PUBLIC NOTICE

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COMMISSION 2010 BIENNIAL REVIEW OF TELECOMMUNICATIONS REGULATIONS

CG Docket No. 10-266, EB Docket No. 10-267, IB Docket No. 10-268, ET Docket No. 10-269, PS Docket No. 10-270, WT Docket No. 10-271, WC Docket No. 10-272

The bureaus and offices conducting the Federal Communications Commission's 2010 biennial review of telecommunications regulations in accordance with Section 11(a) of the Communications Act of 1934, as amended, have completed their reviews. Section 11(a) requires the Commission to review every two years all regulations issued under the Communications Act that apply to the operations or activities of any provider of telecommunications service and to determine whether any such regulation "is no longer necessary in the public interest as the result of meaningful economic competition between providers of such [telecommunications] service." *See* 47 U.S.C. § 161(a). This Public Notice summarizes the bureaus' and offices' determinations and recommendations.

On December 30, 2010, the Commission issued a Public Notice seeking comment on whether any rules subject to the Section 11(a) biennial review requirement should be repealed or modified as the result of meaningful economic competition between providers of telecommunications service.[1] Staff considered the public comments, as well as developments in the marketplace, in deciding whether to recommend repeal or modification of rules subject to the biennial review requirement. Although the staff reviewed all rules within the scope of Section 11, they paid special attention in the 2010 biennial review to rules relating to data gathering. That special focus on data collections was undertaken as part of the Commission's reform agenda to improve data quality and processes, identify areas where additional data collection is needed, and eliminate unnecessary collections.[2]

Independent of the requirements of Section 11, some of the bureaus recommended that the Commission consider modifying or repealing various rules that they determined may be duplicative, outmoded or otherwise unnecessary in the public interest for reasons other than those related to competitive developments that fall within the scope of Section 11 review. The Commission will consider those recommendations in separate proceedings.

The bureaus and offices conducting the Section 11(a) review make the following recommendations:

[1] Public Notice, *Commission Seeks Public Comment in 2010 Biennial Review of Telecommunications Regulations*; *Announces Particular Focus on Data Collection Requirements*, FCC 10-204, 25 FCC Rcd 18135 (2010).

[2] *See id*.

Wireline Competition Bureau (WCB)

WCB staff reviewed the relevant rules in 47 C.F.R. Parts 1, 32, 36, 42, 43, 51, 52, 53, 54, 59, 61, 63, 64, 65, 68, and 69. Based on its review and in response to comments, WCB staff determined that rules in Part 36, Part 43, Part 51, and Subparts G and T of Part 64 may no longer be necessary in the public interest as the result of meaningful economic competition between providers of telecommunications services and recommends repeal or modification of those rules. Except as noted below, WCB staff did not conclude that meaningful economic competition has made the other rules within its jurisdiction no longer necessary in the public interest.

Part 36**.** Part 36 enables the Commission to regulate interstate communications consistent with the dual federal-state system in the Act. WCB notes that issues related to Part 36 are under review in the *Separations Freeze Extension and Further Notice* and the *2009 Separations Freeze Extension Order*,[3] which WCB believes may result in changes to Part 36 rules. WCB believes that rules in Part 36, in their current form, may not be "necessary in the public interest as the result of meaningful economic competition between providers of such [telecommunications] service." The Commission has referred the issue to the Federal-State Joint Board on Separations and awaits its recommendation regarding possible modifications to the rules.

Part 43. WCB notes that the Commission is continuing to review the Part 43 rules pertaining to ARMIS reports 43-04, 43-05, 43-06, 43-07 and 43-08 in pending proceedings.[4] Based on its Section 11 review, WCB believes that the rules relating to ARMIS reporting in Part 43 may not be necessary in the public interest in their current form as the result of meaningful economic competition between providers of telecommunications services.[5] WCB therefore recommends that the Commission consider revising those rules in the pending proceedings.

