

TABLE 10.109—FEES—Continued

If you apply for—	And you need—		
	Evaluation—then the fee is—	Examination—then the fee is—	Issuance—then the fee is—
Endorsement	50	45	45
Renewal	50	n/a	45
Renewal for continuity purposes	n/a	n/a	45
Reissue, Replacement, and Duplicate	n/a	n/a	¹ 45
Certificate of Registry:			
Original (MMD holder)	90	n/a	45
Original (MMD applicant)	105	n/a	45
Renewal	50	n/a	45
Renewal for continuity purposes	n/a	n/a	45
Endorsement	n/a	n/a	45
Reissue, Replacement, and Duplicate	n/a	n/a	¹ 45
STCW Certification:			
Original	No fee	No fee	No fee.
Renewal	No fee	No fee	No fee.

¹ Duplicate for document lost as result of marine casualty—No Fee.

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§ 12.02–18 [Corrected]

2. On page 42816, TABLE 12.02–18—FEES should read as follows:

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TABLE 12.02–18—FEES

If you apply for—	And you need—		
	Evaluation—Then the fee is—	Examination—Then the fee is—	Issuance—Then the fee is—
Merchant Mariner Document:			
Original:			
Without endorsement	\$95	n/a	\$45.
With endorsement	\$95	\$140	\$45.
Endorsement for qualified rating	\$95	\$140	\$45.
Upgrade or Raise in Grade	\$95	\$140	\$45.
Renewal without endorsement for qualified rating	\$50	n/a	\$45.
Renewal with endorsement for qualified rating	\$50	\$45	\$45.
Renewal for continuity purposes	n/a	n/a	\$45.
Reissue, Replacement, and Duplicate	n/a	n/a	\$45. ¹
STCW Certification:			
Original	No fee	No fee	No fee.
Renewal	No fee	No fee	No fee.
Other Transactions:			
Duplicate Continuous Discharge Book	n/a	n/a	\$10.
Duplicate record of sea service	n/a	n/a	\$10.
Copy of certificate of discharge	n/a	n/a	\$10.

¹ Duplicate for document lost as result of marine casualty—No Fee.

Dated: September 15, 1999.

R.C. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–25546 Filed 9–30–99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1, 13, 22, 80, 87, 90, 95, 97, and 101

[WT Docket No. 98–20; WT Docket No. 96–188; RM–8677; RM–9107; FCC 99–139]

Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Commission disposes of several petitions for reconsideration and clarifies its licensing rules into a single set of rules for all wireless radio services. The Commission further establishes a streamlined set of rules that minimizes filing requirements; eliminates redundant, inconsistent, or unnecessary submission requirements; and assures ongoing collection of reliable licensing and ownership data.

DATES: Effective November 30, 1999, except for §§ 22.529(c), 22.709(f), 22.803(c), and 22.929(d) which contain modified information collection requirements that have not been approved by the Office of Management and Budget. The Commission will publish a document announcing the effective date of these sections in the **Federal Register**. Written comments by the public on the modified information collections are due November 1, 1999. Written comments must be submitted by OMB on the information collections on or before November 30, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW-A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Don Johnson, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240; Jamison Prime or Karen Franklin, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0871.

SUPPLEMENTARY INFORMATION: This *Memorandum Opinion and Order on Reconsideration* in WT Docket No. 98-20, WT Docket No. 96-188, RM-8677, and RM-9107 adopted June 10, 1999 and released June 28, 1999, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC 20036 (202) 857-3800. The document is also available via the internet at <http://www.fcc.gov/Bureaus/Wireless/Orders/1999/index.html>.

Synopsis of Memorandum Opinion and Order on Reconsideration

I. Introduction

In this *Memorandum Opinion and Order on Reconsideration (MO&O)* we address petitions for reconsideration of our *Report and Order*, 63 FR 68904 (December 14, 1998) in the Universal Licensing proceeding (*ULS R&O*). The *ULS R&O*, adopted on September 17, 1998, established consolidated and streamlined rules governing license application procedures for the Universal Licensing System (ULS), the Commission's automated licensing system and integrated database for wireless services. The *ULS R&O* also adopted new consolidated application forms to enable all wireless licensees and applicants to file applications electronically in ULS. In addition, we

established procedures to ensure a smooth transition from our pre-existing licensing processes to the processes developed for ULS. We received eight petitions for reconsideration addressing various aspects of the *ULS R&O*. Four parties filed comments on the petitions and four parties filed reply comments. In this order, we substantially uphold the decisions made in the *ULS R&O*, but we make certain revisions and clarifications to our rules in response to the petitions and on our own motion.

II. Discussion

A. Electronic Filing Issues

1. Electronic Filing Deadlines

Background. In the *ULS R&O*, we concluded that all applicants and licensees in auctionable services and in common carrier services that are not subject to auction because they operate on shared spectrum would be required to file applications electronically as of (1) July 1, 1999, or (2) six months after the conversion of the particular service to ULS, whichever is later.

Discussion. We recognize that converting to electronic filing poses technical challenges for filers, and we provide a six month transition period during which filers can test their ability to file electronically in ULS before mandatory electronic filing takes effect. We do not believe that a blanket 24-hour grace period is in the public interest. We also disagree with the presumption underlying the grace period concept that most technical difficulties are in fact beyond the applicants' control. Applicants can minimize the risk of unexpected last-minute technical difficulties with electronic filing by testing equipment and software in advance, familiarizing themselves with the electronic filing process, and preparing to file far enough in advance of the deadline to deal with technical problems that may occur. Applicants can consult with the Commission's ULS technical support staff at 202-414-1250 at any time during normal business hours.

We recognize that there may be instances where an applicant exercises diligence in preparing to file electronically, but nonetheless encounters technical difficulties that are truly beyond its control. We believe that such situations are better handled on a case-by-case basis by waiver rather than by means of a blanket rule. In those instances where applicants are unable to file electronically because of a technical problem with the Commission's own electronic filing system, we will extend filing deadlines as needed until the

Commission staff has resolved the problem.

