



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
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APPLICATION OF EX PARTE RULES TO INTERNET E-MAIL

The Commission's new computer system now affords members of the public access to decision-making personnel through delivery of Internet E-Mail. The purpose of this public notice is to remind the public that the ex parte rules (47 C.F.R. §1.1200 et seq.) that apply to written presentations to any Commission decision-making personnel also apply to Internet E-Mail presentations.

In restricted proceedings (e.g., proceedings involving mutually exclusive applications, a formal complaint, or a formally opposed application), oral and written ex parte presentations are generally prohibited. See 47 C.F.R. §1.1208. Therefore, as with other written presentations, Internet E-Mail presentations to Commission decision-makers in restricted proceedings are prohibited unless they are served on all parties to the proceeding.

In non-restricted proceedings (e.g., most informal rulemakings after issuance of a notice of proposed rulemaking), ex parte presentations are permissible (except during the Sunshine Period) but must be disclosed. See 47 C.F.R. §1.1206. Therefore, as with other written presentations, if an Internet E-Mail ex parte presentation in a non-restricted proceeding is transmitted to any decision-making personnel, two hard copies of that presentation should be provided to the Secretary. The presentation (as well as any transmittal letter) should indicate clearly on its face the docket number of the particular proceeding(s) to which it relates and the fact that two copies of it have been submitted to the Secretary. The presentation should be labeled or captioned as an ex parte presentation. See 47 C.F.R. §1.1206(a)(1).

During the Sunshine Period (the period which commences when an item is placed on the Sunshine Agenda and ends when the item is released), unless specifically exempted, all presentations concerning an item on the Sunshine Agenda, ex parte or not, are prohibited. See 47 C.F.R. §1.1203. This prohibition applies whether the proceeding is restricted, non-restricted, or is exempt under the ex parte rules. Therefore, unless an exemption specifically applies (e.g., a presentation specifically requested by the Commission or staff or a presentation from Congress or another Federal Government agency, see 47 C.F.R. §1.1203(b)&(c)),

no Internet E-Mail presentations should be transmitted during the Sunshine Period to decision-making personnel. See 47 C.F.R. §1.1203.

Action by the General Counsel.

For further information, contact Steve Bailey (202) 254-6530.