Part 51. WCB finds that some of the Part 51 rules, in their current form, may no longer be necessary in the public interest as the result of meaningful economic competition between providers of telecommunications services. WCB recommends that the Commission consider in ongoing proceedings whether certain requirements remain necessary in the public interest in their current form as the result of competition between providers of telecommunications services. In particular, WCB recommends that the Commission: (1) consider revising the carry-over equal access obligations preserved by section 251(g) in its pending *Equal Access Notice of Inquiry*

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[3] *See Jurisdictional Separations Reform and Referral to the Federal-State Joint Board*, Order and Further Notice of Proposed Rulemaking, 21 FCC Rcd 5516, 5517, 5523, paras. 1, 16 (2006) (*2006 Separations Freeze Extension and Further Notice*) (extending for three years the initial separations freeze, which was scheduled to expire June 30, 2006); *Jurisdictional Separations and Referral to the Federal-State Joint Board*, Report and Order, 24 FCC Rcd 6162 (2009) (*2009 Separations Freeze Extension Order*) (referring interim and comprehensive reform to the Joint Board).

[4] *See Biennial Regulatory Review – Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase 2; Amendments to the Uniform System of Accounts for Interconnection; Jurisdictional Separations Reform and Referral to the Federal-State Joint Board; Local Competition and Broadband Reporting*, Report and Order in CC Docket Nos. 00-199, 97-212, and 80-286; Further Notice of Proposed Rulemaking in CC Docket Nos. 00-199, 99-301, and 80-286, 16 FCC Rcd 19911, 19984-89, paras. 205-217 (2001) (seeking comment on Phase III of the review); *see ARMIS Forbearance Order*, 23 FCC Rcd 13647; *see also Modernizing the FCC Form 477 Data Program*, Notice of Proposed Rulemaking, 26 FCC Rcd 1508 (2011) (*Form 477 Modernization NPRM*).

[5] *See* 47 C.F.R. § 43.43.

proceeding;[6] and (2) consider modifications of the section 51.333 network change disclosure rules, as proposed by BellSouth in the *2006 Biennial Review*, in the course of addressing petitions for rulemaking and clarification filed in RM-11358.[7]

Part 64, Subpart G; CEI/ONA Reporting Requirements**.** Based on its review of the rules in Part 64, Subpart G, and the comments in this biennial review proceeding, WCB believes that the rules governing operator services and call aggregators are still necessary in the public interest. Part 64, Subpart G also contains the Commission's *Computer II* rules governing the provision of enhanced services by the Bell Operating Companies (BOCs). In reviewing whether these rules are no longer necessary in the public interest as the result of meaningful economic competition, WCB also considered whether the Commission's uncodified comparably efficient interconnection and open network architecture (CEI/ONA) requirements, which were adopted in the Commission's *Computer III* proceeding,[8] are necessary in the public interest. WCB believes that the CEI/ONA reporting requirements may no longer be necessary in the public interest in their current form as the result of meaningful economic competition between providers of telecommunications service.[9] The Commission has already relieved the BOCs from some of the obligations imposed by its Computer Inquiry rules.[10] In addition, in their comments, AT&T, Qwest and Verizon each support the Commission's pending proposal to eliminate the remaining narrowband CEI and ONA reporting requirements as described in the *CEI/ONA NPRM*, and also advocate the deletion of all other remaining CEI and ONA rules in the course of this Biennial Review.[11] WCB recommends that the Commission consider repealing or modifying the CEI/ONA rules in the CEI/ONA NPRM proceeding. WCB also recommends that the comments of AT&T, Qwest and Verizon in WC Docket No. 10-272 be incorporated into that, and any other, relevant pending proceedings.

Part 64, Subpart T. WCB believes that the rules in Part 64, Subpart T may no longer be necessary in the public interest in their current form as a result of competition between providers of telecommunications services, and notes that Commission is currently considering whether to

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[6] *Notice of Inquiry Concerning a Review of the Equal Access and Nondiscrimination Obligations Applicable to Local Exchange Carriers*, Notice of Inquiry, 17 FCC Rcd 4015 (2002) (*Equal Access Notice of Inquiry*). The Commission issued a Public Notice requesting that parties refresh the record in the Equal Access Notice of Inquiry on March 7, 2007. *Parties Asked to Refresh Record Regarding Review of Equal Access and Nondiscrimination Obligations Applicable to Local Exchange Carriers*, Public Notice, 22 FCC Rcd 4553 (2007). *See also* USTelecom Petition, WC Docket No. 08-225 (filed Nov. 10, 2008) (requesting relief from the Equal Access scripting requirement specifically); Cincinnati Bell Petition, WC Docket No. 09-206 (filed Sept. 11, 2009) (same).

