

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

PUBLIC NOTICE

Released: January 13, 1989

PROCEDURES FOR FILING ERRATA TO SUPPORT INFORMATION FOR ANNUAL 1989 ACCESS TARIFFS

In an Order, *Commission Requirements for Cost Support Material To Be Filed with 1989 Annual Access Tariffs*, DA 88-1554, released Oct. 3, 1988, (1989 TRP Order), the Common Carrier Bureau addressed procedures for the filing of errata by local exchange carriers (LECs) to correct inaccurate cost support data accompanying the 1989 annual access tariff filings made on December 30, 1988. The Bureau noted that the filing of flawed supporting information and the subsequent submission of errata seriously detracted from the ability of the Commission and interested parties to evaluate the reasonableness of proposed rates within the notice period. The Order therefore adopted procedures, similar to those employed in the review of past access tariff filings, to address this problem, including the requirement that carriers request special permission to submit corrected data while maintaining the scheduled effective date of the annual filing.

Any erratum relating to the 1989 annual access tariff filing should be filed under an application for special permission requesting that the December 30, 1988 transmittal take effect on the originally scheduled effective date of April 1, 1989. This includes errata filed to correct errors or otherwise revise tariff support material. We emphasize that carriers filing annual access tariffs are under a legal obligation to correct any erroneous data discovered in the Tariff Review Plan (TRP) or other cost support material in a timely fashion. Carriers should also recognize that any delay in correcting erroneous data increases the possibility that their filing will be treated as a new transmittal with an effective date later than April 1.

Both the staff's preliminary review of the December 30, 1988, filing and information submitted by American Telephone and Telegraph Company (AT&T) have identified a number of apparent errors and omissions in the LECs' cost support information. See Letter from R.H. Castellano, Division Manager, Federal Regulation, AT&T to Chief, Tariff Division, Common Carrier Bureau, FCC, dated Jan. 9, 1989. Obviously, carriers are required to correct in a timely fashion any errors that they discover. More important, however, carriers that have omitted required data entirely have failed to comply with Commission and Bureau Orders. Any carrier that has omitted data in its annual filing is directed to include these data in a filing made pursuant to the instructions contained in this Public Notice. Failure to provide all required supporting data in conformance with the terms of this Public Notice would cast serious doubt on the reasonableness of proposed rates. Carriers are not required, however, to submit

data to populate data cells in Charts COS-6, COS-7, and COS-8 to the extent that these cells are associated with cells marked N/A in Chart COS-1.

The following guidelines detail the procedures that carriers should follow when submitting errata.

TYPES OF ERRATA REQUIRING SPECIAL PERMISSION

Carriers must seek special permission to correct all clerical, transcription, substantive, minor, or other errors. This requirement is essential to the Commission's review of the annual access tariffs since even a minor error may impede the Commission's performance of its duties under Section 201, Section 202, and other provisions of the Communications Act. It is also important that corrections be placed in the public record so that interested members of the public will have an opportunity to review, analyze, and comment on the revised data. We will not attempt to delineate classes of errata in advance, but we anticipate that special permission will, as in the past, be granted routinely for minor corrections that are filed promptly and represent good faith efforts to correct inadvertent errors.

PART 69 CONFORMANCE ORDER

Carriers are reminded that their erratum filings must comply with the requirements of the Commission's Order of December 12, 1988, in CC Docket No. 87-113, *Amendment of Part 69 of the Commission's Rules and Regulations, Access Charges, To Conform It with Part 36, Jurisdictional Separations Procedures*, FCC 88-400, released Dec. 12, 1988 (*Part 69 Conformance Order*). See also Public Notice, *Local Exchange Carriers Directed To Comply with Part 69 Conformance Order and Reconsideration Order in Their Annual 1989 Access Tariff Filings*, DA 88-1996, released Dec. 23, 1988. Erratum filings made pursuant to the *Part 69 Conformance Order* shall be made on January 31, 1989.

CC DOCKET 88-1, PHASE II

By an Order released January 6, 1989, the Common Carrier Bureau granted certain carriers an extension of time to calculate and develop refund plans and 1989 revenue requirement adjustments as required by the Commission in its investigation of the LECs' 1988 access tariffs. *Annual 1988 Access Tariff Filings*, CC Docket No. 88-1, Phase II, DA 88-9, released Jan. 6, 1989 (*January 6 Order*). Carriers are reminded that, pursuant to the *January 6 Order*, carriers choosing to revise their 1989 revenue requirements or to propose a refund plan to reflect disallowances made in that investigation must request special permission to do so as part of their general erratum application for special permission filed in accordance with this Public Notice. This special permission request must be filed on January 31, 1989.

FORM OF FILING

The application for special permission to make an erratum filing should be accompanied by either the corrected pages, properly numbered and clearly labeled to indicate the date of the re-submission and the location in the filing, or by a replacement filing including both uncor-

rected and corrected pages. If special permission is granted, the Commission will issue a special permission number for the erratum filing and a letter granting the request will be prepared and sent to the carrier.

If the corrections include changes to information on computer disks, then replacement disks should be submitted with the erratum filing, labeled to show clearly the date of the re-submission and other identifying information. Both filings for special permission and subsequent erratum submissions should be filed in the same manner as the corresponding material in the December 30, 1988, filing. The application for special permission should state that it concerns a proposed amendment to the carrier's annual access filing, identifying the transmittal number and other pertinent information.

If the application for special permission is granted, and the revisions do not affect rates, the carrier should file an amended transmittal using the transmittal number of the December 30, 1988, filing. If revisions include any change in a rate, a new transmittal number should be assigned and used. If the application for special permission is denied, a new transmittal number should be used and the material should be filed as required in the *TRP Order*.

FILING DATES

Carriers are directed to file applications for special permission to file errata correcting errors and omissions in their annual access tariffs and support materials as these errors and omissions are discovered. However, in order to make this process more manageable, we require that applications for special permission to file errata be filed only on Monday, January 23, 1989, and Tuesday, January 31, 1989. This schedule should allow interested parties a reasonable opportunity to track these filings. We emphasize that Tuesday, January 31, 1989, is the cutoff date for filing applications for special permission to make erratum filings. After this date, carriers must make a substantial showing of good cause in order for a filing even to be considered. The date on which erratum filings shall be made will be specified in the letters granting the carriers' special permission requests.

Although carriers remain obligated to correct filed data when they identify errors, they should not expect that special permission will be granted with respect to filings at a later date absent a substantial showing of good cause. Distribution of copies of applications for special permission should be made in the same manner as the December 30, 1988, filing. Carriers are reminded to serve copies on the Commission's commercial copier, International Transcription Service.

PETITIONS AND COMMENTS

Interested parties may file any comments with respect to erratum filings not later than Thursday, February 9, 1989. We do not anticipate permitting an opportunity for further comment after this date. For further information, contact Judy Nitsche at 632-5550, Daniel Grosh at 632-6387, or Mark Uretsky at 632-6312.