2. Copy Requirements for Manually Filed Forms

Background. A petitioner requested that the requirement of a copy for manually filed applications be eliminated so that only the original need be submitted.

Discussion. We believe that requiring an original plus a copy of manually filed applications will minimize the risk of losing or misplacing the application before it is scanned into ULS, because the original will be on file while the copy is scanned.

3. Transition Period for Filing of Pre-ULS Forms

Background. In the *ULS R&O* we determined that use of pre-ULS forms would be allowed for six months after the effective date of the ULS rules adopted in the *ULS R&O*. The ULS rules became effective on February 12, 1999. As a result, the six month transition period for use of pre-ULS forms expires on August 12, 1999. However, under the current ULS deployment schedule, some wireless services will not be converted from their "legacy" licensing databases to ULS until after this date.

Discussion. We conclude that the transition period during which applicants may continue to file pre-ULS forms should be extended for those services that have not yet been converted to ULS. Therefore, on our own motion, we amend our rules to allow the filing of pre-ULS forms until (1) August 12, 1999, or (2) six months after the service is converted to ULS, whichever is later.

B. Standardization of Practices and Procedures for WTB Applications and Authorizations

1. Amendments to Applications

Background. A petitioner asked for clarification of section 1.927 of the Commission's rules, as amended by the *ULS R&O*, regarding amendments of pending applications.

Discussion. We clarify that applicants can amend their applications as a matter of right as long as the application has not been listed on a public notice for a competitive bidding process and is not subject to any of the remaining exceptions in section 1.927.

2. Frequency Coordination of Minor Amendments/Modifications

Background. In certain part 90 and part 101 services, frequency coordination is required of applicants or licensees prior to filing certain applications, major amendments to

pending applications, or major modifications to licenses. In the *ULS R&O*, we revised our frequency coordination requirements in part 90 and part 101 so that all applicants and licensees subject to coordination will comply with the same frequency coordination requirements. We also specified in part 1 that amendments to applications or modifications to licenses that require prior coordination are defined as major changes for filing purposes. Two petitioners asked for clarification or reconsideration of our rules relating to frequency coordination for certain technical changes in the fixed microwave services that are defined as minor under section 1.929.

Discussion. Section 101.103(d) of our rules sets forth coordination requirements for changes to microwave systems. The only change we have implemented in this procedure in the *ULS R&O* was to eliminate the requirement previously contained in section 101.103(d) that in the case of minor amendments, the coordination process must be completed prior to the filing of the amendment. However, a microwave applicant or licensee proposing a minor technical change must still coordinate as required by the rule prior to implementing the change.

3. Returns and Dismissals of Incomplete or Defective Applications

Background. In the *ULS R&O*, we adopted a single consolidated rule concerning dismissal of applications and established a uniform policy regarding return of applications for correction and refiling by the applicant. Under section 1.934, the Commission may dismiss any defective application, but we also retain the discretion to return an application for correction if circumstances warrant. We stated that applicants receiving returned applications would have 30 days from the date of the Commission's return letter to correct the defect and refile the application, unless the return letter specified a shorter period. One petitioner asked for reconsideration of the 30 day standard.

Discussion. We conclude that a 60 day period is more reasonable. We will also apply this policy to returns in all wireless services, including non-coordinated services. However, we take this opportunity to reiterate several aspects of our dismissal and return policy. First, in conjunction with the deployment of ULS, the Wireless Telecommunications Bureau (Bureau) has announced uniform standards for dismissal of defective applications that will reduce the number of applications that are returned rather than dismissed

without prejudice. Second, in those instances where we return applications for correction, we retain the discretion to require refiling in less than 60 days, provided that the return notice specifies the shorter period. Finally, if a corrected application includes changes that constitute major amendments, it will be governed by our major amendment rule and treated as a new application with a new filing date.

4. Discontinuation of "Reinstatement" Applications

Background. In the *ULS R&O*, we eliminated reinstatement procedures in those wireless services that allowed licensees who failed to file a timely renewal application to request reinstatement of the expired license. One petitioner asked for reconsideration of this decision, and proposed that we apply a 30-day reinstatement window to all wireless licenses.

Discussion. We emphasize that the licensee is fully responsible for knowing the term of its license and filing a timely renewal application. In addition, as we stated in the *ULS R&O*, ULS will send out reminder letters to licensees 90 days prior to the renewal deadline.

Our treatment of late-filed renewal applications will take into consideration the complete facts and circumstances involved, including the length of the delay in filing, the performance record of the licensee, the reasons for the failure to timely file, and the potential consequences to the public if the license were to terminate. In instances where a renewal application is late-filed up to 30 days after the expiration date of the license, denial of the renewal application and termination of the licensee's operations would be too harsh a result in proportion to the nature of the violation. At the same time, we believe that some sanction is warranted for late filing of renewal applications, even if the late filing is inadvertent and the length of delay is not significant. We will handle late-filed renewal applications as follows: If a renewal application is late-filed up to 30 days after the license expiration date in any wireless service, and the application is otherwise sufficient under our rules, we will grant the renewal *nunc pro tunc*. The Wireless Bureau, after reviewing all facts and circumstances concerning the late filing of the renewal application, may, in its discretion, also initiate enforcement action against the licensee for untimely filing and unauthorized operation between the expiration of the license and the late renewal filing, including, if appropriate, the imposition of fines or forfeitures for these rule violations. Applicants, who file renewal

applications more than 30 days after license expiration, may also request renewal *nunc pro tunc*, by filing a request for rule waiver. Such requests for rule waiver filed more than 30 days after license expiration will be subject to stricter review and will not be granted routinely and may be accompanied by enforcement action including more significant fines or forfeitures.

5. Assignments of Authorization and Transfers of Control

Background. One petitioner argued that the Commission should eliminate the need for wireless licensees to file public interest statements as exhibits to applications for assignment of license or transfer of control.

Discussion. Our ULS rules do not require a public interest statement to be attached to assignment or transfer applications, nor is there such a requirement on FCC Form 603. In some instances, such as transfers or assignments that have competitive implications or involve designated entities, we have required applicants to provide a public interest statement because additional information is needed for the Commission to make a determination under section 310(d) of the Act that the proposed transfer or assignment is in the public interest.

