

SUBCHAPTER B—COMMON CARRIER SERVICES (CONTINUED)

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AUTHORITY: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 210, 48 Stat. 1073, as amended (47 U.S.C. 210).

SOURCE: 28 FR 13200, Dec. 5, 1963, unless otherwise noted.

DEFINITIONS

§41.1 Definition of terms as used in this part.

As used in this part:

(a) The term *frank* means any authority which authorizes free, or partially free, service.

(b) The term *families* means the wives, husbands, minor children, and other dependents of the officers, employees, or agents permitted to receive and use franks, but no other person.

(c) The terms *officer*, *agent*, and *employee* include furloughed, pensioned, and superannuated officers, agents, and employees.

GENERAL APPLICATION OF RULES

§41.11 Services to which rules apply.

Franks valid for interstate or foreign telegraph or telephone service may be issued or used and free service may be

rendered only in accordance with the provisions in this part.

§41.12 Persons to whom rules apply.

Full time officers, agents, and employees, and their families, of railroad companies, merchant ship companies, motor bus companies, air transport companies, telephone companies, telegraph companies, sleeping car companies, express companies, and pipeline companies (common carriers not subject to the Communications Act of 1934, as amended), may, at the discretion of carriers subject to the Act, receive at less than regularly established rates applicable to the service rendered.

§41.13 Carriers, services, and persons to which rules do not apply.

The rules in this part shall not apply to:

(a) Services rendered pursuant to lawful contracts for exchange of services under section 201(b) of the Act and which contracts are filed with the Commission, any free service rendered by a cable company pursuant to any obligation of its landing license, or any service rendered pursuant to any rule or order issued under the authority transferred by section 601 of the Act.

(b) Except as provided in this part, services rendered in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea, as provided in section 359(e) of the Act, or in furnishing of reports of positions of ships at sea to newspapers of general circulation, as provided in section 201(b) of the Act.

(c) Free or concession service now or hereafter granted to officers, agents, or employees of common carriers subject to the Act, and to their families.

(d) Service rendered pursuant to the provisions of §2.405 of this chapter.

§ 41.21

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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.