



# Federal Register

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**Monday,  
May 11, 2009**

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**Part XVII**

**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 2009**

**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.

**William F. Caton,**  
*Deputy Secretary, Federal Communications Commission.*

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

Sequence Number	Title	Regulation Identifier Number
299	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
300	Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94-129) .....	3060-AG46
301	Implementation of the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons With Disabilities .....	3060-AG58
302	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
303	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02-278) .....	3060-A114
304	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03-123) .....	3060-A115
305	Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CG Docket No. 04-53) .....	3060-A120
306	Rules and Regulations Implementing Minimum Customer Account Record Exchange (CARE) Obligations on All Local and Interexchange Carriers (CG Docket No. 02-386) .....	3060-A158
307	Truth in Billing and Billing Format .....	3060-A161
308	Closed Captioning of Video Programming ( <b>Section 610 Review</b> ) .....	3060-A172

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## CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
309	Telecommunications Relay Services (TRS) and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities, Americans With Disabilities Act of 1990 (ADA) .....	3060-AG76

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

Sequence Number	Title	Regulation Identifier Number
310	Revision of the Rules Regarding Ultra-Wideband Transmission .....	3060-AH47
311	New Advanced Wireless Services (ET Docket No. 00-258) .....	3060-AH65
312	Transfer of the 3650 Through 3700 MHz Band From Federal Government Use (WT Docket No. 05-96; ET Docket No. 02-380) .....	3060-AH75
313	Exposure to Radiofrequency Electromagnetic Fields .....	3060-AI17
314	Unlicensed Operation of the 3650-3700 Band (ET Docket No. 04-151) .....	3060-AI50
315	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04-186) .....	3060-AI52
316	Unlicensed Devices and Equipment Approval (ET Docket No. 03-201) .....	3060-AI54

## INTERNATIONAL BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
317	Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures (IB Docket No. 95-117) .....	3060-AD70
318	Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Service in the L-Band (IB Docket No. 96-132) .....	3060-AF89
319	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
320	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 Docket No. 97) .....	3060-AH23
321	Space Station Licensing Reform (IB Docket No. 02-34) .....	3060-AH98
322	Mitigation of Orbital Debris (IB Docket No. 02-54) .....	3060-AI06
323	Amendment of the Commission's Rules (IB Docket No. 04-47) .....	3060-AI41
324	Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04-112) .....	3060-AI42
325	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
326	Amendment of the Commission's Rules To Allocate Spectrum and Adopt Service Rules and Procedures To Govern the Use of Vehicle-Mounted Earth Stations (IB Docket No. 07-101) .....	3060-AI90

## MEDIA BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
327	Cable Television Rate Regulation .....	3060-AF41
328	Cable Television Rate Regulation: Cost of Service .....	3060-AF48
329	Cable Home Wiring .....	3060-AG02
330	Competitive Availability of Navigation Devices (CS Docket No. 97-80) .....	3060-AG28
331	Cable Horizontal and Vertical Ownership Limits (MM Docket No. 92-264) .....	3060-AH09
332	Digital Audio Broadcasting Systems (MM Docket No. 99-325) .....	3060-AH40
333	Second Periodic Review of Rules and Policies Affecting the Conversion to DTV .....	3060-AH54
334	Direct Broadcast Public Interest Obligations (MM Docket No. 93-25) .....	3060-AH59
335	Revision of EEO Rules and Policies (MM Docket No. 98-204) .....	3060-AH95
336	Broadcast Multiple and Cross-Ownership Limits .....	3060-AH97
337	Establishment of Rules for Digital Low Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03-185) .....	3060-AI38

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

Sequence Number	Title	Regulation Identifier Number
338	Joint Sales Agreements in Local Television Markets (MB Docket No. 04-256) .....	3060-AI55
339	Significantly Viewed Out-of-Market Broadcast Stations (MB Docket No. 05-49) .....	3060-AI56
340	Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services (MB Docket No. 05-210) .....	3060-AI63
341	Digital Television Distributed Transmission System Technologies (MB Docket No. 05-312) .....	3060-AI68
342	Implementation of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992 .....	3060-AI69
343	Program Access Rules—Sunset of Exclusive Contracts Prohibition and Examination of Programming Tying Arrangements; (MB Docket Nos. 07-29, 07-198) .....	3060-AI87
344	Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (MB Docket No. 07-91) .....	3060-AI89
345	DTV Consumer Education Initiative (MB Docket No. 07-148) .....	3060-AI96
346	Broadcast Localism (MB Docket No. 04-233) .....	3060-AJ04
347	Creating a Low Power Radio Service (MM Docket NO. 99-25) .....	3060-AJ07
348	Sponsorship Identification Rules and Embedded Advertising (MB Docket No. 08-90) .....	3060-AJ10

## MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
349	Digital Broadcast Content Protection (MB Docket No. 02-230) .....	3060-AI37

## OFFICE OF MANAGING DIRECTOR—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
350	Assessment and Collection of Regulatory Fees .....	3060-AI79

## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
351	Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems .....	3060-AG34
352	Enhanced 911 Services for Wireline .....	3060-AG60
353	In the Matter of the Communications Assistance for Law Enforcement Act .....	3060-AG74
354	Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements .....	3060-AG85
355	1998 Biennial Regulatory Review—Review of Accounts Settlement in Maritime Mobile and Maritime Mobile-Satellite Radio Services; (IB Docket No. 98-96) .....	3060-AH30
356	Implementation of 911 Act .....	3060-AH90
357	Commission Rules Concerning Disruptions to Communications .....	3060-AI22
358	E911 Requirements for IP-Enabled Service Providers .....	3060-AI62
359	Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks .....	3060-AI78
360	Stolen Vehicle Recovery System (SVRS) .....	3060-AJ01
361	The Commercial Mobile Alert System .....	3060-AJ03

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## WIRELESS TELECOMMUNICATIONS BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
362	Amendment of the Commission's Rules Concerning Maritime Communications .....	3060-AF14
363	39 GHz Channel Plan .....	3060-AG16
364	Implementation of the Communications Act, Amendment of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap .....	3060-AG21
365	Amendment of Part 90 of the Rules To Adopt Regulations for Automatic Vehicle Monitoring Systems .....	3060-AH12
366	Fixed Satellite Service and Terrestrial System in the Ku-Band .....	3060-AH17
367	Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to the Commission's Rules .....	3060-AH32
368	Implementation of the Communications Act of 1934 as Amended .....	3060-AH33
369	Amendment of the Rules To License Fixed Services at 24 GHz .....	3060-AH41
370	Amendment of Parts 13 and 80 of the Commission's Rules Governing Maritime Communications .....	3060-AH55
371	Competitive Bidding Procedures .....	3060-AH57
372	2000 Biennial Regulatory Review Spectrum Aggregation Limits for Commercial Mobile Radio Services .....	3060-AH81
373	In the Matter of Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets .....	3060-AH82
374	Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers .....	3060-AH83
375	Year 2000 Biennial Review (WT Docket No. 01-108) .....	3060-AI26
376	Air-Ground Telecommunications Services .....	3060-AI27
377	Amendments of Various Rules Affecting Wireless Radio Services (WT Docket No. 03-264) .....	3060-AI30
378	Facilitating the Provision of Spectrum-Based Services to Rural Areas .....	3060-AI31
379	Improving Public Safety Communications in the 800 MHz Band Industrial/Land Transportation and Business Channels .....	3060-AI34
380	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01-289) .....	3060-AI35
381	Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05-211) .....	3060-AI88
382	Facilitating the Provision of Fixed and Mobile Broadband Access Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands; Reviewing of the Spectrum Sharing Plan Among Non-Geost .....	3060-AJ12
383	Amendment of the Rules Regarding Maritime Automatic Identification Systems; WT Docket No. 04-344 .....	3060-AJ16
384	Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band .....	3060-AJ19
385	Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands .....	3060-AJ20
386	Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, WT Docket No. 08-166; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary .....	3060-AJ21
387	Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHz Band, and To Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels .....	3060-AJ22

## WIRELESS TELECOMMUNICATIONS BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
388	Resale and Roaming Obligations Pertaining to Commercial Mobile Radio Services .....	3060-AF58
389	Implementation of the Communications Act, Competitive Bidding; 218-219 MHz Competitive Bidding Rules .....	3060-AG00
390	Multiple Access Systems .....	3060-AG86
391	Amendment of Part I of the Commission's Rules—Competitive Bidding Procedures .....	3060-AG87
392	Amendment to Licensing Low Power Operations in 450-470 MHz Band .....	3060-AH84
393	Review of Quiet Zones Application Procedures .....	3060-AH88
394	Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59) .....	3060-AH89
395	Extending Wireless Telecommunications Services to Tribal Lands .....	3060-AI32
396	Amendment of Commission Rules Concerning Airport Terminal Use Frequencies 450-470 MHz Band of the Private Land Mobile Radio Services (WT Docket No. 02-318) .....	3060-AI33
397	Hearing Aid-Compatible Telephones (WT Docket Nos. 01-309 & 06-150) .....	3060-AI57

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WIRELINE COMPETITION BUREAU—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
398	Implementation of the Universal Service Portions of the 1996 Telecommunications Act .....	3060-AF85
399	Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information .....	3060-AG43
400	Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 .....	3060-AG50
401	Local Telephone Networks That LECs Must Make Available to Competitors .....	3060-AH44
402	2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements .....	3060-AH72
403	Access Charge Reform and Universal Service Reform .....	3060-AH74
404	Numbering Resource Optimization .....	3060-AH80
405	National Exchange Carrier Association Petition .....	3060-AI47
406	IP-Enabled Services .....	3060-AI48
407	Consumer Protection in the Broadband Era .....	3060-AI73
408	Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07-135) .....	3060-AJ02
409	Jurisdictional Separations .....	3060-AJ06
410	Implementation of NET 911 Improvement Act .....	3060-AJ09

Federal Communications Commission (FCC)  
Consumer and Governmental Affairs Bureau

Long-Term Actions

**299. 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)**

**Legal Authority:** 47 USC 228

**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

**Agency Contact:** Erica H. McMahon, Chief, Consumer Policy Division,

Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554  
Phone: 202 418-2512  
Email: erica.mcmahon@fcc.gov  
**RIN:** 3060-AG42

**300. IMPLEMENTATION OF THE SUBSCRIBER SELECTION CHANGES PROVISION OF THE TELECOMMUNICATIONS ACT OF 1996 (CC DOCKET NO. 94-129)**

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

**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 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 May 2001, the Commission adopted streamlined procedures for the carrier-to-carrier sale or transfer of customer bases.

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.

On January 4, 2008, the Commission released an Order that confirmed that a LEC that is executing a carrier change on behalf of another carrier may not re-verify whether the person listed on the change order is actually authorized to do so.

On January 9, 2008, the Commission released a Fourth Report and Order that modified the slamming rules regarding the content of independent third party

## FCC—Consumer and Governmental Affairs Bureau

## Long-Term Actions

verifications of a consumer's intent to switch carriers.

**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 R&O and Second FNPRM	02/16/99	64 FR 7745
First Order on Recon	04/13/00	65 FR 47678
Third R&O 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 R&O and Fourth R&O	06/06/01	66 FR 30334
Second FNPRM	03/17/03	68 FR 19176
Third Order on Recon	03/17/03	68 FR 19152
Second FNPRM Comment Period End	06/17/03	
First Order on Recon & Fourth Order on Recon	03/15/05	70 FR 12605
Fifth Order on Recon	03/23/05	70 FR 14567
Order	02/04/08	73 FR 6444
Fourth R&O	03/12/08	73 FR 13144
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Nancy Stevenson, Deputy Chief, Consumer Policy Div., Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554  
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Fax: 202 418-1196  
Email: nancy.stevenson@fcc.gov

**RIN:** 3060-AG46

**301. IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996; ACCESS TO TELECOMMUNICATIONS SERVICE, TELECOMMUNICATIONS EQUIPMENT AND CUSTOMER PREMISES EQUIPMENT BY PERSONS WITH DISABILITIES**

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

**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
Notice	03/07/96	61 FR 9164
Notice	07/30/96	61 FR 39657
R&O	08/14/96	61 FR 42181
NOI	09/26/96	61 FR 50465
Notice	10/23/96	61 FR 54999
NPRM	05/22/98	63 FR 28456
Notice	10/28/98	63 FR 57686
Notice	04/13/99	64 FR 18021
Notice	04/19/99	64 FR 19178
Notice	06/02/99	64 FR 29644
R&O	11/19/99	64 FR 63235
Further NOI	11/19/99	64 FR 63277
Public Notice	07/13/00	65 FR 43372
Public Notice	01/07/02	67 FR 678
Notice	04/23/02	67 FR 19753
Notice	09/06/02	67 FR 57009
Notice	10/30/02	67 FR 66154
Public Notice	07/21/04	69 FR 43586
Notice	07/29/04	69 FR 45318
Notice	02/14/05	70 FR 7503
Notice	04/06/05	70 FR 17456
Public Notice	07/20/05	70 FR 41754
Notice	03/29/06	71 FR 15738
Notice	07/26/06	71 FR 42396
Public Notice	08/02/06	71 FR 43768
R&O	08/06/07	72 FR 43546
Notice	08/06/07	72 FR 43638
Notice	12/10/07	72 FR 69686
Notice	12/11/07	72 FR 70324
Notice	03/06/08	73 FR 12174
Comment Period End	01/07/08	
Notice/Announcement of Effective Date	03/20/08	73 FR 14941
Final Rule: Notice Removal	04/21/08	73 FR 21251
R&O	05/07/08	73 FR 25566
Notice	06/13/08	73 FR 33820
Public Notice	08/01/08	73 FR 45008
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**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  
Phone: 202 418-2284  
TDD Phone: 202 418-0416  
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**RIN:** 3060-AG58

**302. 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)**

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

**Abstract:** This item addresses the requirement that telecommunications relay services be capable of handling any type of call normally provided by common carriers.

**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
MO&O	11/28/95	60 FR 58626
Order	09/08/97	62 FR 47152
Second NPRM	04/05/01	66 FR 18059
Fifth R&O	02/07/03	68 FR 6352
R & O (Correction)	02/24/03	68 FR 8553
Recon of Fifth 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 Fifth 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
Comment Period End	01/26/05	
Notice	04/06/05	70 FR 17456
Notice	04/19/06	71 FR 20101
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Thomas Chandler, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554  
Phone: 202 418-1475  
Email: thomas.chandler@fcc.gov

**RIN:** 3060-AG75

**303. RULES AND REGULATIONS IMPLEMENTING THE TELEPHONE CONSUMER PROTECTION ACT (TCPA) OF 1991 (CG DOCKET NO. 02-278)**

**Legal Authority:** 47 USC 227

## FCC—Consumer and Governmental Affairs Bureau

## Long-Term Actions

**Abstract:** The Commission released a Notice of Proposed Rulemaking (NPRM) on September 18, 2002, seeking comment on the rules implementing the Telephone Consumer Protection Act of 1991 (TCPA). The NPRM 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.