[7] *See Pleading Cycle Established for Comments on Petitions for Rulemaking and Clarification Regarding the Commission's Rules Applicable to Retirement of Copper Loops and Copper Subloops*, Public Notice, 22 FCC Rcd 1056 (rel. Jan. 30, 2007).

[8] *Amendment of Section 64.702 of the Commission's Rules and Regulations* (*Computer III*)*,* Report and Order, Phase I, 104 FCC 2d 958 (1986) (subsequent citations omitted).

[9] *See Review of Wireline Competition Bureau Data Practices; Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements*, WC Docket No. 10-132 and CC Docket Nos. 95-20, 98-10, Notice of Proposed Rulemaking, 26 FCC Rcd 1579, 1579, para. 1 (2011) (*CEI/ONA NPRM*).

[10] *See CEI/ONA NPRM*, 26 FCC Rcd at 1582-83, para. 6 (2011).

[11] *See generally CEI/ONA NPRM.*

change the rules applicable to the non-BOC affiliate, independent incumbent LECs' in-region, interstate long distance services in a pending proceeding.[12] WCB therefore recommends that, in the context of the pending proceeding, the Commission consider whether repeal or modification of these rules may be appropriate.

WCB's Responses to Other Comments:

Part 1, Subpart V. In comments filed in this proceeding, Verizon asserts that the Form 477 process should be as streamlined as possible and should not duplicate data the Commission can obtain from other sources. It also requests that Form 477 be redesigned to incorporate an "all-state" filing for providers who serve multiple states. The National Association of State Utility Consumer Advocates (NASUCA) and the New Jersey Division of Rate Counsel (NJ Rate Counsel) urge the Commission to require carriers to submit Form 477 data to both the Commission and state PUCs. They do not oppose Verizon's proposed change to the Form 477 interface to allow for "all-state" filing, so long as states have timely and complete access to that data. Verizon's proposals are outside the scope of Section 11 but the staff will recommend that the 2010 biennial review comments of Verizon and NASUCA/NJ Rate Counsel regarding Form 477 be incorporated into the record of the pending Form 477 Modernization NPRM proceeding.

Part 32. In comments in this proceeding, AT&T, Verizon and Qwest advocate eliminating a number of Part 32 rules.[13] However, the staff notes in particular that, in granting AT&T, Verizon and Qwest forbearance from the cost-assignment rules, the Commission did not grant forbearance from Part 32 or its requirements to maintain continuing property records (CPRs), concluding that, regardless of need for those data to implement existing price cap regulations, and notwithstanding accounting oversight in other contexts, compliance with the Part 32 accounts helps ensure that potentially relevant data remain available to the Commission "for regulatory purposes, including rulemakings or adjudications, in the future."[14] The Bureau does not find new facts or circumstances to reach a different conclusion here. And AT&T, Verizon and Qwest each committed in their compliance plans, filed as a condition of the forbearance of the cost assignment rules, to maintain their Part 32 USOA books of accounts so the carriers could provide usable information on a timely basis if requested by the Commission.[15] This was a condition of the forbearance grant, and AT&T, Verizon and Qwest have not explained whether, or how,

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[12] *See, e.g., Biennial Regulatory Review Separate Affiliate Requirements of Section 64.1903 of the Commission's Rules,* CC Docket No. 00-175, Notice of Proposed Rulemaking, 16 FCC Rcd 17270 (2001).

[13] Verizon, AT&T, and Qwest request that the Commission eliminate the continuing property record (CPR) requirements in rule 32.2000 for price cap incumbent LECs. AT&T and Qwest also request that the Commission eliminate the materiality threshold in rule 32.26 and allow carriers to follow a materiality threshold consistent with GAAP. AT&T also requests that the Commission eliminate rules that require maintaining records on jurisdictional differences in rules 32.1500, 32.4370 and 32.7910, lobbying expenses in rule 32.7300, deferred taxes in rules 32.4341 and 32.4361, and prior approval for changes to time sampling. By contrast, the Ad Hoc Telecommunications Users Committee (Ad Hoc) opposes the requests of AT&T, Verizon and Qwest, arguing that those rules are still necessary.

