



# Federal Register

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**Monday,  
May 16, 2005**

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**Part L**

**Federal  
Communications  
Commission**

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**Semiannual Regulatory Agenda**

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Ch. I**

**Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2005**

**AGENCY:** Federal Communications Commission.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. See 5 U.S.C. 602. The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Maura McGowan, Telecommunications Specialist, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, (202) 418-0990.

**SUPPLEMENTARY INFORMATION:**

**Unified Agenda of Major and Other Significant Proceedings**

The Commission encourages public participation in its rulemaking process.

To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

*Docket Number* — assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (e.g., Docket No. 96-1 or Docket No. 99-1). The abbreviation for the responsible bureau usually precedes the docket number, as in “MM Docket No. 96-222,” which indicates that the responsible bureau is the Mass Media Bureau (now the Media Bureau). A docket number consisting of only five digits (e.g., Docket No. 29622) indicates that the docket was established before January 1, 1978.

*Notice of Inquiry (NOI)* — issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A

comment period is specified during which all interested parties may submit comments.

*Notice of Proposed Rulemaking (NPRM)* — issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

*Further Notice of Proposed Rulemaking (FNPRM)* — issued by the Commission when additional comment in the proceeding is sought.

*Memorandum Opinion and Order (MO&O)* — issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

*Rulemaking (RM) Number* — assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

*Report and Order (R&O)* — issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

**Marlene H. Dortch,**  
*Secretary, Federal Communications Commission.*

**CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
3700	Policies and Rules Governing Interstate Pay-Per-Call and Other Information Services Pursuant to the Telecommunications Act of 1996 (CC Docket Nos. 96-146, 93-22) .....	3060-AG42
3701	Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996; CC Docket No. 94-129 .....	3060-AG46
3702	Implementation of Section 255 and Section 251(a)(2) of the Telecommunications Act of 1996; Access to Telecommunications Services Equipment and Customer Premise Equipment for Persons With Disabilities .....	3060-AG58
3703	In the Matter of the Telecommunications Relay Services, the Americans With Disabilities Act of 1990, and the Telecommunications Act of 1996; CC Docket No. 90-571 .....	3060-AG75
3704	In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities, Americans With Disabilities Act of 1990; CC Docket No. 98-67 .....	3060-AG76
3705	Establishment of Rules Governing Procedures To Be Followed When Informal Complaints Are Filed by Consumers Against Entities Regulated by the Commission; CG Docket No. 02-32 .....	3060-AI02
3706	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991; CG Docket No. 02-278 ( <b>Section 610 Review</b> ) .....	3060-AI14
3707	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service); CG Docket No. 03-123 ( <b>Section 610 Review</b> ) .....	3060-AI15
3708	Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CG Docket No. 04-53) .....	3060-AI20

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## CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3709	Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers; CG Docket No. 02-386 .....	3060-A158

## ENFORCEMENT BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3710	Revision of Emergency Alert System Rules .....	3060-A139
3711	Emergency Alert System .....	3060-A149

## OFFICE OF ENGINEERING AND TECHNOLOGY—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3712	MSS Spectrum Allocation .....	3060-AF75
3713	3650-3700 Government Transfer Band .....	3060-AH14
3714	Fixed Satellite Service and Terrestrial System in the Ku-Band .....	3060-AH17
3715	Revision of the Rules Regarding Ultra-Wideband Transmission .....	3060-AH47
3716	Software Defined Radio Authorization .....	3060-AH64
3717	New Advanced Wireless Services .....	3060-AH65
3718	Part 15 Biennial Review .....	3060-AH92
3719	Unlicensed Devices in the 5 GHz Band .....	3060-AI16
3720	Exposure to Radiofrequency Electromagnetic Fields .....	3060-AI17
3721	Above 76 GHz .....	3060-AI18
3722	Coordination Between the Non-Geostationary and Geostationary Satellite Orbit .....	3060-AI21
3723	Commission Rules Concerning Disruptions to Communications .....	3060-AI22
3724	Cognitive Radio Technologies .....	3060-AI23
3725	Broadband Over Power Line Systems .....	3060-AI24
3726	Interference Temperature Operation .....	3060-AI25
3727	Unlicensed Operation of the 3650-3700 Band (ET Doc. No. 04-151) .....	3060-AI50
3728	WRC-03 Omnibus (ET Doc. No. 04-139) .....	3060-AI51
3729	Unlicensed Operation in the TV Broadcast Bands (ET Doc. No. 04-186) .....	3060-AI52
3730	Narrowbanding for Private Land Mobile Radio Service (ET Doc. No. 04-243) .....	3060-AI53
3731	Unlicensed Devices and Equipment Approval (ET Docket No. 03-201) .....	3060-AI54

## OFFICE OF ENGINEERING AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3732	Revisions to Broadcast Auxiliary Service Rules .....	3060-AH78

## OFFICE OF GENERAL COUNSEL—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3733	Amendment of Section 1.1204 of the Commission's Ex Parte Rules .....	3060-AH58

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## OFFICE OF GENERAL COUNSEL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3734	Amendment of Section 1.17 of the Commission's Rules Concerning Truthful Statements to the Commission .....	3060-AH86

## INTERNATIONAL BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3735	Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures (IB Docket No. 95-117) .....	3060-AD70
3736	Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Service in the L-Band (IB Docket No. 96-132) .....	3060-AF89
3737	Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band (IB Docket No. 95-91; GEN Docket No. 90-357) .....	3060-AF93
3738	Redesignation of the 27.5-29.5 GHz Frequency Band (CC Docket No. 92-297) .....	3060-AF94
3739	Allocate & Designate: Spec for Fixed-Sat Srv (37.5-38.5, 40.5-41.5 & 48.2-50.2 GHz Bands). Allocate: Fixed & Mobile 40.5-42.5 GHz; Wireless 46.9-47 GHz; Gov Oper 37-38 & 40-40.5 GHz; IB Doc No. 97-95 .....	3060-AH23
3740	Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band; IB Docket No. 99-81 .....	3060-AH28
3741	1998 Biennial Regulatory Review — Review of Accounts Settlement in Maritime Mobile & Maritime Mobile-Satellite Radio Services; IB Doc No. 98-96 .....	3060-AH30
3742	Global Mobile Personal Communications by Satellite; IB Docket No. 99-67 .....	3060-AH49
3743	Streamlining Earth Station Licensing Rules; IB Docket No. 00-248 .....	3060-AH60
3744	Policies and Rules for Non-Geostationary Satellite Orbit, Fixed Satellite Service in the KA-Band; IB Docket No. 02-19 .....	3060-AH93
3745	Enforcement of Other Nations' Prohibitions Against the Uncompleted Call Signaling Configuration of International Callback Service; IB Docket No. 02-18 .....	3060-AH94
3746	Space Station Licensing Reform; IB Docket 02-34 .....	3060-AH98
3747	Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Band; IB Docket No.01-185 .....	3060-AI05
3748	Mitigation of Orbital Debris; IB Docket No. 02-54 .....	3060-AI06
3749	In the Matter of Procedures To Govern the Use of Satellite Earth Stations on Board Vessels; IB Docket No. 02-10 .....	3060-AI40
3750	Amendment of Parts 1 and 63 of the Commission's Rules (Docket 04-47) .....	3060-AI41
3751	Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04-112) .....	3060-AI42
3752	Redesignation of the 17.7-19.7 GHz Band, Blanket Licensing of Satellite Earth Stations, and Allocation of Spectrum for Broadcast Satellite Service .....	3060-AI43
3753	Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands; IB Docket No. 02-364 .....	3060-AI44
3754	Redesignation of the 17.7-19.7 GHz Band, Blanket Licensing of Satellite Earth Stations, & Allocation of Spectrum in the 17.3-17.8 and 24.75-25.25 GHz Bands for Broadcast Satellite Service .....	3060-AI46

## MEDIA BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3755	Cable Television Rate Regulation .....	3060-AF41
3756	Cable Television Rate Regulation: Cost of Service .....	3060-AF48
3757	Cable Customer Service Standards (MM 92-263) .....	3060-AF69
3758	Filing of Television Network Affiliation Contracts (MM Docket No. 95-40) .....	3060-AF80
3759	Rules Governing Broadcast Television Advertising (MM Docket No. 95-90) .....	3060-AF81
3760	Cable Home Wiring .....	3060-AG02
3761	Closed Captioning .....	3060-AG26
3762	Cable Act Reform .....	3060-AG27
3763	Competitive Availability of Navigation Devices .....	3060-AG28
3764	Minor Modifications of Broadcast Licenses Without Prior Construction Permit (MM Docket No. 96-58) .....	3060-AG30
3765	Pole Attachment Provisions (CS Docket No. 97-98) .....	3060-AG71
3766	Digital Must Carry .....	3060-AG91

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## MEDIA BUREAU—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3767	Horizontal Ownership Limits .....	3060-AH09
3768	Digital Audio Broadcasting Systems (MM Docket No. 99-325) .....	3060-AH40
3769	Periodic Review of Rules and Policies Affecting the Conversion to DTV .....	3060-AH54
3770	Direct Broadcast Public Interest Obligations; MM Docket No. 93-25 .....	3060-AH59
3771	Children's TV, Obligations of Digital TV Broadcasters (MM Docket No. 00-167) .....	3060-AH68
3772	Extension of Filing Requirements for Children's TV Programming Report (MM Docket No. 00-44) .....	3060-AH69
3773	Radio Market Definitions (MM Docket No. 03-130) .....	3060-AH70
3774	Enhanced and Standardized Disclosure (MM Docket No. 00-168) .....	3060-AH71
3775	Revision of EEO Rules and Policies; MM Docket No. 98-204 .....	3060-AH95
3776	Cross Ownership of Broadcast Stations and Newspapers .....	3060-AH97
3777	Establishment of Rules for Digital Low Power Television, Television Translator, and Television Booster Stations (MB Docket 03-185) .....	3060-AI38
3778	Joint Sales Agreements in Local Television Markets .....	3060-AI55
3779	Significantly Viewed Out-of-Market Broadcast Stations (Docket 05-49) .....	3060-AI56

## MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3780	Review of Technical Rules in Parts 73 and 74 (MM Docket No. 98-93) .....	3060-AG81
3781	Retransmission Consent Issues—SHVIA .....	3060-AH36
3782	Satellite Broadcasting Signal Carriage Requirements .....	3060-AH45
3783	Ancillary or Supplemental Use of DTV Capacity by Non-Commercial Licensees (MM Docket No. 98-203) .....	3060-AH53
3784	Reexamination of Comparative Standards for Noncommercial Educational Applicants; MM Docket No. 95-31 .....	3060-AH96
3785	Biennial Regulatory Review of the Commission's Broadcast Ownership Rules .....	3060-AI07

## OFFICE OF MANAGING DIRECTOR—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3786	Assessment and Collection of Regulatory Fees for FY 2005 .....	3060-AI59

## OFFICE OF MANAGING DIRECTOR—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3787	Assessment and Collection of Regulatory Fees for FY 2004 .....	3060-AI45

## WIRELESS TELECOMMUNICATIONS BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3788	Amendment of the Commission's Rules Concerning Maritime Communications .....	3060-AF14
3789	Resale and Roaming Obligations Pertaining to Commercial Mobile Radio Services .....	3060-AF58
3790	Implementation of Section 309(j) of the Communications Act, Competitive Bidding; 218-219 MHz Competitive Bidding Rules .....	3060-AG00
3791	39 GHz Channel Plan .....	3060-AG16
3792	Implementation of 309(j) of the Communications Act, Amendment of Parts 20 and 24 of the Commission's Rules — Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap .....	3060-AG21
3793	Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems .....	3060-AG34
3794	In the Matter of the Communications Assistance for Law Enforcement Act .....	3060-AG74

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## WIRELESS TELECOMMUNICATIONS BUREAU—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3795	Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements .....	3060-AG85
3796	Multiple Access Systems .....	3060-AG86
3797	Amendment of Part I of the Commission's Rules — Competitive Bidding Procedures .....	3060-AG87
3798	Amendment of Part 90 of the Rules To Adopt Regulations for Automatic Vehicle Monitoring Systems .....	3060-AH12
3799	Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules .....	3060-AH32
3800	Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended .....	3060-AH33
3801	Amendment to Parts 1, 2, 87, and 101 of the Rules to License Fixed Services at 24 GHz .....	3060-AH41
3802	Part 101 — Terrestrial Microwave Fixed Radio Services .....	3060-AH42
3803	Amendment of Parts 13 and 80 Governing Maritime Communications .....	3060-AH55
3804	Amendment of the Rules Regarding Installment Payment Financing for Personal Communications Services Licensees .....	3060-AH57
3805	Transfer of the 3650 Through 3700 MHz Band From Federal Government Use .....	3060-AH75
3806	2000 Biennial Regulatory Review Spectrum Aggregation Limits for Commercial Mobile Radio Services .....	3060-AH81
3807	In the Matter of Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets .....	3060-AH82
3808	In the Matter of Automatic and Manual Roaming Obligations Pertaining to Commercial Mobile Radio Services .....	3060-AH83
3809	Amendment of Part 90 for Licensing Low Power Operations in 450-470 MHz Band .....	3060-AH84
3810	Review of Quiet Zones Application Procedures .....	3060-AH88
3811	Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59) .....	3060-AH89
3812	Implementation of 911 Act .....	3060-AH90
3813	Year 2000 Part 22 Biennial Review .....	3060-AI26
3814	Air-Ground Telecommunications Services .....	3060-AI27
3815	Biennial Regulatory Review - Amendment of Parts 1, 22, 24, 27, and 90 To Streamline and Harmonize Various Rules Affecting Wireless Radio Services .....	3060-AI30
3816	Facilitating the Provision of Spectrum-Based Services to Rural Areas .....	3060-AI31
3817	Extending Wireless Telecommunications Services to Tribal Lands .....	3060-AI32
3818	Amendment of Commission Rules Concerning Airport Terminal Use Frequencies 450-470 MHz Band of the Private Land Mobile Radio Services, WT 02-318 .....	3060-AI33
3819	Improving Public Safety Communications in the 800 MHz Band Industrial/Land Transportation and Business Channels. ....	3060-AI34
3820	Review of Part 87 of the Commission's Rules Concerning Aviation .....	3060-AI35
3821	Digital Broadcast Content Protection (MB Docket No. 02-230) .....	3060-AI37
3822	In the matter of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones .....	3060-AI57

## WIRELINE COMPETITION BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3823	Administration of the North American Numbering Plan .....	3060-AF50
3824	Use of N11 Codes and Other Abbreviated Dialing Arrangements .....	3060-AF51
3825	Implementation of the Universal Service Portions of the 1996 Telecommunications Act .....	3060-AF85
3826	Toll-Free Service Access Codes .....	3060-AG11
3827	Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information .....	3060-AG43
3828	Access Charge Reform .....	3060-AG49
3829	Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 .....	3060-AG50
3830	Enhanced 911 Services for Wireline .....	3060-AG60
3831	Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services .....	3060-AG72
3832	Detariffing of Competitive Local Exchange Carriers' Interstate Exchange Access Services .....	3060-AG73
3833	Deployment of Wireline Services Offering Advanced Telecommunications Capability .....	3060-AH03
3834	Prescribing the Authorized Rate of Return for Interstate Services of Local Exchange Carriers .....	3060-AH18
3835	Local Telephone Networks That LECs Must Make Available to Competitors .....	3060-AH44
3836	2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements .....	3060-AH72
3837	Access Charge Reform and Universal Service Reform .....	3060-AH74
3838	2000 Biennial Regulatory Review — Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers; Phase 2 and Phase 3 .....	3060-AH76
3839	Numbering Resource Optimization .....	3060-AH80

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## WIRELINE COMPETITION BUREAU—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3840	Performance Measurements and Standards for Unbundled Network Elements and Interconnection .....	3060-A100
3841	Performance Measurements and Standards for Interstate Special Access Services .....	3060-A101
3842	National Exchange Carrier Association Petition .....	3060-A147
3843	IP-Enabled Services .....	3060-A148

**Federal Communications Commission (FCC)  
Consumer and Governmental Affairs Bureau**
**Long-Term Actions**
**3700. POLICIES AND RULES GOVERNING INTERSTATE PAY-PER-CALL AND OTHER INFORMATION SERVICES PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996 (CC DOCKET NOS. 96-146, 93-22)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 228

**CFR Citation:** 47 CFR 64.1501 to 1515

**Legal Deadline:** None

**Abstract:** The Commission received comments on proposed rules designed to implement the 1996 Telecommunications Act with respect to information services to prevent abusive and deceptive practices by entities that might try to circumvent the statutory requirements. The proposed rules address generally the use of dialing sequences other than the 900 service access code to provide information services. The Commission issued an NPRM on these issues July 16, 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/96	61 FR 39107
Order	07/26/96	61 FR 39084
NPRM Comment Period End	09/16/96	
Notice to Refresh Record	03/27/03	68 FR 14939
Comment Period End	05/27/03	
NPRM	10/15/04	69 FR 61184
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**URL For More Information:**

[www.fcc.gov/cgb/policy/paypercall.html](http://www.fcc.gov/cgb/policy/paypercall.html)

**Agency Contact:** Erica H. McMahon, Attorney, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, SW, Washington, DC 20554  
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**RIN:** 3060-AG42

**3701. IMPLEMENTATION OF THE SUBSCRIBER SELECTION CHANGES PROVISION OF THE TELECOMMUNICATIONS ACT OF 1996; CC DOCKET NO. 94-129**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154; 47 USC 201; 47 USC 258

**CFR Citation:** 47 CFR 64.1100 to 64.1170; 47 CFR 64.1190; 47 CFR 64.1195

**Legal Deadline:** None

**Abstract:** In December 1998, the Commission established new rules and policies implementing section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, which makes it unlawful for any telecommunications carrier to “submit or execute a change in a subscriber’s selection of a provider of telecommunications exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe.” The rules provide, among other things, that any telecommunications carrier that violates such verification procedures and that collects charges for telephone exchange service or telephone toll service from a subscriber shall be liable to the carrier previously selected by the subscriber in an amount equal to 150 percent of all charges paid by the subscriber after such violation. In the FNPRM, we sought comment on several

proposals to further strengthen our slamming rules. In April 2000, the Commission modified the slamming liability rules by giving victims of slamming adequate redress, ensuring that carriers that slam do not profit from their fraud, and allowing states to act as the primary administrator of slamming complaints.

In July 2000, the Commission took further action to improve the existing carrier change process for both consumers and carriers, protect the right of consumers to exercise choice among carriers, and ensure that consumers’ choices are honored. In December 2000, the Commission adopted a Biennial Review FNPRM seeking comment on proposals to amend the slamming rules to lighten administrative burdens associated with selling or transferring customer bases by eliminating the need to obtain a waiver, while continuing to protect consumers. In February 2001, the Commission adopted an order modifying and clarifying certain aspects of the reporting and registration requirements it had adopted in July 2000. In May 2001, the Commission adopted streamlined procedures for the carrier-to-carrier sale or transfer of customer bases, as proposed in the Biennial Review FNPRM.

In February, 2003, the Commission adopted a Reconsideration Order and Second FNPRM. The Reconsideration Order addresses, amongst other things, the requirement that a carrier’s sales agent drop-off a carrier change request phone call once the customer has been connected to an independent third party verifier, and the applicability of our slamming rules to local exchange carriers. In the Second FNPRM, the Commission sought comment on rule modifications with respect to third party verifications.

## FCC—Consumer and Governmental Affairs Bureau

## Long-Term Actions

In July, 2004, the Commission release a Fourth Order on Reconsideration disposing of petitions for reconsideration of the streamlined rules for compliance with section 258 of the Act. In November, 2004, a Fifth Order on Reconsideration was released that confirmed certain carrier charge verification rules.

**Timetable:**

Action	Date	FR Cite
MO&O on Recon and FNPRM	08/14/97	62 FR 43493
FNPRM Comment Period End	09/30/97	
Second Report & Order and Second FNPRM	02/16/99	64 FR 7745
First Order on Recon	04/13/00	65 FR 47678
Third Report & Order and Second Order on Recon	11/08/00	65 FR 66934
Third FNPRM	01/29/01	66 FR 8093
Order	03/01/01	66 FR 12877
First Report & Order and Fourth Report & Order	06/06/01	66 FR 30334
2nd FNPRM	03/17/03	68 FR 19176
3rd Order on Recon	03/17/03	68 FR 19152
2nd FNPRM Comment Period End	06/17/03	
4th Order on Recon & First Order on Recon	07/17/04	
5th Order on Recon (Release Date)	11/24/04	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Nancy Stevenson, Attorney, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, SW., Washington, DC 20554  
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TDD Phone: 202 418-7172  
Fax: 202 418-1196  
Email: nstevens@fcc.gov

**RIN:** 3060-AG46

**3702. IMPLEMENTATION OF SECTION 255 AND SECTION 251(A)(2) OF THE TELECOMMUNICATIONS ACT OF 1996; ACCESS TO TELECOMMUNICATIONS SERVICES EQUIPMENT AND CUSTOMER PREMISE EQUIPMENT FOR PERSONS WITH DISABILITIES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 255; 47 USC 251 (a)(2)

**CFR Citation:** 47 CFR 6; 47 CFR 7

**Legal Deadline:** None

**Abstract:** This proceeding is initiated to implement the provisions of sections 255 and 251(a)(2) of the Communications Act and related sections of the Telecommunications Act of 1996 regarding the accessibility of telecommunications equipment and services to persons with disabilities.

**Timetable:**

Action	Date	FR Cite
NOI	09/26/96	61 FR 50465
NPRM	05/22/98	63 FR 28456
NPRM Comment Period End	08/14/98	
Further NOI	11/19/99	64 FR 63277
Report & Order	11/19/99	64 FR 63235
Further NOI Comment Period End	02/14/00	
Public Notice	07/13/00	65 FR 43372
Public Notice	01/07/02	67 FR 678
Public Notice	07/21/04	69 FR 43586
Notice	07/29/04	69 FR 43586
Comment Period End	09/27/04	
Notice	02/14/05	70 FR 7503
Comment Period End	03/16/05	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, Local, State

**Federalism:** Undetermined

**Additional Information:** Additional Bureau: Wireline Competition Bureau; Wireless Telecommunications Bureau

**URL For More Information:**

[www.fcc.gov/cgb/dro/section255.html](http://www.fcc.gov/cgb/dro/section255.html)

**Agency Contact:** Cheryl J. King, Deputy Chief, Disability Rights Office, Federal Communications Commission, Consumer and Governmental Affairs

Bureau, 445 12th Street, SW., Washington, DC 20554  
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Email: cheryl.king@fcc.gov  
**RIN:** 3060-AG58

**3703. IN THE MATTER OF THE TELECOMMUNICATIONS RELAY SERVICES, THE AMERICANS WITH DISABILITIES ACT OF 1990, AND THE TELECOMMUNICATIONS ACT OF 1996; CC DOCKET NO. 90-571**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 225

**CFR Citation:** 47 CFR 64.604

**Legal Deadline:** None

**Abstract:** This item addresses the requirement that telecommunications relay services be capable of handling any type of call normally provided by common carriers, including coin sent-paid calls. On April 5, 2001, the Commission published a Second FNPRM seeking comment on the coin sent-paid issue. This Second FNPRM suspended the enforcement of section 64.604(a)(3) of our rules until final rules in this proceeding are adopted and published in the Federal Register.

**Timetable:**

Action	Date	FR Cite
NPRM	12/04/90	55 FR 50037
R&O and Request for Comments	08/01/91	56 FR 36729
Order on Recon & Second R&O	03/03/93	58 FR 12175
FNPRM	03/30/93	58 FR 12204
FNPRM	03/30/93	58 FR 12204
MO&O	11/28/95	60 FR 58626
Order	09/08/97	62 FR 47152
2nd NPRM	04/05/01	66 FR 18059
5th R&O	02/07/03	68 FR 6352
R & O (Correction)	02/24/03	68 FR 8553
Recon of 5th R&O and Order Comment Deadline	04/04/03	
Public Notice	04/15/03	68 FR 18205
Comment Period End for Petitions for Recon	04/30/03	
Notice	08/27/04	69 FR 52694
Petitions for Recon of 5th R&O denied	09/01/04	69 FR 53346
Notice	09/01/04	69 FR 53442
Comment Period End	11/01/04	
Public Notice	11/12/04	69 FR 65401
Comment Period End	11/30/04	
Notice	12/27/04	69 FR 77246



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**Action**                      **Date**                      **FR Cite**

Comment Period End    01/26/05  
Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** Additional Bureau: Wireline Competition Bureau

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**RIN:** 3060-AG75

**3704. IN THE MATTER OF TELECOMMUNICATIONS RELAY SERVICES AND SPEECH-TO-SPEECH SERVICES FOR INDIVIDUALS WITH HEARING AND SPEECH DISABILITIES, AMERICANS WITH DISABILITIES ACT OF 1990; CC DOCKET NO. 98-67**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 225; 47 USC 255; 47 USC 610

**CFR Citation:** 47 CFR 64.601; 47 CFR 64.603; 47 CFR 64.604; 47 CFR 64.605

**Legal Deadline:** None

**Abstract:** This proceeding is the latest in a series designed to update and improve telecommunications relay services (TRS) for persons with disabilities, in implementation of the Americans with Disabilities Act (ADA), title IV. Title IV of the ADA requires the Commission to ensure that TRS is available to the extent possible in the most efficient manner to persons with hearing or speech disabilities in the United States. TRS enables an individual with a hearing or speech disability to communicate by telephone or other assistive communication device. The Commission issued its first order pursuant to title IV of the ADA implementing TRS on July 26, 1991. Since 1991, the Commission has revisited the regulations governing TRS on numerous occasions, in part, to make available to consumers new forms of TRS, and to amend the mandatory minimum standards to improve the

quality of TRS, consistent with the goal of functional equivalency set forth in section 225. Through these actions the Commission has broadly defined TRS to include any service that enables persons with hearing or speech disabilities to use the telecommunications network to communicate by wire or radio, and not to be limited to either telecommunications service or services that require a TTY. This item amends existing and establishes new regulations governing TRS.

**Timetable:**

Action	Date	FR Cite
NPRM	05/20/98	63 FR 32798
NPRM Comment Period End	09/14/98	
FNPRM	06/21/00	65 FR 38490
Report and Order	06/21/00	65 FR 38432
Public Notice	07/19/01	66 FR 37631
Public Notice Correction	08/03/01	66 FR 40666
Public Notice	08/15/01	66 FR 42858
Public Notice Correction	10/26/01	66 FR 54165
MO&O	01/29/02	67 FR 4203
FNPRM	01/29/02	67 FR 4227
Declaratory Ruling	06/11/02	67 FR 39863
FNPRM	06/11/02	67 FR 39929
Public Notice	07/24/02	67 FR 48415
Public Notice	07/29/02	67 FR 49024
Comment Period End	08/12/02	
Public Notice	08/26/02	67 FR 57641
Public Notice	10/31/02	67 FR 66399
Public Notice	10/31/02	67 FR 66400
Public Notice	10/31/02	67 FR 66397
Public Notice	12/17/02	67 FR 77272
Public Notice	01/27/03	68 FR 3880
5th R&O	02/07/03	68 FR 6352
5th R&O Correction	02/24/03	68 FR 8553
Public Notice	03/04/03	68 FR 10245
Order on Recon	04/06/03	68 FR 18826
Public Notice	05/30/03	68 FR 32511
NPRM	06/23/03	68 FR 37158
Public Notice	08/18/03	68 FR 49478
Public Notice	08/20/03	68 FR 50146
NPRM	08/25/03	68 FR 50993
2nd R&O and Order on Recon	08/25/03	68 FR 50973
Public Notice	11/07/03	68 FR 63029
Waiver & Clarification Notice	04/16/03	68 FR 18826
Notice	04/16/03	68 FR 18828
Comment Period End	04/21/03	
Notice	05/29/03	68 FR 32038
Public Notice	07/25/03	68 FR 44082
Public Notice	08/04/03	68 FR 45819
Notice	08/14/03	68 FR 48609
Public Notice	08/18/03	68 FR 49478
Notice	08/25/03	68 FR 51014
Public Notice	09/29/03	68 FR 55955
Declaratory Ruling	09/29/03	68 FR 55898
Notice	10/27/03	68 FR 61217

Action	Date	FR Cite
Comment Period End	10/30/03	
Notice	11/30/03	68 FR 62249
Public Notice	12/01/03	68 FR 67166
Notice	12/24/03	68 FR 74504
Public Notice	12/31/03	68 FR 75559
Notice	02/24/04	69 FR 8331
Notice	03/26/04	69 FR 15730
Public Notice	07/26/04	69 FR 44534
Notice	07/28/04	69 FR 44970
Comment Period End	08/30/04	
R&O and Order on Recon	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Notice	09/01/04	69 FR 53442
Correction	09/17/04	69 FR 55985
Comment Period End re: 69 FR 53442	11/01/04	
Comment Period End re: 69 FR 53382	11/15/04	
Correction	09/24/04	69 FR 57231
Public Notice	11/15/04	69 FR 64573
Comment Period End	11/30/04	
Notice	12/27/04	69 FR 77246
Public Notice	01/11/05	70 FR 1894
Comment Period End	01/19/05	
Public Notice	01/13/05	70 FR 2360
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/ Interpretation	02/25/05	70 FR 9239
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** State

**Federalism:** Undetermined

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**RIN:** 3060-AG76

**3705. ESTABLISHMENT OF RULES GOVERNING PROCEDURES TO BE FOLLOWED WHEN INFORMAL COMPLAINTS ARE FILED BY CONSUMERS AGAINST ENTITIES REGULATED BY THE COMMISSION; CG DOCKET NO. 02-32**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151; 47 USC 152; 47 USC 154(i) and 154(j); 47 USC 303(r); 47 USC 403

**CFR Citation:** 47 CFR 1.716 to 1.718

**Legal Deadline:** None

**Abstract:** This proceeding seeks comment on proposals to establish a unified, streamlined process for the intake and resolution of informal

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complaints filed by consumers in order to promote maximum compliance with the requirements of the Communications Act of 1934, as amended, (the Act) and our implementing rules and orders.

