

days after either consummation of the proposed assignment or transfer of control, or a decision not to consummate the proposed assignment or transfer of control. The notification may be made by letter (sending an original and five copies to the Office of the Secretary) and shall identify the file numbers under which the initial authorization and the authorization of the assignment or transfer of control were granted.

(f) *Notifications for non-substantial or pro forma transactions.* (1) In the case of a pro forma assignment or transfer of control, the section 214 authorization holder is not required to seek prior Commission approval.

(2) A pro forma assignee or carrier that is subject to a pro forma transfer of control shall file a notification with the Commission no later than 30 days after the assignment or transfer is completed. The notification may be made by letter (sending an original and five copies to the Office of the Secretary). The notification must contain the following:

(i) The information requested in paragraphs (a) through (d) and (h) of §63.18 for the transferee/assignee;

(ii) A certification that the transfer of control or assignment was pro forma and that, together with all previous pro forma transactions, does not result in a change in the actual controlling party.

(3) A single letter may be filed for an assignment or transfer of control of more than one authorization if each authorization is identified by the file number under which it was granted.

(4) Upon release of a public notice granting a pro forma assignment or transfer of control, petitions for reconsideration under §1.106 of this chapter or applications for review under §1.115 of this chapter of the Commission's rules may be filed within 30 days. Petitioner should address why the assignment or transfer of control in question should have been filed under paragraph (e) of this section rather than under this paragraph (f).

(g) *Involuntary assignments or transfers of control.* In the case of an involuntary assignment or transfer of control to: a bankruptcy trustee appointed under involuntary bankruptcy; an independent

receiver appointed by a court of competent jurisdiction in a foreclosure action; or, in the case of death or legal disability, to a person or entity legally qualified to succeed the deceased or disabled person under the laws of the place having jurisdiction over the estate involved; the applicant must make the appropriate filing no later than 30 days after the event causing the involuntary assignment or transfer of control.

[67 FR 45391, July 9, 2002]

**§ 63.25 Special provisions relating to temporary or emergency service by international carriers.**

(a) For the purpose of this section the following definitions shall apply:

(1) *Temporary service* shall mean service for a period not exceeding 6 months;

(2) *Emergency service* shall mean service for which there is an immediate need occasioned by conditions unforeseen by, and beyond the control of, the carrier.

(b) Requests for immediate authority for temporary service or for emergency service may be made electronically on the Internet through the International Bureau Filing System (IBFS), by letter, or by telegram setting forth why such immediate authority is required, the nature of the emergency, the type of facilities proposed to be used, the route kilometers thereof, the terminal communities to be served, and airline kilometers between such communities; how these points are presently being served by the applicant or other carriers, the need for the proposed service, the cost involved including any rentals, the date on which the service is to begin, and where known, the date or approximate date on which the service is to terminate. For information on filing your request through IBFS, see part 1, subpart Y and §63.20 of this chapter, and the IBFS homepage at <http://www.fcc.gov/ibfs>.

(c) Without regard to the other requirements of this part, and by application setting forth the need therefor, any carrier may request continuing authority, subject to termination by the Commission at any time upon 10 days' notice to the carrier, to provide temporary or emergency service by the

**§ 63.50**

construction or installation of facilities where the estimated construction, installation, and acquisition costs do not exceed \$35,000 or an annual rental of not more than \$7,000 provided that such project does not involve a major action under the Commission's environmental rules. (See subpart I of part 1 of this chapter.) Any carrier to which continuing authority has been granted under this paragraph shall, not later than the 30th day following the end of each 6-month period covered by such authority, file with the Commission a statement in writing making reference to this paragraph and setting forth, with respect to each project (construction, installation, lease, including any renewals thereof), which was commenced or, in the case of leases, entered into under such authority, and renewal or renewals thereof which were in continuous effect for a period of more than one week, the following information:

- (1) The type of facility constructed, installed, or leased;
- (2) The route kilometers thereof (excluding leased facilities);
- (3) The terminal communities served and the airline kilometers between terminal communities in the proposed project;
- (4) The cost thereof, including construction, installation, or lease;
- (5) Where appropriate, the name of the lessor company, and the dates of commencement and termination of the lease.

(d)(1) A request may be made by any carrier for continuing authority to lease and operate, during any emergency when its regular facilities become inoperative or inadequate to handle its traffic, facilities or any other carrier between points between which applicant is authorized to communicate by radio for the transmission of traffic which applicant is authorized to handle.

(2) Such request may be made electronically on the Internet through the International Bureau Filing System (IBFS), by letter, or by telegram making reference to this paragraph and setting forth the points between which applicant desires to operate facilities of other carriers and the nature of the traffic to be handled. For information

on filing your request through IBFS, see part 1, subpart Y and § 63.20 of this chapter, and the IBFS homepage at <http://www.fcc.gov/ibfs>.

(3) Continuing authority for the operation thereafter of such alternate facilities during emergencies shall be deemed granted effective as of the 21st day following the filing of the request unless on or before that date the Commission shall notify the applicant to the contrary: provided, however, Applicant shall, not later than the 30th day following the end of each quarter in which it has operated facilities of any other carrier pursuant to authority granted under this paragraph, file with the Commission a statement in writing making reference to this paragraph and describing each occasion during the quarter when it has operated such facilities, giving dates, points between which such facilities were located, hours or minutes used, nature of traffic handled, and reasons why its own facilities could not be used.

(Sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[28 FR 13229, Dec. 5, 1963, as amended at 41 FR 20662, May 20, 1976; 58 FR 44906, Aug. 25, 1993. Redesignated and amended at 64 FR 39939, July 23, 1999; 69 FR 29902, May 26, 2004]

**GENERAL PROVISIONS RELATING TO ALL APPLICATIONS UNDER SECTION 214**

**§ 63.50 Amendment of applications.**

Any application may be amended as a matter of right prior to the date of any final action taken by the Commission or designation for hearing. Amendments to applications shall be signed and submitted in the same manner, and with the same number of copies as was the original application. If a petition to deny or other formal objections have been filed to the application, the amendment shall be served on the parties.

(Sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[41 FR 20662, May 20, 1976]

**§ 63.51 Additional information.**

(a) You must provide additional information if the Commission requests you to do so after it initially reviews your application or request.