

FCC MAIL SECTION
FEDERAL COMMUNICATIONS COMMISSION ORIGINALBefore the
Federal Communications Commission
Washington, D.C. 20554

CC Docket No. 93-55

In the Matter of

Amendment to Part 61 of the
Commission's Rules Requiring Metric
Conversion of Tariff Publications
and Supporting Information

REPORT AND ORDER

Adopted: March 12, 1996;

Released: March 29, 1996

By the Commission:

I. INTRODUCTION

1. Congress enacted the Metric Conversion Act of 1975 (*Metric Conversion Act*) to coordinate national conversion to the metric system of weights and measures.¹ In response, the Commission adopted its own metric conversion program² and converted units of measurement in a number of its rules to the metric system.³ In 1993, the Commission released a Notice of Proposed Rulemaking in which it proposed to amend Part 61 of its rules to mandate metric conversion of common carrier tariff publications and supporting information ("tariff materials") (*Part 61 Metric NPRM*).⁴ While such conversion was not required by the *Metric Conversion Act*, the Commission tentatively concluded it would be consistent with the national metric policy. Accordingly, the *Part 61 Metric NPRM* sought comment on several conversion options. In response, 14 parties filed comments and two filed reply comments.⁵

2. Because this Commission is not obligated to use metric units of measure in all its proceedings and processes in which such measures might apply, we must decide on a case-by-case basis whether the public benefits of metric conversion outweigh the burdens involved. In the present case, for reasons explained below we conclude that it is not in the public interest to require common carriers to convert to the metric system units of measure appearing in their tariff materials. Accordingly, in this Report and Order we do not adopt any of the proposed conversion options and we terminate this proceeding.

II. BACKGROUND

3. In the *Part 61 Metric NPRM*, the Commission expressed its belief that distance-sensitive units in tariff filings under Part 61 of its rules should be expressed in metric units.⁶ Accordingly, that NPRM included three options for achieving conversion of common carrier tariff materials to the metric system. Under Method Option 1, the Conversion Table Option, carriers would be required to include, in the general rules section of their tariff materials, a table for converting non-metric units to metric units.⁷ Under Option 2, carriers would be required to include, in the applicable rate section of their tariffs and in supporting information, the metric unit and corresponding rate in parenthesis beside the non-metric unit and rate (e.g., \$4.00 per mile (\$2.50 per kilometer)).⁸ Under Option 3, carriers would be required to include only the metric unit and related rate in the applicable rate section of their tariff materials. To aid tariff users not familiar with the metric system, Option 3 would require inclusion of appropriate conversion tables in tariff materials.⁹ Because of the extensive tariff revisions proposed, we refer to Options 2 and 3 as the "Comprehensive Options."

III. PLEADINGS AND DISCUSSION

4. Most commenting parties urge this Commission not to adopt any rule requiring metric conversion of tariff materials.¹⁰ AT&T maintains that the *Metric Conversion Act* does not obligate this Commission to require metric conversion but rather contemplates carriers' voluntary conversion to

¹ Pub. L. 94-168, 89 Stat. 1007 (1975), as amended by Pub. L. 100-418, 102 Stat. 1107 (1988) (codified at 17 U.S.C. § 205 et. seq.).

² FCC Announces Change to the International System of Units (SI), Public Notice, FCC 76-737 (July 28, 1976).

³ Metric Conversion of Parts 1, 2, 15, 18, 21, 22, 23, 25, 36, 61, 63, 68, 69, 73, 74, 76, 78, 80, 87, 90, and 94 of the Commission's Rules, Order, 8 FCC Rcd 3720 (1993); *Erratum*, 8 FCC Rcd 7270 (Priv. Rad. Bur. 1993) (*Metric Conversion Order*).

⁴ *Amendment to Part 61 of the Commission's Rules Requiring Metric Conversion of Tariff Publications and Supporting Information*, CC Docket No. 93-55, Notice of Proposed Rulemaking, 10 FCC Rcd 6483 (1993) (*Part 61 Metric NPRM*). Mandatory metric conversion refers to the Commission's earlier proposal to require carriers to use one of three specified options to convert to the metric system units of distance contained in their tariff materials.

