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[FR Doc. 95-7596 Filed 3-28-95; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[FCC 95-1]

#### Filing of Documents

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This order will clarify the Commission's rule regarding the filing of documents by including language stating that, unless otherwise provided in this Title, by Public Notice, or by decision of the Commission or Commission staff acting on delegated authority, documents are deemed filed when they are received by the Commission. This order is intended to provide guidance to the public and avoid any potential uncertainty.

**EFFECTIVE DATE:** March 29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Donna Viert, Office of General Counsel, (202) 418-1720.

#### SUPPLEMENTARY INFORMATION:

##### Order

In the matter of: Amendment of the Commission's Rules of Practice and Procedure.

Adopted: January 3, 1995.

Released: February 21, 1995.

By the Commission:

1. On September 26, 1994, Multinational Legal Services, P.C. (MLS) filed a Petition for Reconsideration or Clarification of the Commission's *Order*, FCC 94-210, released August 24, 1994, 59 Fed. Reg. 44340 (1994), by which the Commission promulgated new section 1.7 of its Rules, 47 CFR 1.7. In adopting section 1.7, the *Order* formalized a Commission practice of accepting documents as filed when they are received at a location designated by the Commission. The *Order* may have created some confusion, and to address this, we grant MLS's petition and clarify the language of section 1.7. See 59 FR 44340.

2. In its petition, MLS argues that section 1.7 may create uncertainty about the filing deadline for time-critical applications at the lockbox facility of the Mellon Bank in Pittsburgh, Pennsylvania. In accordance with procedural rules adopted in connection with our fee collection program, applications submitted to the lockbox facility by the next business day after an official filing deadline are considered timely filed.<sup>1</sup> This procedural rule allowing additional time is not, however, codified in the Code of Federal Regulations. MLS notes that this rule may therefore conflict with the newly promulgated section 1.7 which states that:

Unless otherwise provided in this Title [47], pleadings and other documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission.

3. To avoid potential confusion, we will adopt MLS's recommendation (with one minor change) and clarify section 1.7 by including language stating that, unless otherwise provided in this Title, by Public Notice, or by decision of the Commission or Commission staff acting on delegated authority, documents are deemed filed when they are received by the Commission.

4. In view of the foregoing and pursuant to the authority contained in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r), it is ordered that the Petition for Reconsideration or Clarification filed by Multinational Legal Services, P.C. is granted.

5. It is further ordered that Part 1 of the Commission's Rules is amended in the manner indicated below to be effective upon publication in the **Federal Register**.

#### List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

#### Rule Change

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

<sup>1</sup> *Fee Collection Program*, 5 FCC Rcd 3558, 3565 (1990); *Public Notice, Filing of Time Critical Feeable Applications*, 67 Rad. Reg (P&F) 2d 1127 (1990); see *GAF Broadcasting Company*, 8 FCC Rcd 1742, 1744 (Aud. Serv. Div. 1993) (application received at the lockbox facility the day after the official deadline considered timely filed).

## PART 1—PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read:

**Authority:** 47 U.S.C. 154, 303, 503(b)(5); 5 U.S.C. 552; 21 U.S.C. 853a, unless otherwise noted.

2. Section 1.7 is revised to read as follows:

#### § 1.7 Documents are filed upon receipt.

Unless otherwise provided in this Title, by Public Notice, or by decision of the Commission or of the Commission's staff acting on delegated authority, pleadings and other documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission.

[FR Doc. 95-7700 Filed 3-28-95; 8:45 am]

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### 47 CFR Part 15

[DH 95-581]

#### Closed Captioning Requirements for Computer Systems Used as Television Receivers

**AGENCY:** Federal Communications Commission.

**ACTION:** Interpretation.

**SUMMARY:** The FCC's Office of Engineering and Technology is issuing this document interpreting the requirements of the Television Decoder Circuitry Act of 1990 and the FCC rules implementing that Act, as they apply to computer systems. These requirements specify that all devices designed to receive television service must be equipped with built-in decoder circuitry designed to display closed-captioned television transmissions when the picture size of such a device is 33 cm (13 inches) or greater in size. This interpretation is intended to provide guidance for computer manufacturers and vendors with regard to the application of the closed caption circuitry requirements to computers and other related equipment that provide the capability to receive television transmissions.

**ADDRESSES:** Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

#### FOR FURTHER INFORMATION CONTACT:

Richard Engelman, Office of Engineering and Technology, (202) 776-1626.

**SUPPLEMENTARY INFORMATION:****Closed Captioning Requirements for Computer Systems Used As Television Receivers**

Several manufacturers have requested information on the requirements for displaying closed captioning as they apply to computers that have the capability to receive television signals. This Public Notice describes the Office of Engineering and Technology's (OET) interpretation of the requirements of the Television Decoder Circuitry Act of 1990, and the rules implementing that Act, as they apply to computer systems. As indicated below, computer systems that are sold with a monitor that has a "viewable picture" size of 13 inches or greater and that have the capability to receive television service must be able to display closed captions transmitted on television signals. Closed captioning capability is not required for smaller monitors, for systems without television reception capability, for computers sold without monitors, or for "plug-in" circuit boards that add television reception capability.

