

Federal Communications Commission

§ 61.152

the issuing carrier of an amendment or successive issue with the Commission must not imply or be construed to imply an agreement to the filing by concurring carriers. Such filings do not affect the contractual rights or remedies of any concurring carrier(s) which have not, by contract or otherwise, specifically consented in advance to such amendment or successive issue.

§ 61.134 Concurrences for through services.

A carrier filing rates or regulations for through services between points on its own system and points on another carrier's system (or systems), or between points on another carrier's system (or systems), must list all concurring, connecting or other participating carriers as provided in § 61.54 (f), (g) and (h). A concurring carrier must tender a properly executed instrument of concurrence to the issuing carrier. If rates and regulations of the other carriers engaging in the through service(s) are not specified in the issuing carrier's tariff, that tariff must state where the other carrier's rates and regulations can be found. Such reference(s) must contain the FCC number(s) of the referenced tariff publication(s), the exact name(s) of the carrier(s) issuing such tariff publication(s), and must clearly state how the rates and regulations in the separate publications apply.

§ 61.135 Concurrences for other purposes.

When an issuing carrier permits another carrier to concur in its tariff, the issuing carrier's tariff must state the concurring carrier's rates and points of service.

§ 61.136 Revocation of concurrences.

A concurrence may be revoked by a revocation notice or cancelled by a new concurrence. A revocation notice or a new concurrence, if less broad in scope than the concurrence it cancels, must bear an effective date not less than 45 days after its receipt by the Commission. A revocation notice is not given a serial number, but must specify the number of the concurrence to be revoked and the name of the carrier in whose favor the concurrence was

issued. It must be in the following format:

REVOCATION NOTICE

(Name of carrier _____)
(Post _____ office _____ address _____)
(Date) _____, 19 ____.
Secretary,
Federal Communications Commission, Washington, D.C. 20554.

Effective _____, 19 ____
FCC Concurrence No. _____, issued by (Name of concurring carrier) in favor of (Name of issuing carrier) is hereby cancelled and revoked. Rates and regulations of (Name of concurring carrier) and its connecting carriers will thereafter be found in Tariff FCC No. _____ issued by _____. (If the concurring carrier has ceased operations, the revocation notice must so indicate.)

(Name of carrier) _____
By _____
(Title) _____

Subpart H—Applications for Special Permission

§ 61.151 Scope.

Sections 61.152 and 61.153 set forth the procedures to be followed by a carrier applying for a waiver of any of the rules in this part.

[55 FR 19173, May 8, 1990]

§ 61.152 Terms of applications and grants.

Applications for special permission must contain:

(a) A detailed description of the tariff publication proposed to be put into effect;

(b) A statement citing the specific rules and the grounds on which waiver is sought;

(c) A showing of good cause; and

(d) A statement as to the date and method of filing the original of the application for special permission as required by § 61.153(b) and the date and method of filing the copies required by § 61.153 (a) and (c).

If approved, the carrier must comply with all terms and use all authority specified in the grant. If a carrier elects to use less than the authority granted, it must apply to the Commission for modification of the original grant. If a carrier elects not to use the authority granted within sixty days of

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its effective date, the original grant will be automatically cancelled by the Commission.

[55 FR 19173, May 8, 1990]

§ 61.153 Method of filing applications.

(a) An application for special permission must be addressed to “Secretary, Federal Communication Commission, Washington, DC 20554.” The date on which the application is received by the Secretary of the Commission (or the Mail Room where submitted by mail) is considered the official filing date.

(b) In addition, except for issuing carriers filing tariffing fees electronically, for all special permission applications requiring fees as set forth in part 1, subpart G of this chapter, the issuing carrier must submit the original of the application letter (without attachments), FCC Form 159, and the appropriate fee to the U.S. Bank, St. Louis, Missouri at the address set forth in § 1.1105 of this chapter. Issuing carriers submitting tariffing fees electronically should submit the Form 159 and the original cover letter to the Secretary of the Commission in lieu of the U.S. Bank. The Form 159 should display the Electronic Audit Code in the box in the upper left hand corner marked “reserved.” Issuing carriers should submit these fee materials on the same date as the submission in paragraph (a) of this section.

(c) In addition to the requirements set forth in paragraphs (a) and (b) of this section, the issuing carrier must send a copy of the application letter with all attachments to the Secretary, Federal Communications Commission and a separate copy with all attachments to the Chief, Pricing Policy Division. If a carrier applies for special permission to revise joint tariffs, the application must state that it is filed on behalf of all carriers participating in the affected service. Applications must be numbered consecutively in a series separate from FCC tariff numbers, bear the signature of the officer or agent of the carrier, and be in the following format:

Application No. _____

(Date) _____

Secretary
Federal Communications Commission,
Washington, DC 20554.

Attention: Wireline Competition Bureau
(here provide the statements required by
Sec. 61.152).

(Exact name of carrier) _____

(Name of officer or agent) _____

(Title of officer or agent) _____

[55 FR 19173, May 8, 1990, as amended at 64
FR 46592, 46593, Aug. 26, 1999; 67 FR 13228,
Mar. 21, 2002; 73 FR 9031, Feb. 19, 2008]

Subpart I—Adoption of Tariffs and Other Documents of Prede- cessor Carriers

§ 61.171 Adoption notice.

When a carrier's name is changed, or its operating control transferred from one carrier to another in whole or in part, the successor carrier must file tariff revisions to reflect the name change. The successor carrier may either immediately reissue the entire tariff in its own name, or immediately file an adoption notice. Within 35 days of filing an adoption notice, the successor must reissue the entire tariff in its own name. The reissued tariff must be numbered in the series of the successor carrier, and must contain all original pages without changes in regulations or rates. The transmittal letter must state the tariff is being filed to show a change in the carrier's name pursuant to § 61.171 of the Commission's Rules. The adoption notice, if used, must read as follows:

The (Exact name of successor carrier or receiver) here adopts, ratifies and makes its own in every respect, all applicable tariffs and amendments filed with the Federal Communications Commission by (predecessor) prior to (date).

§ 61.172 Changes to be incorporated in tariffs of successor carrier.

When only a portion of properties is transferred to a successor carrier, that carrier must incorporate in its tariff the rates applying locally between points on the transferred portion. Moreover, the predecessor carrier must simultaneously cancel the corresponding rates from its tariffs, and reference the FCC number of the successor carrier's tariff containing the rates that will thereafter apply.