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

In the Matter of	)	
	)	
Amendment of Certain of the Commission's	)	
Part 1 Rules of Practice and Procedure and Part 0	)	GC Docket No. 10-44
Rules of Commission Organization	)	
	)	

ORDER

Adopted: November 19, 2014 **Released: November 26, 2014**

By the Commission:

I. INTRODUCTION

1. In this Order, we take steps to modernize and improve the efficiency for three common types of proceedings by implementing improved filing procedures. Specifically, this Order requires electronic filing for: (a) applications for authorization of domestic transfers of control under section 214(a) of the Communications Act of 1934, as amended (Act);[1] (b) applications for authorization to discontinue, reduce, or impair a service under section 214(a) of the Act;[2] and (c) notices of network changes under section 251(c)(5) of the Act.[3] We expect these new filing procedures to be more convenient and efficient for applicants, provide better transparency and information to the public, and save Commission staff resources.

2. At present, domestic common carriers cannot electronically file the above applications and notices with the Commission. They must file paper copies with the Secretary's Office, and, where applicable, send copies with accompanying application processing fees to the Commission's lockbox bank in St. Louis, Missouri.[4] This process is time-consuming for the parties and makes it difficult for the public to track developments. To modernize the process and improve efficiency and effectiveness for all stakeholders, this Order implements new filing procedures for domestic section 214 filings and network change notices, allowing parties to utilize the Commission's Electronic Comment Filing System (ECFS)

[1] 47 U.S.C. § 214(a).

[2] *Id.*

[3] 47 U.S.C. § 251(c)(5).

[4] 47 C.F.R. §§ 1.1105, 1.1110-12 (requirements for payment of fees for wireline and other filings, including domestic section 214 transfer of control applications); 63.52-53 (requirements for filing paper copies of applications for transfer of domestic authorization under section 214); 63.71 (requirements for filing paper copies of applications for domestic discontinuance, reduction, or impairment of service under section 214); 51.329(c)(2) (requirements for filing paper copies of network change notices)).

for their submissions.[5] The ECFS system enables parties and the general public to locate filings by entering various search criteria and to monitor all activity in Commission dockets.[6]

3. To allow for these three categories of filings to be submitted into ECFS, the Commission has made available a new "Submit a Non-Docketed Filing" module of ECFS. This page is linked to the ECFS homepage at http://apps.fcc.gov/ecfs and to the Online Filing page at http://www.fcc.gov/online filing. Use of this new module only allows the online submission of certain types of filings for which previously there was no electronic-filing capability available. It does not change the type of information or the format of information that the Commission will collect in connection with these types of filings. The Commission expects to continue to expand capabilities for online filing and intends to work toward the goal of providing such capabilities for every type of filing that the public might submit. In addition to the rule changes we make specific to the three categories of applications discussed in this Order, we also revise our rules to make clear that, to the extent any Commission rules may be construed as requiring paper filings, Commission staff is authorized to provide online filing capabilities and to accept such filings from parties that wish to submit them electronically.

II. BACKGROUND

4. In 1998, the Commission amended its rules to permit electronic filing in certain proceedings, noting that it would "evaluate the new rules and assess the operation of the system as we gain experience to determine . . . whether it is feasible to expand further the applicability of the [ECFS] system beyond rulemaking-related proceedings and possibly ultimately to require electronic filing."[7] In 2002, the Commission released a Report and Order adopting rules to govern the streamlined review of domestic section 214 transfer of control applications.[8] The *214 Streamlining Order* acknowledged that improving access to electronic filing systems for domestic section 214 applications was an ongoing objective.[9] At that time, electronic filing for international section 214 applications was already available, and the Commission stated that a future goal was to permit applicants to eventually file both domestic and international 214 transfer of control applications electronically and to also allow them to pay the filing fees for both authorizations electronically.[10] In 2014, a Commission staff working group released its *Report on FCC Process Reform*, which specifically recommended that the Commission implement electronic filing procedures for licensing processes, including domestic section 214 transfer of control and discontinuance applications still filed on paper, and for network change notifications, as discussed in more detail below.[11]

