

§ 61.134

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

This is to report that (name of concurring carrier) assents to and concurs in the tariffs described below. (Name of concurring carrier) thus makes itself a party to these tariffs and obligates itself (and its connecting carriers) to observe every provision in them, until a notice of revocation is filed with the Commission and delivered to the issuing carrier.

This concurrence applies to interstate (and foreign) communication:

- 1. Between the different points on the concurring carrier's own system;
- 2. Between all points on the concurring carrier's system and the systems of its connecting carriers; and
- 3. Between all points on the system of the concurring carrier and the systems of its connecting carriers on the one hand, and, on the other hand, all points on the system of the carrier issuing the tariff or tariffs listed below and the systems of its connecting carriers and other carriers with which through routes have been established.

(NOTE: Any of the above numbered paragraphs may be omitted or the wording modified to state the points to which the concurrence applies.)

TARIFF

(Here describe the tariff or tariffs concurred in by the carrier, specifying FCC number, title, date of issuance, and date effective. Example: A.B.C. Communications Company, Tariff FCC No. 1, Interstate Telegraph Message Service, Issued January 1, 1983, Effective April 1, 1983).

Cancels FCC Concurrence No. —, effective —, 19—.

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

(b) No material is to be included in a concurrence other than that indicated in the above-prescribed form, unless specially authorized by the Commission. A concurrence in any tariff so described will be deemed to include all amendments and successive issues which the issuing carrier may make and file. All such amendments and successive issues will be binding between customers and carriers. Between carriers themselves, however, the filing by 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.

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§ 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—.

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Secretary,
Federal Communications Commission, Washing-
ton, 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 con-
necting carriers will thereafter be found in
Tariff FCC No. — issued by — (If the con-
curring carrier has ceased operations, the
revocation notice must so indicate.)

(Name of carrier) -----
By -----
(Title) -----

APPLICATIONS FOR SPECIAL PERMISSION

§ 61.151 Scope.

Sections 61.152 and 61.153 set forth
the procedures to be followed by a car-
rier 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 ef-
fect;

(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 ap-
plication for special permission as re-
quired 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 Commis-
sion for modification of the original
grant. If a carrier elects not to use the
authority granted within sixty days of
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 permis-
sion 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, for all special permis-
sion applications requiring fees as set
forth at part 1, subpart G of this chap-
ter, the issuing carriers must submit
the original of the application letter
(without attachments), FCC Form 155,
and the appropriate fee to the Mellon
Bank, Pittsburgh, PA at the address
set forth in § 1.1105. The carrier should
submit these fee materials on the same
date as the submission in paragraph
(a).

(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 attach-
ments to the Chief, Tariff Review
Branch. 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 num-
bers, 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: Common Carrier Bureau (here
provide the statements required by
§ 61.152).

(Exact name of carrier) -----
(Name of officer or agent) -----
(Title of officer or agent) -----

[55 FR 19173, May 8, 1990]

ADOPTION OF TARIFFS AND OTHER
DOCUMENTS OF PREDECESSOR 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