

FCC MAIL SECTION

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II. BACKGROUND

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

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DISPATCHED BY CC Docket No. 92-117

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In the Matter of

Amendment to Section 1.773 of the
Commission's Rules Regarding
Pleading Cycle for Petitions
Against Tariff Filings Made on
14 Days' Notice

REPORT AND ORDER

Adopted: February 12, 1993; Released: March 11, 1993

By the Commission:

I. INTRODUCTION

1. On June 1, 1992, this Commission released a Notice of Proposed Rulemaking¹ to consider adjusting the pleading cycle for petitions seeking investigation, suspension, or rejection of tariff filings made on 14 days' notice under Section 1.773 of the Commission's Rules, 47 C.F.R. § 1.773. We now adopt the proposals in the *Pleading Cycle NPRM* with certain modifications. Specifically, in order to allow the Commission additional time to evaluate arguments against the lawfulness of tariffs filed on 14 days' notice, we now require that petitions be filed within six calendar days after the date of 14-day tariff filings and that subsequent replies be filed within three calendar days after the latest date that petitions could be filed. Because of this shortened pleading cycle, we also require that petitions be served in person or by facsimile on the filing carrier. Carriers retain the option to serve their replies to petitioners by mail.

2. The Commission has adopted streamlined review for a number of different types of tariff filings. For example, under price cap regulation, AT&T Communications and certain local exchange carriers (LECs) may file tariff transmittals for below-cap, within-band rate changes on 14 days' notice.² In addition, the *Interexchange Order* amended our rules to exclude most of AT&T's business services from price cap regulation and to streamline tariff review of these services.³ Pursuant to the *Interexchange Order*, AT&T may file tariffs on 14 days' notice for most of its business services. Finally, non-dominant carriers are also allowed to file tariffs on 14 days' notice, and these filings are presumed lawful.⁴ In allowing streamlined review of these various tariffs, the Commission has emphasized that such review is not equivalent to automatic acceptance of a rate or other tariff change; parties continue to have the opportunity to petition tariff filings and address issues such as discrimination.⁵

3. The Commission has been concerned that there is not adequate time to evaluate both petitions against 14-day filings and the carrier's response to these petitions because the pleading cycle for a 14-day tariff ends after the effective date of the tariff if a petition is served by mail.⁶ Therefore, in order to allow interested parties time to respond to 14-day filings and the Commission time to evaluate these contentions prior to the effective date of the tariff, the Commission tentatively concluded in the *Pleading Cycle NPRM* that we must amend Section 1.773. We proposed shortening the periods for petitions and replies by one day each and counting intermediate holidays in computing both filing periods, making petitions due within six calendar days after the date of the filing and replies due within three calendar days after service of the petition. This change would give the Commission four days to consider the pleadings received after the pleading cycle closes.

4. The Commission also tentatively concluded that the shortened pleading cycle should be accompanied by a change in the rule for serving pleadings. Section 1.773 permits service by mail, which further lengthens the time within which pleadings must be filed with the Commission. We therefore proposed personal service for petitions and replies and sought comment on whether to permit facsimile (fax) service in addition to mailing a copy, as an alternative to personal service to parties other than the

¹ Amendment to Section 1.773 of the Commission's Rules Regarding Pleading Cycle for Petitions Against Tariff Filings Made on 14 Days' Notice, Notice of Proposed Rulemaking, CC Docket No. 92-117, 7 FCC Rcd 3386 (1992) (*Pleading Cycle NPRM*).

² See Section 61.58(c)(2) of the Commission's Rules, 47 C.F.R. § 61.58(c)(2). See also Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313, Second Report and Order, 5 FCC Rcd 6786, 6822 (1990) and Erratum, 5 FCC Rcd 7664 (1990) (*LEC Price Cap Order*) (adopting 14-day filing rule for LECs), modified on recon. 6 FCC Rcd 2637 (1991), petitions for further recon. pending, appeal docketed, D.C. PSC v. FCC, No. 91-1279 (D.C. Cir. June 14, 1991); Report and Order and Second Further Notice, 4 FCC Rcd 2873, 3095-3100 (1989) and Erratum, 4 FCC Rcd 3379 (1989) (*AT&T Price Cap Order*) (adopting 14-day filing rule for AT&T), modified on recon. 6 FCC Rcd 665 (1991), remanded in part, *AT&T v. FCC*, No. 91-1178 (D.C. Cir. Sept. 8, 1992).

