



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

FCC 02-264

Released: September 26, 2002

**THE COMMISSION SEEKS PUBLIC COMMENT IN THE
2002 BIENNIAL REVIEW OF TELECOMMUNICATIONS REGULATIONS WITHIN
THE PURVIEW OF THE WIRELESS TELECOMMUNICATIONS BUREAU**

WT Docket No. 02-310

Comment Date: October 18, 2002

Reply Comment Date: November 4, 2002

The FCC is in the process of conducting its comprehensive 2002 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.

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the Commission’s rules, 47 C.F.R. § 1.430, we seek suggestions from the public as to what rules should be modified or repealed as part of the 2002 biennial review. The Commission also encourages parties to comment on or recommend changes to rules that might enable the Commission to operate more efficiently and effectively. 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by the public should identify with as much specificity as possible the rule or rules that should be modified or repealed, and why the regulations should be modified or repealed.¹ A list of the rules within the purview of the Wireless Telecommunications Bureau is attached.

When the Commission undertook the first Biennial Regulatory Review of its regulations in 1998, it broadened its review to apply to the rules of all Offices and Bureaus in the Commission, rather than just those applying to telecommunications service providers and broadcast ownership. The Commission did not limit its review to whether meaningful economic competition alone justified changes, but instead considered any justification to modify or eliminate a rule which would serve the public interest. Our biennial reviews, thus, have gone beyond the minimal statutory requirements and we expect to continue this practice in the 2002 biennial review.

¹ On July 25, 2002, the Cellular Telecommunications and Internet Association filed a Petition for Rule Making concerning the 2002 Biennial Review. The Petition will be treated as a comment in this proceeding and will be filed in the docket.

We note that the Commission has adopted a separate Notice of Proposed Rulemaking with respect to the broadcast ownership rules pursuant to section 202(h) of the Telecommunications Act of 1996.² Accordingly, parties should file comments on the Commission's broadcast ownership rules in that proceeding, and not in response to this public notice.

In order to facilitate review of all comments, the cover page should denote that it pertains to the Biennial Review 2002, and should include the following docket number and caption: "WT Docket No. 02-310 – Biennial Review 2002 Comments." Interested parties may file comments by **October 18, 2002** and reply comments by **November 4, 2002**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents*, 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/e-file/ecfs.html>>. 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 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 <your e-mail address>." 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. 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, Vistrionix, 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.

In addition, one copy of each pleading must be sent to the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.

Comments in this proceeding will be available on ECFS. They will also be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-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 qualexint@aol.com.

For further information, please contact Milton Price, Commercial Wireless Division, at (202) 418-7240; TTY at (202) 418-7233; e-mail at mprice@fcc.gov.

² See 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 02-277, *Notice of Proposed Rule Making*, FCC 02-249 (rel. Sept. 23, 2002).

Action by the Commission on September 26, 2002: Chairman Powell; Commissioners Abernathy, Copps and Martin.

- FCC -

RULE PARTS CONTAINING REGULATIONS WITHIN THE PURVIEW OF THE WIRELESS TELECOMMUNICATIONS BUREAU

Part 1 – Practice and Procedure – In addition to containing the procedural rules of general applicability to all Commission licensees, contains certain rules within Part 1 that explicitly address wireless telecommunications applications and proceedings, and includes procedures relating to competitive bidding, payment of regulatory fees, and implementation of the National Environmental Policy Act.

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 of applicable to commercial mobile radio service providers, including rules relating to citizenship, aggregation limits, interconnection to facilities of local exchange carriers, resale, 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 common carrier radio stations that are authorized to provide mobile and related fixed 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 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 various 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, and includes subparts governing the 24 GHz Service and Local Multipoint Distribution Service, 39 GHz Service, and Multiple Address System Service.