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 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 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 December 9, 2005, the Commission released an NPRM proposing to amend the fax advertising rules to implement the Junk Fax Protection Act of 2005. On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration amending its facsimile advertising rules. On October 14, 2008, the Commission released an Order on Reconsideration addressing certain issues raised in petitions for reconsideration and/or clarification of the Report and Order and Third Order on Reconsideration.

On January 4, 2008, the Commission released a Declaratory Ruling, clarifying that autodialed and prerecorded message calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the "prior express consent" of the called party.

Following a December 4, 2007 NPRM, on June 17, 2008, the Commission released a Report and Order amending its rules to require sellers and/or telemarketers to honor registrations

with the National Do-Not-Call Registry indefinitely, unless the registration is cancelled by the consumer or the number is removed by the database administrator.

**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
Order on Recon	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Recon	10/30/08	73 FR 64556
Next Action Undetermined		

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 3060-A114

### 304. RULES AND REGULATIONS IMPLEMENTING SECTION 225 OF THE COMMUNICATIONS ACT (TELECOMMUNICATIONS RELAY SERVICE) (CG DOCKET NO. 03-123)

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

**Abstract:** This proceeding established a new docket flowing from the previous telecommunications relay service (TRS) history, CC Docket No. 98-67. This proceeding continues the Commission's inquiry into improving the quality of TRS and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or

impair the development of new technology. In this docket, the Commission explores 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
Public Notice	07/26/04	69 FR 44534
R&O, Order on Recon	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	11/12/04	69 FR 65401
Comment Period End	12/30/04	
Public Notice	01/11/05	70 FR 2360
Comment Period End	01/19/05	
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/ Interpretation	02/25/05	70 FR 9239
Comment Period End	03/04/05	
Public Notice	03/07/05	70 FR 10930
Public Notice	03/16/05	70 FR 12884
Order	03/23/05	70 FR 14568
Public Notice/ Announcement of Date	04/06/05	70 FR 17334
Comment Period End	05/02/05	
Public Notice	05/11/05	70 FR 24790
Comment Period End	05/25/05	
Order	07/01/05	70 FR 38134
Deadline	07/01/05	
Public Notice	07/13/05	70 FR 38134
Order on Recon	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Public Notice	09/07/05	70 FR 53191
Order on Clarification	09/14/05	70 FR 54294
Notice	09/14/05	70 FR 54381
Comment Period End	10/07/05	
Order on Clarification	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
Public Notice	11/30/05	70 FR 71849
R&O/Order on Recon	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
Notice	01/11/06	71 FR 1753
Notice	01/11/06	71 FR 1755
Comment Period End	01/17/06	
Public Notice/Petition for Rulemaking Withdrawn	01/18/06	71 FR 2942
NPRM	02/01/06	71 FR 5221
Notice	02/01/06	71 FR 5221
Comment Period End	02/10/06	
Comment Period End	03/08/06	
Notice/Announcement of Effective Date	03/15/06	71 FR 13281
Notice	03/24/06	71 FR 14893
Public Notice	05/10/06	71 FR 27252
Notice	05/24/06	71 FR 29961
Declaratory Ruling/Clarification	05/31/06	71 FR 30818

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Action	Date	FR Cite	Action	Date	FR Cite
FNPRM	05/31/06	71 FR 30848	PRA Comment Period End	07/16/08	
Declaratory Ruling/Dismissal of Petition	06/21/06	71 FR 35553	Declaratory Ruling	07/08/08	73 FR 38928
Clarification	06/28/06	71 FR 36690	R&O	07/18/08	73 FR 41286
Public Notice	06/28/06	71 FR 36795	FNPRM	07/18/08	73 FR 41307
Public Notice	06/28/06	71 FR 36796	Comment Period End	08/25/08	
Public Notice	06/28/06	71 FR 36794	PRA Comment Period End	09/16/08	
Declaratory Ruling on Recon	07/06/06	71 FR 38268	Notice	07/18/08	73 FR 41351
Comment Period End	07/17/06		PRA Comment Period End	09/16/08	
Comment Period End	07/17/06		Notice/Announcement of Effective Date	07/30/08	73 FR 4417
Public Notice	08/02/06	71 FR 43768	Public Notice	08/01/08	73 FR 45006
Order on Recon	08/16/06	71 FR 47141	Comment Period End	09/29/08	
MO&O	08/16/06	71 FR 47145	Public Notice	08/05/08	73 FR 45354
Clarification	08/23/06	71 FR 49380	Public Notice	08/22/08	73 FR 49670
FNPRM	09/13/06	71 FR 54009	Public Notice	10/10/08	73 FR 60172
FNPRM Comment Period End	10/30/06		Order	10/23/08	73 FR 63078
Correction	09/27/06	71 FR 56442	2nd R&O and Order on Recon	12/30/08	73 FR 79683
FNPRM Comment Period End	11/13/06		Next Action Undetermined		
PRA Comment Period End	11/13/06		<b>Regulatory Flexibility Analysis Required:</b> Yes		
Final Rule; Clarification	02/14/07	72 FR 6960	<b>Agency Contact:</b> Thomas Chandler, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554		
Notice Comment Period End	04/16/07		Phone: 202 418-1475		
Notice	02/14/07	72 FR 7031	Email: thomas.chandler@fcc.gov		
Public Notice	03/01/07	72 FR 9333	<b>RIN:</b> 3060-AI15		
Notice	03/01/07	72 FR 9332			
Public Notice	03/07/07	72 FR 10214			
Order	03/14/07	72 FR 11789			
Public Notice	04/12/07	72 FR 18478			
Notice	04/18/07	72 FR 19501			
Notice	05/02/07	72 FR 24305			
Public Notice	05/16/07	72 FR 27570			
Public Notice	05/16/07	72 FR 27569			
Notice	06/06/07	72 FR 31327			
Notice	06/13/07	72 FR 32661			
Public Notice	07/18/07	72 FR 39423			
R&O	08/06/07	72 FR 43546			
Notice	08/06/07	72 FR 43638			
Public Notice	08/16/07	72 FR 46060			
Order	11/01/07	72 FR 61813			
Public Notice	11/01/07	72 FR 61882			
Notice	12/11/07	72 FR 70324			
Public Notice	01/04/08	73 FR 863			
R&O/Declaratory Ruling	01/17/08	73 FR 3197			
Notice	01/17/08	73 FR 3253			
Order	02/19/08	73 FR 9031			
Public Notice	02/19/08	73 FR 9118			
Public Notice	03/27/08	73 FR 16304			
Public Notice	04/07/08	73 FR 18796			
Comment Period End	05/22/08				
R&O	04/21/08	73 FR 21252			
Order	04/21/08	73 FR 21347			
Order	04/23/08	73 FR 21843			
Public Notice	04/30/08	73 FR 23361			
Order	05/15/08	73 FR 28057			
Public Notice	05/23/08	73 FR 26992			
Notice	06/16/08	73 FR 34015			

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**RIN:** 3060-AI20

### 306. RULES AND REGULATIONS IMPLEMENTING MINIMUM CUSTOMER ACCOUNT RECORD EXCHANGE (CARE) OBLIGATIONS ON ALL LOCAL AND INTEREXCHANGE CARRIERS (CG DOCKET NO. 02-386)

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 201 and 202; 47 USC 303(r)

**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 (NPRM) 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 (FNPRM), the Commission sought comment on the need for rules governing the exchange of customer

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

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

**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
Order Cross Referencing Federal Trade Commission Definitions	03/25/05	70 FR 34665
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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account information between local telephone service providers.

On April 15, 2005, and June 15, 2005, a coalition of local and long distance carriers proposed minor modifications and clarifications to section 64.4002 of the Commission's CARE rules. On August 29, 2005, the Commission released a public notice requesting comment on the coalition's proposed clarifications and modifications. Notice of the proposed changes was published in the Federal Register on September 7, 2005 (70 FR 53137). The comment cycle established by the August 29 public notice closed October 3, 2005.

On September 13, 2006, the Commission released an Order on Reconsideration adopting the clarifications and technical corrections to the Report and Order, as proposed by the coalition of carriers.

On December 21, 2007, the Commission released a Report and Order declining to adopt mandatory data exchange requirements between local exchange carriers.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/04	69 FR 20845
NPRM Comment Period End	06/18/04	
R&O and FNPRM	06/02/05	70 FR 32258
FNPRM Comment Period End	08/01/05	
Public Notice	08/29/05	70 FR 53137—01
Public Notice Comment Period End	10/03/05	
Order on Recon	12/13/06	71 FR 74819
R&O	01/08/08	73 FR 1297
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AI58

**307. TRUTH IN BILLING AND BILLING FORMAT**

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

**Abstract:** In 1999, the Commission adopted truth-in-billing rules to address concerns that there is consumer confusion relating to billing for telecommunications services. On March 18, 2005, the Commission released an Order and FNPRM to further facilitate the ability of telephone consumers to make informed choices among competitive service offerings.

**Timetable:**

Action	Date	FR Cite
FNPRM	05/25/05	70 FR 30044
R&O	05/25/05	70 FR 29979
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AI61

**308. CLOSED CAPTIONING OF VIDEO PROGRAMMING (SECTION 610 REVIEW)**

**Legal Authority:** 47 USC 613

**Abstract:** The Commission's closed captioning rules are designed to make video programming more accessible to deaf and hard of hearing Americans. This proceeding resolves some issues regarding the Commission's closed captioning rules that were raised for comment in 2005, and also seeks comment on how a certain exemption from the closed captioning rules should be applied to digital multicast broadcast channels.

**Timetable:**

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Notice	10/02/97	62 FR 54848
Order on Recon	10/28/98	63 FR 55959
Notice	09/29/00	65 FR 58552
Notice	01/05/01	66 FR 1136
Notice	12/31/03	68 FR 75558
Notice	05/11/04	69 FR 26095
NPRM	09/26/05	70 FR 56150
Comment Period Extended	11/25/05	70 FR 71077
Comment Period End	12/16/05	
Notice	09/27/07	72 FR 70324
Order on Declaratory Ruling	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Comment Period End	02/27/09	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AI72

Federal Communications Commission (FCC)  
 Consumer and Governmental Affairs Bureau

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**309. TELECOMMUNICATIONS RELAY SERVICES (TRS) AND SPEECH-TO-SPEECH SERVICES FOR INDIVIDUALS WITH HEARING AND SPEECH DISABILITIES, AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)**

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

**Abstract:** 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, CC Docket No. 90-571. 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

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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 docket and RIN flow from CC Docket No. 90-571 AND RIN 3060-AG75.

**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
R&O	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
Fifth R&O	02/07/03	68 FR 6352

Action	Date	FR Cite
Fifth 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
Second R&O and Order on Recon	08/25/03	68 FR 50973
Public Notice	11/07/03	68 FR 63029
Waiver & Clarification	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
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	11/01/04	re: 69 FR 53442
Comment Period End	11/15/04	re: 69 FR 53382

Action	Date	FR Cite
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
Public Notice	03/07/05	70 FR 10930
Comment Period End	03/04/05	
Public Notice	03/16/05	70 FR 12884
Comment Period End	05/02/05	
Order	03/23/05	70 FR 14568
Order on Recon	04/06/05	70 FR 17330
Public Notice/ Announcement of Date	04/06/05	70 FR 17334
Notice	04/06/05	70 FR 17456
Public Notice	05/11/05	70 FR 24790
Comment Period End	05/25/05	
Order	07/01/05	70 FR 38134
Order on Recon	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order/Clarification	09/14/05	70 FR 54294
Notice	09/14/05	70 FR 54381
Notice	01/11/06	71 FR 1753
Comment Period End	02/10/06	
Notice	03/24/06	71 FR 14893
Notice	04/19/06	71 FR 20101

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 3060-AG76

**Federal Communications Commission (FCC)  
 Office of Engineering and Technology**
**Long-Term Actions**
**310. REVISION OF THE RULES  
 REGARDING ULTRA-WIDEBAND  
 TRANSMISSION**

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

**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 Rulemaking 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 Second Report and Order and Second Memorandum Opinion and Order responds to two petitions for reconsideration that were filed in response to the Commission's decision to establish regulations for unlicensed UWB operation. It also responds to the rulemaking proposals contained in the Memorandum Opinion and Order and Further Notice of Proposed Rulemaking 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	
First R&O	05/16/02	67 FR 34852
MO&O	04/22/03	68 FR 19746
FNPRM	04/22/03	68 FR 19773
Second R&O and Second MO&O	02/09/05	70 FR 6771
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AH47

**311. NEW ADVANCED WIRELESS SERVICES (ET DOCKET NO. 00-258)**

**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)

**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 Rulemaking 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 Advanced Wireless Service (AWS) operations or as relocation spectrum for existing services.

The 7th Report and 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.

The 8th Report and Order reallocated the 2155-2160 MHz band for Fixed and Mobile services and designates the 2155-2175 MHz band for Advanced Wireless Service (AWS) use. This proceeding continues the Commission's ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including Advanced Wireless Services.

The Order requires Broadband Radio Service (BRS) licensees in the 2150-2160/62 MHz band to provide information on the construction status

and operational parameters of each incumbent BRS system that would be the subject of relocation.

The Notice of Proposed Rule Making requested comments on the specific relocation procedures applicable to Broadband Radio Service (BRS) operations in the 2150-2160/62 MHz band, which the Commission recently decided will be relocated to the newly restructured 2495-2690 MHz band. The Commission also requested comments on the specific relocation procedures applicable to Fixed Microwave Service (FS) operations in the 2160-2175 MHz band.

The Office of Engineering and Technology (OET) and the Wireless Telecommunications Bureau (WTB) set forth the specific data that Broadband Radio Service (BRS) licensees in the 2150-2160/62 MHz band must file along with the deadline date and procedures for filing this data on the Commission's Universal Licensing System (ULS). The data will assist in determining future AWS licensee's relocation obligations.

