



PUBLIC NOTICE

Federal Communications Commission
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DA 14-271

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CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON PETITION FOR EXPEDITED DECLARATORY RULING AND/OR WAIVER FILED BY NATIONAL GRID USA, INC.

CG Docket No. 02-278

Comment Date: March 31, 2014

Reply Comment Date: April 15, 2014

On February 18, 2014, National Grid USA, Inc. (National Grid) filed a petition for expedited declaratory ruling requesting that the Commission confirm that a “doing business as” (d/b/a) name registered with the state corporation commission (or comparable regulatory authority) satisfies the caller identification requirements for artificial or prerecorded voice calls pursuant to section 64.1200(b)(1) of the Commission’s rules.¹ By way of background, section 64.1200(b)(1) requires that an artificial or prerecorded voice telephone message shall “[a]t the beginning of the message, state clearly the identity of the business, individual, or other entity that is responsible for initiating the call. If a business is responsible for initiating the call, the name under which the entity is registered to conduct business with the State Corporation Commission (or comparable regulatory authority) must be stated.”²

National Grid contends that, although the Commission has spoken generally to the issue of whether a company’s d/b/a name is sufficient to satisfy this requirement, it has not ruled specifically on whether a d/b/a name that is also registered with a state corporation commission satisfies this requirement.³ National Grid argues that a d/b/a name that is registered with the appropriate regulatory authority allows called parties the same ability to search for and identify the caller as they would be able to do with a search for a “legal” or “official business” name.⁴ As such, National Grid avers that a registered d/b/a name satisfies the intent of the rule to ensure that callers are able to identify the calling party.⁵ In the alternative, National Grid reiterates this reasoning and argues that good cause exists to

¹ See *Petition of National Grid USA, Inc.*, CG Docket No. 02-278 at 6-7 (filed Feb. 18, 2014) (Petition).

² See 47 C.F.R. § 64.1200(b)(1).

³ Petition at 5; see also *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014, 14100, para. 144 (2003) (“The Commission recognizes that some businesses use ‘d/b/as’ or aliases for marketing purposes. The rule does not prohibit the use of such additional information, provided the legal name of the business is also stated”).

⁴ Petition at 6.

⁵ *Id.*

grant it a waiver that would allow the use of a d/b/a name registered with a state corporation commission when placing prerecorded calls.⁶ National Grid contends that its customers are familiar with the registered d/b/a name, and have likely never heard of the legacy utility names.⁷ Moreover, National Grid contends that using the official legal name together with the d/b/a name is cumbersome and unnecessarily prolongs the prerecorded calls.⁸ We seek comment on the issues raised in this petition.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the

⁶ *Id.* at 7-8.

⁷ *Id.*

⁸ *Id.* at 8.

⁹ 47 C.F.R. §§ 1.1200 *et seq.*

presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

FOR FURTHER INFORMATION CONTACT: Richard D. Smith, Consumer and Governmental Affairs Bureau, Federal Communications Commission, (717) 338-2797; Richard.Smith@fcc.gov.

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