6. Use of Taxpayer Identification Numbers

Background. In the *ULS R&O*, we required all ULS applicants and licensees to register their Taxpayer Identification Numbers (TINs) with the Commission through ULS. In the case of auctionable services, we also required applicants and licensees to provide TIN information for attributable interestholders as defined in section 1.2112(a) of the rules. Attributable interestholders are defined as any person or entity who holds a direct or indirect interest in the applicant/licensee of 10 percent or greater, or any other person or entity who exercises actual control of the applicant/licensee.

Several petitioners asked for reconsideration of our requirement to disclose the TINs of attributable interestholders. Applicants and licensees are required by the Debt Collection Improvement Act (DCIA) to submit their TINs to the Commission. Petitioners contend that any collection of TIN information from persons or entities other than the licensee or applicant itself is beyond the scope of the DCIA. A petitioner contends that the TIN collection requirement is overbroad because it will require officers and directors of a licensee to submit their individual Social Security numbers

(SSNs). Similarly, an amateur radio licensee asked for reconsideration of the requirement that Amateur Radio applicants and licensees provide their SSNs to the Commission.

Discussion. We disagree with the contention that the DCIA authorizes the collection of only applicant and licensee TINs. Congress enacted the DCIA as part of an effort to increase the government's effectiveness in collecting debt from private entities. The DCIA requires all persons "doing business" before a Federal agency to provide a TIN as a condition to receiving governmental benefits, regardless of whether fees are collected. The DCIA defines a person "doing business with a Federal Agency" as "an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency * * *." We concluded that this definition extended to 10 percent or greater interestholders in the applicant because these parties are treated as akin to the applicant for purposes of our ownership disclosure requirements.

We continue to believe that both the letter and the spirit of the DCIA require collection of TIN information beyond the applicant/licensee level. We also affirm our decision to extend the TIN reporting requirement for auctionable services to all 10 percent or greater interestholders in the applicant or licensee, as defined in section 1.2112(a). With or without control, persons or entities with a 10 percent or greater interest in an applicant or licensee have a significant stake in the venture and reap substantial benefits from the award of the license. We believe it is reasonable for DCIA purposes to regard persons and entities that hold an attributable interest in an applicant or licensee as "doing business" with the Commission.

We also clarify certain elements of the TIN requirement. One petitioner argues that officers and directors of a corporation should not be required to provide SSNs, because they are not personally liable for corporate debts and fall outside the scope of the DCIA. We disagree with the contention that disclosure of individual officer or director SSNs is necessarily beyond the scope of the DCIA. In circumstances where a director or officer is an attributable interestholder in the licensee (by virtue of holding a 10 percent or greater ownership interest) or otherwise personally exercises control over the licensee, the officer or director must be identified under section 1.2112(a) of the rules. We conclude that it meets the DCIA definition of a person "doing business" before the agency. We

clarify, however, that the TIN disclosure requirement does not extend to officers or directors that hold no attributable ownership interest and do not otherwise exercise personal control over the licensee. In the absence of one or both of these factors, we do not believe that status as an officer or director *per se* brings the individual within the scope of the DCIA, just as it is not a sufficient interest to require disclosure under section 1.2112(a). One petitioner also sought relief from the TIN disclosure requirement with respect to attributable interestholders that are beyond the control of the applicant or licensee. We believe that requests for relief from this rule are better handled on a case-by-case basis under our waiver rules.

Finally, we deny reconsideration of the requirement that Amateur Radio applicants and licensees provide their SSNs to the Commission. We have determined that Amateur applicants and licensees are not exempt from the TIN disclosure requirement.

C. Collection of Licensing and Technical Data

1. Public Mobile Radio Service Data Requirements

In the *ULS R&O*, we streamlined many of our rules to reduce the burden on applicants and licensees providing licensing and technical data for commercial services.

a. Site-based vs. Geographic-based Licensing

Background/Discussion. One petitioner argued that the *ULS R&O* was ambiguous as to whether cellular would be classified in ULS as a site-specific service, a geographically licensed service, or a "hybrid" of the two. We clarify that we did not intend to place any additional requirements on cellular other than those enunciated in the rules.

b. Construction Notification

Background/Discussion. One petitioner noted that the revised section 1.946(d) required a licensee to notify the Commission of the completion of construction within 15 days of the "expiration of the applicable construction or coverage period." We amend our part 22 rules to clarify that the notification requirements are governed by section 1.946 of our rules.

c. Phase II Applications—Ownership Information

Background/Discussion. One petitioner also sought elimination of section 22.953(a)(5) of the Commission's rules, which requires that cellular unserved area applicants provide

ownership information. We will remove section 22.953(a)(5) as requested.

d. Revised Section 22.165(e)

Background/Discussion. One petitioner asserted that we revised section 22.165(e) in such a way as to make a substantive rule change limiting the circumstances in which a cellular licensee may enter into a contract extension with a neighboring licensee to add transmitters with contours that extend beyond the licensee's CGSA. We made no substantive changes to the rule, which still permits contract extensions as it did prior to the ULS R&O.

e. Mapping Requirements

Background/Discussion. A petitioner requested reconsideration of our decision to retain the requirement for filing maps until ULS's mapping software is available. We disagree with the proposal to eliminate the filing of maps immediately. The primary purpose of maintaining a file of up to date CGSA maps is to provide a quick and easy way for interested parties and the public to determine the availability of unserved areas in a particular cellular market. The only time full size paper maps must be filed with the Commission is when there is a change to a licensee's CGSA in connection with the licensee's system information update (SIU) at the conclusion of its five-year initial build-out of an MSA or RSA, or a Phase II application. At this time, the Commission is not prepared to set a date certain as to the availability of the ULS mapping program. The Bureau will issue a Public Notice when the new ULS mapping utility is online and cellular licensees and applicants no longer need to file maps. The ULS mapping program will not rely on SIU filings, but ULS will use the most current technical data in the ULS database, whether from the database correction letters filed in 1998 or subsequent application filings, to determine a CGSA in the ULS mapping program.

f. Antenna Pattern Information

Background. In the *ULS R&O* we eliminated the requirement that Part 22 paging licensees submit data concerning antenna type, model, and manufacturer to the Commission. We amended our rules to require Part 22 licensees to maintain this information in their station records and to produce it to other licensees or applicants upon request. On February 12, 1999, Timothy E. Welch dba Hill & Welch (Welch) filed a petition for review of the *ULS R&O* in the United States Court of Appeals for the District of Columbia Circuit. Welch

asked for judicial review of our decision to eliminate this requirement stating that it is essential for applicants and licensees to be able to obtain this information from the Commission.

