

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

In the Matter of)	
)	
Rules and Regulations Implementing)	CG Docket No. 02-386
Minimum Customer Account Record)	
Exchange Obligations on All Local and)	
Interexchange Carriers)	

ORDER ON RECONSIDERATION

Adopted: September 6, 2006

Released: September 13, 2006

By the Commission:

I. INTRODUCTION

1. In this Order on Reconsideration (Order), we adopt minor modifications to section 64.4002 of the Commission's customer account record exchange (CARE) rules.¹ Section 64.4002, which was adopted by the Commission to facilitate the seamless provision of jointly-provided communications services, requires a local exchange carrier (LEC) to supply customer account information to a customer's interexchange carrier (IXC) in certain identified situations.² On April 15, 2005 and June 15, 2005, a coalition of IXCs and LECs (Coalition) filed *ex parte* submissions proposing certain clarifications and modifications to section 64.4002.³ For the reasons set forth below, we grant the Coalition's proposed changes to section 64.4002 to the extent provided herein.

II. BACKGROUND

A. CARE Order

2. On February 25, 2005, the Commission released the *CARE Order* in which it established mandatory, minimum standards governing the exchange of customer account information between LECs and IXCs.⁴ In that order, and as relevant here, the Commission required LECs to supply customer account information to an IXC in a defined set of circumstances.⁵ In particular, the Commission's rules

¹ 47 C.F.R. § 64.4002.

² *Id.*

³ See Letter from Michael F. Del Casino, AT&T, to Marlene Dortch, FCC (April 15, 2005) (*April 15th Letter*) and Letter from Michael F. Del Casino, AT&T, to Marlene Dortch, FCC (June 15, 2005) (*June 15th Letter*). The Coalition includes representatives of AT&T, BellSouth, Qwest, SBC, Sprint, and Verizon (Coalition).

⁴ See *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, CG Docket No. 02-386, Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 4560 (2005) (*CARE Order*).

⁵ See 47 C.F.R. § 64.4002(a)-(g).

require a LEC to supply such information when: (1) the LEC has placed an end user on, or removes an end user from, the IXC's network; (2) an end user that is presubscribed to an IXC makes certain changes to her account information via her LEC; (3) the IXC has requested billing name and address (BNA) information for an end user who has usage on the IXC's network, but for whom the IXC does not have an existing account; and (4) the LEC confirms or rejects an IXC-initiated PIC order.⁶

B. Coalition Request for Modification and Clarification of Section 64.4002

3. On April 15, 2005, and June 15, 2005, the Coalition proposed minor modifications and clarifications to section 64.4002, which as noted above deals with the notification requirements of LECs.⁷ In particular, the Coalition identified certain aspects of section 64.4002 that, in its view, should be clarified and/or modified "in the interest of clarity and completeness."⁸ On August 9, 2005, the Commission released a public notice requesting comment on the Coalition's proposed clarifications and modifications.⁹ Notice of the proposed changes was published in the Federal Register on September 7, 2005.¹⁰ The Commission received one comment in response to its public notice from the Texas Office of Public Utility Counsel, which supported the proposed changes.¹¹

III. DISCUSSION

A. Overview

4. In this Order, we conclude that minor modifications to section 64.4002 are needed to clarify carriers' respective obligations under that rule section. For this reason, we adopt the Coalition's proposed rule changes to the extent described below. We note that no comments were filed in opposition to any of the proposed changes.

B. Technical Corrections to Subsections 64.4002(a)(6), (b)(6), (d)(5), and (f)(5)

5. Among the categories of information that LECs currently must provide to IXCs in the situations identified in subsections 64.4002(a)(6), (b)(6), (d)(5) and (f)(5) is the "carrier identification code of the submitting LEC."¹² The Coalition suggests that this phrase should be modified to state "carrier identification code of the IXC."¹³ According to the Coalition, this "mirroring" of information back to the IXC by the LEC serves as a "handshake" and is needed to confirm that the LEC has properly identified the intended recipient of a particular notification. We agree. Mirroring the carrier identification code of the customer's selected IXC back to that IXC will help to confirm that the customer was in fact switched to the proper IXC. In addition, as there is no "submitting LEC" in any situation contemplated under 64.4002(a)(6), (b)(6), (d)(5) and (f)(5), the removal of the words "submitting LEC" is

⁶ See 47 C.F.R. § 64.4002(a)-(g). In this context, a PIC order refers to a request to change a customer's interLATA or intraLATA service.