The Commission has previously emphasized that our consumer complaint mechanisms are a principal vehicle for achieving such compliance and promoting the pro-competitive goals underlying the Act and our rules. We are concerned, however, that our existing complaint mechanisms require consumers to navigate an array of rule provisions and disparate procedures administered by various offices within the Commission in order to file complaints about practices they believe violate the Act or our rules and orders. Our goal in this proceeding is to consolidate and streamline the consumer complaint mechanisms consumers use when submitting informal complaints to the Commission.

We propose to establish a consumer complaint mechanism patterned after our existing rules for informal complaints filed against common carriers pursuant to section 208 of the Act contained in sections 1.717-1.718 of the Commission's rules. We also invite comment on whether we should make changes to our existing informal common carrier complaint rules.

**Timetable:**

Action	Date	FR Cite
NPRM	04/16/02	67 FR 18560
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Federalism:** Undetermined

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**RIN:** 3060-AI02

**3706. RULES AND REGULATIONS IMPLEMENTING THE TELEPHONE CONSUMER PROTECTION ACT (TCPA) OF 1991; CG DOCKET NO. 02-278 (SECTION 610 REVIEW)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 227

**CFR Citation:** 47 CFR 64.1200; 47 CFR 68.318(c); 47 CFR 68.318(d); 47 CFR 64.1601(e)

**Legal Deadline:** None

**Abstract:** The Commission released an NPRM on September 18, 2002, seeking comment on the rules implementing the Telephone Consumer Protection Act of 1991 (TCPA). The NPRM sought comment on whether the Commission should revise its existing rules, or adopt additional rules, on the use of autodialers, prerecorded messages, and unsolicited facsimile advertisements. The NPRM also sought comment on the effectiveness of the company-specific do-not-call lists and whether to revisit the option of establishing a national do-not-call list.

The Commission released an FNPRM on March 25, 2003, seeking comment on the requirements under the Do-Not-Call Implementation Act to issue a final rule in the TCPA proceeding within 180 days and, in doing so, to maximize consistency with the Federal Trade Commission's (FTC's) rules. On July 3, 2003, the Commission released a Report and Order establishing, along with the FTC, a national do-not-call registry. The Commission's Report and Order also adopted rules on the use of predictive dialers, the transmission of caller ID information by telemarketers, and the sending of unsolicited fax advertisements. On August 18, 2003, the Commission adopted an Order on Reconsideration, which delayed the effective date of the written consent requirement for unsolicited fax advertisements until January 1, 2005. On October 3, 2003, the Commission released an Order staying the limitations on the duration of an established business relationship as applied to the sending of unsolicited facsimile advertisements. The Commission released an FNPRM on March 19, 2004, seeking further comment on two issues concerning calls to wireless numbers and the national do-not-call registry.

On September 21, 2004, the Commission released an Order adopting a limited

safe harbor period from the prohibition on placing automatic telephone dialing systems or prerecorded message calls to wireless numbers when such calls are made to numbers that have been recently ported from wireline service to wireless service. In addition, the Commission amended its existing safe harbor rules for telemarketers subject to the do-not-call registry to require such telemarketers to access the do-not-call list every 31 days, rather than every three months. On October 1, 2004, the Commission further delayed until July 1, 2005, the effective date of the requirement that fax senders obtain permission through a signed, written statement from the recipient.

**Timetable:**

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
NPRM Comment Period Extended	11/29/02	67 FR 71126
Reply Comment Period Extended	12/26/02	67 FR 78763
Comment Period End	01/31/03	
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Recon	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AI14

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**3707. RULES AND REGULATIONS IMPLEMENTING SECTION 225 OF THE COMMUNICATIONS ACT (TELECOMMUNICATIONS RELAY SERVICE); CG DOCKET NO. 03-123 (SECTION 610 REVIEW)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 225; 47 USC 255; 47 USC 610

**CFR Citation:** 47 CFR 64.601; 47 CFR 64.603; 47 CFR 64.604; 47 CFR 64.605

**Legal Deadline:** None

**Abstract:** This proceeding establishes a new docket flowing from the previous telecommunications relay service (TRS) history, CG Docket No. 98-67. This proceeding contains an NPRM continuing the Commission's inquiry into improving the quality of TRS and furthering the goal of functional equivalency consistent with the Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. The Commission seeks comment on ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
FNPRM	09/01/04	69 FR 53382
R&O, Order on Recon	09/01/04	69 FR 53346
NPRM Comment Period End	10/09/03	
FNPRM Comment Period End	11/15/04	
Public Notice	07/26/04	69 FR 44534
Comment Period End	08/30/04	
Public Notice	11/12/04	69 FR 65401
Comment Period End	11/30/04	
Comment Period End	12/30/04	
Public Notice	01/11/05	70 FR 2360
Public Notice	02/17/05	70 FR 8034
Comment Period End	01/19/05	
Declaratory Ruling/ Interpretation	02/25/05	70 FR 9239
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AI15

**3708. RULES AND REGULATIONS IMPLEMENTING THE CONTROLLING THE ASSAULT OF NON-SOLICITED PORNOGRAPHY AND MARKETING ACT OF 2003 (CG DOCKET NO. 04-53)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 7712; 15 USC 7706; PL 108-187

**CFR Citation:** 47 CFR 64.3100

**Legal Deadline:** Other, Statutory, September 26, 2004, Required to promulgate rules.

**Abstract:** The Commission has adopted rules to protect consumers from unwanted electronic mobile service messages to implement the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	03/31/04	69 FR 16873
NPRM Comment Period End	05/17/04	
Order	09/16/04	69 FR 55765
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**URL For More Information:**

[www.fcc.gov/cgb/policy/canspam.html](http://www.fcc.gov/cgb/policy/canspam.html)

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**RIN:** 3060-AI20

**3709. • RULES AND REGULATIONS IMPLEMENTING MINIMUM CUSTOMER ACCOUNT RECORD EXCHANGE OBLIGATIONS ON ALL LOCAL AND INTEREXCHANGE CARRIERS; CG DOCKET NO. 02-386**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Communications Act of 1934, as amended

**CFR Citation:** 47 CFR 64.4000; 47 CFR 64.4001; 47 CFR 64.4002; 47 CFR 64.4003; 47 CFR 64.4004; 47 CFR 64.4005; 47 CFR 64.4006

**Legal Deadline:** None

**Abstract:** On December 20, 2002, the Commission issued a Public Notice directing interested parties to file comments on issues raised in a petition filed with the Commission by Americatel Corporation and on a separate petition filed by AT&T, Sprint, and MCI. The petitions asked the Commission to address problems relating to the exchange of customer account records between local and long distance telephone service providers. On March 25, 2004, the Commission released a Notice of Proposed Rulemaking in CG Docket No. 02-386 seeking further comment on the two petitions and seeking comment as to whether to replace the current voluntary industry process for the exchange of customer account information between local and long distance service providers with mandatory, minimum standards applicable to all such providers.

On February 25, 2005, the Commission released a Report and Order and Further Notice of Proposed Rulemaking in CG Docket No. 02-386. The Report and Order adopted final rules governing the exchange of customer account information between local and long distance telephone service providers. The Commission adopted these rules to help to ensure that consumers' phone service bills are accurate and that their carrier selection requests are honored and executed without undue delay. In the Further Notice of Proposed Rulemaking, the Commission sought comment on the need for rules governing the exchange of customer account information between local telephone service providers.

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## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/04	69 FR 20845
NPRM Comment Period End	06/18/04	
R&O and FNPRM (Release Date)	02/25/05	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AI58**3710. REVISION OF EMERGENCY ALERT SYSTEM RULES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 154(r); 47 USC 154(j); 47 USC 154(o); ...

**CFR Citation:** 47 CFR 11**Legal Deadline:** None

**Abstract:** In the Report and Order in EB Docket No. 04-51 the Commission adopted revisions to the Part 11 Rules governing the emergency alert system that will allow wireless cable television systems to provide emergency alert system alerts to their subscribers in a more efficient and less burdensome manner. Wireless cable system operators will now be able to install equipment that provides a means to switch all programmed channels to a predesignated channel that carries an emergency alert system alert in lieu of installing an emergency alert system decoder for each and every system channel.

**Timetable:**

Action	Date	FR Cite
NPRM	04/09/04	69 FR 18857
R&O (release date)	02/07/05	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Shannon Lipp, Attorney Advisor, Federal Communications Commission, Enforcement Bureau, 445 12th Street, SW, Washington, DC 20554  
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**RIN:** 3060-AI39**3711. EMERGENCY ALERT SYSTEM**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 154(o); 47 USC 303(r); ...

**CFR Citation:** 47 CFR 11**Legal Deadline:** None

**Abstract:** This Notice of Proposed Rulemaking (NPRM) examines the Emergency Alert System (EAS), and seeks comment on whether EAS in its present form is the most effective mechanism for warning the American public of an emergency and, if not, how EAS can be improved. This NPRM is the most recent in a series of proceedings in which the Federal Communications Commission has sought to contribute to an efficient and technologically current public alert and warning system.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/04	69 FR 52843
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AI49**3712. MSS SPECTRUM ALLOCATION**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 154; 47 USC 302; 47 USC 303; 47 USC 304

**CFR Citation:** 47 CFR 2**Legal Deadline:** None

**Abstract:** The Second Report and Order finalized the reallocation of the 1990-2025 MHz band from Broadcast Auxiliary Service, including the Cable Television Relay Service and the Local Television Transmission Service, licensees to the new Mobile-Satellite Service (MSS), and established rules for the relocation of incumbent licensees from the 1990-2110 MHz band as well as incumbent Fixed Service (FS) microwave licensees from the 2165-2200 MHz bands, in cases where sharing between MSS and FS is not possible. The Second Memorandum Opinion and Order confirmed the Commission's decision to require new MSS licensees to bear the cost of relocating incumbent licensees in these bands.

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/95	60 FR 11644
Order	03/08/95	60 FR 13687
First R&O	04/22/97	62 FR 19509
R&O and FNPRM	04/22/97	62 FR 19538
MO&O	12/17/98	63 FR 69606
Second R&O and Second MO&O	08/07/00	65 FR 48174
Order	08/19/02	67 FR 53754
3rd R&O/3rd MO&O	12/08/03	68 FR 68241
Petition for Recon	02/17/04	69 FR 7484
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** ET Docket No. 95-18

**Agency Contact:** Tom Derenge, Chief, Spectrum Policy Branch, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AF75**3713. 3650-3700 GOVERNMENT TRANSFER BAND****Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154; 47 USC 157(a); 47 USC 303(c); 47 USC 303(f); 47 USC 303(g); 47 USC 303(r)

**CFR Citation:** 47 CFR 2

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## Long-Term Actions

**Legal Deadline:** None

**Abstract:** The First Report and Order allocated 50 MHz of spectrum on the 3650-3700 MHz band to the fixed and mobile (base stations) terrestrial services on a primary basis. It also ensures the continuity of fixed satellite service (FSS) operations and permits new FSS operations to help alleviate congestion in the adjacent 3700-4200 MHz FSS band.

The second notice of proposed rulemaking proposes to establish licensing and service rules for the assignment of fixed and mobile services licenses in the 3650-3700 MHz band. It also seeks comments on whether technical requirements or other reasons justify licensing the 3650-3700 MHz and the 4940-4990 MHz band at the same time.

**Timetable:**

Action	Date	FR Cite
NPRM	01/14/99	64 FR 2462
NPRM Comment Period End	03/01/99	
First R&O	11/17/00	65 FR 69454
Second NPRM	11/17/00	65 FR 69612
Petition for Reconsideration	03/28/01	66 FR 16940
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** ET Docket No. 98-237

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**RIN:** 3060-AH14

**3714. FIXED SATELLITE SERVICE AND TERRESTRIAL SYSTEM IN THE KU-BAND**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154; 47 USC 157; 47 USC 303

**CFR Citation:** 47 CFR 2; 47 CFR 25

**Legal Deadline:** None

**Abstract:** The Memorandum Opinion and Order and 2nd Report and Order addressed petitions for reconsideration and established technical, service, and licensing rules for Multichannel Video Distribution and Data Service (MVDDS) in the 12 GHz band. MVDDS will facilitate the delivery of new communications services, such as video and broadband services, to a wide range of populations, including those that are unserved or underserved. These rules will allow MVDDS licensees to share the 12 GHz band with new operators on a com-primary basis, and non-harmful interference basis with incumbent Direct Broadcast Satellite service providers.

**Timetable:**

Action	Date	FR Cite
NPRM	01/12/99	64 FR 1786
Order	02/16/99	64 FR 7577
Public Notice	12/15/99	64 FR 70028
FNPRM	01/24/01	66 FR 7607
R&O	02/16/01	66 FR 10601
Petitions for Reconsideration	04/09/01	66 FR 18474
2nd R&O	06/26/02	67 FR 43031
3rd R&O	06/18/03	68 FR 42610
Order To Deny	06/25/03	68 FR 43942
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** ET Docket No. 98-206

**Agency Contact:** Tom Derenge, Chief, Spectrum Policy Branch, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street, SW., Washington, DC 20554

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**RIN:** 3060-AH17

**3715. REVISION OF THE RULES REGARDING ULTRA-WIDEBAND TRANSMISSION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154; 47 USC 302; 47 USC 303; 47 USC 304; 47 USC 307; 47 USC 544A

**CFR Citation:** 47 CFR 15

**Legal Deadline:** None

**Abstract:** The First Report and Order amends the Commission's rules to

permit the marketing and operation of certain types of new products incorporating ultra-wideband (UWB) technology. UWB devices operate by employing very narrow or short duration pulses that result in very large or wideband transmission bandwidths. UWB technology holds great promise for a vast array of new applications that we believe will provide significant benefits for public safety, businesses and consumers. With appropriate technical standards, UWB devices can operate using spectrum occupied by existing radio services without causing interference, thereby permitting scarce spectrum resources to be used more efficiently.

The Memorandum Opinion and Order responded to fourteen petitions for reconsideration that were filed in response to the regulations for unlicensed ultra wideband (UWB) operations. In general, this document does not make any significant changes to the existing UWB parameters as the Commission is reluctant to do so until it has more experience with UWB devices. The Commission believes that any major changes to the rules for existing UWB product categories at this early stage would be disruptive to current industry product development efforts.

The Further Notice of Proposed Rule Making proposed new rules to address issues raised by some of the petitions for reconsideration that were outside the scope of the proceeding. New rules were proposed to address issues regarding the operation of low pulse repetition frequency UWB systems, including vehicular radars, in the 3.1-10.6 GHz band; and the operation frequency hopping vehicular radars in the 22-29 GHz band as UWB devices. The Commission also proposed new rules that would establish new peak power limits for wideband Part 15 devices that do not operate as UWB devices and proposed to eliminate the definition of a UWB device.

The 2nd Report & Order and 2nd Memorandum Opinion & Order responds to two petitions for reconsideration that were filed in response to the Commission's decision to establish regulations for unlicensed ultra-wideband ("UWB") operation. It also responds to the rule making proposals contained in the Memorandum Opinion and Order and Further Notice of Proposed Rule

## FCC—Consumer and Governmental Affairs Bureau

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Making in this docket. The order establishes new rules for wideband unlicensed devices operating in the 5925-7250 MHz, 16.2-17.7 GHz, and 22.12-29 GHz bands.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/00	65 FR 37332
NPRM Comment Period End	10/12/00	
1st R&O	05/16/02	67 FR 34852
MO&O	04/22/03	68 FR 19746
FNPRM	04/22/03	68 FR 19773
2nd R&O and 2nd MO&O	02/09/05	70 FR 6771

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** ET Docket No. 98-153

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**RIN:** 3060-AH47

**3716. SOFTWARE DEFINED RADIO AUTHORIZATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 155; 47 USC 225; 47 USC 303(r); 47 USC 309

**CFR Citation:** 47 CFR 1; 47 CFR 2

**Legal Deadline:** None

**Abstract:** The NPRM proposes to streamline the equipment authorization procedures for software defined radios. We propose to define software defined radios as a new class of equipment with equipment authorization rules that reflect the additional flexibility incorporated into such radios. The frequency and technology agility of software defined radios could increase the use of presently underutilized frequency bands.

**Timetable:**

Action	Date	FR Cite
NPRM	01/03/01	66 FR 341
Report & Order	10/05/01	66 FR 50834

Action	Date	FR Cite
Petitions for Reconsideration	12/07/01	66 FR 63545
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** ET Docket No. 00-47

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**RIN:** 3060-AH64

**3717. NEW ADVANCED WIRELESS SERVICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 157(a); 47 USC 303(c); 47 USC 303(f); 47 USC 303(g); 47 USC 303(r)

**CFR Citation:** 47 CFR 2

**Legal Deadline:** None

**Abstract:** This proceeding explores the possible uses of frequency bands below 3 GHz to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Third Notice of Proposed Rule Making discusses the frequency bands that are still under consideration in this proceeding and invites additional comments on their disposition. Specifically, it addresses the Unlicensed Personal Communications Service (UPCS) band at 1910-1930 MHz, the Multipoint Distribution Service (MDS) spectrum at 2155-2160/62 MHz bands, the Emerging Technology spectrum, at 2160-2165 MHz, and the bands reallocated from MSS 91990-2000 MHz, 2020-2025 MHz and 2165-2180 MHz). We seek comment on these bands with respect to using them for paired or unpaired Advance Wireless Service (AWS)

operations or as relocation spectrum for existing services.

The 7th Report & Order facilitates the introduction of Advanced Wireless Service (AWS) in the band 1710-1755 MHz—an integral part of a 90 MHz spectrum allocation recently reallocated to allow for such new and innovative wireless services. We largely adopt the proposals set forth in our recent AWS Fourth NPRM in this proceeding that are designed to clear the 1710-1755 MHz band of incumbent Federal Government operations that would otherwise impede the development of new nationwide AWS services. These actions are consistent with previous actions in this proceeding and with the United States Department of Commerce, National Telecommunications and Information Administration (“NTIA”) 2002 Viability Assessment, which addressed relocation and reaccommodation options for Federal Government operations in the band.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/01	66 FR 7438
NPRM Comment Period End	03/09/01	
Final Report	04/11/01	66 FR 18740
FNPRM	09/13/01	66 FR 47618
MO&O	09/13/01	66 FR 47591
First R&O	10/25/01	66 FR 53973
Petition for Reconsideration	11/02/01	66 FR 55666
2nd R&O	01/24/03	68 FR 3455
3rd NPRM	03/13/03	68 FR 12015
7th R&O	12/29/04	69 FR 7793
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** ET Docket No. 00-258

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**RIN:** 3060-AH65

## FCC—Consumer and Governmental Affairs Bureau

## Long-Term Actions

**3718. PART 15 BIENNIAL REVIEW****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 154(i); 47 USC 301; 47 USC 302; 47 USC 303(e)(f) and (r); 47 USC 304 and 307**CFR Citation:** 47 CFR 2; 47 CFR 15; 47 CFR 18; 47 CFR 90**Legal Deadline:** None

**Abstract:** The First Report and Order in this proceeding requires radar detectors to comply with limits on radiated emissions in the 11.7-12.2 GHz band to prevent interference to satellite services. Radar detectors are required to be approved by the Federal Communications Commission or another designated organization before they can be marketed within the United States.

The Second Report and Order/Memorandum Opinion and Order updated certain regulations for unlicensed radio frequency devices contained in parts 2, 15 and 18 of the rules. The rules will permit the development of new types of unlicensed devices while protecting authorized users of the radio spectrum from harmful interference.

The Third Report and Order allows for operation of improved radio frequency identification (RFID) systems in the 433.5-434.5 MHz band. The Commission increased the maximum permitted field strength and transmission duration for 433 MHz RFID systems used to identify the contents of commercial shipping containers in commercial and industrial areas to allow more rapid and reliable data transmission. Such improved RFID systems could benefit commercial shippers and have significant homeland security benefits by enabling the entire contents of shipping containers to be easily and immediately identified, and by allowing a determination of whether tampering with their contents has occurred during shipping.

The Memorandum Opinion & Order addresses three petitions for reconsideration of various aspects of the rule changes adopted in the Second Report and Order and Memorandum Opinion and Order (Second Report and Order) in this proceeding. In particular, the Commission: Grants a request to permit compliance information statements for self-authorized equipment to be provided in alternative formats; grants a request to permit

longer duration transmissions during the setup of security systems; and denies a requests to permit electronic labeling of self-authorized equipment, to further relax the equipment authorization requirements for low frequency intentional radiators and to require foreign regulators to accept accreditations of United States laboratories.

**Timetable:**

Action	Date	FR Cite
NPRM	11/27/01	66 FR 59209
1st R&O	07/29/02	67 FR 48989
Petition for Recon	09/12/02	67 FR 57819
2nd R&O/MO&O	12/09/03	68 FR 68531
3rd R&O	05/24/04	69 FR 29459
MO&O	12/09/04	69 FR 71380
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** ET Docket No. 01-278

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**RIN:** 3060-AH92**3719. UNLICENSED DEVICES IN THE 5 GHZ BAND****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 301; 47 USC 302(a); 47 USC 303; 47 USC 307; 47 USC 309; 47 USC 316; 47 USC 332**CFR Citation:** 47 CFR 2; 47 CFR 15**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking proposes to amend the rules governing the operation of Unlicensed National Information Infrastructure (U-NII) devices, including Radio Local Area Networks (RLANS) to make available an additional 255 megahertz of spectrum in the 5.47-5.725 GHz band.

The Report and Order amends the Commission's rules to make an additional 255 megahertz of spectrum

available in the 5.470-5.725 GHz band for unlicensed National Information Infrastructure (UNII) devices, including Radio Local Area Networks (RLANS). The action aligns the frequency bands used by U-NII devices in the United States with bands in other parts of the world. The Commission believes that the increased demand that will result from expanding the markets for U-NII devices, coupled with the operational flexibility provided by the U-NII rules, will lead manufacturers to develop a wide range of new and innovative unlicensed devices and thereby increase wireless broadband access and investment.

**Timetable:**

Action	Date	FR Cite
NPRM	07/25/03	68 FR 44011
R&O	01/20/04	69 FR 2677
Petition for Recon	04/12/04	69 FR 19184
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** ET Docket No. 03-122

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**RIN:** 3060-AI16**3720. EXPOSURE TO RADIOFREQUENCY ELECTROMAGNETIC FIELDS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 151; 47 USC 303; 47 USC 302; 47 USC 309(j); 47 USC 336**CFR Citation:** 47 CFR 1; 47 CFR 2; 47 CFR 95**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking proposed amendments to the FCC rules relating to compliance of transmitters and facilities with guidelines for human exposure to radio frequency (RF) energy.

## FCC—Consumer and Governmental Affairs Bureau

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/03	68 FR 52879
NPRM Comment Period End	12/08/03	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

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**RIN:** 3060-AI17

**3721. ABOVE 76 GHZ**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 154; 47 USC 302(a); 47 USC 303; 47 USC 336

**CFR Citation:** 47 CFR 2

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking seeks comments on reallocating spectrum in the 76-81 GHz frequency band and the bands above 95 GHz to make the domestic and international frequency allocation change consistent with each other.

The Report and Order amended part 2 of the Commission's rules to realign spectrum in the 76-81 GHz frequency band and the frequency bands above 95 GHz to conform the United States Table with international allocation changes made at WRC-2000.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/03	68 FR 33043
R&O	03/24/04	69 FR 13746

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** None

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**RIN:** 3060-AI18

**3722. COORDINATION BETWEEN THE NON-GEOSTATIONARY AND GEOSTATIONARY SATELLITE ORBIT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 157(a); 47 USC 303(c)(f)(g)(r)

**CFR Citation:** 47 CFR 25; 47 CFR 74; 47 CFR 78

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking proposes to modify the frequency coordination rules to promote sharing between non-geostationary satellite orbit (NGSO) and geostationary satellite orbit (GSO) fixed satellite service (FSS) operations and various terrestrial services operating in several frequency bands. We undertake this proceeding to facilitate the introduction of new satellite and terrestrial services while promoting interference protection among the various users in the band.

**Timetable:**

Action	Date	FR Cite
NPRM	02/02/04	69 FR 4908

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Additional Information:** ET Docket No. 03-254

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**RIN:** 3060-AI21

**3723. COMMISSION RULES CONCERNING DISRUPTIONS TO COMMUNICATIONS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 47 CFR 0; 47 CFR 4; 47 CFR 63

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking proposed to extend the Commission's disruption reporting requirements to communications providers who are not wireline carriers. The proposal will allow the Commission to obtain the necessary information regarding service disruptions in an efficient and expeditious manner and to achieve significant concomitant public interest benefits.

The further notice of proposed rulemaking expands the record in the proceeding to focus specifically on the unique communications needs of airports, including wireless and satellite communications. In this regard, the Commission requested comment on the additional types of airport communications (e.g., wireless, satellite) that should be required to file service disruption reports—particularly from a homeland security and defense perspective. These types of airport communications may include, for example, communications that are provided by ARINC as well as commercial communications (e.g., air-to-ground and ground-to-air telephone communications) as well as intra-airline commercial links. The Commission also requested comment on whether the outage-reporting requirements for special facilities should be extended to cover general aviation airports (GA) and, if so, what the applicable threshold criteria should be.

The Report and Order extended the Commission's disruption reporting requirements to communications providers who are not wireline carriers. The Commission also streamlined compliance with the reporting requirements through electronic filing with a "fill in the blank" template and by simplifying the application of that rule. In addition, the Commission delegates authority to the Chief, Office of Engineering and Technology, to make the revisions to the filing system



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and template necessary to improve the efficiency of reporting and to reduce, where reasonably possible, the time for providers to prepare, and for the Commission staff to review, the communications disruption reports required to be filed. These actions will allow the Commission to obtain the necessary information regarding service disruptions in an efficient and expeditious manner and to achieve significant concomitant public interest benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
FNPRM	11/26/04	69 FR 68859
R&O	12/03/04	69 FR 70316
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** ET Docket No. 04-35

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**RIN:** 3060-AI22**3724. COGNITIVE RADIO TECHNOLOGIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 154; 47 USC 302(a); 47 USC 303; 47 USC 336**CFR Citation:** 47 CFR 2; 47 CFR 15; 47 CFR 90**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking seeks to facilitate opportunities for flexible, efficient, and reliable spectrum use employing cognitive radio technologies. The Commission seeks to ensure that our rules and policies do not inadvertently hinder development and deployment of such technologies, but instead enable a full realization of their potential benefits.

**Timetable:**

Action	Date	FR Cite
NPRM	02/17/04	69 FR 7397
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, State**Federalism:** Undetermined**Additional Information:** Et Docket No. 03-108

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**RIN:** 3060-AI23**3725. BROADBAND OVER POWER LINE SYSTEMS****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Not Yet Determined**CFR Citation:** 47 CFR 15**Legal Deadline:** None

**Abstract:** The Notice of Proposed Rulemaking proposes to amend part 15 of the Commission's rules to adopt new requirements and measurement guidelines for a new type of carrier current system that provides access to broadband services using electric utility company power lines.

The Report and Order adopted new requirements and measurement guidelines for a new type of carrier current system that provides access to broadband services using electric utility companies' power lines. This new technology offers the potential for the establishment of a significant new medium for extending broadband access to American homes and businesses. Given that power lines reach virtually every residence and business in every community and geographic area in this country, Access BPL service could be made available nearly everywhere. This new broadband delivery medium could also serve to introduce additional competition to existing cable, DSL, and other broadband services. We believe these actions will promote the

development of BPL systems by removing regulatory uncertainties for BPL operators and equipment manufacturers while ensuring that licensed radio services are protected from harmful interference.