Discussion. Although Welch did not file a petition for reconsideration on this issue, the Commission addresses his petition for review on our own motion. Welch overstates the relevance of antenna type, model, and manufacturer information to the determination of paging licensee service contours. Under our paging rules adopted in the *Part 22 Rewrite Order*, 59 FR 59502 (1994), service contours are calculated based on a formula that utilizes the transmitting antenna's effective radiated power (ERP) and height above average terrain (HAAT). Prior to 1994, the Commission used a different methodology to calculate service area contours that required licensees to provide more detailed information regarding each transmitter, including technical antenna information concerning antenna type and model. However, when the Commission replaced this approach with the formula-based approach of the *Part 22 Rewrite Order*, 59 FR 59502 (1994), antenna type and model information became irrelevant to the determination of service contours under the rules. Our decision to eliminate these technical filing requirements in the *ULS R&O* simply recognized the fact that the Commission no longer required this information as part of the paging licensing process. Under the revised rules, site-based paging applicants must still file other technical information regarding their facilities, including ERP, antenna height, and other information specified in section 22.529(c).

We conclude that in the few cases where antenna make and model information may be required to resolve an interference dispute, the procedures adopted in the *ULS R&O* adequately protect the interests of parties who may require this information. These procedures require Part 22 licensees to retain technical antenna information in their station records and to produce it to other parties within ten days of a request.

2. Service Code Classification of Private Land Mobile Services

Background. One petitioner suggested the Commission establish a new Public Service Pool and corresponding service codes for power and petroleum and railroad services and other critical infrastructure or public service entities.

Discussion. Retention of service codes eliminated in the *Refarming Second Report and Order* or the creation of a

new Public Service Pool is beyond the scope of this proceeding.

3. Fixed Microwave Service Data Requirements

Background. One petitioner requests clarification that point-to-point microwave applicants do not need to specify a geographic area of operation on Form 601 because geographic area of service is not applicable to point-to-point operations.

Discussion. Although Form 601 requires identification of the geographic area of operation for certain services, we clarify that this requirement does not apply to point-to-point microwave services. Moreover, if an applicant electronically files an application for point-to-point microwave channels, the field requesting identification of geographic area of operation will be blocked automatically, preventing the applicant from incorrectly entering information in the field.

4. Amateur Radio Service Issues

a. Modifications to Amateur Application Form (Form 605)

Background. One petitioner requested various changes to Form 605 including: (1) Provision of a short-form specifically for Amateur Radio; (2) Exclusion from the requirement to provide telephone numbers and e-mail addresses; (3) Exclusion from certifying compliance with section 5301 of the Anti-Drug Abuse Act of 1988; and (4) Clarification of certain questions and instructions on Form 605, Schedule D. Another petitioner requested that Form 605 be modified to allow for inclusion of (1) Additional information regarding certifications by Volunteer Examiner Coordinators (VECs), and (2) Information concerning where and when an examination for a new or upgraded license was administered.

Discussion. We believe the Form 605 will provide for fast and easy filing by Amateur applicants, particularly if they file electronically. Similarly, we believe it is reasonable to request that Amateur applicants provide a telephone number and e-mail address. We clarify, however, that the provision of telephone and e-mail information by Amateur Radio applicants is optional as long as they provide a valid U.S. mailing address. We will also modify the Form 605 certification pertaining to the Anti-Drug Abuse Act to clarify that it does not apply to services, including Amateur Radio, that are exempted from this requirement under section 1.2002(c) of the rules.

b. Charges by Volunteer Examiner Coordinators

Background. A petitioner filed a Petition for Reconsideration and Request for Rule Making (Petition and Request) in reference to the *Electronic Filing of License Renewal and Modification Applications in the Amateur Radio Service Order* requesting that Volunteer Examiner Coordinators (VECs) not be allowed to charge fees for renewals or modification of amateur licenses. With respect to fees for renewals and modifications, this petitioner maintained that VECs may only be reimbursed for out-of-pocket expenses incurred in the examination procedure.

Discussion. Modifications and renewals performed by VECs do not fall within the provisions governing VEC reimbursement that apply to activities related to conducting examinations for amateur operator license applicants. Compensation, if any, the VEC organization receives as a result of assisting with renewals and modifications is a matter that is between the Amateur operator choosing to use the organization's services and the organization.

c. Issuance of License Documents

Background. One petitioner stated that a legal and practical necessity still exists for Amateur operators to receive a license document issued by the Commission.

Discussion. Amateur operators will continue to receive a printed license generated by ULS shortly after their licensing data has been entered into the ULS database.

d. Club Station Call Sign Administrators

Background. One petitioner requested several new rules concerning Club Station Call Sign Administrators (CSCSAs).

Discussion. We retain our current requirement that CSCSAs retain application information for 15 months, which is the same requirement applicable to retention of such information by VECs. We confirm that assignment of call signs to club stations will be based on the sequential call sign system used by all Amateur operators.

e. Other Amateur Issues

Background. One petitioner requested that (1) United States citizens who are also citizens of other countries should not receive reciprocal authorization and that a reciprocal licensee must be a citizen of the country which issued the basic amateur radio license; (2) Clarification of various operating privileges; and (3) That all requirements

pertaining to Amateur Radio should appear in only one rule part and not appear in Part 1.