⁷ See *April 15th Letter* and *June 15th Letter*.

⁸ *April 15th Letter* at 2 (citing 47 C.F.R. § 64.4002).

⁹ Consumer & Governmental Affairs Bureau Seeks Comment on Proposed Modifications/Clarifications to Rules Governing the Exchange of Customer Account Information Between Local and Long Distance Carriers, CG Docket No. 02-386, Public Notice, DA 05-2266, 70 Fed. Reg. 53137 (Sept. 7, 2005) (*Public Notice*).

¹⁰ See *Public Notice*, 70 Fed. Reg. 53137 (Sept. 7, 2005).

¹¹ See Comments of the Texas Office of Public Utility Counsel at 1-2.

¹² 47 C.F.R. § 64.4002(a)(6), (b)(6), (d)(5), (f)(5).

¹³ *April 15th Letter* at 1.

warranted.

C. Modifications to Section 64.4002(d)

6. Subsection 64.4002(d) currently requires a LEC to notify an IXC when that IXC is removed from the LEC's network in connection with either of the following events: (1) when a customer contacts his current LEC to change his PIC; or (2) when a customer contacts his new IXC to change his current PIC.¹⁴ The Coalition asks the Commission to modify subsection 64.4002(d) to require a LEC to respond to an IXC with a confirmation or reject notification when a customer contacts his current IXC to select "no-PIC" status and the current IXC has relayed this information to the customer's LEC.¹⁵ As proposed by the Coalition, section 64.4002(d) would read in pertinent part:

(d) Customer contacts LEC or new IXC to change PIC, or current IXC to select no-PIC. When a LEC has removed at its local switch a presubscribed customer from an IXC's network, in response to a customer order, upon receipt of a properly verified PIC order submitted by another IXC, or upon receipt of the current IXC's request to change the PIC to no-PIC, the LEC must notify the customer's former IXC of this event. . . .¹⁶

7. We agree with the Coalition that a customer's current IXC should be notified when a LEC has acted on information supplied by the IXC indicating the IXC customer's selection of no-PIC status. We also extend the notification requirements of subsection 64.4002(d) to situations in which a customer contacts his current LEC to select no-PIC status. As we noted in the *CARE Order*, the notification requirements of subsection 64.4002(d) protect consumers from continued billing for services that the customer has sought to cancel.¹⁷ As modified, new subsection 64.4002(d) will provide in relevant part:

(d) Customer contacts LEC or new IXC to change PIC(s) or customer contacts LEC or current IXC to change PIC to No-PIC. When a LEC has removed at its local switch a presubscribed customer from an IXC's network in response to a customer order, upon receipt of a properly verified PIC order submitted by another IXC, or in response to a notification from the customer's current IXC relating to the customer's request to change his or her PIC to No-PIC, the LEC must notify the customer's former IXC of this event.

We conclude that these modifications are needed to ensure that an IXC does not continue billing a customer for non-usage-related monthly charges where that customer has contacted his current LEC or his current IXC to select "No-PIC" status. In either situation, the customer's former IXC requires confirmation regarding whether and when the IXC's customer has been removed from its network.

D. Technical Corrections to Subsection 64.4002(e)

8. Subsection 64.4002(e) currently requires a LEC to inform a customer's current IXC of changes in the customer's account or line information.¹⁸ The Coalition asks the Commission to modify

¹⁴ Subsection 64.4002(d) provides in relevant part: "When a LEC has removed at its local switch a presubscribed customer from an IXC's network, either in response to a customer order or upon receipt of a properly verified PIC order submitted by another IXC, the LEC must notify the customer's former IXC of this event. . . ." 47 C.F.R. § 64.4002(d).

¹⁵ See *April 15th Letter* (citing 47 C.F.R. § 64.4002(d)).

¹⁶ *June 15th Letter*, Attachment.

¹⁷ See *CARE Order*, 20 FCC Rcd at 4576 (citing Texas PUC Comments at 3).

