



PUBLIC NOTICE

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

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Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

FCC 08-201

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**THE COMMISSION SEEKS PUBLIC COMMENT IN THE
2008 BIENNIAL REVIEW OF TELECOMMUNICATIONS REGULATIONS**

**CG Docket No. 08-177, EB Docket No. 08-178, IB Docket No. 08-179, ET Docket No. 08-180,
PS Docket No. 08-181, WT Docket No. 08-182, WC Docket No. 08-183**

Comment Date: October 6, 2008

Reply Comment Date: October 27, 2008

NOTE: SEPARATE PLEADINGS MUST BE FILED WITH EACH BUREAU OR OFFICE THAT HAS JURISDICTION OVER THE APPLICABLE RULE, AS IDENTIFIED IN THE ATTACHMENT. THE CORRESPONDING DOCKET NUMBERS ARE LISTED IN THE ATTACHMENT.

The FCC is in the process of conducting its comprehensive 2008 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 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the Commission's rules, 47 C.F.R. § 1.430, we seek suggestions from the public as to what rules should be modified or repealed as part of the 2008 biennial review. Submissions should identify with as much specificity as possible the rule or rules that should be modified or repealed, and explain why and how the rule or rules should be modified or repealed. 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 previous biennial reviews, we expect that FCC staff will prepare reports recommending which sections of the rules should be modified or repealed.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 or Office of the Commission is attached.

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*).

In order to facilitate review of all comments, the cover page should (1) denote that the comments pertain to the Biennial Review 2008, (2) indicate the Bureau or Office with jurisdiction over the rules addressed in the comments, and (3) 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 a separate pleading with each applicable Bureau or Office. Interested parties may file comments on or before October 6, 2008 and reply comments on or before October 27, 2008.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** 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, filers 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 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, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

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, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300 or 800-378-3160, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

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:

Consumer & Governmental Affairs Bureau: Pam Slipakoff, 202-418-7705, pam.slipakoff@fcc.gov

Enforcement Bureau: Michael Carowitz, 202-418-0026, michael.carowitz@fcc.gov

International Bureau: Narda Jones, 202-418-2489, narda.jones@fcc.gov

Office of Engineering & Technology: Bruce Romano, 202-418-2124, bruce.romano@fcc.gov

Public Safety and Homeland Security Bureau: Tim Peterson, 202-418-1575, timothy.peterson@fcc.gov

Wireless Telecommunications Bureau: Jane Jackson, 202-418-1545, jane.jackson@fcc.gov

Wireline Competition Bureau: Kirk Burgee, 202-418-1599, kirk.burgee@fcc.gov

Action taken on September 2, 2008: By Chairman Martin, and Commissioners Copps, Adelstein, Tate and McDowell.

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ATTACHMENT

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE CONSUMER & GOVERNMENTAL AFFAIRS BUREAU (CGB) CG Docket No. 08-177

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 and Facsimile Advertising); 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); Subpart BB (Restrictions on Unwanted Mobile Service Commercial Messages); Subpart CC (Customer Account Record Exchange Requirements).

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. 08-178

Part 1 – Practice and Procedure – Sections 1.711 to 1.736 set forth rules for the filing of informal complaints and formal complaints against common carriers. Section 1.80 addresses the forfeiture process applicable to providers of telecommunications services. Section 1.89 addresses the Notice of Violation process applicable to providers of telecommunications services.

**RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE
INTERNATIONAL BUREAU (IB)
IB Docket No. 08-179**

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. Section 25.284 is jointly administered by the International Bureau and the Public Safety and Homeland Security Bureau.

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. 08-180**

Part 1 – Practice and Procedure – Sections 1.1307, 1.1310, and 1.1311 set forth radiofrequency safety portions of procedures for implementing the National Environmental Policy Act of 1969.

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.

Part 18 – Industrial, Scientific and Medical Equipment – Limit the interference potential of industrial, scientific and medical equipment, as well as certain consumer products, such as microwave ovens, that use radio frequency energy to perform work rather than to communicate information.

**RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE
PUBLIC SAFETY AND HOMELAND SECURITY BUREAU (PSHSB)
PS Docket No. 08-181**

Part 1 – Practice and Procedure – In addition to the procedural rules of general applicability, this Part contains rules regarding the Communications Assistance for Law Enforcement Act (CALEA) (Subpart Z).

Part 4 – Disruptions to Communications – Sets forth requirements pertinent to the reporting of disruptions to communications and to the reliability and security of communications infrastructure.

Part 10 – Commercial Mobile Alert System – Sets forth regulations regarding the Commercial Mobile Alert System.

Part 11 – Emergency Alert System – Sets forth regulations regarding an Emergency Alert System. Section 11.47 provides for optional participation in the EAS by “other communications methods and systems.”

Part 12 – Redundancy of Communications Systems – Sets forth regulations to ensure the resiliency, redundancy and reliability of communications systems, particularly 911 and E911 networks or systems.

Part 20 – Commercial Mobile Radio Services – Section 20.3 contains definitions related to 911 and E911. Section 20.18 sets forth regulations that apply to commercial mobile radio service providers regarding 911 service.

Part 22 – Public Mobile Services – Section 22.921 establishes regulations for mobile telephones regarding 911 call processing and 911-only calling mode.

Part 25 – Satellite Communications – Section 25.284 establishes regulations regarding emergency call center service. Section 25.284 is jointly administered by the International Bureau and the Public Safety and Homeland Security Bureau.