[14] *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160 from Enforcement of Certain of the Commission's Cost Assignment Rules; Petition of BellSouth Telecommunications, Inc. for Forbearance Under 47 U.S.C. § 160 from Enforcement of Certain of the Commission's Cost Assignment Rules*, WC Docket Nos. 07-21, 05-342, Memorandum Opinion and Order, 23 FCC Rcd 7302, 7307-08, 7314-15, 7323-24, paras. 12, 21, 38; (2008); *ARMIS Forbearance Order and Notice*, 23 FCC Rcd at 13662, para. 27 n.82. Petitions for reconsideration of both forbearance orders are pending before the Commission.

[15] *See, e.g.,* AT&T Compliance Plan, WC Docket Nos. 07-21 and 05-342, at 11 (filed July 24, 2008).

the modifications to Part 32 that they propose would affect the basis of that forbearance decision, given the scope of considerations underlying the Commission's reliance on Part 32 accounts. In addition, the parties seeking relief from the materiality threshold, AT&T and Qwest, subsequently stated that they were granted forbearance from that requirement.[16] Furthermore, Part 32 is preemptive and must be used by state commissions. These accounts provide useful information regarding assets, liabilities and ratemaking differences of each jurisdiction, federal and state. The staff finds that these rules remain "necessary in the public interest" and therefore recommends that these rules be maintained in their current form at this time.

Part 43. Rule 43.21(c) requires each miscellaneous common carrier with operating revenues exceeding the indexed revenue threshold to file annually a letter showing its operating revenues for that year and the value of its total communications plant at the end of that year. AT&T filed comments proposing the elimination of 43.21(c), arguing that the rule is outdated and seeks information that is generally available from other sources. That proposal is outside the scope of Section 11 but WCB will recommend that AT&T's comments be considered in a separate proceeding.

Wireless Telecommunications Bureau (WTB)

WTB staff reviewed the relevant rules in 47 C.F.R. Parts 1, 17, 20, 22, 24, 27, 80, 90, 95, and 101 that fall within the scope of its delegated authority, as well as the comments addressing those rules filed in response to the Commission's request for public comment in this proceeding, with a particular focus on those rules that contain data collection requirements. Based on its Section 11 review, WTB does not recommend that the Commission repeal or modify any of the rules within its purview as no longer necessary in the public interest as the result of meaningful economic competition between providers of telecommunications services.

With respect to the comments filed in this proceeding that addressed the rules covered by WTB's delegated authority, WTB declines to recommend, pursuant to Section 11, that the Commission modify its information collections in Part 1 as requested by Verizon and Verizon Wireless – specifically, clarification of an FCC Form 602 reporting obligation, modification of FCC Form 608 to permit certain electronic filings, and elimination of item 116 of FCC Form 603, requiring identification of whether facilities have been constructed – because the need for those requirements is not affected by competition and those requirements therefore cannot be found to be unnecessary as a result of meaningful economic competition. Similarly, WTB also declines to recommend any Section 11-based modifications to the Part 22 licensing requirements. In reaching its determination that Section 11 does not require any changes to these rules, WTB evaluated AT&T's comments filed in this proceeding expressing support for a pending CTIA petition for rulemaking that requested that the Commission transition Part 22 cellular service from a system based on transmitter sites to geographic market-area licensing. It also evaluated the CTIA petition, AT&T's and the other comments filed in a separate proceeding in response to a public notice requesting comment on the CTIA petition, and the rules themselves. In light of this record, WTB does not recommend that the Commission repeal or modify any of these rules as no longer necessary in the public interest as the result of meaningful economic competition between providers of telecommunications services. This determination under Section 11, however, should not be interpreted as indicating a lack of support by WTB for the proposal in the CTIA petition, which will be evaluated in a separate proceeding.

WTB staff also declines to recommend any Section 11-based modifications to the Part 17 rules (which deal with the construction, marking and lighting of antenna structures), as PCIA – The

[16] *See* Withdrawal of Petition Requesting Expedited Relief, WC Docket No. 05-352, at 2-3 (filed June 30, 2011).