¹⁸ Subsection 64.4002(e) provides: "When, according to a LEC's records, certain account or line information changes occur on a presubscribed customer's account, the LEC must communicate this information (continued. . .)

subsection 64.4002(e) to include the effective date of any changes to a customer's local service account among the categories of information that must be provided to the IXC as well as the carrier identification code of the customer's IXC.¹⁹ The Coalition states that these modifications are needed to make this subsection consistent with other notification obligations of LECs adopted in the *CARE Order*.²⁰ While the *CARE Order* required LECs to inform IXCs of changes to a local service account, the Commission did not correspondingly require that the LEC relay the effective date of such changes. We agree that knowing the effective date of account changes will help IXCs to maintain accurate customer account information. In addition, consistent with the other notification requirements of the *CARE Order*, we modify subsection 64.4002(e) to include the carrier identification code of the customer's IXC as part of the account change information that a LEC must provide to an IXC. We find that this technical correction will enable an IXC to verify that it is the proper recipient of the transmitted information.

E. Modifications to Subsection 64.4002(g)

9. Subsection 64.4002(g) currently requires a LEC to inform its customer's PIC when the customer changes local service providers.²¹ The Coalition asks the Commission to modify subsection 64.4002(g) to include among the categories of information required by this section to be provided to the customer's PIC: the customer's billing telephone number, working telephone number, and BNA; the effective date of the change of local service provider; a description of the customer type (*i.e.*, business or residential); the jurisdictional scope of the lines or terminals affected (*i.e.*, intraLATA and/or interLATA and/or international); and the carrier identification code of the IXC.²² We note that the *CARE* rules currently require a LEC to provide these same categories of information in connection with other notification requirements adopted in the *CARE Order*.²³ As such, we agree that the proposed change will make the information categories included in subsection 64.4002(g) consistent with those included in other LEC notification requirements.

10. The Coalition suggests an additional clarification to section 64.4002(g) whereby the Commission would insert the phrase "in LEC" and remove the word "new" as specified in the bracketed

(...continued from previous page)

to the customer's PIC. For purposes of this subsection, the LEC must provide to the appropriate IXC account change information that is necessary for the IXC to issue timely and accurate bills to its customers including but not limited to: (1) the customer's billing telephone number, working telephone number, and billing name and address; (2) the customer code assigned to that customer by the LEC; (3) the type of customer account (*i.e.*, business or residential); (4) the status of the customer's telephone service listing, to the extent appropriate, as not printed in a directory and not available from directory assistance, or not printed in a directory but available from directory assistance; and (5) the jurisdictional scope of the PIC installation (*i.e.*, intraLATA and/or interLATA and/or international). If there are changes to the customer's billing or working telephone number, customer code, or customer type, the LEC must supply both the old and new information for each of these categories." 47 C.F.R. § 64.4002(e).

¹⁹ See April 15th Letter (citing 47 C.F.R. § 64.4002(e)).

²⁰ See April 15th Letter (citing 47 C.F.R. § 64.4002(e), (g)).

²¹ Subsection 64.4002(g) provides in relevant part: "When a customer changes LECs, the customer's former LEC must notify the customer's PIC(s) of the customer's change in LEC and, if known, the identity of the customer's new LEC. When a customer only changes LEC, the new LEC must notify the customer's current PIC(s) that the customer's PIC selection has not changed. If the customer also makes a PIC change, the customer's former LEC must notify the customer's former PIC(s) of the change and the new LEC must notify the customer's new PIC of the customer's PIC selection. . . ." 47 C.F.R. § 64.4002(g).

²² See April 15th Letter (citing 47 C.F.R. § 64.4002(g)).

²³ See 47 C.F.R. § 64.4002(a), (b), (d), (e).

portions of the following sentence: “If the customer also makes a PIC change, the customer’s former LEC must notify the customer’s former PIC(s) of the change [**in LEC**] and the new LEC must notify the customer’s [**new**] PIC of the customer’s PIC selection.”²⁴ This portion of subsection 64.4002(g) sets forth the obligations of both the former LEC and the new LEC when the customer makes both a LEC change and a PIC change. The Coalition proposes that we remove the word “new” in the sentence quoted above in order to clarify a new LEC’s obligations to notify a current PIC if the only change taking place is a change in LEC.²⁵ Because this notification requirement, by its terms, applies only “if the customer also makes a PIC change,”²⁶ we decline to adopt the Coalition’s proposal. We wish to clarify, however, that when a customer changes LECs, but retains the same PIC, the new LEC must inform the current IXC that it remains the customer’s PIC. Without such a notification, according to the Coalition, the current PIC upon receiving notification from the former LEC of a local service termination may erroneously assume, absent additional notification from the new LEC, that the customer also wishes to cancel his current PIC.²⁷ To avoid inadvertent disconnection of the customer’s PIC, we modify subsection 64.4002(g) to require that when a customer changes LECs, but wishes to retain his current PIC, the new LEC must so notify the current PIC. Subsection 64.4002(g) as modified will provide as follows:

