

Commission amends 47 CFR part 11 as follows:

## **PART 11—EMERGENCY ALERT SYSTEM (EAS)**

■ 1. The authority for part 11 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154(i) and (o), 303(r), 544(g) and 606.

■ 2. Section 11.11 is amended by revising the table entitled “WIRELESS CABLE SYSTEMS (MDS/MMS/ITFS STATIONS)” in paragraph (a) to read as follows:

### **§ 11.11 The Emergency Alert System (EAS).**

(a) \* \* \*

#### **WIRELESS CABLE SYSTEMS (BRS/EBS STATIONS)**

[A. Wireless cable systems serving fewer than 5,000 subscribers from a single transmission site must either provide the National level EAS message on all programmed channels—including the required testing—by October 1, 2002, or comply with the following EAS requirements. All other wireless cable systems must comply with B.]

B. EAS equipment requirement	System size and effective dates	
	≥ 5,000 subscribers	< 5,000 subscribers
EAS decoder .....	Y 10/1/02 .....	Y 10/1/02
EAS encoder <sup>1 2</sup> .....	Y 10/1/02 .....	Y 10/1/02
Audio and Video EAS Message on all channels <sup>3</sup> .....	Y 10/1/02 .....	N
Video interrupt and audio alert message on all channels; <sup>4</sup> Audio and Video EAS message on at least one channel.	N .....	Y 10/1/02

<sup>1</sup> The two-tone signal is used only to provide an audio alert to an audience prior to an EAS emergency message or to the Required Monthly Test (RMT) under § 11.61(a)(1). The two-tone signal must be 8–25 seconds in duration.

<sup>2</sup> Wireless cable systems serving < 5,000 subscribers are permitted to operate without an EAS encoder if they install an FCC-certified decoder.

<sup>3</sup> All wireless cable systems may comply with this requirement by providing a means to switch all programmed channels to a predesignated channel that carries the required audio and video EAS messages.

<sup>4</sup> The Video interrupt must cause all channels that carry programming to flash for the duration of the EAS emergency message. The audio alert must give the channel where the EAS messages are carried and be repeated for the duration of the EAS message.

**Note:** Programmed channels do not include channels used for the transmission of data services such as Internet.

\* \* \* \* \*

■ 3. Section 11.51 is amended by adding paragraphs (g)(5) and (h)(5) to read as follows:

### **§ 11.51 EAS code and Attention Signal Transmission requirements.**

(g) \* \* \*

(5) Wireless cable systems with a requirement to carry the audio and video EAS message on at least one channel and a requirement to provide video interrupt and an audio alert message on all other channels stating which channel is carrying the audio and video EAS message, may comply by using a means on all programmed channels that automatically tunes the subscriber's set-top box to a pre-designated channel which carries the required audio and video EAS messages.

(h) \* \* \*

(5) Wireless cable systems with a requirement to carry the audio and video EAS message on all downstream channels may comply by using a means on all programmed channels that automatically tunes the subscriber's set-top box to a pre-designated channel which carries the required audio and video EAS messages.

\* \* \* \* \*

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## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Parts 22, 80, 87, 90 and 101**

[WT Docket Nos. 98–20 and 96–188; RM–8677 and RM–9107; FCC 98–234 and FCC 99–139]

### **Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, announcement of effective date.

**SUMMARY:** The Wireless Telecommunications Bureau (Bureau) of the Federal Communications Commission (Commission) announces that certain rules adopted in the Universal Licensing System proceeding (WT Docket Nos. 98–20 and 96–188, FCC 98–234) in 1998, to the extent they contained information collection requirements that required approval by the Office of Management and Budget (OMB), became effective on January 21, 1999.

The Bureau also announces that certain rules adopted in the Universal Licensing System proceeding (WT Docket Nos. 98–20, and 96–188, FCC 99–139) in 1999, to the extent they contained information collection requirements that required approval by OMB, became effective on October 1, 1999.

**DATES:** Sections 22.105, 22.709(b)(2), 22.803(b)(2), 22.875(d)(5), 22.929(b)(2), 80.21, 80.33, 80.53, 80.469, 80.511, 80.513, 80.553, 80.605, 87.215, 87.347, 90.625, 90.683, 90.763, 101.61, and 101.701, published at 63 FR 68904 (Dec. 14, 1998), contained information collection requirements and became effective on January 21, 1999. Sections 22.529(c), 22.709(f), 22.803(c), and 22.929(d), published at 64 FR 53231 (Oct. 1, 1999), contained information collection requirements and became effective on October 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** Richard Arsenault, Wireless Telecommunications Bureau, at (202) 418–0920, or via the Internet at [Richard.Arsenault@fcc.gov](mailto:Richard.Arsenault@fcc.gov). For additional information concerning the information collections contained in this document, contact Judith-B. Herman at (202) 418–0214, or via the Internet at [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov).

### **Announcement of Effective Date of Certain Commission Rules**

1. On December 14, 1998, the Commission published a notice in the **Federal Register**, 63 FR 68904, of its Report and Order (*Report and Order*) in the Universal Licensing System proceeding (WT Docket Nos. 98–20 and 96–188; RM–8677; FCC 98–234). In that Notice, the Commission stated that it would publish a document in the **Federal Register** announcing the effective date of certain rules adopted in the *Report and Order*—specifically §§ 22.105, 22.709(b)(2), 22.803(b)(2),

22.875(d)(5), 22.929(b)(2), 80.21, 80.33, 80.53, 80.469, 80.511, 80.513, 80.553, 80.605, 87.215, 87.347, 90.625, 90.683, 90.763, 101.61, and 101.701, to the extent that these rules contained information collection requirements that required approval by OMB. On January 21, 1999, OMB approved the public information collection associated with these rules via OMB Control No. 3060-0865. The Commission published a Notice in the **Federal Register** at 64 FR 9510, (Feb. 26, 1999), announcing OMB's approval. OMB Control No. 3060-0865 subsequently was modified and extended until March 31, 2007.

