



Guide to Telecom Rules

Pending Rules Chart

Part 64 – Miscellaneous Rules Relating to Common Carriers

How to use this document

This Pending Rules Chart is a companion document for use with the NECA Guide to Telecom Rules. It contains rules that have been adopted by the FCC but are not yet effective because they are awaiting Federal Register publication or Office of Management and Budget approval. The GTR will show these with a **(pending text)** link.

The text of the rules in this chart comes primarily from FCC Orders. The final Federal Register version may be different from the Order text and takes precedence. Reasons for changes may include corrections and errata to the rules issued between the publication of the text of the Order and the Federal Register text.

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Guide to Telecom Rules – Pending Rule Changes

Rule	Pending Text	Effective date	Order
64.2115 Registration of Intermediate Providers			
64.2115(a)-(c)	<p>(a) <i>Registration.</i> An intermediate provider that offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and that charges any rate to any other entity (including an affiliated entity) for the transmission shall register with the Commission in accordance with this section. The intermediate provider shall provide the following information in its registration:</p> <p>(1) The intermediate provider's business name(s) and primary address;</p> <p>(2) The name(s), telephone number(s), email address(es), and business address(es) of the intermediate provider's regulatory contact and/or designated agent for service of process;</p> <p>(3) All business names that the intermediate provider has used in the past;</p> <p>(4) The state(s) in which the intermediate provider provides service;</p> <p>(5) The name, title, business address, telephone number, and email address of at least one person as well as the department within the company responsible for addressing rural call completion issues, and;</p> <p>(6) the name(s), business address, and business telephone number(s) for an executive leadership contact, such as the chief executive officer, chief operating officer, or owner(s) of the intermediate provider, or persons performing an equivalent function, who directs or manages the entity.</p> <p>(b) <i>Submission of registration.</i> An intermediate provider that is subject to the registration requirement in paragraph (a) of this section shall submit the information described therein to the intermediate provider registry on the Commission's website. The registration shall be made under penalty of perjury.</p> <p>(c) <i>Changes in information.</i> An intermediate provider must update its submission to the intermediate provider registry on the Commission's website within 10 business days of any change to the information it must provide pursuant to paragraph (a) of this section.</p>	Upon OMB approval	Rural call completion Third Report and Order , FCC 18-120, rel. 08/15/18

64.1200 Delivery restrictions



Guide to Telecom Rules – Pending Rule Changes

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64.1200(l) and (m)	<p>* * * * *</p> <p>(l) Reporting Requirements. A reporting carrier subject to section 52.15(f) of this title shall:</p> <p>(1) Maintain records of the most recent date each North American Numbering Plan (NANP) telephone number allocated or ported to the reporting carrier was permanently disconnected.</p> <p>(2) Beginning on the 15th day of the month after the Consumer and Governmental Affairs Bureau announces that the Administrator is ready to begin accepting these reports and on the 15th day of each month thereafter, report to the Administrator the most recent date each NANP telephone number allocated to or ported to it was permanently disconnected.</p> <p>(3) For purposes of this paragraph (l), a NANP telephone number has been permanently disconnected when a subscriber permanently has relinquished the number, or the provider permanently has reversed its assignment of the number to the subscriber such that the number has been disassociated with the subscriber. A NANP telephone number that is ported to another provider is not permanently disconnected.</p> <p>(4) Reporting carriers serving 100,000 or fewer domestic retail subscriber lines as reported on their most recent Forms 477, aggregated over all the providers' affiliates, must begin keeping the records required by paragraph (l)(1) six months after the effective date for large providers and must begin filing the reports required by paragraph (l)(2) no later than the 15th day of the month that is six months after the date announced by the Consumer and Governmental Affairs Bureau pursuant to section 64.1200(l)(2).</p> <p>(m) Safe Harbor. A person will not be liable for violating the prohibitions in paragraphs (a)(1), (a)(2), or (a)(3) by making a call to a number for which the person previously had obtained prior express consent of the called party as required in paragraphs (a)(1), (a)(2), or (a)(3) but at the time of the call, the number is not assigned to the subscriber to whom it was assigned at the time such prior express consent was obtained if the person, bearing the burden of proof and persuasion, demonstrates that:</p> <p>(1) The person, based upon the most recent numbering information reported to the Administrator pursuant to paragraph (l), by querying the database operated by the Administrator and receiving a response of "no", has verified that the number has not been permanently disconnected since the date prior express consent was obtained as required in paragraphs (a)(1), (a)(2), or (a)(3); and</p> <p>(2) The person's call to the number was the result of the database erroneously returning a response of "no" to the person's query consisting of the number for which prior express consent was obtained as required in</p>	<p>Effective 03/26/19; however compliance will not be required until the Commission publishes a notice in the FR announcing compliance dates</p>	<p>Second Report and Order, FCC 18-177, released 12/13/18</p>



