

## Federal Communications Commission

## §0.341

(d) *Authority concerning rulemaking proceedings.* The Chief, Wireless Telecommunications Bureau shall not have the authority to act upon notices of proposed rulemaking and inquiry, final orders in rulemaking proceedings and inquiry proceedings, and reports arising from any of the foregoing except such orders involving ministerial conforming amendments to rule parts, or orders conforming any of the applicable rules to formally adopted international conventions or agreements where novel questions of fact, law, or policy are not involved. In addition, revisions to the airport terminal use list in §90.35(c)(61) of this chapter and revisions to the Government Radiolocation list in §90.371(b) of this chapter need not be referred to the Commission. Also, the addition of new Marine VHF frequency coordination committee(s) to §80.514 of this chapter need not be referred to the Commission if they do not involve novel questions of fact, policy or law, as well as requests by the United States Coast Guard to:

(1) Designate radio protection areas for mandatory Vessel Traffic Services (VTS) and establish marine channels as VTS frequencies for these areas; or

(2) Designate regions for shared commercial and non-commercial vessel use of VHF marine frequencies.

(3) Designate by footnote to frequency table in §80.373(f) of this chapter marine VHF frequencies are available for intership port operations communications in defined port areas.

[60 FR 35506, July 10, 1995, as amended at 61 FR 26465, May 28, 1996; 62 FR 40285, July 28, 1997; 65 FR 43715, July 14, 2000; 67 FR 63284, Oct. 11, 2002; 69 FR 46440, Aug. 3, 2004]

### §0.332 Actions taken under delegated authority.

In discharging the authority conferred by §0.331, the Chief, Wireless Telecommunications Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility:

(a) [Reserved]

(b) Requests for waiver of tower painting and lighting specifications—Enforcement Bureau.

(c) Matters involving emergency communications—Enforcement Bureau.

(d) Complaints involving equal employment opportunities—Office of General Counsel.

(e) Requests for use of frequencies or bands of frequencies shared with broadcast, common carrier, or government services—Office of Engineering and Technology and appropriate operating bureau.

(f) Requests involving coordination with other Federal or state agencies when appropriate—Office of General Counsel, Office of Engineering and Technology or operating bureau.

(g) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Engineering and Technology.

[40 FR 4423, Jan. 30, 1975, as amended at 44 FR 11070, Feb. 27, 1979; 44 FR 39180, July 5, 1979; 50 FR 27953, July 9, 1985; 51 FR 12615, Apr. 14, 1986; 51 FR 20290, June 4, 1986; 52 FR 5288, Feb. 20, 1987; 59 FR 26971, May 25, 1994; 60 FR 5325, Jan. 27, 1995; 60 FR 35507, July 10, 1995; 61 FR 8477, Mar. 5, 1996; 64 FR 60722, Nov. 8, 1999]

### §§ 0.333–0.337 [Reserved]

#### ADMINISTRATIVE LAW JUDGES

### §0.341 Authority of administrative law judge.

(a) After an administrative law judge has been designated to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another administrative law judge, all motions, petitions and other pleadings shall be acted upon by such administrative law judge, except the following:

(1) Those which are to be acted upon by the Commission. See §1.291(a)(1) of this chapter.

(2) Those which are to be acted upon by the Chief Administrative Law Judge under §0.351.

(b) Any question which would be acted upon by the administrative law judge if it were raised by the parties to the proceeding may be raised and acted upon by the administrative law judge on his own motion.

(c) Any question which would be acted upon by the Chief Administrative

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Law Judge or the Commission, if it were raised by the parties, may be certified by the administrative law judge, on his own motion, to the Chief Administrative Law Judge, or the Commission, as the case may be.

(d) In the conduct of routine broadcast comparative hearings involving applicants for only new facilities, i.e., cases that do not involve numerous applicants and/or motions to enlarge issues, the presiding administrative law judge shall make every effort to conclude the case within nine months of the release of the hearing designation order. In so doing, the presiding judge will make every effort to release an initial decision in such cases within 90 days of the filing of the last responsive pleading.

(e) Upon assignment by the Chief Administrative Law Judge, Administrative Law Judges, including the Chief Judge, will act as settlement judges in appropriate cases. See 47 CFR 1.244 of this chapter.

[29 FR 6442, May 16, 1964, as amended at 37 FR 19372, Sept. 20, 1972; 41 FR 14870, Apr. 8, 1976; 56 FR 792, Jan. 9, 1991; 62 FR 4170, Jan. 29, 1997]

### § 0.347 Record of actions taken.

The official record of all actions taken by an Administrative Law Judge, including initial and recommended decisions and actions taken pursuant to § 0.341, is contained in the original docket folder, which is maintained in the Reference Information Center of the Consumer and Governmental Affairs Bureau.

[64 FR 60722, Nov. 8, 1999, as amended at 67 FR 13221, Mar. 21, 2002]

#### CHIEF ADMINISTRATIVE LAW JUDGE

### § 0.351 Authority delegated.

The Chief Administrative Law Judge shall act on the following matters in proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions under authority delegated by § 0.296.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their attorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with § 1.251(a) of this chapter. (The administrative law judge named to preside at the hearing may order an initial prehearing conference although the Chief Administrative Law Judge may not have seen fit to do so and may order supplementary prehearing conferences in accordance with § 1.251(b) of this chapter.)

(d) Petitions requesting a change in the place of hearing where the hearing is scheduled to begin in the District of Columbia or where the hearing is scheduled to begin at a field location and all appropriate proceedings at that location have not been completed. (See § 1.253 of this chapter.) However, if all parties to a proceeding concur in holding all hearing sessions in the District of Columbia rather than at any field location, the presiding administrative law judge may act on the request.

(e) In the absence of the administrative law judge who has been designated to preside in a proceeding, to discharge the administrative law judge's functions.

(f) All pleadings filed, or matters which arise, after a proceeding has been designated for hearing, but before a law judge has been designated, which would otherwise be acted upon by the law judge, including all pleadings filed, or matters which arise, in cease and desist and/or revocation proceedings prior to the designation of a presiding officer.

(g) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Administrative Law Judge.

(h) If the administrative law judge designated to preside at a hearing becomes unavailable, to order a rehearing or to order that the hearing continue before another administrative law judge and, in either case, to designate the judge who is to preside.

(i) The consolidation of related proceedings pursuant to § 1.227(a) of this