

§ 41.21

47 CFR Ch. I (10-1-97 Edition)

LIMITATION AND FORM OF ISSUANCE

§ 41.21 Amount of free service permitted.

No franks shall be issued by any carrier authorizing free service to any person on which the published charges would, in the aggregate, exceed \$50 in any 1 calendar year; nor shall any person use or attempt to use any frank in any calendar year for free service on which the charges at the duly published rates would, in the aggregate, exceed \$50.

§ 41.22 Name of person.

Each frank shall be issued by a duly authorized officer of the carrier granting the privilege and shall show the name of the person to whom it is issued; and it shall be valid only for service rendered that person.

ADMINISTRATIVE REGULATIONS

§ 41.31 Records to be maintained and reports to be filed.

Common carriers subject to the Act shall maintain records and file reports as follows:

(a) Each such carrier shall maintain its records in such manner as to reflect at all times the name and address of every person holding a telegraph or telephone frank and the office, employment or relationship held by each such person entitling him to a frank; and each such carrier shall keep such basic records as would enable it, if ordered by the Commission, to compile a statement for the last preceding calendar year prior to such order or for any other period during which it is required by other rules to retain such records, showing the above information together with the number of franked communications handled under each frank during such period and the aggregate charges in dollars which would have accrued to the carrier for all of the free service rendered under each frank during such period if charges for all such communications had been collected at the published tariff rates.

(b) With respect to the communications referred to in § 41.13 every carrier subject to the Act shall maintain its records in such a manner as to show the number of each class of such com-

munications handled free of charge; *Provided*, That with respect to personal telephone calls of officers, agents, or employees of common carriers subject to the Act made free of charge or at reduced rates from telephone company official stations it shall be sufficient, in lieu of such record maintenance, if the carrier be at all times prepared, upon appropriate request, to make studies which will show the number of each class of such communications handled free of charge or at reduced rates.

(c) Each such carrier shall maintain its records in such a manner as to show the number of reports of positions of ships at sea furnished to newspapers of general circulation without charge, or at nominal charges, as authorized in section 201(b) of the Act.

§ 41.32 Existing franks not conforming declared void.

All outstanding franks which do not conform to the rules in this part shall be void after August 11, 1939.

PART 42—PRESERVATION OF RECORDS OF COMMUNICATION COMMON CARRIERS

APPLICABILITY

Sec.

42.01 Applicability.

GENERAL INSTRUCTIONS

- 42.1 Scope of the regulations in this part.
- 42.2 Designation of a supervisory official.
- 42.3 Protection and storage of records.
- 42.4 Index of records.
- 42.5 Preparation and preservation of reproductions of original records.
- 42.6 Retention of telephone toll records.
- 42.7 Retention of other records.

SPECIFIC INSTRUCTIONS FOR CARRIERS OFFERING DETARIFFED INTEREXCHANGE SERVICES

- 42.10 Public availability of information concerning detariffed interexchange services.
- 42.11 Retention of information concerning detariffed interexchange services.

AUTHORITY: Sec. 4(i), 48 Stat. 1066, as amended, 47 U.S.C. 154(i). Interprets or applies secs. 219 and 220, 48 Stat. 1077-78, 47 U.S.C. 219, 220.

SOURCE: 51 FR 32653, Sept. 15, 1986, unless otherwise noted.

APPLICABILITY

§ 42.01 Applicability.

This part prescribes the regulations governing the preservation of records of communication common carriers that are fully subject to the jurisdiction of the Commission.

GENERAL INSTRUCTIONS

§ 42.1 Scope of the regulations in this part.

(a) The regulations in this part apply to all accounts, records, memoranda, documents, papers, and correspondence prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

(b) The regulations in this part shall not be construed as requiring the preparation of accounts, records, or memoranda not required to be prepared by other regulations, such as the Uniform System of Accounts, except as provided hereinafter.

(c) The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records.

§ 42.2 Designation of a supervisory official.

Each carrier subject to the regulations in this part shall designate one or more officials to supervise the preservation of its records.

§ 42.3 Protection and storage of records.

The carrier shall protect records subject to the regulations in this part from damage from fires, and other hazards and, in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration.

§ 42.4 Index of records.