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[5] The Commission is also implementing ECFS filing procedures for formal complaints filed under section 208 of the Act and pole attachment complaints filed under section 224 of the Act, 47 U.S.C. §§ 208, 224. *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure Relating to the Filing of Formal Complaints Under Section 208 of the Communications Act and Pole Attachment Complaints Under Section 224 of the Communications Act*, GC Docket No. 10-44, Order, FCC 14-179 (rel. Nov. 12, 2014).

[6] ECFS also offers an "RSS Feed" feature, which allows users to be notified of any new filings associated with a given docket.

[7] *Electronic Filing of Documents in Rulemaking Proceedings*, GN Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11322, para. 1 (1998) (*ECFS Order*).

[8] *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, CC Docket No. 01-150, Report and Order, 17 FCC Rcd 5517 (2002) (*214 Streamlining Order*).

[9] *Id*. at 5526, para. 18.

[10] *Id*.

[11] Report on FCC Process Reform at 22, 69 (rel. Feb. 14, 2014) (*Process Reform Report*), http://www.fcc.gov/article/da-14-199a2. The report is intended to "further[] the goal of having the agency operate in the most effective, efficient and transparent way possible," including by allowing for quicker and more transparent processing of items before the agency. *Id*. at 3.

III. DISCUSSION

A. Domestic Section 214 Transfer of Control Applications

5. Currently, sections 63.52-53 of the Commission's rules provide only for paper filing of domestic section 214 transfer of control applications.[12] Applicants pay the required application processing fee by sending a copy of the application, accompanied by FCC Form 159 and a check or a credit card number, to the lockbox bank via regular U.S. mail or overnight delivery. Although members of the public may obtain copies of applications from the Commission's Reference Information Center, there is no way to search for or view the applications online until the Wireline Competition Bureau (Bureau) establishes a docket for the application. The actions herein modernize and reform these existing procedures to facilitate electronic filing and electronic public review.

6. Specifically, in order to facilitate electronic filing of new domestic section 214 transfer of control applications, we have established within ECFS a "Submit a Non-Docketed Filing" module that facilitates filing of such applications into a single docket where all such applications must be filed.[13] We employ this mechanism because staff must review an application to ensure that it conforms with the Commission's rules before that application can receive its own unique ECFS docket number.

7. The applicants will be required to select "Section 214 Domestic Transfer of Control Application" from the "Submit a Non-Docketed Filing" module of ECFS.[14] The filing must include the application, as well as all attachments. When using ECFS to submit a domestic section 214 transfer of control application, an applicant no longer will have to file paper copies of its application with the Office of the Secretary or the lockbox bank.[15]

8. Bureau staff will review new domestic section 214 transfer of control applications for conformance with procedural rules (including fee payment, as appropriate).[16] As of the effective date of the new rules, applicants will no longer submit a hard copy of the application with the fee payment as described in rule 1.1105.[17] Instead, applicants must first transmit the application processing fee to the designated payment center and then file the application electronically using ECFS. Applicants may

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[12] *See* 47 C.F.R. § 63.52; § 63.53 (providing that domestic section 214 applications "shall be submitted on paper not more than 21.6 cm (8.5 in) wide and not more than 35.6 cm (14 in) long with a left-hand margin of 4 cm (1.5 in)"); *see also* Wireline Competition Bureau Common Carrier Services Fee Filing Guide, effective July 3, 2014, http://www.fcc.gov/document/wcb-application-fee-guide.

[13] The Commission may make available other capabilities of ECFS to streamline this process.