Wireless Infrastructure Association requested, or to the Commission's out-of-band emission (OOBE) requirements, among them section 27.53, as Ericsson, Inc. requested, because these rules are designed to address critical regulatory goals regardless of competitive developments. Specifically, the purpose of the Part 17 rules is to ensure public safety and the purpose of the OOBE requirements is to protect against interference. Thus, WTB does not recommend that the Commission repeal or modify any of these rules as no longer necessary in the public interest as the result of meaningful economic competition between providers of telecommunications services.

International Bureau (IB)

IB reviewed relevant rules in 47 C.F.R. Parts 25, 43, 63, and 64. Based on its review and in response to comments, IB staff makes recommendations in three subject areas. First, IB staff concludes that many of the reporting requirements for international services in Part 43 may no longer be necessary in the public interest as a result of increased economic competition among telecommunications service providers. The staff notes that the Commission eliminated a number of such reporting requirements in May 2011, and invited comment on eliminating additional Part 43 reporting requirements.[17] The staff recommends that the Commission consider in IB Docket No. 04-112 whether the Part 43 international reporting requirements rules are necessary in the public interest and, if not, either repeal those requirements or modify them so that they are in the public interest. AT&T and Verizon and Verizon Wireless (together, "Verizon") filed comments recommending repeal or modification of the Part 43 reporting requirements based on increases in meaningful economic competition. IB staff believes that some of those AT&T and Verizon recommendations have already been addressed in IB Docket No. 04-112, and that the remainder should be addressed in that docket.

Second, IB concludes that the International Settlements Policy (ISP) in Part 64, Subpart J, may no longer be necessary in the public interest as the result of meaningful competition between telecommunications service providers, and recommends that the Commission consider whether to repeal or modify the ISP in IB Docket No. 11-80.[18] AT&T filed comments recommending repeal or modification of the ISP based on increases in meaningful economic competition, which IB staff recommends be addressed in IB Docket No. 11-80.

Third, IB concludes that the Effective Competitive Opportunities (ECO) test may no longer be necessary in the public interest as a result of increased competition among telecommunications service providers. The ECO test requires U.S. carriers and cable landing licensees proposing to become affiliated with a foreign carrier with market power in a non-World Trade Organization (WTO) member country to show that there are effective competitive opportunities for U.S. carriers in the foreign country.[19] In August 2011, the Commission invited comment on whether to modify or repeal the ECO test with respect to Title

[17] *Reporting Requirements for U.S. Providers of International Telecommunications Services*, IB Docket No. 04-112, First Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 7274 (2011). In this proceeding, the Commission also invited comment on conforming revisions to Section 63.10 of the Commission's rules, 47 C.F.R. § 63.10, which requires international service providers considered "dominant" to file certain reports pursuant to Part 43. Thus, for the same reasons that some provisions in Part 43 warrant repeal or modification as a result of economic competition, Section 63.10 may also warrant modification.

[18] *International Settlements Policy Reform,* IB Docket No. 11-80, Notice of Proposed Rulemaking, 26 FCC Rcd 7233 (2011).

[19] *See Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket Nos. 97-142, 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997).

III licenses.[20] IB staff recommends that the Commission also consider whether to modify or repeal the ECO test with respect to Section 214 authorizations.

IB also reviewed the information collection requirements in rules that it administers. The staff does not recommend repeal or modification of any information collection requirements on the basis of meaningful economic competition, with the exception of information requirements in Part 43, Part 64, Subpart J, and Section 63.18 of the Commission's rules, associated with the substantive subject areas discussed above.

The only entities that filed comments on rules administered by IB are AT&T and Verizon. In addition to the AT&T and Verizon recommendations discussed above, Verizon observed in its comments that Commercial Mobile Radio Service (CMRS) licensees are not required to obtain authority pursuant to Section 214 of the Communications Act prior to providing domestic service, and proposed eliminating this requirement for international CMRS service. IB staff does not recommend that the Commission review or eliminate this requirement because the requirement is necessary to address national security and law enforcement concerns, and those concerns warrant retention of this requirement regardless of the competitive state of the market. The staff also notes that the Commission has considered and rejected proposals to eliminate this requirement in the past, and concludes that Verizon has not demonstrated that a different result is warranted now.

