.

NOTE: An individual's refusal to disclose his social security number shall not constitute cause in and of itself, for denial of a request.

(2) All requests for record information sent by mail shall be signed by the requestor and shall include his printed name, current address and telephone number (if any). Commission officials receiving such requests will attempt to verify the identity of the requestor by comparing his or her signature to those in the record. If the record contains no signatures and if positive identification cannot be made on the basis of other information submitted, the requestor will be required to sign an identity statement and stipulate that knowingly or willfully seeking or obtaining access to records about another person under false pretense is punishable by a fine of up to \$5,000.

(3) If positive identification cannot be made on the basis of the information submitted, and if data in the record is so sensitive that unauthorized



access could cause harm or embarrassment to the individual to whom the record pertains, the Commission reserves the right to deny access to the record pending the production of additional more satisfactory evidence of identity.

NOTE: The Commission will require verification of identity only where it has determined that knowledge of the existence of record information or its substance is not subject to the public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended.

(c) All requests for notification of the existence of record information or for access to such information shall be delivered to the business address of the system manager responsible for the system of records in question, except that requests relating to official personnel records shall be addressed to the Associate Managing Director—Personnel Management. Such addresses can be found in the FEDERAL REGISTER Notice described in § 0.552.

(d) A written acknowledgement of receipt of a request for notification and/or access will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual making the request. Such an acknowledgement may, if necessary, request any additional information needed to locate a record. A search of all systems of records identified in the individual's request will be made to determine if any records pertaining to the individual are contained therein, and the individual will be notified of the search results as soon as the search has been completed. Normally, a request will be processed and the individual notified of the search results within 30 days (excluding Saturdays, Sundays, and legal holidays) from the date the inquiry is received. However, in some cases, as where records have to be recalled from Federal Record Centers, notification may be delayed. If it is determined that a record pertaining to the individual making the request does exist, the notification will state approximately when the record will be available for personal review. No separate acknowledgement is required if the request can be processed and the

individual notified of the search results within the ten-day period.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13368, Apr. 4, 1984]

**§ 0.555 Disclosure of record information to individuals.**

(a) Individuals having been notified that the Commission maintains a record pertaining to them in a system of records may request access to such record in one of three ways: by in person inspection at the system location; by transfer of the record to a nearer location; or by mail.

(1) Individuals who wish to review their records at the system location must do so during regular Commission business hours (8:00 a.m.-4:30 p.m., Monday through Friday). For personal and administrative convenience, individuals are urged to arrange to review a record by appointment. Preferences as to specific dates and times can be made by writing or calling the system manager responsible for the system of records in question at least two days in advance of the desired appointment date, and by providing a telephone number where the individual can be reached during the day in case the appointment must be changed. Verification of identity is required as in § 0.554(b)(1) before access will be granted an individual appearing in person. Individuals may be accompanied by a person of his or her own choosing when reviewing a record. However, in such cases, a written statement authorizing discussion of their record in the presence of a Commission representative having physical custody of the records.

(2) Individuals may request that a record be transferred to a Commission field office or installation in the vicinity of his or her home and that access be granted at that location. The addresses of Commission field offices are listed in § 0.121. A request to transfer records must specify the exact location where the records should be sent and a telephone number to call when the information is available for review at the field location. Paragraph (a)(1) of this

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section regarding personal appointments, verification of identity accompanying persons, and disclosure of original records applies equally to this paragraph.

(3) Individuals may request that copies of records be sent directly to them. In such cases, individuals must verify their identity as §0.554(b)(2) and provide an accurate return address. Records shall be sent only to that address.

(b) The disclosure of record information under this section is subject to the following limitations:

(1) Records containing medical information pertaining to an individual are subject to individual access under this section unless, in the judgment of the system manager having custody of the records after consultation with a medical doctor, access to such record information could have an adverse impact on the individual. In such cases, a copy of the record will be delivered to a medical doctor named by the individual.