[14] All electronic filings must be in an open format, which means machine-readable and made available to the public without restrictions that would impede re-use of the information. *See* Open Government Directive (Dec. 8, 2009), http://m.whitehouse.gov/open/documents/open-government-directive. Files containing text must be formatted to allow electronic searching and/or copying. Non-text filings (e.g., spreadsheets) must be submitted in the format in which they were created. Filers should be certain that documents are not locked or password-protected. If those restrictions are present (e.g., a document is locked), the system may reject the filing, and a party will need to resubmit its document within the filing deadline. The Commission will consider granting waivers to this electronic filing requirement only in exceptional circumstances. *See Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, GC Docket No. 10-44, Report and Order, 26 FCC Rcd 1594, 1602, para. 20 & n.61 (2011) (*Part 1 Order*).

[15] *See infra* Appendix (detailing revisions to 47 C.F.R. §§ 63.52-53). There is an exception to this for confidential filings, as described below.

[16] Applicants must remit application processing fees in accordance with 47 C.F.R. § 1.1105. In addition, Bureau staff will check the applicant's status under the Commission's "red light rule," which restricts processing of applications filed by parties with outstanding debts owed to the Commission. *See* 47 C.F.R. § 1.1910.

[17] *See* 47 C.F.R. § 1.1105.

transmit the processing fee via check, credit card, wire transfer, or electronically using the Commission's Fee Filer System (Fee Filer).[18]

9. Assuming that a domestic section 214 transfer of control application satisfies initial procedural review, Bureau staff will give the application its own case-specific ECFS docket number. After doing so, Bureau staff will review applications in accordance with the Commission's domestic section 214 transfer of control rules.[19] Once its review is complete, the Bureau will release an Accepted-For-Filing Public Notice in the same manner as it does today under the current rules. The Public Notice will be associated with the ECFS docket established for the application. All subsequent filings by applicants and interested parties must be submitted via ECFS to the appropriate docket. Thus, the "Submit a Non-Docketed Filing" module should contain only initial filings (and possibly amendments thereto submitted before the assignment of a unique docket number), not comments on or oppositions to those filings. Additionally, subsequent Commission documents addressing the application will be associated with that ECFS docket. Bureau staff currently processes docketed section 214 domestic transfer of control applications in this manner, and applications and associated filings are currently available to the public through the assigned ECFS docket for each application.[20] Therefore, there will be no change to this process other than allowing applicants to file the initial application electronically through ECFS and to pay the fee electronically. We will also allow parties the option to serve petitions to deny or comments addressing domestic section 214 transfer of control applications on the applicants via email without following up by regular U.S. mail.[21]

B. Domestic Section 214 Discontinuance Application

10. Currently, section 63.71 of the Commission's rules does not provide for electronic filing of domestic section 214 discontinuance applications, and therefore carriers generally submit applications on paper copies to the Office of the Secretary.[22] As with other paper filings, although members of the public may obtain copies of the application from the Commission's Reference Information Center, there is no way to search for or view the applications online until the Bureau establishes a docket for the application.

11. In order to facilitate electronic filing of new domestic section 214 discontinuance applications, we have established within the ECFS a "Submit a Non-Docketed Filing" module that facilitates filing of such applications into single docket, where all such applications must be filed. As with the domestic transfer of control applications, we employ this mechanism because staff must review an application to ensure that it conforms with the Commission's rules before that application can receive its own unique ECFS docket number.

12. The applicants will be required to select "Section 214 Domestic Discontinuance Application" from the "Submit a Non-Docketed Filing" module of ECFS.[23] The filing must include the application, as well as all attachments. When using ECFS to submit a domestic section 214

[18] Instructions for using Fee Filer to pay application processing fees are listed on the Commission's webpage, http://www.fcc.gov/encyclopedia/fee-filer.

[19] 47 C.F.R. §§ 63.03-04.

[20] *See* 47 C.F.R. § 63.03(a) (setting out the Commission's accepted-for-filing process for domestic section 214 transfer of control applications).

[21] *See infra* Appendix (detailing revisions to 47 C.F.R. § 63.52(c)). Parties using email service should be mindful that the Commission's or the opposing party's email server may reject attachments that are too large.

