



PUBLIC NOTICE

Federal Communications Commission
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FCC 04-105

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THE COMMISSION SEEKS PUBLIC COMMENT IN THE 2004 BIENNIAL REVIEW OF TELECOMMUNICATIONS REGULATIONS

Comment Date: July 12, 2004

Reply Comment Date: August 11, 2004

NOTE: SEPARATE PLEADINGS MUST BE FILED WITH THE APPROPRIATE BUREAU OR OFFICE WITH JURISDICTION OVER THE RULES AS IDENTIFIED IN THE ATTACHMENT. THE CORRESPONDING DOCKET NUMBERS ARE LISTED IN THE ATTACHMENT.

The FCC is in the process of conducting its comprehensive 2004 biennial review of telecommunications regulations pursuant to Section 11 of the Communications Act of 1934, as amended, 47 U.S.C. § 161. This section requires the Commission (1) to review biennially its regulations “that apply to the operations or activities of any provider of telecommunications service,” and (2) to “determine whether any such regulation is no longer necessary in the public interest as the result of meaningful economic competition between the providers of such service.” The Commission is directed to repeal or modify any such regulations that it finds are no longer in the public interest.¹

Pursuant to Section 1.430 of the Commission's rules, 47 C.F.R. § 1.430, we seek suggestions from the public as to what rules should be modified or repealed as part of the 2004 biennial review. Submissions by the public should identify with as much specificity as possible the rule or rules that should be modified or repealed, and why the regulations should be modified or repealed. In this regard, parties should discuss how their suggested rule changes satisfy the standard of Section 11 as interpreted by the D.C. Circuit Court in *Cellco Partnership*. As with the 2002 biennial review, we expect the staff will prepare reports recommending which sections of the rules should be modified or repealed. A list of the rule parts within the purview of each relevant Bureau and Office of the Commission is attached.

In order to facilitate review of all comments, the cover page should denote that it pertains to the Biennial Review 2004, should clearly indicate the Bureau or Office with jurisdiction over the

¹ The Commission resolved several interpretative issues under the section 11 standard in the 2002 *Biennial Regulatory Review*, FCC 02-342, 18 FCC Rcd. 4726 (2003), *aff'd*, *Cellco Partnership v. FCC*, 357 F.3d 88 (D.C. Cir. 2004)(*Cellco Partnership*).

rules addressed in the comments, and should include the appropriate docket number for that Bureau or Office. Parties wishing to comment on rules within the jurisdiction of more than one Bureau or Office should file separate pleadings on rules for each Bureau or Office. Interested parties may file comments on July 12, 2004 and reply comments on August 11, 2004.

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. 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 obtain 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, Natek, Inc., 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.

Comments in this proceeding will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room Y-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at qualexint@aol.com.

This is an exempt proceeding pursuant to § 1.1204(b) of the Commission's Rules, 47 C.F.R. § 1.1204(b). *Ex parte* presentations are permitted.

For further information regarding this proceeding, please contact:

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Action by the Commission on April 27, 2004: Chairman Powell; Commissioners Abernathy, Copps, Martin and Adelstein.

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ATTACHMENT

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE CONSUMER & GOVERNMENTAL AFFAIRS BUREAU (CGB) CG Docket No. 04-175

Part 1 – Practice and Procedure – Sections 1.716 through 1.719 set forth rules for the filing of informal complaints.

Part 6 – Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities – Outlines the obligations of manufacturers and service providers concerning accessibility to telecommunications service and equipment.

Part 7 – Access to Voicemail and Interactive Menu Services and Equipment by People with Disabilities – Outlines the obligations of providers of voicemail and interactive menu services as well as manufacturers of telecommunications equipment which performs a voicemail or interactive menu function.