⁵ On May 26, 1993, comments were filed by: Ameritech Operating Companies (Ameritech); AT&T Corp. (AT&T); Bell Atlantic Telephone Companies (Bell Atlantic); BellSouth Telecommunications, Inc. (BellSouth); MCI Telecommunications Corporation (MCI); National Exchange Carrier Associ-

ation, Inc. (NECA); National Institute of Standards and Technology, U.S. Department of Commerce (NIST); National Telephone Cooperative Association (NTCA); New York Telephone Company and New England Telephone and Telegraph Company (NYNEX); Pacific Bell and Nevada Bell Telephone Companies (PacBell/Nevada Bell); Southwestern Bell Telephone Company (SWB); Sprint Corporation (Sprint); United States Telephone Association (USTA); and US West Communications, Inc. (US West). Bell Atlantic and MCI filed reply comments on June 10, 1993. We also received a letter dated June 10, 1993, from the Chairman of the Standards and Metric Practices Subcommittee of the Metrification Operating Committee of the Interagency Council on Metric Policy (Standards Subcommittee).

⁶ *Part 61 Metric NPRM*, 10 FCC Rcd at 6484, para. 5.

⁷ See *Part 61 Metric NPRM*, 10 FCC Rcd at 6485, para. 7, and Appendix A.

⁸ *Id.*

⁹ *Id.*

¹⁰ See, e.g., Bell Atlantic Comments at 1; BellSouth Comments at 1-2.

the metric system.¹¹ Because the tariffs proposed for metric conversion are primarily for domestic services, SWB contends that the absence of such conversion has little or no impact on international trade activities. Thus, SWB, like AT&T, argues that any conversion to the metric system should be voluntary.¹²

5. A number of carriers assert that the anticipated costs of metric conversion and the related administrative burdens of revising tariff materials far outweigh any benefits to those who use these materials.¹³ Many parties particularly object to the proposed imposition of either of the Comprehensive Options.¹⁴ Some of these carriers argue that converting to the metric system all units of measure in tariff publications and all supporting materials would be extremely cumbersome, confusing, and time-consuming.¹⁵ For example, Ameritech estimates that any such comprehensive conversion would cost between \$25 and \$50 million.¹⁶ AT&T estimates that its costs to revise tariff publications and related billing and collection systems could be several million dollars.¹⁷

6. On the other hand, NIST recommends that tariff materials include either (a) the metric unit and corresponding rate followed in parenthesis by the non-metric unit and rate, or (b) the non-metric unit and corresponding rate followed by the metric unit and rate. Thus, NIST would allow carriers to choose which measurement system would be dominant in their tariff materials and which would be included in parenthesis. Should the Commission not adopt that approach, NIST urges that, at a minimum, carriers should be required to comply with Option 2 because this option most closely meets the goals of the *Metric Conversion Act*. According to NIST, the other two options do not require carriers to use the metric system but merely require them to reference that system in their tariff materials.¹⁸ In addition, the Standards Subcommittee urges us to include the option of using only metric units in tariff materials and contends that use of any other option would require carriers to continue to use two sets of units.¹⁹

7. On the record before us, we find that the carrier burdens associated with each of the Comprehensive Options -- Option 2 and 3 -- clearly outweigh the benefits to the public each offers. According to our estimates, Options 2 and 3 would impose total carrier burdens of approximately 325,890 and 332,280 hours, respectively.²⁰ While far less than the cost estimates provided by some of the commenting carriers, our estimates of each carrier's average burden are nevertheless significant. Congress has not mandated comprehensive metric conversion of tariff materials and such conversion does not otherwise appear appropriate or necessary at this time. We do not believe the public benefits associated with either of the Comprehensive Options justify imposing the related burdens on carriers.

8. Although the Conversion Table Option -- Option 1 -- is less burdensome than either of the other options, it, too, would impose additional burdens on carriers. If carriers were required to include metric conversion tables in their tariff materials, we estimate such compliance would impose a burden of approximately nine hours per carrier for a total burden on all filing carriers of about 19,170 hours.²¹ While we recognize that inclusion of such conversion tables in carrier tariffs would promote our metric conversion program and potentially benefit some tariff users,²² we nevertheless find that the benefits associated with this requirement are outweighed by the estimated burdens that would be imposed on carriers.

9. In addition, we share SWB's view regarding the limited benefit to foreign commerce of requiring conversion of units of measure in common carrier tariffs. With few exceptions, those carriers filing tariffs with the Commission provide domestic services. Even when a call is made from a foreign country that employs the metric system, the amount paid for that call by the foreign caller is not usually based upon distances and related rates appearing in any common carrier tariffs filed with this Commission. Rather, the payment amounts are generally derived from foreign carrier tariffs or similar publications. In fact, the Commission's earlier *Metric Conversion Order* deferred

¹¹ AT&T Comments at 2-3. AT&T also argues that the *Metric Conversion Act* does not authorize us to require any carriers subject to our jurisdiction to express in the metric system the units of measure appearing in their tariff filings. Because we are not requiring carriers to convert those units of measurement to that system, we need not address AT&T's arguments.

