

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

In the Matter of
Petition for Expedited Waiver of
North American Billing & Collection, Inc.
CC Docket No. 92-237
NSD-L-00-271

ORDER

Adopted: December 28, 2000

Released: December 29, 2000

By the Deputy Chief, Common Carrier Bureau:

1. On December 12, 2000, North American Billing and Collection, Inc. (NBANC) filed a petition for expedited waiver ("Petition") of the requirement that NBANC's board of directors meet at least four times per year in Washington, D.C. NBANC states that it has met only three times during 2000 and has had one conference call. NBANC seeks waiver of the requirement that it conduct a fourth face-to-face meeting during 2000 and also requests waiver to allow it to hold no fewer than two face-to-face meetings in Washington, plus at least two conference call meetings, in 2001.

2. According to NBANC, its experience suggests that "fewer face-to-face meetings are necessary to conduct NBANC's business." NBANC argues that fewer face-to-face meetings will substantially lower overall board expenses that are charged to North American Numbering Plan administration. Further, NBANC argues that the lower number of board meetings will be "sufficient to assure proper oversight of NBANC activities."

3. The Commission will not waive any provision of its rules unless good cause is shown.

1 North American Numbering Plan, Toll-Free Service Access Codes, Third Report & Order and Third Report & Order, CC Docket Nos. 92-237, 95-155, 12 FCC Rcd 23040 at paras. 84, 86 (1997) ("NANPA Order") ("The board shall meet at least quarterly, and more frequently if the board members deem necessary. . . . Meetings . . . shall be held in Washington, D.C.").

2 Petition at 2.

3 Petition at 1.

4 Petition at 2.

5 Id.

6 47 C.F.R. § 1.3.

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Under the relevant case law, the applicant has the burden of showing good cause for a waiver: "[a]n applicant [for a waiver] faces a high hurdle even at the starting gate."⁷ Nevertheless, an agency must take a "hard look" at applications for waiver⁸ and must consider all relevant factors.⁹ An agency must adhere strictly to its rules unless a party can show "reasons why in the public interest the rule should be waived."¹⁰

4. We find that the public interest will be served by granting NBANC the waiver relief that it seeks in this instance. The rule requiring four face-to-face meetings in Washington was established at the same time that NBANC was created. Now, with greater experience behind it, the NBANC board is in a reasonable position to ascertain that fewer face-to-face meetings are necessary for its oversight of NBANC's activities. Further, fewer face-to-face meetings will reduce the overall cost of numbering administration, lowering costs that all carriers pay and, ultimately, pass on to consumers. We believe that the NBANC Board can conduct its business by means of teleconferences on those occasions that it does not meet face-to-face. Because all NBANC meetings, including those conducted via teleconference are open to the public, the public interest will be protected.

5. Accordingly, IT IS ORDERED, that NBANC's Petition for Waiver IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Yog R. Varma
Deputy Chief, Common Carrier Bureau

⁷ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

⁸ *Id.*

⁹ *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971).

¹⁰ *FPC v. Texaco Inc.*, 377 U.S. 33, 39 (1964).