Discussion. On our own motion, we make certain non-substantive amendments and corrections to our Amateur rules to eliminate duplicative rules and conform them with our consolidated ULS rules. Specifically, we revise section 97.15 to conform it with Part 17 of the rules and to restore a rule section that was inadvertently removed by the *ULS R&O*. We also delete language in sections 97.17 and 97.21 regarding administering Volunteer Examiner requirements that duplicates other rule sections.

5. General Mobile Radio Service Issues

In the *ULS R&O*, we adopted numerous changes to the General Mobile Radio Service (GMRS) to eliminate rules that had become duplicative or otherwise unnecessary to our regulatory responsibilities, as well as to ensure that our streamlined licensing process collects the minimum information needed of GMRS licensees and applicants.

On June 1, 1999, in response to several petitions, we adopted a partial stay order in which we determined that it was in the public interest to stay the effectiveness of our new rule, section 95.29(e)—which restricts the use of the 462.675 MHz/467.675 MHz channel pair to traveler's assistance and emergency use—pending resolution of the petitions. Also, as an initial matter, we conclude that because the "repeater" definition adopted in the *ULS R&O* describes the usage characteristics outlined in the now-removed rule section describing mobile relay station communication points (§ 95.57) and limited by our rule describing available channels (§ 95.29), our definition is consistent with both our former rules and current practice.

a. Channeling Plan

In the *ULS R&O*, we adopted an "all-channel" usage plan, which authorized stations to transmit on any authorized channel from any geographic location where the FCC regulates communication, but restricted use of the 462.675 MHz/467.675 MHz channel pair to emergency and traveler's assistance use. Consistent with the actions we took in the *PRSG Stay Order*, FCC 99-129 (rel. June 9, 1999), we allow unrestricted use of the of the 462.675 MHz/467.675 MHz channel pair by all eligible GMRS licensees. We conclude that allowing use of the 462.675 MHz/467.675 MHz channel pair in the same way that GMRS users may use any other channel pair will not hinder emergency and

traveler's assistance communications, and remove the restriction on use of the 462.675 MHz/467.675 MHz channel pair.

b. Use of Repeaters

In the *ULS R&O*, we also determined that the points of communication rules should be eliminated. To remove any misconceptions, we include in our rules a statement that limiting the use of a repeater to certain user stations is permissible. Repeater owners, as part of management of their GMRS systems, are free to decide what means of control, if any, are necessary. We disagree with one commenter's argument that removal of the points-of-communication rules pertaining to repeater use makes the GMRS rules "in judicial noncompliance" with the U.S. Criminal Code. The commenter did not attempt to describe how the unauthorized use of a GMRS repeater satisfies the elements of the crime described in the statute, nor how the statute places such a restriction on the Commission.

c. GMRS Licensing by Non-Personal Licensees

Under our GMRS rules, non-individual licensees (who would be ineligible to obtain a license for a new GMRS system under our current rules) are allowed to maintain existing systems under "grandfathering" provisions, but are prohibited from modifying or expanding their operations beyond their current authorization. Our treatment of, and procedures with respect to, "grandfathered" GMRS licensees have not changed. Section 95.5 of our Rules expressly prohibits grandfathered non-individual GMRS licensees from making major modifications to an existing system license. To remove any possible ambiguity, however, we add a cross-reference in section 95.5 to section 1.92 and clarify the point that the major modifications listed in the part 1 rules apply to GMRS.

We also take this opportunity to resolve a pending petition for rulemaking which had requested organizational licensing eligibility under GMRS in order to support disaster service organizations. Organizational licensing had already been rejected in a 1988 restructuring of GMRS, and the petition offered no additional basis for reconsidering that decision. We dismiss the petition and decline to alter the eligibility rules as adopted in the *ULS R&O*.

One petitioner suggests that FCC Form 605 is inappropriate for non-individual licensees, as they will continue to need to specify certain technical data. These "grandfathered"

licensees will be required to operate in accordance with certain technical specifications no longer required of individual licensees, and are also prohibited from making major modifications to their systems. Thus, we have no need for these licensees to specify technical data.

d. Technical Issues

One petitioner asks that we update our rules to define a "channel pair." Under our "all-channel" usage plan, we clarify that a channel pair consists of one 462 MHz frequency and one 467 MHz frequency, and revise §§ 95.29(a) and (b) to reflect this concept. We do not agree that a channel pair must consist of two channels exactly 5.000 MHz apart.

GMRS users continue to have a responsibility under § 95.7(a) of our rules to "cooperate in the selection and use of channels to reduce interference and to make the most effective use of the facilities." Our new rules under § 95.29 support this policy by allowing GMRS users the flexibility to select the best channel at any given time or place, and this flexibility is not intended to allow GMRS users to introduce practices that create additional interference or result in inefficient use of spectrum to the detriment of other GMRS users.

The *ULS R&O* defined "repeater" to clarify its meaning for GMRS licensees and users with commonly accepted GMRS terminology. One petitioner claims that our use of the term "simultaneously" excludes many repeaters from our technical definition. By "simultaneously," we mean that the repeater initiates the retransmission of a communication at the same time it is still receiving that communication. We distinguish this from "instantaneous," by which we mean receipt and retransmission without delay. Stations that cannot engage in simultaneous receipt and retransmission of communications do not fall within the definition of a "repeater" and thus may not use the channels designated for repeater use. The operation of stations in this configuration is no different than the operation of any two other GMRS stations transmitting on the same channel. Our rules sharply restrict GMRS communications from any station, prohibiting, *inter alia*, communications intended for mass media broadcast and messages to amateur stations.

In the *ULS R&O*, we modified § 95.179(a) to remove the requirement that eligible immediate family members must live in the same household as the individual GMRS licensees, as we do

not collect that information and that distinction is largely unenforceable. We did not modify § 95.179(d). Accordingly, we conclude that §§ 95.179(a) and 95.179(d) are not contradictory, as they are subsections of a general rule describing who may be station operators.

