



# PUBLIC NOTICE

Federal Communications Commission  
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FCC 02-266

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**THE COMMISSION SEEKS PUBLIC COMMENT IN THE  
2002 BIENNIAL REVIEW OF TELECOMMUNICATIONS REGULATIONS WITHIN THE  
PURVIEW OF THE OFFICE OF ENGINEERING AND TECHNOLOGY**

**ET Docket No. 02-312**

**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the Commission's rules, 47 C.F.R. § 1.430, we seek suggestions from the public as to what rules should be modified or repealed as part of the 2002 biennial review.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by the public should identify with as much specificity as possible the rule or rules that should be modified or repealed, and why the regulations should be modified or repealed. A list of the rules within the purview of the Office of Engineering and Technology 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 for 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.

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.<sup>1</sup> 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: "ET Docket No. 02-312– 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](mailto: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 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: [qualexint@aol.com](mailto: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](mailto:qualexint@aol.com). Accessible formats (computer diskettes, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer & Governmental Affairs Bureau, at (202)418-7426, TTY (202) 418-7365, or at [bmillin@fcc.gov](mailto:bmillin@fcc.gov).

For further information, please contact Bruce Romano at (202) 418-2124 or [BROMANO@FCC.GOV](mailto:BROMANO@FCC.GOV).

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

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<sup>1</sup> 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).



## ATTACHMENT

### **RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE OFFICE OF ENGINEERING AND TECHNOLOGY**

#### 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.