

Federal Communications Commission

§ 61.33

§ 61.32 Method of filing publications.

(a) Publications sent for filing must be addressed to "Secretary, Federal Communications Commission, Washington, DC 20554." The date on which the publication is received by the Secretary of the Commission (or the Mail Room where submitted by mail) is considered the official filing date.

(b) In addition, except for issuing carriers filing tariffing fees electronically, for all tariff publications requiring fees as set forth in part 1, subpart G of this chapter, issuing carriers must submit the original of the transmittal letter (without attachments), FCC Form 159, and the appropriate fee to the U.S. Bank, St. Louis, Missouri, at the address set forth in §1.1105 of this chapter. Issuing carriers submitting tariffing fees electronically should submit the Form 159 and the original cover letter to the Secretary of the Commission in lieu of the U.S. Bank. The Form 159 should display the Electronic Audit Code in the box in the upper left hand corner marked "reserved." Issuing carriers should submit these fee materials on the same date as the submission in paragraph (a) of this section.

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

[55 FR 19173, May 8, 1990, as amended at 64 FR 46588, 46593, Aug. 26, 1999; 67 FR 13228, Mar. 21, 2002; 73 FR 9031, Feb. 19, 2008]

EFFECTIVE DATE NOTE: At 76 FR 43211, July 20, 2011, §61.32 was removed. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 61.33 Letters of transmittal.

(a) Except as specified in §61.32(b), all publications filed on paper with the Commission must be numbered consecutively by the issuing carrier beginning with Number 1, and must be accompanied by a letter of transmittal, A4 (21 cm×29.7 cm) or 8½ by 11 inches (21.6 cm×27.9 cm) in size. All letters of transmittal must

(1) Concisely explain the nature and purpose of the filing;

(2) Specify whether supporting information under §61.38 is required;

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

(4) Contain a statement indicating the date and method of filing of the original of the transmittal letter as required by §61.32(b), and the date and method of filing the copies as required by §61.32 (a) and (c); and

(5) Include the FCC Registration Number (FRN) of the carrier(s) on whose behalf the letter is submitted. See part 1, subpart W of this chapter.

(b) In addition to the requirements set forth in paragraph (a) of this section, any local exchange carrier choosing to file an Access Tariff under §61.39 must include in the transmittal:

(1) A summary of the filing's basic rates, terms and conditions;

(2) A statement concerning whether any prior Commission facility authorization necessary to the implementation of the tariff has been obtained; and

(3) A statement that the filing is made pursuant to §61.39.

(c) In addition to the requirements set forth in paragraph (a) of this section, any carrier filing a price cap tariff must include in the letter of transmittal a statement that the filing is made pursuant to §61.49.

(d) Tariffs filed pursuant to section 204(a)(3) of the Communications Act shall display prominently in the upper right hand corner of the letter of transmittal a statement that the filing is

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made pursuant to that section and whether it is being filed on 7- or 15-days' notice.

(e) In addition to the requirements set forth in paragraph (a) of this section, any carrier filing a new or revised tariff made on 15 days' notice or less shall include in the letter of transmittal, the name, room number, street address, telephone number, and facsimile number of the individual designated by the filing carrier to receive personal or facsimile service of petitions against the filing as required under §1.773(a)(4) of this chapter.

(f) In addition to the requirements set forth in paragraphs (a), (b), and (c) of this section, the letter of transmittal must specifically reference by number any special permission necessary to implement the tariff publication. Special permission must be granted prior to the filing of the tariff publication, and may not be requested in the transmittal letter.

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

(Exact name of carrier in full)

(Post Office Address)

(Date)

Transmittal No.
Secretary, Federal Communications Commission; Washington, DC 20554

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

(Name of issuing officer or agent)

(Title)

(h)(1) A separate letter of transmittal may accompany each publication, or the above format may be modified to provide for filing as many publications as desired with one transmittal letter.
(2) [Reserved]

NOTE TO §61.33: If a receipt for accompanying publication is desired, the letter of transmittal must be sent in duplicate. One

copy showing the date of receipt by the Commission will then be returned to the sender.

[55 FR 19173, May 8, 1990, as amended by 56 FR 55239, Oct. 25, 1991; 58 FR 17530, Apr. 5, 1993; 58 FR 44906, Aug. 25, 1993; 62 FR 5777, Feb. 7, 1997; 64 FR 46588, 46593, Aug. 26, 1999; 66 FR 47896, Sept. 14, 2001; 67 FR 13228, Mar. 21, 2002]

EFFECTIVE DATE NOTE: At 76 FR 43211, July 20, 2011, §61.33 was removed. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

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

(a) *Scope.* This section applies to dominant carriers whose gross annual revenues exceed \$500,000 for the most recent 12 month period of operations or are estimated to exceed \$500,000 for a representative 12 month period. Incumbent Local Exchange Carriers serving 50,000 or fewer access lines in a given study area that are described as subset 3 carriers in §69.602 of this chapter may submit Access Tariff filings for that study area pursuant to either this section or §61.39. However, the Commission may require any issuing carrier to submit such information as may be necessary for a review of a tariff filing. This section (other than the preceding sentence of this paragraph) shall not apply to tariff filings proposing rates for services identified in §61.42 (d), (e), and (g).

(b) *Explanation and data supporting either changes or new tariff offerings.* The material to be submitted for a tariff change which affects rates or charges or for a tariff offering a new service, must include an explanation of the changed or new matter, the reasons for the filing, the basis of ratemaking employed, and economic information to support the changed or new matter.

(1) For a tariff change the issuing carrier must submit the following, including complete explanations of the bases for the estimates.

(i) A cost of service study for all elements for the most recent 12 month period;

(ii) A study containing a projection of costs for a representative 12 month period;