



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News media Information 202 / 418-0500

TTY 202 / 418-2555

Fax-On-Demand 202 / 418-2830

**Internet: <http://www.fcc.gov>
<ftp.fcc.gov>**

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

FOR IMMEDIATE RELEASE
November 29, 2001

NEWS MEDIA CONTACT:
Meribeth McCarrick at (202) 418-0654
Maureen Peratino at (202) 418-0506

FCC ANNOUNCES THE IMPLEMENTATION OF INTERIM ELECTRONIC FILING AND REFILING PROCEDURES FOR CERTAIN COMMISSION FILINGS DUE TO THE RECENT DISRUPTION OF MAIL DELIVERY

Washington, D.C. – The Federal Communications Commission (FCC) has amended its procedural rules on an emergency, interim basis to require the filing or refiling of certain documents electronically (*i.e.*, by facsimile or e-mail as described below), by overnight delivery service (*i.e.* other than U.S. Postal Service Express and Priority Mail), or by hand delivery to the Commission's Capitol Heights, Maryland location.

Due to recent events in Washington, D.C., resulting in the unforeseeable and understandable disruption of regular mail delivery and of the processing of other deliveries, the FCC is unable to confirm receipt of certain Commission filings that may affect processing of applications and other urgent agency business. Therefore, the FCC has amended its procedures in order to continue the timely processing of applications and other urgent agency business.

Filings to the FCC:

Effective upon this Order being published in the Federal Register and until further notice, the following types of pleadings, referred to as "Covered Pleadings," shall be filed with the Commission electronically, by overnight delivery service, or by hand delivery:

- petitions to deny filed pursuant to Section 309 of the Communications Act of 1934, as amended (Act);
- petitions for reconsideration filed pursuant to Section 405 of the Act; applications for review filed pursuant to Section 5(c)(4) of the Act;
- informal requests for Commission action involving pending applications filed pursuant to section 1.41 of the Commission's rules;
- petitions to amend the TV and FM Broadcast Table of Allotments and responsive pleadings;
- and, filings made pursuant to section 76.1502 (e)(1) of the Commission's rules.

This filing requirement does not apply to requests for review of decisions issued by the Universal Service Administrative Company filed pursuant to sections 54.719-54.725 of the Commission's rules, or any petitions for reconsideration or applications for review arising from such proceedings.

Refilings to the FCC:

In order to assist the Commission in determining whether any Covered Pleadings were filed during the period of interrupted processing but were not delivered to the FCC, parties that have filed or will file Covered Pleadings from October 1, 2001 through and including the effective date of this order, are, with three exceptions (*specified below*), required to resubmit such pleadings by the seventh calendar day following the effective date of this order as follows: by 5:30 PM EST if filed by overnight delivery service other than U.S. Postal Service Express and Priority Mail to the Commission's headquarters; by 9:00 PM EST if filed by hand delivery at the Capitol Heights, Maryland location; or by 12:00 midnight EST if resubmitted electronically.

All refilings pursuant to this paragraph shall be accompanied by a signed affidavit or a declaration pursuant to Commission rule section 1.16 stating that the previously filed pleading was timely filed in accordance with Commission rules, the date the pleading was originally sent to the Commission, and by what means. Covered Pleadings submitted up to 7 calendar days following the effective date of this order in a manner not consistent with its terms must be refiled in the same manner as Covered Pleadings filed before the effective date. Covered Pleadings filed in accordance with this paragraph will be treated as timely filed as of the date the pleading was originally sent to the Commission, but the time for any responsive pleading will be tied to the time of resubmission to the extent Commission rules set response periods based on the date of filing. Failure to resubmit required pleadings or the required affidavit or declaration in accordance with this order will result in dismissal of previously filed pleadings. Covered Pleadings falling within one of three exceptions need not be resubmitted. The exceptions include:

- Covered Pleadings that were previously filed electronically in accordance with FCC rules;
- Covered Pleadings that were hand delivered to the Commission's headquarters at 445 12th Street, S.W., Washington, D. C., between October 1 and October 19, 2001, or to our Capitol Heights location in accordance with the public notices issued on October 17 and October 18, 2001;
- Covered Pleadings delivered to the Commission by overnight delivery services other than U.S. Postal Service Express and Priority Mail.

Instructions for Electronic, Facsimile and Hand Delivery of Documents:

Electronic: For security purposes, the FCC recommends that documents filed via electronic mail be converted to PDF format. The Commission will automatically reply to all incoming e-mails to confirm receipt. Pleadings shall be filed at the following e-mail addresses depending on the Bureau or Office handling the matter:

- Mass Media MMBSecretary@fcc.gov
- Wireless WTBSecretary@fcc.gov
- Common Carrier CCBSecretary@fcc.gov
- Cable Services CSBSecretary@fcc.gov
- International IBSecretary@fcc.gov
- Enforcement EBSecretary@fcc.gov
- Other OtherSecretary@fcc.gov.

Facsimile. If filed by facsimile, pleadings shall be faxed to 202-418-0187. The fax transmission should include a cover sheet listing contact name, phone number, and, if available, an e-mail address.

Hand Delivery: If filed by hand delivery, documents shall be delivered to 9300 East Hampton Drive, Capitol Heights, Maryland 20743 pursuant to the terms of the FCC's earlier October 17 and October 18, 2001 public notices. As stated in those public notices, all hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Overnight Delivery Service: If filed by overnight delivery service other than U.S. Postal Service Express and Priority Mail, filings must be received at the Commission's headquarters at 445 12th Street, S.W., Washington, D.C. 20024. The Commission will divert those deliveries to the Capitol Heights facility.

Documents filed under seal pursuant to section 0.457 or 0.459 of the Commission's rules should be submitted by hand delivery or overnight delivery service other than U.S. Postal Service Express and Priority Mail to ensure confidential treatment under those rules.

Until further notice, parties filing Covered Pleadings electronically (either via electronic mail or facsimile) in accordance with the procedures set forth herein will not be required to file a paper original with the Office of the Secretary or the Capitol Heights, Maryland facility as described in the Commission's October 17 and October 18, 2001 public notices.

Action by the Commission November 21, 2001, by Order (FCC 01-345). Chairman Powell, Commissioners Abernathy, Copps and Martin.

FCC Contacts: Magalie Salas, 202-418-0303 or msalas@fcc.gov, and Ruth Dancey, 202-418-7085 or rdancey@fcc.gov.