

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

In the Matter of )  
 )  
National Exchange Carrier )  
Association, Inc. )  
 )  
Petition for Waiver of )  
Section 69.602 of the Commission's Rules )  
 )

File No. ASD 01-34

ORDER

Adopted: June 6, 2001

Released: June 6, 2001

By the Deputy Chief, Common Carrier Bureau:

1. On April 10, 2001, the National Exchange Carrier Association (“NECA”) filed a Petition for Waiver of section 69.602 of the Commission's rules, which requires annual elections of its Board of Directors.<sup>1</sup> We herein grant NECA's request to waive, for one year, the requirements for annual elections of its Board of Directors, scheduled to take place in October 2001 for the 2002 term.

2. Under section 69.602 of the Commission's rules, NECA conducts annual elections of its 15-member board. Each Director serves a one-year term commencing January 1 and concluding on December 31.<sup>2</sup> In a separate filing, NECA proposed to eliminate the annual election and one-year term requirements for NECA's board of directors under section 69.602.<sup>3</sup> NECA also filed comments in the Commission's 2000 Biennial Regulatory Review proceeding proposing similar streamlining and reform of these requirements.<sup>4</sup> In its *2000 Biennial Review Report*, the Commission agreed with staff recommendations to consider changing the annual election requirements and term limits for NECA's Board of Directors.<sup>5</sup>

<sup>1</sup> See Biennial Regulatory Review 2000 Staff Report, National Exchange Carrier Association, Inc., Petition for Interim Waiver, filed April 10, 2001 (“NECA Petition”). A Public Notice was released on April 13, 2001. See *Pleading Cycle Established for Comments on National Exchange Carrier Association, Inc. Petition for Interim Waiver of Section 69.602 of the Commission's Rules*, File No. ASD 01-24, DA 01-937.

<sup>2</sup> See 47 C.F.R. §69.602(e), (f), and (i).

<sup>3</sup> See Letter from Richard A. Askoff, Deputy General Counsel, NECA, to Magalie R. Salas, Secretary, FCC (July 26, 2000).

<sup>4</sup> See Comments filed by NECA on October 10, 2000 to the Biennial Regulatory Review 2000 Staff Report (“NECA Comments”).

<sup>5</sup> See The 2000 Biennial Regulatory Review, *Report*, FCC 00-456 (rel. January 17, 2001) (“2000 Biennial Review Report”) at para. 63.

Pending a Commission decision on NECA's proposal to change section 69.602, NECA requests waiver of the annual election requirements for the 2002 term. According to NECA, it must begin preparation for the October 2001 elections after May 15, 2001.<sup>6</sup> Once this process begins, according to NECA, it will incur costs, such as fees for independent inspectors of elections, printing and mailing ballots, as well as time and expense for the campaigns.<sup>7</sup>

3. We believe that good cause exists to waive the annual election requirements of section 69.602 for the 2002 term election. We find that waiving the election requirement for the 2002 term election will relieve NECA and its members of unnecessary administrative burdens and costs. We note that no comments were filed in response to our Public Notice on NECA's waiver request. Accordingly, we find that this waiver will not adversely affect any interest. Therefore, we waive for one year the requirement of section 69.602 that NECA hold annual elections for its Board of Directors.

4. Accordingly, **IT IS ORDERED**, pursuant to the authority contained in sections 1, 4(i), 4(j), and 201-205 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), (j), and 201-205, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.3, that the petition for waiver of section 69.602 filed by the National Exchange Carriers Association, **IS GRANTED** to the extent herein discussed.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey,  
Deputy Chief, Common Carrier Bureau

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<sup>6</sup> See NECA Petition at 1.

<sup>7</sup> *Id.* at 2.