(2) Classified material, investigative material compiled for law enforcement purposes, investigatory material compiled solely for determining suitability for Federal employment or access to classified information, and certain testing or examination material shall be removed from the records to the extent permitted in the Privacy Act of 1974, 5 U.S.C. 552(a). Section 0.561 of this subpart sets forth the systems of records maintained by the Commission which are either totally or partially exempt from disclosure under this subparagraph.

(c) No fee will be imposed if the number of pages of records requested is 25 or less. Requests involving more than 25 pages shall be submitted to the duplicating contractor (see §0.456(a)).

(d) The provisions of this section in no way give an individual the right to access any information compiled in reasonable anticipation of a civil action or proceeding.

(e) In the event that a determination is made denying an individual access to records pertaining to that individual for any reason, such individual may either:

(1) Seek administrative review of the adverse determination. Such a request

shall be in writing and should be addressed to the system manager who made the initial decision. In addition, the request for review shall state specifically why the initial decision should be reversed.

(2) Seek judicial relief in the district courts of the United States pursuant to paragraph (g)(1)(B) of the Act.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 40 FR 58858, Dec. 19, 1975; 49 FR 13369, Apr. 4, 1984]

### **§0.556 Request to correct or amend records.**

(a) An individual may request the amendment of information contained in their record. Except as otherwise provided in this paragraph, the request to amend should be submitted in writing to the system manager responsible for the records. Requests to amend the official personnel records of active FCC employees should be submitted to the Associate Managing Director—Personnel Management, Office of Managing Director, 1919 M Street, NW., Washington, D.C. 20554. Requests to amend official personnel records of former FCC employees should be sent to the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415. Any request to amend should contain as a minimum:

(1) The identity verification information required by §0.554(b)(2) and the information needed to locate the record as required by §0.554(a).

(2) A brief description of the item or items of information to be amended; and

(3) The reason for the requested change.

(b) A written acknowledgement of the receipt of a request to amend a record will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual requesting the amendment. Such an acknowledgement may, if necessary, request any additional information needed to make a determination. There will be no acknowledgement if the request

can be reviewed, processed, and the individual notified of compliance or denial within the 10 day period.

(c) The responsible system manager, or in the case of official personnel records of active FCC employees, the Associate Managing Director—Personnel Management, shall (normally within 30 days) take one of the following actions regarding a request to amend:

(1) If the system manager agrees that an amendment to the record is warranted, the system manager shall:

(i) So advise the individual in writing;

(ii) Correct the record in compliance with the individual's request; and

(iii) If an accounting of disclosures has been made, advise all previous recipients of the fact that the record has been corrected and of the substance of the correction.

(2) If the system manager, after an initial review, does not agree that all or any portion of the record merits amendment, the system manager shall:

(i) Notify the individual in writing of such refusal to amend and the reasons therefore;

(ii) Advise the individual that further administrative review of the initial decision by the full Commission may be sought pursuant to the procedures set forth in § 0.557. (In cases where the request to amend involves official personnel records, review is available exclusively from the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, Washington, DC 20415; and

(iii) Inform the individual of the procedures for requesting Commission review pursuant to § 0.557.

(d) In reviewing a record in response to a request to amend, the system manager shall assess the accuracy, relevance, timeliness, or completeness of the record in light of each data element placed into controversy and the use of the record in making decisions that could possibly affect the individual. Moreover, the system manager shall adjudicate the merits of any request to delete information based on whether or not the information in controversy is both relevant and necessary to accomplish a statutory purpose required

of the Commission by law or executive order of the President.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 45 FR 39850, June 12, 1980; 49 FR 13369, Apr. 4, 1984]

**§ 0.557 Administrative review of an initial decision not to amend a record.**

(a) Individuals have 30 days from the date of the determination not to amend a record consistent with their request to seek further administrative review by the full Commission. Such a request shall be in writing and should be addressed to either the system manager who made the initial adverse decision, or, in the case of official personnel records of active FCC employees, to the Assistant Director for Work Force Information, Compliance and Investigations Group, Office of Personnel Management, Washington, DC 20415. Any request for administrative review must:

(1) Clearly identify the questions presented for review (e.g., whether the record information in question is, in fact, accurate; whether information subject to a request to delete is relevant and necessary to the purpose for which it is maintained);

(2) Specify with particularity why the decision reached by the system manager is erroneous or inequitable; and

(3) Clearly state how the record should be amended or corrected.

