

**§ 64.2103 Policies and procedures for employee supervision and control.**

A telecommunications carrier shall:

(a) Establish policies and procedures to ensure the supervision and control of its officers and employees;

(b) Appoint a senior officer or employee as a point of contact responsible for affirmatively intervening to ensure that interception of communications or access to call-identifying information can be activated only in accordance with appropriate legal authorization, and include, in its policies and procedures, a description of the job function of the appointed point of contact for law enforcement to reach on a seven days a week, 24 hours a day basis;

(c) Incorporate, in its policies and procedures, an interpretation of the phrase *appropriate authorization* that encompasses the definitions of *appropriate legal authorization* and *appropriate carrier authorization*, as stated above;

(d) State, in its policies and procedures, that carrier personnel must receive appropriate legal authorization and appropriate carrier authorization before enabling law enforcement officials and carrier personnel to implement the interception of communications or access to call-identifying information;

(e) Report to the affected law enforcement agencies, within a reasonable time upon discovery:

(1) Any act of compromise of a lawful interception of communications or access to call-identifying information to unauthorized persons or entities; and

(2) Any act of unlawful electronic surveillance that occurred on its premises.

(f) Include, in its policies and procedures, a detailed description of how long it will maintain its records of the content of an interception.

**§ 64.2104 Maintaining secure and accurate records.**

(a) A telecommunications carrier shall maintain a secure and accurate record of each interception of communications or access to call-identifying information, made with or without appropriate authorization, in the form of single certification.

(1) This certification must include, at a minimum, the following information:

(i) The telephone number(s) and/or circuit identification numbers involved;

(ii) The start date and time of the opening of the circuit for law enforcement;

(iii) The identity of the law enforcement officer presenting the authorization;

(iv) The name of the person signing the appropriate legal authorization;

(v) The type of interception of communications or access to call-identifying information (e.g., pen register, trap and trace, Title III, FISA); and

(vi) The name of the telecommunications carriers' personnel who is responsible for overseeing the interception of communication or access to call-identifying information and who is acting in accordance with the carriers' policies established under § 64.2103.

(2) This certification must be signed by the individual who is responsible for overseeing the interception of communications or access to call-identifying information and who is acting in accordance with the telecommunications carrier's policies established under § 64.2103. This individual will, by his/her signature, certify that the record is complete and accurate.

(3) This certification must be compiled either contemporaneously with, or within a reasonable period of time after the initiation of the interception of the communications or access to call-identifying information.

(4) A telecommunications carrier may satisfy the obligations of paragraph (a) of this section by requiring the individual who is responsible for overseeing the interception of communication or access to call-identifying information and who is acting in accordance with the carriers' policies established under § 64.2103 to sign the certification and append the appropriate legal authorization and any extensions that have been granted. This form of certification must at a minimum include all of the information listed in paragraph (a) of this section.

(b) A telecommunications carrier shall maintain secure and accurate records of:

(1) Call-identifying information and unauthorized interceptions (including the content of the unauthorized interception) for ten years;

(2) The content of each authorized interception of communications for a reasonable period of time as determined by the carrier.

(c) It is the telecommunications carrier's responsibility to ensure its records are complete and accurate.

(d) Violation of this rule is subject to the penalties of § 64.2106.

**§ 64.2105 Submission of policies and procedures and commission review.**

(a) Each telecommunications carrier shall file with the Commission the policies and procedures it uses to comply with the requirements of this subchapter. These policies and procedures shall be filed with the

Federal Communications Commission within 90 days of the effective date of these rules, and thereafter, within 90 days of a carrier's merger or divestiture or a carrier's amendment of its existing policies and procedures.

(b) The Commission shall review each telecommunications carrier's policies and procedures to determine whether they comply with the requirements of § 64.2103 and § 64.2104.

(1) If, upon review, the Commission determines that a telecommunications carrier's policies and procedures do not comply with the requirements established under § 64.2103 and § 64.2104, the telecommunications carrier shall modify its policies and procedures in accordance with an order released by the Commission.

(2) The Commission shall review and order modification of a telecommunications carrier's policies and procedures as may be necessary to insure compliance by telecommunications carriers with the requirements of the regulations prescribed under § 64.2103 and § 64.2104.

**§ 64.2106 Penalties.**

In the event of a telecommunications carrier's violation of § 64.2103 or § 64.2104 of this subchapter, the Commission shall enforce the penalties articulated in 47 U.S.C. 503(b) of the Communications Act of 1934 and 47 CFR 1.8.