The 9th Report and Order established procedures for the relocation of Broadband Radio Service (BRS) operations from the 2150-2160/62 MHz band, as well as for the relocation of Fixed Microwave Service (FS) operations from the 2160-2175 MHz band, and modified existing relocation procedures for the 2110-2150 MHz and 2175-2180 MHz bands. It also established cost-sharing rules to identify the reimbursement obligations for Advanced Wireless Service (AWS) and Mobile Satellite Service (MSS) entrants benefiting from the relocation of incumbent FS operations in the 2110-2150 MHz and 2160-2200 MHz bands and AWS entrants benefiting from the relocation of BRS incumbents in the 2150-2160/62 MHz band. The Commission continues its ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including AWS. The Order dismisses a petition for reconsideration filed by the Wireless Communications Association International, Inc. (WCA) as moot.

Two petitions for Reconsideration were filed in response to the 9th Report and Order.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/01	66 FR 7438

## FCC—Office of Engineering and Technology

## Long-Term Actions

Action	Date	FR Cite
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 Recon	11/02/01	66 FR 55666
Second R&O	01/24/03	68 FR 3455
Third NPRM	03/13/03	68 FR 12015
Seventh R&O	12/29/04	69 FR 7793
Petition for Recon	04/13/05	70 FR 19469
Eighth R&O	10/26/05	70 FR 61742
Order	10/26/05	70 FR 61742
NPRM	10/26/05	70 FR 61752
Public Notice	12/14/05	70 FR 74011
Ninth R&O and Order	05/24/06	71 FR 29818
Petition for Recon	07/19/06	71 FR 41022
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AH65**312. TRANSFER OF THE 3650 THROUGH 3700 MHZ BAND FROM FEDERAL GOVERNMENT USE (WT DOCKET NO. 05-96; ET DOCKET NO. 02-380)**

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

**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 Recon R&O	03/28/01 02/27/02	66 FR 16940 67 FR 17038
MO&O and Third R&O	05/02/03	68 FR 38635
Notice of Inquiry	01/21/03	68 FR 2730
NPRM	05/14/04	69 FR 26790
Final Rule	05/11/05	70 FR 24712
Final Rule	07/20/05	70 FR 41631
MO&O	07/25/07	72 FR 40767
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AH75**313. EXPOSURE TO RADIOFREQUENCY ELECTROMAGNETIC FIELDS**

**Legal Authority:** 47 USC 151; 47 USC 302 and 303; 47 USC 309(j); 47 USC 336

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

**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

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**RIN:** 3060-AI17**314. UNLICENSED OPERATION OF THE 3650-3700 BAND (ET DOCKET NO. 04-151)**

**Legal Authority:** 47 USC 154

**Abstract:** The notice of proposed rulemaking proposed to maximize the efficient use of the 3650-3700 MHz band. The proposal would 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 fostered the introduction of new and advanced services to the American public, especially in rural areas.

The Report and Order adopted rules that provide for nationwide, non-exclusive, licensing of terrestrial operations, utilizing technology with a contention-base protocol, in the 3650-3700 MHz band. The Commission also adopted a streamlined licensing

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mechanism with minimal regulatory entry requirements that will encourage multiple entrants and stimulate the rapid expansion of wireless broadband services—especially in rural American and will also serve as a safeguard to protect incumbent satellite earth stations from harmful interference.

In the Memorandum Opinion and Order, the Commission addressed several petitions for reconsideration and an emergency motion for stay that were filed in response 3650 MHz Allocation Order in ET Docket No. 98-237.

In light of its full review of the refreshed record in this proceeding, and in light of the decisions made in the companion Report and Order, the Commission denied the aspects of the petitions that challenge and seek to reverse the allocation decisions made in the 3650 MHz Allocation Order.

The Commission denied the motion for stay. When the Commission established the November 30, 2000, filing deadline, it did so because it found that additional new FSS facilities permitted by the Freeze Memorandum Opinion and Order could affect the use of the 3650-3700 MHz band by the terrestrial services. By deciding in this Order to maintain the FSS allocation changes made in the 3650 MHz Allocation Order, the Commission, reaffirmed its conclusion that allowing additional primary FSS earth stations in the 3650 MHz band could negatively affect the prospects for viable FS/MS terrestrial operations.

The Memorandum Opinion and Order addressed petitions for reconsideration filed in response to the Commission's Report and Order relating to the 3650-3700 MHz band (3650 MHz band) proceeding. The Commission affirmed its previous decisions to create a spectrum environment that will encourage multiple entrants and stimulate the expansion of broadband service to rural and under served areas. To facilitate rapid deployment in the band, the Commission maintains the previously adopted, non-exclusive licensing scheme. The clarification and modification will facilitate operation of the widest variety of broadband technologies with minimal risk of interference in both the near and long terms. They should further reduce the potential for co-channel interference, provide additional protections to the multiple users in the band under the

current licensing regime, and create incentives for the rapid development of broadly compatible contention technologies.

**Timetable:**

Action	Date	FR Cite
NPRM	05/14/04	69 FR 26790
R&O & MO&O	05/11/05	70 FR 24712
MO&O	07/25/07	72 FR 40767
Next Action Undetermined		

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 3060-AI50

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

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

**Abstract:** The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed “white spaces”). This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary correct, any interference that may occur.

**Timetable:**

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/08	73 FR 7314
Next Action Undetermined		

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 3060-AI52

**316. UNLICENSED DEVICES AND EQUIPMENT APPROVAL (ET DOCKET NO. 03-201)**

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

**Abstract:** The Notice of Proposed Rulemaking (NPRM) 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 in part 15 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. The Commission received one petition for reconsideration in this proceeding.

The Second Report and Order amended the Commission's rules to provide for more efficient equipment authorization of both existing modular transmitter devices and emerging partitioned (or “split”) modular transmitter devices. These rule changes will benefit manufacturers by allowing greater flexibility in certifying equipment and providing relief from the need to obtain a new equipment authorization each time the same transmitter is installed in a different final product. The rule changes will also enable manufacturers to develop more flexible and more advanced unlicensed transmitter technologies. The Commission further found that modular transmitter devices authorized in accordance with the revised equipment authorization procedures will not pose any increased

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risk of interference to other radio operations.

The Further NPRM, seeks comment on whether there is a need to require unlicensed transmitters operating in the 915 MHz band under sections 15.247 and 15.249 of the rules to comply with a spectrum etiquette requirement, and the impact that requiring an etiquette would have on the development and operation of unlicensed 915 MHz devices operating under those rule sections. The Commission also seeks comment on the particular etiquette suggested by Cellnet that would require digitally modulated spread spectrum transmitters operating in the 915 MHz band under section 15.247 of the rules to operate at less than the 1-watt maximum power if they are continuously silent less than 90 percent of the time within a 0.4 second interval. This etiquette would require that the maximum permitted power level decrease in accordance with a specified formula as the silent interval

between transmission decreases. The Commission further seeks comment on alternatives to the etiquette suggested by Cellnet.

The Memorandum Opinion and Order dismissed two petitions for reconsideration of the rules adopted in the Report and Order, 69 FR 54027, September 7, 2004, in this proceeding. It dismissed a petition for reconsideration filed by Warren C. Havens and Telesaurus Holdings GB LLC (Havens) requesting that the Commission suspend the rule changes adopted for unlicensed devices in the 902-928 MHz (915 MHz) band until such time as it completes a formal inquiry with regard to the potential effect of such changes to Location and Monitoring Service (LMS) licensees in the band. The Commission also dismissed a petition for reconsideration filed by Cellnet Technology (Cellnet) requesting that the Commission adopt spectrum sharing requirements in the unlicensed bands, for example, a

“spectrum etiquette,” particularly in the 915 MHz band.

**Timetable:**

Action	Date	FR Cite
NPRM	09/17/03	68 FR 68823
R&O	09/07/04	69 FR 54027
Petition for Recon	11/19/04	69 FR 67736
Petition for Recon	02/15/05	70 FR 7737
Second R&O	05/23/07	72 FR 28889
FNPRM	08/01/07	72 FR 42011
MO&O	08/01/07	72 FR 41937
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI54

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### 317. STREAMLINING THE COMMISSION'S RULES AND REGULATIONS FOR SATELLITE APPLICATION AND LICENSING PROCEDURES (IB DOCKET NO. 95-117)

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

**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 of 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. The Commission addressed the issues in the Petitions for Reconsideration in an Order released on October 10, 2008.

**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

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**RIN:** 3060-AD70

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

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

**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. Petitions for reconsideration were filed.

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**Timetable:**

Action	Date	FR Cite
NPRM	06/18/96	61 FR 40772
NPRM Comment Period End	09/23/96	
R&O	08/07/02	67 FR 51105
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AF89

**319. 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)**

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

**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. The Commission released a second further notice of proposed rulemaking in January 2008 to consider new proposals for rules governing terrestrial repeaters and operations of Wireless Communications Service (WCS) devices in the 2305-2360 MHz band.

**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
Second FNPRM	01/15/08	73 FR 2437
FNPRM Comment Period End	03/17/08	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AF93

**320. 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 DOCKET NO. 97)**

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

**Abstract:** This item adopts a plan for nongovernment 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
R&O	01/15/99	64 FR 2585
Correction	02/08/99	64 FR 6138
Correction	02/10/99	64 FR 6565
Notice of Petition for Recon	03/22/99	64 FR 13796
Order on Recon	12/01/99	
FNPRM	07/05/01	66 FR 35399
Second R&O	08/25/04	69 FR 52198
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AH23

**321. SPACE STATION LICENSING REFORM (IB DOCKET NO. 02-34)**

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

**Abstract:** The Commission has adopted a Notice of Proposed Rulemaking (NPRM) 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

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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	07/02/02	
Period End		
Second R&O (Release Date)	06/20/03	68 FR 62247
Second FNPRM (Release Date)	07/08/03	68 FR 53702
Third 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	10/27/03	
Period End		
Fourth R&O (Release Date)	04/16/04	69 FR 67790
Fifth R&O, First Order on Recon (Release Date)	07/06/04	69 FR 51586
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AH98

**322. MITIGATION OF ORBITAL DEBRIS (IB DOCKET NO. 02-54)**

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

**Abstract:** The Commission has adopted rules that require all entities seeking FCC authorization for satellite services to address orbital debris mitigation as part of their application for FCC authorization. Orbital debris consists of artificial objects orbiting the Earth that are not functional spacecraft. In addition, the Commission established requirements for the removal of geostationary spacecraft from operational orbits at the end of their useful lives and amended the Commission's rules regarding orbit-

raising maneuvers, the use of inclined orbits, and orbital longitudinal tolerance station-keeping requirements. The Commission indicated that it will seek further comment on the application of the Commission's longitudinal tolerance station-keeping requirements for Fixed-Satellite space stations to space stations in the Mobile-Satellite Service and remote sensing services.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI06

**323. AMENDMENT OF THE COMMISSION'S RULES (IB DOCKET NO. 04-47)**

**Legal Authority:** 47 USC 34 to 39; 47 USC 151; 47 USC 161; 47 USC 201 to 205;

**Abstract:** FCC amended several rules. Specifically, FCC: (1) Amended the procedures for discontinuing an international service; (2) allowed U.S. carriers to resell the U.S.-inbound service of foreign carriers; and (3) amended the submarine cable landing licensing procedures compliance with the Coastal Zone Management Act of 1972. The North American Submarine Cable Association filed a petition for reconsideration regarding the amendment to the submarine cable licensing procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	03/22/04	69 FR 13276
NPRM Comment	06/07/04	
Period End		
R&O	09/25/07	72 FR 54363
Petition for Recon	01/02/08	73 FR 187
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI41

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

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 161; 47 USC 201 to 205;

**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 47 CFR 43.82 and to repeal 47 CFR 43.53.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI42

**325. 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)**

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 302(a); 47 USC 303(e);

**Abstract:** This docket involves the spectrum sharing plan for the low earth orbit satellite systems in the 1.6 GHz and 2.4 GHz bands (Big LEOs). In November 2007, the Commission resolved the 1.6 GHz spectrum sharing plan between Globalstar Inc. and Iridium Satellite LLC, whereby Globalstar will have exclusive MSS use

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of 7.775 megahertz of spectrum at 1610-1617.775 MHz, Iridium will have exclusive MSS use of 7.775 megahertz of spectrum at 1618.725-1626.5 MHz, and the two Big LEO operators will share 0.95 megahertz of spectrum at 1617.775-1618.725 MHz. Separately, in April 2006, the Commission affirmed the spectrum sharing plan between Globalstar and the fixed and mobile (except aeronautical mobile) services in the 2495-2500 MHz band in order to accommodate the relocation of Broadband Radio Service Channel 1 to the 2496-2502 MHz band. (Iridium does not operate in the 2.4 GHz band.)

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/03	68 FR 33666
R&O	08/09/04	69 FR 48157
FNPRM	08/09/04	69 FR 48192
Petitions for Recon	10/12/04	69 FR 60626
First Order on Recon	06/19/06	71 FR 35178
Petitions for Further Recon	07/27/06	71 FR 44029
Second Order on Recon and Second R&O	12/13/07	72 FR 70807
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AI44

**326. AMENDMENT OF THE COMMISSION'S RULES TO ALLOCATE SPECTRUM AND ADOPT SERVICE RULES AND PROCEDURES TO GOVERN THE USE OF VEHICLE-MOUNTED EARTH STATIONS (IB DOCKET NO. 07-101)**

**Legal Authority:** 47 USC 151; 47 USC 154(i) and (j); 47 USC 157(a); 47 USC 301; 47 USC 303 (c); 47 USC 303 (f); 47 USC 303 (g); 47 USC 303 (r); 47 USC 303 (y); 47 USC 308

**Abstract:** The Commission seeks comment on the proposed amendment of parts 2 and 25 of the Commission's rules to allocate spectrum for use with Vehicle-Mounted Earth Stations (VMES) in the Fixed-Satellite Service

in the Ku-band uplink at 14.0-14.5 GHz and Ku-band downlink 11.72-12.2 GHz on a primary basis, and in the extended Ku-band downlink at 10.95-11.2 GHz and 11.45-11.7 GHz on a non-protected basis, and to adopt Ku-band VMES licensing and service rules modeled on the FCC's rules for Ku-band Earth Stations on Vessels (ESVs). The record in this proceeding will provide a basis for Commission action to facilitate introduction of this proposed service.

