

11.10.14

Federal Communications Commission

Explanation of Non-Substantive Changes to OMB Control Numbers: 3060-0392 and 3060-0411:

Purpose of this Submission: The Commission adopted non-substantive revisions to some of the complaint filing rules contained within two different collections (3060-0411 and 3060-0392). These complaint filing rules, listed below, were revised to allow for electronic filing of pleadings and to correct inadvertent non-substantive omissions and inconsistencies in the rules. Details are listed below.

Collection 3060-0411: Formal Complaint Rule Revisions

Rule #	Comment
1.720(j)	revision adds email address as a required piece of contact information – this is necessary for ECFS e-filing
1.721(a)(3)	revision adds email address as a required piece of contact information – this is necessary for ECFS e-filing
1.721(a)(5)	revision replaces the word “plaintiff” with “complainant” to be consistent with “complainant” word usage throughout the complaint rules
1.727(c)	prior rule 1.727(c) required that parties submit a proposed order when filing a motion – because staff has determined the requirement is unnecessary, revision deletes the requirement and renumbers the rule
1.731 (a) (2)-(5)	revision adds subsections to the existing rule to accommodate e-filing of redacted confidential documents and hand-filing of confidential documents (a)(2) – details how to file a public version of a confidential document, including removing metadata and marking instructions (a)(3) – details how to file the confidential version of a confidential document, including document marking instructions (a)(4) – revises prior service rules by requiring no copies to staff of confidential filings and allows email service (a)(5) – adds email as a service option between parties
1.731(b)	revision eliminates requirement that FCC staff and court reporters need to sign notarized statement affirming they understand the disclosure limits of the confidential rules
1.731(c)	revision adds language found in the Open Internet rules allowing parties to request further restrictions regarding another party’s access to proprietary information
1.732	revision deletes former rule 1.732(g), which is no longer necessary because rule 1.731(a)(3) (above) applies to all filings (including briefs), and renumbers the subsection
1.733	revision modifies time deadline for filing pleadings from 5:30 p.m. to 11:59 p.m. to be consistent with the ECFS e-filing rules
1.734 (c)	revision adds a citation to rule 1.52, which addresses signature practices for e-filings
1.735 (b)	revision (1) changes location of “fee payment instruction” within the existing rule; (2) modifies language slightly to read, “[a]fter remitting the correct fee,” because complainants must now submit payment to the designated payment center and then separately transmit the original of the complaint to ECFS; (3) deletes the requirement that parties file official copies of documents

1.735(b)(2)	with the Secretary's Office as well as hard copies with MDRD; and (4) renumbers the subsection
1.735(d)	revision states that complaints relating to international matters should be sent by email (rather than hand delivery) to the Chief, Policy Division, International Bureau
1.735(e)	revision changes (from U.S. mail to email) the manner in which the FCC serves the complaint and sends the initial pleading schedule
1.735(f)(3)	revision adds subsection requiring service to MDRD of all subsequent papers
	revision adds language requiring email service of subsequent complaint papers to parties

Collection 3060-0392: Pole Attachment Complaint Filing Rule Revisions

Rule #	Comment
1.1404	revision deletes incorrect reference to rule 1.721(b) previously contained in rule 1.1404 and replaces incorrect citation with cite to rule 1.52 (the electronic signature and verification rule)
1.1408 (a), (c)-(h)	revision adds explicit fee payment instruction for pole attachment complaints . The revision mirrors, and refers to, rules 1.731(a)-(h) and 1.735(b)-(c), (e)-(f) of the formal complaint confidential filing rules. With these revisions, the section 208 formal complaint and section 224 pole attachment complaint rules have identical confidential filing rules.