³ Competition in the Interstate Interexchange Marketplace, 6 FCC Rcd 5880 (1991) (*Interexchange Order*), reconsidered in part, Memorandum Opinion and Order, 6 FCC Rcd 7569 (1991), further reconsideration, 7 FCC Rcd 2677 (1992). AT&T's services offered to residential and small business customers, its 800 services and analog private line services remain subject to price cap regulation.

⁴ See 47 C.F.R. § 61.58(b).

⁵ See, e.g., *LEC Price Cap Reconsideration Order*, 6 FCC Rcd at 2697.

⁶ Petitions against a tariff filed on less than 30 days' notice are due seven calendar days after the filing. Replies are due four days after service of the petition. Intermediate holidays are counted as part of the petition period; holidays are not counted as part of the reply period. In addition, a carrier served with a petition by mail has an additional three days to file its reply. See 47 C.F.R. § 1.773.

Commission. We received thirteen comments on the Commission's *Pleading Cycle NPRM* and nine replies to those comments.⁷

III. DISCUSSION

A. Filing of Petitions

5. To facilitate Commission evaluation of 14-day tariff filings, all commenters, except three, supported the proposal to require petitions to be filed within six calendar days after the date of the filing.⁸ The Networks and TMA oppose the reduction from seven days to six days, arguing that the seven day filing period is already barely sufficient. TMA believes that the shortened pleading cycle will curtail the ability of parties with limited resources to respond to the filings.⁹ The Networks suggest that if the Commission changes the filing period for a petition to six days it should require that the pleading cycle begin to run from the date the tariff filing appears in the publicly released tariff reference log.¹⁰

6. SWB disagrees with the Networks. It argues that if there is a time lag between the date of the tariff filing and the date the filing appears in the reference log, an affected party can request additional time to respond. Furthermore, say SWB, the Networks have not shown that they have ever been disadvantaged by such a time lag.¹¹

7. In the context of evaluating 14-day tariff filings, we conclude that petitions seeking investigation, suspension, or rejection of such tariffs be filed within six calendar days after the date of the filing. Under the current rules, intermediate holidays have been counted as part of the seven day pleading cycle for petitions. Thus, this rule change effectively reduces the filing time for petitions by only one day. While a one-day reduction in the time petitioners have to respond to tariffs places slightly more burdens on petitioners, the alternatives (e.g. minimizing the reply cycle for carriers) create a process in which the carrier's reply is either not available at all or is available too soon before the tariff effective date to permit consideration of all arguments. We believe that this slight modification of the petition cycle from seven days to six will allow the Commission to achieve its goal of full consideration of arguments against 14-day filings in the least burdensome manner to petitioners.¹²

8. The Commission will not adopt the Networks' proposal to begin the pleading cycle for petitions on the date the tariff filing appears on the public reference log. As US West notes, the Commission in this proceeding is synchronizing the tariff pleading cycle with the 14-day tariff notice requirement.¹³ The Networks' proposal is a fundamental

alteration of existing notice requirements under Section 61.58(a)(1) of our rules, 47 C.F.R. § 61.58(a)(1), which states that notice of a tariff filing is accomplished by filing the proposed tariff changes with the Commission. Thus, the notice period for a tariff filing begins on the date the filing is received at the Commission. The tariff reference log is merely an unofficial listing of tariff transmittal compiled for the convenience of the public.

