

## Federal Communications Commission

## § 3.2

conditions as submitted in the application for advance approval. Should system modifications be necessary, a new application must be submitted in accordance with the requirements of this section.

[48 FR 56391, Dec. 21, 1983]

### Subpart N [Reserved]

## PART 3—AUTHORIZATION AND ADMINISTRATION OF ACCOUNTING AUTHORITIES IN MARITIME AND MARITIME MOBILE-SATELLITE RADIO SERVICES

### GENERAL

- Sec.
- 3.1 Scope, basis, purpose.
- 3.2 Terms and definitions.

### ELIGIBILITY

- 3.10 Basic qualifications.
- 3.11 Location of settlement operation.

### APPLICATION PROCEDURES

- 3.20 Application form.
- 3.21 Order of consideration.
- 3.22 Number of accounting authority identification codes per applicant.
- 3.23 Legal applicant.
- 3.24 Evidence of financial responsibility.
- 3.25 Number of copies.
- 3.26 Where application is to be mailed.
- 3.27 Amended application.
- 3.28 Denial of privilege.
- 3.29 Notifications.

### SETTLEMENT OPERATIONS

- 3.40 Operational requirements.
- 3.41 Amount of time allowed before initial settlements.
- 3.42 Location of processing facility.
- 3.43 Applicable rules and regulations.
- 3.44 Time to achieve settlements.
- 3.45 Amount of charges.
- 3.46 Use of gold francs.
- 3.47 Use of SDRs.
- 3.48 Cooperation with the Commission.
- 3.49 Agreement to be audited.
- 3.50 Retention of settlement records.
- 3.51 Cessation of operations.
- 3.52 Complaint/inquiry resolution procedures.
- 3.53 FCC notification of refusal to provide telecommunications service to U.S. registered vessel(s).
- 3.54 Notification of change in address.

### REPORTING REQUIREMENTS

- 3.60 Reports.
- 3.61 Reporting address.

- 3.62 Request for confidentiality.

### ENFORCEMENT

- 3.70 Investigations.
- 3.71 Warnings.
- 3.72 Grounds for further enforcement action.
- 3.73 Waiting period after cancellation.
- 3.74 Ship stations affected by suspension, cancellation or relinquishment.
- 3.75 Licensee's failure to make timely payment.
- 3.76 Licensee's liability for payment.

AUTHORITY: 47 U.S.C. 154(i), 154(j) and 303(r).

SOURCE: 61 FR 20165, May 6, 1996, unless otherwise noted.

### GENERAL

#### § 3.1 Scope, basis, purpose.

By these rules the Federal Communications Commission (FCC) is delineating its responsibilities in certifying and monitoring accounting authorities in the maritime mobile and maritime mobile-satellite radio services. These entities settle accounts for public correspondence due to foreign administrations for messages transmitted at sea by or between maritime mobile stations located on board ships subject to U.S. registry and utilizing foreign coast and coast earth station facilities. These rules are intended to ensure that settlements of accounts for U.S. licensed ship radio stations are conducted in accordance with the International Telecommunication Regulations (ITR), taking into account the applicable ITU-T Recommendations.

#### § 3.2 Terms and definitions.

(a) *Accounting Authority*. The Administration of the country that has issued the license for a mobile station or the recognized operating agency or other entity/entities designated by the Administration in accordance with ITR, Appendix 2 and ITU-T Recommendation D.90 to whom maritime accounts in respect of mobile stations licensed by that country may be sent.

(b) *Accounting Authority Certification Officer*. The official designated by the Managing Director, Federal Communications Commission, who is responsible, based on the coordination and review of information related to applicants, for granting certification as an

accounting authority in the maritime mobile and maritime mobile-satellite radio services. The Accounting Authority Certification Officer may initiate action to suspend or cancel an accounting authority certification if it is determined to be in the public's best interest.

(c) *Accounting Authority Identification Codes (AAICs)*. The discrete identification code of an accounting authority responsible for the settlement of maritime accounts (Annex A to ITU-T Recommendation D.90).

(d) *Administration*. Any governmental department or service responsible for discharging the obligations undertaken in the Convention of the International Telecommunication Union and the Radio Regulations. For purposes of these rules, "Administration" refers to a foreign government or the U.S. Government, and more specifically, to the Federal Communications Commission.

(e) *Authorization*. Approval by the Federal Communications Commission to operate as an accounting authority. Synonymous with "certification".

(f) *CCITT*. The internationally recognized French acronym for the International Telegraph and Telephone Consultative Committee, one of the former sub-entities of the International Telecommunication Union (ITU). The CCITT (ITU-T)<sup>1</sup> is responsible for developing international telecommunications recommendations relating to standardization of international telecommunications services and facilities, including matters related to international charging and accounting principles and the settlement of international telecommunications accounts.

Such recommendations are, effectively, the detailed implementation

provisions for topics addressed in the International Telecommunication Regulations (ITR).