(g) Change of local service provider. When a customer changes LECs, the customer’s former LEC must notify the customer’s PIC(s) of the customer’s change in LEC and, if known, the identity of the customer’s new LEC. If the customer also makes a PIC change, the customer’s former LEC must also notify the customer’s former PIC(s) of the change. When a customer only changes LECs, the new LEC must notify the customer’s current PIC(s) that the customer’s PIC selection has not changed. If the customer also makes a PIC change, the new LEC must notify the customer’s new PIC of the customer’s PIC selection. . . .

11. The Coalition also proposes adding the words “in LEC” to the sentence quoted above in order “to clarify which change [is] being referenced.”²⁸ This portion of subsection 64.4002(g) sets forth the obligations of a former and a new LEC if there is both a change in LEC and a change in PIC. We decline to adopt the proposed change for the following reasons. First, under the current rule, a former LEC must notify a former PIC of the change in PIC so that the customer is not subject to double billing by the former and new PICs.²⁹ Adding the words, “in LEC” to subsection 64.4002(g) as requested by the Coalition would eliminate this requirement, thus increasing the potential for double billing. Second, because the first sentence of subsection 64.4002(g) already requires a former LEC to inform a current PIC of a change in LEC, the requested modification is unnecessary.

IV. PROCEDURAL MATTERS

A. Paperwork Reduction Act

12. This *Order on Reconsideration* contains new information collection requirements subject to

²⁴ *April 15th Letter* at 2 (citing 47 C.F.R. § 64.4002(g)).

²⁵ See Letter from Michael F. Del Casino, AT&T, to Marlene Dortch, FCC (January 19, 2006) (*January 19th Letter*).

²⁶ See 47 C.F.R. § 64.4002(g).

²⁷ See *January 19th Letter* at 2.

²⁸ See *January 19th Letter* at 2.

²⁹ We note that, as with all CARE requirements, the former LEC in this situation is required to inform the former PIC of the change in PIC only to the extent that that information is reasonably available to it. See *CARE Order*, 20 FCC Rcd at 4573, para. 12.

the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, we sought specific comment on the information collection requirements proposed in the earlier NPRM and those adopted in the *CARE Order*.

13. In this *Order on Reconsideration*, we have assessed the effects of minor rule changes adopted here and find that there may be an increased administrative burden on businesses with fewer than 25 employees. We have taken steps to minimize the information collection burden for small business concerns, including those with fewer than 25 employees. As in the *CARE Order*, the rules adopted here do not require the use of particular CARE codes for the exchange of customer account information. We also do not adopt specific performance measurements for the timeliness and completeness of the transfer of customer account information between LECs and IXC. Finally, we note that carriers subject to these requirements may use a variety of transmission mediums (*e.g.*, facsimile, mail, electronic mail, cartridge) for the required information exchanges. These measures should substantially alleviate any burdens on businesses with fewer than 25 employees.

B. Congressional Review Act

14. The Commission will send a copy of this *Order on Reconsideration* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

C. Accessible Formats

15. 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 & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *Order on Reconsideration* can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy>.

D. Regulatory Flexibility Analysis

16. Pursuant to the Regulatory Flexibility Act of 1980, as amended,³⁰ the Commission's Final Regulatory Flexibility Analysis regarding the *Order on Reconsideration* is attached as Appendix B.

V. ORDERING CLAUSES

17. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 1-4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. §§ 151-154, 201, 202, 222, 258, and 303(r), the *Order on Reconsideration* IS ADOPTED.

18. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. §§ 151-154, 201, 202, 222, 258, and 303(r), Part 64 of the Commission's rules, 47 C.F.R. Part 64, IS AMENDED as set forth in Appendix A.