III. CONCLUSION

In this proceeding, the Commission addresses petitions for reconsideration of our *Report and Order* in the Universal Licensing proceeding. In this order, we substantially uphold the decisions made in the *ULS R&O*, but we make certain revisions and clarifications to our rules in response to the petitions and on our own motion.

IV. PROCEDURAL MATTERS

A. Regulatory Flexibility Act

Supplementary Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act ("RFA"), an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated in the *Notice of Proposed Rule Making*, 63 FR 16938, April 7, 1998, in WT Docket No. 98-20. The Commission sought written public comment on the proposals in the *Notice of Proposed Rule Making*, including comment on the IRFA. A Final Regulatory Flexibility Analysis ("FRFA") was incorporated in the *ULS R&O*, and the Commission received no petitions for reconsideration on any issues related to the FRFA. This present Supplemental Final Regulatory Flexibility Analysis conforms to the RFA, see 5 U.S.C. 604, and accompanies this *MO&O*, which addresses petitions for reconsideration submitted regarding the *ULS R&O*.

A. Need for and objectives of this Memorandum Opinion and Order on Reconsideration

In this rulemaking the Commission consolidates, revises, and streamlines its rules governing license application procedures for radio services licensed by the Bureau (Bureau). See the description in section D, *infra*. The rule changes effected by this *Memorandum Opinion and Order on Reconsideration* will further implement the policy changes put in place by the *ULS R&O*.

B. Summary of significant issues raised by public comments in response to the Final Regulatory Flexibility Analysis (FRFA)

No petitions for reconsideration were filed with respect to the Final Regulatory Flexibility Analysis contained in the *ULS R&O*. This *MO&O* is consistent with and does not

materially change the Final Regulatory Flexibility Analysis, pursuant to the Regulatory Flexibility Act, see 5 U.S.C. 604, contained in *ULS R&O*, with the exception of the projected reporting, recordkeeping and other compliance requirements and the professional skills needed to prepare any records or reports.

C. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

As noted above, a Final Regulatory Flexibility Analysis was incorporated into the *ULS R&O*. In that analysis, we described in detail the small entities that might be significantly affected by the rules adopted in the *ULS R&O*. Those entities may be found in a number of wireless services including: cellular radiotelephone service, broadband and narrowband PCS, paging, air-ground radiotelephone service, specialized mobile radio service, private land mobile radio service, aviation and marine radio service, offshore radiotelephone service, general wireless telecommunications service, fixed microwave service, commercial radio operators, amateur radio services, personal radio services, public safety radio services and governmental entities, rural radiotelephone service, marine coast service, and wireless communications service. In this present Supplemental Final Regulatory Flexibility Analysis, we hereby incorporate by reference the description and estimate of the number of small entities from the previous FRFA in this proceeding.

The rule changes in this *MO&O* will affect all small businesses filing new wireless radio service license applications or modifying or renewing an existing license. To the extent that a rule change here affects a particular wireless service, our estimates, contained in Appendix B of the *ULS R&O*, remain valid as to the size of those services.

D. Description of the projected reporting, recordkeeping, and other compliance requirements

We will amend sections 22.529, 22.709, 22.803, and 22.929 so as to make those rules conform with the *ULS R&O*. Part 22 Licensees will no longer need to file certain categories of antenna information with the Commission. The licensees will need to keep that information on file and produce it within ten days of receiving a request for such information from other licensees or applicants. This policy change was already assessed in the Final Regulatory Flexibility Analysis. In addition, section 1.928 ("Frequency

Coordination, Canada") reinstates a rule that was inadvertently removed.

E. Steps taken to minimize significant economic impact on small entities, and significant alternatives considered:

As noted in the Part E, Appendix B, *ULS R&O*, the development of the ULS will greatly reduce the cost of preparing wireless applications and pleadings, while increasing the speed of the licensing process. We expect that these changes will benefit all firms and businesses, including small entities. The changes made in the *MO&O* are consistent with our Final Regulatory Flexibility Analysis. The Universal Licensing System will continue to present tremendous advantages for small businesses because it permits access to licensing information at tremendously reduced costs.

F. Report to Congress

The Commission shall send a copy of this Memorandum Opinion and Order, including this Supplemental Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. See 5 U.S.C. 801(a)(1)(A). A copy of the Memorandum Opinion and Order and Supplemental Final Regulatory Flexibility Analysis (or a summaries, thereof) will be published in the **Federal Register**. See 5 U.S.C. 604(b). A copy of the Memorandum Opinion and Order and Supplemental Final Regulatory Flexibility Analysis will also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

B. Paperwork Reduction Act (PRA)

Paperwork Reduction Act Analysis:

Dates: Written comments by the public on the modified information collections are due November 1, 1999. Written comments must be submitted by OMB on the information collections on or before November 30, 1999.

Address: In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov; and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, NW, Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

Further Information: For additional information concerning the information collections contained in this *MO&O* contact Judy Boley at (202) 418-0214, or via the Internet at jboley@fcc.gov.

Supplementary Information: This MO&O contains a modified information collection, which has been submitted to the Office of Management and Budget for approval. As part of our continuing effort to reduce paperwork burdens, we invite the general public to take this opportunity to comment on the information collection contained in this MO&O, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13. Public comments should be submitted to OMB and the Commission, and are due thirty days from date of publication of this MO&O in the **Federal Register**. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) The accuracy of the Commission's burden estimates; (c) Ways to enhance the quality, utility, and clarity of the information collected; and (d) Ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060-0865.

Title: Wireless Telecommunications Bureau Universal Licensing System Recordkeeping and Third Party Disclosure Requirements.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 62,790.

Estimated Time Per Response: Varies.

Total Annual Burden: 32,297.

Frequency of Response: On Occasion.

Total Annual Estimated Costs: No Additional Costs.

Needs and Uses: ULS establishes a streamlined set of rules that minimizes filing requirements; eliminates redundant, inconsistent, or unnecessary submission requirements; and assures ongoing collection of reliable licensing and ownership data. The recordkeeping and third party disclosure requirements contained in this collection are a result of the eliminate of a number of filing requirements. The ULS forms contain a number of certifications, which eliminated for a number of previous filing requirements. However, applicants must maintain records to document compliance with the requirements. In some instance applicants may also be required to coordinate activities with third parties prior to submitting applications.

