

Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 99-23163 Filed 9-3-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 99-1571]

QUALCOMM's Pioneers Preference

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission released a document on August 10, 1999, that dismisses Sprint Spectrum L.P. (Sprint) and PrimeCo Personal Communications, L.P., (PrimeCo) as parties to QUALCOMM, Incorporated pioneer preference proceeding. Since there is no longer any possibility that QUALCOMM's pioneer's preference will lead to the rescission of any license held by Sprint or PrimeCo, we are hereby dismissing Sprint and PrimeCo as parties to QUALCOMM's pioneer's preference proceeding.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Office of Engineering and Technology, (202) 418-2452.

SUPPLEMENTARY INFORMATION: This is a summary of the text of the Commission's *Public Notice*, GEN Docket 90-314, DA 99-1571 released August 10, 1999. The document is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, N.W. Washington, D.C. 20036.

1. On February 25, 1997, Sprint and PrimeCo became parties to the QUALCOMM, Incorporated's (QUALCOMM's) pioneer's preference proceeding. We explained that because the Court of Appeals for the D.C. Circuit (Court) had recently vacated the Commission's decision to deny QUALCOMM's application for a 2 GHz broadband Personal Communications Services (PCS) pioneer's preference in the Southern Florida area, there was the possibility of a conflict between QUALCOMM's application and the fact that the only two broadband PCS licenses in the Miami-Ft. Lauderdale, Florida, Major Trading Area (MTA) had

already been awarded to Sprint and PrimeCo.

2. Subsequently, the Commission dismissed QUALCOMM's application for a pioneer's preference; however, QUALCOMM appealed that dismissal, and the Court granted QUALCOMM's petition for review. In its decision, the Court stated:

The FCC's sole discretion on remand * * * was to fashion an appropriate remedy for QUALCOMM in view of the fact that the Miami-Fort Lauderdale MTA sought by QUALCOMM had been awarded as a result of an auction to Sprint. QUALCOMM and the intervenors [Sprint and PrimeCo] argued on remand, and the FCC did not claim to the contrary, that the FCC had authority to grant QUALCOMM alternative relief.

3. On August 9, 1999, in compliance with the Court's decision, the Commission released an *Order* granting QUALCOMM a pioneer's preference. In the *Order*, the Commission stated that it planned to act promptly to identify suitable frequency spectrum for an award of a license to QUALCOMM.

4. We agree with Sprint, PrimeCo, and QUALCOMM that the Commission has the authority to grant QUALCOMM relief without rescinding, or otherwise adversely affecting, the broadband PCS licenses held by Sprint and PrimeCo in the Miami-Fort Lauderdale MTA. Moreover, in its decision, the Court strongly suggested that it expects the Commission to grant QUALCOMM relief without rescinding either of the Miami MTA licenses currently held by Sprint and PrimeCo. We also believe that the Commission at this point has no intention of taking a license from either Sprint or PrimeCo in order to award a license to QUALCOMM. Since there is no longer any possibility that QUALCOMM's pioneer's preference will lead to the rescission of any license held by Sprint or PrimeCo, we are hereby dismissing Sprint and PrimeCo as parties to QUALCOMM's pioneer's preference proceeding.

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FEDERAL COMMUNICATIONS COMMISSION

[DA 99-1640]

Accreditation Requirements for Telecommunication Certification Bodies

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document streamlines the Commission's equipment authorization requirements by allowing Telecommunications Certification Bodies (TCBs) to certify equipment under the Commission's Rules. The Commission released a public notice on August 17, 1999, listing those regulations and requirements.

FOR FURTHER INFORMATION CONTACT: Art Wall, Office of Engineering and Technology, (202) 418-2442, for *Part 2 Information*; and Bill Howden, Common Carrier Bureau, (202) 418-2343, for *Part 68 Information*.

SUPPLEMENTARY INFORMATION: This is the text of the Commission's Public Notice, DA 99-1640, released August 17, 1999. This document is available for inspection and copying during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW, Washington, DC, and is available on the FCC's Internet site at www.fcc.gov/Bureaus/Engineering_Technology/Public_Notices/1999/. This document may also be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Summary of Public Notice

1. In December 1998, the Commission adopted new rules to streamline its equipment authorization requirements by allowing Telecommunications Certification Bodies (TCBs) to certify equipment under parts 2 and 68 of the Commission's Rules. This notice provides further information on the accreditation requirements for TCBs.

2. The requirements for TCBs were specified in the Commission's Report and Order (R&O) in GEN Docket 98-68 (FCC 98-338), adopted on December 17, 1998, 64 FR 4984, February 2, 1999, http://www.fcc.gov/Engineering_Technology/Orders/1998/fcc98338.pdf. TCBs are required to be accredited by the National Institute of Standards and Technology (NIST), or NIST may allow, in accordance with its procedures, other appropriate qualified accrediting bodies to accredit TCBs.

3. TCBs are to be accredited in accordance with ISO/IEC Guide 65 (1996), General Requirements for Bodies Operating Product Certification Systems and the appropriate FCC Rules. The staff of the FCC's Office of Engineering and Technology (OET) and Common Carrier Bureau (CCB) have worked closely with NIST, equipment manufacturers and test laboratories to develop an accreditation process that is