19. IT IS FURTHER ORDERED that, because many of the rules and requirements contained in this *Order on Reconsideration* and in Appendix A attached hereto contain information collection requirements under the PRA, the rules and requirements SHALL NOT BECOME EFFECTIVE until the information collection requirements have been approved by OMB. The Commission will publish a

³⁰ 5 U.S.C. §§ 601 *et seq.*

document in the Federal Register announcing the effective date of these rules.

20. IT IS FURTHER ORDERED that, pursuant to the authority contained in sections 1-4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. §§ 151-154, 201, 202, 222, 258, and 303(r), and section 1.407 of the Commission's rules, 47 C.F.R. § 1.407, that the Request for Modification filed by AT&T Corp, BellSouth Corporation, Sprint Corporation, Qwest Communications International Inc., and Verizon Communications, Inc. on April 15, 2005, and June 15, 2005, IS GRANTED IN PART AND DENIED IN PART, to the extent provided herein.

21. IT IS FURTHER ORDERED that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Order on Reconsideration*, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

**AMENDMENTS TO THE CODE OF FEDERAL REGULATIONS
PART 64 – MISCELLANEOUS RULES RELATING TO COMMON CARRIERS**

§ 64.4002 Notification obligations of LECs.

* * * * *

1. Section 64.4002(a) is amended by revising the second sentence to read as follows:

(a) Customer-submitted PIC order. * * * The notification provided by the LEC to the IXC must contain all of the customer account information necessary to allow for proper billing of the customer by the IXC including but not limited to: (1) the customer's billing telephone number, working telephone number, and billing name and address; (2) the effective date of the PIC change; (3) a statement describing the customer type (*i.e.*, business or residential); (4) a statement indicating, to the extent appropriate, that the customer's telephone service listing is not printed in a directory and is not available from directory assistance or is not printed in a directory but is available from directory assistance; (5) the jurisdictional scope of the PIC installation (*i.e.*, intraLATA and/or interLATA and/or international); (6) the carrier identification code of the IXC; and (7) if relevant, a statement indicating that the customer's account is subject to a PIC freeze. * * *

2. Section 64.4002(b) is amended by revising the second sentence to read as follows:

(b) Confirmation of IXC-submitted PIC order. * * * The confirmation provided by the LEC to the IXC must include: (1) the customer's billing telephone number, working telephone number, and billing name and address; (2) the effective date of the PIC change; (3) a statement describing the customer type (*i.e.*, business or residential); (4) a statement indicating, to the extent appropriate, if the customer's telephone service listing is not printed in a directory and is not available from directory assistance, or is not printed in a directory but is available from directory assistance; (5) the jurisdictional scope of the PIC installation (*i.e.*, intraLATA and/or interLATA and/or international); and (6) the carrier identification code of the IXC. * * *

3. Section 64.4002(d) is amended by revising the section to read as follows:

(d) Customer contacts LEC or new IXC to change PIC(s) or customer contacts LEC or current IXC to change PIC to No-PIC. When a LEC has removed at its local switch a presubscribed customer from an IXC's network in response to a customer order, upon receipt of a properly verified PIC order submitted by another IXC, or in response to a notification from the customer's current IXC relating to the customer's request to change his or her PIC to No-PIC, the LEC must notify the customer's former IXC of this event. The LEC must provide to the IXC the customer account information that is necessary to allow for proper final billing of the customer by the IXC including but not limited to: (1) the customer's billing telephone number, working telephone number, and, billing name and address; (2) the effective date of the PIC change; (3) a description of the customer type (*i.e.*, business or residential); (4) the jurisdictional scope of the lines or terminals affected (*i.e.*, intraLATA and/or interLATA and/or international); and (5) the carrier identification code of the IXC. * * *

4. Section 64.4002(e) is amended by revising the second sentence to read as follows:

(e) Particular changes to customer's local service account. * * * For purposes of this subsection, the LEC must provide to the appropriate IXC account change information that is necessary for the IXC to issue timely and accurate bills to its customers including but not limited to: (1) the customer's billing telephone number, working telephone number, and billing name and address; (2) the customer code assigned to that customer by the LEC; (3) the type of customer account (*i.e.*, business or residential); (4) the status of the customer's telephone service listing, to the extent appropriate, as not printed in a directory and not available from directory assistance, or not printed in a directory but available from directory assistance; and (5) the jurisdictional scope of the PIC installation (*i.e.*, intraLATA and/or interLATA and/or international); (6) the effective date of any change to a customer's local service account; and (7) the carrier identification code of the IXC.

