



# PUBLIC NOTICE

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## **EFFECTIVE DATE ESTABLISHED FOR PROCEDURES FOR REVIEWING REQUESTS FOR RELIEF FROM STATE AND LOCAL REGULATIONS PURSUANT TO SECTION 332(C)(7)(B)(V) OF THE COMMUNICATIONS ACT OF 1934**

On November 17, 2000, the Commission adopted the *RF Procedures Order*<sup>1</sup> to address the issues raised in the Commission's Notice of Proposed Rulemaking regarding the Commission's review of requests for relief from impermissible State and local regulation of personal wireless service facilities based on the environmental effects of radiofrequency (RF) emissions.<sup>2</sup> In the *RF Procedures Order*, the Commission provided that such requests under Section 332(c)(7)(B)(v) of the Communications Act of 1934, as amended,<sup>3</sup> shall be filed as petitions for declaratory ruling, and also established certain required and recommended procedures regarding the service of pleadings and comment periods in such proceedings.

The *RF Procedures Order*, which was published in the Federal Register on January 16, 2001,<sup>4</sup> contained an information collection requiring the approval of the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act.<sup>5</sup> The *RF Procedures Order* amended Note 1 to Section 1.1206(a) of the Commission's rules so that the expanded service requirements set forth in that note apply to petitions filed pursuant to Section 332(c)(7)(B)(v) (*i.e.*, petitions for relief from impermissible State and local regulation of personal wireless service facilities on the basis of RF emissions). Thus, petitioners seeking relief under Section 332(c)(7)(B)(v) must serve a copy of such petitions on those State and local governments that are the subject of the petitions, as well as on those State and local governments

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<sup>1</sup> Procedures for Reviewing Requests For Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934, WT Docket No. 97-192, *Report and Order*, 15 FCC Rcd 22821 (2000) (*RF Procedures Order*).

<sup>2</sup> Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934, WT Docket No. 97-192, *Second Memorandum Opinion and Order and Notice of Proposed Rulemaking*, 12 FCC Rcd 13494 (1997) (*RF Procedures Notice*), *aff'd Cellular Phone Taskforce v. FCC*, 205 F.3d 82 (2d Cir. 2000) (*Cellular Phone Taskforce*).

<sup>3</sup> 47 U.S.C. § 332(c)(7)(B)(v).

<sup>4</sup> 66 Fed. Reg. 3499 (January 16, 2001).

<sup>5</sup> Public Law 104-13 (1995).

otherwise specifically identified in the petitions whose actions petitioners argue are inconsistent with federal law. OMB granted approval of this rule on June 1, 2001.<sup>6</sup> Accordingly, this rule will become effective upon publication of this notice in the Federal Register. Publication of this notice in the Federal Register constitutes publication of the effective date of the rule.

For further information, contact Evan Baranoff, (202) 418-7142, [ebaranof@fcc.gov](mailto:ebaranof@fcc.gov), of the Wireless Telecommunications Bureau, Commercial Wireless Division.

**-FEDERAL COMMUNICATIONS COMMISSION-**

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<sup>6</sup> See OMB No. 3060-0977.