**Timetable:**

Action	Date	FR Cite
NPRM	07/08/07	72 FR 39357
NPRM Comment Period End	09/04/07	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AI90

**Federal Communications Commission (FCC) Media Bureau**

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**327. CABLE TELEVISION RATE REGULATION**

**Legal Authority:** 47 USC 154; 47 USC 543

**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 Fourteenth 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
Third R&O	11/30/93	58 FR 63087
Order on Recon, Fourth R&O, and Fifth NPRM	04/15/94	59 FR 17943
Third Order on Recon	04/15/94	59 FR 17961
Fifth Order on Recon and FNPRM	10/13/94	59 FR 51869
Fourth Order on Recon	10/21/94	59 FR 53113
Sixth Order on Recon, Fifth R&O, and Seventh NPRM	12/06/94	59 FR 62614
Seventh Order on Recon	01/25/95	60 FR 4863
Ninth Order on Recon	02/27/95	60 FR 10512
Eighth Order on Recon	03/17/95	60 FR 14373
Sixth R&O and Eleventh Order on Recon	07/12/95	60 FR 35854
Thirteenth Order on Recon	10/05/95	60 FR 52106

Twelfth Order on Recon	10/26/95	60 FR 54815
Tenth Order on Recon	04/08/96	61 FR 15388
Order on Recon of the First R&O and FNPRM	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
Fourteenth 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

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**RIN:** 3060-AF41

## FCC—Media Bureau

## Long-Term Actions

**328. CABLE TELEVISION RATE REGULATION: COST OF SERVICE****Legal Authority:** 47 USC 154; 47 USC 543

**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
Second NPRM	04/15/94	59 FR 18066
MO&O	10/14/94	59 FR 52087
Second R&O/First 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

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**RIN:** 3060-AF48**329. CABLE HOME WIRING****Legal Authority:** 47 USC 544(i)

**Abstract:** On October 6, 1997, the FCC adopted a Report and Order and Second Notice of Proposed Rulemaking (FCC 97-376) 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. The subsequent Report and Order and Declaratory Ruling concluded that cable wiring behind sheet rock is physically inaccessible for determining the demarcation point.

**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 Second R&O	03/21/03	68 FR 13850
FNPRM	10/15/04	69 FR 61193
R&O and Declaratory Ruling	08/30/07	72 FR 50074
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AG02**330. COMPETITIVE AVAILABILITY OF NAVIGATION DEVICES (CS DOCKET NO. 97-80)****Legal Authority:** 47 USC 549

**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.

Specifically, in 1998, the Commission required MVPDs to make available by

July 1, 2000, a security element separate from the basic navigation device (e.g., cable set-top boxes, digital video recorders, and television receivers with navigation capabilities). The separation of the security element from the host device required by this rule (referred to as the "integration ban") was designed to enable unaffiliated manufacturers, retailers, and other vendors to commercially market host devices while allowing MVPDs to retain control over their system security. MVPDs were permitted to continue providing equipment with integrated security until January 1, 2005, so long as modular security components, known as point-of-deployment modules, were also made available for use with host devices obtained through retail outlets. In April 2003, in response to requests from cable operators, the Commission extended the effective date of the integration ban until July 1, 2006. Then, in 2005, again at the urging of cable operators, the Commission extended that date until July 1, 2007. Also, in this proceeding, in April 2003, the Commission adopted unidirectional "plug and play" rules, to govern compatibility between MVPDs and navigation devices manufactured by consumer electronics manufacturers not affiliated with cable operators. In June 2007, the Commission solicited comment on proposed standards to ensure bidirectional compatibility of cable television systems and consumer electronics equipment.

**Timetable:**

Action	Date	FR Cite
NPRM	03/05/97	62 FR 10011
R&O	07/15/98	63 FR 38089
Order on Recon	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
Second R&O	11/28/03	68 FR 66728
FNPRM	11/28/03	68 FR 66776
Order on Recon	01/28/04	69 FR 4081
Second R&O	06/22/05	70 FR 36040
Third FNPRM	07/25/07	72 FR 40818
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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## FCC—Media Bureau

## Long-Term Actions

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RIN: 3060-AG28

### 331. CABLE HORIZONTAL AND VERTICAL OWNERSHIP LIMITS (MM DOCKET NO. 92-264)

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

**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, as well as two aspects of the attribution rules used to determine compliance with these limits. (Time Warner Entertainment Co. v. FCC, 240 F.3d 1126 (DC cir. 2001)). Pursuant to the court’s remand, the Commission solicited comment in a Further Notice of Proposed Rulemaking (September 2001) and a Second Further Notice of Proposed Rulemaking.

In the Fourth Report and Order, the Commission set the cable horizontal ownership limit at 30 percent. In the accompanying Further Notice of Proposed Rulemaking, comment was sought on issues regarding the cable attribution rules and appropriate channel occupancy limits.

#### 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

Action	Date	FR Cite
Second FNPRM	06/18/05	70 FR 33680
Fourth R&O and FNPRM	02/29/08	73 FR 11048
Next Action Undetermined		

#### Regulatory Flexibility Analysis Required: Yes

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RIN: 3060-AH09

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

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

**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 a Further Notice of Proposed Rulemaking. Further technical guidance is provided in a Second Report and Order.

#### 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
Second R&O	08/15/07	72 FR 45712
Next Action Undetermined		

#### Regulatory Flexibility Analysis Required: Yes

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RIN: 3060-AH40

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

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

**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 Second Report and 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. A subsequent 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.

The Second R&O adopts disclosure requirements for televisions that do not include a digital tuner.

#### Timetable:

Action	Date	FR Cite
NPRM	03/23/00	65 FR 15600
R&O	02/13/01	66 FR 9973
MO&O	12/18/01	66 FR 65122
Third MO&O and Order on Recon	10/02/02	67 FR 61816
Second R&O and Second MO&O	10/11/02	67 FR 63290
NPRM	02/18/03	68 FR 7737
R&O	10/04/04	69 FR 59500
Second R&O	05/10/07	72 FR 26554
Next Action Undetermined		

#### Regulatory Flexibility Analysis Required: Yes

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RIN: 3060-AH54

## FCC—Media Bureau

## Long-Term Actions

**334. DIRECT BROADCAST PUBLIC INTEREST OBLIGATIONS (MM DOCKET NO. 93–25)****Legal Authority:** 47 USC 335

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/93	58 FR 12917
R&O	02/08/99	64 FR 52399
Order on Recon	04/22/04	69 FR 21761
Order on Recon	04/28/04	69 FR 23155
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060–AH59**335. REVISION OF EEO RULES AND POLICIES (MM DOCKET NO. 98–204)****Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 257; 47 USC 301; 47 USC 303; 47 USC 307 to 309; 47 USC 334; 47 USC 403; 47 USC 554

**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 (NPRM) 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
Second R&O and Third NPRM	01/07/03	68 FR 670
Correction	01/13/03	68 FR 1657
Fourth NPRM	06/23/04	69 FR 34986
Third R&O	06/23/04	69 FR 34950
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060–AH95**336. BROADCAST MULTIPLE AND CROSS-OWNERSHIP LIMITS****Legal Authority:** 47 USC 151; 47 USC 152(a); 47 USC 154(i); 47 USC 303; 47 USC 307; 47 USC 309 and 310

**Abstract:** In 2002, the Commission undertook a comprehensive review of its broadcast multiple and cross-ownership limits examining: cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule.

The Report and Order replaced the newspaper/broadcast cross-ownership and radio and TV rules 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. In June 2006, the Commission adopted a Further Notice of Proposed Rulemaking initiating the 2006 review of the broadcast ownership rules. The further notice also sought comment on how to address the issues raised by the Third Circuit. Additional questions are raised for comment in a Second Further Notice of Proposed Rulemaking.

In the Report and Order and Order on Reconsideration, the Commission adopts rule changes regarding newspaper/broadcast cross-ownership, but otherwise generally retains the other broadcast ownership rules currently in effect.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Recon	02/21/08	73 FR 9481
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060–AH97**337. ESTABLISHMENT OF RULES FOR DIGITAL LOW POWER TELEVISION, TELEVISION TRANSLATOR, AND TELEVISION BOOSTER STATIONS (MB DOCKET NO. 03–185)****Legal Authority:** 47 USC 309; 47 USC 336

**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. Petitions for reconsideration of the Report and Order are pending resolution.

**Timetable:**

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
R&O	11/29/04	69 FR 69325
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060–AI38

## FCC—Media Bureau

## Long-Term Actions

**338. JOINT SALES AGREEMENTS IN LOCAL TELEVISION MARKETS (MB DOCKET NO. 04–256)**

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

**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. The Commission has sought comment on whether TV JSAs should be attributed for purposes of determining compliance with the Commission's multiple ownership rules.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060–AI55

**339. SIGNIFICANTLY VIEWED OUT-OF-MARKET BROADCAST STATIONS (MB DOCKET NO. 05–49)**

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

**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 “significantly viewed” signals of out-of-market broadcast stations to subscribers. In the NPRM, comment was sought on implementation of section 340. The resulting Report and Order adopted a list of significantly viewed stations and procedures for stations to petition the Commission for inclusion on the list.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/05	70 FR 11314
R&O	12/27/05	70 FR 76504
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060–AI56

**340. REVISION OF PROCEDURES GOVERNING AMENDMENTS TO FM TABLE OF ALLOTMENTS AND CHANGES OF COMMUNITY OF LICENSE IN THE RADIO BROADCAST SERVICES (MB DOCKET NO. 05–210)**

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

**Abstract:** The rulemaking was initiated to reduce backlog in, and streamline, the FM allotment procedures and, to a lesser extent, streamline certain procedures pertaining to AM applications. Although the Commission has made important changes to streamline the processing of radio broadcast applications, the basic procedures for amending the Table have not changed since 1982. The Notice seeks comment on a number of specific rule and procedural changes in the handling of FM and AM applications and rulemaking petitions to amend the Table. In the area of applications procedures, the Notice seeks comments on various proposals designed to encourage only bona fide proponents to submit petitions and to limit the complexity of such petitions. If these changes are adopted, it will expedite the approval and implementation on new and upgraded radio service to the public. The Report and Order adopted the proposals from the notice.

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/05	70 FR 44537
NPRM Comment Period End	10/03/05	
R&O	12/20/06	71 FR 76208
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060–AI63

**341. DIGITAL TELEVISION DISTRIBUTED TRANSMISSION SYSTEM TECHNOLOGIES (MB DOCKET NO. 05–312)**

**Legal Authority:** 47 USC 151; 47 USC 154(i) to (j); 47 USC 157; 47 USC 301;

**Abstract:** A digital television transmission system (DTS) employs multiple synchronized transmitters spread around a station's service area. Such distributed transmitters fill in unserved areas in the parent station's coverage area. The Notice of Proposed Rulemaking (NPRM) examines issues related to the use of DTS and proposes rules for future DTS operation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/07/05	70 FR 72763
R&O	12/05/08	73 FR 74047
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060–AI68

**342. IMPLEMENTATION OF THE CABLE COMMUNICATIONS POLICY ACT OF 1984 AS AMENDED BY THE CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992**

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 541(a)(1); 47 USC 556(c)

**Abstract:** Section 621(a)(1) of the Communications Act of 1934, as amended, states in relevant part that “a franchising authority . . . may not unreasonably refuse to award an additional competitive franchise.” The Notice of Proposed Rulemaking (NPRM) solicits comment on implementation of section 621(a)(1)'s directive, and whether the franchising process unreasonably impedes the achievement of the interrelated Federal goals of enhanced cable competition and accelerated broadband deployment and, if so, how the Commission should act to address that problem.

The subsequent Report and Order found that certain actions by local franchising authorities constitute an unreasonable refusal to award a

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competitive franchise within the meaning of section 621(a)(1). The item included a Further Notice of Proposed Rulemaking (FNPRM) seeking comment on how the findings should affect existing franchises.

In the Second Report and Order, a number of the rules promulgated in this docket are extended to incumbent cable operators.

**Timetable:**

Action	Date	FR Cite
NPRM	12/19/05	70 FR 73973
R&O and FNPRM	03/21/07	72 FR 13230
Second R&O	11/23/07	72 FR 65670
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI69

**343. PROGRAM ACCESS RULES—SUNSET OF EXCLUSIVE CONTRACTS PROHIBITION AND EXAMINATION OF PROGRAMMING TYING ARRANGEMENTS; (MB DOCKET NOS. 07-29, 07-198)**

**Legal Authority:** 47 USC 548

**Abstract:** The program access provisions of the Communications Act (section 628) generally prohibit exclusive contracts for satellite delivered programming between programmers in which a cable operator has an attributable interest (vertically integrated programmers) and cable operators. This limitation was set to expire on October 5, 2007, unless circumstances in the video programming marketplace indicate that an extension of the prohibition continues “to be necessary to preserve and protect competition and diversity in the distribution of video programming.” The proceeding undertakes the required review. The Report and Order concluded the prohibition continues to be necessary, and accordingly, retained it until October 5, 2012. The accompanying Notice of Proposed Rulemaking (NPRM) sought comment on revisions to the Commission’s program access and retransmission consent rules.

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9289
R&O	10/04/07	72 FR 56645
NPRM	10/31/07	72 FR 61590
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI87

**344. THIRD PERIODIC REVIEW OF THE COMMISSION’S RULES AND POLICIES AFFECTING THE CONVERSION TO DIGITAL TELEVISION (MB DOCKET NO. 07-91)**

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 301 to 303; 47 USC 307 to 309; 47 USC 312; 47 USC 316; 47 USC 318 and 319; 47 USC 324 and 325; 47 USC 336 and 337

**Abstract:** Congress has mandated that after February 17, 2009, full-power broadcast stations must transmit only in digital signals, and may no longer transmit analog signals. This proceeding is the Commission’s third periodic review of the transition of the nation’s broadcast television system from analog to digital television (DTV). The Commission conducts these periodic reviews in order to assess the progress of the transition and make any necessary adjustments to the Commission’s rules and policies to facilitate the introduction of DTV service and the recovery of spectrum at the end of the transition. In this review, the Commission considers how to ensure that broadcasters complete construction of their final post-transition (digital) facilities by the statutory deadline.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/07	72 FR 37310
R&O	01/30/08	73 FR 5634
Order on Clarification	07/10/08	73 FR 39623
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI89

**345. DTV CONSUMER EDUCATION INITIATIVE (MB DOCKET NO. 07-148)**

**Legal Authority:** 47 USC 154(i); 47 USC 303(r); 47 USC 335 and 336

**Abstract:** Congress has mandated that after February 17, 2009, full-power broadcast stations must transmit only in digital signals, and may no longer transmit analog signals. From the beginning of the digital transition, the Commission has been committed to working with representatives from industry, public interest groups, and Congress to make the significant benefits of digital broadcasting available to the public. The digital transition will make valuable spectrums available for both public safety uses and expanded wireless competition and innovation. It will also provide consumers with better quality television picture and sound, and make new services available through multicasting. These innovations, however, are dependent upon widespread consumer understanding of the benefits and the mechanics of the transition. While the Commission has been engaged in various DTV outreach efforts, this proceeding was initiated to seek public comment on whether there are additional steps relating to consumer education about the digital transition which the Commission should take.