5. Section 64.4002(f) is amended by revising the second sentence to read as follows:

(f) Local service disconnection. * * * In conjunction with this notification requirement, the LEC must provide to a customer's PIC(s) all account termination or single/multi-line disconnection change information necessary for the PIC(s) to maintain accurate billing and PIC records, including but not limited to: (1) the effective date of the termination/disconnection; and (2) the customer's working and billing telephone numbers and billing name and address; (3) the type of customer account (*i.e.*, business or residential); (4) the jurisdictional scope of the PIC installation (*i.e.*, intraLATA and/or interLATA and/or international); and (5) the carrier identification code of the IXC.

6. Section 64.4002(g) is amended by revising the section to read as follows:

(g) Change of local service provider. When a customer changes LECs, the customer's former LEC must notify the customer's PIC(s) of the customer's change in LEC and, if known, the identity of the customer's new LEC. If the customer also makes a PIC change, the customer's former LEC must also notify the customer's former PIC(s) of the change. When a customer only changes LECs, the new LEC must notify the customer's current PIC(s) that the customer's PIC selection has not changed. If the customer also makes a PIC change, the new LEC must notify the customer's new PIC of the customer's PIC selection. If the customer's former LEC is unable to identify the customer's new LEC, the former LEC must notify the customer's PIC(s) of a local service disconnection as described in subsection (f). The notification also must contain information, if relevant and to the extent that it is available, reflecting the fact that an account change was the result of: (1) the customer porting his number to a new LEC; (2) a local resale arrangement (customer has transferred to local reseller); or (3) the discontinuation of a local resale arrangement; (4) the customer's billing telephone number, working telephone number, and, billing name and address; (5) the effective date of the change of local service providers or PIC change; (6) a description of the customer type (*i.e.*, business or residential); (7) the jurisdictional scope of the lines or terminals affected (*i.e.*, intraLATA and/or interLATA and/or international); and (8) the carrier identification code of the IXC.

APPENDIX B

FINAL REGULATORY FLEXIBILITY CERTIFICATION

1. The Regulatory Flexibility Act of 1980, as amended (RFA),³¹ requires that a regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”³² The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”³³ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.³⁴ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).³⁵

2. On August 9, 2005, the Commission released a Public Notice seeking comment on the Coalition’s proposed clarifications and modifications to section 64.4002 of the Commission’s rules.³⁶ This *Order on Reconsideration* adopts clarifications and modifications that are in the nature of technical corrections to the Commission’s customer account record exchange rules that do not have a significant economic impact on entities subject to those rules. First, our modification to subsection 64.4002(d) makes this provision consistent with similar notification requirements adopted in the *CARE Order* simply by requiring a LEC to confirm its receipt of a particular IXC-initiated notification with an appropriate response. Similarly, we adopt modifications to subsections 64.4002(e) and (g) to include within the information exchanges prescribed by those subsections, the same standard categories of information that carriers routinely must provide in connection with other notification obligations adopted in the *CARE Order*. Changing these two sections to parallel other sections of the Commission’s *CARE* rules simplifies and, thereby, reduces the compliance burden. Lastly, we modify subsections 64.4002(a)(6), (b)(6), (d)(5) and (f)(5) to change the phrase “carrier identification code of the submitting LEC” to read “carrier identification code of the submitting IXC.” This change adds no additional compliance burden. The Commission believes that the compliance burden, and resulting economic impact on entities subject thereto, will be *de minimus*.

3. Therefore, we certify for purposes of the RFA that the clarifications and modifications

³¹ The RFA, *see* 5 U.S.C. § 601 – 612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

³² 5 U.S.C. § 605(b).

³³ 5 U.S.C. § 601(6).

³⁴ 5 U.S.C. § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

³⁵ 15 U.S.C. § 632.

³⁶ *See Public Notice*, 70 Fed. Reg. 53137 (Sept. 7, 2005).

we adopt in this *Order on Reconsideration* will not have a significant economic impact on a substantial number of small entities.

4. The Commission will send a copy of the *Order on Reconsideration*, including a copy of this Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA.³⁷ This final certification will also be published in the *Federal Register*.³⁸

³⁷ 5 U.S.C. § 605(b).

³⁸ 5 U.S.C. § 605(b).