Other than AT&T's and Verizon's comments, discussed above, IB did not receive any comments suggesting that the Commission should repeal or modify any other rules within IB's purview. Based on its review, IB does not recommend that the Commission repeal or modify any other rules as no longer in the public interest as the result of meaningful economic competition between telecommunications service providers.

Public Safety & Homeland Security Bureau (PSHSB)

The presence or absence of meaningful economic competition between telecommunications service providers, which is the focus of Section 11(a) of the Act, is not necessarily relevant when assessing the continued need for the public safety and homeland security regulations that PSHSB superintends. Nevertheless, PSHSB staff reviewed relevant rules in 47 C.F.R. Parts 1, 4, 9-12, 20, 22, 25, 64, and 90 pursuant to Section 11(a). ATIS, AT&T, Verizon and Verizon Wireless, Qwest, AHTUC, NASUCA, and New Jersey Division of Rate Counsel filed comments pertaining to rules in Part 4, addressing various proposed revisions to the network outage reporting criteria contained in Section 4.9. No commenting party suggests, however, that these rules should be repealed or modified because they are no longer in the public interest as the result of meaningful economic competition between telecommunications service providers. Accordingly, PSHSB staff concludes that it would be inappropriate to address those comments in the Commission's biennial review, but recommends that the Commission consider them in the context of a future proceeding relating to revisions to the Part 4 rules. PSHSB received no other comments suggesting that the Commission should repeal or modify any of the rules within its purview. Based on its review, PSHSB staff does not recommend that the Commission initiate any proceeding to repeal or modify any rules as no longer in the public interest as the result of meaningful economic competition between telecommunications service providers.

[20] *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Notice of Proposed Rulemaking, 26 FCC Rcd 11703 (2011).

Consumer and Governmental Affairs Bureau (CGB)

CGB staff reviewed relevant rules in 47 C.F.R. Parts 1, 6, 7, 64 and 68. The Administrative Counsel for Terminal Attachments filed comments asserting that the Commission should modify certain rules in Part 68 (hearing aid compatibility), but did not suggest that those rules should be modified on the grounds that they are no longer necessary in the public interest as the result of meaningful economic competition between telecommunications service providers. Accordingly, those proposals are outside the scope of the biennial review. Based on its review, CGB staff does not recommend that the Commission initiate any proceeding to repeal or modify any rules as no longer in the public interest as the result of meaningful economic competition between telecommunications service providers.

Enforcement Bureau (EB)

EB staff reviewed relevant rules in 47 C.F.R. Part 1 (§§ 1.711-1.736, 1.80, and 1.89). The Commission did not receive any comments suggesting that it should repeal or modify any of these rules. Based on its review, EB does not recommend that the Commission initiate any proceeding to repeal or modify any rules as no longer in the public interest as the result of meaningful economic competition between telecommunications service providers.

Office of Engineering & Technology (OET)

OET staff reviewed those FCC rules relevant to its delegated authority in 47 C.F.R. Parts 1, 2, 5, 15, and 18, placing particular emphasis on the information collection requirements contained therein, including but not limited to the data collection requirements related to the equipment authorization program and associated activities under Part 2 and the experimental licensing program under Part 5. No parties filed comments suggesting that any of these rules or data collections should be repealed or modified. Based on its review, OET does not recommend that the Commission repeal or modify any rules or data collections as no longer in the public interest as the result of meaningful economic competition between telecommunications service providers. OET also concludes that the data collection requirements in Parts 1, 2, 15 and 18 continue to be necessary to authorize equipment in compliance with the Commission's technical rules and to enforce those rules. However, OET notes that the Commission is considering repeal or modification of several data collection requirements in Part 5 in the pending rulemaking proceeding in ET Docket No. 10-236 in order to promote innovation.

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Section 11(b) of the Communications Act directs the Commission to "repeal or modify any regulation it determines to be no longer necessary in the public interest." 47 U.S.C. § 161(b). The Commission will take further action, as appropriate, to implement the staff recommendations pursuant to the requirements of Section 11(b).

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