B. Filing of Replies

9. AT&T and Ameritech supported the proposed rule change to require that replies be filed within three calendar days after the petitions are filed. However, they suggested that we clarify the rule to require that replies be due three days after the latest date that petitions could be filed. The commenters pointed out that multiple petitions against a tariff are often filed on different dates and the rule change, as proposed in the *Pleading Cycle NPRM*, seemed to indicate that piecemeal replies would be due three days after each petition is filed, when a single reply will often suffice to respond to issues raised by multiple petitioners.¹⁴

10. Some carriers argued that the proposed three calendar day period for filing replies is not enough time to draft an adequate response. Bell Atlantic insists carriers need at least two business days to prepare and file a reply, which is not the case if a petition is filed on Friday with the reply due to the Commission on Monday.¹⁵ SWB believes carriers should have three business, not calendar, days to file a reply.¹⁶ US West states that carriers should have three days to file a reply, excluding intervening holidays.¹⁷ USTA argues that carriers should have at least one full working day to reply to a petition and that the Commission should prohibit the filing of a petition on a day that would cause the time for reply to expire on a weekend, or we should change the pleading cycle to five calendar days for petitions and four calendar days for replies.¹⁸

11. As an initial matter, the Commission agrees with the commenters who suggested that replies be due three days after the latest date upon which a petition could be filed. By incorporating this clarification, we bring certainty to the date on which a reply is due and eliminate any possibility that replies to multiple petitions might be required in different time frames. We do not, however, adopt the various proposals suggesting that we extend the carriers' reply time. This Commission is reducing the reply time by only one day and counting holidays as part of the reply cycle. We do not believe that this will unduly burden the filing carriers; it will, however, allow thorough Commission review of both sides of the issues. In addition, the filing carriers initiate the pleading cycle by filing tariff

⁷ See Appendix A to this Report and Order for a complete list of commenters and acronyms used herein for these commenters.

⁸ AT&T Comments at 2; Ameritech Comments at 1; Bell Atlantic Comments at 1; BellSouth Comments at 2; GTE Comments at 1-2; IRA Comments at 1; MCI Comments at 1; Pacific Bell Comments at 1; SWB Comments at 1; USTA Comments at 1; US West Comments at 2. ARINC, the Networks and TMA oppose the proposed rule change.

⁹ TMA Comments at 2.

¹⁰ *Id.* at 4-5.

¹¹ SWB Reply at 3 n.4.

¹² We also make a minor amendment to Section 1.773(a)(1) to remove the requirement that when a petitioner seeks more than

one form of relief in a single petition, it set forth the arguments separately. Petitioners often file one petition seeking investigation, suspension, or rejection and their arguments for one or more of these forms of relief often overlap. To promote briefer pleadings this procedural change is justified.

¹³ US West Reply at 3. See also BellSouth Reply at 3-4.

¹⁴ AT&T Comments at 2 n.2; Ameritech Comments at 2. Accord BellSouth Reply at 2; Pacific Bell Reply at 2; SNET Reply at 1; SWB Reply at 2.

¹⁵ Bell Atlantic Comments at 2. Accord GTE Reply at 2.

¹⁶ SWB Reply at 1.

¹⁷ US West Comments at 2-3.

¹⁸ USTA Comments at 2.

transmittals. If a carrier is particularly concerned about when its reply will be due, it can time its tariff filing with the Commission to ensure that the time to reply does not span a weekend. It is to the carrier's benefit for the Commission to have adequate time to consider its responsive arguments. Furthermore, the service requirements we impose upon the petitioners to serve filing carriers either personally or by fax, as discussed below, will ensure that the carriers receive petitions more expeditiously than they do now.¹⁹

C. Service Requirements

12. Almost all parties to this proceeding agreed that personal service is appropriate for service of petitions against 14-day filings. Many suggested certain safeguards and modifications to our proposal to ensure effective service. GTE and US West suggest that the personal service requirement be limited to petitioners having to serve carriers with Washington, D.C. offices or designated domestic representatives in domestic offices.²⁰ GTE suggests that if a carrier does not have a Washington, D.C. or at least a domestic representative, then a petitioner can serve the carrier via fax.²¹