[22] 47 C.F.R. § 63.71(b). There are no application processing fees for discontinuance applications.

[23] The Commission may make available other capabilities of ECFS to streamline this process.

discontinuance application, an applicant will no longer have to file its paper application with the Office of the Secretary.[24]

13. Bureau staff will review new domestic section 214 discontinuance applications for conformance with procedural rules.[25] Assuming the application satisfies initial procedural review, Bureau staff will give the application its own case-specific ECFS docket number. After doing so, Bureau staff will review applications in accordance with the Commission's domestic section 214 discontinuance rules.[26] Once its review is complete, the Bureau will release a Public Notice seeking comment on the proposed discontinuance in the same manner as it does today under the current rules. The Public Notice will be associated with the ECFS docket established for the particular application. All subsequent filings by applicants and interested parties must be submitted via ECFS to the appropriate docket. Thus, the "Submit a Non-Docketed Filing" module should contain only initial filings (and possibly amendments thereto submitted before the assignment of a unique docket number), not comments on or oppositions to those filings. Additionally, subsequent Commission documents addressing the application will be associated with that ECFS docket. Bureau staff currently processes docketed section 214 discontinuance applications in this manner, and applications and associated filings are currently available to the public through the assigned ECFS docket for each application. Therefore, as with transfer of control applications, there will be no change to this process other than allowing applicants to file the initial application electronically through ECFS instead of by filing paper copies. Section 63.71 of the Commission's rules directs commenters to send any objections to the proposed discontinuance to the Office of the Secretary.[27] Commenters may file them electronically through ECFS or continue to send objections on paper to the Office of the Secretary.[28]

C. Network Changes

14. Our current rules require that public notices of network changes and associated certifications be filed with the Commission by sending two paper copies to the Office of the Secretary, with the official filing date being the date on which the filing is received by the Secretary.[29] This Order revises that rule by eliminating the paper filing requirement and instead requiring electronic filing through ECFS of all public notices of network changes and associated certifications. It also clarifies that all permissible filings responsive to network change notifications are permitted, but not required, to be filed electronically via ECFS.

15. The *Process Reform Report* specifically addressed the need for electronic filing of network change disclosures:

> Local Exchange Carriers (LECs) that want to make a network change, either temporary (like shutting the power off at an exchange while they install new equipment) or permanent, must notify all affected interconnected parties, and must file with the Commission. This is currently a paper-based process. FCC staff should create an electronic filing system for Network Change notifications, possibly on a website

[24] *See infra* Appendix (detailing revisions to 47 C.F.R. §§ 63.52-53). There is an exception to this for confidential filings, as described below.

[25] 47 C.F.R. § 63.71. In addition, Bureau staff will check the applicant's status under the Commission's "red light rule." *See* 47 C.F.R. § 1.1910.

[26] *See, e.g.*, 47 C.F.R. §§ 63.60-601.

[27] 47 C.F.R. § 63.71(a)(5).

[28] *See infra* Appendix (detailing revisions to 47 C.F.R. § 63.71). Pursuant to these revisions, the language that applicants include in their notice to customers must inform customers that they have the option of either filing comments with the Office of the Secretary or filing comments through ECFS.

[29] 47 C.F.R. § 51.329(c)(2).

interface, or via a data container submitted over the web. The resulting database could be set up to automatically notify parties who had indicated their interest, notify parties the ILEC identified as interconnecting carriers, and generate PNs, quarterly reports, and external data inquiries.[30]

16. Network change disclosures are not currently part of any docketed proceeding, and they are not currently filed in ECFS. Rather, they are filed on paper, and they then appear on the Bureau's Section 251 Wireline Network Changes webpage.[31] Earlier this year, the Bureau began accepting comments about network change disclosures via email from parties other than interconnected providers.[32] Because the initial network change disclosures and any resulting comments or objections are not currently contained in ECFS, they are not as readily available to the public, or as easily submitted to the Commission as are documents that do appear in ECFS.

