

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

In the Matter of )
Establishing the Digital Opportunity Data ) WC Docket No. 19-195
Collection )
Modernizing the FCC Form 477 Data Program ) WC Docket No. 11-10

ORDER

Adopted: December 6, 2019

Released: December 6, 2019

By the Managing Director:

I. INTRODUCTION

1. In this Order, the Managing Director makes non-substantive revisions to parts 1, 20, and 43 of the Commission’s rules by eliminating a redundant and obsolete provision and revising other related provisions of the Commission’s rules for consistency, in conformance with the Commission’s recent Report and Order adopted in the above-referenced proceedings. Both sections 1.7002 and 43.01(d) of the Commission’s rules establish requirements regarding the frequency and content of FCC Form 477 filings. We eliminate this potentially confusing redundancy by deleting section 43.01(d). In turn, the deletion of paragraph (d) of section 43.01 requires that we amend paragraph (b) of section 43.01, to remove the cross-reference to the deleted paragraph (d). In addition, section 20.15(b)(1) of the rules contains references to sections 1.7001 and 43.11 that are inconsistent with the Commission’s recent amendment of section 1.7001 and its repeal of section 43.11. Accordingly, this Order deletes section 43.01(d), revises sections 20.15(b)(1) and 43.01(b) for conformity with these rule amendments, and corrects an error in section 1.7001 (a)(2)(iv).

2. Pursuant to section 0.231(b) of the Commission’s rules, the Managing Director “is delegated authority to make nonsubstantive, editorial revisions of the Commission’s rules and regulations upon approval of the bureau or staff office primarily responsible for the particular part or section involved.” The changes effected by this Order are intended only to eliminate a redundant and obsolete provision in the Commission’s rules and to revise other rules for conformance with this revision. These changes should not be construed to change any substantive requirements.

1 Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program, Report and Order and Second Further Notice of Proposed Rulemaking, WC Docket Nos. 19-195 and 11-10, FCC 19-79 (released Aug. 6, 2019); Establishing the Digital Opportunity Data Collection and Modernizing the FCC Form 477 Data Program, Final Rule, 84 FR 43705 (Aug. 22, 2019).

2 47 CFR §§ 1.7002, 43.01(d).

3 47 CFR §§ 43.01(b), (d).

4 47 CFR §§ 1.7001, 20.15(b)(1), 43.11.

5 47 CFR § 0.231(b).

3. This Order has been coordinated with and approved by the chiefs of all Commission Bureaus and Offices primarily responsible for the rules involved.

## II. PROCEDURAL MATTERS

4. *Regulatory Flexibility Act.* Because we adopt this Order without notice and comment, the Regulatory Flexibility Act (RFA) does not apply.<sup>6</sup>

5. *Paperwork Reduction Act.* The Order does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified “information collection burden for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002.<sup>7</sup>

6. *Congressional Review Act.* Because this Order affects only rules of agency organization, procedure, or practice and does not substantially affect the rights or obligations of non-agency parties, it is not subject to the Congressional Review Act.<sup>8</sup>

## III. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 4(i), 4(j), and 5 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 155, and section 0.231(b) of the Commission’s rules, 47 CFR § 0.231(b), this Order IS ADOPTED, effective upon publication in the Federal Register.

8. IT IS FURTHER ORDERED that title 47 of the Code of Federal Regulations IS AMENDED as set forth in the Appendix hereto.

FEDERAL COMMUNICATIONS COMMISSION

Mark Stephens  
Managing Director

Approved by:

Donald K. Stockdale, Jr.  
Chief  
Wireless Telecommunications Bureau

Kris A. Monteith  
Chief  
Wireline Competition Bureau

Giulia McHenry  
Acting Chief  
Office of Economics and Analytics

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<sup>6</sup> 5 U.S.C. § 604.

<sup>7</sup> 44 U.S.C. § 3506(c)(4).

<sup>8</sup> 5 U.S.C. § 804(3)(C).

**APPENDIX: Rule Changes****Part 1 – Practice and Procedure**

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

AUTHORITY: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note, unless otherwise noted.

2. Revise section 1.7001(a)(2)(iv) by striking “Wireless service” and inserting in its place “Wireless spectrum”.

**Part 20 – Commercial Mobile Services**

3. The authority citation for part 20 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 152(a) 154(i), 157, 160, 201, 214, 222, 251(e), 301, 302, 303, 303(b), 303(r), 307, 307(a), 309, 309(j)(3), 316, 316(a), 332, 610, 615, 615a, 615b, 615c, unless otherwise noted.

4. Revise section 20.15 by amending the first sentence of paragraph (b)(1) to read as follows:

File with the Commission copies of contracts entered into with other carriers or comply with other reporting requirements, or with §§ 1.781 through 1.814 and 43.21 of this chapter; except that commercial radio service providers that are facilities-based providers of broadband service or facilities-based providers of mobile telephony service, as described in § 1.7001(b)(1) and (3) of this chapter, are required to file reports pursuant to §§ 1.7000-1.7002 of this chapter. \* \* \*

**Part 43 – Reports of Communications Common Carriers, Providers of International Services and Certain Affiliates**

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

AUTHORITY: 47 U.S.C. 35–39, 154, 211, 219, 220; sec. 402(b)(2)(B), (c), Pub. L. 104-104, 110 Stat. 129.

6. Revise paragraph (b) of section 43.01 by striking the phrase “Except as provided in paragraphs (c) and (d) of this section” and inserting in its place “Except as provided in paragraph (c) of this section”.

7. Delete paragraph (d) of section 43.01.