13. Most commenters supported our proposal that service via fax is an effective alternative to personal service. Various commenters pointed out that Section 61.33 of the Commission's Rules, 47 C.F.R. § 61.33, should be amended to include a provision that transmittal letters for 14-day tariff filings contain the appropriate person and fax number for service.²² TMA and MCI commented that service by fax, followed by mailing, is an effective and less costly way to achieve same day service.²³ Some carriers request that petitioners telephone the carrier to confirm service of the petition by fax.²⁴ AT&T suggests that the Commission should not impose such a specific requirement but instead encourage the parties to agree on procedures to ensure service is accomplished.²⁵ Pacific Bell opposes service by fax, arguing that faxes are frequently not received and that a mailed copy would arrive too late for the carrier to respond to it.²⁶ GTE suggests a further alternative to personal service: participants without fax capabilities should be able to use commercial overnight mail to deliver the petition to the filing carrier's street address or post office box.²⁷

14. Several carriers argued that they should not be required to personally serve the reply on petitioners since Commission rules do not permit petitioners to respond to replies.²⁸ ARINC disagrees. It argues that petitioners must have timely service of replies in order to address any inaccuracies made by the carriers.²⁹

15. After careful review of all these comments, petitioners may serve their pleading on the filing carrier either personally to the carrier's designated domestic or Washington, D.C. representative or via facsimile. We believe that fax service is a reasonable and effective alternative to parties who are unable to serve a petition upon a filing carrier personally. Several commenters suggest that the Commission impose requirements on the parties to telephone each other before and after service by fax. We reject formally mandating such a procedure but encourage all parties in 14-day tariff proceedings to use normal business practices to ensure that fax service is timely accomplished. However, we do require petitioners who choose service by fax to send a follow-up copy of their petition to the carrier via first class mail.

16. To facilitate the alternative of fax service and avoid routing delays, we also amend Section 61.33 of our rules, 47 C.F.R. § 61.33, to require all letters of transmittals for 14-day tariff filings to include an address and designated individual for personal service and a fax number for fax service. Fax service to this designated number will satisfy our service requirements.³⁰

17. IRA recommends we implement a "Tariff Transmittal Notification" process under which carriers would fax transmittal pages to parties who have identified themselves as "interested" in specific 14-day filings so that they receive prompt notice of the filing.³¹ The Networks argue that carriers should be required to notify their affected customers in writing of the proposed tariff changes no later than the tariff filing date.³² We reject these proposals.³³

18. Finally, we have decided to continue to allow filing carriers the option to serve their replies on petitioners by mail. We agree with the commenters who noted that it is unnecessary for carriers to personally serve their reply on petitioners since petitioners can not file a response. It is, of course, mandatory that carriers file their reply at the Commission within three calendar days of the last date for a timely-filed petition, as we discussed above.

IV. CONCLUSION

19. In order to allow the Commission time to evaluate arguments against the lawfulness of tariffs filed on 14 days' notice, we now require that petitions seeking investigation, suspension, or rejection of these tariffs be filed within six calendar days after the date of the filing. We require that replies be filed within three calendar days after the latest date that petitions could be filed. Because of this shortened pleading cycle, we also require that petitions be served in person or by facsimile on the filing carrier. Petitioners who choose service by fax must send a follow-up copy of their

¹⁹ See BellSouth Comments at 2, stating that it supports the reduction in reply time as long as the personal service requirement is clearly imposed.

²⁰ GTE Comments at 2; US West Comments at 4.

²¹ US West Comments at 4.

²² Bell Atlantic Comments at 2-3; BellSouth Comments at 5-6; GTE Comments at 3; MCI Comments at 3; SWB Comments at 3-4. *Accord* SNET Reply at 2.

²³ TMA Comments at 4.

²⁴ Bell Atlantic Comments at 2-3; BellSouth Comments 5-6.

²⁵ AT&T Comments at 3.

²⁶ Pacific Bell Comments at 3.

²⁷ GTE Comments at 3.

²⁸ BellSouth Comments at 7; SWB Comments at 4; US West

Comments at 4-5. *Accord* GTE Reply at 2; Pacific Bell Reply at 1.

²⁹ ARINC Reply at 4 n.8.

³⁰ The Commission rejects the suggested option to permit petitioners to serve pleadings upon the filing carrier via overnight commercial mail because of the delay that could result.