17. In order to facilitate electronic filing of new section 251(c)(5) network change notifications and associated filings, we have established within ECFS a "Submit a Non-Docketed Filing" module that facilitates filing of such applications into a single docket, where all such network change notifications will reside initially.

18. When filing a Section 251 network change notification, an incumbent LEC will be required to select "Section 251 Network Change Notification" from the "Submit a Non-Docketed Filing" module of ECFS. The filing must include the network change notification and the certification(s) required by our rules. Electronic filing does not modify the requirement that an incumbent LEC provide public notice in the manner currently required by section 51.329 of our rules. The incumbent LEC will no longer have to file the paper notification with the Office of the Secretary.

19. Bureau staff will review new network change notifications for completeness and conformance with our rules. Assuming the network change notification satisfies this initial procedural review, the Bureau then will give the notification its own case-specific ECFS docket number. For each complete network change notification filing, Bureau staff will release a Public Notice which will identify and be posted in the new case-specific ECFS docket. If a filed network change notification does not comply with the Commission's procedural rules, Bureau staff will contact the incumbent LEC to see if the filing can be amended, but will not assign a separate ECFS docket number to the filing. Parties sending permissible filings that are responsive to network change notifications may submit them electronically in the case-specific ECFS docket or on paper to the Office of the Secretary.

D. Official Filing Date

20. Filings via the ECFS submission methods we adopt herein must comply with section 1.4(f) of the Commission's rules, under which documents filed electronically must be received by the Commission's electronic filing system before midnight in order to be considered filed as of that date.[33] A time stamp mechanism is built into ECFS, including automatic notification to the filer of the official filing date and time.[34] We will therefore consider domestic section 214 transfer of control and discontinuance

[30] *Process Reform Report* at 69.

[31] *See* http://www.fcc.gov/encyclopedia/section-251-wireline-network-changes.

[32] *See id.*; *see also* Commission Copper Retirement Blog Post, Julie Veach, Chief, Wireline Competition Bureau, Federal Communications Commission, Protecting Consumers in the Transition from Copper Networks (May 17, 2014), http://www.fcc.gov/blog/protecting-consumers-transition-copper-networks.

[33] 47 C.F.R. § 1.4(f); *ECFS Order*, 13 FCC Rcd at 11331, para. 19.

[34] *ECFS Order*, 13 FCC Rcd at 11331, para. 20. Under Commission rules, pleadings are considered to be filed upon their receipt by the Commission, rather than the time of attempted submission. *See* 47 C.F.R. § 1.7.

applications and network change filings to be officially filed on the date on which they are time stamped in ECFS.[35]

E. Confidential Information

21. Consistent with existing Commission electronic filing guidelines, any party asserting that materials filed with a domestic section 214 transfer of control application, discontinuance application, or network change notification are proprietary must file with the Commission, using ECFS, a public version of the materials with any proprietary information redacted.[36] The party also must file with the Secretary's Office an unredacted hard copy version that contains the proprietary information and clearly marks each page, or portion thereof, using bolded brackets, highlighting, or other distinct markings that identify the sections of the filing for which a proprietary designation is claimed. Each page of the redacted and unredacted versions must be clearly identified as the "Public Version" or the "Confidential Version," respectively. Both versions must be served on the same day. Parties may serve a copy of the unredacted version on the Wireline Competition Bureau Competition Policy Division.

F. Effective Date of Electronic Filing Requirements and Website Posting

22. This Order implements procedures and amends rules to facilitate docketing and electronic filing for domestic section 214 filings and network change notices through ECFS. The rule changes apply to filings submitted after the effective date of these rules and do not impact existing proceedings. To ensure transparency and accessibility of domestic section 214 filings and network change notices to all interested parties, the Bureau will continue to post on its website a listing of all pending filings and their status.[37] This resource contains links to public notices and other information useful to parties who are interested in commenting on the pending items. As indicated above, parties will also be able to access the applications, notices, and all associated filings from the public and the Commission in the ECFS dockets we establish for each submission.