**Timetable:**

Action	Date	FR Cite
NPRM	04/17/04	69 FR 12612
R&O	01/07/05	70 FR 1360
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Federalism:** Undetermined**Additional Information:** Et Docket No. 04-37

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**RIN:** 3060-AI24**3726. INTERFERENCE TEMPERATURE OPERATION****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Not Yet Determined**CFR Citation:** 47 CFR 15**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking proposes technical rules that would establish interference temperature limits and procedures for assessing the interference temperature to permit expanded unlicensed operation in the 6525-6700 MHz and 12.75-13.25 GHz bands.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/04	69 FR 2863
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, State**Federalism:** Undetermined**Additional Information:** Et Docket No. 03-327

## FCC—Consumer and Governmental Affairs Bureau

## Long-Term Actions

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**RIN:** 3060-AI25

**3727. UNLICENSED OPERATION OF THE 3650-3700 BAND (ET DOC. NO. 04-151)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC

**CFR Citation:** 47 CFR 15

**Legal Deadline:** None

**Abstract:** The Notice of Proposed Rulemaking proposes to maximize the efficient use of the 3650-3700 MHz band. The proposal will allow unlicensed devices to operate in either all, or portions of, this radiofrequency (RF) band under flexible technical limitations with smart/cognitive features that should prevent interference to licensed satellite services. The proposal fosters the introduction of new and advanced services to the American public, especially in rural areas.

**Timetable:**

Action	Date	FR Cite
NPRM	05/14/04	69 FR 26790
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Additional Information:** ET Docket No. 04-151

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**RIN:** 3060-AI50

**3728. WRC-03 OMNIBUS (ET DOC. NO. 04-139)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 301; 47 USC 302; ...

**CFR Citation:** 47 CFR 2; 47 CFR 25; 47 CFR 73

**Legal Deadline:** None

**Abstract:** The Notice of Proposed Rulemaking proposes to amend its rules in order to complete the domestic implementation of allocation decisions from the World Radiocommunication Conference (Geneva 2003)(WRC-03) concerning the frequency bands between 5900 kHz and 27.5 GHz and to otherwise update its rules in this frequency range. At the request of the National Telecommunications and Information Administration (NTIA), we also propose allocation changes for Federal Government.

**Timetable:**

Action	Date	FR Cite
NPRM	06/16/04	69 FR 33698
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

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**RIN:** 3060-AI51

**3729. UNLICENSED OPERATION IN THE TV BROADCAST BANDS (ET DOC. NO. 04-186)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 302; 47 USC 303 (e)(f)(r); 47 USC 307

**CFR Citation:** 47 CFR 15

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking proposes to amend the Commission's rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used. We believe that the proposals set forth will provide for more efficient and effective use of the TV spectrum and will have significant benefits for the public by allowing the development of new and innovative

types of unlicensed broadband devices and services for businesses and consumers.

**Timetable:**

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

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**RIN:** 3060-AI52

**3730. NARROWBANDING FOR PRIVATE LAND MOBILE RADIO SERVICE (ET DOC. NO. 04-243)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 301; 47 USC 302; 47 USC 303

**CFR Citation:** 47 CFR 2; 47 CFR 90

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking proposes to revise our transition plan for Private Land Mobile Radio (PLMR) licensees in the 150.05-150.8 MHz, 162-174 MHz, and 406.1-420 MHz bands. This action will provide for an orderly transition from wideband to narrowband operations, increase spectrum efficiency, maintain compatibility with Federal operations, permit PLMR licensees to operate using existing equipment with greater confidence that their critical operations will not be suddenly required to cease transmissions, and significantly reduce the probability that wideband PLMR operations will interfere with new Federal operations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/04	69 FR 46462
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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## Long-Term Actions

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Federal

**Federalism:** Undetermined

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**RIN:** 3060-AI53

### 3731. UNLICENSED DEVICES AND EQUIPMENT APPROVAL (ET DOCKET NO. 03-201)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 154; 47 USC 302(a); 47 USC 303; 47 USC 306

**CFR Citation:** 47 CFR 2; 47 CFR 15

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking proposed to update section 15.247 of the rules to allow the use of more efficient antenna technologies with unlicensed devices.

The Report and Order updates several technical rules for unlicensed radiofrequency devices of the Commission's rules. The rule changes will allow device manufacturers to develop expanded applications for unlicensed devices and will allow unlicensed device operators, including Wireless Internet Service providers greater flexibility to modify or substitute parts as long as the overall system operation is unchanged. The changes are part of an ongoing process of updating our rules to promote more efficient sharing of spectrum used by unlicensed devices and remove unnecessary regulations that inhibit such sharing.

#### Timetable:

Action	Date	FR Cite
R&O	09/17/03	68 FR 68823
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

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**RIN:** 3060-AI54

## Federal Communications Commission (FCC) Office of Engineering and Technology

## Completed Actions

### 3732. REVISIONS TO BROADCAST AUXILIARY SERVICE RULES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 302; 47 USC 303(f); 47 USC 303(r); 47 USC 332; 47 USC 337

**CFR Citation:** 47 CFR 1; 47 CFR 2; 47 CFR 73; 47 CFR 74; 47 CFR 78

**Legal Deadline:** None

**Abstract:** The notice of proposed rulemaking conducts an extensive review of the Broadcast Auxiliary Services (BAS) rules and proposes changes to create a more efficient BAS that can readily adapt to regulatory and technological changes. The Commission examines the relationship between BAS, the Cable Television Relay Service (CARS), and the Fixed Microwave Television Service. The Commission also examines the use of wireless assist video devices (WAVDs) on unused television channels.

The Memorandum Opinion and Order addressed petitions for reconsideration of the Report and Order, which

amended part 74 of the rules pertaining to Broadcast Auxiliary Services (BAS) and introduce new technologies and create a more efficient BAS and permit stations in the BAS, Cable Television Relay Service and Fixed Microwave Services to use digital technology. The MO&O also made conforming amendments so that the stations in these services, which share frequency bands and use similar transmission technologies, will operate under consistent regulations.

The Memorandum Opinion and Order denied an Application for review, seeking a second stay of the rules for coordination of fixed aural and video stations in the BAS adopted in the Report and Order, 68 FR 12744, March 17, 2003. The Commission affirmed the Office of Engineering and Technology Order denying the Society of Broadcast Engineers, Inc (SBE) request for a stay of the effective date of the rules.

#### Timetable:

Action	Date	FR Cite
NPRM	05/24/01	66 FR 28686

Action	Date	FR Cite
NPRM Comment Period End	07/23/01	
R&O	03/17/03	68 FR 12744
MO&O	12/12/03	68 FR 69328
MO&O – Application for Review Denied	06/17/04	69 FR 33869

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Additional Information:** ET Docket No. 01-75

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**RIN:** 3060-AH78

**Federal Communications Commission (FCC)**  
**Office of General Counsel**
**Long-Term Actions**
**3733. AMENDMENT OF SECTION 1.1204 OF THE COMMISSION'S EX PARTE RULES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 303; 47 USC 309

**CFR Citation:** 47 CFR 1.1204

**Legal Deadline:** None

**Abstract:** The Commission proposes to amend its regulations specifying presentations that are treated as exempt under the ex parte rules. Under the current rule, presentations to or from the Department of Justice and the Federal Trade Commission regarding telecommunications competition

matters are treated as exempt. The item would expand the scope of the exemption to include the Competition Directorate of the European Commission and other international and foreign bodies with analogous functions. The item would clarify that the term "telecommunications competition matters" in the existing rules was intended to be construed broadly and was not limited to common carriers.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81474
NPRM Comment Period End	02/09/01	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AH58

**Federal Communications Commission (FCC)**  
**Office of General Counsel**
**Completed Actions**
**3734. AMENDMENT OF SECTION 1.17 OF THE COMMISSION'S RULES CONCERNING TRUTHFUL STATEMENTS TO THE COMMISSION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 201(b); 47 USC 303(r)

**CFR Citation:** 47 CFR 1.17

**Legal Deadline:** None

**Abstract:** The Commission amended its regulations relating to the submission of truthful information to the Commission to: (1) Provide that the rule prohibits incorrect statements or

omissions resulting from negligence and not just intentional misrepresentation or lack of candor; (2) make clearer that the rule covers statements made to the Commission in all contexts; (3) include oral statements and not just written statements; and (4) include all persons making statements to the Commission (e.g., including non-regulatees). Petition for reconsideration is pending.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/02	67 FR 10658
Interim Final Rule	03/28/03	68 FR 15096

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AH86

**Federal Communications Commission (FCC)**  
**International Bureau**
**Long-Term Actions**
**3735. STREAMLINING THE COMMISSION'S RULES AND REGULATIONS FOR SATELLITE APPLICATION AND LICENSING PROCEDURES (IB DOCKET NO. 95-117)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 4; 47 USC 154; 47 USC 303; 47 USC 554; 47 USC 701 to 744

**CFR Citation:** 47 CFR 25

**Legal Deadline:** None

**Abstract:** On February 10, 1997, the FCC adopted rules and policies that

streamlined the application and licensing requirements of part 25 of its rules, which deals with communication satellites and earth stations. The streamlined rules waived the construction permit requirement for satellite space stations; changed the license term for temporary fixed earth stations; and adjusted or changed the rules concerning minor modifications and basic requirements for satellite service applications. The streamlined rules also resulted in the creation of a new application form, FCC Form 312. Form 312 eliminated from the International Bureau's use the FCC Form 493, FCC Form 430, FCC Form

702, and FCC Form 704. Petitions for Reconsideration were filed in this matter. In March 1997 the Commission released a Public Notice concerning these petitions, which are presently pending before the International Bureau.

**Timetable:**

Action	Date	FR Cite
NPRM	09/09/95	60 FR 46252
R&O, Recon Pending	02/10/97	62 FR 5924
Public Notice/Petitions for Recon	03/26/97	62 FR 14430
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

## FCC—International Bureau

## Long-Term Actions

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, Local, State

**Federalism:** Undetermined

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**RIN:** 3060-AD70

**3736. ESTABLISHING RULES AND POLICIES FOR THE USE OF SPECTRUM FOR MOBILE SATELLITE SERVICE IN THE L-BAND (IB DOCKET NO. 96-132)**

**Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 154; 47 USC 303; 47 USC 316; 47 USC 403

**CFR Citation:** 47 CFR 25.136(d)(1) to 25.136(d)(8); 47 CFR 25.136(e)(1) to 25.136(e)(10)

**Legal Deadline:** None

**Abstract:** The Commission has established licensing policies to govern mobile-satellite services (MSS) in the L-band. Specifically, the Commission has modified the license of Motient Services, Inc. (Motient), the only U.S. MSS system currently authorized to operate in the L-band, to use up to 20 megahertz of spectrum across the entire L-band. Previously, Motient was authorized only to operate in the upper portion of the L-band. In addition, the Commission has adopted and incorporated into part 25 of the rules specific operational parameters and technical requirements to ensure the integrity of maritime distress and safety communications service will not be compromised by MSS operation in the lower portion of the L-band.

**Timetable:**

Action	Date	FR Cite
NPRM	06/18/96	61 FR 40772
NPRM Comment Period End	09/23/96	
R&O (Release Date)	02/07/02	67 FR 51105
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Federalism:** Undetermined

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**RIN:** 3060-AF89

**3737. ESTABLISHMENT OF RULES AND POLICIES FOR THE DIGITAL AUDIO RADIO SATELLITE SERVICE IN THE 2310-2360 MHZ FREQUENCY BAND (IB DOCKET NO. 95-91; GEN DOCKET NO. 90-357)**

**Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 151(i); 47 USC 154(j); 47 USC 157; 47 USC 309(j)

**CFR Citation:** 47 CFR 25.144

**Legal Deadline:** None

**Abstract:** The Commission is proposing rules to govern satellite digital audio radio services (SDARS). The Commission adopted service rules for SDARS in 1997 and sought further comment on proposed rules governing the use of complementary terrestrial repeaters. See 62 FR 19095.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/95	60 FR 35166
R&O	03/11/97	62 FR 11083
FNPRM	04/18/97	62 FR 19095
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AF93

**3738. REDESIGNATION OF THE 27.5-29.5 GHZ FREQUENCY BAND (CC DOCKET NO. 92-297)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 301; 47 USC 302

**CFR Citation:** 47 CFR 1; 47 CFR 2; 47 CFR 21; 47 CFR 25

**Legal Deadline:** None

**Abstract:** The Commission issued a Memorandum Opinion and Order that addressed a petition for clarification and/or reconsideration filed by Teledesic Corporation of the Commission's Third Report and Order, which established technical requirements and service rules for geostationary fixed satellite services (NGOS FSS) in the Ka-band. Hughes Communications Galaxy, Inc. filed a Petition for Reconsideration of the Memorandum, Opinion and Order. The Hughes petition is still pending.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/95	60 FR 43740
NPRM Comment Period End	09/07/95	
R&O	08/28/96	61 FR 44177
Third R&O	11/18/97	62 FR 61488
Order on Recon	05/25/02	67 FR 39308
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** CC Docket No. 92-297

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William Bell, Attorney, Federal Communications Commission,

## FCC—International Bureau

## Long-Term Actions

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RIN: 3060-AF94

**3739. ALLOCATE & DESIGNATE: SPEC FOR FIXED-SAT SRV (37.5-38.5, 40.5-41.5 & 48.2-50.2 GHZ BANDS). ALLOCATE: FIXED & MOBILE 40.5-42.5 GHZ; WIRELESS 46.9-47 GHZ; GOV OPER 37-38 & 40-40.5 GHZ; IB DOC NO. 97-95**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 301; 47 USC 302; 47 USC 303(e); 47 USC 303(f); 47 USC 303(g); 47 USC 303(r); 47 USC 304; 47 USC 307

**CFR Citation:** 47 CFR 2.106; 47 CFR 25.202; 47 CFR 25.208

**Legal Deadline:** None

**Abstract:** This item adopts a plan for non-government operations in the 36.0-51.4 GHz portion of the V-band, establishing priorities for different services in different parts of this band.

**Timetable:**

Action	Date	FR Cite
NPRM	04/04/97	62 FR 16129
Report & Order	01/15/99	64 FR 2585
Correction	02/08/99	64 FR 6138
Correction	02/10/99	64 FR 6565
Notice of Petition for Reconsideration	03/22/99	64 FR 13796
Order on Reconsideration	12/01/99	
Further NPRM	07/05/01	66 FR 35399
2nd R&O (release date)	11/17/03	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Local, State, Tribal

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RIN: 3060-AH23

**3740. ESTABLISHMENT OF POLICIES AND SERVICE RULES FOR THE MOBILE SATELLITE SERVICE IN THE 2 GHZ BAND; IB DOCKET NO. 99-81**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 303; 47 USC 307; 47 USC 309; 47 USC 310; 47 USC 319

**CFR Citation:** 47 CFR 25.114; 47 CFR 25.115; 47 CFR 25.121; 47 CFR 25.133; 47 CFR 25.136; 47 CFR 25.137; 47 CFR 25.143; 47 CFR 25.201; 47 CFR 25.202; 47 CFR 25.203; 47 CFR 25.279

**Legal Deadline:** None

**Abstract:** The Commission amended the regulations covering the 1.6/2.4 GHz Mobile Satellite Service (MSS) to incorporate the rules for the 2 GHz MSS. The actions establish the band arrangement and service rules and policies for the 2 GHz MSS. The effect of amending the 1.6/2.4 GHz MSS rules to include 2 GHz MSS is to simplify and harmonize the rules for the types of satellite services.

**Timetable:**

Action	Date	FR Cite
NPRM	04/07/99	64 FR 16880
Report and Order	10/04/00	65 FR 59140
MO&O	09/13/01	66 FR 47591
Erratum	07/16/02	67 FR 46603
2nd MO&O	03/13/03	68 FR 11986
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Federalism:** Undetermined

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RIN: 3060-AH28

**3741. 1998 BIENNIAL REGULATORY REVIEW — REVIEW OF ACCOUNTS SETTLEMENT IN MARITIME MOBILE & MARITIME MOBILE-SATELLITE RADIO SERVICES; IB DOC NO. 98-96**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 154(j); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 303(r)

**CFR Citation:** 47 CFR 3.10(e)

**Legal Deadline:** None

**Abstract:** The FCC seeks comment regarding Accounts Settlement in the Maritime Mobile and Maritime Mobile Satellite Service (MSS) Radio Services.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/98	63 FR 39800
Report & Order	07/28/99	64 FR 40774
Further NPRM	07/28/99	64 FR 40808
Comment Period Extended	09/03/99	64 FR 48337

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Federalism:** Undetermined

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RIN: 3060-AH30

**3742. GLOBAL MOBILE PERSONAL COMMUNICATIONS BY SATELLITE; IB DOCKET NO. 99-67**

**Priority:** Economically Significant

**Legal Authority:** 47 USC 4(i); 47 USC 7(a); 47 USC 303(c); 47 USC 303(f); 47 USC 303(g); 47 USC 303(r); 47 USC 307; 47 USC 309; 47 USC 310

**CFR Citation:** 47 CFR 25.200; 47 CFR 25.213; 47 CFR 25.215; 47 CFR 25.216; 47 CFR 2.1204

**Legal Deadline:** None

**Abstract:** The FCC has proposed to adopt rules to facilitate transnational use of mobile terminals used for 2-way voice communication via satellite systems with global or international coverage. In the same proceeding, the FCC has adopted limits on out-of-band emissions from some mobile satellite terminals in order to protect reception of aeronautical satellite radionavigation signals in the 1559-1610 MHz band. The FCC also asked for comment on the advisability of adopting rules requiring providers of mobile telecommunication service via satellite to provide 911 emergency-calling features.

## FCC—International Bureau

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/99	64 FR 16687
NPRM Comment Period End	05/18/99	
Public Notice	01/17/01	66 FR 3960
R&O and FNPRM (Release Date)	05/14/02	67 FR 61999
2nd R&O	11/18/03	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** William Bell, Attorney, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554

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**RIN:** 3060-AH49**3743. STREAMLINING EARTH STATION LICENSING RULES; IB DOCKET NO. 00-248****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 701 to 744**CFR Citation:** 47 CFR 23; 47 CFR 25**Legal Deadline:** None

**Abstract:** The Commission has found several cases in which modifying or eliminating rules could facilitate licensing of earth stations, thereby expediting the provision of useful satellite services to the public, without unreasonably increasing the risk of harmful interference to existing earth station or space station operators, or terrestrial wireless operators in shared frequency bands.

Specifically, this NPRM considers the following rule revisions: (1) codifying streamlined procedures for case-by-case examination of earth stations using “non-routine” antennas, non-routine power levels, or both; (2) relaxing some current requirements, such as increasing power and power density limits, and allowing some temporary fixed earth stations to begin operation sooner than is now permitted; (3) streamlining the very small aperture terminal (VSAT) rules, and revising the Commission’s power level rules to provide for various types of VSAT multiple access methods; (4) adopting

a simplified license application form for “routine” earth stations; and (5) other miscellaneous rule revisions. The Commission also invites comment on extending these proposed rules to the Ka-band.

On September 26, 2002, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. This Further NPRM invited comment on refinements to the proposals in the NPRM to relax some earth station technical requirements, and on an alternative to the VSAT proposals in the NPRM. The Further NPRM also seeks comment on proposals made by commenters in response to the First NPRM.

In the First Report and Order in this proceeding, the Commission extended the license term for earth station licenses from 10 to 15 years.

In the Second Report and Order in this proceeding, the Commission adopted rules allowing unlicensed receive-only earth stations to receive transmissions from non-U.S.-licensed satellites on the Permitted List.

In the Third Report and Order in this proceeding, the Commission adopted a streamlined application form for certain earth station licenses, and adopted a mandatory electronic filing requirement for those earth station applications.

In the Fourth Report and Order in this proceeding, the Commission extended the mandatory electronic filing requirement to all earth station applications.

**Timetable:**

Action	Date	FR Cite
NPRM	01/08/01	66 FR 1283
NPRM Comment Period End	05/07/01	
First R&O	03/19/02	67 FR 12485
FNPRM	12/24/02	67 FR 78399
FNPRM Comment Period End	04/08/03	
2nd R&O (Release Date)	06/20/03	68 FR 2247
2nd FNPRM (Release Date)	07/08/03	68 FR 53702
3rd R&O (Release Date)	07/08/03	68 FR 63994
4th R&O (Release Date)	04/16/04	69 FR 47790
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AH60**3744. POLICIES AND RULES FOR NON-GEOSTATIONARY SATELLITE ORBIT, FIXED SATELLITE SERVICE IN THE KA-BAND; IB DOCKET NO. 02-19****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 154(i); 47 USC 157(a); 47 USC 303(f); 47 USC 303(g); 47 USC 303(r)**CFR Citation:** 47 CFR 25**Legal Deadline:** None

**Abstract:** The proceeding determined a method to license multiple satellite network systems in spectrum designated on a primary basis for non-geostationary satellite orbit, fixed-satellite service. The proceeding also adopted service rules applicable to these licensees. The International Bureau will now proceed to licensing qualified applicants.

**Timetable:**

Action	Date	FR Cite
NPRM	03/04/02	67 FR 9641
NPRM Comment Period End	04/18/02	
R&O	06/18/03	68 FR 59128
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AH93

## FCC—International Bureau

## Long-Term Actions

**3745. ENFORCEMENT OF OTHER NATIONS' PROHIBITIONS AGAINST THE UNCOMPLETED CALL SIGNALING CONFIGURATION OF INTERNATIONAL CALLBACK SERVICE; IB DOCKET NO. 02–18****Priority:** Info./Admin./Other**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 154 (j); 47 USC 201(b); 47 USC 303(r); ...**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The Notice of Proposed Rulemaking seeks comments on whether the Commission should eliminate the existing comity-based prohibitions and thus discontinue the policy that allows a foreign government or entity to make use of the enforcement mechanisms of the Commission to prohibit the U.S. carriers from offering one form of call-back abroad. International call-back arrangements allow foreign callers to take advantage of low U.S. international services rates, many of which are significantly lower than the rates available in their home countries.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/02	67 FR 10656
NPRM Comment Period End	05/15/02	
Order	04/14/03	68 FR 25840
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 3060–AH94**3746. SPACE STATION LICENSING REFORM; IB DOCKET 02–34****Priority:** Other Significant**Legal Authority:** 47 USC 154(i); 47 USC 157; 47 USC 303(c); 47 USC 303(g); ...**CFR Citation:** 47 CFR 25.114; 47 CFR 25.137; 47 CFR 25.157; 47 CFR 25.158**Legal Deadline:** None

**Abstract:** The Commission has adopted a Notice of Proposed Rulemaking to

streamline its procedures for reviewing satellite license applications. Currently, the Commission uses processing rounds to review those applications. In a processing round, when an application is filed, the International Bureau (Bureau) issues a public notice establishing a cut-off date for other mutually exclusive satellite applications, and then considers all those applications together. In cases where sufficient spectrum to accommodate all the applicants is not available, the Bureau directs the applicants to negotiate a mutually agreeable solution. Those negotiations usually take a long time, and delay provision of satellite services to the public.

The NPRM invites comment on two alternatives for expediting the satellite application process. One alternative is to replace the processing round procedure with a “first-come, first-served” procedure that would allow the Bureau to issue a satellite license to the first party filing a complete, acceptable application. The other alternative is to streamline the processing round procedure by adopting one or more of the following proposals: (1) placing a time limit on negotiations; (2) establishing criteria to select among competing applicants; (3) dividing the available spectrum evenly among the applicants.

In the First Report and Order in this proceeding, the Commission determined that different procedures were better-suited for different kinds of satellite applications. For most geostationary orbit (GSO) satellite applications, the Commission adopted a first-come, first-served approach. For most non-geostationary orbit (NGSO) satellite applications, the Commission adopted a procedure in which the available spectrum is divided evenly among the qualified applicants. The Commission also adopted measures to discourage applicants from filing speculative applications, including a bond requirement, payable if a licensee misses a milestone. The bond amounts originally were \$5 million for each GSO satellite, and \$7.5 million for each NGSO satellite system. These were interim amounts. Concurrently with the First Report and Order, the Commission adopted an FNPRM to determine whether to revise the bond amounts on a long-term basis.

In the Second Report and Order, the Commission adopted a streamlined procedure for certain kinds of satellite license modification requests.

In the Third Report and Order in this proceeding, the Commission adopted a standardized application form for satellite licenses, and adopted a mandatory electronic filing requirement for certain satellite applications.

In the Fourth Report and Order in this proceeding, the Commission extended the mandatory electronic filing requirement to all satellite applications.

In the Fifth Report and Order in this proceeding, the Commission revised the bond amounts based on the record developed in response to FNPRM. The bond amounts are now \$3 million for each GSO satellite, and \$5 million for each NGSO satellite system.

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12498
NPRM Comment Period End	07/02/02	
2nd R&O (Release Date)	06/20/03	68 FR 62247
2nd FNPRM (Release Date)	07/08/03	68 FR 53702
3rd R&O (Release Date)	07/08/03	68 FR 63994
FNPRM	08/27/03	68 FR 51546
First R&O	08/27/03	68 FR 51499
FNPRM Comment Period End	10/27/03	
4th R&O (Release Date)	04/16/04	69 FR 67790
5th R&O, 1st Order on Recon (Release Date)	07/06/04	69 FR 51586
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060–AH98



## FCC—International Bureau

## Long-Term Actions

**3747. FLEXIBILITY FOR DELIVERY OF COMMUNICATIONS BY MOBILE SATELLITE SERVICE PROVIDERS IN THE 2 GHZ BAND, THE L-BAND, AND THE 1.6/2.4 GHZ BAND; IB DOCKET NO.01-185****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 154(i); 47 USC 157; 47 USC 302; 47 USC 303(c); 47 USC 303(f); 47 USC 303(e); 47 USC 303(r)**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The purpose of this proceeding is to permit mobile satellite service (MSS) providers to reuse their assigned MSS frequencies to operate terrestrial base stations for the purpose of extending their communications services to urban areas and in buildings where the satellite signal is attenuated.**Timetable:**

Action	Date	FR Cite
NPRM	09/13/01	66 FR 47621
NPRM Comment Period End	10/25/01	
Public Notice	04/05/02	67 FR 16347
NPRM	01/29/03	
Report & Order	01/29/03	68 FR 33640
First R&O	04/23/03	68 FR 51499
Order on Reconsideration	08/03/03	68 FR 47856
Announcement of Effective Date	04/07/04	69 FR 18278

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Howard Griboff, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-0657  
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Email: howard.griboff@fcc.gov**RIN:** 3060-AI05**3748. MITIGATION OF ORBITAL DEBRIS; IB DOCKET NO. 02-54****Priority:** Routine and Frequent**Legal Authority:** 47 USC 154(i); 47 USC 157(a); 47 USC 303(c); 47 USC 303(f); 47 USC 303(g); 47 USC 303(r)**CFR Citation:** 47 CFR 5; 47 CFR 25; 47 CFR 97**Legal Deadline:** None**Abstract:** The Commission is proposing rules for satellite services concerning orbital debris mitigation. Orbital debris consists of artificial objects orbiting the Earth that are not functional spacecraft. The Commission is proposing a range of options for addressing orbital debris issues as part of spacecraft design and operation in order to preserve access to space for the long term.**Timetable:**

Action	Date	FR Cite
NPRM	05/03/02	67 FR 22376
NPRM Comment Period End	08/16/02	
First R&O	08/27/03	68 FR 59127
2nd R&O	09/09/04	69 FR 54581
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Stephen Duall, Attorney, Federal Communications Commission, International Bureau, 445 12th Street SW, Washington, DC 20554  
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Email: stephen.duall@fcc.gov**RIN:** 3060-AI06**3749. IN THE MATTER OF PROCEDURES TO GOVERN THE USE OF SATELLITE EARTH STATIONS ON BOARD VESSELS; IB DOCKET NO. 02-10****Priority:** Other Significant**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 157(a); ...**CFR Citation:** 47 CFR 2 and 25**Legal Deadline:** None**Abstract:** The notice of proposed rulemaking addresses possible rules for sharing between Earth Stations on Vessels (ESVs) and other stations operating in the C-Band and KU-Band.**Timetable:**

Action	Date	FR Cite
NPRM	01/22/04	69 FR 3056
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Gardner Foster, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-1990  
Email: gardner.foster@fcc.gov**RIN:** 3060-AI40**3750. AMENDMENT OF PARTS 1 AND 63 OF THE COMMISSION'S RULES (DOCKET 04-47)****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 34 to 39; 47 USC 151; 47 USC 161; 47 USC 201 to 205; ...**CFR Citation:** 47 CFR 1.767; 47 CFR 63.18; 47 CFR 63.19; 47 CFR 63.21; ...**Legal Deadline:** None**Abstract:** FCC proposes amendments to several rules. Specifically, FCC proposes to: (1) Amend the procedures for discontinuing an international service; (2) establish post service notification for Commercial Mobile Radio Service carriers providing international service; (3) allow U.S. carriers to resell the U.S.-inbound service of foreign carriers; (4) allow commonly controlled subsidiaries to use their parent corporation's authority to provide international service; and (5) amend the submarine cable landing licensing procedures compliance with the Coastal Zone Management Act of 1972.**Timetable:**

Action	Date	FR Cite
NPRM	03/22/04	69 FR 13276
NPRM Comment Period End	06/07/04	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** David Krech, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-1460  
Fax: 202 418-2824  
Email: david.krech@fcc.gov**RIN:** 3060-AI41

FCC—International Bureau

Long-Term Actions

**3751. REPORTING REQUIREMENTS FOR U.S. PROVIDERS OF INTERNATIONAL TELECOMMUNICATIONS SERVICES (IB DOCKET NO. 04–112)**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 161; 47 USC 201 to 205; ...

