

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

In the Matter of

Amendment of Part 0  
of the Commission's Rules  
to Reflect Reorganization of the  
Compliance and Information Bureau

**ORDER**

Adopted: October 6, 1995; Released: February 9, 1996

By the Commission: Commissioner Barrett concurring  
and issuing a statement.

1. The Commission has completed a full review of the mission, processes, and organization of the Compliance and Information Bureau and has determined to make changes to them in order to create a more effective organization within the limits of our budgetary constraints. Our review concludes that our field resources should be concentrated in urban areas where the need for them is greatest. By this action we restructure the Compliance and Information Bureau to implement the changes.

2. The Commission's review of the Compliance and Information Bureau included a survey of persons, groups, and other entities who interact with the Bureau. It focused on identifying customers of the agency who are served by the Compliance and Information Bureau, identifying the needs of those customers, and determining how best to meet those needs while conserving resources.

3. The Commission has identified several initiatives which will permit more effective use of resources. The Commission will automate the high frequency direction-finding network by installing new technology which can be remotely-controlled from a single office. The Commission will also establish a complaint and inquiry intake center, with a toll-free (800 or 888) number, to centralize and make more efficient agency provision of information and processing of complaints. The Commission will close its offices in Buffalo, New York; Miami, Florida; St. Paul, Minnesota; Norfolk, Virginia; Portland, Oregon; Houston, Texas; San Juan, Puerto Rico; Anchorage, Alaska; and Honolulu, Hawaii. Two technical staff will be retained in each of these cities as resident enforcement agents. The remaining offices will fully staffed and equipped to maintain the Commission's Enforcement program.

4. The amendments adopted herein pertain to agency organization, procedure, and practice. Consequently, the requirement of notice and comment and the effective date provisions of the Administrative Procedures Act, 5 U.S.C. § 553(b), (d), do not apply. Authority for the amendments adopted herein is contained in Sections 4(i), 5(b), 5(c)(1) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(b), 155(c)(1), 303(r).

5. The Commission has reviewed and revised the processes and activities of the Compliance and Information Bureau in accordance with the standards envisioned in the National Performance Review.

6. Accordingly, IT IS ORDERED THAT, pursuant to Sections 4(f)(1),(g), and (i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(f)(1), (g), (i), the Compliance and Information Bureau be restructured.

7. IT IS FURTHER ORDERED THAT the high frequency direction-finding network be automated and remotely-controlled from Columbia, Maryland, and that the monitoring stations in Allegan, Michigan; Belfast, Maine; Douglas, Arizona; Ferndale, Washington; Grand Island, Nebraska; Kingsville, Texas; Livermore, California; Powder Springs, Georgia; and Vero Beach, Florida, be automated and operated without staff.

8. IT IS FURTHER ORDERED THAT the field offices in Buffalo, New York; Miami, Florida; St. Paul, Minnesota; Norfolk, Virginia; Portland, Oregon; Houston, Texas; San Juan, Puerto Rico; Anchorage, Alaska; and Honolulu, Hawaii, be closed and that two technical staff be assigned to each of these cities as resident enforcement agents.

9. IT IS FURTHER ORDERED THAT the Commission implement a nationwide outplacement effort to assist all affected employees to find positions in the public or private sectors, including the Commission offering to move affected employees to other vacancies within the Commission for which they are qualified and selected.

10. IT IS FURTHER ORDERED THAT the Commission mitigate against any reduction in enforcement capability by providing the remaining offices with smaller, more easily transportable equipment to permit faster response to problems in areas where we no longer maintain resident staff or where we need additional resources to deal with large-scale problems, by providing updated technological tools to keep up with the changes and explosive growth in telecommunications, such as operations in bands in which we have not previously licensed mobile communications and which our existing equipment cannot currently monitor, and by providing remotely operated direction-finding equipment such as fixed automated direction finders.

11. IT IS FURTHER ORDERED THAT an agency inquiry and complaint intake center be established with a toll-free (800 or 888) telephone number.

12. IT IS FURTHER ORDERED THAT effective upon publication of this *Order* in the *Federal Register* that Sections 0.15, 0.5, 0.91, 0.111, 0.121, 0.185, 0.284, 0.311, 0.314, 0.317, 0.332, 0.387, 0.401, 0.431, 0.433, 0.445, 2.1204, 5.67, 21.6, 21.113, 22.369, 23.20, 25.203, 73.1030, 78.19, 80.21, 80.59, 90.177, 94.25, and 95.39 of the Rules are amended as indicated in the Appendix.

13. IT IS FURTHER ORDERED THAT the Chief, Compliance and Information Bureau is delegated authority to make additional conforming amendments to the Commission's Rules, in particular to Parts 0, 2, 5, 21, 22, 23, 25, 73, 78, 80, 94, and 95 of Title 47 of the Code of Federal Regulations, that are not included herein and are necessary to reflect the new name of the Compliance and Information Bureau (formerly the Field Operations Bureau) and the reorganization embodied in this *Order*. As applicable, the conforming amendments will be coordinated with other Commission Bureaus and Offices.