23. With respect to pending network change notifications filed prior to the effective date of these new rules, responsive filings may continue to be submitted on paper, and public comments in response to copper retirements may be sent by e-mail to NetworkChange@fcc.gov.

24. The attached Appendix contains the amendments to the rules.[38] The revised rules, and the requirement that these types of filings be submitted electronically, will take effect 30 days after publication in the Federal Register.

25. We believe, however, that it would serve the public interest to allow filings in these types of proceedings to be made in accordance with this order as soon as possible, without waiting until the rules become effective. Therefore, effective upon release of this Order, we waive our existing rules to the extent that they might prohibit such electronic filing, subject to the availability of such capabilities in

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[35] Currently, the official filing date for domestic section 214 transfer of control applications is the date on which the lockbox bank stamps the application as accepted. The Commission considers domestic section 214 discontinuance applications and network change notices to be officially filed on the date carriers submit them to the Office of the Secretary. For purposes of required notice to customers, the Commission deems a discontinuance application to be filed on the date the Commission releases public notice of the filing. 47 C.F.R. § 63.71(c).

[36] *See* 47 C.F.R. § 0.459(a)(2).

[37] *See* http://www.fcc.gov/encyclopedia/transfer-control; http://www.fcc.gov/encyclopedia/domestic-section-214-discontinuance-service; http://www.fcc.gov/encyclopedia/section-251-wireline-network-changes.

[38] Because the changes we adopt here modify existing agency procedural rules, they are exempt from the notice and comment requirements of the Administrative Procedure Act. 5 U.S.C. § 553(b) (stating that notice and comment requirements do not apply to rules of agency procedure). *See Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, GC Docket No. 10-44, Notice of Proposed Rulemaking, 25 FCC Rcd 2430, 2430, para. 1 n.1; 2434, para. 11 n.15; 2436, para. 16 n.23 (2010); *Part 1 Order*, 26 FCC Rcd at 1598, para. 10 n.23; 1600, para. 15 n.44.

ECFS. The Commission may suspend, revoke, amend, or waive its rules at any time for good cause shown.[39] The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.[40] This waiver serves the public interest by allowing the benefits of electronic filing to be realized immediately by the public, by Commission staff, and by those parties who choose to use it. It will also allow for a transition period during which electronic filing, though not yet mandatory, will be permitted, which should benefit both the Bureau and filers by helping to identify any unforeseen difficulties.

G. Additional Online Filing Capabilities

26. As noted above, we also revise section 1.49 of our rules to make clear that, to the extent any Commission rules may be construed as requiring paper filings, Commission staff is authorized to provide online filing capabilities and to accept such filings from parties that wish to submit them. This furthers the Commission's efforts to update and improve its procedures by providing for greater reliance on electronic filing,[41] which are being continued in this Order.

IV. PROCEDURAL MATTERS

A. Paperwork Reduction Act

27. The Commission has authority under the Paperwork Reduction Act of 1995 to collect the information contained in the domestic section 214 applications and network change notices we address in this Order.[42] The Commission will report the electronic filing changes adopted in this Order to the Office of Management and Budget.

B. Regulatory Flexibility Act

28. The actions taken in this Order do not require notice and comment,[43] and therefore fall outside the Regulatory Flexibility Act of 1980, as amended.[44] We nonetheless anticipate that the rules we adopt herein will not have a significant economic impact on a substantial number of small entities. As described above, the rules relate to Commission procedures and do not impose new substantive responsibilities on regulated entities. There is no reason to believe that operation of the revised rules will impose significant costs on parties to Commission proceedings. To the contrary, we take the actions herein with the expectation that, overall, they will make dealings with the Commission quicker, easier, and less costly for entities of all sizes.

