



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITION OF PUERTO RICO TELEPHONE COMPANY, INC. FOR WAIVER OF THE ANALOG SERVICE REQUIREMENT

WT Docket No. 07-140

Comments due July 31, 2007
Reply Comments due August 10, 2007

Pursuant to Section 1.925(c) of the Commission's rules,¹ the Wireless Telecommunications Bureau ("Bureau") hereby seeks comment on the request of Puerto Rico Telephone Company, Inc. (PRTC),² Call Sign KNKA384, for waiver of Section 22.901(b) of the Commission's rules.³ Section 22.901(b) requires cellular radiotelephone service licensees to provide analog service until February 18, 2008 (the "analog sunset date") to subscribers and roamers whose mobile equipment conforms to the Advanced Mobile Phone Service (AMPS) standard.⁴

PRTC operates a cellular system throughout Puerto Rico, and seeks waiver of Section 22.901(b) to discontinue analog service before the analog sunset date. PRTC states that it seeks to migrate its remaining 1,863 analog-only subscribers to its existing CDMA network to enable deployment of a new, island-wide GSM/UMTS wideband CDMA cellular system prior to the analog sunset date.⁵ PRTC states that it will provide free CDMA handsets to all remaining analog-only subscribers, including subscribers with hearing disabilities, as an incentive to migrate to digital service.⁶ PRTC argues that under these

¹ 47 C.F.R. § 1.925(c).

² See Petition of Puerto Rico Telephone Company, Inc., FCC File No. 0003072684 (filed June 15, 2007) ("Petition").

³ 47 C.F.R. § 22.901(b).

⁴ On December 20, 2006, the Bureau released a public notice seeking comment on a petition for rulemaking to extend the analog sunset date until February 18, 2010. See "Wireless Telecommunications Bureau Seeks Comment On Petition For Rulemaking To Extend Cellular Analog Sunset Date," *Public Notice*, 22 FCC Rcd 656 (WTB 2006). On June 15, 2007, the Commission released a *Memorandum Opinion and Order* denying the petition for rulemaking and maintaining the analog sunset date. Sunset of the Cellular Radiotelephone Service Analog Service Requirement and Related Matters, *Memorandum Opinion and Order*, RM-11355, FCC 07-103 (rel. June 15, 2007)

⁵ Petition at 6-8.

⁶ *Id.* at 8, 9-10.

circumstances, the underlying purpose of the analog service requirement would not be served by continued application to PRTC, and continued application of the rule would be inequitable, unduly burdensome, and contrary to the public interest.⁷

In 2002, the Commission determined that it was unnecessary to continue the analog service requirement indefinitely, because it had achieved the Commission's original goals of ensuring public access to nationwide service (roaming) and low-cost handsets.⁸ The Commission, however, adopted a 5-year sunset period (commencing on the effective date of the *Analog Sunset Order*), to facilitate the transition of persons with hearing disabilities and emergency-only users from analog to digital handsets.⁹

In view of the foregoing, we invite interested parties to comment on PRTC's request for waiver of the analog service requirement.

Procedural Matters

Comments on the Request are due **no later than July 31, 2007**. Reply Comments are due **no later than August 10, 2007**. All responsive filings should reference the docket number of this proceeding, WT 07-140.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹⁰ Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.¹¹ More than a one- or two-sentence description of the views and arguments presented is generally required.¹²

The Request is available for public inspection and copying in the Commission's Reference Center, Room CY A257, 445 12th Street, S.W., Washington, DC 20554. Copies of the Request also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 07-140. Copies of the Request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must

⁷ *Id.* at 8-11.

⁸ *See* Year 2000 Biennial Review—Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services, WT Docket No. 01-108, *Report and Order*, 17 FCC Rcd 18401, 18406 ¶8, and 18409-18412 ¶¶13-17 (2002) ("*Analog Sunset Order*"), *Order on Reconsideration*, 19 FCC Rcd 3239 (2004).

⁹ *Analog Sunset Order*, 17 FCC Rcd at 18406 ¶8, and 18414-18419 ¶¶22-30.

¹⁰ *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

¹¹ *See* "Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings," *Public Notice*, 15 FCC Rcd 19945 (2000).

¹² *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well. *Id.* at § 1.1206(b).

transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

Comments filed in response to this Public Notice will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the Docket Number, WT 07-140. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Alternate formats of this Public Notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to access@fcc.gov.

FOR FURTHER INFORMATION, CONTACT: Joyce Jones of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-1327, joyce.jones@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.