**CFR Citation:** 47 CFR 1.789; 47 CFR 43.53; 47 CFR 43.61; 47 CFR 43.82; ...

**Legal Deadline:** None

**Abstract:** FCC is reviewing the reporting requirements to which carriers providing U.S. international services are subject under 47 CFR part 43. FCC proposes to amend 47 CFR 43.61 and to repeal 47 CFR 43.53.

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/04	
NPRM Comment Period End	08/23/04	69 FR 29676
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** David Krech, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554  
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 Email: david.krech@fcc.gov

**RIN:** 3060–AI42

**3752. REDESIGNATION OF THE 17.7–19.7 GHZ BAND, BLANKET LICENSING OF SATELLITE EARTH STATIONS, AND ALLOCATION OF SPECTRUM FOR BROADCAST SATELLITE SERVICE**

**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.  
**Legal Authority:** 47 USC 151; 47 USC 154 (i); 47 USC 302; 47 USC 303; ...

**CFR Citation:** 47 CFR 2.106; 47 CFR 21.901; 47 CFR 301; 47 CFR 25.138; ...

**Legal Deadline:** None

**Abstract:** This item addresses how the 17.7-19.7 GHz band is to be shared

among various services, including the Fixed Satellite Service, the Fixed Services, and the Broadcast Satellite Service. The item also addresses the blanket licensing of Fixed Satellite Service Earth Stations in the Ka-band. Finally, it addresses a new allocation for the Broadcast Satellite Service.

**Timetable:**

Action	Date	FR Cite
NPRM	10/08/98	63 FR 54100
R&O	09/07/00	65 FR 54155
Order on Recon	12/07/01	66 FR 63512
CARS Eligibility Order	06/27/02	67 FR 43257
2nd Order on Recon	04/08/03	68 FR 16962
FR Correction	04/24/03	68 FR 20225
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, Local, State, Tribal

**Federalism:** Undetermined

**Agency Contact:** Francis Gutierrez, Attorney Advisor, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554  
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 Email: francis.gutierrez@fcc.gov

**RIN:** 3060–AI43

**3753. REVIEW OF THE SPECTRUM SHARING PLAN AMONG NON-GEOSTATIONARY SATELLITE ORBIT MOBILE SATELLITE SERVICE SYSTEMS IN THE 1.6/2.4 GHZ BANDS; IB DOCKET NO. 02–364**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 302(a); 47 USC 303(e); ...  
**CFR Citation:** 47 CFR 2.106; 47 CFR 25.149

**Legal Deadline:** None

**Abstract:** The Commission issued a Further Notice of Proposed Rulemaking seeking comment on whether code division multiple access and time division multiple access satellite operators feasibly could share additional spectrum in the 1.6 GHz band.

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/03	68 FR 33666
NPRM Comment Period End	07/21/03	

Action	Date	FR Cite
R&O	08/09/04	69 FR 48157
FNPRM	08/09/04	69 FR 48192
FNPRM Comment Period End	09/23/04	
Petitions for Reconsideration	10/12/04	69 FR 60626
Petitions for Recon Comment Period End	11/08/04	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Agency Contact:** Jennifer Gorny, Attorney, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554  
 Phone: 202 418–1517  
 Email: jennifer.gorny@fcc.gov

**RIN:** 3060–AI44

**3754. REDESIGNATION OF THE 17.7–19.7 GHZ BAND, BLANKET LICENSING OF SATELLITE EARTH STATIONS, & ALLOCATION OF SPECTRUM IN THE 17.3–17.8 AND 24.75–25.25 GHZ BANDS FOR BROADCAST SATELLITE SERVICE**

**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 154(j); 47 USC 301; 47 USC 302; ...

**CFR Citation:** 47 CFR 2.106; 47 CFR 21.901; 47 CFR 25.115; 47 CFR 25.138; ...

**Legal Deadline:** None

**Abstract:** This item addresses how the 17.7-19.7 GHz band is to be shared among various services, including the Fixed Satellite Service, the Fixed Services, and the Broadcast Satellite Service. The item also addresses the blanket licensing of Fixed Satellite Service Earth Stations in the Ka-band. Finally, it addresses a new allocation for the Broadcast Satellite Services.

**Timetable:**

Action	Date	FR Cite
NPRM	10/08/98	63 FR 54100
NPRM Comment Period End	12/07/98	63 FR 62258
R&O	09/07/00	65 FR 54155
First Order on Recon	12/07/01	66 FR 63512
CARS Eligibility Order	06/27/02	67 FR 43257

## FCC—International Bureau

## Long-Term Actions

Action	Date	FR Cite
2nd Order on Recon Correction	04/08/03	68 FR 16962
Correction	04/24/03	68 FR 20225
Correction	04/30/04	69 FR 23662
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined**Agency Contact:** Francis Gutierrez, Attorney Advisor, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554  
Phone: 202 418-7370  
Email: francis.gutierrez@fcc.gov**Related RIN:** Previously reported as 3060-AH21**RIN:** 3060-AI46**3755. CABLE TELEVISION RATE REGULATION****Priority:** Other Significant**Legal Authority:** 47 USC 154; 47 USC 543**CFR Citation:** 47 CFR 76**Legal Deadline:** None

**Abstract:** The Commission has adopted rate regulations to implement section 623 of the 1992 Cable Act to ensure that cable subscribers nationwide enjoy the rates that would be charged by cable systems operating in a competitive environment. Reconsideration was requested. The 14th Order on Reconsideration addresses petitions on issues governing regulated services by cable systems. In a subsequent notice, comment was sought on recalibrating the competitive differential between rates of systems subject to effective competition and noncompetitive systems. In addition, comment was sought as to whether there may be a different approach to establish reasonable rates on the basic service tier.

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/93	58 FR 48
R&O and FNPRM	05/21/93	58 FR 29736
MO&O and FNPRM	08/18/93	58 FR 43816
3rd R&O	11/30/93	58 FR 63087

Action	Date	FR Cite
Order on Recon, 4th R&O, and 5th NPRM	04/15/94	59 FR 17943
3rd Order on Recon	04/15/94	59 FR 17961
5th Order on Recon and FNPRM	10/13/94	59 FR 51869
4th Order on Recon	10/21/94	59 FR 53113
6th Order on Recon, 5th R&O, and 7th NPRM	12/06/94	59 FR 62614
7th Order on Recon	01/25/95	60 FR 4863
9th Order on Recon	02/27/95	60 FR 10512
8th Order on Recon	03/17/95	60 FR 14373
6th R&O and 11th Order on Recon	07/12/95	60 FR 35854
13th Order on Recon	10/05/95	60 FR 52106
12th Order on Recon	10/26/95	60 FR 54815
10th Order on Recon	04/08/96	61 FR 15388
Order on Recon of the 1st R&O and Further NPRM	04/15/96	61 FR 16447
MO&O	02/12/97	62 FR 6491
Report on Cable Industry Prices	02/24/97	62 FR 8245
R&O	03/31/97	62 FR 15118
14th Order on Recon	10/15/97	62 FR 53572
NPRM and Order	09/05/02	67 FR 56882
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local, State**Federalism:** Undetermined**Agency Contact:** Peggy Greene, Associate Bureau Chief, Federal Communications Commission, Media Bureau, 445 12th Street, SW, Washington, DC 20554  
Phone: 202 418-2389  
TDD Phone: 202 418-7172  
Fax: 202 418-1196**RIN:** 3060-AF41**3756. CABLE TELEVISION RATE REGULATION: COST OF SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 154; 47 USC 543**CFR Citation:** 47 CFR 76**Legal Deadline:** None

**Abstract:** The Commission has established rules pursuant to which cable operators may set rates for regulated cable service in accordance with traditional cost-of-service principles, as modified to take account of unique characteristics of the cable

industry. In the latest NPRM, comment was sought on rule changes that may be necessary or desirable in order to account for changes in the regulatory process resulting from the end of the Commission's statutory authority to regulate certain tiers of cable programming service.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/93	58 FR 40762
R&O	04/15/94	59 FR 17975
2nd NPRM	04/15/94	59 FR 18066
MO&O	10/14/94	59 FR 52087
2nd R&O/1st Order on Recon/FNPRM	03/08/96	61 FR 9361
Correction	03/22/96	61 FR 11749
NPRM and Order	09/05/02	67 FR 56882
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local**Federalism:** Undetermined**Agency Contact:** Peggy Greene, Associate Bureau Chief, Federal Communications Commission, Media Bureau, 445 12th Street, SW, Washington, DC 20554  
Phone: 202 418-2389  
TDD Phone: 202 418-7172  
Fax: 202 418-1196**RIN:** 3060-AF48**3757. CABLE CUSTOMER SERVICE STANDARDS (MM 92-263)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 154(i) to 154(j); 47 USC 303; 47 USC 552**CFR Citation:** 47 CFR 76**Legal Deadline:** NPRM, Statutory, April 3, 1993.

**Abstract:** The Commission has adopted customer service standards for cable operators nationwide to implement the provisions of the Cable Act of 1992. Such standards shall include, at a minimum, cable systems office hours, telephone availability, installations, outages, service calls, and communication between the cable operator and subscriber, including billing and refunds.

## FCC—International Bureau

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/92	57 FR 61038
R&O	04/19/93	58 FR 21107

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local, State**Federalism:** Undetermined

**Agency Contact:** John Norton, Deputy Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW, Washington, DC 20554  
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**RIN:** 3060-AF69**3758. FILING OF TELEVISION NETWORK AFFILIATION CONTRACTS (MM DOCKET NO. 95-40)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 154(i); 47 USC 303(r)**CFR Citation:** 47 CFR 73.3613(a)**Legal Deadline:** None**Abstract:** This proceeding considers changes to the requirement that stations file their network affiliation agreements with the Commission.**Timetable:**

Action	Date	FR Cite
NPRM	04/19/95	60 FR 19564

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Federalism:** Undetermined

**Agency Contact:** Judith Herman, Assistant Chief, Industry Analysis Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-2163  
Fax: 202 418-2053

**RIN:** 3060-AF80**3759. RULES GOVERNING BROADCAST TELEVISION ADVERTISING (MM DOCKET NO. 95-90)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 154(i); 47 USC 154(j); 47 USC 301; 47 USC 303(r); 47 USC 313; 47 USC 314**CFR Citation:** 47 CFR 73.658(h); 47 CFR 73.658(i)**Legal Deadline:** None**Abstract:** This proceeding considers changes to two rules regulating broadcast television advertising. The first advertising rule prohibits a broadcast television network from influencing or controlling the rates its affiliates set for the sale of their non-network advertising time. The second advertising rule prohibits a broadcast television network from representing any of its affiliates in the sale of non-network advertising time.**Timetable:**

Action	Date	FR Cite
NPRM	07/05/95	60 FR 34959

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Judith Herman, Assistant Chief, Industry Analysis Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-2163  
Fax: 202 418-2053

**RIN:** 3060-AF81**3760. CABLE HOME WIRING****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 544(i)**CFR Citation:** 47 CFR 76**Legal Deadline:** None**Abstract:** On October 6, 1997, the FCC adopted a Report and Order and Second Notice of Proposed Rulemaking (FCC 97-7360) that amends its cable inside wiring rules to enhance competition in the video distribution marketplace. The Second FNPRM seeks

comment on, among other things, whether there are circumstances where the FCC should adopt restrictions on exclusive contracts in order to further promote competition in the multiple dwelling unit marketplace. The 2nd Report and Order addresses multiple dwelling units when the occupant charges video service providers. In the First Order on Reconsideration and the Second Report and Order, the Commission modified its rules in part. The United States Court of Appeals for the District of Columbia Circuit remanded a portion of the Commission decision back to the Commission for further consideration. In September 2004, the Commission issued an FNPRM in response to the courts decision.

**Timetable:**

Action	Date	FR Cite
NPRM	11/17/92	57 FR 54209
R&O	03/02/93	58 FR 11970
NPRM	02/01/96	61 FR 3657
First Order on Recon & FNPRM	02/16/96	61 FR 6210
FNPRM	09/03/97	62 FR 46453
R&O and Second FNPRM	11/14/97	62 FR 60165
First Order on Recon and 2nd R&O	03/21/03	68 FR 13850
FNPRM	10/15/04	69 FR 61193

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** John Norton, Deputy Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW, Washington, DC 20554  
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Fax: 202 418-1196  
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**RIN:** 3060-AG02**3761. CLOSED CAPTIONING****Priority:** Other Significant**Legal Authority:** 47 USC 613**CFR Citation:** 47 CFR 79.1; 47 CFR 79.2**Legal Deadline:** None**Abstract:** The FCC adopted regulations to ensure that video programming is accessible to persons with hearing

## FCC—International Bureau

## Long-Term Actions

disabilities through closed captioning. The rules were adopted in August 1997 and modified in response to petitions for reconsideration in September 1998. In April 2000, the FCC adopted rules to ensure the accessibility of televised emergency information to persons with hearing disabilities through closed captioning or another method of visual presentation.

**Timetable:**

Action	Date	FR Cite
NOI	12/15/95	60 FR 65052
Order	01/29/96	61 FR 2781
Order	03/12/96	61 FR 9963
Report	08/14/96	61 FR 42249
NPRM	02/03/97	62 FR 4959
Order	03/24/97	62 FR 13853
R&O	09/16/97	62 FR 48487
FNPRM	01/21/98	63 FR 3070
Order	10/20/98	63 FR 55959
Order	06/23/99	64 FR 33424
Second R&O	05/09/00	65 FR 26757
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** Additional Bureau: Consumer Information

**Agency Contact:** Marcia Glauberman, Deputy Division Chief, Industry Analysis Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AG26**3762. CABLE ACT REFORM****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 154; 47 USC 522; 47 USC 543; 47 USC 544; 47 USC 548; 47 USC 552**CFR Citation:** 47 CFR 76**Legal Deadline:** None

**Abstract:** This proceeding implements the cable reform section of the Telecommunications Act of 1996. It addresses several issues, including the cable rate complaint process, effective competition and subscriber notifications.

**Timetable:**

Action	Date	FR Cite
Order & NPRM	04/30/96	61 FR 19013
Report & Order	07/02/99	64 FR 35948
Correction	08/06/99	64 FR 42855
Order on Recon	06/14/02	67 FR 40870
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local**Federalism:** Undetermined

**Agency Contact:** John Norton, Deputy Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW, Washington, DC 20554  
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**RIN:** 3060-AG27**3763. COMPETITIVE AVAILABILITY OF NAVIGATION DEVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 549**CFR Citation:** 47 CFR 76**Legal Deadline:** None

**Abstract:** The Commission has adopted rules to address the mandate expressed in section 629 of the Communications Act to ensure the commercial availability of "navigation devices," the equipment used to access video programming and other services from multichannel video programming systems. Petitions for reconsideration were resolved in a recent order. The Commission also issued a Further Notice of Proposed Rulemaking and Declaratory Ruling. The Further Notice sought comment as to the effectiveness of the Commission's rules for achieving the commercial availability of navigation devices. Accompanying the Further Notice was a Declaratory Ruling which found that technology licenses requiring copy protection measures to be located within a navigation host device are consistent with the Commission's navigation devices rules. A subsequent Order adopted rules to enable direct connection of a digital television set to a digital cable system. A Further Notice of Proposed Rulemaking initiated an

examination of approval of connectors and content protector technologies.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/97	62 FR 10011
R&O	07/15/98	63 FR 38089
Order on Reconsideration	06/02/99	64 FR 29599
FNPRM & Declaratory Ruling	09/28/00	65 FR 58255
FNPRM	01/16/03	68 FR 2278
Order and FNPRM	06/17/03	68 FR 35818
2nd R&O	11/28/03	68 FR 66728
FNPRM	11/28/03	68 FR 66776
Order on Reconsideration	01/28/04	69 FR 4081
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Natalie Roisman, Attorney Advisor, Policy Div., Federal Communications Commission, Media Bureau, 445 12th Street, SW, Washington, DC 20554  
Phone: 202 418-1655  
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**RIN:** 3060-AG28**3764. MINOR MODIFICATIONS OF BROADCAST LICENSES WITHOUT PRIOR CONSTRUCTION PERMIT (MM DOCKET NO. 96-58)****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 154(i); 47 USC 155(c)(1); 47 USC 302; 47 USC 303**CFR Citation:** 47 CFR 73**Legal Deadline:** None

**Abstract:** This proceeding will implement the Commission's new authority to eliminate the present requirement for a construction permit for a broadcast station in certain instances where the changed facilities would not have an adverse impact on other broadcast facilities. In these instances, licensees or permittees will be able to initiate the change without prior authority and file a license application to cover the change afterwards.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/96	61 FR 15439

## FCC—International Bureau

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Action	Date	FR Cite
R&O	09/30/97	62 FR 51052

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Dale Bickel, Engineer, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554  
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Email: dbickel@fcc.gov

**RIN:** 3060-AG30

**3765. POLE ATTACHMENT PROVISIONS (CS DOCKET NO. 97-98)**

**Priority:** Other Significant

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 224; 47 USC 303; 47 USC 403

**CFR Citation:** 47 CFR 1.1401 to 1.1418

**Legal Deadline:** Final, Statutory, February 8, 1998.

**Abstract:** The Commission established rules relating to pole attachments. The Telecommunications Act of 1996 required that within two years the Commission prescribe regulations governing the charges for pole attachments for telecommunications attachers. These regulations are to be used by cable operators and telecommunications carriers to provide telecommunications services when the utility and attaching entity parties fail to resolve a dispute over such charges. The Report and Order released in 1998 prescribed regulations to govern these charges.

In April 2000, the Commission released a Report and Order addressing issues related to the formula used to calculate just and reasonable rates that utilities charge for pole attachments. Petitions for reconsideration of both the 1998 and 2000 orders were resolved by Order released in May 2001.

**Timetable:**

Action	Date	FR Cite
NPRM	08/18/97	62 FR 43963
R&O	03/12/98	63 FR 12013
R&O	05/17/00	65 FR 31270
Erratum	05/31/00	65 FR 34820
Reconsideration Order	06/29/01	66 FR 34569
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Federalism:** Undetermined

**Agency Contact:** Thomas Horan, Senior Legal Advisor, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AG71

**3766. DIGITAL MUST CARRY**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 534

**CFR Citation:** 47 CFR 76

**Legal Deadline:** None

**Abstract:** Section 614(b)(4)(B) of the Communications Act requires that, at the time the Commission prescribes standards for advanced television, it should "initiate a proceeding to establish any changes in the signal carriage requirements of cable television systems necessary to ensure cable carriage of those broadcast signals of local commercial television stations which have been changed to conform with such modified standards." In August of 1998, the FCC issued a Notice of Proposed Rulemaking seeking comments on the requirements of that section. In June 2000, based on responses to the Notice of Proposed Rulemaking, the Commission clarified that DTV-only television stations, in the context of auctioning analog channels 59-69, will ultimately have must carry rights. In January of 2001, the Commission issued a First Report and Order and Further Notice of Proposed Rulemaking resolving a number of technical and legal issues, including clarification that digital-only TV stations are entitled to mandatory carriage.

In the 2nd Report & Order and First Order on Reconsideration, adopted in February 2003, the Commission affirmed its tentative conclusion not to impose dual carriage and affirmed its prior determination that broadcasters were entitled to carriage of one digital programming stream.

**Timetable:**

Action	Date	FR Cite
NPRM	08/07/98	63 FR 42330
MO&O and FNPRM	07/12/00	65 FR 42879
FNPRM	03/26/01	66 FR 16523
First R&O	03/26/01	66 FR 16533
2nd R&O and 1st Order on Recon (Released 02/23/2005)	To Be Determined	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Eloise Gore, Assistant Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-7200  
TDD Phone: 202 418-7172  
Fax: 202 418-1069

**RIN:** 3060-AG91

**3767. HORIZONTAL OWNERSHIP LIMITS**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 303; 47 USC 533

**CFR Citation:** 47 CFR 76

**Legal Deadline:** None

**Abstract:** Section 613 of the Communications Act requires the Commission to "prescribe rules and regulations establishing reasonable limits on the number of cable subscribers a person is authorized to reach through cable systems owned by such person, or in which such person has an attributable interest." On October 8, 1999, the Commission issued a Third Report and Order, FCC 99-289, in this matter. The Commission revised the horizontal ownership rules as follows: (1) all multichannel video subscribers will be counted when calculating the 30 percent ownership limit; (2) actual subscriber numbers, rather than potential subscriber numbers, will be used for calculating an owner's share; and (3) the minority exception which allowed a 35 percent ownership limit for minority-owned entities under certain circumstances was eliminated. On March 2, 2001, the District of Columbia Circuit Court reversed and remanded the cable horizontal and vertical limits. (Time

## FCC—International Bureau

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Warner Entertainment Co. v. FCC, 240 F.3d 1126 (DC cir.2001)). Pursuant to the court's remand, the Commission is soliciting comment.

**Timetable:**

Action	Date	FR Cite
Second MO&O on Recon and FNPRM	07/14/98	63 FR 37790
Third R&O	12/01/99	64 FR 67198
Order on Recon	03/08/00	65 FR 12135
MO&O	06/08/00	65 FR 36382
FNPRM	10/11/01	66 FR 51905
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AH09

### 3768. DIGITAL AUDIO BROADCASTING SYSTEMS (MM DOCKET NO. 99-325)

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 154; 47 USC 303

**CFR Citation:** 47 CFR 73

**Legal Deadline:** None

**Abstract:** The rulemaking proceeding was initiated to foster the development and implementation of terrestrial digital audio broadcasting (DAB). The transition to DAB promises the benefits that have generally accompanied digitalization - better audio fidelity, more robust transmission systems, and the possibility of new auxiliary services. In the First Report and Order, the Commission selected in-band, on-channel as the technology that will permit AM and FM radio broadcasters to introduce digital operations. Consideration of formal standard-setting procedures and related broadcasting licensing and service rule changes are addressed in Further Notice of Proposed Rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	11/09/99	64 FR 61054
First R&O	12/23/02	67 FR 78193
FNPRM and NOI	05/14/04	69 FR 27815
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AH40

### 3769. PERIODIC REVIEW OF RULES AND POLICIES AFFECTING THE CONVERSION TO DTV

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 4(i); 47 USC 4(j); 47 USC 303(r); 47 USC 307; 47 USC 309; 47 USC 336

**CFR Citation:** 47 CFR 73

**Legal Deadline:** None

**Abstract:** On January 18, 2001, the Commission adopted a Report and Order (R&O) and Further Notice of Proposed Rulemaking, addressing a number of issues related to the conversion of the nation's broadcast television system from analog to digital television. The 2nd Report & Order resolved several major technical issues including the issue of receiver performance standards, DTV tuners, and revisions to certain components of the DTV transmission standard. The latest NPRM commenced the Commission's second periodic review of the progress of the digital television conversion. The resulting R&O adopted a multi-step process to create a new DTV table of allotments and authorizations. Also in the R&O, the Commission adopted replication and maximization deadlines for DTV broadcasters and updated rules in recognition revisions to broadcast transmission standards.

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/00	65 FR 15600
Report & Order	02/13/01	66 FR 9973

Action	Date	FR Cite
MO&O	12/18/01	66 FR 65122
3rd MO&O and Order on Recon	10/02/02	67 FR 61816
2nd R&O and 2nd MO&O	10/11/02	67 FR 63290
NPRM	02/18/03	68 FR 7737
R&O	10/04/04	69 FR 59500
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AH54

### 3770. DIRECT BROADCAST PUBLIC INTEREST OBLIGATIONS; MM DOCKET NO. 93-25

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 335

**CFR Citation:** 47 CFR 25; 47 CFR 100

**Legal Deadline:** None

**Abstract:** The Commission adopted rules in 1998 that implement section 25 of the Cable Television Consumer Protection and Competition Act of 1992, as codified at section 335 of the Communications Act of 1934. Section 335 directs the Commission to impose certain public interest obligations on direct broadcast satellite providers. Several petitions for reconsideration are pending.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/93	58 FR 12917
Report and Order	02/08/99	64 FR 52399
Order on Reconsideration	04/22/04	69 FR 21761
Order on Reconsideration	04/28/04	69 FR 23155
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

## FCC—International Bureau

## Long-Term Actions

**Federalism:** Undetermined

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**RIN:** 3060-AH59

**3771. CHILDREN'S TV, OBLIGATIONS OF DIGITAL TV BROADCASTERS (MM DOCKET NO. 00-167)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 303; 47 USC 307; 47 USC 336(d)

**CFR Citation:** 47 CFR 73.670; 47 CFR 73.671; 47 CFR 73.673

**Legal Deadline:** None

**Abstract:** This item seeks comment on a range of issues related to application of our existing children's programming rules to digital broadcasting. The NPRM focuses primarily on two areas: the obligation of commercial television broadcast licensees to provide educational and informational programming for children and the requirement that television broadcast licensees limit the amount of advertising in children's programs.

The resulting Report and Order addressed the obligation of DTV broadcasters to provide programming to children. Further, the R&O amended the Commission's rules regarding on-air identification of children's programming. Regarding commercial time limits, the R&O addressed issues related to the definition of "commercial matter."

**Timetable:**

Action	Date	FR Cite
NPRM	11/08/00	65 FR 66951
R&O	01/03/05	70 FR 25
FNPRM	01/03/05	70 FR 63

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AH68

**3772. EXTENSION OF FILING REQUIREMENTS FOR CHILDREN'S TV PROGRAMMING REPORT (MM DOCKET NO. 00-44)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 303; 47 USC 308

**CFR Citation:** 47 CFR 73.3526

**Legal Deadline:** None

**Abstract:** This document seeks comment on the tentative conclusion that broadcasters who maintain Internet websites should be required to post their completed quarterly Children's Television Programming Reports (FCC Form 398) on these sites. The FCC Form 398 is required to be filed by commercial television broadcast stations each quarter. This form is used to provide information on the efforts of commercial television stations to provide children's educational and informational programs aired to meet its obligation under the Children's Television Act of 1990. Although the Children's Television Programming Reports are available in a central location on the FCC's website, members of the public may look first to their local broadcast station for information about programming at the station, making station website posting useful.

**Timetable:**

Action	Date	FR Cite
NPRM	05/04/00	65 FR 25895
R&O	11/09/00	65 FR 67283
Further NPRM	11/09/00	65 FR 67331

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AH69

**3773. RADIO MARKET DEFINITIONS (MM DOCKET NO. 03-130)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 202(h); 47 USC 303; 47 USC 307

**CFR Citation:** 47 CFR 73.3555

**Legal Deadline:** None

**Abstract:** This FNPRM proposes changes to local ownership rules and policies concerning multiple ownership of radio broadcasting stations. The Commission examines the effect our current rules have had on the public and seeks comments to better serve our communities. This action is also intended to consider possible changes to our current local market radio ownership rules and policies in accordance with the Telecommunications Act of 1996. Because of the similarity of the issues presented in the Multiple Ownership of Radio Broadcast Stations in Local Markets to those in the Matter of Definition of Radio Market, the two actions were, in effect, consolidated.

These issues were evaluated as part of the Commission's biennial review of Media Ownership rules. An NPRM was initiated regarding the definition of radio markets in smaller communities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/28/00	65 FR 82305
FNPRM	12/11/01	66 FR 63997
NPRM	08/05/03	68 FR 46359
R&O	08/05/03	68 FR 46289

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AH70



## FCC—International Bureau

## Long-Term Actions

**3774. ENHANCED AND STANDARDIZED DISCLOSURE (MM DOCKET NO. 00-168)****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 154(i); 47 USC 303; 47 USC 307; 47 USC 309; 47 USC 336**CFR Citation:** 47 CFR 73.3526**Legal Deadline:** None

**Abstract:** This item concerns rules and policies on how commercial television broadcast station licensees provide public interest information to the public. This document proposes amendments to the public inspection file rules that would standardize the format used for providing public interest information to the public and make information contained in public inspection files available on the Internet. The intended effect of this action is to propose rules that would make information regarding how television broadcast stations meet their fundamental public interest obligation to serve the needs and interests of their communities of license easier to understand or more accessible to the public.

**Timetable:**

Action	Date	FR Cite
NPRM	10/19/00	65 FR 62683
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AH71**3775. REVISION OF EEO RULES AND POLICIES; MM DOCKET NO. 98-204****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 257; 47 USC 301; 47 USC 303; 47 USC 307; 47 USC 308; 47 USC 309; 47 USC 334; 47 USC 403; 47 USC 554**CFR Citation:** 47 CFR 73.2080; 47 CFR 76.73; 47 CFR 76.75; 47 CFR 76.79; 47 CFR 76.1702**Legal Deadline:** None

**Abstract:** FCC authority to govern Equal Employment Opportunity (EEO) responsibilities of cable television operators was codified in the Cable Communications Policy Act of 1984. This authority was extended to television broadcast licensees and other multi-channel video programming distributors in the Cable and Television Consumer Protection Act of 1992. In the Second Report and Order, the FCC adopted new EEO rules and policies. This action was in response to a decision of the U.S. Court of Appeals for the District of Columbia Circuit that found prior EEO rules unconstitutional. The Third Notice of Proposed Rulemaking requests comment as to the applicability of the EEO rules to part-time employees. The Third Report and Order adopted revised forms for broadcast station and MVPDs Annual Employment Report. In the Fourth NPRM, comment was sought regarding public access to the data contained in the forms.