C. Congressional Review Act

29. The Commission will not send a copy of this Order to Congress or the Government Accountability Office pursuant to the Congressional Review Act because the adopted rules are rules of agency organization, procedure, or practice that do not "substantially affect the rights or obligations of non-agency parties."[45]

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[39] 47 C.F.R. § 1.3.

[40] *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

[41] *See, e.g.*, *Part 1 Order*, 26 FCC Rcd at 1599-1602, paras. 13-21.

[42] Pub. L. No. 104-13, 109 Stat. 163 (1995) (codified at 44 U.S.C. § 3501 *et seq*.). The collections are designated under OMB Control Nos. 3060-0149, 3060-0989 (section 214 filings) and 3060-0741 (network changes).

[43] *See supra* n.38.

[44] *See* 5 U.S.C. §§ 601(2); 603(a).

[45] *See* 5 U.S.C. § 801(a)(1)(A).

V. ORDERING CLAUSES

30. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 201, 214, and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 201, 214, 251, that parts 1, 51, and 63 of the Commission's rules, 47 C.F.R. parts 1, 51, and 63, ARE AMENDED as set forth in the attached Appendix, effective 30 days after publication in the Federal Register.

31. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), 214, and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 214, 251, and section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, that, effective upon release of this Order, sections 1.49, 51.329, 63.52, 63.53, 63.63, and 63.71 of the Commission's rules, 47 C.F.R. §§ 1.49, 51.329, 63.52, 63.53, 63.63, 63.71, ARE WAIVED to the extent necessary to permit online electronic filing in accordance with the processes discussed in this Order. This waiver shall be effective until the effective date of the rule changes ordered in the previous paragraph.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX

Final Rules

1. Section 1.49 is amended by revising paragraphs (f)(1)(iv) and (v), adding paragraphs (1)(vi), (1)(vii), and (1)(viii) to paragraph (f), revising paragraphs (f)(2) and adding paragraph (f)(2)(v); redesignating paragraph (f)(3) as paragraph (f)(4), inserting a new paragraph (f)(3), and revising paragraph (f)(4) (as redesignated) to read as follows:

§ 1.49 Specifications as to pleadings and documents.

* * * * *

(f) * * *

(1) * * *

(iv) Proceedings involving Over-the-Air Reception Devices;

(v) Common carrier certifications under § 54.314 of this chapter;

(vi) Domestic Section 214 transfer-of-control applications pursuant to §§ 63.52 and 63.53 of this chapter;

(vii) Domestic Section 214 discontinuance applications pursuant to §§ 63.63 and/or 63.71 of this chapter; and

(viii) Notices of network change and associated certifications pursuant to § 51.325 *et seq*. of this chapter.

(2) Unless required under paragraph (f)(1) of this section, in the following types of proceedings, all pleadings, including permissible ex parte submissions, notices of ex parte presentations, comments, reply comments, and petitions for reconsideration and replies thereto, may be filed in electronic format:

* * * * *

(iii) Petition for rulemaking proceedings (except broadcast allotment proceedings);

(iv) Petition for forbearance proceedings; and

(v) Filings responsive to domestic section 214 transfers under § 63.03 of this chapter, section 214 discontinuances under § 63.71 of this chapter, and notices of network change under § 51.325 *et seq.* of this chapter.

(3) To further greater reliance on electronic filing wherever possible, the Bureaus and Offices, in coordination with the Managing Director, may provide to the public capabilities for electronic filing of additional types of pleadings notwithstanding any provisions of this chapter that may otherwise be construed as requiring such filings to be submitted on paper.

(4) For purposes of compliance with any prescribed pleading lengths, the length of any document filed in electronic form shall be equal to the length of the document if printed out and formatted according to the specifications of paragraph (a) of this section, or shall be no more than 250 words per page.

2. Section 51.329 is amended by revising paragraph (c)(2) to read as follows:

§ 51.329 Notice of network changes: Methods for providing notice.

