

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

In the Matter of)
)
Amendment of Parts 1, 43, and 63)
of the Commission's Rules)
)

ORDER

Adopted: November 29, 2001

Released: December 5, 2001

By the Managing Director:

1. By this Order, we amend several sections of the Commission's rules. First, we amend section 43.61(a)(1), 47 C.F.R. § 43.61(a)(1), to remove the reference to former section 64.1002, 64 C.F.R. § 64.1002. We remove the reference to section 64.1002 because this section no longer exists.¹ Second, we amend section 63.24(b), 47 C.F.R. § 63.24(b), to remove the reference to paragraph (c) of that section. We remove the reference to paragraph (c) in section 63.24(b) because there is no paragraph (c) in section 63.24. The reference was inadvertently included when the Commission adopted the final rule.² Third, we revise the heading for section 63.52, 47 C.F.R. § 63.52. The section heading was adopted with the final rules, but the section heading was never revised to reflect the correct heading.³ Finally, we delete section 1.813, 47 C.F.R. § 1.813. The reporting requirements referenced in section 1.813 were eliminated.⁴ Thus, section 1.813 should be removed from the Commission's rules to eliminate confusion.

¹ See 1998 Biennial Regulatory Review – Reform of the International Settlements Policy, IB Docket Nos. 98-148, 95-22, and CC Docket No. 90-337, Report and Order and Order on Reconsideration, 14 FCC Rcd 7963 (1999), paras. 75-81 (removing section 64.1002 of the rules, “Alternative Settlement Arrangements”).

² See 1998 Biennial Regulatory Review – Review of International Common Carrier Regulations, IB Docket Nos. 98-118, Report and Order, 14 FCC Rcd 4909 (1999), Appendix B, Final Rules.

³ See Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, Report and Order, 11 FCC Rcd 12884 (1996), Appendix A, Final Rules.

⁴ See Amendment of Sections 43.51, 43.52, 43.53, 43.54 and 43.74 of the Commission's Rules To Eliminate Certain Reporting Requirements, CC Docket No. 85-346, Report and Order, 1 FCC Rcd 933 (1986).

2. Because the rule amendment adopted here is a matter of agency practice and procedure, compliance with the notice and comment and effective date provisions of the Administrative Procedure Act is not required.⁵

3. Accordingly, pursuant to section 0.231(b) of the Commission's rules, 47 C.F.R. § 0.231(b), IT IS ORDERED that sections 1.813, 43.61(a)(1), 63.24(b), and 63.52 of the Commission's Rules are AMENDED in the manner indicated in the attached appendix, to be effective upon publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Andrew S. Fishel
Managing Director

⁵ 5 U.S.C. § 553(b)(A).

APPENDIX

PART 1 – PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e).

2. Section 1.813 is removed.

PART 43 – REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

3. The authority citation for part 43 continues to read as follows:

Authority: 47 U.S.C. 154; Telecommunications Act of 1996, Pub. L. 104-104, secs.

402(b)(2)(B), (c), 110 Stat. 56 (1996) as amended unless otherwise noted. 47 U.S.C. 211, 219, 220 as amended.

4. Section 43.61 is amended by revising paragraph (a)(1) to read as follows:

§ 43.61 Reports of international telecommunications traffic.

(a) ***

- (1) The information contained in the reports shall include actual traffic and revenue data for each and every service provided by a common carrier, divided among service billed in the United States, service billed outside the United States, and service transiting the United States.

PART 63 -- EXTENSION OF LINES, NEW LINES, AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

5. The authority citation for part 63 continues to read as follows:

Authority: Sections 1, 4(i), 4(j), 10, 11, 201-205, 214, 218, 403 and 651 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 160, 201-205, 214, 218, 403, and 571, unless otherwise noted.

6. Section 63.24 is amended by revising paragraph (b) to read as follows:

§ 63.24 Pro forma assignments and transfers of control.

(b) A pro forma assignment or transfer of control of an authorization to provide international telecommunications service is not subject to the requirements of § 63.18. A pro forma assignee or a carrier that is the subject of a pro forma transfer of control is not required to seek prior Commission approval for the transaction. A pro forma assignee must notify the Commission no later than 30 days after the assignment is consummated. The notification may be in the form of a letter (in duplicate to the Secretary), and it must contain a certification that the assignment was pro forma as defined in paragraph (a) of this section and, together with all previous pro forma transactions, does not result in a change of the carrier's ultimate control. A single letter may be filed for an assignment of more than one authorization if each authorization is identified by the file number under which it was granted.

7. Section 63.52 is amended by revising the section heading to read as follows:

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