¹² SWB Comments at 2, 4.

¹³ See, e.g., Ameritech Comments at 4-5; BellSouth Comments at 1-2 (contending implementation of these options would create unnecessary customer confusion and would place unnecessary burdens on customers and carriers alike); NTCA Comments at 1-2.

¹⁴ See, e.g., Ameritech Comments at 4-5 (asserting either comprehensive option would involve extensive engineering changes in Ameritech's outside plant facilities and network support organizational systems, as well as significant modifications to its measurement and recording systems); BellSouth Comments at 1-2; NTCA Comments at 2; AT&T Comments at 4-5. Some of the parties to this proceeding urge the Commission to allow carriers to choose any of the three options outlined in the *Part 61 Metric NPRM*. See, e.g., MCI Comments at 2; NYNEX Comments at 3; Sprint Comments at 3-4; US West Comments at 2. PacBell/Nevada Bell, however, urge the Commission not to give carriers a choice among the three options but rather to require all carriers to use a single option -- Option 1. PacBell/Nevada Bell Comments at 3. Because this Report and Order does not mandate any metric conversion of tariff materials, we need not address these parties' arguments regarding choice of conversion

options.

¹⁵ See, e.g., Ameritech Comments at 5; BellSouth Comments at 1-2; SWB Comments at 2 (metric conversion would cause substantial confusion to long-standing industry practices); US West Comments at 4; Bell Atlantic Reply at 1-2.

¹⁶ Ameritech Comments at 4.

¹⁷ AT&T Comments at 4-5. See also, BellSouth Comments at 5 (noting Ordering and Billing Forum billing system standard for output is not metric); US West Comments at 6; PacBell/Nevada Bell Comments at 2.

¹⁸ NIST Comments at 1.

¹⁹ Standards Subcommittee Letter at 1.

²⁰ Based on informal staff contacts with carriers and our own analysis, we estimate that, on average, a carrier's compliance with Option 2 would require 153 hours and its compliance with Option 3 would require 156 hours. Because approximately 2130 carriers file tariffs with us, we further estimated the total burdens of Options 2 and 3 to be 325,890 and 332,280 hours respectively.

²¹ Because about 2130 carriers file tariffs with the Commission, we estimate the total burden of this approach to be 19,170 hours.

²² As an example of such a benefit, we note that the mandatory inclusion of metric conversion tables in tariff materials would facilitate the use of tariff materials by persons who are accustomed to the metric system of measurement and who may need assistance in converting distances to that system.

metric conversion of tariff publications in part because it was assumed that such conversion "would have no impact on international trade activities."²³

IV. CONCLUSIONS

10. Although the metric system has been designated the preferred system of weights and measures for United States trade and commerce, Congress has not mandated its use in such activities. Accordingly, we must decide on a case-by-case basis whether the public benefits of metric conversion outweigh the burdens imposed.

11. In the *Part 61 Metric NPRM*, the Commission recognized that any conversion to the metric system would impose certain burdens on carriers and their customers. The Commission, however, expressed the tentative belief that tariff materials should be subject to metric conversion, that such conversion would be consistent with national policy, and that the related burdens on carriers could be minimized.²⁴

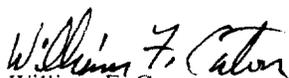
12. Now, in light of the record established in response to the *Part 61 Metric NPRM*, we no longer find that the benefits of having metric units or metric conversion tables in tariff materials exceed the related burdens on those carriers that must file and update such materials. As indicated above, each of the proposed options imposes certain rather definite and significant burdens. We, therefore, find that the benefits to carriers and their customers of converting tariff materials to the metric system -- or of including conversion tables in such materials -- are not sufficiently clear at this time to justify the carrier burdens involved.

13. For these reasons and others explained above, we conclude that action by the Commission to require common carriers subject to our jurisdiction to convert their tariff materials to the metric system is neither compelled by law nor consistent with the public interest. Accordingly, we decline to adopt any of the options proposed in the *Part 61 Metric NPRM* and we now terminate this proceeding.

V. ORDERING CLAUSE

14. Accordingly, IT IS ORDERED that the proceeding initiated in CC Docket No. 93-55 IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Acting Secretary

²³ See *Metric Conversion Order*, 8 FCC Record at 3721, para. 5.

²⁴ *Part 61 Metric NPRM*, 10 FCC Rcd at 6484-6485, paras. 5, 8.