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/07	72 FR 46014
R&O	03/24/08	73 FR 15431
FNPRM	05/28/08	73 FR 30591
Order	06/26/08	73 FR 36282
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI96

## FCC—Media Bureau

## Long-Term Actions

**346. BROADCAST LOCALISM (MB DOCKET NO. 04–233)**

**Legal Authority:** 47 USC 154(i); 47 USC 303; 47 USC 532; 47 USC 536

**Abstract:** The concept of localism has been a cornerstone of broadcast regulation. The Commission has consistently held that as temporary trustee of the public's airwaves, broadcasters are obligated to operate their stations to serve the public interest. Specifically, broadcasters are required to air programming responsive to the needs and issues of the people in their licensed communities. The Commission opened this proceeding to seek input on a number of issues related to broadcast localism.

**Timetable:**

Action	Date	FR Cite
NPRM	02/13/08	73 FR 8255
NPRM Comment Period End	03/14/08	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060–AJ04

**347. CREATING A LOW POWER RADIO SERVICE (MM DOCKET NO. 99–25)**

**Legal Authority:** 47 USC 151 to 152; 47 USC 154(i); 47 USC 303; 47 USC 403; 47 USC 405

**Abstract:** This proceeding was initiated to establish a new noncommercial educational low power FM radio service for non-profit community organizations and public safety entities. In January 2000, the Commission adopted a Report and Order establishing two classes of LPFM stations, 100 watt (LP100) and 10 watt (LP10) facilities, with service radii of approximately 3.5 miles and 1-2 miles, respectively. The Report and Order also established ownership and eligibility rules for the LPFM service. The Commission generally restricted

ownership to entities with no attributable interest in any other broadcast station or other media. To choose among entities filing mutually exclusive applications for LPFM licenses, the Commission established a point system favoring local ownership and locally-originated programming. The Report and Order imposed separation requirements for LPFM with respect to full power stations operating on co-, first- and second-adjacent and intermediate frequency (IF) channels. In December 2000, legislation was enacted that required the Commission to modify its rules to (i) prescribe LPFM station third-adjacent channel interference protection standards and (ii) prohibit any applicant from obtaining an LPFM station license if the applicant previously has engaged in the unlicensed operation of a station. In March 2001, the Commission adopted a Second Report and Order implementing this statute.

In a Further Notice issued in 2005, the Commission reexamined some of its rules governing the LPFM service, noting that the rules may adjustment in order to ensure that the Commission maximizes the value of the LPFM service without harming the interests of full-power FM stations or other Commission licensees. The Commission sought comment on a number of issues with respect to LPFM ownership restrictions and eligibility.

The Third Report and Order resolves issues raised in the Further Notice. The accompanying Second Further Notice of Proposed Rulemaking (FNPRM) considers rule changes to avoid the potential loss of LPFM stations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/16/99	64 FR 2577
R&O	02/15/00	65 FR 7616
MO&O and Order on Recon	11/09/00	65 FR 67289
Second R&O	05/10/01	66 FR 23861
Second Order on Recon and FNPRM	07/07/05	70 FR 3918
Third R&O and Second FNPRM	01/17/08	73 FR 3202
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060–AJ07

**348. SPONSORSHIP IDENTIFICATION RULES AND EMBEDDED ADVERTISING (MB DOCKET NO. 08–90)**

**Legal Authority:** 47 USC 154(i) and (j); 47 USC 303(r); 47 USC 303(a); 47 USC 317; 47 USC 405; 47 USC 508

**Abstract:** The Commission undertook this proceeding to seek comment on the relationship between the Commission's sponsorship identification rules and the increasing reliance on industry by embedded advertising techniques. Due to recent technological changes that allow consumers to more easily bypass traditional commercial content, content providers may be turning to more subtle and sophisticated means of incorporating commercial messages into programming. The NPRM will seek to determine how embedded advertising affects the efficacy of the sponsorship identification rules in protecting the public's right to know who is paying to air commercials or other programming matter on broadcast outlets and cable television systems.

**Timetable:**

Action	Date	FR Cite
NPRM and NOI	07/24/08	73 FR 43194
NPRM Comment Period End	09/22/08	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060–AJ10

## Federal Communications Commission (FCC)

## Completed Actions

## Media Bureau

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

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

**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 (FNPRM) 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
Final Rule	01/20/04	69 FR 2688

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI37

## Federal Communications Commission (FCC)

## Long-Term Actions

## Office of Managing Director

**350. ASSESSMENT AND COLLECTION OF REGULATORY FEES**

**Legal Authority:** 47 USC 159

**Abstract:** Section 9 of the Communications Act of 1934, as amended, 47 U.S.C. 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/06	71 FR 17410
R&O	08/02/06	71 FR 43842
NPRM	05/02/07	72 FR 20213
R&O and FNPRM	08/16/07	72 FR 46010
NPRM	05/28/08	73 FR 30563
R&O and FNPRM	08/26/08	73 FR 50201
Comment Period End	09/25/08	
Reply Comment	10/27/08	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI79

## Federal Communications Commission (FCC)

## Long-Term Actions

## Public Safety and Homeland Security Bureau

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

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

**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	08/02/96	61 FR 40374
R&O	08/02/96	61 FR 40348
MO&O	01/16/98	63 FR 2631
Second R&O	06/28/99	64 FR 34564
Third R&O	11/04/99	64 FR 60126

Action	Date	FR Cite
Second MO&O	12/29/99	64 FR 72951
Fourth R&O, 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
Second R&O, Second FNPRM	02/11/04	69 FR 6578
Second R&O	09/07/04	69 FR 54037
NPRM	06/20/07	72 FR 33948
NPRM Comment	08/20/07	
Period End		
Order on Recon	10/11/07	72 FR 57879
R&O	02/14/08	73 FR 8617
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AG34

**352. ENHANCED 911 SERVICES FOR WIRELINE**

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 201; 47 USC 222; 47 USC 251

**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
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578

## FCC—Public Safety and Homeland Security Bureau

## Long-Term Actions

Action	Date	FR Cite
Public Notice	01/13/05	70 FR 2405
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes

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RIN: 3060-AG60

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

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

**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
R&O	01/29/99	64 FR 51462
Order	03/29/99	64 FR 14834
Second R&O	09/23/99	64 FR 51462
Third R&O	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
NPRM	09/23/04	69 FR 56976
First R&O	10/13/05	70 FR 59704
Second R&O	07/05/06	71 FR 38091
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes

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RIN: 3060-AG74

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

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

**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	11/02/98	63 FR 58645
Third NPRM	11/02/98	63 FR 58685
MO&O	11/04/99	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
NPRM	04/27/05	70 FR 21726
R&O	04/27/05	70 FR 21671
NPRM	04/07/06	71 FR 17786
NPRM	09/21/06	71 FR 55149
Ninth NPRM	01/10/07	72 FR 1201
Ninth NPRM	02/26/07	
Comment Period		
End		
R&O and FNPRM	05/02/07	72 FR 24238
R&O and FNPRM	05/23/07	
Comment Period		
End		
Second R&O	08/24/07	72 FR 48814
Second FNPRM	05/21/08	73 FR 29582
Third FNPRM	10/03/08	73 FR 57750
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes

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RIN: 3060-AG85

**355. 1998 BIENNIAL REGULATORY REVIEW—REVIEW OF ACCOUNTS SETTLEMENT IN MARITIME MOBILE AND MARITIME MOBILE-SATELLITE RADIO SERVICES; (IB DOCKET NO. 98-96)**

**Legal Authority:** 47 USC 154(i) and 154(j); 47 USC 201 to 205; 47 USC 303(r)

**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
FNPRM	07/28/99	64 FR 40808
R&O	07/28/99	64 FR 40774
Comment Period	09/03/99	64 FR 48337
Extended		
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes

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RIN: 3060-AH30

**356. IMPLEMENTATION OF 911 ACT**

**Legal Authority:** 47 USC 151; 47 USC 154(i) and 154(j); 47 USC 157; 47 USC 160; 47 USC 202; 47 USC 208; 47 USC 210; 47 USC 214; 47 USC 251(e); 47 USC 301; 47 USC 303; 47 USC 308 to 309(j); 47 USC 310

**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.

## FCC—Public Safety and Homeland Security Bureau

## Long-Term Actions

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AH90**357. COMMISSION RULES CONCERNING DISRUPTIONS TO COMMUNICATIONS****Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 303(r)

**Abstract:** 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 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. Such authority was subsequently delegated to the Chief of the Public Safety and Homeland Security Bureau. 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.

The Commission received nine petitions for reconsideration in this proceeding, which are pending. The Further Notice of Proposed Rulemaking (NPRM) 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.

**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
Announcement of Effective Date and Partial Stay	12/30/04	69 FR 78338
Petition for Recon	02/15/05	70 FR 7737
Amendment of Delegated Authority	02/21/08	73 FR 9462
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AI22**358. E911 REQUIREMENTS FOR IP-ENABLED SERVICE PROVIDERS****Legal Authority:** 47 USC 151; 47 USC 154(i) and 154(j); 47 USC 251(e); 47 USC 303(r)

**Abstract:** The notice seeks comment on what additional steps the Commission should take to ensure that providers of voice-over Internet protocol services that interconnect with the public switched telephone network provide ubiquitous and reliable enhanced 911 service.

**Timetable:**

Action	Date	FR Cite
NPRM	06/29/05	70 FR 37307
NPRM Comment Period End	09/12/05	
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End	07/11/07	

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AI62**359. RECOMMENDATIONS OF THE INDEPENDENT PANEL REVIEWING THE IMPACT OF HURRICANE KATRINA ON COMMUNICATIONS NETWORKS****Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 218; 47 USC 303(r)

**Abstract:** In the Notice of Proposed Rulemaking (NPRM) in EB Docket No. 06-119, the Commission initiated a comprehensive rulemaking to address and implement the recommendations presented by the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (Independent Panel). The Independent Panel's report included recommendations which relate to: (1) Pre-positioning the communications industry and the government for disasters in order to achieve greater network reliability and resiliency; (2) improving recovery coordination to address existing shortcomings and to maximize the use of existing resources; (3) improving the operability and interoperability of public safety and 911 communications in times of crisis; and (4) improving communication of emergency information to the public. The Commission, in this proceeding, is to take the lessons learned from this disaster and build upon them to promote more effective, efficient response and recovery efforts as well as heightened readiness and preparedness in the future. To accomplish this goal, the Commission invited comment on what actions the Commission can take to address the Independent Panel's recommendations.

FCC—Public Safety and Homeland Security Bureau

Long-Term Actions

In the Order released June 8, 2007 (EB Docket No. 06-119 and WC Docket No. 06-63), the Commission directed the Public Safety and Homeland Security Bureau to implement several of the recommendations made by the Independent Panel. The Commission also adopted rules requiring some communications providers to have emergency/backup power and requiring certain communications providers to conduct analyses and submit reports on the redundancy and resiliency of their 911 and E911 networks and/or systems. Finally, the Commission extended limited regulatory relief from Section 272 of the Communications Act of 1934, as amended, previously accorded by the Wireline Competition Bureau.

In an Order on Reconsideration released on October 4, 2007, the Commission considered six petitions for reconsideration and/or clarification of the June 2007 Order that adopted the backup power rule (section 12.2 of the Commission's rules). The Order on Reconsideration granted in part and denied in part the petitions. The Commission modified the backup power rule to address several meritorious issues raised by petitioners. This modification will facilitate carrier compliance and reduce the burden on local exchange carriers and commercial mobile radio service providers, while continuing to further important homeland security and public safety goals.

**Timetable:**

Action	Date	FR Cite
NPRM	07/07/06	71 FR 38564
Order	07/11/07	72 FR 37655
Delay of Effective Date of Rule	08/10/07	72 FR 44978
Petitions for Recon	08/20/07	72 FR 46485
Order on Recon	10/11/07	72 FR 57879
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AI78

**360. • STOLEN VEHICLE RECOVERY SYSTEM (SVRS)**

**Legal Authority:** 47 USC 151 and 152; 47 USC 154(i); 47 USC 301 to 303

**Abstract:** The Report and Order amends 47 CFR 90.20(e)(6) governing stolen vehicle recovery system operations at 173.075 MHz, by increasing the radiated power limit for narrowband base stations; increasing the power output limit for narrowband base stations; increasing the power output limit for narrowband mobile transceivers; modifying the base station duty cycle; increasing the tracking duty cycle for mobile transceivers; and retaining the requirement for TV channel 7 interference studies and that such studies must be served on TV channel 7 stations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/23/06	71 FR 49401
NPRM Comment Period End	10/10/06	
R&O	10/14/08	73 FR 60631
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AJ01

**361. THE COMMERCIAL MOBILE ALERT SYSTEM**

**Legal Authority:** PL 109-347 title VI; EO 13407; 47 USC 151; 47 USC 154(i)

**Abstract:** In the Notice of Proposed Rulemaking (NPRM), the Commission initiated a comprehensive rulemaking to establish a commercial mobile alert system under which commercial mobile service providers may elect to transmit emergency alerts to the public.