**Timetable:**

Action	Date	FR Cite
NPRM	01/14/02	67 FR 1704
2nd R&O and 3rd NPRM	01/07/03	68 FR 670
Correction	01/13/03	68 FR 1657
4th NPRM	06/23/04	69 FR 34986
3rd R&O	06/23/04	69 FR 34950
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined

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**RIN:** 3060-AH95**3776. CROSS OWNERSHIP OF BROADCAST STATIONS AND NEWSPAPERS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 151; 47 USC 152(a); 47 USC 154(i); 47 USC 303, 307, 309,310**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** An NPRM initiated a proceeding to seek comment on whether and to what extent it should revise the newspaper/broadcast cross-ownership rule, which prohibits common ownership of a broadcast station and a newspaper in the same geographic area. The local multimedia marketplace in which broadcast stations and newspapers operate has changed significantly since the Commission adopted the rule in 1975. This proceeding seeks comment on the relevance of these changes to the newspaper/broadcast cross-ownership rule. This rulemaking was incorporated into the Commission's 2002 Biennial Regulatory Review of its Broadcast Ownership rules. The Report and Order replaced the newspaper/broadcast cross-ownership rule with a tiered approach based on the number of television stations in a market. Petitions for Reconsideration are pending. Also, the Third Circuit Court of Appeals remanded portions of the Commission's decisions and implemented a stay that prevents implementation.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AH97

FCC—International Bureau

Long-Term Actions

**3777. ESTABLISHMENT OF RULES FOR DIGITAL LOW POWER TELEVISION, TELEVISION TRANSLATOR, AND TELEVISION BOOSTER STATIONS (MB DOCKET 03-185)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 309; 47 USC 336

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This proceeding initiates the digital television conversion for low power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting. The Report and Order adopts definitions and permissible use provisions for digital TV translator and LPTV stations.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
R&O (Adopted Date)	09/04/04	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AI38

**3778. JOINT SALES AGREEMENTS IN LOCAL TELEVISION MARKETS**

**Priority:** Other Significant

**Legal Authority:** 47 USC 151; 47 USC 152(a); 47 USC 154(i); 47 USC 303; ...

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** A joint sales agreement (JSA) is an agreement with a licensee of a brokered station that authorizes a broker to sell some or all of the advertising time for the brokered station in return for a fee or percentage of revenues paid to the licensee.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52464
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AI55

**3779. • SIGNIFICANTLY VIEWED OUT-OF-MARKET BROADCAST STATIONS (DOCKET 05-49)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 340

**CFR Citation:** 47 CFR 54

**Legal Deadline:** None

**Abstract:** Section 202 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 creates Section 340 of the Communications Act, which provides satellite carries with the authority to offer Commission determined

**Timetable:**

Action	Date	FR Cite
NPRM (Release Date)	02/07/05	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AI56

Federal Communications Commission (FCC)

Completed Actions

Media Bureau

**3780. REVIEW OF TECHNICAL RULES IN PARTS 73 AND 74 (MM DOCKET NO. 98-93)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 307; 47 USC 319

**CFR Citation:** 47 CFR 73; 47 CFR 74

**Legal Deadline:** None

**Abstract:** The Second Report and Order in this radio technical streamlining proceeding continues the Commission's efforts to make the broadcast application process simpler, faster, and more efficient. In the Second Report and Order, the Commission amended

the separation requirements for short-spaced FM stations, section 73.215(e), to afford second- and third-adjacent channel stations minimum relief of six kilometers from the full spacing requirements of section 73.207. The order also expands the types of facility changes covered by expedited one-step licensing procedures and provides additional technical flexibility to FM stations licensed to Puerto Rico and the U.S. Virgin Islands. The order also relaxes noncommercial educational FM second adjacent channel standard and establishes a noncommercial educational FM community coverage

standard. Finally, the item creates a new commercial FM class, class C-zero, and a mechanism to reclassify class C stations that do not meet the new class minimum antenna height where there is a competing demand for spectrum.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/98	63 FR 33892
Report & Order	04/21/99	64 FR 19498
Second Report & Order	12/20/00	65 FR 79773
Correction	01/29/01	66 FR 8149

**Regulatory Flexibility Analysis Required:** Yes

## FCC—Media Bureau

## Completed Actions

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AG81

### 3781. RETRANSMISSION CONSENT ISSUES—SHVIA

**Priority:** Other Significant

**Legal Authority:** 47 USC 325

**CFR Citation:** 47 CFR 76.64(m); 47 CFR 76.65

**Legal Deadline:** None

**Abstract:** The Satellite Home Viewer Improvement Act of 1999 (SHVIA) requires broadcasters, until the year 2006, to negotiate in good faith with satellite carriers and other multichannel video programming distributors (MVPDs) with respect to their transmission of the broadcasters' signals, and prohibits broadcasters from entering into exclusive retransmission agreements.

The First Report and Order (Order) determined that the statute does not intend to subject retransmission consent negotiation to detailed substantive oversight by the Commission. Instead, the Order concludes that Congress intended that the Commission follow established precedent, particularly in the field of labor law, in implementing the good faith retransmission consent negotiation requirement. Consistent with this conclusion, the Order adopts a two-part test for good faith. The first part of the test consists of a brief, objective list of negotiation standards. The second part of the good faith test is based on a totality of the circumstances standard. Under this standard, an MVPD may present facts to the Commission which, even though they do not allege a violation of the specific standards enumerated above, given the totality of the circumstances constitute a failure to negotiate in good faith. The Commission's rules regarding the good faith negotiation requirement sunset on January 1, 2006. An MVPD believing itself to be aggrieved may file a complaint with the Commission.

#### Timetable:

Action	Date	FR Cite
NPRM	12/29/99	64 FR 72985
First R&O	03/23/00	65 FR 23805
Order on Recon	09/19/01	66 FR 48219

#### Regulatory Flexibility Analysis Required: Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AH36

### 3782. SATELLITE BROADCASTING SIGNAL CARRIAGE REQUIREMENTS

**Priority:** Economically Significant

**Legal Authority:** 47 USC 338; 47 USC 534; 47 USC 535

**CFR Citation:** 47 CFR 76

**Legal Deadline:** Final, Statutory, November 29, 2000.

**Abstract:** The Satellite Home Viewer Improvement Act of 1999 (SHVIA) requires satellite carriers, by January 1, 2002, to carry upon request all local broadcast stations' signals. These signals must be carried in all local markets in which the satellite carriers carry at least one broadcast station signal, assuming this signal is licensed pursuant to section 122 of the Copyright Act. The SHVIA requires the Commission to issue rules implementing the Act's mandatory carriage requirements within one year of the SHVIA's enactment. On November 29, 2000, the Commission adopted a Report and Order that places satellite carriers on equal footing with cable operators with respect to the availability of programming. The applicable statutory provisions are found in section 1008 of the SHVIA and codified at section 338 of the Communications Act. The Commission implementing satellite broadcast signal carriage rule is 47 CFR 76.66.

#### Timetable:

Action	Date	FR Cite
NPRM	06/30/00	65 FR 40564

Action	Date	FR Cite
NPRM Comment Period End	08/04/00	
Report and Order	01/23/01	66 FR 7410
Announcement of Effective Date	06/29/01	66 FR 34582
Order on Reconsideration	09/26/01	66 FR 49124

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 3060-AH45

### 3783. ANCILLARY OR SUPPLEMENTAL USE OF DTV CAPACITY BY NON-COMMERCIAL LICENSEES (MM DOCKET NO. 98-203)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 4(i); 47 USC 4(j); 47 USC 303(r); 47 USC 307; 47 USC 309; 47 USC 336

**CFR Citation:** 47 CFR 73

**Legal Deadline:** None

**Abstract:** The Report and Order amends the Commission's rules to require that noncommercial educational (NCE) television licensees primarily provide a nonprofit, noncommercial educational service over their entire digital bitstream, including ancillary or supplementary service; and apply to them the same program to assess and collect fees as that established for commercial DTV licensees' use of DTV capacity for the provision of ancillary or supplementary services. This Report and Order also determines that the Communications Act of 1934 prohibition against the provision of advertising by NCE licensees does not apply to nonbroadcast services, such as subscription services provided on their DTV channels. The intended effect of these actions is to clarify the manner in which NCE licensees may use their excess DTV capacity for remunerative purposes.

## FCC—Media Bureau

## Completed Actions

**Timetable:**

Action	Date	FR Cite
NPRM	12/14/98	63 FR 68722
R&O	11/26/01	66 FR 58973

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

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**RIN:** 3060-AH53

### 3784. REEXAMINATION OF COMPARATIVE STANDARDS FOR NONCOMMERCIAL EDUCATIONAL APPLICANTS; MM DOCKET NO. 95-31

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 152(a); 47 USC 154(i); 47 USC 303; 47 USC 307; 47 USC 309

**CFR Citation:** 47 CFR 73.571(h); 47 CFR 73.572(e); 47 CFR 73.573(f); 47 CFR 73.5000(b); 47 CFR 73.5002(a); 47 CFR 73.500(c); 47 CFR 73.5002(d); 47 CFR 73.5005(d); 47 CFR 73.5006(a); 47 CFR 73.7001; 47 CFR 74.1233(d)

**Legal Deadline:** None**Abstract:** This FNPRM solicits additional comments on how the

Commission should allocate and license “non-reserved” spectrum (i.e., spectrum that has not been set aside for exclusive use by noncommercial educational broadcast stations) in which both commercial and noncommercial entities have an interest. This FNPRM was issued in response to a court decision in National Public Radio vs. FCC.

**Timetable:**

Action	Date	FR Cite
FNPRM	03/05/02	67 FR 9945
2nd R&O	05/15/03	68 FR 26220

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AH96

### 3785. BIENNIAL REGULATORY REVIEW OF THE COMMISSION'S BROADCAST OWNERSHIP RULES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 307; 47 USC 308; 47 USC 309(a); 47 USC 310(d)

**CFR Citation:** 47 CFR 73.355(e); 47 CFR 73.355(b); 47 CFR 73.355(a); 47 CFR 73.355(c); 47 CFR 73.355(d); ...

**Legal Deadline:** None

**Abstract:** The Telecommunications Act of 1996 directs the Commission to re-examine its broadcast ownership rules every two years and repeal or modify any regulation it determines to be no longer in the public interest. The Report and Order found that all of the broadcast ownership rules continue to serve the public interest either in their current form or in a modified form. Petitions for Reconsideration are pending. Following its review of the Report and Order, the Third Circuit Court of Appeals remanded the Commission's decision and placed a stay on its implementation.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/02	67 FR 65751
R&O	08/05/03	68 FR 46286
Public Notice	02/27/04	69 FR 9216

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AI07

## Federal Communications Commission (FCC)

## Long-Term Actions

## Office of Managing Director

### 3786. ● ASSESSMENT AND COLLECTION OF REGULATORY FEES FOR FY 2005

**Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 159**CFR Citation:** 47 CFR 1.1151 et seq**Legal Deadline:** None

**Abstract:** Section 9 of the Communications Act of 1934, as amended, 47 USC 159, requires the FCC to recover the costs of its activities

by assessing and collecting annual regulatory fees from beneficiaries of the activities.

**Timetable:**

Action	Date	FR Cite
NPRM	02/28/05	70 FR 957
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AI59

**Federal Communications Commission (FCC)**  
**Office of Managing Director**
**Completed Actions**
**3787. ASSESSMENT AND COLLECTION OF REGULATORY FEES FOR FY 2004**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 159

**CFR Citation:** 47 CFR 1.1151 et seq

**Legal Deadline:** None

**Abstract:** Section 9 of the Communications Act of 1934, as amended, 47 USC 159, requires the FCC to recover the costs of its activities by assessing and collecting annual

regulatory fees from beneficiaries of the activities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/14/04	69 FR 19779
R&O	07/07/04	69 FR 41027

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AI45

**Federal Communications Commission (FCC)**  
**Wireless Telecommunications Bureau**
**Long-Term Actions**
**3788. AMENDMENT OF THE COMMISSION'S RULES CONCERNING MARITIME COMMUNICATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154; 47 USC 303

**CFR Citation:** 47 CFR 80

**Legal Deadline:** None

**Abstract:** Amendment of the Maritime Radio Service Rules to encourage growth and improve the regulatory structure in VHF maritime communications.

**Timetable:**

Action	Date	FR Cite
NOI/NPRM	11/05/92	57 FR 57717
FNPRM	04/26/95	60 FR 35507
First R&O	04/26/95	60 FR 34198
Second FNPRM	06/17/97	62 FR 37533
Second R&O	06/17/97	62 FR 40281
Third R&O and MO&O	07/06/98	63 FR 40059
MO&O	04/26/99	64 FR 26885
Third NPRM	12/08/00	65 FR 76966
Fourth R&O	12/13/00	65 FR 77821
Fourth NPRM	02/04/02	67 FR 5080
2nd MO&O and 5th R&O	07/25/02	67 FR 48560
R&O	08/13/03	68 FR 48446
MO&O	04/15/04	69 FR 19947
Correcting Amendment	07/26/04	69 FR 44471
2nd R&O and 6th R&O	11/08/04	69 FR 64664
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** PR Docket No. 92-257.

**Agency Contact:** Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AF14

**3789. RESALE AND ROAMING OBLIGATIONS PERTAINING TO COMMERCIAL MOBILE RADIO SERVICES**

**Priority:** Substantive, Nonsignificant. Major under 5 USC 801.

**Legal Authority:** PL 103-66, sec 6002, Omnibus Budget Reconciliation Act of 1993

**CFR Citation:** 47 CFR 20; 47 CFR 22

**Legal Deadline:** None

**Abstract:** On an interim basis, the First Report and Order extends to broadband PCS and covered SMR providers the cellular rule that prohibits restricting resale of communications services. The new rules sunset five years after the last group of initial licensees for currently allocated broadband PCS spectrum is awarded. The rules also eliminate all exceptions to the rule that allowed cellular licensees to restrict resale by competing with fully operational cellular licensees in the same geographic market. The Commission successfully adopted a Second Report and Order and Third Notice of Proposed Rulemaking in this proceeding. The Second Report and Order extends the Commission's

cellular rules on manual roaming by any individual whose handset is capable of accessing the network of a cellular, broadband PCS, or covered SMR provider. The Third NPRM, among other things, sought comment on whether the Commission should adopt rules requiring cellular, broadband PCS, and covered SMR providers to provide automatic roaming in their coverage areas, and whether both automatic and manual roaming requirements should sunset five years after the initial grant of PCS licenses. The Third MO&O generally affirmed the Commission's earlier decision to extend the cellular resale rule to include certain PCS and SMR providers and to sunset the rule until November 24, 2002. However, it modified the prior decision by removing customer premise equipment (CPE) and CPE in bundled packages from the scope of the resale rule, by revising the scope of the resale rule to exclude all C, D, E, and F block PCS licensees that do not own and control and are not controlled by cellular or A or B block licensees, and by exempting from the rule all SMR and other CMRS providers that do not utilize in-network switching facilities.

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/94	59 FR 35664
NOI	07/13/94	59 FR 35664
NPRM Comment Period End	09/29/94	
NPRM	04/04/95	60 FR 20949
NPRM Comment Period End	07/14/95	
First R&O	07/12/96	61 FR 38399
Second R&O and Third NPRM	08/15/96	61 FR 44026

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

Action	Date	FR Cite
MO&O and O on Recon	11/09/99	64 FR 61022

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Federalism:** Undetermined

**Agency Contact:** Jane Phillips, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-1310

**RIN:** 3060-AF58

**3790. IMPLEMENTATION OF SECTION 309(J) OF THE COMMUNICATIONS ACT, COMPETITIVE BIDDING; 218-219 MHZ COMPETITIVE BIDDING RULES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 303(r); 47 USC 309(j)

**CFR Citation:** 47 CFR 95

**Legal Deadline:** None

**Abstract:** Tenth Report and Order modifies the competitive bidding rules for the upcoming auction of 218-219 MHz: (1) eliminates bidding credits available to women- and minority-owned 218-219 MHz applicants; (2) extends two levels of bidding credits to small businesses based on a two-tiered small business definition; (3) clarifies the attribution rules for affiliates of 218-219 MHz applicants; and (4) increases the amount of the upfront payments required to participate in the 218-219 MHz auction.

**Timetable:**

Action	Date	FR Cite
R&O	04/25/94	59 FR 24947
FNPRM	08/06/96	61 FR 49103
R&O	11/15/96	61 FR 60198
FNPRM	09/30/98	63 FR 52215
MO&O	10/08/98	63 FR 54073
R&O and MO&O	11/03/99	64 FR 59656
Order on Reconsideration	12/29/99	64 FR 72956
Second Order on Reconsideration	02/07/01	66 FR 9212
3rd Order on Recon of R&O and MO&O	06/24/02	67 FR 42507

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** WT Docket No. 98-169

**Agency Contact:** William Huber, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, S.W., Washington, DC 20554  
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**RIN:** 3060-AG00

**3791. 39 GHZ CHANNEL PLAN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154; 47 USC 302; 47 USC 524

**CFR Citation:** 47 CFR 1; 47 CFR 2; 47 CFR 101

**Legal Deadline:** None

**Abstract:** This proceeding amends the FCC's rules to facilitate more effective use of the 39 GHz band.

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/96	61 FR 2465
NPRM Comment Period End	02/12/96	
Order	02/22/96	61 FR 6809
Reply Comments	02/27/96	
Order	05/01/96	61 FR 19236
Second NPRM	01/21/98	63 FR 3075
R&O	02/06/98	63 FR 6079
MO&O	08/23/99	64 FR 45891
NPRM	12/20/99	64 FR 71088
R&O	01/02/01	66 FR 33
NPRM	12/21/01	66 FR 65866
R&O	03/04/02	67 FR 9610
R&O	12/03/02	67 FR 71861
R&O	08/13/03	68 FR 48446
Third NPRM	08/27/04	69 FR 52632
Third NPRM Comment Period Extended	10/04/04	69 FR 59166

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** ET Docket No. 95-183, RM-8553; PP Docket No. 93-253

**Agency Contact:** Ken Burnley, Staff Attorney, Federal Communications Commission, Wireless

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**RIN:** 3060-AG16

**3792. IMPLEMENTATION OF 309(J) OF THE COMMUNICATIONS ACT, AMENDMENT OF PARTS 20 AND 24 OF THE COMMISSION'S RULES — BROADBAND PCS COMPETITIVE BIDDING AND THE COMMERCIAL MOBILE RADIO SERVICE SPECTRUM CAP**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 301; 47 USC 302; 47 USC 303(r); 47 USC 309(j); 47 USC 332

**CFR Citation:** 47 CFR 24

**Legal Deadline:** None

**Abstract:** NPRM to modify the competitive bidding rules for the Broadband PCS F Block. Report and Order, adopted 6/21/96, modified the PCS/cellular rule and the cellular spectrum cap.

**Timetable:**

Action	Date	FR Cite
O on Recon of Fifth MO&O and D, E, & F R&O	11/15/00	65 FR 68927
Final Rule	03/02/01	66 FR 13022
Final Rule	06/04/01	66 FR 29911
3rd NPRM	08/27/04	69 FR 52632
3rd NPRM Comment Period Extended	10/04/04	69 FR 59166

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** PP Docket No. 93-253

**Agency Contact:** Audrey Bashkin, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AG21

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

**3793. REVISION OF THE RULES TO ENSURE COMPATIBILITY WITH ENHANCED 911 EMERGENCY CALLING SYSTEMS**

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 47 USC 134(i); 47 USC 151; 47 USC 201; 47 USC 208; 47 USC 215; 47 USC 303; 47 USC 309

**CFR Citation:** 47 CFR 20

**Legal Deadline:** None

**Abstract:** In a series of orders in several related proceedings issued since 1996, the Federal Communications Commission has taken action to improve the quality and reliability of 911 emergency services for wireless phone users. Rules have been adopted governing the availability of basic 911 services and the implementation of enhanced 911 (E911) for wireless services.

**Timetable:**

Action	Date	FR Cite
FNPRM	07/26/96	61 FR 40374
R&O	07/26/96	61 FR 40348
MO&O	01/16/98	63 FR 2631
Second Report & Order	06/28/99	64 FR 34564
Third R&O	11/04/99	64 FR 60126
Second MO&O	12/29/99	64 FR 72951
Fourth Report & Order, Third NPRM, and NPRM	09/19/00	65 FR 56752
Fourth MO&O	10/02/00	65 FR 58657
FNPRM	06/13/01	66 FR 31878
Order	11/02/01	66 FR 55618
R&O	05/23/02	67 FR 36112
Public Notice	07/17/02	67 FR 46909
Order to Stay	07/26/02	
Order on Recon	01/22/03	68 FR 2914
FNPRM	01/23/03	68 FR 3214
2nd R & O, 2nd FNPRM	02/11/04	69 FR 657801
2nd R&O	09/07/04	69 FR 54037
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

**Additional Information:** CC Docket No. 94-102; CC Docket No. 96-115; CC Docket No. 92-105; WT Docket No. 00-110

**Agency Contact:** Dan Grosh, Attorney Advisor, Federal Communications

Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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Email: dgrosh@fcc.gov

**RIN:** 3060-AG34

**3794. IN THE MATTER OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT**

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 47 USC 229; 47 USC 1001 to 1008

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** All of the decisions in this proceeding thus far are aimed at implementation of provisions of the Communications Assistance for Law Enforcement Act.

**Timetable:**

Action	Date	FR Cite
NPRM	10/10/97	62 FR 63302
Order	01/13/98	63 FR 1943
FNPRM	11/16/98	63 FR 63639
Report & Order	01/29/99	64 FR 51462
Order	03/29/99	64 FR 14834
Second Report & Order	09/23/99	64 FR 51462
Third Report & Order	09/24/99	64 FR 51710
Order on Recon	09/28/99	64 FR 52244
Policy Statement	10/12/99	64 FR 55164
Second Order on Recon	05/04/01	66 FR 22446
Order	10/05/01	66 FR 50841
Order on Remand	05/02/02	67 FR 21999
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** CC Docket No. 97-213

**Agency Contact:** John Spencer, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AG74

**3795. DEVELOPMENT OF OPERATIONAL, TECHNICAL, AND SPECTRUM REQUIREMENTS FOR PUBLIC SAFETY COMMUNICATIONS REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 160; 47 USC 201; 47 USC 202; 47 USC 303; 47 USC 337(a); 47 USC 403

**CFR Citation:** 47 CFR 90

**Legal Deadline:** None

**Abstract:** This item takes steps toward developing a flexible regulatory framework to meet vital current and future public safety communications needs.

**Timetable:**

Action	Date	FR Cite
NPRM	10/09/97	62 FR 60199
Second NPRM	11/07/97	62 FR 60199
First R&O	08/06/98	63 FR 58645
Third NPRM	08/06/98	63 FR 58685
MO&O	04/26/99	64 FR 60123
Second R&O	08/08/00	65 FR 48393
Fourth NPRM	08/25/00	65 FR 51788
Second MO&O	09/05/00	65 FR 53641
Third MO&O	11/07/00	65 FR 66644
Third R&O	11/07/00	65 FR 66644
Fifth NPRM	02/16/01	66 FR 10660
Fourth R&O	02/16/01	66 FR 10632
MO&O	09/27/02	67 FR 61002
NPRM	11/08/02	67 FR 68079
R&O	12/13/02	67 FR 76697
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

**Additional Information:** WT Docket No. 96-86

**Agency Contact:** Michael Connelly, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AG85

**3796. MULTIPLE ACCESS SYSTEMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 302; 47 USC 303

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

**CFR Citation:** 47 CFR 101

**Legal Deadline:** None

**Abstract:** This proceeding amended the FCC's rules regarding multiple address systems (MAS) in the microwave service. It streamlined regulations and established a framework for MAS spectrum that provides opportunities for continued development of competitive service offerings by allowing a variety of services.

**Timetable:**

Action	Date	FR Cite
NPRM	01/19/97	62 FR 11407
Order	09/17/98	63 FR 53350
FNPRM	05/18/99	64 FR 38617
R&O	04/03/00	65 FR 17445
MO&O	07/03/01	66 FR 35107
Final Rule	07/22/04	69 FR 43772

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** WT Docket No. 97-81

**Agency Contact:** Shellie Blakeney, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AG86

**3797. AMENDMENT OF PART I OF THE COMMISSION'S RULES — COMPETITIVE BIDDING PROCEDURES**

**Priority:** Substantive, Nonsignificant. Major under 5 USC 801.

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 202; 47 USC 303; 47 USC 309(j)

**CFR Citation:** 47 CFR 1; 47 CFR 21; 47 CFR 24; 47 CFR 27; 47 CFR 90; 47 CFR 95

**Legal Deadline:** None

**Abstract:** This proceeding proposes to amend and modify the competitive bidding rules for all auctionable services.

**Timetable:**

Action	Date	FR Cite
NPRM	03/21/97	62 FR 13570

Action	Date	FR Cite
NPRM Comment Period End	04/16/97	
Second FNPRM	01/07/98	63 FR 770
Third R&O	01/15/98	63 FR 2315
Fifth R&O, Order on Recon	08/29/00	65 FR 52323
Fourth FNPRM	08/29/00	65 FR 52401
Seventh R&O	10/29/01	66 FR 54447
8th R&O	04/08/02	67 FR 16647
2nd Order on Recon of 3rd R&O and Order on Recon of 5th R&O	07/21/03	68 FR 42984
Final Rule	10/07/03	68 FR 57828
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** WT Docket No. 97-82

**Agency Contact:** Robert Krinsky, Attorney Advisor, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554  
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**RIN:** 3060-AG87

**3798. AMENDMENT OF PART 90 OF THE RULES TO ADOPT REGULATIONS FOR AUTOMATIC VEHICLE MONITORING SYSTEMS**

**Priority:** Substantive, Nonsignificant. Major under 5 USC 801.

**Legal Authority:** 47 USC 154; 47 USC 251; 47 USC 252; 47 USC 303; 47 USC 309; 47 USC 332

**CFR Citation:** 47 CFR 1; 47 CFR 90

**Legal Deadline:** None

**Abstract:** This Second Report and Order adopts rules and procedures governing competitive bidding for multilateration Location and Monitoring Service (LMS) frequencies.

**Timetable:**

Action	Date	FR Cite
NPRM	10/06/97	62 FR 52078
NPRM Comment Period End	11/20/97	
Second R&O	07/30/98	63 FR 40659
NPRM	05/03/99	64 FR 23571
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** The NPRM sought comment on the LMS auction following the general competitive bidding procedures of part 1, subpart Q; the establishment of a small business definition for LMS; whether small business provisions are sufficient to promote participation by businesses owned by minorities, women or rural telephone companies; partitioning and disaggregation.

PR Docket No. 93-61

**Agency Contact:** Ken Burnley, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AH12

**3799. SERVICE RULES FOR THE 746-764 AND 776-794 MHZ BANDS, AND REVISIONS TO PART 27 OF THE COMMISSION'S RULES**

**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 1; 47 USC 4(i); 47 USC 7; 47 USC 10; 47 USC 201; 47 USC 202; 47 USC 208; 47 USC 214; 47 USC 301; 47 USC 303; 47 USC 307; 47 USC 308; 47 USC 309(j); 47 USC 309(k); 47 USC 310; 47 USC 311; 47 USC 315; 47 USC 317; 47 USC 324; 47 USC 331; 47 USC 332; 47 USC 336

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Report and Order in this proceeding adopts service rules for licensing and auction of commercial services in spectrum in the 700 MHz band to be vacated by UHF television licensees.