2. The Commission published a Notice in the **Federal Register** at 64 FR 68904, (Oct. 1, 1999), of its Memorandum Opinion and Order and Order on Reconsideration (*Memorandum Opinion and Order and Order on Reconsideration*) in the Universal Licensing System proceeding (WT Docket Nos. 98-20 and 96-188, RM-8677 and RM-9107; FCC 99-139), wherein the Commission modified certain rules. In that Notice, the Commission stated that it would publish a document in the **Federal Register** announcing the effective date of certain rules adopted in the *Memorandum Opinion and Order and Order on Reconsideration*—specifically §§ 22.529(c), 22.709(f), 22.803(c), and 22.929(d), to the extent that these rules contained information collection requirements that required approval by OMB. On September 30, 1999, OMB approved the public information collection associated with these rules via OMB Control No. 3060-0865. OMB Control No. 3060-0865 subsequently was modified and extended until March 31, 2007.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 25

[IB Docket No. 01-185, FCC 05-30]

### 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 Bands

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document is a summary of the *Memorandum Opinion and Order*

and *Second Order on Reconsideration* adopted by the Commission in this proceeding. The Commission reaffirmed its decision to allow satellite operators to integrate Ancillary Terrestrial Components (ATC) to existing Mobile Satellite Service (MSS) systems and amended the service rules governing ATC to provide greater flexibility for MSS operators to design and deploy ATC, while protecting other users in the bands. The new rules will further the Commission's goals of development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas, and efficient and intensive use of the electromagnetic spectrum.

**DATES:** Effective May 13, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Sean O'More, Howard Griboff, or Paul Locke, Policy Division, International Bureau, (202) 418-1460.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order and Second Order on Reconsideration* in IB Docket No. 01-185, FCC No. 05-30, adopted February 10, 2005 and released on February 25, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257). The document is also available for download over the Internet at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-05-30A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-30A1.doc). The complete text may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) located in Room CY-B402, 445 12th Street, SW., Washington, DC 20554. Customers may contact BCPI at their web site: <http://www.bcpweb.com> or call 1-800-378-3160.

#### Summary of Memorandum Opinion and Order and Second Order on Reconsideration

On February 10, 2003, the Commission released a Report and Order (*MSS Flexibility R&O*) in this proceeding (68 FR 33640, June 5, 2003). The *MSS Flexibility R&O* permitted MSS operators to provide integrated ATC within their assigned MSS spectrum, and adopted rules pertaining to the licensing and operation of ATC systems. The Commission established a set of prerequisites, known as "gating criteria," that MSS operators would have to satisfy in order to add ATC to their systems. The Commission also established technical rules to ensure that ATC did not interfere with other MSS operators' systems or with other services. Finally, the Commission

concluded that ATC authority would be granted by modifying MSS operators' current licenses, and that ATC authority would not be granted by competitive bidding. On July 3, 2003, the Commission released an *Order on Reconsideration (Sua Sponte Order)* (68 FR 47856, August 12, 2003), which clarified certain aspects of the *MSS Flexibility R&O*.

On February 10, 2005, the Commission adopted the *Memorandum Opinion and Order and Second Order on Reconsideration* in this proceeding. The *Memorandum Opinion and Order and Second Order on Reconsideration* amends the licensing and service rules for ATC in the 2000-2020 and 2180-2200 MHz bands (the 2 GHz MSS band), the 1525-1559 MHz and 1626.5-1660.5 MHz bands (the L-band), and the 1610-1626.5 MHz and 2483.5-2500 MHz bands (the Big LEO band). MSS can provide mobile communications at any location in the United States, including rural and remote areas and offshore maritime areas where communications by terrestrial mobile systems are often unavailable. In some areas, however, particularly urban areas, the communications signal from the MSS satellite can be blocked by tall buildings. For this reason, there are areas where MSS communications are not available. ATC will provide integrated communications coverage in these areas, allowing MSS/ATC to offer ubiquitous service to consumers.

The *Memorandum Opinion and Order and Second Order on Reconsideration* responded to petitions for reconsideration of the *MSS Flexibility R&O* and *Sua Sponte Order* in four major areas: (1) Gating criteria, (2) uplink interference, (3) downlink interference, and (4) licensing rules.

**Gating Criteria.** The *Memorandum Opinion and Order and Second Order on Reconsideration* considered requests to change the gating criteria which MSS operators must meet in order to provide ATC. The Commission declined to require that a percentage of MSS/ATC system capacity must be reserved for MSS operations. The Commission also declined to require MSS/ATC user terminals, such as handsets, to attempt to contact the satellite before communicating through the ATC. The Commission also clarified the meaning of the term "dual-mode device," the prohibition on offering ATC-only service, and the requirement that an MSS operator must satisfy the gating criteria in each band in which it seeks to offer ATC.

**Uplink Interference.** The *Memorandum Opinion and Order and Second Order on Reconsideration*