(b) The Commission shall conduct an independent review of the record in controversy using the standards of review set out in § 0.556(d). It may seek such additional information as is necessary to make its determination. Final administrative review shall be completed not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date on which the individual requests such review unless the Chairman determines that a fair and equitable review cannot be made within the 30 day period. In such event, the individual will be informed in writing of the reasons for the delay and the approximate date on which the review is expected to be completed.

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(c) If upon review of the record in controversy the Commission agrees with the individual that the requested amendment is warranted, the Commission will proceed in accordance with §0.556(c)(1) (i) through (iii).

(d) If after the review, the Commission also refuses to amend the record as requested, it shall:

(1) Notify the individual in writing of its refusal and the reasons therefore;

(2) Advise the individual that a concise statement of the reasons for disagreeing with the decision of the Commission may be filed;

(3) Inform the individual:

(i) That such a statement should be signed and addressed to the system manager having custody of the record in question;

(ii) That the statement will be made available to any one to whom the record is subsequently disclosed together with, at the Commission's discretion, a summary of its reasons for refusing to amend the record; and

(iii) That prior recipients of the record will be provided a copy of the statement of dispute to the extent that an accounting of such disclosures is maintained; and

(4) Advise the individual that judicial review of the Commission's decision not to amend the record in any district court of the United States is available.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 45 FR 39850, June 12, 1980; 49 FR 13369, Apr. 4, 1984]

**§0.558 Advice and assistance.**

Individuals who have questions regarding the procedures contained in this subpart for gaining access to a particular system of records or for contesting the contents of a record, either administratively or judicially, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Office of General Counsel, 1919 M Street NW., Washington, DC 20554.

Individuals who request clarification of the Notice described in §0.552 or who have questions concerning the characterization of specific systems of

records as set forth therein, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Records Management Branch, Office of Managing Director, 1200 19th Street, NW. Room BB-325, Washington, DC 20554

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13369, Apr. 4, 1984]

**§0.559 Disclosure of disputed information to persons other than the individual to whom it pertains.**

If the Commission determines not to amend a record consistent with an individual's request, and if the individual files a statement of disagreement pursuant to §0.557(d)(2), the Commission shall clearly annotate the record so that the disputed portion becomes apparent to anyone who may subsequently have access to, use or disclose the record. A copy of the individual's statement of disagreement shall accompany any subsequent disclosure of the record. In addition, the Commission may include a brief summary of its reasons for not amending the record when disclosing the record. Such statements become part of the individual's record for granting access, but are not subject to the amendment procedures of §0.556.

**§0.560 Penalty for false representation of identity.**

Any individual who knowingly and willfully requests or obtains under false pretenses any record concerning an individual from any system of records maintained by the Commission shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000.

**§0.561 Exemptions.**

The following systems of records are totally or partially exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§0.554 through 0.557 of this subpart:

(a) *System name.* Radio Operator Records—FCC/FOB-1. Parts of this system of records are exempt pursuant to Section (k)(2) of the Act because they

contain investigatory material compiled solely for law enforcement purposes.

(b) *System name.* Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)—FCC/FOB-2. Parts of this system of records are EXEMPT because they are maintained as a protective service for individuals described in section 3056 of title 18, and because they are necessary for Commission employees to perform their duties, pursuant to sections (k) (1), (2), and (3) of the Act.