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/99	64 FR 36686
R&O	01/20/00	65 FR 3139
Second R&O	04/04/00	65 FR 17594
MO&O and FNPRM	07/12/00	65 FR 42879
Second MO&O	02/06/01	66 FR 9035
Third R&O	02/14/01	66 FR 10204
Second MO&O	02/15/01	66 FR 10374
Order on Recon of Third R&O	10/10/01	66 FR 51594



## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

Action	Date	FR Cite
3rd MO&O and Order Next Action Undetermined	07/30/02	67 FR 49244

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined**Additional Information:** WT Docket No. 99-168; CS Docket No. 98-120; MM Docket No. 00-39**Agency Contact:** William Huber, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, S.W., Washington, DC 20554  
Phone: 202 418-2109  
Fax: 202 418-0890  
Email: whuber@fcc.gov**RIN:** 3060-AH32**3800. IMPLEMENTATION OF SECTIONS 309(J) AND 337 OF THE COMMUNICATIONS ACT OF 1934 AS AMENDED****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 154(i); 47 USC 303(r); 47 USC 309(j)**CFR Citation:** 47 CFR 1; 47 CFR 22; 47 CFR 24; 47 CFR 26; 47 CFR 27; 47 CFR 73; 47 CFR 74; 47 CFR 80; 47 CFR 87**Legal Deadline:** None**Abstract:** This NPRM commences a proceeding to implement 309(j) and 337 of the Communications Act, as amended by the Balanced Budget Act of 1997, which was signed into law on 8/5/97. This notice seeks comment on changes to the Commission's rules and policies to implement the revised auction authority.**Timetable:**

Action	Date	FR Cite
NPRM	05/03/99	64 FR 23571
R&O	01/02/01	66 FR 33
MO&O	05/16/02	67 FR 34848
NPRM	07/17/03	68 FR 42337
R&O	07/17/03	68 FR 42296
Order	04/06/04	69 FR 17959

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** State, Local**Federalism:** Undetermined**Additional Information:** WT Docket No. 99-87**Agency Contact:** Roberto Mussenden, Attorney Advisor, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554  
Phone: 202 418-1428  
Email: roberto.mussenden@fcc.gov**RIN:** 3060-AH33**3801. AMENDMENT TO PARTS 1, 2, 87, AND 101 OF THE RULES TO LICENSE FIXED SERVICES AT 24 GHZ****Priority:** Substantive, Nonsignificant. Major under 5 USC 801.**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 303; 47 USC 309(j)**CFR Citation:** 47 CFR 1; 47 CFR 2; 47 CFR 101**Legal Deadline:** None**Abstract:** This rulemaking proposes licensing and service rules to govern the 24 GHz band generally.**Timetable:**

Action	Date	FR Cite
NPRM	12/20/99	64 FR 71088
R&O	08/05/00	65 FR 59350
Order	06/01/01	66 FR 29722
NPRM	12/21/01	66 FR 65866
Final Rule	07/27/04	69 FR 44608

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** WT Docket No. 99-327**Agency Contact:** Nese Guendelsberger, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AH41**3802. PART 101 — TERRESTRIAL MICROWAVE FIXED RADIO SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 302; 47 USC 303**CFR Citation:** 47 CFR 101**Legal Deadline:** None**Abstract:** Proceeding to streamline the Commission's rules, expedite processing of authorizations for terrestrial microwave fixed radio services and clarify rules concerning the terrestrial microwave fixed radio services.**Timetable:**

Action	Date	FR Cite
NPRM	01/11/95	60 FR 2722
R&O	05/28/96	61 FR 26670
Order	03/05/98	63 FR 10778
Final Rule Correction	03/24/98	63 FR 14039
NPRM	06/20/00	65 FR 38333
MO&O	06/20/00	65 FR 38324
R&O	01/31/03	68 FR 4953

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** WT Docket No. 94-148 (closed); WT Docket No. 00-19**Agency Contact:** Michael Pollak, Electronics Engineer, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-0680  
Email: mpollak@fcc.gov**RIN:** 3060-AH42**3803. AMENDMENT OF PARTS 13 AND 80 GOVERNING MARITIME COMMUNICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 302; 47 USC 303**CFR Citation:** 47 CFR 13; 47 CFR 80**Legal Deadline:** None**Abstract:** This matter concerns the amendment of the rules governing maritime communications in order to consolidate, revise and streamline the regulations as well as address new

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

international requirements and improve the operational ability of all users of marine radios.

**Timetable:**

Action	Date	FR Cite
NPRM	03/24/00	65 FR 21694
NPRM	08/17/00	65 FR 50173
NPRM	05/17/02	67 FR 35086
Report & Order	08/07/03	68 FR 46957
2nd R&O, 6th R&O, 2nd FNPRM	04/06/04	69 FR 18007
Comments Due	06/07/04	
Reply Comments Due	07/06/04	
2nd R&O and 6th R&O	11/08/04	69 FR 64664
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** WT Docket No. 00-48

**Agency Contact:** Roberto Mussenden, Attorney Advisor, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554  
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**RIN:** 3060-AH55

### 3804. AMENDMENT OF THE RULES REGARDING INSTALLMENT PAYMENT FINANCING FOR PERSONAL COMMUNICATIONS SERVICES LICENSEES

**Priority:** Substantive, Nonsignificant. Major under 5 USC 801.

**Legal Authority:** 47 USC 154; 47 USC 301 to 303; 47 USC 309; 47 USC 332

**CFR Citation:** 47 CFR 1; 47 CFR 24

**Legal Deadline:** None

**Abstract:** This proceeding proposes resumption of installment payments for broadband Personal Communications Services (PCS), e.g., for C and F Block, with payment deadline to be reinstated as of March 31, 1998. The proposal contemplates, inter alia, changes to the FCC's C Block rules to govern re-auction of surrendered spectrum in the C Block. The proposal was released on October 16, 1997, and published in the Federal Register.

**Timetable:**

Action	Date	FR Cite
2nd R&O	10/24/97	62 FR 55348
FNPRM	10/24/97	62 FR 55375
Order on Recon of Second R&O	04/08/98	63 FR 17111

Action	Date	FR Cite
Fourth R&O	09/23/98	63 FR 50791
Second Order on Recon of Second R&O	05/18/99	64 FR 26887
Recon of Fourth R&O	03/16/00	65 FR 14213
FNPRM	06/13/00	65 FR 37092
6th R&O and Order on Recon	09/05/00	65 FR 53620
Order on Recon	02/12/01	66 FR 9773
7th R&O	10/29/01	66 FR 54447
8th R&O	04/08/02	67 FR 16647
Final Rule	07/21/03	68 FR 42984
Final Rule	10/07/03	68 FR 57828
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** The Order on Reconsideration published in the Federal Register in April 1998 addresses 37 petitions, 17 oppositions, 16 replies to opposition, and 38 ex parte filings.

WT Docket No. 97-82

**Agency Contact:** Audrey Bashkin, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**Related RIN:** Previously reported as 3060-AG88

**RIN:** 3060-AH57

### 3805. TRANSFER OF THE 3650 THROUGH 3700 MHZ BAND FROM FEDERAL GOVERNMENT USE

**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 154; 47 USC 157; 47 USC 303; 47 USC 307; 47 USC 332

**CFR Citation:** 47 CFR 2.106; 47 CFR 25.202; 47 CFR 27.1; 47 CFR 27.4; 47 CFR 27.5; 47 CFR 27.14; 47 CFR 27.50; 47 CFR 27.53; 47 CFR 27.55; 47 CFR 27.57; 47 CFR 27.58; 47 CFR 27.61; 47 CFR 15.205; ...

**Legal Deadline:** None

**Abstract:** This proceeding seeks to determine whether the 3650 to 3700 MHz band should be used for unlicensed devices or some or all of the band should be used for unlicensed options.

In January 1999, the 3650-3700 MHz band (3650 MHz band) was transferred from government/non-government shared use to a mixed-use band. In October 2000, in ET Docket No. 98-237, the FCC allocated the band to fixed and mobile terrestrial services on a co-primary basis, but in order to protect grandfathered Fixed Satellite Service (FSS) earth stations and Federal Government radiolocation operations, limited the mobile allocation to base stations use only. At this same time, the FCC proposed licensing and service rules for fixed and mobile operations in the band. Subsequently, in December 2002, in ET Docket No. 02-380, the FCC sought comment, in part, on the possibility of allowing unlicensed devices to operate in the 3650 MHz band. In April 2004, in ET Docket No. 04-151, the FCC followed-up on this inquiry by releasing a Notice of Proposed Rulemaking (NPRM) seeking comment on whether the 3650 MHz band should be used for unlicensed devices or part or all of the band should be used for licensed operations.

The NPRM proposes to allow unlicensed devices to operate in all, or part, of the 3650 MHz band at higher power levels than usually permitted for unlicensed services. These devices would be subject to smart (or cognitive) requirements and other safeguards designed to prevent interference to the licensed FSS earth stations now resident in the band. As with other unlicensed devices, these devices would not be permitted to cause interference to licensed services, such as the FSS earth stations, and would have to accept interference. The NPRM also seeks comment on other options for the band, including licensed use of the band by fixed and mobile services, or segmenting the 3650 MHz band to provide for a combination of unlicensed and licensed terrestrial services. The Notice seeks comment on issues related both to allocation changes necessary to set the relative priority between terrestrial and FSS licensed operations, and to licensing rule changes necessary to implement licensed terrestrial service operations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/16/00	65 FR 14230
First R&O and Second NPRM	11/17/00	65 FR 69612
Petition for Reconsideration	03/28/01	66 FR 16940

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

Action	Date	FR Cite
R&O	02/27/02	67 FR 17038
MO&O and 3rd R&O	05/02/03	68 FR 38635
Notice of Inquiry	01/21/03	68 FR 2730
NPRM	05/14/04	69 FR 26790
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal**Federalism:** Undetermined**Additional Information:** ET Docket No. 04-151; ET Docket No. 02-380; ET Docket No. 98-237

**Agency Contact:** Eli Johnson, Senior Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AH75**3806. 2000 BIENNIAL REGULATORY REVIEW SPECTRUM AGGREGATION LIMITS FOR COMMERCIAL MOBILE RADIO SERVICES****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 161; 47 USC 303(g); 47 USC 303(r)**CFR Citation:** 47 CFR 20.6; 47 CFR 22.942**Legal Deadline:** None**Abstract:** The Commission has adopted a final rule in a proceeding reexamining the need for Commercial Mobile Radio Services spectrum aggregation limits.**Timetable:**

Action	Date	FR Cite
NPRM	02/12/01	66 FR 9798
NPRM Comment	05/14/01	
Period End		
Final Rule	01/14/02	67 FR 1626
Correction to Final Rule	01/31/02	67 FR 4675

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** WT Docket No. 01-14

**Agency Contact:** Michael J. Rowan, Attorney-Advisor, Federal Communications Commission, Wireless Bureau, 445 12th Street SW., Washington, DC 20554  
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**RIN:** 3060-AH81**3807. IN THE MATTER OF PROMOTING EFFICIENT USE OF SPECTRUM THROUGH ELIMINATION OF BARRIERS TO THE DEVELOPMENT OF SECONDARY MARKETS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 157; 47 USC 160; 47 USC 201; 47 USC 202; 47 USC 208; 47 USC 214; 47 USC 301; 47 USC 303; 47 USC 308; 47 USC 309; 47 USC 310**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Commission has opened a proceeding to examine actions it may take to remove unnecessary regulatory barriers to the development of more robust secondary markets in radio spectrum usage rights.**Timetable:**

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81475
NPRM Comment	01/29/01	66 FR 8149
Period End		
New NPRM Comment	02/09/01	
Period End		
NPRM	11/25/03	68 FR 66232
Final Rule	11/25/03	68 FR 66252
NPRM Comment	01/05/04	
Period End		
Final Rule	02/12/04	69 FR 6920
Final Rule	02/25/04	69 FR 8569
Final Rule	11/15/04	69 FR 65544
Final Rule	12/27/04	69 FR 77522
Proposed Rule	12/27/04	69 FR 77560
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** WT Docket No. 00-230

**Agency Contact:** Paul Murray, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AH82**3808. IN THE MATTER OF AUTOMATIC AND MANUAL ROAMING OBLIGATIONS PERTAINING TO COMMERCIAL MOBILE RADIO SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 151; 47 USC 152(n); 47 USC 154(i); 47 USC 154(j); 47 USC 201(b); 47 USC 251(a); 47 USC 253; 47 USC 303(r); 47 USC 332(c)(1)(B); 47 USC 309**CFR Citation:** 47 CFR 20.12; 47 CFR 22.901**Legal Deadline:** None**Abstract:** This rulemaking considers whether the Commission should adopt an automatic roaming rule for Commercial Mobile Radio Services and sunset the current manual roaming requirement.**Timetable:**

Action	Date	FR Cite
NPRM	11/21/00	65 FR 69891
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** WT Docket No. 00-193

**Agency Contact:** David Hu, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AH83

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

**3809. AMENDMENT OF PART 90 FOR LICENSING LOW POWER OPERATIONS IN 450–470 MHZ BAND****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 1; 47 USC 154; 47 USC 302; 47 USC 303; 47 USC 332**CFR Citation:** 47 CFR 90**Legal Deadline:** None**Abstract:** The proposed amendments facilitate the viability of low power operations in the private land mobile radio 450-470 MHz Band.**Timetable:**

Action	Date	FR Cite
NPRM	09/12/01	66 FR 47435
R&O	04/21/03	68 FR 19444
Final Rule	09/25/03	68 FR 55319
Final Rule	10/12/04	69 FR 60561
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local**Federalism:** Undetermined**Additional Information:** WT Docket No. 01-146**Agency Contact:** Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-0838  
Email: brian.marenco@fcc.gov**RIN:** 3060-AH84**3810. REVIEW OF QUIET ZONES APPLICATION PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 1; 47 USC 154(i); 47 USC 161; 47 USC 303(g); 47 USC 303(r)**CFR Citation:** 47 CFR 1**Legal Deadline:** None**Abstract:** Review of Quiet Zones rules for possible streamlining while ensuring adequate protection from interference.**Timetable:**

Action	Date	FR Cite
NPRM	12/21/01	66 FR 65866
NPRM Comment Period End	02/06/02	
R&O	04/06/04	69 FR 17946
Final Rule	09/23/04	69 FR 56956
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Agency Contact:** Linda Chang, Attorney, Federal Communications Commission, Wireless Bureau, 445 12th Street SW, Washington, DC 20554  
Phone: 202 418-1339  
Email: linda.chang@fcc.gov**RIN:** 3060-AH88**3811. REALLOCATION AND SERVICE RULES FOR THE 698–746 MHZ SPECTRUM BAND (TELEVISION CHANNELS 52–59)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 47 USC 151, 152, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302(g), 303, 307; 47 USC 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535**CFR Citation:** 47 CFR 2; 47 CFR 27; 47 CFR 73**Legal Deadline:** None**Abstract:** The Commission has adopted allocation and service rules for the 48 MHz of spectrum in the 698-746 MHz band currently occupied by television channels 52-59.**Timetable:**

Action	Date	FR Cite
NPRM	04/13/01	66 FR 19106
Report & Order	02/06/02	67 FR 5491
MO&O	07/09/02	67 FR 45380
Final Rule	08/28/04	69 FR 51706
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** GN Docket No. 01-74**Agency Contact:** Michael J. Rowan, Attorney-Advisor, Federal Communications Commission, Wireless Bureau, 445 12th Street SW., Washington, DC 20554  
Phone: 202 418-1883  
Fax: 202 418-7447  
Email: michael.rowan@fcc.gov**RIN:** 3060-AH89**3812. IMPLEMENTATION OF 911 ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 151, 154(i), 154(j), 157, 160, 210, 202, 208, 214, 251(e), 301, 303, 308; 47 USC 309(j), 310**CFR Citation:** 47 CFR 20.3; 47 CFR 20.18; 47 CFR 64.3000 to 64.3004**Legal Deadline:** None**Abstract:** This proceeding is separate from the Commission's proceeding on Enhanced 911 Emergency Systems (E911) in that it is intended to implement provisions of the Wireless Communications and Public Safety Act of 1999 through the promotion of public safety by the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. More specifically, a chief goal of the proceeding is to ensure that all emergency calls are routed to the appropriate local emergency authority to provide assistance. The E911 proceeding goes a step further and is aimed at improving the effectiveness and reliability of wireless 911 dispatchers with additional information on wireless 911 calls.**Timetable:**

Action	Date	FR Cite
Final Rule	01/25/02	67 FR 3621
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State**Federalism:** Undetermined**Agency Contact:** David H. Siehl, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-1310  
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Email: dsiehl@fcc.gov**RIN:** 3060-AH90**3813. YEAR 2000 PART 22 BIENNIAL REVIEW****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Not Yet Determined

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

**CFR Citation:** None**Legal Deadline:** None

**Abstract:** The year 2000 Part 22 Biennial Review Report & Order and subsequent Order on Reconsideration examined whether certain rules should be modified or eliminated as a result of technological changes or increased competition.

**Timetable:**

Action	Date	FR Cite
Final Rule	04/01/04	69 FR 17063
Final Rule Effective	06/01/04	
Final Rule	09/15/04	69 FR 55516
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Linda Chang, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
Phone: 202 418-1339  
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**RIN:** 3060-AI26**3814. AIR-GROUND TELECOMMUNICATIONS SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 151; 47 USC 151(i); 47 USC 161; 47 USC 303(r)**CFR Citation:** 47 CFR 1; 47 CFR 22; 47 CFR 90; ...**Legal Deadline:** None

**Abstract:** Re-examination of rules governing air-ground telecommunications services on commercial airplanes. Revision/elimination of 47 CFR 22 non-cellular provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/25/03	68 FR 44003
NPRM Comment	10/23/03	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State**Federalism:** Undetermined

**Agency Contact:** Richard Arsenault, Chief Counsel, Mobility Div., WTB, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554

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**RIN:** 3060-AI27**3815. BIENNIAL REGULATORY REVIEW—AMENDMENT OF PARTS 1, 22, 24, 27, AND 90 TO STREAMLINE AND HARMONIZE VARIOUS RULES AFFECTING WIRELESS RADIO SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 161; 47 USC 303(r)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This rulemaking proposes to streamline and harmonize wireless radio service rules.

**Timetable:**

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8132
NPRM Comment	05/24/04	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Lloyd William Coward, Deputy Chief, Mobility Div., Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554

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**RIN:** 3060-AI30**3816. FACILITATING THE PROVISION OF SPECTRUM-BASED SERVICES TO RURAL AREAS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This rulemaking will facilitate the provision of spectrum-based services to rural areas.

**Timetable:**

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64050
NPRM Comment	01/26/04	
Period End		
NPRM	12/15/04	69 FR 75174
Final Rule	12/15/04	69 FR 75144
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** WT Docket 02-381

**Agency Contact:** Nicole Michelle McGinnis, Attorney Advisor, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554  
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**RIN:** 3060-AI31**3817. EXTENDING WIRELESS TELECOMMUNICATIONS SERVICES TO TRIBAL LANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 303(r); 47 USC 309(j); ...**CFR Citation:** 47 CFR 1.2110**Legal Deadline:** None

**Abstract:** This action amends rules to encourage carriers to provide telecommunications services to tribal lands.

**Timetable:**

Action	Date	FR Cite
Final Rule	05/02/03	68 FR 23417
Final Rule Effective	07/01/03	
Final Rule	10/18/04	69 FR 61317
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Tribal**Federalism:** Undetermined**Additional Information:** WT Docket No. 99-266

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

**Agency Contact:** Michael Connelly, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AI32

**3818. AMENDMENT OF COMMISSION RULES CONCERNING AIRPORT TERMINAL USE FREQUENCIES 450-470 MHZ BAND OF THE PRIVATE LAND MOBILE RADIO SERVICES, WT 02-318**

**Priority:** Other Significant

**Legal Authority:** 47 USC 154(i); 47 USC 303(g); 47 USC 303(r); 47 USC 332(c)(7)

**CFR Citation:** 47 CFR 90.35

**Legal Deadline:** None

**Abstract:** The Commission seeks comment on revisions to the use of Airport Terminal Use (ATU) frequencies in the 45-470 Private Land Mobile Radio Industrial Business Pool.

**Timetable:**

Action	Date	FR Cite
NPRM	11/21/02	67 FR 70196
NPRM Comment Period End	01/06/03	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** John Evanoff, Attorney, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554  
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**RIN:** 3060-AI33

**3819. IMPROVING PUBLIC SAFETY COMMUNICATIONS IN THE 800 MHZ BAND INDUSTRIAL/LAND TRANSPORTATION AND BUSINESS CHANNELS.**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154(i); 47 USC 303(f); 47 USC 303(r); 47 USC 332

**CFR Citation:** 47 CFR 90

**Legal Deadline:** None

**Abstract:** The Commission seeks to improve public safety communications

in the 800 MHz band and consolidate the 800 MHz Industrial/Land Transportation and Business Pool channels.

**Timetable:**

Action	Date	FR Cite
NPRM	04/05/02	67 FR 16351
Final Rule	08/19/02	67 FR 53754
Proposed Rule	02/10/03	68 FR 6687
Final Rule	11/22/04	69 FR 67823
Final Rule	11/22/04	69 FR 67853
Final Rule	02/08/05	70 FR 6750
Final Rule	02/08/05	70 FR 6761
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, State, Tribal

**Federalism:** Undetermined

**Additional Information:** WT 02-55

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**RIN:** 3060-AI34

**3820. REVIEW OF PART 87 OF THE COMMISSION'S RULES CONCERNING AVIATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 154; 47 USC 303; 47 USC 307(e)

**CFR Citation:** 47 CFR 87.27

**Legal Deadline:** None

**Abstract:** This proceeding is intended to streamline, consolidate and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

**Timetable:**

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
R&O	06/14/04	69 FR 32577
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** WT-01-289

**Agency Contact:** Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554  
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**RIN:** 3060-AI35

**3821. DIGITAL BROADCAST CONTENT PROTECTION (MB DOCKET NO. 02-230)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 303; 47 USC 403; 47 USC 601

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking examines the use of a content protection mechanism for digital broadcast television. The Report and Order adopted an anti-piracy mechanism known as the "broadcast flag." Products capable of receiving DTV over-the-air signals must comply with the broadcast flag requirements by July 1, 2005. The Further Notice of Proposed Rulemaking seeks comment on the process for approving digital recording and output content protection technologies.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/02	67 FR 53903
R&O	12/03/03	68 FR 67599
FNPRM	12/03/03	68 FR 67624
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Susan Mort, Attorney Advisor, Federal Communications Commission, Media Bureau, 445 12th Street, SW, Washington, DC 20554  
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**RIN:** 3060-AI37

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

**3822. • IN THE MATTER OF SECTION 68.4(A) OF THE COMMISSION'S RULES GOVERNING HEARING AID-COMPATIBLE TELEPHONES**

**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 154; 47 USC 160; 47 USC 251–254; 47 USC 303; 47 USC 332

**CFR Citation:** 47 CFR 20.19

**Legal Deadline:** None

**Abstract:** This item modifies exemptions for wireless phones under the Hearing Aid Compatibility Act of 1988 (AC Act) to require that digital wireless phones be capable of being effectively used with hearing aids. It finds that modifying the exemption will extend the benefits of wireless telecommunications to individuals with hearing disabilities—including emergency, business, and social communications—thereby increasing the value of the wireless network for all Americans.

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/01	66 FR 58703
R&O	09/16/03	68 FR 54173

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, Local, State

**Federalism:** Undetermined

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**RIN:** 3060-AI57

**3823. ADMINISTRATION OF THE NORTH AMERICAN NUMBERING PLAN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 3 to 4; 47 USC 151; 47 USC 152 to 155; 47 USC 154(i); 47 USC 201 to 205; 47 USC 207 to 209; 47 USC 218; 47 USC 225 to 227; 47 USC 251 to 252; 47 USC 271; 47 USC 332; 47 USC 403

**CFR Citation:** 47 CFR 52.1 to 52.99; 47 CFR 151; 47 CFR 154; 47 CFR 201 to 205; 47 CFR 403

**Legal Deadline:** None

**Abstract:** The Report and Order lays the foundation for the fair and effective administration of numbering in the United States. The Report and Order establishes a model for administration of numbering resources in a competitive environment. In this model, the FCC will set broad policy objectives, be the final arbiter of domestic numbering disputes and work closely with other member countries of the North American Numbering Plan (NANP), the States, industry and consumers to ensure fair and effective number administration. The Report and Order creates the North American Number Council (NANC) under the Federal Advisory Committee Act. In the Third Report and Order, released on October 9, 1997, the Commission affirmed the NANC's selection of Lockheed Martin IMS as the new NANP administrator. The NANP administrator is a nongovernmental entity that is not aligned with any particular telecommunications industry segment, and upon selection and following a transition period, assumed Bellcore's current NANP administrator functions and the central office code administration functions currently handled by the dominant local exchange carrier in each area code. The rules were expanded to accommodate the requirements of the Telecommunications Act of 1996. See FCC 96-337, released August 8, 1996.

**Timetable:**

Action	Date	FR Cite
NOI	11/10/92	57 FR 53462
NPRM	05/10/94	59 FR 24103
R&O	07/28/95	60 FR 58737
Second R&O	09/06/96	61 FR 47284
Third R&O	10/23/97	62 FR 55179

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AF50

**3824. USE OF N11 CODES AND OTHER ABBREVIATED DIALING ARRANGEMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 201 to 205; 47 USC 251(e)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In 1992, the FCC released a Notice of Proposed Rulemaking in CC Docket 92-105 proposing that local exchange carriers (LECs) be required to make N11 codes available for access to information service providers. In this proposal, LECs could establish any reasonable assignment criteria for such allocation, including "first come, first served." The FCC's General Counsel released a letter indicating it found no regulatory or legal obstacles to assignment of N11 codes for information services. On February 19, 1997, the FCC released a First Report and Order and Further Notice of Proposed Rulemaking in that Docket (FCC 97-51), which allows incumbent LECs, in addition to the States and Bell Communications Research (Bellcore), to continue to perform the N11 code administration functions that they performed at the time of enactment of the 1996 Act amendments to the 1934 Act, until further FCC action. The FCC concluded that: (1) 311 should be assigned as a national number for access to non-emergency police calls; (2) 711 should be assigned as a national number for access to telecommunications relay services (TRS); (3) all providers of telephone exchange service must be able to have their customers call 611 and 811 to reach their repair and business service offices; and (4) a LEC may not itself offer enhanced services using a 411 code or any other N11 code, unless that LEC offers access to the code on a reasonable nondiscriminatory basis to competing enhanced service providers in the local service area for which it is using the code to facilitate distribution of their enhanced services. In the FNPRM, the FCC asked for comment on: (1) the technical feasibility of implementing 711 for TRS access; (2) the possibility of developing an N11 gateway offering access to multiple TRS providers; (3) whether

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with such access, TRS calls would still be answered within mandatory minimum answer times; (4) whether such a gateway would be consistent with section 255; (5) whether other important disability services could be accessed thereby; (6) the possibility of providing both voice and text TRS services through the same abbreviated TRS code; (7) the proprietary nature of N11 codes; and (8) an FCC proposal to transfer administration of N11 codes at the local level from incumbent LECs to the North American Numbering Plan (NANP) administrator. Petitions for reconsideration or clarification on the order have been filed. Comments and replies were filed on March 31 and April 30, 1997, respectively. On June 16, 1999, the Commission released a Public Notice announcing that it would hold a public forum on September 8, 1999, on 711 access to TRS. The goal of the forum was to identify steps that must be taken to implement 711 access to TRS as well as obstacles to implementation and how those obstacles could be resolved.

On August 9, 2000, the Commission released a Second Report and Order (FCC 00-257) that addresses issues related to the deployment of 711 for access to TRS. The Commission required a nationwide rollout of 711 access to TRS and established an implementation framework. On July 31, 2000, the Commission released a Third Report and Order (FCC 00-256) that granted the petition of the United Way of America, and others, for nationwide assignment of the 211 abbreviated dialing code for access to community information and referral services. The Commission also granted the petition of the U.S. Department of Transportation for nationwide assignment of the 511 abbreviated dialing code for access to travel and traffic information. The Commission further addressed issues raised in petitions for reconsideration of the N11 First Report and Order and resolved outstanding issues from the N11 Further Notice of Proposed Rulemaking.

On August 29, 2000, the Commission released a Fourth Report and Order and Third Notice of Proposed Rulemaking in CC Docket 92-105 and a Notice of Proposed Rulemaking in WT Docket 00-110 (FCC 00-327) to implement the Wireless Communications and Public Safety Act of 1999. The Commission designated 911 as the universal

emergency number and sought comment on appropriate transition periods and how the Commission should facilitate States' efforts to deploy comprehensive emergency communications systems.

**Timetable:**

Action	Date	FR Cite
NPRM	05/29/92	57 FR 22681
First R&O	02/26/97	62 FR 8633
FNPRM	02/26/97	62 FR 8671
Second R&O	09/11/00	65 FR 54799
Fourth R&O and Third NPRM	09/19/00	65 FR 56751
Third R&O	02/09/01	66 FR 9674
Second NPRM	04/05/01	66 FR 18059
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** Additional Bureau: Consumer Information

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**RIN:** 3060-AF51

### 3825. IMPLEMENTATION OF THE UNIVERSAL SERVICE PORTIONS OF THE 1996 TELECOMMUNICATIONS ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151 et seq

**CFR Citation:** 47 CFR 54

**Legal Deadline:** NPRM, Statutory, March 8, 1996.

Other, Statutory, November 8, 1996, Recommended decision. Final, Statutory, May 8, 1997, Federal-State Joint Board R&O released May 8, 1997.