Section 15.119 of the Commission's rules, and the Television Decoder Circuitry Act of 1990 (Pub. L. 101-431) upon which this rule section is based, require that all devices designed to receive television pictures broadcast simultaneously with sound be equipped with built-in decoder circuitry designed to display closed-captioned television transmissions when such a device is manufactured in the United States or imported for use in the United States, and its television picture screen is 33 cm (13 inches) or greater in size. See 47 CFR 15.119 and 47 U.S.C. 303(u) and 330(b).

Personal computers can now be equipped to receive and display broadcast television programming. This capability can be marketed in a variety of ways. For example, built-in TV receiver capability can be included in personal computers that are marketed as complete systems, *e.g.*, systems that include both a computer and monitor. Built-in TV receiver capability can also be included in personal computers sold without a monitor. In addition, TV receiver capability can be provided on plug-in circuit cards that can be used to add TV reception capability to an existing personal computer.

The screen sizes for TV receivers and monitors used with personal computers traditionally have been measured differently by manufacturers in the two industries. TV receiver screen size is measured on the basis of the "viewable picture" area, in accordance with Federal Trade Commission (FTC)

regulations. See 16 CFR Part 410. Computer monitors traditionally are measured on the basis of the overall physical size of the picture tube. In many cases, computer monitors marketed as ¼ inches or larger actually have a viewable picture size of less than 33 cm (13 inches). We note that the majority of computer monitors being sold now have a viewable picture size that is smaller than 33 cm (13 inches), although the number of models with larger picture sizes is increasing.

OET interprets that the requirements of § 15.119 apply to computer systems that have the capability to receive TV broadcast signals and include a monitor that has a "viewable picture" size of 33 cm (13 inches) or larger, as measured in accordance with the FTC regulations, 16 CFR Part 410. For purposes of this interpretation, a computer system may be a single unit, with the computer and monitor in the same housing, or separate computer and monitor units.

As a practical matter, computers and monitors sold together as systems are often marketed with separate prices. This allows consumers greater flexibility in choosing a system that meets their needs. OET interprets that where computers and monitors are priced separately but sold together, *i.e.*, as part of the same business transaction, they are nonetheless computer systems for purposes of the closed caption display capability requirements and must comply with those requirements if the "viewable picture" of the monitor is 33 cm (13 inches) or larger.

The requirements of § 15.119 do not apply to:

- Computers or computer systems that do not have the capability to receive TV broadcast signals;
- Computers sold without monitors;
- Computer systems with monitors that do not have a viewable picture of 33 cm (13") or larger; or,
- Separate "plug-in" circuit boards.

In issuing this interpretation, we wish to emphasize that we recognize the importance of closed captioning display as a feature of TV reception capability included in personal computers. We therefore will monitor the practices of the computer industry with regard to this feature, particularly with regard to the practices of selling computers and monitors together, and will consider appropriate action in the future as may be necessary to ensure this feature is adequately available to the public.

By the Chief, Office of Engineering and Technology.

Office of Engineering and Technology  
contact: Richard Engelman at (202) 776-1626.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

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**OFFICE OF PERSONNEL MANAGEMENT****48 CFR Parts 1604 and 1652**

RIN 3206-AG30

**Federal Employees Health Benefits Acquisition Regulation Filing Health Benefit Claims; Addition of Contract Clause**

**AGENCY:** Office of Personnel Management.

**ACTION:** Interim regulations with request for comments.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing interim regulations to add a new contract clause of the Federal Employees Health Benefits Acquisition Regulation (FEHBAR). The clause clarifies for both FEHB carriers and covered individuals the circumstances under which OPM may render a decision regarding a covered individual who asks OPM to review a health benefits plan's denial of a claim if the plan has either affirmed its denial when the covered individual requested reconsideration, or failed to respond to the covered individual's request for reconsideration as provided by OPM's regulations. The clause further clarifies the circumstances under which claimants may seek court review of benefit denials under the FEHB Program. The purpose of these interim regulations is to clarify that covered individuals who wish to bring legal action regarding a denial of an FEHB benefit must pursue such claim against OPM. Further, the interim regulations clarify the administrative review process that must precede legal action in the courts.

**DATES:** These interim regulations are effective March 29, 1995. Comments must be received on or before May 30, 1995.

**ADDRESSES:** Send written comments to Lucretia F. Myers, Assistant Director for Insurance Programs, Retirement and Insurance Service, Office of Personnel Management, P.O. Box 57, Washington, DC 20044; or deliver to OPM, Room 3451, 1900 E Street NW., Washington, DC; or FAX to (202) 606-0633.

**FOR FURTHER INFORMATION CONTACT:** Margaret Sears, (202) 606-0004.

**SUPPLEMENTARY INFORMATION:** Historically, OPM has required that