

FCC Expands Use of Electronic Filing to Common Carrier and Pole Attachment Complaints

November 14, 2014

On November 12, 2014, the Federal Communications Commission (FCC) [announced](#) the implementation of electronic filing procedures for common carrier complaints and pole attachment complaints under Sections 208 and 224, respectively, of the Communications Act.

Literally years in the making, the change constitutes the FCC's latest step in expanding electronic docketing and filing as well as electronic notification regarding developments in open proceedings. The new procedures increase the accessibility of documents to members of the public by making Section 208 and Section 224-related filings available for review online through the FCC's Electronic Comment Filing System.

Under the previous rules, the FCC required that all complaints under Sections 208 and 224 be submitted in hard copy. Until now, members of the public could only obtain copies of such pleadings upon request to the FCC Reference Information Center. This order brings these enforcement proceedings on a par with the filing procedures that have been in place in rulemaking dockets for years.

Electronic filing will not become mandatory until 30 days after the order is published in the Federal Register. However, parties will be permitted (but not required) to file documents electronically within ten days. FCC staff will assign new docket numbers to pending complaints filed prior to the Order and notify all parties of their respective proceedings' new ECFS numbers.

Formal complaints in these dockets have become less common as a result of high up-front costs of pursuit. The adoption of electronic filing will not alter the basic rules (and thus the principal cost) of complaints, but it will make it easier for participants and interested parties to follow the proceedings that are pending. This should provide better insight into the status of each pending case and assist in placing decisions in context.

The old rules also contained outdated provisions – such as the requirement to serve documents via facsimile and requirements to file proposed orders with motions – which the Commission has now eliminated.