(g) *Certification*. Approval by the FCC to operate as an accounting authority. Synonymous with "authorization".

(h) *Coast Earth Station*. An earth station in the fixed-satellite service or, in some cases, in the maritime mobile-satellite service, located at a specified fixed point on land to provide a feeder link for the maritime mobile-satellite service.

(i) *Coast Station*. A land station in the maritime mobile service.

(j) *Commission*. The Federal Communications Commission. The FCC.

(k) *Gold Franc*. A monetary unit representing the value of a particular nation's currency to a gold par value. One of the monetary units used to effect accounting settlements in the maritime mobile and the maritime mobile-satellite services.

(l) *International Telecommunication Union (ITU)*. One of the United Nations family organizations headquartered in Geneva, Switzerland along with several other United Nations (UN) family organizations. The ITU is the UN agency responsible for all matters related to international telecommunications. The ITU has over 180 Member Countries, including the United States, and provides an international forum for dealing with all aspects of international telecommunications, including radio, telecom services and telecom facilities.

(m) *Linking Coefficient*. The ITU mandated conversion factor used to convert gold francs to Special Drawing Rights (SDRs). Among other things, it is used to perform accounting settlements in the maritime mobile and the maritime mobile-satellite services.

(n) *Maritime Mobile Service*. A mobile service between coast stations and ship stations, or between ship stations, or between associated on-board communication stations. Survival craft stations and emergency position-indicating radiobeacon stations may also participate in this service.

(o) *Maritime Mobile-Satellite Service*. A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and emergency position-indicating radiobeacon

<sup>1</sup>At the ITU Additional Plenipotentiary Conference in Geneva (December, 1992), the structure, working methods and construct of the basic ITU treaty instrument were modified. The result is that the names of the sub-entities of the ITU have changed (e.g., the CCITT has become the Telecommunication Standardization Sector—ITU-T and Recognized Private Operating Agency has become Recognized Operating Agency-ROA). The changes were placed into provisional effect on March 1, 1993 with the formal entry into force of these changes being July 1, 1994. We will refer to the new nomenclatures within these rules, wherever practicable.

## Federal Communications Commission

## § 3.10

stations may also participate in this radio service.

(p) *Public Correspondence.* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission. This usually applies to maritime mobile and maritime mobile-satellite stations.

(q) *Recognized Operating Agencies (ROAs).*<sup>2</sup> Individuals, companies or corporations, other than governments or agencies, recognized by administrations, which operate telecommunications installations or provide telecommunications services intended for international use or which are capable of causing interference to international telecommunications. ROAs which settle debtor accounts for public correspondence in the maritime mobile and maritime mobile-satellite radio services must be certified as accounting authorities.

(r) *Ship Station.* A mobile station in the maritime mobile service located on board a vessel which is not permanently moored, other than a survival craft station.

(s) *Special Drawing Right (SDR).* A monetary unit of the International Monetary Fund (IMF) currently based on a market basket of exchange rates for the United States, West Germany, Great Britain, France and Japan but is subject to IMF's definition. One of the monetary units used to effect accounting settlements in the maritime mobile and maritime mobile-satellite services.

(t) *United States.* The continental U.S., Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States.

### ELIGIBILITY

#### § 3.10 Basic qualifications.

(a) Applicants must meet the requirements and conditions contained in these rules in order to be certified as an accounting authority. No individual or other entity, including accounting authorities approved by other administrations, may act as a United States accounting authority and settle accounts of U.S. licensed vessels in the

maritime mobile or maritime mobile-satellite services without a certification from the Federal Communications Commission. Accounting authorities with interim certification as of the effective date of this rule must submit to the application process discussed in § 3.20. They will be "grandfathered", i.e., granted permanent certification provided they demonstrate their eligibility and present a proper application.

(b) U.S. citizenship is not required of individuals in order to receive certification from the Commission to be an accounting authority. Likewise, joint ventures need not be organized under the laws of the United States in order to be eligible to perform settlements for U.S. licensed vessels. See, however, § 3.11.

(c) Prior experience in maritime accounting, general commercial accounting, international shipping or any other related endeavor will be taken into consideration by the Commission in certifying accounting authorities. The lack of such expertise, however, will not automatically disqualify an individual, partnership, corporation or other entity from becoming an accounting authority.

(d) Applicants must provide formal financial statements or documentation proving all assets, liabilities, income and expenses.

(e) Applicants must offer their services to any member of the public making a reasonable request therefor, without undue discrimination against any customer or class of customer, and fees charged for providing such services shall be reasonable and non-discriminatory. This requirement will be waived for applicants who settle their own accounts *only* and are eligible to be "grandfathered" during the initial application period. However, should the need for additional accounting authorities be proven, these accounting authorities will be required to offer their services to the public or relinquish their certification.

[61 FR 20165, May 6, 1996, as amended at 64 FR 40776, July 28, 1999]

<sup>2</sup>Id.