Guide to Telecom Rules – Pending Rule Changes

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	paragraphs (a)(1), (a)(2), or (a)(3) and the date on which such prior express consent was obtained.		
64.2103 Retention of call attempt records			
64.2103(g)	***** (g) the provisions of this section shall expire on September 15, 2020	07/05/19	Rural Call Completion 4th Report and Order , FCC 19-23 – rel. 03/15/19
64.2105 Recording, retention and Safe harbor sunset provisions			
64.2104(a)-(c)	<p>a) <i>Effective date.</i> One year after the effective date of section 64.2119 of this subpart, as measured upon publication in the Federal Register, section 64.2103, Retention of call attempt records, and section 64.2107, Reduced recording and retention requirements for qualifying providers under the Safe Harbor, shall become null and void.</p> <p>(b) <i>Notice.</i> The Commission shall provide public notice of the beginning of the one year sunset period. The Commission shall also publish a notice in the Federal Register at least 60 days before the end of the sunset period.</p> <p>(c) <i>Effects of sunset provision.</i> Sections 64.2103, and 64.2107 shall be deemed to have no effect at the end of the one year period and shall be considered removed from this subpart. All other sections in this subpart will be unaffected and will continue to have full effect after the sunset period. Section 64.2109 of this subpart shall be considered to be the successor regulation to section 64.2107.</p>	07/05/19	Rural Call Completion 4th Report and Order , FCC 19-23 – rel. 03/15/19
64.2109 Safe Harbor from Intermediate Provider Service Quality Standards			
64.2109(a)-(b)	<p>(a)(1) A covered provider may qualify as a safe harbor provider under this subpart if it files one of the following certifications, signed under penalty of perjury by an officer or director of the covered provider regarding the accuracy and completeness of the information provided, in WC Docket No. 13–39:</p> <p>“I ___ (name), ___ (title), an officer of ___ (entity), certify that ___ (entity) uses no intermediate providers;”</p> <p>or “I ___ (name), ___ (title), an officer of ___ (entity), certify that ___ (entity) restricts by contract any intermediate provider to which a call is directed by ___ (entity) from permitting more than one additional intermediate provider in the call path before the call reaches the terminating</p>	07/05/19	Rural Call Completion 4th Report and Order , FCC 19-23 – rel. 03/15/19



Guide to Telecom Rules – Pending Rule Changes

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	<p>provider or terminating tandem. I certify that any nondisclosure agreement with an intermediate provider permits ____ (entity) to reveal the identity of the intermediate provider and any additional intermediate provider to the Commission and to the rural incumbent local exchange carrier(s) whose incoming long-distance calls are affected by the intermediate provider's performance. I certify that ____ (entity) has a process in place to monitor the performance of its intermediate providers."</p> <p>(2) The certification in paragraph (a)(1) must be submitted:</p> <p>(A) for the first time on or before February 26, 2019; and</p> <p>(B) annually thereafter.</p> <p>(b) The requirements of section 64.2119 shall not apply to intermediate provider traffic transmitted by safe harbor qualifying covered providers functioning as intermediate providers.</p>		
64.2119 Intermediate Provider Service Quality Standards			
64.2119	<p>Any intermediate provider that offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and that charges any rate to any other entity (including an affiliated entity) for the transmission must abide by the following service quality standards:</p> <p>(a) Duty to Complete Calls. Intermediate providers must take steps reasonably calculated to ensure that all covered voice communications that traverse their networks are delivered to their destination. An intermediate provider may violate this duty to complete calls if it knows, or should know, that calls are not being completed to certain areas, and it engages in acts or omissions that allow, or effectively allow, these conditions to persist.</p> <p>(b) Rural Call Completion Performance Monitoring. For each intermediate provider with which it contracts, an intermediate provider shall:</p> <p>(1) Monitor the intermediate provider's performance in the completion of call attempts to rural telephone companies; and</p> <p>(2) Based on the results of such monitoring, take steps that are reasonably calculated to correct any identified performance problem with the intermediate provider, including removing that provider for sustained poor performance.</p>	07/05/19	Rural Call Completion 4th Report and Order , FCC 19-23 – rel. 03/15/19



Guide to Telecom Rules – Pending Rule Changes

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(c) Registration of Subsequent Intermediate Providers. Intermediate providers shall ensure that any additional intermediate providers to which they hand off calls are registered with the Commission pursuant to section 64.2115 of the Commission's rules.