(c) *System name.* Attorney Misconduct Files—FCC/OGC-2. This system of records is exempt pursuant to section 3(k)(2) of the Act because it is maintained for law enforcement purposes.

(d) *System name.* Licensees or Unlicensed Persons Operating Radio Equipment Improperly—FCC. Parts of this system of records are exempt pursuant to section 3(k)(2) of the Act because they embody investigatory material compiled solely for law enforcement purposes.

(e) *System name.* Personnel Investigation Records—FCC/Central-6. Parts of these systems of records are exempt because they embody investigatory material pursuant to sections 3(k)(2) and 3(k)(5) of the Act as applicable.

(f) *System name.* Criminal Investigative Files—FCC/OIG-1. Compiled for the purpose of criminal investigations. This system of records is exempt pursuant to section (j)(2) of the Act because the records contain investigatory material compiled for criminal law enforcement purposes.

(g) *System name.* General Investigative Files—FCC/OIG-2. Compiled for law enforcement purposes. This system of records is exempt pursuant to section (k)(2) of the Act because the records contain investigatory material compiled for law enforcement purposes.

(Secs. 4(i) and 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[40 FR 44512, Sept. 26, 1975, as amended at 49 FR 13369, Apr. 4, 1984; 58 FR 11549, Feb. 26, 1993]

### Subpart F—Meeting Procedures

AUTHORITY: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).

SOURCE: 42 FR 12867, Mar. 7, 1977, unless otherwise noted.

#### § 0.601 Definitions.

For purposes of this section:

(a) The term *agency* means:

(1) The Commission,

(2) A board of Commissioners (see § 0.212),

(3) The Telecommunications Committee (see § 0.215), and

(4) Any other group of Commissioners hereafter established by the Commission on a continuing or *ad hoc* basis and authorized to act on behalf of the Commission.

(b) The term *meeting* means the deliberations among a quorum of the Commission, a Board of Commissioners, or a quorum of a committee of Commissioners, where such deliberations determine or result in the joint conduct of disposition of official agency business, except that the term does not include deliberations to decide whether a meeting should be open or closed. (The term includes conference telephone calls, but does not include the separate consideration of Commission business by Commissioners.) For purposes of this subpart each item on the agenda of a meeting is considered a meeting or a portion of a meeting.

[42 FR 12867, Mar. 7, 1977, as amended at 48 FR 56391, Dec. 21, 1983]

#### § 0.602 Open meetings.

(a) All meetings shall be conducted in accordance with the provisions of this subpart.

(b) Except as provided in § 0.603, every portion of every meeting shall be open to public observation. Observation does not include participation or disruptive conduct by observers, and persons engaging in such conduct will be removed from the meeting.

(c) The right of the public to observe open meetings does not alter those rules in this chapter which relate to the filing of motions, pleadings, or other documents. Unless such pleadings conform to the other procedural requirements of this chapter, pleadings based upon comments or discussions at open meetings, as a general rule, will not become part of the official record, will receive no consideration, and no

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further action by the Commission will be taken thereon.

(d) Deliberations, discussions, comments or observations made during the course of open meetings do not themselves constitute action of the Commission. Comments made by Commissioners may be advanced for purposes of discussion and may not reflect the ultimate position of a Commissioner.

[42 FR 12867, Mar. 7, 1977, as amended at 45 FR 63491, Sept. 25, 1980]

**§0.603 Bases for closing a meeting to the public.**

Except where the agency finds that the public interest requires otherwise, an agency or advisory committee meeting may be closed to the public, and information pertaining to such meetings which would otherwise be disclosed to the public under §0.605 may be withheld, if the agency determines that an open meeting or the disclosure of such information is likely to:

(a) Disclose matters that: (1) Are specifically authorized under criteria established by executive order to be kept secret in the interest of national defense or foreign policy, and (2) are in fact properly classified pursuant to such executive order (see §0.457(a));