**Abstract:** As required by the Telecommunications Act of 1996, the Commission sought comment on proposals for reforming universal service. On November 8, 1996, the Federal-State Joint Board on Universal Service issued a recommended decision on changes to the universal service support mechanisms. In addition, on January 10, 1997, the Commission issued an NPRM and NOI on changes to the Board of Directors of the National Exchange Carrier Association

(NECA), regarding the administration of universal service. On May 8, 1997, the Commission, at the direction of Congress, released its order implementing the universal service portions of the 1996 Act. On December 30, 1997, the Commission issued the 4th Order on Reconsideration which made changes and clarifications to the May 8 Order. On June 22, 1998, the Commission issued the 5th Order on Reconsideration which revised the collection levels for the schools and libraries support mechanism through June 30, 1999, and revised the collection levels for the rural health care support mechanism through December 31, 1998. The 5th Order on Reconsideration also revised the priority with which schools and libraries and rural health care providers will receive support. On October 28, 1998, the Commission issued the 5th Report and Order, in which it adopted the model platform for its forward-looking economic cost methodology, which will be used to determine support for non-rural carriers beginning July 1, 1999. On November 21, 1998, the Commission issued the 8th Order on Reconsideration in which it consolidated the administration of universal service into a single entity known as the Universal Service Administrative Company or USAC. On November 25, 1998, the Federal-State Joint Board on Universal Service issued its Second Recommended Decision in which the Joint Board made certain recommendations to the Commission regarding the high-cost support mechanism.

On May 28, 1999, the Commission issued the 13th Order on Reconsideration in which it adopted the principles of a Federal high-cost support mechanism that conformed to the Second Recommended Decision and in which it sought further comment on specific elements of the support methodology. In the 13th Order on Reconsideration, the Commission also decided to implement the new high-cost support mechanism on January 1, 2000, instead of July 1, 1999, as previously planned. On May 28, 1999, the Commission also issued a Further Notice of Proposed Rulemaking in which it sought comment on proposed input values to be used in the forward-looking model to determine non-rural LECs' cost of providing supported services in high cost areas. On August 5, 1999, the Commission



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adopted a Further Notice of Proposed Rulemaking in which it sought comment to ascertain the availability of, and to understand the possible impediments to, deployment and subscribership in unserved and underserved areas of the Nation, including tribal lands and other insular areas.

On November 1, 1999, the Commission issued the Fourteenth Order on Reconsideration, in which it eliminated the requirement that only carriers that have been certified as eligible telecommunications carriers may receive credit against their universal service contributions for providing telecommunications services to rural health care providers at the lower urban rates. On November 1, 1999, the Commission also issued the Fifteenth Order on Reconsideration, in which it authorized support for any commercially available telecommunications service regardless of the bandwidth, and simplified the method for determining how much support a rural health care provider can receive. On November 2, 1999, the Commission issued the Ninth Report and Order and Eighteenth Order on Reconsideration in which it adopted a new forward-looking high-cost support mechanism that will enable States to ensure the reasonable comparability of non-rural carriers' intrastate rates. On November 2, 1999, the Commission also issued the Tenth Report and Order in which it completed the selection of a cost model to estimate forward-looking cost by adopting input values for the previously adopted cost model.

On June 30, 2000, the Commission issued the Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, in response to the Further Notice of Proposed Rulemaking it adopted on August 5, 1999. In the Twelfth Report and Order, the Commission adopted measures to promote telecommunications subscribership and infrastructure deployment within American Indian and Alaska Native tribal communities.

On October 12, 2000, the Commission released a Further Notice of Proposed Rulemaking and Order to seek comment on proposals to modify the Commission's rules relating to contributions to the Federal universal service support mechanisms. On January 12, 2001, the Commission

released a Further Notice of Proposed Rulemaking seeking comment on the Recommended Decision of the Federal-State Joint Board on Universal Service (Joint Board) regarding a plan for reforming the universal service support mechanism for rural carriers. The Joint Board sent to the Commission the Rural Task Force Recommendation as a good foundation for implementing rural high-cost reform. The Rural Task Force recommends the use of a modified version of the current high-cost loop support mechanism based on carriers' embedded costs.

On May 23, 2001, the Commission released the Fourteenth Report and Order, Twenty-Second Order on Reconsideration and Further Notice of Proposed Rulemaking. In the Fourteenth Report and Order, the Commission adopted a five-year plan that makes modifications to the high-cost loop support mechanism for rural carriers. These modifications were based on the recommendation of the Joint Board and will provide predictable levels of support so that rural carriers can continue to provide affordable service in rural America, while ensuring that consumers in all areas of the nation, including rural areas, have access to affordable and quality telecommunications services.

On March 14, 2001, the Commission issued an order modifying the methodology used to assess contributions to universal service. The methodology was modified to reduce the interval between the accrual of revenues and the assessment of contributions based on those revenues. The order reduced the interval from an average of one year to an average of six months.

On May 8, 2001, the Commission issued a Notice of Proposed Rulemaking which sought comment on how to streamline and reform both the manner in which the Commission assesses carrier contributions to the universal service fund and the manner in which carriers may recover those costs from their customers.

On May 22, 2001, the Commission adopted a five-year interim freeze of the part 36 jurisdictional separations rules, pending comprehensive reform of the separations process. The five-year interim freeze was based upon the July 21, 2000, Recommended Decision of the Federal-State Joint Board on Separations. Under the interim freeze,

the Part 36 categories and jurisdictional allocation factors of price cap incumbent LECs are frozen, while rate-of-return carriers had the option to freeze only their jurisdictional allocation factors. The interim freeze is in effect from July 1, 2001, to June 30, 2006, or until comprehensive reform is completed, whichever comes first.

On November 8, 2001, the Commission released the Fifteenth Report and Order and Further Notice of Proposed Rulemaking (Further Notice) reforming the interstate access charge and universal service support system for rate-of-return incumbent carriers. The Order established a new interstate support mechanism to replace implicit support in the interstate access rate structure of rate-of-return carriers with explicit, portable support. Among other things, the Further Notice sought comment on consolidating the existing Long Term Support mechanism with the new support mechanism created in the Order.

On January 25, 2002, the Commission released a Further Notice of Proposed Rulemaking and Order (Further Notice), in which it sought comment on modifications to the rules governing the schools and libraries support mechanism. The modifications address changes that would make the program more efficient, ensure that the benefits of the program are distributed in an equitable manner, and prevent waste, fraud, and abuse. In addition, the order denied certain petitions for reconsideration relating to unused funds.

On February 15, 2002, the Commission released a Notice of Proposed Rulemaking and Order, in which it sought comment on the issues from the Ninth Report and Order remanded by the United States Court of Appeals for the Tenth Circuit. The Ninth Report and Order established a Federal high-cost universal service support mechanism for non-rural carriers based on forward-looking economic costs. In addition, the order referred these issues to the Federal-State Joint Board on Universal Service for a recommended decision.

On February 15, 2002, the Commission issued a Notice of Proposed Rulemaking examining the appropriate legal and policy framework under the Communications Act of 1934, as amended, for broadband access to the

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Internet provided over domestic wireline facilities.

On February 26, 2002, the Commission issued a Further Notice of Proposed Rulemaking and Report and Order, in which it sought comment on specific proposals to change the manner in which universal service contributions are assessed and recovered, including one proposal to assess contributions based on the number and capacity of connections provided to a public network. This proceeding also made certain modifications to the existing contribution system.

On April 19, 2002, the Commission issued a Notice of Proposed Rulemaking in which it sought comment on specific proposals to: clarify how it should treat eligible entities that also perform functions that are outside the statutory definition of "health care provider;" provide support for internet access; and change the calculation of discounted services, including the calculation of urban and rural rates.

On December 13, 2002, the Commission issued an Order and Second FNPRM in which it sought further comment on three specific connection-based universal service contribution methodologies. This Order also made interim changes to the contribution methodology to ensure the viability of the fund in the near term.

On February 25, 2003, the Commission issued an NPRM in which it sought comment on the Recommended Decision issued by the Federal-State Joint Board on Universal Service regarding the definition of services supported by universal service.

On February 26, 2003, the Commission issued a Public Notice in which it sought comment on a staff study of several alternative universal service contribution methodologies.

On April 30, 2003, the Commission issued a Second Report & Order and Further Notice of Proposed Rulemaking, in which it simplified and streamlined the operation of the schools and libraries support mechanism. In addition, it sought comment on further proposals to refine the support mechanism, including the carry-forward of unused funds.

On May 21, 2003, the Commission issued a Twenty-fifth Order on Reconsideration, Report and Order, and Further Notice of Proposed

Rulemaking, in which it resolved several petitions for reconsideration of the Twelfth Report and Order. In addition, it sought further comment on ways to provide enhanced Lifeline support to near reservation areas.

On June 9, 2003, the Commission released a Notice of Proposed Rulemaking, in which it sought comment on changes to the low-income support mechanisms recommended by the Joint Board.

On July 3, 2003, the Commission released an Order eliminating the requirement that the National Exchange Carrier Association hold annual elections for its board of directors and that its directors serve one-year terms.

On July 14, 2003, the Commission released an Order and Order on Reconsideration adopting the Joint Board's recommendations regarding the services supported by universal service.

On July 24, 2003, the Commission released an Order adopting measures to ensure that implementation of the Children's Internet Protection Act complies with a US Supreme Court decision. 68 FR 47453.

On October 27, 2003, the Commission released an Order on Remand, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking modifying the High-Cost mechanism for non-rural carriers and seeking comment on certain issues relating to rate review and an expanded certification process. Order: 68 FR 69622. FNPRM: 68 FR 69641.

On November 17, 2003, the Commission released a Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking improving the Rural Healthcare Support mechanism and seeking comment on modifications to the definition of "rural area" for the Rural Healthcare Support mechanism. 68 FR 74492.

On December 23, 2003, the Commission released the 3rd Report and Order and 2nd Further Notice of Proposed Rulemaking adopting rules to limit waste, fraud and abuse in the Schools and Libraries mechanism and seeking comment on additional measures to limit waste, fraud, and abuse. Order: 69 FR 6181. FNPRM: 69 FR 6229.

On February 26, 2004, the Commission released a Report and Order and Further Notice of Proposed Rulemaking

modifying regulation of rate-of-return carriers and seeking comment on further changes to regulation of rate-of-return carriers. 69 FR 13794.

On April 29, 2004, the Commission released a Report and Order and Further Notice of Proposed Rulemaking improving the effectiveness of the Low-Income mechanism and seeking comment on whether the Commission should add an income-based criterion of 150 percent of the Federal Poverty Guidelines.

**Timetable:**

Action	Date	FR Cite
Recommended Decision	11/08/96	61 FR 63778
Federal-State Joint Board, Universal Service		
1st R&O	05/08/97	62 FR 32862
2nd R&O	05/08/97	62 FR 32862
Order on Recon	07/10/97	62 FR 40742
R&O and 2nd Order on Recon	07/18/97	62 FR 41294
2nd R&O, and FNPRM	08/15/97	62 FR 47404
3rd R&O	10/14/97	62 FR 56118
2nd Order on Recon	11/26/97	62 FR 65036
4th Order on Recon	12/30/97	62 FR 2093
5th Order on Recon	06/22/98	63 FR 43088
5th R&O	10/28/98	63 FR 63993
8th Order on Recon	11/21/98	
2nd Recommended Decision	11/25/98	63 FR 67837
13th Order on Recon	06/09/99	64 FR 30917
FNPRM	06/14/99	64 FR 31780
FNPRM	09/30/99	64 FR 52738
14th Order on Recon	11/16/99	64 FR 62120
15th Order on Recon	11/30/99	64 FR 66778
10th R&O	12/01/99	64 FR 67372
9th R&O and 18th Order on Recon	12/01/99	64 FR 67416
19th Order on Recon	12/30/99	64 FR 73427
20th Order on Recon	05/08/00	65 FR 26513
Public Notice	07/18/00	65 FR 44507
12th R&O, MO&O and FNPRM	08/04/00	65 FR 47883
FNPRM and Order	11/09/00	65 FR 67322
FNPRM	01/26/01	66 FR 7867
R&O and Order on Recon	03/14/01	66 FR 16144
NPRM	05/08/01	66 FR 28718
Order	05/22/01	66 FR 35107
14th R&O and FNPRM	05/23/01	66 FR 30080
FNPRM and Order	01/25/02	67 FR 7327
NPRM	02/15/02	67 FR 9232
NPRM and Order	02/15/02	67 FR 10846
FNPRM and R&O	02/26/02	67 FR 11254
NPRM	04/19/02	67 FR 34653
Order and 2nd FNPRM	12/13/02	67 FR 79543
NPRM	02/25/03	68 FR 12020
Public Notice	02/26/03	68 FR 10724
2nd R&O and FNPRM	06/20/03	68 FR 36961

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Action	Date	FR Cite
25th Order on Recon, R&O, Order, and FNPRM	07/16/03	68 FR 41996
NPRM	07/17/03	68 FR 42333
Order	07/24/03	68 FR 47453
Order	08/06/03	68 FR 46500
Order and Order on Recon	08/19/03	68 FR 49707
Order on Remand, MO&O, FNPRM	10/27/03	68 FR 69641
R&O, Order on Recon, FNPRM	11/17/03	68 FR 74492
R&O, FNPRM	02/26/04	69 FR 13794
R&O, FNPRM	04/29/04	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AF85**3826. TOLL-FREE SERVICE ACCESS CODES****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 201 et seq; 47 USC 251(e)**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** This proceeding assures that toll-free numbers are allocated on an efficient, fair, and orderly basis.**Timetable:**

Action	Date	FR Cite
NPRM	10/05/95	60 FR 57157
Second R&O	04/25/97	62 FR 20126
Third R&O	10/09/97	62 FR 55179
Fourth R&O and MO&O	03/30/98	63 FR 16440
Fifth R&O	07/05/00	65 FR 53189
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AG11**3827. TELECOMMUNICATIONS CARRIERS' USE OF CUSTOMER PROPRIETARY NETWORK INFORMATION AND OTHER CUSTOMER INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 222; 47 USC 272; 47 USC 303(r)**CFR Citation:** 47 CFR 64.2001; 47 CFR 64.2003; 47 CFR 64.2005; 47 CFR 64.2007; 47 CFR 64.2009**Legal Deadline:** None

**Abstract:** The Commission adopted rules implementing the new statutory framework governing carrier use and disclosure of customer proprietary network information (CPNI) created by section 222 of the Communications Act of 1934, as amended. CPNI includes, among other things, to whom, where, and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent to which the service is used.

**Timetable:**

Action	Date	FR Cite
NPRM	05/28/96	61 FR 26483
Public Notice	02/25/97	62 FR 8414
Second R&O and FNPRM	04/24/98	63 FR 20364
Order on Reconsideration	10/01/99	64 FR 53242
Final Rule, Announcement of Effective Date	01/26/01	66 FR 7865
Clarification Order & Second NPRM	09/07/01	66 FR 50140
3rd R&O and 3rd FNPRM	09/20/02	67 FR 59205
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AG43**3828. ACCESS CHARGE REFORM****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 201 to 205; 47 USC 403; 47 USC 553**CFR Citation:** 47 CFR 61.41 to 61.49; 47 CFR 69**Legal Deadline:** None

**Abstract:** On December 24, 1996, the Commission initiated a rulemaking to revise its access charge rules to make them compatible with a competitive market envisioned by the Telecommunications Act of 1996. On May 7, 1997, in the Access Charge Reform Order, the Commission adopted revised access charge rate structure rules and adjusted the price cap productivity factor. The Commission also adopted a market-based approach to reducing overall access charge levels and moving such levels toward forward-looking economic costs.

On July 10, 1997, on its own motion, and on October 9, 1997, in response to reconsideration petitions, the Commission revised or clarified certain parts of the rules adopted in the May 1997 Access Charge Reform Order. Reconsideration petitions filed in response to the Access Charge Reform Order, if not yet addressed, will be addressed in future reconsideration orders. On November 26, 1997, in the General Support Facilities Order, the Commission adopted rules requiring price cap carriers to adjust the allocation of General Support Facilities costs and to reduce their price cap indices to ensure that regulated access rates do not recover those costs which are related to nonregulated services. Reconsideration petitions filed in response to the November 1997 General Support Facilities Order were withdrawn and the reconsideration proceeding was terminated effective September 9, 2004. On May 27, 1999, the Commission initiated a further rulemaking, seeking comment on how to adjust interstate access charges in conjunction with the removal from access charges of implicit universal service support for non-rural local exchange carriers. On August 5, 1999, the Commission adopted rules

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implementing the market-based approach to access charge reform, pursuant to which incumbent price cap local exchange carriers receive progressively greater pricing flexibility as competition develops. The Commission also initiated a Further Notice of Proposed Rulemaking, seeking comment on additional pricing flexibility, proposed changes to the rate structure for local switching and tandem-switched transport, and the need to constrain access charges imposed by competitive local exchange carrier.

On April 26, 2001, the Commission adopted rules governing competitive local exchange carrier (LEC) access charges in the CLEC Access Charge Order. Specifically, the Commission limited to a declining benchmark the amounts that competitive LECs may tariff for interstate access services, restricted the interstate access rates of competitive LECs entering new markets to the rates of the competing incumbent LEC, and established a rural exemption permitting qualifying carriers to charge rates above the benchmark for their interstate access services.

On May 31, 2000, in the CALLS Order, the Commission adopted an industry proposal (the CALLS Proposal) establishing a 5-year plan for price cap local exchange carriers and resolving many outstanding issues concerning interstate access charges and interstate universal service. On April 27, 2001, the Commission revised its tariff rules to establish benchmark access rates for competitive local exchange carriers, whereby access rates at or below the benchmark will be presumed just and reasonable and may be imposed by tariff, and access rates above the benchmark will be mandatorily detariffed. The Commission adopted a rural exemption to this benchmark scheme, recognizing that a higher level of access charges is justified for certain carriers serving rural areas. On May 21, 2001, the Commission determined that price cap local exchange carriers should not be permitted to assess prescribed interexchange carrier charges on special access lines. On June 4, 2002, the Commission concluded a cost review proceeding in which it determined that price cap carriers' forward-looking costs justified scheduled increases to the subscriber line charge cap.

On June 24, 2003, in response to a petition for reconsideration, the Commission adopted a rule exempting payphone lines from the presubscribed interexchange carrier charge (PICC). On July 10, 2003, in response to a remand by the U.S. Court of Appeals for the Fifth Circuit, the Commission released an order reaffirming two aspects of the CALLS Order: the sizing of the interstate access universal service support mechanism at \$650 million, and the adoption of a 6.5 percent X-factor. On May 18, 2004, the Commission released an order that denied seven petitions for reconsideration of the CLEC Access Charge Order, clarified application of the CLEC access charge rules in several respects, and allowed originating 8YY traffic to be governed by the same declining benchmark as other competitive LEC interstate access traffic.

**Timetable:**

Action	Date	FR Cite
NPRM	01/31/97	62 FR 4670
FNPRM	06/06/97	62 FR 31040
R&O	06/11/97	62 FR 31868
Second Report & Order	06/11/97	62 FR 31939
Order on Reconsideration	07/29/97	62 FR 40460
Second Order on Reconsideration	10/29/97	62 FR 56121
Third Report & Order	12/15/97	62 FR 65619
Public Notice	10/09/98	63 FR 54430
Third Order on Reconsideration	10/15/98	63 FR 55334
Fourth Report & Order and FNPRM	06/09/99	64 FR 30949
Fifth Report & Order and FNPRM	09/22/99	64 FR 51258
NPRM	10/04/99	64 FR 53648
Sixth Report & Order	06/21/00	65 FR 38684
Public Notice	06/26/00	65 FR 39335
Seventh Report & Order and FNPRM	05/21/01	66 FR 27892
Order	07/20/01	66 FR 37943
Order	06/25/02	67 FR 42735
Order on Recon	07/22/03	68 FR 43327
Order on Remand	08/20/03	68 FR 50077
8th R&O, 5th Order on Recon	06/24/04	69 FR 35258
Public Notice	08/10/04	69 FR 48492
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AG49

### 3829. IMPLEMENTATION OF THE LOCAL COMPETITION PROVISIONS OF THE TELECOMMUNICATIONS ACT OF 1996

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151 to 155; 47 USC 157; 47 USC 201 to 205; 47 USC 207 to 209; 47 USC 218

**CFR Citation:** 47 CFR 51; 47 CFR 52

**Legal Deadline:** Final, Statutory, August 8, 1996.

**Abstract:** On August 8, 1996, the Commission adopted the Local Competition Second Report and Order (FCC 96-333), implementing the dialing parity, nondiscriminatory access, network disclosure, and numbering administration provisions of the Telecommunications Act of 1996. On July 19, 1999, the Commission released the First Order on Reconsideration (FCC 99-170), denying the petition for reconsideration of the Local Competition Second Report and Order filed by Beehive Telephone Company, Inc., which related to numbering administration.

On September 9, 1999, the Commission released the Second Order on Reconsideration (FCC 99-227), resolving petitions for reconsideration of rules adopted in the Local Competition Second Report and Order to implement the requirement of 47 U.S.C. section 251(b)(3) that LECs provide non-discriminatory access to directory assistance, directory listing and operator services. At the same time, the Commission released a Notice of Proposed Rulemaking (NPRM) (also FCC 99-227) seeking comment on issues related to developments in, and the convergence of, directory publishing and directory assistance.

On October 21, 1999, the Commission released the Third Order on Reconsideration (FCC 99-243), resolving the remaining petitions for reconsideration regarding numbering administration under 47 U.S.C. section 251(e)(1). On January 9, 2002, the Commission released an Order on Reconsideration dismissing petitions for reconsideration or clarification of the Local Competition Second Report

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and Order regarding dialing parity under 47 U.S.C. section 251(b)(3) and network disclosure under 47 U.S.C. section 251(c)(5).

On January 23, 2001, the Commission released a First Report and Order (FCC 01-27) resolving issues raised in the September 9, 1999 NPRM and concluding, among other things, that competing directory assistance (DA) providers that are certified as competitive local exchange carriers (competitive LECs), are agents of competitive LECs, or that offer call completion services are entitled to nondiscriminatory access to LEC local DA databases. Petitions for reconsideration in response to this Order are currently pending before the Commission.

On January 9, 2002, the Commission released the Directory Assistance NPRM (FCC 01-384), in which the Commission solicited comment on whether there is sufficient competition in the retail DA market, and if not, what if any action the Commission should take to promote such competition. The Commission sought specific comment on whether alternative dialing methods would promote competition. Proposed methods include: (1) presubscription to 411; (2) utilizing national 555 numbers; (3) utilizing carrier access codes (1010 numbers); and (4) utilizing 411XX numbers. The Commission also sought comment on whether the 411 dialing code should be eliminated. This proceeding is pending before the Commission.

**Timetable:**

Action	Date	FR Cite
NPRM	04/25/96	61 FR 18311
NPRM Comment Period End	06/03/96	
Order	09/06/96	61 FR 47284
NPRM	09/27/99	64 FR 51949
Second Order on Recon	09/27/99	64 FR 51910
Third Order on Recon	11/18/99	64 FR 62983
First Report & Order	02/21/01	66 FR 10965
NPRM	02/14/02	67 FR 6902
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

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**RIN:** 3060-AG50

**3830. ENHANCED 911 SERVICES FOR WIRELINE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 201; 47 USC 222; 47 USC 251

**CFR Citation:** 47 CFR 64.706; 47 CFR 64.708; 47 CFR 68.2; 47 CFR 68.3; 47 CFR 68.3(a); 47 CFR 68.228; 47 CFR 68.308; 47 CFR 68.310

**Legal Deadline:** None

**Abstract:** The rules generally will assist State governments in drafting legislation that will ensure that multi-line telephone systems are compatible with the enhanced 911 network.

**Timetable:**

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
2nd FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local, Tribal, Federal

**Federalism:** Undetermined

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**RIN:** 3060-AG60

**3831. COMPUTER III FURTHER REMAND PROCEEDINGS: BELL OPERATING COMPANY PROVISION OF ENHANCED SERVICES**

**Priority:** Other Significant

**Legal Authority:** 47 USC 151; 47 USC 152; 47 USC 154; 47 USC 160; 47 USC 161; 47 USC 202 to 205; 47 USC 251; 47 USC 271; 47 USC 272; 47 USC 274 to 276

**CFR Citation:** 47 CFR 51; 47 CFR 53; 47 CFR 64

**Legal Deadline:** None

**Abstract:** On January 30, 1998, the FCC released a Further Notice of Proposed Rulemaking (FNPRM) proposing to streamline the safeguards under which the Bell Operating Companies (BOCs) provide information (or enhanced) services, such as voice mail and electronic messaging. The FCC sought comment on tentative conclusions relating to nonstructural safeguards, Comparably Efficient Interconnection (CEI) plans, and network information disclosure rules, among other things. Finally, the FNPRM sought to build a record on which to respond to a partial remand of certain orders by the Court of Appeals for the Ninth Circuit. On February 25, 1999, the Commission adopted a Report and Order which streamlined the Commission's CEI and network information disclosure rules. Although the BOCs must continue to comply with their CEI obligations, they are no longer required to obtain pre-approval of their CEI plans and amendments from the Commission before initiating or altering an intra-LATA information service. Instead, the Commission requires the BOCs to post their CEI plans on their publicly accessible Internet sites, and to notify the Common Carrier Bureau upon such posting. The Commission removed the network information disclosure rules set forth in the Computer II and Computer III proceedings, with the narrow exception of the Computer II rules that require carriers to disclose changes that could affect how customer premises equipment (CPE) is attached to the network. On March 7, 2001, the FCC released a Public Notice requesting further comment on the outstanding issues discussed in its January 30, 1998 FNPRM.

Because the issues in this FNPRM overlap with certain issues that the Commission is now considering in a separate docket regarding broadband

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services, the Commission has incorporated the FNPRM into the broadband proceeding insofar as the FNPRM relates to the BOCs' obligations to promote access to their networks with respect to broadband services. The broadband proceeding is entitled, "Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities; Universal Service Obligations of Broadband Providers," CC Docket No. 02-33, NPRM, FCC 02-42 (rel. Feb. 15, 2002).

**Timetable:**

Action	Date	FR Cite
FNPRM	02/26/98	63 FR 9749
R&O	03/24/99	64 FR 14141
Public Notice	03/15/01	66 FR 15064
NPRM	02/15/02	67 FR 9232
NPRM Comment Period End	05/03/02	
Reply Comment Period End	07/01/02	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AG72

### 3832. DETARIFFING OF COMPETITIVE LOCAL EXCHANGE CARRIERS' INTERSTATE EXCHANGE ACCESS SERVICES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151 to 154; 47 USC 160; 47 USC 201 to 205

**CFR Citation:** 47 CFR 61.26

**Legal Deadline:** None

**Abstract:** In an Order on Reconsideration released on May 18, 2004, the Commission addressed a number of petitions for reconsideration of the tariff rules governing the charges for interstate switched access services provided by competitive local exchange carriers (CLECs). With this decision, the Commission denied petitions for reconsideration and retained the existing regime governing interstate switched access services provided by

CLECs. Although the Commission denied petitions for reconsideration, it addressed a number of issues raised in petitions for clarification and amended the tariff rules accordingly.

In the attached Report and Order, the Commission concluded that CLEC-provided access rates for toll free, or "8YY" traffic should not be afforded different treatment than CLEC tariffed interstate switched access traffic generally.

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/97	62 FR 38244
FNPRM	09/22/99	64 FR 51280
Public Notice	06/26/00	65 FR 39335
FNPRM	05/21/01	66 FR 27927
Order	05/21/01	66 FR 27892
Order on Recon, R&O	06/24/04	69 FR 35258
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AG73

### 3833. DEPLOYMENT OF WIRELINE SERVICES OFFERING ADVANCED TELECOMMUNICATIONS CAPABILITY

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 151; 47 USC 152; 47 USC 153; 47 USC 154; 47 USC 157; 47 USC 160; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 251; 47 USC 252; 47 USC 253; 47 USC 254; 47 USC 256; 47 USC 271; 47 USC 303(r)

**CFR Citation:** 47 CFR 51.5; 47 CFR 51.230; 47 CFR 51.231; 47 CFR 51.232; 47 CFR 51.233; 47 CFR 51.319; 47 CFR 51.321; 47 CFR 51.323; 47 CFR 51.605; 47 CFR 51.607

**Legal Deadline:** None

**Abstract:** On March 31, 1999, the Commission released a First Report and Order and Further Notice of Proposed Rulemaking (NPRM) (Advanced

Services Order), in CC Docket No. 98-147, adopting several measures to enable competitive providers of advanced services such as those used to provide high-speed Internet access, to deploy new technologies on a faster, more cost-effective basis to consumers. This order is intended to create marketplace conditions conducive to the nationwide deployment of advanced telecommunications services consistent with the goals of section 706 of the Telecommunications Act of 1996. Because the Commission concluded that the record did not sufficiently address long-term spectrum compatibility issues, the Commission adopted a companion Further NPRM that sought comment on issues related to developing long-term standards and practices for spectrum compatibility and management. In the Further NPRM, the Commission also tentatively concluded that it is technically feasible for two different telecommunications carriers sharing a single line to provide traditional voice service and advanced services. The Further Notice sought comment on the operational, pricing, legal and policy ramifications of mandating such line sharing at the Federal level.