IV. ORDERING CLAUSES

It Is Further Ordered that, pursuant to the authority of sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 47 CFR Parts 1, 13, 22, 80, 87, 90, 95, 97, and 101 of the Commission's Rules are AMENDED as set forth in Rule Changes November 30, 1999 except for §§ 22.529(c), 22.709(f), 22.803(c), and 22.929(d) which contain modified information collection requirements that have not been approved by the Office of Management and Budget. The Commission will publish a document announcing the effective date of these sections in the **Federal Register**.

It Is Further Ordered that the Commission's Office of Public Affairs, Reference Operations Division, SHALL SEND a copy of this *Memorandum Opinion and Order on Reconsideration*, including the Supplemental Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* LIST OF SUBJECTS in 47 CFR Parts 1, 13, 22, 80, 87, 90, 95, 97, and 101

Communications common carriers, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1, 13, 22, 80, 87, 90, 95, 97, and 101 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 255, and 303(e).

2. Section 1.923 is amended by adding paragraph (i) to read as follows:

§ 1.923 Content of applications.

* * * * *

(i) Unless an exception is set forth elsewhere in this chapter, each applicant must specify an address where the applicant can receive mail delivery by the United States Postal Service. This address will be used by the Commission to serve documents or direct correspondence to the applicant.

3. Section 1.927 is amended by revising paragraph (a) to read as follows:

§ 1.927 Amendment of applications.

(a) Pending applications may be amended as a matter of right if they have not been designated for hearing or listed in a public notice as accepted for filing for competitive bidding, except as provided in paragraphs (b) through (e) of this section.

* * * * *

Section 1.928 is added to read as follows:

§ 1.928 Frequency coordination, Canada.

(a) As a result of mutual agreements, the Commission has, since May 1950 had an arrangement with the Canadian Department of Communications for the exchange of frequency assignment information and engineering comments on proposed assignments along the Canada-United States borders in certain bands above 30 MHz. Except as provided in paragraph (b) of this section, this arrangement involves assignments in the following frequency bands.

MHz

30.56–32.00
33.00–34.00
35.00–36.00
37.00–38.00
39.00–40.00
42.00–46.00
47.00–49.60
72.00–73.00
75.40–76.00
150.80–174.00
450–470
806.00–960.00
1850.0–2200.0
2450.0–2690.0
3700.0–4200.0
5925.0–7125.0

GHz

10.55–10.68
10.70–13.25

(b) The following frequencies are not involved in this arrangement because of the nature of the services:

MHz

156.3
156.35
156.4
156.45
156.5
156.55
156.6
156.65
156.7
156.8
156.9
156.95
157.0 and 161.6

157.05
157.1
157.15
157.20
157.25
157.30
157.35
157.40.

(c) Assignments proposed in accordance with the railroad industry radio frequency allotment plan along the United States-Canada borders utilized by the Federal Communications Commission and the Department of Transport, respectively, may be excepted from this arrangement at the discretion of the referring agency.

(d) Assignments proposed in any radio service in frequency bands below 470 MHz appropriate to this arrangement, other than those for stations in the Domestic Public (land mobile or fixed) category, may be excepted from this arrangement at the discretion of the referring agency if a base station assignment has been made previously under the terms of this arrangement or prior to its adoption in the same radio service and on the same frequency and in the local area, and provided the basic characteristics of the additional station are sufficiently similar technically to the original assignment to preclude harmful interference to existing stations across the border.

(e) For bands below 470 MHz, the areas which are involved lie between Lines A and B and between Lines C and D, which are described as follows:

Line A—Begins at Aberdeen, Wash., running by great circle arc to the intersection of 48 deg. N., 120 deg. W., thence along parallel 48 deg. N., to the intersection of 95 deg. W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45 deg. N., 85 deg. W., thence southward along meridian 85 deg. W., to its intersection with parallel 41 deg. N., thence along parallel 41 deg. N., to its intersection with meridian 82 deg. W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates; and

Line B—Begins at Tofino, B.C., running by great circle arc to the intersection of 50 deg. N., 125 deg. W., thence along parallel 50 deg. N., to the intersection of 90 deg. W., thence by great circle arc to the intersection of 45 deg. N., 79 deg. 30' W., thence by great circle arc through the northernmost point of Drummondville, Quebec (lat: 45 deg. 52' N., long: 72 deg. 30' W.), thence by great circle arc to 48 deg. 30' N., 70 deg. W., thence by great circle arc through the northernmost point of Campbellton, N.B., thence by great circle arc through the northernmost point of Liverpool, N.S., at which point it terminates.

Line C—Begins at the intersection of 70 deg. N., 144 deg. W., thence by great circle

arc to the intersection of 60 deg. N., 143 deg. W., thence by great circle arc so as to include all of the Alaskan Panhandle; and

Line D—Begins at the intersection of 70 deg. N., 138 deg. W., thence by great circle arc to the intersection of 61 deg. 20' N., 139 deg. W., (Burwash Landing), thence by great circle arc to the intersection of 60 deg. 45' N., 135 deg. W., thence by great circle arc to the intersection of 56 deg. N., 128 deg. W., thence south along 128 deg. meridian to Lat. 55 deg. N., thence by great circle arc to the intersection of 54 deg. N., 130 deg. W., thence by great circle arc to Port Clements, thence to the Pacific Ocean where it ends.

(f) For all stations using bands between 470 MHz and 1000 MHz; and for any station of a terrestrial service using a band above 1000 MHz, the areas which are involved are as follows:

(1) For a station the antenna of which looks within the 200 deg. sector toward the Canada-United States borders, that area in each country within 35 miles of the borders;

(2) For a station the antenna of which looks within the 160 deg. sector away from the Canada-United States borders, that area in each country within 5 miles of the borders; and

(3) The area in either country within coordination distance as described in Recommendation 1A of the Final Acts of the EARC, Geneva, 1963 of a receiving earth station in the other country which uses the same band.

