

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

In the Matter of)
)
Amendment of Part 1 of the) MD Docket No. 19-333
Commission's Rules)

ORDER

Adopted: November 7, 2019

Released: November 12, 2019

By the Commission:

1. In this Order, we reduce expenditures by the Federal Communications Commission (FCC or Commission) and modernize Commission procedures by removing section 1.1108 of our rules, which sets forth the charges for applications and other filings for international telecommunications services. The rule amendment reflects the closure of the P.O. Box 979096 (i.e., lockbox) used to collect payment of charges for certain international telecommunications services, along with a fee for processing such transactions. Our action here stems from our recent decision, described below, to no longer function as an accounting authority of last resort and to accordingly cease collection of such charges.

2. The FCC has historically performed the function of an accounting authority for international maritime mobile communications for those customers in the maritime mobile and maritime mobile-satellite radio services that had not otherwise designated any such accounting authority. This default function is referred to as the "accounting authority of last resort." Essentially, this involves presenting telecommunications bills to U.S.-registered ships that have utilized telecommunications services from a foreign coast station or satellite, accepting payment, and remitting collected funds to the telecommunications provider. The Commission used P.O. Box 979096 to collect such payments.

3. On December 21, 2018, the Commission released a Second Report and Order in which it adopted its proposal to transition the functions and duties performed by the FCC as an accounting authority of last resort. The Commission also directed the staff to finalize details of the transition and publish the detailed transition and outreach plan. The detailed plan was released on April 22, 2019 in a Public Notice. The Public Notice indicated that the Commission would terminate its performance of the

1 47 CFR § 1.1108.

2 Our rules and other Commission documents refer to a P.O. Box used for the collection of fees as a "lockbox." The FCC collects application processing fees using a series of P.O. Boxes located at U.S. Bank in St. Louis, Missouri. See 47 CFR §§ 1.1101-1.1109 (setting forth the fee schedule for each type of application remittable to the Commission along with the correct lockbox).

3 1998 Biennial Regulatory Review – Review of Accounts Settlement in the Maritime Mobile and Maritime Mobile-Satellite Radio Services and Withdrawal of the Commission as an Accounting Authority in the Maritime Mobile and Maritime Mobile-Satellite Radio Services, Second Report and Order, 33 FCC Rcd 12801, 12801-02 para. 2, 84 FR 8994 (2019) (Second Report and Order).

4 Id.

5 Id. at 12807 paras. 16-17.

6 FCC Announces Transition and Outreach Plan to Facilitate its Withdrawal as Accounting Authority in the Maritime Mobile and Maritime Mobile-Satellite Radio Services, Public Notice, DA 19-315 (rel. April 22, 2019) (OMD)(Public Notice).

functions of an accounting authority at the close of business on April 22, 2020.⁷ The *Public Notice* also explained that no later than that date, users who have relied on the Commission as an accounting authority must affirmatively select an accounting authority, contract with such entity as their new accounting authority, and reactivate/recommission their terminal(s) to the new accounting authority's identification code (AAIC).⁸

4. In this Order, we announce that we will close P.O. Box 979096, effective July 15, 2020, at which time the Commission will no longer handle such transactions, and parties will be expected to utilize other accounting authorities as provided in the *Second Report and Order* and the Public Notice. While we do not anticipate receiving payments after April 22, 2020, delaying the closure of the P.O. Box until after the Commission ceases to function as an accounting authority will allow us to coordinate with parties whose payments have been delayed and assist them in utilizing another accounting authority.

5. Closure of P.O. Box 979096 will reduce the agency's expenditures (including eliminating the annual fee for the bank's services). Because the Commission will no longer serve as an accounting authority, it will also provide no inconvenience to the Commission's regulatees, applicants, and the public.⁹ We amend our rules to reflect this change as indicated in the Appendix. We make this change without notice and comment because it is a rule of agency organization, procedure, or practice exempt from the general notice-and-comment requirements of the Administrative Procedure Act.¹⁰

6. *Regulatory Flexibility Act, Paperwork Reduction Act, and Congressional Review Act.* Section 603 of the Regulatory Flexibility Act, as amended, requires a regulatory flexibility analysis in notice and comment rulemaking proceedings.¹¹ As we are adopting these rules without notice and comment, no regulatory flexibility analysis is required. This document does not contain any new proposed information collection(s) subject to the Paperwork Reduction Act of 1995.¹² 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 2002.¹³ The Commission will not send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A), because the adopted rules are rules of agency organization, procedure, or practice that do not "substantially affect the rights or obligations of non-agency parties."¹⁴

⁷ *Id.*

⁸ *Id.*

⁹ *See* Treasury Financial Manual, Bulletin No. 2017-12, "Agency No-Cash or No-Check Policies," released on September 18, 2017 (explaining the circumstances under which agencies may decide not to accept payments made in cash or by check), available at <https://tfn.fiscal.treasury.gov/v1/bull/17-12.pdf> (last visited September 13, 2019); *see also* <https://www.gpo.gov/fdsys/pkg/FR-2011-06-16/pdf/2011-15181.pdf>.

¹⁰ 5 U.S.C. § 553(b)(A).

¹¹ 5 U.S.C. § 603(a).

¹² 44 U.S.C. §§ 3501-3520.

¹³ *See* 44 U.S.C. § 3506(c)(4).

¹⁴ 5 U.S.C. § 804(3)(C) (rules subject to the Congressional Review Act do not include "any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties").

7. ACCORDINGLY, IT IS ORDERED, that pursuant to Sections 4(i), 4(j), 158, 208, and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 158, 208, and 224, this ORDER is hereby ADOPTED and the rules set forth in the Appendix are hereby AMENDED effective 30 days after publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX

Final Rules

Title 47 of the Code of Federal Regulations, Part 1, is amended as follows:

PART 1 — PRACTICE AND PROCEDURE

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

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

2. Amend § 1.1108 as follows:

§ 1.1108 [Removed and Reserved]

Remove and reserve § 1.1108.

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