³¹ IRA Comments at 2. *Contra* Ameritech Reply at 1-2; Bell Atlantic Reply at 1-2; BellSouth Reply at 3; GTE Reply at 3; SWB Reply at 3; US West Reply at 5.

³² Networks' Comments at 5 n.3.

³³ We remind parties that the kind of service suggested by IRA and the Networks is already available to the public through several photocopy establishments in Washington, D.C.

petition to the carrier via first-class mail. Carriers retain the option to serve their replies to petitioners by mail. Finally, we also amend Section 61.33 of our rules, 47 C.F.R. § 61.33, to require all letters of transmittals for 14-day tariff filings to include an address and designated individual for personal service and a fax number for fax service.

V. REGULATORY FLEXIBILITY ACT

20. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis is as follows:

21. **Need and Purpose of this action:** The Commission is adopting this Report and Order to provide the Commission additional time to review pleadings filed in 14-day tariff proceedings. The Order reduces the pleading cycles by one day and requires parties to serve petitions either personally or via facsimile.

22. **Summary of the issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis.** No comments were received.

23. **Significant alternatives considered and rejected.** Because this Order reduces the pleading cycle by one day for petitions and one day for replies, with intervening holidays counted as part of both filing periods, and permits personal or fax service alternatives, we conclude that interested parties should not be precluded from participating in 14-day tariff proceedings and that small entities should experience no significant economic impact from this minor rule adjustment.

VI. ORDERING CLAUSES

24. Accordingly, IT IS ORDERED that the policies, rules and requirements set forth herein ARE ADOPTED.

25. IT IS FURTHER ORDERED that pursuant to authority contained in Sections 1, 4(i), and 201-204 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, and 201-204, Part 1 and Part 61 of the Commission's Rules, 47 C.F.R. Part 1 and Part 61, ARE AMENDED as set forth in Appendix B.

26. IT IS FURTHER ORDERED that the provisions in this Report and Order will be effective 30 days after FEDERAL REGISTER publication.

FEDERAL COMMUNICATIONS COMMISSION



Donna R. Searcy
Secretary

APPENDIX A

CC Docket No. 92-117

COMMENTS:

- American Telephone and Telegraph Company (AT&T)
- Ameritech Operating Companies (Ameritech)

- Bell Atlantic Telephone Companies (Bell Atlantic)
- BellSouth Telecommunications, Inc. (BellSouth)
- Capital Cities/ABC Inc., CBS Inc., National Broadcasting Company, Inc., and Turner Broadcasting System, Inc. (The Networks)
- GTE Service Corporation (GTE)
- Interexchange Resellers Association (IRA)
- MCI Telecommunications Corporation (MCI)
- Pacific Bell and Nevada Bell Companies (Pacific Bell)
- Southwestern Bell Telephone Company (SWB)
- Telecommunications Marketing Association (TMA)
- United States Telephone Association (USTA)
- US West Communications, Inc. (US West)

REPLY COMMENTS:

- Ameritech
- Aeronautical Radio, Inc. (ARINC)
- Bell Atlantic
- BellSouth
- GTE
- Pacific Bell
- Southern New England Telephone Company (SNET)
- SWB
- US West

APPENDIX B

Amendments to the Code of Federal Regulations

Title 47 of the Code of Federal Regulations, Parts 1 and 61 are amended as follows:

PART 1--PRACTICE AND PROCEDURE

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

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended, 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

2. Section 1.4 is amended by revising paragraph (g) introductory text to read as follows:

§ 1.4 Computation of Time

* * * * *

(g) Unless otherwise provided (e.g., § 1.773 of the Rules), if the filing period is less than 7 days, intermediate holidays shall not be counted in determining the filing date.