Part 64 – Miscellaneous Rules Relating to Common Carriers – Subpart D establishes procedures for handling priority services in emergencies. Subpart AA establishes regulations regarding the universal emergency telephone number.

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. Specifically, the Public Safety and Homeland Security Bureau administers rules regarding Operating Requirements (Subpart N, sections 90.405 through 90.417), Licensing and Use of Frequencies in the 806-824, 851-869, 869-901 and 935-940 MHz Bands (Subpart S, sections 90.676 through 90.677) and 700 MHz Public/Private Partnership (Subpart AA).

**RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE
WIRELESS TELECOMMUNICATIONS BUREAU (WTB)
WT Docket No. 08-182**

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) and spectrum leasing (Subpart X).

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 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 services on various frequency bands allocated for flexible use pursuant to Section 303(y) of the Communications Act, including the 700 MHz band, Wireless Communications Services, Broadband Radio Service, Educational Broadband Service, and Advanced Wireless Services.

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 Service, Local Television Transmission Service, Local Multipoint Distribution Service, 39 GHz Service (38.6-40 GHz bands), Multiple Address Systems, Multichannel Video Distribution and Data Service, and the 70/80/90 GHz Bands.

**RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE
WIRELINE COMPETITION BUREAU (WCB)
WC Docket No. 08-183**

Part 1 – Practice and Procedure – In addition to procedural rules of general applicability, this Part contains certain procedural rules that specifically address common carriers. The Wireline Competition Bureau administers: Subpart E (Complaints, Applications, Tariffs, and Reports Involving Common Carriers), sections 1.763-1.764 (Applications under Title II of the Communications Act), sections 1.771-1.774 (Tariffs), section 1.781 (Contracts, Reports, and Requests Required to be Filed by Carriers), section 1.783 (Contracts), sections 1.785-1.795 (Financial and Accounting Reporting Requirements); Subpart T (Exempt Telecommunications Companies), sections 1.5000-1.5007; and Subpart V (Implementation of Section 706 of the Telecommunications Act of 1996), sections 1.7000-1.7002.

Part 32 – Uniform System of Accounts for Telecommunications Companies – Establishes a mandatory uniform system of accounts 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 for the allocation of property costs, revenues, expenses, taxes, reserves, and Universal Service funds between state and interstate jurisdictions.

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

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

Part 51 – Interconnection – Implements the interconnection, and other requirements of 47 U.S.C. §§ 251 and 252 that are applicable to telecommunications carriers, local exchange carriers, and incumbent local exchange carriers.

Part 52 – Numbering – Establishes the requirements and conditions for administration and use of numbering resources for telecommunications services in the United States. Part 52 rule sections that address the operations and activities of common carriers include: Subpart A (Scope and Authority); Subpart B (Administration), sections 52.7 to 52.16(a) – (f), 52.17 (a) and (b), 52.19; Subpart C (Number Portability), sections 52.20, 52.21(a)-(g) and (i)-(s), 52.23 to 52.31, 52.32(a)-(d), 52.33 and 52.34; Subpart D (Toll Free Numbers).

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 preservation and advancement of Universal Service pursuant to 47 U.S.C. § 254.

Part 59 – Infrastructure Sharing – Implements the general duty under 47 U.S.C. § 259 for incumbent local exchange carriers to make available to certain qualifying carriers public switched network infrastructure, technology, information, and telecommunications facilities and functions.

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

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 the construction of wireline common carrier infrastructure, transfers of control of such facilities, and discontinuations, reductions, or impairments of service.

Part 64 – Miscellaneous Rules Relating to Common Carriers – Addresses a number of common carrier issues. Specifically, the Wireline Competition Bureau has jurisdiction over: Subpart A (Traffic Damage Claims); Subpart G (Furnishing of Enhanced Services and Customer-Premises Equipment by Communications Common Carriers; Telephone Operator Services); Subpart H (Extension of Unsecured Credit for Interstate and Foreign Communications Services to Candidates for Federal Office); Subpart I (Allocation of Costs); Subpart M (Provision of Payphone Service); Subpart N (Expanded Interconnection); Subpart Q (Implementation of Section 273(d)(5) of the Communications Act); Subpart R (Geographic Rate Averaging and Rate Integration); Subpart S (Nondominant Interexchange Carrier Certifications Regarding Geographic Rate Averaging and Rate Integration Requirements); Subpart T (Separate Affiliate Requirements for Incumbent Independent Local Exchange Carriers Providing In-Region, Interstate Domestic Interexchange Services or In-Region International Interexchange Services); Subpart U (Customer Proprietary Network Information); Subpart X (Subscriber List Information); Subpart Z (Prohibition on Exclusive Telecommunications Contracts); Subpart DD (Prepaid Calling Card Providers).

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

Part 68 – Connection of Terminal Equipment to the Telephone Network – Establishes requirements for direct connection to the public switched network of all terminal equipment (except those falling under national security/defense interests). The Wireline Competition Bureau administers: Subpart A (General), sections 68.1 – 68.3, 68.7; Subpart B (Conditions on Use of Terminal Equipment), sections 68.100 – 68.110, 68.160 – 68.162; Subpart C (Terminal Equipment Approval Procedures), sections 68.201 – 68.214, 68.218; Subpart D (Conditions for Terminal Equipment Approval), sections 68.300, 68.318-68.322, and 68.326; Subpart E (Complaint Procedures), section 68.418 (b); and Subpart G (Administrative Council for Terminal Attachments).

Part 69 – Access Charges – Establishes rules for access charges for interstate or foreign access services provided by telephone companies.