(b) Relate solely to the internal personnel rules and practices of an agency (see §0.457(b));

(c) Disclose matters specifically exempted from disclosure, by statute (other than the Freedom of Information Act, 5 U.S.C. 552). *Provided*, That such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld (see §0.457(c));

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential (see §0.457(d));

(e) Involve accusing any person of a crime or formally censuring any person;

(f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (see §0.457(f));

(g) Disclose investigatory records compiled for law enforcement purposes,

or information which if written would be contained in such records, but only to the extent that the production of such records or information would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel;

(h) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, except where the agency has already disclosed to the public the content or nature of the disclosed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(j) Specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures specified in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for hearing.

**§0.605 Procedures for announcing meetings.**

(a) Notice of all open and closed meetings will be given.

(b) The meeting notice will be submitted for publication in the FEDERAL REGISTER on or before the date on

which the announcement is made. Copies will be available in the Press and News Media Division on the day the announcement is made. Copies will also be attached to "FCC Actions Alert", which is mailed to certain individuals and groups who have demonstrated an interest in representing the public in Commission proceedings.

(c)(1) If the agency staff determines that a meeting should be open to the public, it will, at least one week prior to the meeting, announce in writing the time, place and subject matter of the meeting, that it is to be open to the public, and the name and phone number of the Chief, Press and News Media Division, who has been designated to respond to requests for information about the meeting.

(2) If the staff determines that a meeting should be closed to the public, it will refer the matter to the General Counsel, who will certify that there is (or is not) a legal basis for closing the meeting to the public. Following action by the General Counsel, the matter may be referred to the agency for a vote on the question of closing the meeting (See § 0.606).

(d)(1) If the question of closing a meeting is considered by the agency but no vote is taken, the agency will, at least one week prior to the meeting, announce in writing the time, place and subject matter of the meeting, that it is to be open to the public, and the name and phone number of the Chief, Press and News Media Division.

(2) If a vote is taken, the agency will, in the same announcement and within one day after the vote, make public the vote of each participating Commissioner.

(3) If the vote is to close the meeting, the agency will also, in that announcement, set out a full written explanation of its action, including the applicable provision(s) of § 0.603, and a list of persons expected to attend the meeting, including Commission personnel, together with their affiliations. The Commissioners, their assistants, the General Counsel, the Executive Director, the Chief, Press and News Media Division, and the Secretary are expected to attend all Commission meetings. The appropriate Bureau or Office Chief and Division Chief are expected

to attend meetings which relate to their responsibilities (see subpart A of this part).

(4) If a meeting is closed, the agency may omit from the announcement information usually included, if and to the extent that it finds that disclosure would be likely to have any of the consequences listed in § 0.603.

(e) If the prompt and orderly conduct of agency business requires that a meeting be held less than one week after the announcement of the meeting, or before that announcement, the agency will issue the announcement at the earliest practicable time. In addition to other information, the announcement will contain the vote of each member of the agency who participated in the decision to give less than seven days notice and will specify the nature of the emergency situation if it is not clear from the subject matter.

(f) If, after announcement of a meeting, the time or place of the meeting is changed or the meeting is cancelled, the agency will announce the change at the earliest practicable time.

(g) If the subject matter or the determination to open or close a meeting is changed, the agency will publicly announce the change and the vote of each member at the earliest practicable time. The announcement will contain a finding that agency business requires the change and that no earlier announcement of the change was possible.

(47 U.S.C. 154, 155, 303)

[42 FR 12867, Mar. 7, 1977, as amended at 44 FR 12425, Mar. 7, 1979; 44 FR 70472, Dec. 7, 1979]

**§ 0.606 Procedures for closing a meeting to the public.**

(a) For every meeting closed under § 0.603, the General Counsel will certify that there is a legal basis for closing the meeting to the public and will state each relevant provision of § 0.603. The staff of the agency will refer the matter to the General Counsel for certification before it is referred to the agency for a vote on closing the meeting. Certifications will be retained in a public file in the Minute and Rules Branch, Office of the Secretary.