**Timetable:**

Action	Date	FR Cite
NPRM	01/03/08	73 FR 545
NPRM Comment Period End	02/04/08	
First R&O	07/24/08	73 FR 43009
Second R&O	08/14/08	73 FR 47550
FNPRM	08/14/08	73 FR 47568
Third R&O	09/22/08	73 FR 54511
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AJ03

Federal Communications Commission (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

**362. AMENDMENT OF THE COMMISSION'S RULES CONCERNING MARITIME COMMUNICATIONS**

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

**Abstract:** This amendment of the Maritime Radio Service Rules is 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

Action	Date	FR Cite
Fourth R&O	12/13/00	65 FR 77821
Fourth NPRM	02/04/02	67 FR 5080
Second MO&O and Fifth 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

## FCC—Wireless Telecommunications Bureau

## Long-Term Actions

Action	Date	FR Cite
Second R&O and Sixth R&O	11/08/04	69 FR 64664
Final Rule	10/12/06	71 FR 60075
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AF14**363. 39 GHZ CHANNEL PLAN****Legal Authority:** 47 USC 154; 47 USC 302; 47 USC 524

**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

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**RIN:** 3060-AG16**364. IMPLEMENTATION OF THE COMMUNICATIONS ACT, AMENDMENT OF THE COMMISSION'S RULES—BROADBAND PCS COMPETITIVE BIDDING AND THE COMMERCIAL MOBILE RADIO SERVICE SPECTRUM CAP****Legal Authority:** 47 USC 154(i); 47 USC 301 and 302; 47 USC 303(r); 47 USC 309(j); 47 USC 332

**Abstract:** NPRM to modify the competitive bidding rules for the Broadband PCS F Block. Report and Order, adopted June 21, 1996, 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
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

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**RIN:** 3060-AG21**365. AMENDMENT OF PART 90 OF THE RULES TO ADOPT REGULATIONS FOR AUTOMATIC VEHICLE MONITORING SYSTEMS****Legal Authority:** 47 USC 154; 47 USC 251 and 252; 47 USC 303; 47 USC 309; 47 USC 332

**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

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**RIN:** 3060-AH12**366. FIXED SATELLITE SERVICE AND TERRESTRIAL SYSTEM IN THE KU-BAND****Legal Authority:** 47 USC 154; 47 USC 157; 47 USC 303

**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 Recon	04/09/01	66 FR 18474
Second R&O	06/26/02	67 FR 43031
Third R&O	06/18/03	68 FR 42610
Order To Deny	07/25/03	68 FR 43942
Final Rule	05/18/04	69 FR 28062
Final Rule	06/07/04	69 FR 28062
Correcting Amendment	10/04/04	69 FR 59145
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AH17

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**367. SERVICE RULES FOR THE 746–764 AND 776–794 MHz BANDS, AND REVISIONS TO THE COMMISSION'S RULES**

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

**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
Third MO&O and Order	07/30/02	67 FR 49244
Second FNPRM	05/21/08	73 FR 29582
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060–AH32

**368. IMPLEMENTATION OF THE COMMUNICATIONS ACT OF 1934 AS AMENDED**

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

**Abstract:** In the Fourth Memorandum Opinion and Order in WT Docket No. 99-87 (Fourth Memorandum Opinion and Order), the Federal Communications Commission (Commission or FCC) clarifies the Commission's Third Report and Order in this docket, and takes the opportunity to correct the inadvertent deletion of language in the rules

regarding the schedule for Private Land Mobile Radio systems in the 150-174 MHz and 421-512 MHz bands to transition to narrowband kHz technology.

**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
Final Rule	06/15/05	70 FR 34666
NPRM	06/15/05	70 FR 34726
Final Rule	05/11/05	70 FR 24712
Final Rule	07/15/05	70 FR 41631
Final Rule	04/18/07	72 FR 19387
Fourth MO&O	06/17/08	73 FR 34201
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060–AH33

**369. AMENDMENT OF THE RULES TO LICENSE FIXED SERVICES AT 24 GHZ**

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

**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

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**RIN:** 3060–AH41

**370. AMENDMENT OF PARTS 13 AND 80 OF THE COMMISSION'S RULES GOVERNING MARITIME COMMUNICATIONS**

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

**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 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
Second R&O, Sixth R&O, Second FNPRM	04/06/04	69 FR 18007
Comments Due	06/07/04	
Reply Comments Due	07/06/04	
Second R&O and Sixth R&O	11/08/04	69 FR 64664
NPRM	11/08/06	71 FR 65447
Final Action	01/25/08	73 FR 4475
Petition for Reconsideration	03/18/08	73 FR 14486
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060–AH55

**371. COMPETITIVE BIDDING PROCEDURES**

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

**Abstract:** This proceeding proposes resumption of installment payments for broadband Personal Communications Services (PCS), for example, for C and F Block, with payment deadline to be reinstated as of March 31, 1998. The proposal contemplates, inter alia,

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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
Second 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
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
Sixth R&O and Order on Recon	09/05/00	65 FR 53620
Order on Recon	02/12/01	66 FR 9773
Seventh R&O	10/29/01	66 FR 54447
Eighth R&O	04/08/02	67 FR 16647
Final Rule	07/21/03	68 FR 42984
Final Rule	10/07/03	68 FR 57828
Final Rule	09/30/05	70 FR 57183
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AH57

**372. 2000 BIENNIAL REGULATORY REVIEW SPECTRUM AGGREGATION LIMITS FOR COMMERCIAL MOBILE RADIO SERVICES**

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 161; 47 USC 303(g); 47 USC 303(r)

**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 Period End	05/14/01	
Final Rule	01/14/02	67 FR 1626
Correction to Final Rule	01/31/02	67 FR 4675
Petition for Recon	03/21/02	67 FR 13183
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AH81

**373. IN THE MATTER OF PROMOTING EFFICIENT USE OF SPECTRUM THROUGH ELIMINATION OF BARRIERS TO THE DEVELOPMENT OF SECONDARY MARKETS**

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 157; 47 USC 160; 47 USC 201 and 202; 47 USC 208; 47 USC 214; 47 USC 301; 47 USC 303; 47 USC 308 to 310

**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 Period End	01/29/01	66 FR 8149
New NPRM Comment Period End	02/09/01	
NPRM	11/25/03	68 FR 66232
Final Rule	11/25/03	68 FR 66252
NPRM Comment Period End	01/05/04	
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
NPRM	12/27/04	69 FR 77560
Final Rule	08/01/07	72 FR 41935
Final Action	01/26/09	74 FR 4344
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AH82

**374. REEXAMINATION OF ROAMING OBLIGATIONS OF COMMERCIAL MOBILE RADIO SERVICE PROVIDERS**

**Legal Authority:** 47 USC 151; 47 USC 152(n); 47 USC 154(i) and 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

**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
NPRM	09/28/05	70 FR 56612
NPRM	01/19/06	71 FR 3029
FNPRM	08/30/07	72 FR 50085
Final Rule	08/30/07	72 FR 50064
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AH83

**375. YEAR 2000 BIENNIAL REVIEW (WT DOCKET NO. 01-108)**

**Legal Authority:** Not Yet Determined

**Abstract:** The year 2000 part 22 Biennial Review Report and 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

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**RIN:** 3060-AI26

### 376. AIR-GROUND TELECOMMUNICATIONS SERVICES

**Legal Authority:** 47 USC 151 and  
151(i); 47 USC 161; 47 USC 303(r)

**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 Period End	10/23/03	
Final Rule	04/13/05	70 FR 19293
NPRM	04/13/05	70 FR 19377
Final Rule Correction	04/27/05	70 FR 21663
Final Rule	12/27/05	70 FR 76411
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI27

### 377. AMENDMENTS OF VARIOUS RULES AFFECTING WIRELESS RADIO SERVICES (WT DOCKET NO. 03-264)

**Legal Authority:** 47 USC 151; 47 USC  
154(i); 47 USC 161; 47 USC 303(r)

**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 Period End	05/24/04	
NPRM	10/19/05	70 FR 60770
Final Rule	10/20/05	70 FR 61049
Proposed Rule	05/02/07	72 FR 24238
Final Rule	05/16/07	72 FR 27688

Action	Date	FR Cite
Final Rule	08/24/07	72 FR 48814
Final Rule	05/02/08	73 FR 24180
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI30

### 378. FACILITATING THE PROVISION OF SPECTRUM-BASED SERVICES TO RURAL AREAS

**Legal Authority:** Not Yet Determined

**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 Period End	01/26/04	
NPRM	12/15/04	69 FR 75174
Final Rule	12/15/04	69 FR 75144
Final Rule	04/27/05	70 FR 21652
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI31

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

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

**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

Action	Date	FR Cite
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
Final Rule	04/06/05	70 FR 17327
Notice	06/15/05	70 FR 34764
Final Rule	09/28/05	70 FR 56583
Notice	10/26/05	70 FR 61823
Final Rule	12/28/05	70 FR 76704
Proposed Rule	09/21/06	71 FR 55149
Clarification	06/20/07	72 FR 33914
Final Rule	07/20/07	72 FR 39756
Final Rule; Correction	09/28/07	72 FR 54847
Notice	09/28/07	72 FR 55208
Final Rule; Clarification	10/05/07	72 FR 56923

Petition for Recon	10/01/07	72 FR 557722
Proposed Rule	11/13/07	72 FR 63869
Petition for Recon	11/14/07	72 FR 65734
Proposed Rule	03/31/08	73 FR 16822
Final Rule	06/13/08	73 FR 33728
Proposed Rule	07/13/08	73 FR 40274
Petition for Recon	07/28/08	73 FR 4375
Final Rule	11/17/08	73 FR 67794
Final Rule	02/06/09	74 FR 6235
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI34

### 380. REVIEW OF PART 87 OF THE COMMISSION'S RULES CONCERNING AVIATION (WT DOCKET NO. 01-289)

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

**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
NPRM	12/06/06	71 FR 70710
Final Rule	12/06/06	71 FR 70671
Next Action Undetermined		

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**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AI35

**381. IMPLEMENTATION OF THE COMMERCIAL SPECTRUM ENHANCEMENT ACT (CSEA) AND MODERNIZATION OF THE COMMISSION'S COMPETITIVE BIDDING RULES AND PROCEDURES (WT DOCKET NO. 05-211)**

**Legal Authority:** 15 USC 79; 47 USC 151; 47 USC 154(i) and (j); 47 USC 155; 47 USC 155(c); 47 USC 157; 47 USC 225; 47 USC 303(r); 47 USC 307; 47 USC 309; 47 USC 309(j); 47 USC 325(e); 47 USC 334; 47 USC 336; 47 USC 339; 47 USC 554

**Abstract:** This proceeding implements rules and procedures needed to comply with the recently enacted Commercial Spectrum Enhancement Act (CSEA). It establishes a mechanism for reimbursing federal agencies out of spectrum auction proceeds for the cost of relocating their operations from certain "eligible frequencies" that have been reallocated from Federal to non-Federal use. It also seeks to improve the Commission's ability to achieve Congress's directives with regard to designated entities and to ensure that, in accordance with the intent of Congress, every recipient of its designated entity benefits is an entity that uses its licenses to directly provide facilities-based telecommunications services for the benefit of the public.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/05	70 FR 43372
Declaratory Ruling	06/14/05	70 FR 43322
R&O	01/24/06	71 FR 6214
FNPRM	02/03/06	71 FR 6992
Second R&O	04/25/06	71 FR 26245
Order on Recon of Second R&O	06/02/06	71 FR 34272
NPRM	06/21/06	71 FR 35594
Comment Period End	09/20/06	
Reply Comment Period End	10/20/06	
2nd Order and Recon of 2nd R&O	04/04/08	73 FR 18528
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AI88

**382. FACILITATING THE PROVISION OF FIXED AND MOBILE BROADBAND ACCESS EDUCATIONAL AND OTHER ADVANCED SERVICES IN THE 2150-2162 AND 2500-2690 MHZ BANDS; REVIEWING OF THE SPECTRUM SHARING PLAN AMONG NON-GEOST**

**Legal Authority:** 47 USC 154; 47 USC 301 to 303; 47 USC 307 ; 47 USC 309; 47 USC 332; 47 USC 336 and 337

**Abstract:** The Commission seeks comment on whether to assign Educational Broadband Service (EBS) spectrum in the Gulf of Mexico. It also seeks comment on how to license unassigned and available EBS spectrum. Specifically, we seek comment on whether it would be in the public interest to develop a scheme for licensing unassigned EBS spectrum that avoids mutual exclusivity; we ask whether EBS eligible entities could participate fully in a spectrum auction; we seek comment on the use of small business size standards and bidding credits for EBS if we adopt a licensing scheme that could result in mutually exclusive applications; we seek comment on the proper market size and size of spectrum blocks for new EBS licenses; and we seek comment on issuing one license to a State agency designated by the Governor to be the spectrum manager, using frequency coordinators to avoid mutually exclusive EBS applications, as well as other alternative licensing schemes. The Commission must develop a new licensing scheme for EBS in order to achieve the Commission's goal of facilitating the development of new and innovative wireless services for the benefit of students throughout the nation.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/03	68 FR 34560
FNPRM	07/29/04	69 FR 72048
R&O	07/29/04	69 FR 72020

Action	Date	FR Cite
MO&O	04/27/06	71 FR 35178
Further NPRM	03/20/08	73 FR 26067
MO&O	03/20/08	73 FR 26032
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AJ12

**383. ● AMENDMENT OF THE RULES REGARDING MARITIME AUTOMATIC IDENTIFICATION SYSTEMS; WT DOCKET NO. 04-344**

**Legal Authority:** 47 USC 154; 47 USC 302(a); 47 USC 303; 47 USC 306; 47 USC 307(e); 47 USC 332; 47 USC 154(i); 47 USC 161

**Abstract:** This action adopts additional measures for domestic implementation of Automatic Identification Systems (AIS), an advanced marine vessel tracking and navigation technology that can significantly enhance our nation's homeland security as well as maritime safety.

**Timetable:**

Action	Date	FR Cite
Final Rule	01/29/09	74 FR 5117
Final Rule Effective	03/02/09	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Yes

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**RIN:** 3060-AJ16

**384. ● SERVICE RULES FOR ADVANCED WIRELESS SERVICES IN THE 2155-2175 MHZ BAND**

**Legal Authority:** 47 USC 151 and 152; 47 USC 154(i); 47 USC 157; 47 USC 160; 47 USC 201; 47 USC 214; 47 USC 301

**Abstract:** This proceeding explores the possible uses of the 2155-2175 MHz frequency band (AWS-3) to support the

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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 Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS-3 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services. We proposed to apply our flexible, market-oriented rules to the band in order to meet this objective.

Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission’s proposed AWS-3 rules, which include adding 5 megahertz of spectrum (2175-80 MHz) to the AWS-3 band, and requiring licensees of that spectrum to provide—using up to 25 percent of its wireless network capacity—free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/07	72 FR 64013
NPRM Comment Period End	01/14/08	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End	08/11/08	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060–AJ19

**385. • SERVICE RULES FOR ADVANCED WIRELESS SERVICES IN THE 1915–1920 MHZ, 1995–2000 MHZ, 2020–2025 MHZ AND 2175–2180 MHZ BANDS**

**Legal Authority:** 47 USC 151 and 152; 47 USC 154(i); 47 USC 157; 47 USC 160; 47 USC 201; 47 USC 214; 47 USC 301;

**Abstract:** This proceeding explores the possible uses of the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz, and 2175-2180 MHz Bands (collectively AWS-2) 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 Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS-2 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services.

Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission’s proposed rules for the 1915-1920 MHz and 1995-2000 MHz bands. In addition, the Commission proposed to add 5 megahertz of spectrum (2175-80 MHz band) to the 2155-2175 MHz band, and would require the licensee of the 2155-2180 MHz band to provide—using up to 25 percent of its wireless network capacity—free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/04	69 FR 63489
NPRM Comment Period End	01/24/05	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End	08/11/08	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060–AJ20

**386. • RULES AUTHORIZING THE OPERATION OF LOW POWER AUXILIARY STATIONS IN THE 698–806 MHZ BAND, WT DOCKET NO. 08–166; PUBLIC INTEREST SPECTRUM COALITION, PETITION FOR RULEMAKING REGARDING LOW POWER AUXILIARY**

**Legal Authority:** 47 USC 151 and 152; 47 USC 154(i) and 154(j); 47 USC 301 and 302(a); 47 USC 303; 47 USC 303(r); 47 USC 304; 47 USC 307 to 309; 47 USC 316; 47 USC 332; 47 USC 336 and 337

**Abstract:** In the Notice of Proposed Rulemaking and Order, to facilitate the DTV transition the Commission tentatively concludes to amend its rules to make clear that the operation of low power auxiliary stations within the 700 MHz Band will no longer be permitted after the end of the DTV transition. The Commission also tentatively concludes to prohibit the manufacture, import, sale, offer for sale, or shipment of devices that operate as low power auxiliary stations in the 700 MHz Band. In addition, for those licensees that have obtained authorizations to operate low power auxiliary stations in spectrum that includes the 700 MHz Band beyond the end of the DTV transition, the Commission tentatively concludes that it will modify these licenses so as not to permit such operations in the 700 MHz Band after February 17, 2009. The Commission also seeks comment on issues raised by the Public Interest Spectrum Coalition (PISC) in its informal complaint and petition for rulemaking.

The Commission also imposes a freeze on the filing of new license applications that seek to operate on any 700 MHz Band frequencies (698- 806 MHz) after the end of the DTV transition, February 17, 2009 as well as on granting any request for equipment authorization of low power auxiliary station devices that would operate in any of the 700 MHz Band frequencies. The Commission also holds in abeyance, until the conclusion

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of this proceeding, any pending license applications and equipment authorization requests that involve operation of low power auxiliary devices on frequencies in the 700 MHz Band after the end of the DTV transition.

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/08	73 FR 51406
NPRM Comment Period End	10/20/08	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AJ21

**387. • AMENDMENT OF THE COMMISSION'S RULES TO IMPROVE PUBLIC SAFETY COMMUNICATIONS IN THE 800 MHZ BAND, AND TO CONSOLIDATE THE 800 MHZ AND 900 MHZ BUSINESS AND INDUSTRIAL/LAND TRANSPORTATION POOL CHANNELS**

**Legal Authority:** 47 USC 151; 47 USC 154(i); 47 USC 303; 47 USC 309; 47 USC 332

**Abstract:** This action adopts rules which retains the current site-based licensing paradigm for the 900 MHz B/ILT "white space," adopts interference protection rules applicable to all licensees operating in the 900 MHz B/ILT spectrum; and lifts, on a rolling basis, the freeze placed on applications for new 900 MHz B/ILT

licenses in September 2004, the lift being tied to the completion of rebanding in each 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) region.

**Timetable:**

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13143
NPRM Comment Period End	06/12/05	70 FR 23080
Final Rule	12/16/08	73 FR 67794
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AJ22

**Federal Communications Commission (FCC)**  
**Wireless Telecommunications Bureau**

## Completed Actions

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

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

**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	

Action	Date	FR Cite
First R&O	07/12/96	61 FR 38399
Second R&O and Third NPRM	08/15/96	61 FR 44026
MO&O and O on Recon	11/09/99	64 FR 61022

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AF58

**389. IMPLEMENTATION OF THE COMMUNICATIONS ACT, COMPETITIVE BIDDING; 218-219 MHZ COMPETITIVE BIDDING RULES**

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

**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)

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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 Recon	12/29/99	64 FR 72956
Second Order on Recon	02/07/01	66 FR 9212
Third Order on Recon of R&O and MO&O	06/24/02	67 FR 42507

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AG00

**390. MULTIPLE ACCESS SYSTEMS**

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

**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

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AG86

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

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

**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
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
Eighth R&O	04/08/02	67 FR 16647
Second Order on Recon of Third R&O and Order on Recon of Fifth R&O	07/21/03	68 FR 42984
Final Rule	09/30/05	70 FR 57183

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AG87

**392. AMENDMENT TO LICENSING LOW POWER OPERATIONS IN 450-470 MHZ BAND**

**Legal Authority:** 47 USC 1; 47 USC 154; 47 USC 302 and 303; 47 USC 332

**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

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AH84

**393. REVIEW OF QUIET ZONES APPLICATION PROCEDURES**

**Legal Authority:** 47 USC 1; 47 USC 154(i); 47 USC 161; 47 USC 303(g); 47 USC 303(r)

**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
Final Rule	12/06/04	69 FR 70378

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AH88

**394. REALLOCATION AND SERVICE RULES FOR THE 698-746 MHZ SPECTRUM BAND (TELEVISION CHANNELS 52-59)**

**Legal Authority:** 47 USC 151 and 152; 47 USC 154(i); 47 USC 155(c); 47 USC 157; 47 USC 201 and 202; 47 USC 208; 47 USC 214; 47 USC 301 to 302(g); 47 USC 303; 47 USC 307; 47 USC 309 to 311; 47 USC 314; 47 USC 316; 47 USC 319; 47 USC 324; 47 USC 331 to 333; 47 USC 336; 47 USC 534 and 535

**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
R&O	02/06/02	67 FR 5491
MO&O	07/09/02	67 FR 45380
Final Rule	08/28/04	69 FR 51706

**Regulatory Flexibility Analysis**

**Required:** Yes

## FCC—Wireless Telecommunications Bureau

## Completed Actions

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**RIN:** 3060-AH89

### 395. EXTENDING WIRELESS TELECOMMUNICATIONS SERVICES TO TRIBAL LANDS

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

**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

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI32

### 396. AMENDMENT OF COMMISSION RULES CONCERNING AIRPORT TERMINAL USE FREQUENCIES 450-470 MHZ BAND OF THE PRIVATE LAND MOBILE RADIO SERVICES (WT DOCKET NO. 02-318)

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

**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	
Final Rule	03/24/05	70 FR 15005

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI33

### 397. HEARING AID-COMPATIBLE TELEPHONES (WT DOCKET NOS. 01-309 & 06-150)

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

**Abstract:** This item modifies exemptions for wireless phones under

the Hearing Aid Compatibility Act of 1988 (HAC 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.

This proceeding was terminated in 2007 pursuant to Commission decision in 22 FCC Rcd 19670 (2007).

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/01	66 FR 58703
R&O	09/16/03	68 FR 54173
Notice	11/14/03	68 FR 64625
NPRM	07/27/05	70 FR 43386
Final Rule	07/27/05	70 FR 43323
NPRM	08/21/06	71 FR 48506
NPRM Comment Period End	09/20/06	
NPRM	09/26/06	71 FR 57455
NPRM	05/02/07	72 FR 24236
Final Rule	05/16/07	72 FR 27688
Final Rule	08/24/07	72 FR 48814

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI57

## Federal Communications Commission (FCC)

## Long-Term Actions

## Wireline Competition Bureau

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

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

**Abstract:** The goals of Universal Service, as mandated by the 1996 Act, are to promote the availability of quality services at just, reasonable, and affordable rates; increase access to advanced telecommunications services throughout the Nation; advance the availability of such services to all consumers, including those in low income, rural, insular, and high-cost areas at rates that are reasonably

comparable to those charged in urban areas. In addition, the 1996 Act states that all providers of telecommunications services should contribute to Federal universal service in some equitable and nondiscriminatory manner; there should be specific, predictable, and sufficient Federal and State mechanisms to preserve and advance universal service; all schools, classrooms, health care providers, and libraries should, generally, have access to advanced telecommunications services; and finally, that the Federal-State Joint Board and the Commission

should determine those other principles that, consistent with the 1996 Act, are necessary to protect the public interest.

On April 16, 2007, the Commission issued a Notice of Inquiry, which begins the 5th inquiry under section 706 of the Telecom Act of 96. The Commission seeks comment on various market, investment, and technological trends in order for the Commission to analyze and assess whether infrastructure capable of supporting advanced services is being made available to all Americans.

On May 14, 2007, the Commission issued a Notice of Proposed

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Rulemaking where it sought comment on the recommendation of the Federal-State Joint Board on Universal Service (Joint Board) that the Commission take immediate action to rein in the explosive growth in high-cost universal service support disbursements. The Commission specifically sought comment on the Joint Board's recommendation that the Commission impose an interim, emergency cap on the amount of high-cost support that competitive eligible telecommunications carriers (ETCs) may receive. The Joint Board also recommended that both it and the Commission further explore comprehensive high-cost distribution reform, and sought comment on various reform proposals in a Public Notice released on the same day as the Recommended Decision.

On August 29, 2007, the Commission issued a Report and Order where the Commission adopted measures to safeguard the Universal Service Fund from waste, fraud, and abuse as well as measures to improve the management, administration, and oversight of the USF.

On November 19, 2007, the Commission issued an Order where the Commission selected participants for the universal service RHC Pilot Program established by the Commission in the 2006 Pilot Program Order.

On November 20, 2007, the Joint Board on Universal Service issued a Recommended Decision that recommends the FCC address the long-term reform issues facing the high-cost universal service support system and make fundamental revisions in the structure of existing Universal Service mechanisms.

On January 29, 2008, the Commission issued a Notice of Proposed Rulemaking where the Commission sought comment on the it's rules governing the amount of high-cost universal service support provided to competitive eligible telecommunications carriers (ETCs).

On January 29, 2008, the Commission issued a Notice of Proposed Rulemaking where the Commission sought comment on the merits of using reverse auctions (a form of competitive bidding) to determine the amount of high-cost universal service support provided to eligible telecommunications carriers (ETCs)

servicing rural, insular, and high-cost areas.

On January 29, 2008, the Commission issued a Notice of Proposed Rulemaking where the Commission sought comment on ways to reform the high-cost universal service program. Specifically, the Commission sought comment on the recommendation of the Federal-State Joint Board on Universal Service regarding comprehensive reform of high-cost universal service support.

On May 1, 2008, the Commission issued a Public Notice informing the public that the FCC takes action to cap high-cost support under the universal service fund interim cap that will keep costs down for consumers pending comprehensive reform.

On July 31, 2008, the Commission issued a Notice of Proposed Rulemaking that sought comment on changes to the eligible services list.

On September 12, 2008, the Commission issued a Notice of Inquiry where the Commission sought comment on ways to further strengthen management, administration, and oversight of the universal service fund (USF), how to define more clearly the goals of the USF, and to identify any additional quantifiable performance measures that may be necessary or desirable.

On November 5, 2008, the Commission issued an Order on Remand, Report and Order, and Further Notice of Proposed Rulemaking that addressed compensation rates for ISP-bound traffic, declines to adopt the Joint Board's recommendations for reforming distribution of high-cost universal service support, and sought further comment on comprehensive universal service and intercarrier compensation reform.

**Timetable:**

Action	Date	FR Cite
Recommended Decision Federal-State Joint Board, Universal Service	11/08/96	61 FR 63778
First R&O	05/08/97	62 FR 32862
Second R&O	05/08/97	62 FR 32862
Order on Recon	07/10/97	62 FR 40742
R&O and Second Order on Recon	07/18/97	62 FR 41294
Second R&O, and FNPRM	08/15/97	62 FR 47404
Third R&O	10/14/97	62 FR 56118

Action	Date	FR Cite
Second Order on Recon	11/26/97	62 FR 65036
Fourth Order on Recon	12/30/97	62 FR 2093
Fifth Order on Recon	06/22/98	63 FR 43088
Fifth R&O	10/28/98	63 FR 63993
Eighth Order on Recon	11/21/98	
Second Recommended Decision	11/25/98	63 FR 67837
Thirteenth Order on Recon	06/09/99	64 FR 30917
FNPRM	06/14/99	64 FR 31780
FNPRM	09/30/99	64 FR 52738
Fourteenth Order on Recon	11/16/99	64 FR 62120
Fifteenth Order on Recon	11/30/99	64 FR 66778
Tenth R&O	12/01/99	64 FR 67372
Ninth R&O and Eighteenth Order on Recon	12/01/99	64 FR 67416
Nineteenth Order on Recon	12/30/99	64 FR 73427
Twentieth Order on Recon	05/08/00	65 FR 26513
Public Notice	07/18/00	65 FR 44507
Twelfth 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
Fourteenth 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 Second FNPRM	12/13/02	67 FR 79543
NPRM	02/25/03	68 FR 12020
Public Notice	02/26/03	68 FR 10724
Second R&O and FNPRM	06/20/03	68 FR 36961
Twenty-Fifth 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	
NPRM	05/14/04	69 FR 3130
NPRM	06/08/04	69 FR 40839

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Action	Date	FR Cite
Order	06/28/04	69 FR 48232
Order on Recon & Fourth R&O	07/30/04	69 FR 55983
Fifth R&O and Order	08/13/04	69 FR 55097
Order	08/26/04	69 FR 57289
Second FNPRM	09/16/04	69 FR 61334
Order & Order on Recon	01/10/05	70 FR 10057
Sixth R&O	03/14/05	70 FR 19321
R&O	03/17/05	70 FR 29960
MO&O	03/30/05	70 FR 21779
NPRM & FNPRM	06/14/05	70 FR 41658
Order	10/14/05	70 FR 65850
Order	10/27/05	
NPRM	01/11/06	71 FR 1721
Report Number 2747	01/12/06	71 FR 2042
Order	02/08/06	71 FR 6485
FNPRM	03/15/06	71 FR 13393
R&O and NPRM	07/10/06	71 FR 38781
Order	01/01/06	71 FR 6485
Order	05/16/06	71 FR 30298
MO&O and FNPRM	05/16/06	71 FR 29843
R&O	06/27/06	71 FR 38781
Public Notice	08/11/06	71 FR 50420
Order	09/29/06	71 FR 65517
Public Notice	03/12/07	72 FR 36706
Public Notice	03/13/07	72 FR 40816
Public Notice	03/16/07	72 FR 39421
Notice of Inquiry	04/16/07	
NPRM	05/14/07	72 FR 28936
Recommended Decision	11/20/07	
Order	02/14/08	73 FR 8670
NPRM	03/04/08	73 FR 11580
NPRM	03/04/08	73 FR 11591
R&O	05/05/08	73 FR 11837
Public Notice	07/02/08	73 FR 37882
NPRM	08/19/08	73 FR 48352
Notice of Inquiry	10/14/08	73 FR 60689
Order on Remand, R&O, FNPRM	11/12/08	73 FR 66821

Next Action Undetermined

### Regulatory Flexibility Analysis

**Required:** Yes

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**RIN:** 3060-AF85

### 399. TELECOMMUNICATIONS CARRIERS' USE OF CUSTOMER PROPRIETARY NETWORK INFORMATION AND OTHER CUSTOMER INFORMATION

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 222; 47 USC 272; 47 USC 303(r)

**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 Recon Final Rule,	10/01/99	64 FR 53242
Announcement of Effective Date	01/26/01	66 FR 7865
Clarification Order and Second NPRM	09/07/01	66 FR 50140
Third R&O and Third FNPRM	09/20/02	67 FR 59205
NPRM	03/15/06	71 FR 13317
NPRM	06/08/07	72 FR 31782
Final Rule, Announcement of Effective Date	06/08/07	72 FR 31948

Next Action Undetermined

### Regulatory Flexibility Analysis

**Required:** Yes

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**RIN:** 3060-AG43

### 400. IMPLEMENTATION OF THE LOCAL COMPETITION PROVISIONS OF THE TELECOMMUNICATIONS ACT OF 1996

**Legal Authority:** 47 USC 151 to 155; 47 USC 157; 47 USC 201 to 205; 47 USC 207 to 209; 47 USC 218

**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 29, 2002, the Commission released an Order on Reconsideration (FCC02-11) dismissing petitions for reconsideration or clarification of the Local Competition Second Report 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.

