

Radiotelephone Service frequency bands that are 38 dB or higher based upon a 12 dB SINAD measurement, which is considered the threshold where a signal can be clearly discerned from any interference that may be present.

(c) Scanning receivers and frequency converters designed or marketed for use with scanning receivers, are not subject to the requirements of paragraphs (a) and (b) of this section provided that they are manufactured exclusively for, and marketed exclusively to, entities described in 18 U.S.C. 2512(2), or are marketed exclusively as test equipment pursuant to § 15.3(dd).

(d) Modification of a scanning receiver to receive transmissions from Cellular Radiotelephone Service frequency bands will be considered to constitute manufacture of such equipment. This includes any individual, individuals, entity or organization that modifies one or more scanners. Any modification to a scanning receiver to receive transmissions from the Cellular Radiotelephone Service frequency bands voids the certification of the scanning receiver, regardless of the date of manufacture of the original unit. In addition, the provisions of § 15.23 shall not be interpreted as permitting modification of a scanning receiver to receive Cellular Radiotelephone Service transmissions.

(e) Scanning receivers and frequency converters designed for use with scanning receivers shall not be assembled from kits or marketed in kit form unless they comply with the requirements in paragraph (a) through (c) of this section.

(f)(1) Scanning receivers shall have a label permanently affixed to the product, and this label shall be readily visible to the purchaser at the time of purchase. The label shall read as follows:

WARNING: MODIFICATION OF THIS DEVICE TO RECEIVE CELLULAR RADIOTELEPHONE SERVICE SIGNALS IS PROHIBITED UNDER FCC RULES AND FEDERAL LAW.

(2) "Permanently affixed" means that the label is etched, engraved, stamped, silkscreened, indelibly printed or otherwise permanently marked on a permanently attached part of the equipment or on a nameplate of metal plastic or other material fastened to the equipment by welding, riveting, or permanent adhesive. The label shall be designed to last the expected lifetime of the equipment in the environment in which the equipment may be operated

and must not be readily detachable. The label shall not be a stick-on, paper label.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[WT Docket No. 98-229, CC Docket No. 95-116; FCC 99-19]

Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this *Memorandum Opinion and Order*, the Commission grants a petition filed by the Cellular Telecommunications Industry Association (CTIA) requesting that the Commission forbear from imposing service provider local number portability (LNP) requirements on broadband commercial mobile radio service (CMRS) providers until the expiration of the five-year buildout period for broadband personal communications service (PCS) carriers. Accordingly, the *Memorandum Opinion and Order* extends the deadline for CMRS providers to support service provider LNP in the top 100 Metropolitan Statistical Areas (MSAs) until November 24, 2002. The *Memorandum Opinion and Order* finds that extension of the deadline will provide the industry with the flexibility to allocate its immediate resources toward network construction, a goal proven to promote a competitive marketplace.

DATES: Effective May 27, 1999.

FOR FURTHER INFORMATION CONTACT: David Furth at (202) 418-0632 or Joel Taubenblatt at (202) 418-1513 (Wireless Telecommunications Bureau).

SUPPLEMENTARY INFORMATION: This is a summary of the *Memorandum Opinion and Order*, FCC 99-19, adopted February 8, 1999 and released February 9, 1999. The complete text of the *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Washington, D.C. and also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 1231 20th St.,

N.W., Washington, D.C. 20036. The document is also available via the internet at <http://www.fcc.gov/Bureaus/Wireless/Orders/1999/index.html>.

Introduction

1. In this *Memorandum Opinion and Order*, the Commission grants a petition filed by CTIA seeking forbearance from LNP requirements for CMRS carriers until the completion of the five-year buildout period for broadband PCS carriers. In granting the petition, the Commission extends the deadline for CMRS carriers to implement service provider LNP until November 24, 2002.

Background

2. Under the Commission's prior LNP decisions, broadband CMRS carriers (cellular, broadband PCS, and some specialized mobile radio (SMR) providers) were required to implement LNP in the top 100 MSAs, and to support nationwide roaming, by March 31, 2000. Implementation of LNP by CMRS providers would enable wireless customers to "port" their telephone numbers in the event that they switch from one wireless carrier to another, or from a wireless to a wireline carrier.

Findings

3. In this *Memorandum Opinion and Order*, the Commission finds that extending the deadline is consistent with the statutory standard for granting forbearance under section 10 of the Communications Act of 1934, as amended, 47 U.S.C. 160. The Commission notes that the wireless industry requires additional time to implement LNP in part because, unlike wireline carriers (who are already required to provide LNP in the top 100 MSAs), wireless carriers face certain unique technical issues regarding implementation of LNP in their networks and in supporting roaming by customers with ported numbers. The Commission also states that extending the deadline until November 2002 is consistent with the public interest for competitive reasons because it will give CMRS carriers greater flexibility in that time-frame to complete network buildout, technical upgrades, and other improvements that are likely to have a more immediate impact on enhancing service to the public and promoting competition in the telecommunications marketplace.