On November 9, 1999, the Commission released a Second Report and Order (Advanced Services Resale Order) in CC Docket No. 98-147, which addressed whether the discounted resale obligation of section 251(c)(4) applies to incumbent Local Exchange Carrier (LEC) provision of advanced services. The Commission determined that analysis of section 251(c)(4) requires a fact-specific evaluation of the features and characteristics of a particular transaction, and concluded that advanced services sold at retail by incumbent LECs to residential and business end-users are subject to the section 251(c)(4) discounted resale obligation, without regard to their classification as telephone exchange service or exchange access service. The Commission, however, reached a different result as to advanced services sold to Internet Service Providers for inclusion in a high-speed Internet service offering, concluding that these advanced services are inherently different from advanced services made available directly to business and residential end-users, and as such, are not subject to the discounted resale obligations of section 251(c)(4).

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On December 9, 1999, the Commission released a Third Report and Order in CC Docket No. 98-147 and Fourth Report and Order in CC Docket No. 96-98 (Line Sharing Order). In the Line Sharing Order, the Commission adopted measures to promote the availability of competitive broadband Digital Subscriber Line (DSL) services, especially to residential and small business customers. The Third R&O amended the Commission's network unbundling rules to require incumbent LECs to provide unbundled access to a new network element, the high frequency portion of the local loop. This enables competitive LECs to compete with incumbent LECs to provide DSL services through telephone lines that the competitive LECs can share with incumbent LECs. In addition, the Line Sharing Order adopted spectrum management policies and rules to facilitate the competitive deployment of advanced services. These rules will significantly benefit the rapid and efficient deployment of DSL technologies.

On January 19, 2001, the Commission issued an Order on Reconsideration and a Further Notice of Proposed Rulemaking in which the Commission reinforced its line sharing rules to promote availability of unbundled access to the high frequency portion of the loop. It also addressed issues in a variety of petitions for clarification and/or reconsideration filed in response to the Line Sharing Order.

On December 20, 2001, the Commission released a Notice of Proposed Rulemaking in CC Docket Nos. 01-338, 96-98, and 98-147 seeking comment on whether, in light of changed circumstances, it should retain the unbundling requirement.

On May 24, 2002, the U.S. Court of Appeals for the District of Columbia Circuit (USTA I) vacated the Commission's line sharing rules, finding that the Commission had failed to give adequate consideration to existing facilities-based competition in the provision of broadband services, especially by cable systems. The court stayed the effectiveness of its opinion through February 20, 2003. On August 21, 2003, the Commission released a Report and Order on Remand and Further Notice of Proposed Rulemaking (Triennial Review Order) in CC Docket Nos. 01-338, 96-98, and 98-147, declining to reinstate its line sharing

rules except on a grandfathered and transitional basis. Specifically, the Commission determined that competitive carriers are not impaired without access to the high frequency portion of an incumbent LEC's copper loops. Among other things, the Commission determined that competitors will continue to have access to an incumbent LEC's stand-alone copper loops and reaffirmed the incumbent LEC's obligation to permit line splitting, which is similar to line sharing, but with a competitive LEC, not the incumbent LEC, as the voice provider.

In recognition of competitive LEC reliance on the vacated line-sharing rules, the Commission's Triennial Review Order established an interim grandfather rule, which permits competitive LECs to continue providing DSL service to all existing customers until the next biennial review. In addition, the Commission established a three-year transition period, which is designed to minimize customer disruption and provide a glide path to competitive LECs currently availing themselves of the line sharing UNE. During the first year of the transition, competitive carriers may continue to sign up new customers through line sharing at 25 percent of State-approved recurring rates or the agreed-upon recurring rates in existing interconnection agreements for stand-alone copper loops. In the second year, no new customers may be added and this rate increases to 50 percent of the cost of a stand-alone loop. In the last year of the transition, the same rate increases to 75 percent. After the transition period, a non-grandfathered customer must be served through a line splitting arrangement, a stand-alone copper loop, or an arrangement that the competitive LEC has negotiated with the incumbent LEC to replace line sharing.

On March 2, 2004, the U.S. Court of Appeals for the District of Columbia Circuit (USTA II) upheld the Commission's new line sharing rules adopted in the Triennial Review Order. The new rules became effective on October 2, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	08/24/98	63 FR 45140
Order	08/24/98	63 FR 45133
R&O and Further NPRM	04/30/99	64 FR 23229

Action	Date	FR Cite
Third R&O	01/10/00	65 FR 1331
Second R&O	02/11/00	65 FR 6912
Reconsideration Order and Further NPRM	02/06/01	66 FR 9035
NPRM	01/15/02	67 FR 1947
Order	08/21/03	68 FR 52307
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined

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**RIN:** 3060-AH03**3834. PRESCRIBING THE AUTHORIZED RATE OF RETURN FOR INTERSTATE SERVICES OF LOCAL EXCHANGE CARRIERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 201(b); 47 USC 202 to 205; 47 USC 218 to 220; 47 USC 303(r); 47 USC 403**CFR Citation:** 47 CFR 65.301**Legal Deadline:** None

**Abstract:** This Notice initiates a proceeding to represcribe the authorized rate of return for interstate access services provided by ILECs. It marks the first prescription proceeding since we revised the rules governing procedures and methodologies for prescribing and enforcing the rate of return for ILECs not subject to price cap regulation, and the first prescription proceeding since the Commission adopted its price cap rules for local exchange carriers. In this Notice, we seek comment on the methods by which we could calculate the ILECs' cost of capital. In the Notice, we propose corrections to errors in the codified formulas for the cost of debt and cost of preferred stock and seek comment on whether this proceeding warrants a change in the low-end formula adjustment for local exchange carriers subject to price caps.

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## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/98	63 FR 55988
NPRM Comment Period End	04/08/99	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AH18

### 3835. LOCAL TELEPHONE NETWORKS THAT LECS MUST MAKE AVAILABLE TO COMPETITORS

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 251

**CFR Citation:** 47 CFR 51 (Revision)

**Legal Deadline:** None

**Abstract:** This revises the rules applicable to incumbent local exchange carriers (LECs) to permit competitive carriers to access portions of the incumbent LECs' networks on an unbundled basis. Unbundling allows competitors to lease portions of the incumbent LECs' network to provide telecommunications services. These rule changes are intended to remove uncertainty regarding the incumbent LECs' unbundling obligations under the Telecommunications Act of 1996 and are expected to accelerate the development of local exchange competition.

On April 10, 2001, the Commission issued a Public Notice seeking comment on a Joint Petition filed by BellSouth, SBC, and Verizon asking the Commission to find that high-capacity loops and dedicated transport should not be subject to mandatory unbundling. The Commission issued Public Notices on April 23, 2001, and May 14, 2001, seeking additional comment.

On December 20, 2001, the Commission issued a Notice of Proposed Rulemaking to comprehensively consider the appropriate changes, if

any, to its unbundling policies in light of market developments and technological advances. 67 FR 1947. As part of this triennial review, the Commission incorporated the records of several pending proceedings on unbundling into this docket, including: (1) the availability of loops, transport, and combinations thereof; (2) high-capacity loops and dedicated transport; (3) local switching; and (4) next-generation networks.

On May 29, 2002, the Commission extended the reply comment date of the Notice of Proposed Rulemaking to July 17, 2002, to allow all interested parties to incorporate their review and analysis of *USTA v. FCC*, 290 F.3d 415 (D.C. Cir. 2002). On August 1, 2002, the Commission issued a Public Notice seeking comment on a Verizon telephone company's petition asking the Commission to forbear from applying certain section 271 checklist items if the Commission determines that the corresponding network elements no longer need to be unbundled. On August 13, 2002, the Commission issued a Public Notice seeking comment on a petition filed by WorldCom, Inc., asking the Commission to declare that requesting carriers are entitled to access certain data from incumbent LECs at cost-based rates when they use such data to provide interexchange and exchange access service.

On August 21, 2003, the Commission issued a Report and Order, Order on Remand, and Further Notice of Proposed Rulemaking, in which the Commission adopted new unbundling requirements. 68 FR 52276. The Commission re-defined the impairment standard for unbundling to mean when a requesting carrier's lack of access to an incumbent LEC network element poses a barrier or barriers to entry, including operational and economic barriers, which are likely to make entries into a market uneconomic. The Commission's unbundling analysis specifically also considers market-specific variations, including considerations of customer class, geography, and service.

In applying this granular analysis, the Commission issued numerous detailed findings and conclusions. As part of these determinations, the Commission concluded that for mass market loops: (1) copper loops are unbundled; (2) hybrid (copper plus fiber) are not

unbundled for packet-switching but are unbundled for TDM-based capability; and (3) fiber-to-the-home loops are generally not unbundled, with a limited obligation for overbuild situations. The Commission also held that line sharing would not be unbundled, but that line splitting must be supported by the incumbent LEC. For high-capacity loops serving the enterprise market and for dedicated interoffice transmission facilities, the Commission concluded (1) that OCn loops and transport are not unbundled, (2) that dark fiber DS1 and DS3 loops are unbundled, subject to wholesale and self-provisioning triggers and potential deployment analysis, as well as caps on the number of loops at each capacity available on each route. The Commission further concluded that carriers are impaired for DSO mass market local circuit switching, and directed the states to apply triggers and a potential deployment analysis to make impairment determinations within 9 months. The Commission also resolved a myriad of other issues affecting the scope of the incumbent LEC unbundling obligations, including the availability of commingling, combinations, conversions, and other parts of the network such as packet switching and databases.

In addition, the Commission initiated a Notice of Proposed Rulemaking regarding whether the Commission should modify the so-called pick-and-choose rule that permits requesting carriers to opt into individual portions of interconnection agreements without accepting all the terms and conditions of such agreements. 68 FR 52307

On September 17, 2003, the Commission issued an Errata correcting the Report and Order on Remand. On October 9, 2003, the Commission issued a Report seeking comment on ten petitions for clarification and/or reconsideration of the Report and Order on Remand released on August 21, 2003. 68 FR 60391. By Order, the Commission denied a request to extend the comment period for petitions for clarification and/or reconsideration.

Regarding implementation of the Commission's Report and Order on Remand, the Commission issued an Order on January 9, 2004, denying a petition by the Oregon Public Utilities Commission for an extension of time to review information regarding



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enterprise switching impairment. The Commission also issued a Public Notice seeking comment on a petition by the Puerto Rico Telecommunications Regulatory Board for a waiver of the Commission's ruling on enterprise switching. Additionally, the Commission issued a Public Notice seeking comment on a petition by BellSouth to temporarily waive Commission rules regarding enhanced extended loops.

On March 2, 2004, the Commission's August 21, 2003 Report and Order and Order on Remand was affirmed in part and vacated and remanded in part. *USTA v. FCC*, 359 F.3d 554 (D.C. Cir. 2004).

On July 8, 2004, the Commission issued an Order denying as moot a petition by Alaska Communications requesting that the Commission stay the state commission proceedings resulting from the now-vacated portions of the Report and Order and Order on Remand.

On July 13, 2004, the Commission's Second Report and Order concluded the rulemaking proceeding initiated regarding the so-called pick-and-choose rule and determined that an all-or-nothing rule for opting into other interconnection agreements will better promote increased give and take negotiations. 69 FR 43762.

On August 9, 2004, the Commission released an Order on Reconsideration addressing in part two petitions for reconsideration of the Commission's fiber-to-the-premises unbundling rules. 69 FR 54589. The Commission clarified in this Order on Reconsideration the applicability of the fiber-to-the-premises rules in multi-dwelling unit buildings.

On August 20, 2004, the Commission issued an Interim Order and Notice of Proposed Rulemaking establishing a new rulemaking proceeding to determine incumbent LEC unbundling obligations as well as establishing interim requirements to govern carrier relationships until the Commission concludes its rulemaking process. 69 FR 55111, 55128. The interim requirements freeze the terms of carriers' interconnection agreements as they stood on June 15, 2004, until the earlier of (1) new Commission unbundling rules, or (2) six months after Federal Register publication. Additionally, the Notice of Proposed Rulemaking seeks comment on how the Commission should respond to the D.C.

Circuit's March 2, 2004, remand. The Commission issued a Public Notice on September 13, 2004 announcing that summaries of the Interim Order and Notice of Proposed Rulemaking published that day in the Federal Register.

On September 10, 2004, the Commission issued a Public Notice establishing a comment period for responses to a request by the Association of Local Telecommunications Services seeking a limited modification of a Protective Order governing certain line count information filed in a separate Commission proceeding, but which may be useful to parties in the unbundled network elements rulemaking.

On October 18, 2004, the Commission released an Order on Reconsideration concluding that fiber-to-the-curb (FTTC) loops shall be subject to the same unbundling framework that the Commission established for fiber-to-the-home (FTTH) loops. 69 FR 77950.

On February 4, 2005, the Commission released an Order on Remand, 70 FR 8940, responding to the D.C. Circuit's remand of certain parts of the Triennial Review Order, including several aspects of the impairment standard as well as new determinations regarding unbundling requirements for local circuit switching, high-capacity loops, and dedicated transport. Specifically, the Commission determined that incumbent LECs have no obligation to unbundle local circuit switching and adopted a 12-month plan to transition existing customers of unbundled switching to other arrangements. Regarding high-capacity loops, the Commission determined that competing carriers are not impaired (thus, are not entitled to access as UNEs) dark fiber loop circuits. Competing carriers are, however, impaired without access to DS1 and DS3 loops, except in wire centers that meet specific business lines and fiber-based collocation thresholds. Similarly, with respect to dedicated transport, the Commission determined that competing carriers are impaired without access to DS1, DS3 and dark fiber transport, except on routes connecting a pair of wire centers, each containing a specified number of business lines or a specified number of fiber-based collocators.

**Timetable:**

Action	Date	FR Cite
Second Further NPRM	04/26/99	64 FR 20238
Fourth Further NPRM	01/14/00	65 FR 2367
Errata Third R&O and Fourth Further NPRM	01/18/00	65 FR 2542
Second Errata Third R&O and Fourth Further NPRM	01/18/00	65 FR 2542
Supplemental Order	01/18/00	65 FR 2542
Third R&O	01/18/00	65 FR 2542
Correction	04/11/00	65 FR 19334
Supplemental Order Clarification	06/20/00	65 FR 38214
Public Notice	02/01/01	66 FR 8555
Public Notice	03/05/01	66 FR 18279
Public Notice	04/10/01	
Public Notice	04/23/01	
Public Notice	05/14/01	
NPRM	01/15/02	67 FR 1947
Public Notice	05/29/02	
Public Notice	08/01/02	
Public Notice	08/13/02	
NPRM	08/21/03	68 FR 52276
R&O and Order on Remand	08/21/03	68 FR 52276
Errata	09/17/03	
Report	10/09/03	68 FR 60391
Order	10/28/03	
Order	01/09/04	
Public Notice	01/09/04	
Public Notice	02/18/04	
Order	07/08/04	
2nd R&O	07/08/04	69 FR 43762
Order on Recon	08/09/04	69 FR 54589
Interim Order	08/20/04	69 FR 55111
NPRM	08/20/04	69 FR 55128
Public Notice	09/10/04	
Public Notice	09/13/04	
Public Notice	10/20/04	
Order on Recon	12/29/04	69 FR 77950
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Local, State**Federalism:** Undetermined

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**RIN:** 3060-AH44

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

**3836. 2000 BIENNIAL REGULATORY REVIEW—TELECOMMUNICATIONS SERVICE QUALITY REPORTING REQUIREMENTS**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 154(i); 47 USC 154(j); 47 USC 201(b); 47 USC 303(r); 47 USC 403

**CFR Citation:** 47 CFR 32; 47 CFR 32.11; 47 CFR 32.1220(h); 47 CFR 32.2311(f); 47 CFR 32.2003(b); 47 CFR 32.5280(c); 47 CFR 32.27(c); 47 CFR 64.903(a)

**Legal Deadline:** None

**Abstract:** This NPRM proposes to eliminate our current service quality reports (ARMIS Report 43-05 and 43-06) and replace them with a more consumer-oriented report. The NPRM proposes to reduce the reporting categories from more than 30 to 6, and addresses the needs of carriers, consumers, state public utility commissions, and other interested parties.

**Timetable:**

Action	Date	FR Cite
NPRM	12/04/00	65 FR 75657
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AH72

**3837. ACCESS CHARGE REFORM AND UNIVERSAL SERVICE REFORM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 201 to 205; 47 USC 254; 47 USC 403

**CFR Citation:** 47 CFR 36; 47 CFR 54; 47 CFR 61; 47 CFR 69

**Legal Deadline:** None

**Abstract:** On October 11, 2001, the Commission adopted an Order reforming the interstate access charge

and universal service support system for rate-of-return incumbent carriers. The Order adopts three principal reforms. First, the Order modifies the interstate access rate structure for small carriers to align it more closely with the manner in which costs are incurred. Second, the Order removes implicit support for universal service from the rate structure and replaces it with explicit, portable support. Third, the Order permits small carriers to continue to set rates based on the authorized rate of return of 11.25 percent. The Order became effective on January 1, 2002, and the support mechanism established by the Order was implemented beginning July 1, 2002.

The Commission also adopted a Further Notice of Proposed Rulemaking (FNPRM) seeking additional comment on proposals for incentive regulation, increased pricing flexibility for rate-of-return carriers, and proposed changes to the Commission's "all-or-nothing" rule. Comments on the FNPRM were due on February 14, 2002, and reply comments on March 18, 2002.

On February 12, 2004, the Commission adopted a Second Report and Order resolving several issues on which the Commission sought comment in the FNPRM. First, the Commission modified the "all or nothing" rule to permit rate-of-return carriers to bring recently acquired price cap lines back to rate-of-return regulation. Second, the Commission granted rate-of-return carriers the authority immediately to provide geographically deaveraged transport and special access rates, subject to certain limitations. Third, the Commission merged Long Term Support (LTS) with Interstate Common Line Support (ICLS).

The Commission also adopted a Second FNPRM seeking comment on two specific plans that propose establishing optional alternative regulation mechanisms for rate-of-return carriers. In conjunction with the consideration of those alternative regulation proposals, the Commission sought comment on modification that would permit a rate-of-return carrier to adopt an alternative regulation plan for some study areas, while retaining rate-of-return regulation for other of its study areas. Comments on the Second FNPRM were due on April 23, 2004, and May 10, 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	01/25/01	66 FR 7725
Further NPRM	11/30/01	66 FR 59761
Report and Order	11/30/01	66 FR 59719
2nd FNPRM	03/23/04	69 FR 13794
Order	05/06/04	69 FR 25325
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3060-AH74

**3838. 2000 BIENNIAL REGULATORY REVIEW — COMPREHENSIVE REVIEW OF THE ACCOUNTING REQUIREMENTS AND ARMIS REPORTING REQUIREMENTS FOR INCUMBENT LOCAL EXCHANGE CARRIERS; PHASE 2 AND PHASE 3**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 47 USC 154(i); 47 USC 154(j); 47 USC 161; 47 USC 201(b); 47 USC 303(r); 47 USC 403

**CFR Citation:** 47 CFR 32.1 et seq

**Legal Deadline:** None

**Abstract:** This NPRM seeks comment on various measures to streamline existing accounting and ARMIS reporting requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/13/00	65 FR 67675
NPRM Comment	03/14/01	
Period End		
Public Notice	06/26/01	66 FR 33938
Public Notice	07/26/01	
Comment Period		
End		
FNPRM	02/06/02	67 FR 5704
R&O	02/06/02	67 FR 5670
Order on Recon	04/24/02	67 FR 20052
Petitions for Recon	04/30/02	67 FR 21236
FNPRM Comment	05/07/02	
Period End		
PFR Comment Period	05/25/02	
End		
Order	10/30/02	67 FR 66069

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Action	Date	FR Cite
Order	11/06/02	67 FR 67567
Order	12/18/02	67 FR 77432
Order	06/30/03	68 FR 38641
NPRM	12/31/03	68 FR 75478
Order	12/31/03	68 FR 75455
NPRM Comment Period End	02/17/04	
Corrective Amendments	07/27/04	69 FR 44607
R&O	09/02/04	69 FR 53645
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Ronald Kaufman,  
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**RIN:** 3060-AH76**3839. NUMBERING RESOURCE OPTIMIZATION****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 201 et seq; 47 USC 251(e)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** In 1999, the Commission released the Numbering Resource Optimization Notice of Proposed Rulemaking (Notice) in CC Docket 99-200. The Notice examined and sought comment on several administrative and technical measures aimed at improving the efficiency with which telecommunications numbering resources are used and allocated. It incorporated input from the North American Numbering Council (NANC), a Federal advisory committee, which advises the Commission on issues related to number administration. In the Numbering Resource Optimization First Report and Order and Further Notice of Proposed Rulemaking (NRO First Report and Order), released on March 31, 2000, the Commission adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use

numbers efficiently. In addition, the Commission adopted a single system for allocating numbers in blocks of one thousand, rather than ten thousand, wherever possible, and established a plan for national rollout of thousands-block number pooling. The Commission also adopted numbering resource reclamation requirements to ensure that unused numbers are returned to the North American Numbering Plan (NANP) inventory for assignment to other carriers. Also, to encourage better management of numbering resources, carriers are required, to the extent possible, to first assign numbering resources within thousands blocks (a form of sequential numbering).

In the NRO Second Report and Order, the Commission adopted a measure that requires all carriers to use at least 60 percent of their numbering resources before they may get additional numbers in a particular area. That 60 percent utilization threshold increases to 75 percent over the next three years. The Commission also established a five-year term for the national Pooling Administrator and an auditing program to verify carrier compliance with the Commission's rules. Furthermore, the Commission addressed several issues raised in the Notice, concerning area code relief. Specifically, the Commission declined to amend the existing Federal rules for area code relief or specify any new federal guidelines for the implementation of area code relief. The Commission also declined to state a preference for either all-services overlays or geographic splits as a method of area code relief. Regarding mandatory nationwide ten-digit dialing, the Commission declined to adopt this measure at the present time. Furthermore, the Commission declined to mandate nationwide expansion of the "D digit" (the "N" of an NXX or central office code) to include 0 or 1, or to grant state commissions the authority to implement the expansion of the D digit as a numbering resource optimization measure at the present time.

In the NRO Third Report and Order, the Commission addressed national thousands-block number pooling administration issues, including declining to alter the implementation date for covered CMRS carriers to participate in pooling. The Commission also addressed Federal cost recovery for national thousands-block number pooling, and continued to require

States to establish cost recovery mechanisms for costs incurred by carriers participating in pooling trials. The Commission reaffirmed the Months-to-Exhaust (MTE) requirement for carriers. The Commission declined to lower the utilization threshold established in the Second Report and Order, and declined to exempt pooling carriers from the utilization threshold. The Commission also established a safety valve mechanism to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources.

In the NRO Third Report and Order, the Commission lifted the ban on technology-specific overlays (TSOs), and delegated authority to the Common Carrier Bureau, in consultation with the Wireless Telecommunications Bureau, to resolve any such petitions. Furthermore, the Commission found that carriers who violate our numbering requirements, or fail to cooperate with an auditor conducting either a "for cause" or random audit, should be denied numbering resources in certain instances. The Commission also reaffirmed the 180-day reservation period, declined to impose fees to extend the reservation period, and found that State commissions should be allowed password-protected access to the NANPA database for data pertaining to NPAs located within their State.

The measures adopted in the NRO orders will allow the Commission to monitor more closely the way numbering resources are used within the NANP, and will promote more efficient allocation and use of NANP resources by tying a carrier's ability to obtain numbering resources more closely to its actual need for numbers to serve its customers. These measures are designed to create national standards to optimize the use of numbering resources by: (1) minimizing the negative impact on consumers of premature area code exhausts; (2) ensuring sufficient access to numbering resources for all service providers to enter into or to compete in telecommunications markets; (3) avoiding premature exhaust of the NANP; (4) extending the life of the NANP; (5) imposing the least societal cost possible, and ensuring competitive neutrality, while obtaining the highest benefit; (6) ensuring that no class of carrier or consumer is unduly favored or disfavored by the Commission's

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optimization efforts; and (7) minimizing the incentives for carriers to build and carry excessively large inventories of numbers.

In NRO Third Order on Recon in CC Docket No. 99-200, Third Further Notice of Proposed Rulemaking in CC Docket No. 99-200 and Second Further Notice of Proposed Rulemaking in CC Docket No. 95-116, the Commission reconsidered its findings in the NRO Third Report and Order regarding the local Number portability (LNP) and thousands-block number pooling requirements for carriers in the top 100 Metropolitan Statistical areas (MSAs). Specifically, the Commission reversed its clarification that those requirements extend to all carriers in the largest 100 MSAs, regardless of whether they have received a request from another carrier to provide LNP. The Commission also sought comment on whether the Commission should again extend the LNP requirements to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP. The Commission also sought comment on whether all carriers in the top 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. In addition, the Commission sought comment on whether all MSAs included in Combined Metropolitan Statistical Areas (CMSAs) on the Census Bureau's list of the largest 100 MSAs should be included on the Commission's list of the top 100 MSAs.

In the NRO Fourth Report and Order and Further Notice of Proposed Rulemaking, the Commission reaffirmed that carriers must deploy LNP in switches within the 100 largest Metropolitan Statistical Areas (MSAs) for which another carrier has made a specific request for the provision of LNP. The Commission delegated the authority to state commissions to require carriers operating within the largest 100 MSAs that have not received a specific request for LNP from another carrier to provide LNP, under certain circumstances and on a case-by-case basis. The Commission concluded that all carriers, except those specifically exempted, are required to participate in thousands-block number pooling in accordance with the national rollout schedule, regardless of whether they are required to provide LNP, including commercial mobile radio service (CMRS) providers that are not

required to deploy LNP until November 24, 2003. The Commission specifically exempted from the pooling requirement rural telephone companies and Tier III CMRS providers that have not received a request to provide LNP. The Commission also exempted from the pooling requirement carriers that are the only service provider receiving numbering resources in a given rate center. Additionally, the Commission sought further comment on whether these exemptions should be expanded to include carriers where there are only two service providers receiving numbering resources in the rate center. Finally, the Commission reaffirmed that the 100 largest MSAs identified in the 1990 U.S. Census reports as well as those areas included on any subsequent U.S. Census report of the 100 largest MSAs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32471
R&O and Further NPRM	06/16/00	65 FR 37703
Second R&O and Second Further NPRM	02/08/01	66 FR 9528
Third R&O and Second Order on Recon	02/12/02	67 FR 643
3rd O on Recon & 3rd FNPRM	04/05/02	67 FR 16347
4th R&O and 4th NPRM (Release Date)	06/18/03	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AH80

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**3840. PERFORMANCE MEASUREMENTS AND STANDARDS FOR UNBUNDLED NETWORK ELEMENTS AND INTERCONNECTION**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 47 USC 151, 152; 47 USC 154(i), 201; 47 USC 202, 206 to 209; 47 USC 251, 253; 47 USC 503, 504, 706

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** On November 8, 2001, the Commission opened a rulemaking to consider whether it should adopt a modest group of national performance measurements and standards for evaluating the provision of unbundled network elements by Incumbent Local Exchange Carriers.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/01	66 FR 59759

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**Related RIN:** Related to 3060-AH00

**RIN:** 3060-AI00

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**3841. PERFORMANCE MEASUREMENTS AND STANDARDS FOR INTERSTATE SPECIAL ACCESS SERVICES**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 47 USC 101, 152; 47 USC 154(i); 47 USC 201, 202; 47 USC 206 to 209, 251; 47 USC 272, 503

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** On November 16, 2001, the Commission opened a rulemaking to consider whether it should adopt national performance measurements, standards, and penalties for the provision of interstate special access services.

**Timetable:**

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63651

Next Action Undetermined

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**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AI01**3842. NATIONAL EXCHANGE CARRIER ASSOCIATION PETITION****Priority:** Substantive, Nonsignificant**Legal Authority:** 47 USC 151; 47 USC 152; 47 USC 201; 47 USC 202; ...**CFR Citation:** 47 CFR 69.104; 47 CFR 69.152; 47 CFR 69.130; 47 CFR 69.157**Legal Deadline:** None

**Abstract:** In a notice of proposed rulemaking released on July 19, 2004, the Commission initiated a rulemaking proceeding to examine the proper number of end user common line charges (commonly referred to as subscriber line charges or SLCs) that carriers may assess upon customers that obtain derived channel T-1 service where the customer provides the terminating channelization equipment and upon customers that obtain Primary Rate Interface (PRI) Integrated Service Digital Network (ISDN) service.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50141
NPRM Comment	11/12/04	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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**RIN:** 3060-AI47**3843. IP-ENABLED SERVICES****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 47 USC 151; 47 USC 152; ...**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The notice seeks comment on ways in which the Commission might categorize IP-enabled services for purposes of evaluating the need for applying any particular regulatory requirements. It poses questions regarding the proper allocation of jurisdiction over each category of IP-enabled service. The notice then

requests comment on whether the services comprising each category constitute “telecommunications services” or “information services” under the definitions set forth in the Act. Finally, noting the Commission’s statutory forbearance authority and title I ancillary jurisdiction, the notice describes a number of central regulatory requirements (including, for example, those relating to access charges, universal service, E911, and disability accessibility), and asks which, if any, should apply to each category of IP-enabled services.

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM Comment	07/14/04	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined

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**RIN:** 3060-AI48

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