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

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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.

On May 3, 2005, the Commission released an Order on Reconsideration (FCC 05-93) resolving petitions for reconsideration of the Second Order on Reconsideration and the First Report and Order. The Commission clarified its rules regarding the use of DA data obtained pursuant to section 251(b)(3) of the Act, and denied BellSouth and SBC's joint petition for reconsideration which sought authority to place contractual restrictions on competing DA providers' use of DA information. The Commission reaffirmed that LECs are required to provide nondiscriminatory access to their entire local DA database including local DA data acquired from third parties. The Commission also accepted Qwest's request to withdraw its petition for reconsideration of the First Report and Order, and resolved SBC's petition for reconsideration of the Second Order on Reconsideration.

**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 R&O	02/21/01	66 FR 10965
NPRM	02/14/02	67 FR 6902
Order on Recon	08/17/05	70 FR 48290
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AG50

**401. LOCAL TELEPHONE NETWORKS THAT LECS MUST MAKE AVAILABLE TO COMPETITORS**

**Legal Authority:** 47 USC 251

**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 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.

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 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.

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 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 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. 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 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.

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

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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.

On March 14, 2005, the Commission's Wireline Competition Bureau issued an order denying a petition filed by Verizon seeking a stay of the Commission's rule allowing competitive LECs to "convert" tariffed incumbent LEC special access arrangements to unbundled network element (UNE) arrangements if the competitive LEC is eligible to order the UNE(s) at issue.

On April 25, 2005, and May 25, 2005, the Commission issued Public Notices establishing comment periods in response to petitions for reconsideration of the Commission's Order on Remand (Triennial Review Order).

On June 16, 2006, the United States Court of Appeals for the District of Columbia Circuit upheld the Commission's Order on Remand, 70 FR 8940.

**Timetable:**

Action	Date	FR Cite
Second FNPRM	04/26/99	64 FR 20238
Fourth FNPRM	01/14/00	65 FR 2367
Errata Third R&O and Fourth FNPRM	01/18/00	65 FR 2542
Second Errata Third R&O and Fourth FNPRM	01/18/00	65 FR 2542
Supplemental Order 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 Report	09/17/03	
Order	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	

Action	Date	FR Cite
Second 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
Order on Remand	02/04/04	
Public Notice	04/25/05	70 FR 29313
Public Notice	05/25/05	70 FR 34765
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AH44

**402. 2000 BIENNIAL REGULATORY REVIEW—TELECOMMUNICATIONS SERVICE QUALITY REPORTING REQUIREMENTS**

**Legal Authority:** 47 USC 154(i) and 154(j); 47 USC 201(b); 47 USC 303(r); 47 USC 403

**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

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**RIN:** 3060-AH72

**403. ACCESS CHARGE REFORM AND UNIVERSAL SERVICE REFORM**

**Legal Authority:** 47 USC 151; 47 USC 154(i) and 154(j); 47 USC 201 to 205; 47 USC 254; 47 USC 403

**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

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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
FNPRM	11/30/01	66 FR 59761
R&O	11/30/01	66 FR 59719
Second FNPRM	03/23/04	69 FR 13794
Order	05/06/04	69 FR 25325
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AH74

**404. NUMBERING RESOURCE OPTIMIZATION**

**Legal Authority:** 47 USC 151; 47 USC 154; 47 USC 201 et seq; 47 USC 251(e)

**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 optimization efforts; and (7) minimizing the incentives for carriers to build and carry excessively large inventories of numbers.

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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 were required to provide LNP as of 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.

In the NRO Order and Fifth Further Notice of Proposed Rulemaking, the Commission granted petitions for delegated authority to implement mandatory thousands-block pooling filed by the Public Service Commission of West Virginia, the Nebraska Public Service Commission, the Oklahoma Corporation Commission, the Michigan Public Service Commission, and the Missouri Public Service Commission. In granting these petitions, the Commission permitted these states to optimize numbering resources and further extend the life of the specific numbering plan areas. In the Further Notice of Proposed Rulemaking, the Commission sought comment on whether it should delegate authority to all states to implement mandatory thousands-block number pooling consistent with the parameters set forth in the NRO Order.

**Timetable:**

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32471
R&O and FNPRM	06/16/00	65 FR 37703
Second R&O and Second FNPRM	02/08/01	66 FR 9528
Third R&O and Second Order on Recon	02/12/02	67 FR 643
Third O on Recon and Third FNPRM	04/05/02	67 FR 16347
Fourth R&O and Fourth NPRM	07/21/03	68 FR 43003
Order and Fifth FNPRM	03/15/06	71 FR 13393
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AH80

**405. NATIONAL EXCHANGE CARRIER ASSOCIATION PETITION**

**Legal Authority:** 47 USC 151 and 152; 47 USC 201 and 202;

**Abstract:** In a Notice of Proposed Rulemaking (NPRM) 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 Period End	11/12/04	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3060-AI47

**406. IP-ENABLED SERVICES**

**Legal Authority:** 47 USC 151 and 152;

**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

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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.

On June 16, 2005, the Commission published in the Federal Register notice that public information collections set forth in the First Report and Order were being submitted for review to the office of management and budget.

On July 27, 2005, the Commission published in the Federal Register notice that the information collection requirements adopted in the First Report and Order were approved in OMB No. 3060-1085 and would become effective on July 29, 2005.

On August 31, 2005, the Commission published in the Federal Register notice of the comment cycle for three Petitions for Reconsideration and/or Clarification of the First Report and Order. On July 10, 2006, the Commission published in the Federal Register notice that it had adopted on June 21, 2006, rules that make interim modifications to the existing approach for assessing contributions to the Federal universal service fund (USF or Fund) in order to provide stability while the Commission continues to examine more fundamental reform.

On June 8, 2007, the Commission published in the Federal Register notice that it had adopted on April 2, 2007, an item strengthening the Commission's rules to protect the privacy of customer proprietary network information (CPNI) that is collected and held by providers of communications services, and a further notice of proposed rulemaking seeking comment on what steps the Commission should take, if any, to secure further the privacy of customer information.

On August 6, 2007, the Commission published in the Federal Register notice that it had adopted on May 31, 2007, and item extending the disability access requirements that currently apply to telecommunications service providers and equipment manufacturers under section 255 of the Communications Act of 1934, as amended, to providers of "interconnected voice over Internet Protocol (VoIP) services," as defined by the Commission, and to manufacturers of specially designed equipment used

to provide those services. In addition, the Commission extended the Telecommunications Relay Services (TRS) requirements contained in its regulations to interconnected VoIP providers.

On August 7, 2007, the Commission published in the Federal Register a notice that a petition for reconsideration of the CPNI order described above had been filed.

On August 16, 2007, the Commission published in the Federal Register notice that it had adopted on August 2, 2007, an item amending the Commission's Schedule of Regulatory Fees by, inter alia, incorporating regulatory fee payment obligations for interconnected VoIP service providers, which shall become effective November 15, 2007, which is 90 days from date of notification to Congress.

On November 1, 2007, the Commission gave notice that it granted in part, denied in part, and sought comment on petitions filed by the Voice on the Net Coalition, the United States Telecom Association, and Hamilton Telephone Company seeking a stay or waiver of certain aspects of the Commission's VoIP Telecommunications Relay Services (TRS) Order (72 FR 61813; 72 FR 61882).

On December 13, 2007, the Commission announced the effective date of its revised CPNI rules (72 FR 70808).

On December 6, 2007, OMB approved the public information collection pursuant to the Paperwork Reduction Act of 1995 for the Commission's CPNI rules (72 FR 72358).

On February 21, 2008, the Commission published in the Federal Register notice that the Commission adopted rules extending local number portability obligations and numbering administration support obligations to interconnected VoIP services. The Commission also explained it had responded to the District of Columbia Circuit Court of Appeals stay of the Commission's Intermodal Number Portability Order by publishing a Final Regulatory Flexibility Act (73 FR 9463; R&O 02/21/2008).

On February 21, 2008, the Commission published in the Federal Register notice that it sought comment on other changes to its LNP and numbering related rules, including whether to extend such rules to interconnected VoIP providers (73 FR 9507).

On August 6, 2007, the Commission published in the Federal Register notice that it had extended Telecommunications Relay Services (TRS) regulations to interconnected VoIP providers and extended certain disability access requirements to interconnected VoIP providers and to manufacturers of specially designed equipment used to provide such service (72 FR 43546).

On May 15, 2008, the Commission's Consumer and Governmental Affairs Bureau published in the Federal Register notice that it had granted interconnected VoIP providers an extension of time to route 711-dialed calls to an appropriate telecommunications relay service (TRS) center in certain circumstances (73 FR 28057).

**Timetable:**

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM Comment Period End	07/14/04	
First R&O	06/03/05	70 FR 37273
Public Notice	06/16/05	70 FR 37403
First R&O Effective	07/29/05	70 FR 43323
Public Notice	08/31/05	70 FR 51815
R&O	07/10/06	71 FR 38781
R&O and FNPRM	06/08/07	72 FR 31948
FNPRM Comment Period End	07/09/07	72 FR 31782
R&O	08/06/07	72 FR 43546
Public Notice	08/07/07	72 FR 44136
R&O	08/16/07	72 FR 45908
Public Notice	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Public Notice	12/13/07	72 FR 70808
Public Notice	12/20/07	72 FR 72358
R&O	02/21/08	73 FR 9463
NPRM	02/21/08	73 FR 9507
Order	05/15/08	73 FR 28057
Order	05/15/08	73 FR 28057
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI48

**407. CONSUMER PROTECTION IN THE BROADBAND ERA**

**Legal Authority:** 47 USC 151 to 154; 47 USC 160; 47 USC 201 to 205; 47

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USC 214; 47 USC 222; 47 USC 225; 47 USC 251 and 252; 47 USC 254 to 256; 47 USC 258; 47 USC 303(R)

**Abstract:** The Federal Communications Commission initiated this rulemaking in order to develop a framework that ensures that, as the telecommunications industry shifts from narrowband to broadband services, consumer protection needs are met by all providers of broadband Internet access service, regardless of the underlying technology providers use to offer the service. The Commission sought comment on whether adopting regulations, pursuant to its ancillary jurisdiction under title I of the Communications Act, to address consumer privacy, unauthorized changes to service, truth-in-billing, network outage reporting, discontinuance of service, rate averaging, and enforcement concerns, would be desirable and necessary as a matter of public policy. The Commission also sought comment on whether it should instead rely on market forces to address some or all of these areas of potential concern. The rulemaking also explores whether there are other areas of consumer protection related to wireline broadband Internet access service for which the Commission should adopt regulations pursuant to its ancillary jurisdiction.

**Timetable:**

Action	Date	FR Cite
NPRM	10/17/05	70 FR 60259
NPRM Comment Period End	03/01/06	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AI73

#### 408. ESTABLISHING JUST AND REASONABLE RATES FOR LOCAL EXCHANGE CARRIERS (WC DOCKET NO. 07-135)

**Legal Authority:** Not Yet Determined

**Abstract:** The Federal Communications Commission (Commission) is examining whether its existing rules

governing the setting of tariffed rates by local exchange carriers (LECs) provide incentives and opportunities for carriers to increase access demand endogenously with the result that the tariff rates are no longer just and reasonable. The Commission tentatively concluded that it must revise its tariff rules so that it can be confident that tariffed rates remain just and reasonable even if a carrier experiences or induces significant increases in access demand. The Commission seeks comment on the types of activities that are causing the increases in interstate access demand and the effects of such demand increases on the cost structures of LECs. The Commission also seeks comment on several means of ensuring just and reasonable rates going forward. The NPRM invites comment on potential traffic stimulation by rate-of-return LECs, price cap LECs, and competitive LECs, as well as other forms of intercarrier traffic stimulation. Comments were received on December 17, 2007, and reply comments were received on January 16, 2008.

**Timetable:**

Action	Date	FR Cite
NPRM	11/15/07	72 FR 64179
NPRM Comment Period End	12/17/07	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AJ02

#### 409. JURISDICTIONAL SEPARATIONS

**Legal Authority:** 47 USC 151; 47 USC 154(i) and 154(j); 47 USC 205; 47 USC 221(c); 47 USC 254; 47 USC 403; 47 USC 410

**Abstract:** Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and market changes warrant comprehensive reform

of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' recommendation to impose an interim freeze of the part 36 category relationships and jurisdictional cost allocation factors for a period of five years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission adopted an Order and Further Notice of Proposed Rulemaking, which extended the separations freeze for a period of three years and sought comment on comprehensive reform.

**Timetable:**

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM	05/26/06	71 FR 29882
Order and FNPRM Comment Period End	08/22/06	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3060-AJ06

#### 410. IMPLEMENTATION OF NET 911 IMPROVEMENT ACT

**Legal Authority:** PL 110-283

**Abstract:** On July 23, 2008, the New and Emerging Technologies Act was enacted.

On August 25, 2008, the Commission released an NPRM seeking comment on implementing the NET 911 Improvement Act.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/08	73 FR 50741
NPRM Comment Period End	09/09/08	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Yes

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**FCC—Wireline Competition Bureau**

**Long-Term Actions**

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**RIN:** 3060-AJ09

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