* * * * *

(c) Specific filing requirements. Commission filings under this section must be made as follows:

* * * * *

(2) The incumbent LEC's public notice and any associated certifications shall be filed through the Commission's Electronic Comment Filing System (ECFS), using the "Submit a Non-Docketed Filing" module. All subsequent filings responsive to a notice may be filed using the Commission's ECFS under the docket number set forth in the Commission's public notice for the proceeding. Subsequent filings responsive to a notice also may be filed by sending one paper copy of the filing to "Secretary, Federal Communications Commission, Washington, DC 20554" and one paper copy of the filing to "Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554." For notices filed using the Commission's ECFS, the date on which the filing is received by that system will be considered the official filing date. For notices filed via paper copy, the date on which the filing is received by the Secretary or the FCC Mailroom is considered the official filing date. All subsequent filings responsive to a notice shall refer to the ECFS docket number assigned to the notice.

3. Section 63.52 is amended by revising paragraphs (a) and (c) to read as follows:

§ 63.52 Copies required; fees and filing periods for domestic authorizations.

(a) Applications filed under section 214 of the Communications Act for domestic authority must be filed electronically with the Commission through the Electronic Comment Filing System (ECFS). Each domestic transfer of control application shall be accompanied by the fee prescribed in subpart G of part 1 of this chapter.

* * * * *

(c) Any interested party may file a petition to deny an application within the 30-day or other time period specified in paragraph (b) of this section. The petitioner shall serve a copy of such petition on the applicant via electronic mail or paper copy no later than the date of filing thereof with the Commission. The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant may file an opposition to any petition to deny, and the petitioners may file a reply to such opposition (see § 1.45 of this chapter), and allegations of facts or denials thereof shall similarly be supported by affidavit. These responsive pleadings shall be served on the applicant or petitioners, as appropriate, and other parties to the proceeding.

4. Section 63.53 is amended by revising paragraph (b) to read as follows:

§ 63.53 Form.

* * * * *

(b) Applications for domestic service under section 214 of the Communications Act must be filed electronically with the Commission. For applications filed electronically and subject to a processing fee it is not necessary to send the original or any copies with the fee payment. Unless specified otherwise all applications and other filings described in this section must be filed electronically through the "Submit a Non-Docketed Filing" module of the Commission's Electronic Comment Filing System. For information on electronic filing requirements, see the ECFS homepage at http://apps.fcc.gov/ecfs/. See also § 63.52.

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5. Section 63.63 is amended by revising paragraph (a) introductory text to read as follows:

§ 63.63 Emergency discontinuance, reduction or impairment of service.

(a) Application for authority for emergency discontinuance, reduction, or impairment of service shall be made by electronically filing an informal request through the "Submit a Non-Docketed Filing" module of the Commission's Electronic Comment Filing System. Such requests shall be made as soon as practicable but not later than 15 days in the case of public coast stations, or 65 days in all other cases, after the occurrence of the conditions which have occasioned the discontinuance, reduction, or impairment. The request shall make reference to this section and show the following:

* * * * *

6. Section 63.71 is amended by revising paragraph (a)(5)(i) and (ii), redesignating paragraphs (c) and (d) as paragraphs (d) and (e), and adding new paragraph (c) to read as follows:

§ 63.71 Procedures for discontinuance, reduction or impairment of service by domestic carriers.

(a) * * *

(5) * * *

(i) If the carrier is non-dominant with respect to the service being discontinued, reduced or impaired, the notice shall state: The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of (carrier's name). Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

(ii) If the carrier is dominant with respect to the service being discontinued, reduced or impaired, the notice shall state: The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely

affected. If you wish to object, you should file your comments as soon as possible, but no later than 30 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of (carrier's name). Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

* * * * *

(c) Discontinuance applications and all related attachments to the application filed under this section shall be filed through the "Submit a Non-Docketed Filing" module of the Commission's Electronic Comment Filing System.

(d) * * *

(e) * * *