Part 64 – Miscellaneous Rules Relating to Common Carriers – Addresses a broad range of common carrier issues. Specifically: Subpart B (Indecent Telephone Message Services); Subpart F (Telecommunications Relay Services); Subpart G (Telephone Operator Services - sections 64.703-705, 64.707-710); Subpart K (Changing Long Distance Service); Subpart L (Restrictions on Telephone Solicitation); Subpart O (Interstate Pay-Per-Call and Other Information Services); Subpart P (Calling Party Telephone Number; Privacy); Subpart Y (Truth-in-Billing Requirements for Common Carriers).

Part 68 – Connection of Terminal Equipment to the Telephone Network – Establishes conditions for direct connection to the network of registered terminal equipment to prevent network harm and ensure that telephones are compatible with hearing aids. (CGB is only seeking comment concerning the rules in this part relating to hearing aid compatibility and, in addition, on section 68.318(c) (Line seizure by automatic telephone dialing systems) and section 68.318(d) (Telephone facsimile machines; Identification of the sender of the message)).

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE ENFORCEMENT BUREAU (EB) EB Docket No. 04-176

Part 1 – Practice and Procedure – Sections 1.711 to 1.736 set forth rules for the filing of formal complaints against common carriers. Section 1.80 addresses forfeiture penalties applicable to common carriers.

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE INTERNATIONAL BUREAU (IB) IB Docket No. 04-177

Part 23 – International Fixed Public Radio Communication Services – Contains rules applicable to international terrestrial fixed communications systems, including general licensing and application filing requirements, technical standards, and operations.

Part 25 – Satellite Communications – Contains rules applicable to general licensing and application filing requirements, technical standards, and operations for satellite communications, including direct broadcast satellite service.

Part 43 – Reports of Communication Common Carriers and Certain Affiliates – Contains rules requiring certain reports by common carriers, including reports regarding different facets of international telecommunications.

Part 63 – Extension of Lines, and Discontinuance, Reduction, Outage and Impairment of Service by Common Carriers; and Grants of Recognized Private Operating Agency Status – Contains rules applicable to common carriers, including application filing requirements for international section 214 authorizations.

Part 64 – Miscellaneous Rules Relating to Common Carriers – Subpart J contains rules regarding the Commission's settlements policy.

**RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE
OFFICE OF ENGINEERING AND TECHNOLOGY (OET)
ET Docket No. 04-178**

Part 2: Frequency Allocations and Radio Treaty Matters; General Rules and Regulations
Establishes procedures for authorization of radio equipment, defines terms for radio services and contains the Table of Frequency Allocations which identifies what uses are permitted on radio frequency spectrum.

Part 5: Experimental Radio Services (Other Than Broadcast)
Establishes procedures for the authorization of experimental radio licenses.

Part 15: Radio Frequency Devices
Establishes operating parameters and authorization requirements for unlicensed radio devices.

**RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE
WIRELESS TELECOMMUNICATIONS BUREAU (WTB)
WT Docket No. 04-180**

Part 1 – Practice and Procedure – In addition to containing the procedural rules of general applicability to all Commission licensees, contains certain rules that explicitly address wireless telecommunications applications and proceedings (Subpart F) and procedures relating to competitive bidding (Subpart Q).

Part 17 – Construction, Marking, and Lighting of Antenna Structures – Contains rules pertaining to the construction, marking, lighting, registration, and notification relating to radio antenna structures used for provision of wireless radio services.

Part 20 – Commercial Mobile Radio Services – Contains rules applicable to commercial mobile radio service providers, including rules relating to citizenship, interconnection to facilities of local exchange carriers, roaming, Title II obligations, and 911 service.

Part 21 – Domestic Public Fixed Radio Services – Contains rules applicable to general licensing and application filing requirements, technical standards, and operations for Multipoint Distribution Service.

Part 22 – Public Mobile Services – Contains rules governing domestic, mobile, common carrier services including the cellular telephone service, that are authorized to provide radio telecommunication services for hire to the public.