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA No. 99-1792; MM Docket No. 99-79; RM-9488]

**Radio Broadcasting Services; Broadview, MT**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document denies a petition for rule making filed by Windy Valley Broadcasting requesting the allotment of Channel 290C3 at Broadview, Montana. See 64 FR 14419, March 25, 1999. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** September 23, 1999.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report

and Order, MM Docket No. 99-79, adopted August 25, 1999, and released September 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 97**

[WT Docket No. 97-12; FCC 99-234]

**Greater Use of Spread Spectrum Communication Technologies**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action revises the Amateur Radio Service rules applicable to Spread Spectrum (SS) emission types that an amateur station may transmit. The rule amendments are necessary so that amateur stations may transmit SS emission types that have been developed and become available since the original rules permitting amateur stations to transmit SS emission types were adopted in 1985. The effect of this action is to allow amateur stations greater flexibility in experimenting and communicating with SS emission types, to eliminate unnecessary restrictions in the amateur service rules and to simplify the rules applicable to stations that choose to transmit SS emission types.

**DATES:** Effective November 1, 1999.

**FOR FURTHER INFORMATION CONTACT:**

William T. Cross, Federal Communications Commission, Washington, DC 20554, (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, adopted August 31, 1999, and released September 3, 1999. The complete text of this Commission action, including the rule amendments,

is available for inspection and copying at the Federal Communications Commission, 445 12th Street SW, Washington, DC. The complete text of this *Report and Order* may also be obtained from the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, DC 20037, telephone (202) 857-3800, and from the FCC's internet World Wide Web home page, >http://www.fcc.gov<.

**Summary of Report and Order**

1. By this action, we are amending the amateur service rules to allow amateur radio stations to transmit additional SS emission types. We conclude that the public interest would be served by removing the restriction in the amateur service rules that limit the SS emission types that amateur stations may transmit. Moreover, we believe that this change will (1) allow amateur service licensees to experiment with additional SS emission types; (2) allow amateur radio operators to develop innovations and improvements to communications products and develop new communications technologies; and (3) facilitate the ability of the amateur service to contribute to the development of SS communications by allowing amateur stations to transmit and experiment with SS technologies currently used in consumer and commercial products.

2. Also, by this action, we are also amending the amateur service rules adopt a requirement that amateur stations use automatic transmitter power control to limit transmitter power to the minimum power necessary to maintain communications when an amateur station transmits an SS emission type with more than 1 watt of power and we amend our rules to remove now-unnecessary recordkeeping and station identification requirements that presently apply only to stations transmitting SS emissions.

3. We also are amending the amateur service rules to insert numbers, which were inadvertently removed December 14, 1998, in 63 FR 68904, in front of each defined term in Section 97.3, thereby facilitating use of the rules by licensees.

4. The amended rules are set forth below, effective November 1, 1999.

5. This *Report and Order* and the rule amendments are issued under the authority contained in 47 U.S.C. 154(i) and (j), 303(r) and 403.

**List of Subjects in 47 CFR Part 97**

Radio.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

**Rule Changes**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 97 as follows:

**PART 97—AMATEUR RADIO SERVICE**

1. The authority citation for part 97 continues to read as follows:

**Authority:** 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. Sections 97.3(a), (b), and (c) are amended by adding numbers in front of each defined term in the definitions, and revising paragraph (c)(8) to read as follows:

**§ 97.3 Definitions.**

\* \* \* \* \*

(c) \* \* \*

(8) SS. Spread spectrum emissions using bandwidth-expansion modulation emissions having designators with A, C, D, F, G, H, J or R as the first symbol; X as the second symbol; X as the third symbol.

\* \* \* \* \*

3. Section 97.119(b)(5) is removed and the semicolon and the word "or" is removed from the end of paragraph (b)(4).

4. Section 97.305(b) is revised to read as follows:

**§ 97.305 Authorized emission types.**

\* \* \* \* \*

(b) A station may transmit a test emission on any frequency authorized to the control operator for brief periods for experimental purposes, except that no pulse modulation emission may be transmitted on any frequency where pulse is not specifically authorized and no SS modulation emission may be transmitted on any frequency where SS is not specifically authorized.

\* \* \* \* \*

5. Section 97.311 is revised to read as follows:

**§ 97.311 SS emission types.**

(a) SS emission transmissions by an amateur station are authorized only for communications between points within areas where the amateur service is regulated by the FCC and between an area where the amateur service is regulated by the FCC and an amateur station in another country that permits such communications. SS emission transmissions must not be used for the