(b) The agency will vote on the question of closing a meeting.

(1) If a member of the agency requests that a vote be taken;

(2) If the staff recommends that a meeting be closed and one member of the agency requests that a vote be taken; or

(3) If a person whose interests may be directly affected by a meeting requests the agency to close the meeting for any of the reasons listed in §0.603 (e), (f) or (g), or if any person requests that a closed meeting be opened, and a member of the agency requests that a vote be taken. (Such requests may be filed with the Secretary at any time prior to the meeting and should briefly state the reason(s) for opening or closing the meeting. To assure that they reach the Commission for consideration prior to the meeting, they should be submitted at the earliest practicable time and should be called specifically to the attention of the Secretary—in person or by telephone. It will be helpful if copies of the request are furnished to the members of the agency and the General Counsel. The filing of a request shall not stay the holding of a meeting.)

(c) A meeting will be closed to the public pursuant to §0.603 only by vote of a majority of the entire membership of the agency. The vote of each participating Commissioner will be recorded. No Commissioner may vote by proxy.

(d) A separate vote will be taken before any meeting is closed to the public and before any information is withheld from the meeting notice. However, a single vote may be taken with respect to a series of meetings proposed to be closed to the public, and with respect to information concerning such series of meetings (a vote on each question, if both are presented), if each meeting involves the same particular matters and is scheduled to be held no later than 30 days after the first meeting in the series.

(e) Less than seven days notice may be given only by majority vote of the entire membership of the agency.

(f) The subject matter or the determination to open or close a meeting will be changed only if a majority of the entire membership of the agency determines by recorded vote that agency business so requires and that no ear-

lier announcement of the change was possible.

**§0.607 Transcript, recording or minutes; availability to the public.**

(a) The agency will maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting closed to the public, except that in a meeting closed pursuant to paragraph (h) or (j) of §0.603, the agency may maintain minutes in lieu of a transcript or recording. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any item will be identified in the minutes.

(b) A public file of transcripts (or minutes) of closed meetings will be maintained in the Minute and Rules Branch, Office of the Secretary. The transcript of a meeting will be placed in that file if, after the meeting, the responsible Bureau or Office Chief determines, in light of the discussion, that the meeting could have been open to the public or that the reason for withholding information concerning the matters discussed no longer pertains. Transcripts placed in the public file are available for inspection under §0.460. Other transcripts, and separable portions thereof which do not contain information properly withheld under §0.603, may be made available for inspection under §0.461. When a transcript, or portion thereof, is made available for inspection under §0.461, it will be placed in the public file. Copies of transcripts may be obtained from the duplicating contractor pursuant to §0.465(a). There will be no search or transcription fee. Requests for inspection or copies of transcripts shall specify the date of the meeting, the name of the agenda and the agenda item number; this information will appear in the notice of the meeting. Pursuant to §0.465(c)(3), the Commission will make copies of the transcript available directly, free of charge, if it serves the financial or regulatory interests of the United States.



(c) The Commission will maintain a copy of the transcript or minutes for a period of at least two years after the meeting, or until at least one year after conclusion of the proceeding to which the meeting relates, whichever occurs later.

## PART 1—PRACTICE AND PROCEDURE

### Subpart A—General Rules of Practice and Procedure

#### GENERAL

##### Sec.

- 1.1 Proceedings before the Commission.
- 1.2 Declaratory rulings.
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- 1.4 Computation of time.
- 1.5 Mailing address furnished by licensee.
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- 1.7 Documents are filed upon receipt.
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- 1.10 Transcript of testimony; copies of documents submitted.
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- 1.21 Parties.
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- 1.41 Informal requests for Commission action.
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- 1.93 Consent orders.
- 1.94 Consent order procedures.
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- 1.101 General provisions.
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