Each carrier shall maintain at its operating company headquarters a master index of records. The master index shall identify the records retained, the related retention period, and the locations where the records are maintained. The master index shall be subject to review by Commission staff and the Commission shall reserve the right

to add records, or lengthen retention periods upon finding that retention periods may be insufficient for its regulatory purposes. When any records are lost or destroyed before expiration of the retention period set forth in the master index, a certified statement shall be added to the master index, as soon as practicable, listing, as far as may be determined, the records lost or destroyed and describing the circumstances of the premature loss or destruction. At each office of the carrier where records are kept or stored, the carrier shall arrange, file, and currently index the records on site so that they may be readily identified and made available to representatives of the Commission.

§ 42.5 Preparation and preservation of reproductions of original records.

(a) Each carrier may use a retention medium of its choice to preserve records in lieu of original records, provided that they observe the requirements of paragraphs (b) and (c) of this section.

(b) A paper or microfilm record need not be created to satisfy the requirements of this part if the record is initially prepared in machine-readable medium such as punched cards, magnetic tapes, and disks. Each record kept in a machine-readable medium shall be accompanied by a statement clearly indicating the type of data included in the record and certifying that the information contained in it has been accurately duplicated. This statement shall be executed by a person duplicating the records. The records shall be indexed and retained in such a manner that they are easily accessible, and the carrier shall have the facilities available to locate, identify and reproduce the records in readable form without loss of clarity.

(c) Records may be retained on microfilm provided they meet the requirements of the Federal Business Records Act (28 U.S.C. 1732).

§ 42.6 Retention of telephone toll records.

Each carrier that offers or bills toll telephone service shall retain for a period of 18 months such records as are

necessary to provide the following billing information about telephone toll calls: the name, address, and telephone number of the caller, telephone number called, date, time and length of the call. Each carrier shall retain this information for toll calls that it bills whether it is billing its own toll service customers for toll calls or billing customers for another carrier.

[51 FR 39536, Oct. 29, 1986]

§ 42.7 Retention of other records.

Except as specified in § 42.6, each carrier shall retain records identified in its master index of records for the period established therein. Records relevant to complaint proceedings not already contained in the index of records should be added to the index as soon as a complaint is filed and retained until final disposition of the complaint. Records a carrier is directed to retain as the result of a proceeding or inquiry by the Commission to the extent not already contained in the index will also be added to the index and retained until final disposition of the proceeding or inquiry.

SPECIFIC INSTRUCTIONS FOR CARRIERS OFFERING DETARIFFED INTER-EXCHANGE SERVICES

§ 42.10 Public availability of information concerning detariffed inter-exchange services.

A nondominant interexchange carrier shall make available to any member of the public, in at least one location, during regular business hours, information concerning its current rates, terms and conditions for all of its detariffed interstate, domestic, inter-exchange services. Such information shall be made available in an easy to understand format and in a timely manner. When responding to an inquiry or complaint from the public concerning rates, terms and conditions for such services, a carrier shall specify that such information is available and the manner in which the public may obtain the information.

[61 FR 59366, Nov. 22, 1996]

§ 42.11 Retention of information concerning detariffed interexchange services.

(a) A nondominant interexchange carrier shall maintain, for submission to the Commission upon request, price and service information regarding all of the carrier's detariffed interstate, domestic, interexchange service offerings. The price and service information maintained for purposes of this paragraph (a) shall include, but not be limited to, the information that such carrier makes available to the public pursuant to § 42.10, as well as documents supporting the rates, terms, and conditions of the carrier's detariffed interstate, domestic, interexchange offerings. The information maintained pursuant to this section shall be maintained in a manner that allows the carrier to produce such records within ten business days.

(b) The price and service information maintained pursuant to this section shall be retained for a period of at least two years and six months following the date the carrier ceases to provide services pursuant to such rates, terms and conditions.

(c) A nondominant interexchange carrier shall file with the Commission, and update as necessary, the name, address, and telephone number of the individual(s) designated by the carrier to respond to Commission inquiries and requests for documents about the carrier's detariffed interstate, domestic, interexchange services.

[61 FR 59366, Nov. 22, 1996]

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

- Sec.
- 43.01 Applicability.
- 43.21 Annual reports of carriers and certain affiliates.
- 43.41 [Reserved]
- 43.43 Reports of proposed changes in depreciation rates.
- 43.51 Contracts and concessions.
- 43.53 Reports regarding division of international toll communication charges.
- 43.61 Reports of international telecommunications traffic.
- 43.72 [Reserved]