4. The Commission emphasizes that its decision in the *Memorandum Opinion and Order* does not relieve CMRS carriers of their underlying obligation to implement LNP. As wireless service rates continue their downward trend and the use of wireless

service increases, there is a greater likelihood that customers will view their wireless phones as a potential substitute for their wireline phones, making LNP more important to consumers.

5. Because LNP provides a platform for certain number conservation techniques, including number pooling, the Commission also stresses the importance of efficient utilization of numbering resources. The Commission states that the decision to grant forbearance in this instance is not intended to limit Commission ability to require, through a rulemaking proceeding on number utilization, CMRS participation in pooling at an earlier date, if doing so were deemed necessary to address specific number exhaust problems. The Commission states that, as an initial step, it intends to initiate a Notice of Proposed Rulemaking in the next few months that will propose both LNP and non-LNP based numbering optimization techniques applicable to all telecommunications carriers, and that it will move forward with additional proceedings on other number conservation methods possibly including one or more pooling methods.

6. Appendix A of the *Memorandum Opinion and Order* contains the full text of section 52.31 of the Commission's rules, as revised to reflect the service provider LNP implementation deadline established in the *Memorandum Opinion and Order* and corrections made in an erratum to the *Memorandum Opinion and Order*. Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability, WT Docket No. 98-229 and CC Docket No. 95-116, Erratum (released April 20, 1999). The erratum corrected the following items: the amended date in section 52.31(a)(1)(ii) of the Commission's rules by which carriers must submit requests for LNP deployment to CMRS carriers in the top 100 MSAs; several inadvertent deletions of certain amendments to section 52.31 of the Commission's rules that occurred in past proceedings in CC Docket No. 95-116; and certain typographical errors.

List of Subjects in 47 CFR Part 52

Telecommunications.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 52 as follows:

PART 52—NUMBERING

1. The authority citation for part 52 continues to read as follows:

Authority: Sec. 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. § 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201-05, 207-09, 218, 225-7, 251-2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201-05, 207-09, 218, 225-7, 251-2, 271 and 332 unless otherwise noted.

2. Section 52.31 is amended by revising paragraph (a) to read as follows:

§ 52.31 Deployment of long-term database methods for number portability by CMRS providers

(a) By November 24, 2002, all covered CMRS providers must provide a long-term database method for number portability, including the ability to support roaming, in the MSAs identified in the Appendix to this part in compliance with the performance criteria set forth in section 52.23(a) of this part, in switches for which another carrier has made a specific request for the provision of number portability, subject to paragraph (a)(1) of this section. A licensee may have more than one CMRS system, but only the systems that satisfy the definition of covered CMRS are required to provide number portability.

(1) Any procedure to identify and request switches for development of number portability must comply with the following criteria:

(i) Any wireline carrier that is certified (or has applied for certification) to provide local exchange service in a state, or any licensed CMRS provider, must be permitted to make a request for deployment of number portability in that state;

(ii) For the MSAs identified in the appendix to this part, carriers must submit requests for deployment by February 24, 2002;

(iii) A covered CMRS provider must make available upon request to any interested parties a list of its switches for which number portability has been requested and a list of its switches for which number portability has not been requested;

(iv) After November 24, 2002, a covered CMRS provider must deploy additional switches serving the MSAs

identified in the Appendix to this part upon request within the following time frames:

(A) For remote switches supported by a host switch equipped for portability ("Equipped Remote Switches"), within 30 days;

(B) For switches that require software but not hardware changes to provide portability ("Hardware Capable Switches"), within 60 days;

(C) For switches that require hardware changes to provide portability ("Capable Switches Requiring Hardware"), within 180 days; and

(D) For switches not capable of portability that must be replaced ("Non-Capable Switches"), within 180 days.

(v) Carriers must be able to request deployment in any wireless switch that serves any area within the MSA, even if the wireless switch is outside that MSA, or outside any of the MSAs identified in the Appendix to this part.

(2) By November 24, 2002, all covered CMRS providers must be able to support roaming nationwide.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-174; RM-9146, RM-9262]

Radio Broadcasting Services; Hamilton, Marble Falls, and Meridian, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 285A, at Meridian, Texas, substitutes Channel 285C2 for Channel 285C3 at Marble Falls, Texas, and modifies the authorization of Maxagrid Broadcasting Corporation to specify operation on the higher class channel at request of counterproponent Maxagrid Broadcasting, Corp., filed in response to the Notice of Proposed Rule Making, 62 FR 43301 (8/13/97). Channel 285A can be allotted at Meridian with a site restriction of 7.6 kilometers northwest at 31-59-07 and 97-41-22. The coordinates at Marble Falls are 30-36-33 and 98-22-10. This action also denies the petition for rule making filed by North Texas Broadcasting, Inc., proposing the allotment of Channel 285C3 at Hamilton, Texas. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 1, 1999.