* * * * *

3. Section 1.773 is amended by revising paragraph (a)(1), the first sentence of paragraph (a)(1)(i) and the first and last sentences of paragraph (a)(2); redesignating paragraphs (a)(2)(i) through (iii) as paragraphs (a)(2)(ii) through (iv) and revising them; adding new paragraph (a)(2)(i); adding

paragraph (a)(4); redesignating paragraphs (b)(1)(i) through (iv) as (b)(1)(ii) through (v) and revising them; adding new paragraph (b)(1)(i); revising paragraph (b)(2), and redesignating paragraph (c) as (b)(3) and revising it, to read as follows:

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

(a) *Petition-(1) Content.* Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing or any provision thereof shall specify the filing's Federal Communications Commission tariff number and carrier transmittal number, the items against which protest is made, and the specific reasons why the protested tariff filing warrants investigation, suspension, or rejection under the Communications Act. No petition shall include a prayer that it also be considered a formal complaint. Any formal complaint shall be filed as a separate pleading as provided in § 1.721.

(a)(1)(i) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing or any provision of such a publication, must specify the pertinent Federal Communications Commission tariff number and carrier transmittal number; the matters protested; and the specific reasons why the tariff warrants investigation, suspension, or rejection. * * *

* * * * *

(2) *When filed.* All petitions seeking investigation, suspension, or rejection of a new or revised tariff filing shall meet the filing requirements of this paragraph. * * * Thereafter, the request shall be confirmed by petition filed and served in accordance with § 1.773(a)(4).

(i) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on less than 15 days notice shall be filed and served within 6 days after the date of the tariff filing.

(ii) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on at least 15 but less than 30 days notice shall be filed and served within 7 days after the date of the tariff filing.

(iii) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on at least 30 but less than 90 days notice shall be filed and served within 15 days after the date of the tariff filing.

(iv) Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on 90 or more days notice shall be filed and served within 25 days after the date of the tariff filing.

* * * * *

(4) *Copies, Service.* An original and 4 copies of each petition shall be filed with the Commission and separate copies served simultaneously upon the Chief, Common Carrier Bureau, and the Chief, Tariff Division. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on less than 15 days notice shall be served either personally or via facsimile on the filing carrier. If a petition is served via facsimile, a copy of the petition must also be sent to the filing carrier via first class mail on the same day of the facsimile transmission. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on 15 or more days notice may be served on the filing carrier by mail.

(b)(1) * * *

(i) Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on less than 15 days notice shall be filed and served within 3 days after the date the petition is due to be filed with the Commission.

(ii) Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on at least 15 but less than 30 days notice shall be filed and served within 4 days after service of the petition.

(iii) Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on at least 30 but less than 90 days notice shall be filed and served within 5 days after service of the petition.

(iv) Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on 90 or more days notice shall be filed and served within 8 days after service of the petition.

(v) Where all petitions against a tariff filing have not been filed on the same day, the publishing carrier may file a consolidated reply to all the petitions. The time for filing such a consolidated reply will begin to run on the last date for timely filed petitions, as fixed by (a)(2)(i)-(iv) of this section, and the date on which the consolidated reply is due will be governed by (b)(1)(i)-(iv) of this section.

(b)(2) *Computation of time.* Intermediate holidays shall be counted in determining the 3-day filing date for replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on less than 15 days notice. Intermediate holidays shall not be counted in determining filing dates for replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on 15 or more days notice. When a petition is permitted to be served upon the filing carrier by mail, an additional 3 days (counting holidays) may be allowed for filing the reply. If the date for filing the reply falls on a holiday, the reply may be filed on the next succeeding business day.

(b)(3) *Copies, Service.* An original and 4 copies of each reply shall be filed with the Commission and separate copies served simultaneously upon the Chief, Common Carrier Bureau, and the Chief, Tariff Division, and the petitioner. Replies may be served upon petitioner personally, by mail or via facsimile.

PART 61--TARIFFS

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

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec 203, 48 Stat. 1070; 47 U.S.C. 203.

5. Section 61.33 is amended by redesignating paragraphs (d),(e), and (f) as paragraphs (e), (f), and (g), and adding a new paragraph (d), to read as follows:

§ 61.33 Letters of Transmittal.

* * * * *

(d) In addition to the requirements set forth in paragraph (a) of this section, any carrier filing a new or revised tariff made on less than 15 days' notice must 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.