DA 14-1701

November 24, 2014

FCC Docket Nos. 10-44, 14-206, 14-207, 14-208, 14-209, 14-210, 14-211, 14-212, 14-213, 14-214, 14-215, 14-216, 14-217, 14-218, 14-219, 14-220, 14-221, 14-222, 14-223, 14-227

**Enforcement Bureau Announces Effective Date for Voluntary Electronic Filing**

**In Section 208 and Section 224 Complaint Proceedings**

On November 12, 2014, the Commission released an order requiring electronic filing through the Commission’s Electronic Comment Filing System (ECFS) in two categories of cases: (1) formal complaints under Section 208 of the Communications Act (Act) and (2) pole attachment complaints under Section 224 of the Act.[[1]](#footnote-1) The *MDRD ECFS Rulemaking Order* authorized parties to use ECFS to file voluntarily all pleadings in such cases ten days after the release of the *Order*. Mandatory electronic filing will begin thirty days after publication of the revised rules in the Federal Register.

Today, the Enforcement Bureau announces that parties *may* begin to file electronically as of tomorrow, Tuesday, November 25. Attached hereto is an Appendix that lists for each pending complaint proceeding a new ECFS docket number along with the existing Bureau identification number. The Bureau will release a subsequent notice announcing the date when e-filing will become mandatory.

When voluntarily e-filing an initial Section 208 formal complaint or Section 224 pole attachment complaint, a complainant must select either “Section 208 Complaint: Restricted Proceedings” or “Section 224 Pole Attachment Complaint: Restricted Proceedings” from the “Submit a Non-Docketed Filing” module of ECFS. In contrast, when voluntarily e-filing a pleading in an existing Section 208 formal complaint or Section 224 pole attachment complaint proceeding, a party must select “Submit a Filing” and enter the assigned EB Docket No. as the ECFS “Proceeding Number.” Under “Details,” select the appropriate “Type of Filing” and enter the “Bureau Identification Number” listed below. “File Number” and “Report Number” may be left blank.

If a pleading includes confidential information, the party should file a redacted version of the pleading on ECFS and file the confidential version with the Office of the Secretary.[[2]](#footnote-2) Parties should file the redacted and confidential versions of pleadings on the same day. Anything submitted to ECFS will become public. Contact ECFS Help immediately at ecfshelp@fcc.gov, or 202-418-1413, if there is a filing error.

When filing a complaint electronically, a complainant no longer needs to submit a hard copy of the complaint with the fee payment to US Bank.[[3]](#footnote-3) Instead, the complainant should transmit the complaint filing fee electronically to a designated payment center and then file the complaint electronically using ECFS. One option is the Commission’s Fee Filer System (http://www.fcc.gov/encyclopedia/fee-filer), which provides for online payment of the “application” complaint filing fee, as well as immediate payment verification, and assists the filer in completing Form 159 online (both documents must be filed with the complaint).

Electronic filing is not available for section 208 carrier-to-carrier informal complaints.[[4]](#footnote-4) Consumers and businesses may continue to file electronic informal complaints at http://www.fcc.gov/complaints, which is managed by the Consumer & Governmental Affairs Bureau.[[5]](#footnote-5)

We remind potential filers that Section 208 formal complaint and Section 224 pole attachment complaint proceedings are restricted for purposes of the ex parte rules and generally closed for public comment. The rule changes in the *MDRD ECFS Rulemaking Order* do not affect this restricted status.

Appendix A: MDRD ECFS Proceeding and Bureau Identification Numbers

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| Proceeding Number | Bureau Identification Number | Complainant | Defendant |
| 14-207 | EB-04-MD-006 | Earthlink, Inc. | SBC Advanced Solutions & SBC Comm. |
| 14-208 | EB-08-MD-008 | North County Comm. | Cricket Comm. |
| 14-209 | EB-09-MD-010 | AT&T | All American Tel. Co. |
| 14-210 | EB-12-MD-002 | Charter Communications | Georgia Power Company |
| 14-211 | EB-13-MD-001 | LSSi & Volt Delta | Comcast |
| 14-212 | EB-13-MD-006 | NTCH, Inc. | Cellco Partnership dba Verizon Wireless |
| 14-213 | EB-13-MD-007 | Frontier Communications | Duke Energy Progress Inc. |
| 14-214 | EB-14-MD-001 | Frontier Communications | Duke Energy Carolinas, Inc. |
| 14-215 | EB-14-MD-002 | Frontier Communications | Duke Energy Carolinas, Inc. |
| 14-216 | EB-14-MD-003 | Verizon Florida LLC | Florida Power and Light Company |
| 14-217 | EB-14-MD-007 | Commonwealth & CTSI Company | UGI Utilities, Inc. |
| 14-218 | EB-14-MD-008 | Frontier Communications | FirstEnergy |
| 14-219 | EB-14-MD-009 | Edward Ryan | Verizon |
| 14-220 | EB-14-MD-010 | Foreman Seeley Fountain Inc. | TW Telecom Holdings, Inc. |
| 14-221 | EB-14-MD-011 | Worldcall Interconnect | AT&T |
| 14-222 | EB-14-MD-013 | AT&T | Great Lakes and Westphalia Tel. Co. |
| 14-223 | EB-14-MD-014 | Sprint | North County Comm. |
| 14-227 | EB-14-MD-015 | Fiber Technologies | Duke Energy Indiana |

1. *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*, Order, GC Docket No. 10-44, FCC 14-179 (*MDRD ECFS Rulemaking Order*) (rel. Nov. 12, 2014); 47 U.S.C. §§ 208, 224(b). [↑](#footnote-ref-1)
2. *MDRD ECFS Rulemaking Order*, Appendixat 10, 12 (rules 47 C.F.R. §§ 1.731(a)(3), 1.735(b), 1.1408(a),(c)). [↑](#footnote-ref-2)
3. *See* 47 C.F.R. § 1.1106. [↑](#footnote-ref-3)
4. *See* 47 C.F.R. § 1.716–1.718; *see also* http://www.fcc.gov/encyclopedia/market-disputes-resolution-division. [↑](#footnote-ref-4)
5. *See, e.g.*, 47 C.F.R. § 1.730(b). [↑](#footnote-ref-5)