## FEDERAL COMMUNICATIONS COMMISSION

William F. Caton  
Secretary

## Appendix

## FINAL RULES

Title 47 of the Code of Federal Regulations, Parts 0, 5, 21, 22, 23, 25, 73, 78, 80, 90, 94, and 95 are amended as follows:

## Part 0-COMMISSION ORGANIZATION

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

**AUTHORITY:** Secs. 5, 48 Stat. 1068, as amended: 47 U.S.C. 155

Section 0.5 is amended by adding paragraph (a)(15) to read as follows:

**§ 0.5 General description of Commission organization and operations**

(a)\*\*\*

(15) Compliance and Information Bureau

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Section 0.111 and its preceding centered heading are revised to read as follows:

**COMPLIANCE AND INFORMATION BUREAU**

**§ 0.111 Functions of the Bureau.**

- (a) Enforce the Commission's Rules and Regulations; provide support to other governmental units, investigate all non-government communications matters; issue sanctions.
- (b) Disseminate to the public on a local basis information regarding communications issues and Commission rules, policies, and programs.
- (c) Collect information through a customer intelligence network to inform the Commission on the needs of its customer and on the impact of regulations and necessary refinements to them as suggested by the users and the public.
- (d) Participate in international conferences dealing with monitoring and measurement; serve as the point of contact for the U.S. Government in matters of international monitoring, fixed and mobile direction-finding, and interference resolution. Provide technical and administrative support on the

administration of the ITU Fellowship program and oversee coordination of non-routine communications and materials between the Commission and international or regional public organizations or foreign administrations.

(e) Reduce or eliminate interference to authorized communications. Promote private sector solutions to interference problems; investigate and resolve those unsuitable for private sector resolution or where the private sector is unable to provide solutions. Work, in conjunction with the Office of Engineering and Technology, with technical standards bodies.

(f) Perform investigations in support of Commission policies.

(g) Maintain, operate, and manage the toll-free telephone receiving center for complaint and inquiries. Coordinate with the Office of Public Affairs and maintain liaison with the rest of the agency to ensure that the needs of the public for information are handled promptly, accurately, and comprehensively and that complaints are directed to those charged with acting upon them.

(h) Under the general direction of the Defense Commissioner, coordinate the defense activities of the Commission, and provide support to the Defense Commissioner in his participation in the Joint Telecommunication Resources Board and the National Security Telecommunications Advisory Committee, including recommendation of national emergency plans and preparedness programs covering Commission functions during national emergencies. Support the Chief, Common Carrier Bureau on assignment of Telecommunications Service Priority System priorities and the administration of this system. The Chief, Compliance and Information Bureau, or the designee of that person, acts as the FCC Defense Coordinator and the principal of the Commission to the National Communications System.

Section 0.185 is amended by revising the introductory paragraph and paragraphs (a) and (b) to read as follows:

**§ 0.185 Responsibilities of the bureaus and staff offices.**

The head of each of the bureaus and staff offices, in rendering assistance to the Chief, Compliance and Information Bureau in the performance of that person's duties with respect to defense activities will have the following duties and responsibilities:

- (a) To keep the Chief, Compliance and Information Bureau informed of the investigation, progress, and completion of programs, plans, or activities with respect to defense in which they are engaged or have been requested to engage.
- (b) To render assistance and advice to the Chief, Compliance and Information Bureau on matters which relate to the functions of their respective bureaus or staff offices.

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Section 0.284(a)(3) and (a)(4) are revised to read as follows:

(a)\*\*\*

(3) Requests for waiver of tower painting and lighting specifications-Wireless Telecommunications Bureau.

(4) Matters involving emergency communications, including the issuance of Emergency Alert System Authorizations (FCC Form 392)-Compliance and Information Bureau.

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Section 0.311 is amended by removing the words, "Chief, Field Operations Bureau, or his designee," and adding in their place, "Chief, Compliance and Information Bureau, or that person's designee," wherever they occur and by removing the words, "Field Operations Bureau" and adding in their place "Compliance and Information Bureau" wherever they occur.

Section 0.445(g) is amended by removing the words, "FOB Manual" and adding in their place, "CIB Manual" wherever they occur and by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

Sections 0.15(i), 0.91(l), 0.121(a), 0.317, 0.332(d), 0.332(h), 0.387(b), 0.401(a)(4), 0.431, and 0.443 are amended by removing the words "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

#### Part 2-FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

The authority citation for Part 2 continues to read as follows:

**AUTHORITY:** Sec. 4, 302, 303, and 307 of the Communications Act, as amended, 47 U.S.C. Sections 154, 302, 303, and 307, unless otherwise noted.

