

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

In the Matter of)
)
 Amendment of Part 0 of the Commission’s Rules)
 to Delegate Administration of Part 4 of the)
 Commission’s Rule to the Public Safety and)
 Homeland Security Bureau)

ORDER

Adopted: January 28, 2008

Released: January 30, 2008

By the Commission:

1. On March 17, 2006, the Commission established the Public Safety and Homeland Security Bureau (Bureau) in order to promote a more efficient, effective and responsive organizational structure and to better promote and address public safety, homeland security, national security, emergency management and preparedness, disaster management, and related issues.¹ Consistent with the purpose and functions of the Bureau, we now amend the Commission’s rules to delegate authority to the Bureau to administer part 4 of the Commission’s rules, which pertain to disruptions to communications.²

2. The delegation of this authority to the Bureau comports with section 0.191(g) of the Commission’s rules, which provides, in pertinent part, that the Bureau “[c]onducts studies of public safety, homeland security, national security, emergency management and preparedness, disaster management, and related issues. Develops and administers recordkeeping and reporting requirements for communications companies pertaining to these issues. Administers any Commission information collection requirements pertaining to public safety, homeland security, national security, emergency management and preparedness, disaster management, and related issues.”³ The delegation of this authority to the Bureau is also consistent with section 0.392 of the Commission’s rules, which gives the Bureau delegated authority to perform all functions of the Bureau described in section 0.191 of the Commission’s rules. Further, the action we take in this Order is consistent with section 4.11 of the Commission’s rules which states that, when outage reports cannot be submitted electronically using the Commission-approved Web-based system, written reports should be filed and all hand-delivered outage reports should be addressed to the Federal Communications Commission, The Office of Secretary, Attention: Chief, Public Safety & Homeland Security Bureau.⁴

3. Authority for the adoption of the foregoing revisions is contained in sections 1, 4(i), 4(j), 5(b), 5(c), 201(b) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. § 151, 154(i), 154(j), 155(b), 155(c), 201(b) and 303(r).

¹ *Establishment of the Public Safety and Homeland Security Bureau*, Order, 21 FCC Rcd 13655 (2006).

² Previously, the Commission delegated authority to the Office of Engineering and Technology to administer part 4 of the Commission’s rules.

³ 47 C.F.R. § 0.191(g).

⁴ 47 C.F.R. § 4.11.

4. The amendments adopted herein pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act contained in 5 U.S.C. § 553(b) are inapplicable.

5. ACCORDINGLY, IT IS ORDERED that Part 0 of the Commission Rules, set forth in Title 47 of the Code of Federal Regulations, IS AMENDED as set forth in the Appendix attached to this Order, TO BE EFFECTIVE upon release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX**Revised Rules**

Part 0 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 0 – COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read as follows:

AUTHORITY: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 0.31 is amended by revising paragraph (i) to read as follows:

§ 0.31 Functions of the Office.

* * * * *

(i) To administer parts 2, 5, 15, and 18 of this chapter, including licensing, recordkeeping, and rule making.

3. Section 0.191 is amended by revising the last sentence of paragraph (g) to read as follows:

§ 0.191 Functions of the Bureau.

* * * * *

(g) * * * Administers any Commission information collection requirements pertaining to public safety, homeland security, national security, emergency management and preparedness, disaster management, and related issues, including the communications disruption reporting requirements set forth in part 4 of this chapter and revision of the filing system and template used for the submission of those communications disruption reports.

4. Section 0.241 is amended by revising paragraph (a)(1), removing paragraph (d), and redesignating paragraphs (e) – (i) as (d) – (h) to read as follows:

§ 0.241 Authority delegated.

* * * * *

(a)(1) Notices of proposed rulemaking and of inquiry and final orders in rulemaking proceedings, inquiry proceedings and non-editorial orders making changes.

* * * * *

5. Section 0.392 is amended by adding new paragraph (i) to read as follows:

§ 0.392 Authority delegated.

* * * * *

(i) The Chief of the Public Safety and Homeland Security Bureau is delegated authority to administer the communications disruption reporting requirements contained in part 4 of this chapter and to revise the filing system and template used for the submission of such communications disruption reports.