Part 24 – Personal Communications Services – Contains rules applicable to general licensing and application filing requirements, technical standards, and operations for narrowband and broadband Personal Communications Services licensees.

Part 27 – Wireless Communications Services – Contains rules governing the provision of miscellaneous wireless communications services on various frequency bands allocated for flexible use pursuant to Section 303(y) of the Communications Act.

Part 73 – Radio Broadcast Services

Part 74 – Experimental Radio, Auxiliary, Special Broadcast and Other Program Distribution Services, Subpart I –Instructional Television Fixed Service – Contains rules applicable to general licensing and application filing requirements, technical standards, and operations for the Instructional Television Fixed Service.

Part 80 – Stations in the Maritime Service – Contains licensing, technical, and operational rules for various maritime radio services.

Part 90 – Private Land Mobile Radio Services – Contains rules applicable to general licensing and application filing requirements, technical standards, and operations for Specialized Mobile Radio and other commercial, private, and public safety licensees.

Part 95 – Personal Radio Service – Contains licensing, technical, and operational rules for the 218-219 MHz Service.

Part 101 – Fixed Microwave Services – Contains licensing, technical, and operational rules for private and common carrier fixed microwave services, including rules or subparts governing the 24 GHz Local Television Transmission, Local Multipoint Distribution, and 39 GHz services, and Multiple Address Systems.

Part 1 – Practice and Procedure – In addition to procedural rules of general applicability to all Commission licensees, contains certain rules that explicitly address common carriers, including application procedures, tariff filings, and reporting requirements.

Part 32 – Uniform System of Accounts for Telecommunications Companies – Establishes mandatory minimum accounting standards for certain common carriers.

Part 36 – Jurisdictional Separations Procedures; Standard Procedures for Separating Telecommunications Property Costs, Revenues, Expenses, Taxes and Reserves for Telecommunications Companies – Outlines the separations procedures designed primarily for the allocation of property costs, revenues, expenses, taxes and reserves between the state and interstate jurisdictions.

Part 42 – Preservation of Records of Communication Common Carriers – Prescribes the regulations governing the preservation of records of common carriers.

Part 43 – Reports of Communication Common Carriers and Certain Affiliates – Prescribes specific filing requirements for common carriers and certain of their affiliates.

Part 51 – Interconnection – Establishes interconnection obligations for local exchange carriers.

Part 52 – Numbering – Establishes conditions for the administration and use of numbering resources for the provision of telecommunications services in the United States.

Part 53 – Special Provisions Concerning Bell Operating Companies – Establishes special requirements applicable to Bell Operating Companies, pursuant to 47 U.S.C. §§ 271 and 272.

Part 54 – Universal Service – Establishes mechanisms for the provision of Universal Service.

Part 59 – Infrastructure Sharing – Establishes the general duty of incumbent local exchange carriers to make available to certain qualifying carriers network infrastructure, facilities, functions, technology, and information.

Part 61 – Tariffs – Prescribes the framework for the initial establishment of and subsequent revisions to tariff publications for certain carriers.

Part 63 – Extension of Lines, New Lines and Discontinuance, Reduction, Outage and Impairment of Service by Common Carriers; and Grants of Recognized Private Operating Agency Status – Prescribes a regulatory framework for construction of wireline common carrier infrastructure.

Part 64 – Miscellaneous Rules Relating to Common Carriers – Addresses a broad range of common carrier issues.

Part 65 – Interstate Rate of Return Prescription Procedures and Methodologies – Establishes procedures and methodologies for Commission prescription of an authorized unitary interstate exchange access rate of return and individual authorized rates of return for the interstate exchange access rates of certain other carriers.

Part 68 – Connection of Terminal Equipment to the Telephone Network – Establishes conditions for direct connection to the network of registered terminal equipment to prevent network harm and ensure that telephones are compatible with hearing aids.

Part 69 – Access Charges – Establishes rules for access charges for interstate or foreign access services for incumbent local exchange carriers.