Section 2.1204(a)(4) is amended by revising the third sentence to read as follows:

#### § 2.1204 Import conditions.

(a)\*\*\*

(4)\*\*\* Prior to importation of more than ten units, written approval must be obtained from the Chief, Compliance Division, Compliance and Information Bureau, FCC.\*\*\*

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#### Part 5-EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

The authority citation for Part 5 continues to read as follows:

**AUTHORITY:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or imply sec. 301, 48 Stat. 1081, as amended; 47 U.S.C. 301.

Section 5.67(d)(2) is amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

#### Part 21-DOMESTIC PUBLIC FIXED RADIO SERVICES

The authority citation for Part 21 continues to read as follows:

**AUTHORITY:** Secs. 1, 2 4, 201-205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070-1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201-205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

Section 21.113(c)(2) is amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

#### Part 22-PUBLIC MOBILE SERVICE

The authority citation for Part 22 continues to read as follows:

**AUTHORITY:** 47 U.S.C. 154, 303, unless otherwise noted.

Section 22.369(c)(3) is amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

#### Part 23-INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATIONS SERVICES

The authority citation for Part 23 continues to read as follows:

**AUTHORITY:** Secs.4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081; 47 U.S.C. 301.

Section 23.20(e)(2) is amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

#### Part 25 - SATELLITE COMMUNICATIONS

The authority citation for Part 25 continues to read as follows:

**AUTHORITY:** Secs. 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101-104, 76 Stat. 419-427; 47 U.S.C. 701-744; 47 U.S.C. 554.

Section 25.203(g)(2) is amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

#### Part 73-RADIO BROADCAST SERVICES

The authority citation for Part 73 to read as follows:

**AUTHORITY:** 47 U.S.C. 154, 303, 334.

Section 73.1030(c)(2) is amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

**Part 78-CABLE TELEVISION RELAY SERVICE**

The authority citation for Part 78 continues to read as follows:

**AUTHORITY:** Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

Section 78.19(e)(2) is amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

**Part 80-STATIONS IN THE MARITIME SERVICES**

The authority citation for Part 80 continues to read as follows:

**AUTHORITY:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

Sections 80.21(b)(1) and 80.59(e) are amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

**Part 90-PRIVATE LAND MOBILE RADIO SERVICES**

The authority citation for Part 90 continues to read as follows:

**AUTHORITY:** Sections 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

Section 90.177(d)(2) is amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

**Part 94-PRIVATE OPERATIONAL-FIXED MICRO-WAVE SERVICE**

The authority citation for Part 94 continues to read as follows:

**AUTHORITY:** Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

Section 94.25(i)(2) is amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

**Part 95-PERSONAL RADIO SERVICES**

The authority citation for Part 95 continues to read as follows:

**AUTHORITY:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

Section 95.39 is amended by removing the words, "Field Operations Bureau" and adding in their place, "Compliance and Information Bureau" wherever they occur.

**CONCURRING STATEMENT  
OF**

**COMMISSIONER ANDREW C. BARRETT**

**Re: In the Matter of Amendment of Part 0 of the Commission's Rules to Reflect Reorganization of the Compliance and Information Bureau**

The Commission, by its action today, has determined to undertake a very difficult task--the reduction of personnel. It is clear by the sentiments and actions of Congress that budgetary cuts are imminent and that further personnel reductions will be necessary. I believe that Congress has the right to make such judgments as it deems appropriate and in furtherance of the public's interest. Unfortunately, critical decisions must be made and implemented by federal agencies like the Federal Communications Commission that will severely impact people's employment status and, ultimately, their lives.

While I have readily accepted that the Chairman has the right to make decisions regarding personnel at the Commission, I am deeply troubled that individuals who have worked with the Commission for years and who have been effective and have acted responsively as the agency presence for parts of the country, will be unemployed as a result of this decision. Though I am somewhat encouraged by the Commission's commitment to afford these employees outplacement services, there is little doubt that some employees will be without jobs for some time upon their departure from the Commission. Moreover, I am not certain that the automation being touted by the Commission as an efficient and, in the long run, a less costly solution to the budget problems will necessarily provide an acceptable solution to the reduction of field staff. It has always been my belief that there are times when a machine can be no substitute for a human being.

I concur in this decision primarily because I believe that the Commission's action has not been accurately characterized. Indeed, the decision to reduce personnel would lead one to believe that there will be a corresponding reduction in overall head count for the Commission. However, this action means simply that the current permissible head count for the agency remains the same while the number of employees in the field will be cut. As such, the Commission will retain the ability to hire staff in other offices at the agency to replace any displaced employees once budgetary constraints are eliminated. Therefore, I caution the Commission not to be misguided by its efforts to respond to monetary constraints through personnel reductions. As a result of today's decision, individuals will lose their jobs, but the Commission may now simply replace them at its discretion in other areas of the agency.