(g) Proposed assignments in the space radiocommunication services and proposed assignments to stations in frequency bands allocated coequally to space and terrestrial services above 1 GHz are not treated by these arrangements. Such proposed assignments are subject to the regulatory provisions of the International Radio Regulations.

(h) Assignments proposed in the frequency band 806–890 MHz shall be in accordance with the Canada-United States agreement, dated April 7, 1982.

5. Section 1.929 is amended by revising paragraphs (b)(2), (c)(4)(i), (c)(4)(iii), (c)(4)(v), and (d) to read as follows:

§ 1.929 Classification of filings as major or minor.

* * * * *

(b) * * *

(2) Request that a CGSA boundary or portion of a CGSA boundary be determined using an alternative method; or,

* * * * *

(c) * * *

(4) In the Private Land Mobile Radio Services (PLMRS) and in GMRS systems licensed to non-individuals:

(i) Change in frequency or modification of channel pairs;

* * * * *

(iii) Change in effective radiated power from that authorized or, for GMRS systems licensed to non-individuals, an increase in the transmitter power of a station;

* * * * *

(v) Change in the authorized location or number of base stations, fixed, control, or, for systems operating on non-exclusive assignments in GMRS or the 470–512 MHz, 800 MHz or 900 MHz bands, a change in the number of mobile transmitters, or a change in the area of mobile transmitters, or a change in the area of mobile operations from that authorized;

* * * * *

(d) In the microwave services:

(1) Except as specified in paragraph (d)(2) and (d)(3) of this section, the following, in addition to those filings listed in paragraph (a) of this section, are major actions that apply to stations licensed to provide fixed point-to-point, point-to-multipoint, or multipoint-to-point, communications on a site-specific basis, or fixed or mobile communications on an area-specific basis under Part 101 of this chapter:

(i) Any change in transmit antenna location by more than 5 seconds in latitude or longitude for fixed point-to-point facilities (e.g., a 5 second change in latitude, longitude, or both would be minor); any change in coordinates of the center of operation or increase in radius of a circular area of operation, or any expansion in any direction in the latitude or longitude limits of a rectangular area of operation, or any change in any other kind of area operation;

(ii) Any increase in frequency tolerance;

(iii) Any increase in bandwidth;

(iv) Any change in emission type;

(v) Any increase in EIRP greater than 3 dB;

(vi) Any increase in transmit antenna height (above mean sea level) more than 3 meters, except as specified in paragraph (d)(3) of this section;

(vii) Any increase in transmit antenna beamwidth, except as specified in paragraph (d)(3) of this section;

(viii) Any change in transmit antenna polarization;

(ix) Any change in transmit antenna azimuth greater than 1 degree, except as specified in paragraph (d)(3) of this section ; or,

(x) Any change which together with all minor modifications or amendments since the last major modification or amendment produces a cumulative

effect exceeding any of the above major criteria.

(2) Changes to transmit antenna location of Multiple Address System (MAS) Remote Units and Digital Electronic Message Service (DEMS) User Units are not major.

(3) Changes in accordance with paragraphs (d)(1)(vi), (d)(1)(vii) and (d)(1)(ix) of this section are not major for the following:

- (i) Fixed Two-Way MAS on the remote to master path,
- (ii) Fixed One-Way Inbound MAS on the remote to master path,
- (iii) Multiple Two-Way MAS on the remote to master and master to remote paths,
- (iv) Multiple One-Way Outbound MAS on the master to remote path,
- (v) Mobile MAS Master,
- (vi) Fixed Two-Way DEMS on the user to nodal path, and
- (vii) Multiple Two-Way DEMS on the nodal to user and user to nodal paths.

Note to paragraph (d)(3) of § 1.929: For the systems and path types described in paragraph (d)(3) of this section, the data provided by applicants is either a typical value for a certain parameter or a fixed value given in the Form instructions.

* * * * *

6. Section 1.939 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 1.939 Petitions to deny.

* * * * *

(b) *Filing of petitions.* Petitions to deny and related pleadings may be filed electronically via ULS. Manually filed petitions to deny must be filed with the Office of the Secretary, 445 Twelfth Street, S.W., Room TW-B204, Washington, DC 20554. * * *

* * * * *

7. Section 1.947 is amended by revising paragraph (b) to read as follows:

§ 1.947 Modification of licenses.

* * * * *

(b) Licensees may make minor modifications to station authorizations, as defined in § 1.929 of this part (other than pro forma transfers and assignments), as a matter of right without prior Commission approval. Where other rule parts permit licensees to make permissive changes to technical parameters without notifying the Commission (e.g., adding, modifying, or deleting internal sites), no notification is required. For all other types of minor modifications (e.g., name, address, point of contact changes), licensees must notify the Commission by filing FCC Form 601 within thirty (30) days of implementing any such changes.

* * * * *

8. Section 1.955 is revised amended by revising both paragraph (a)(1) after the first sentence and the last sentence of paragraph (b)(2) to read as follows:

§ 1.955 Termination of authorizations.

(a) * * *

(1) * * * See § 1.949 of this part. No authorization granted under the provisions of this part shall be for a term longer than ten years.

* * * * *

(b) * * *

(2) * * * See § 1.946(c) of this part.

* * * * *

PART 13—COMMERCIAL RADIO OPERATORS

9. The authority citation for part 13 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154 and 303, unless otherwise noted.

10. Section 13.8 is added to read as follows:

§ 13.8 Authority conveyed.

Licenses, certificates and permits issued under this part convey authority for the operating privileges of other licenses, certificates, and permits issued under this part as specified below:

(a) First Class Radiotelegraph Operator's Certificate conveys all of the operating authority of the Second Class Radiotelegraph Operator's Certificate, the Third Class Radiotelegraph Operator's Certificate, the Restricted Radiotelephone Operator Permit, and the Marine Radio Operator Permit.

(b) A Second Class Radiotelegraph Operator's Certificate conveys all of the operating authority of the Third Class Radiotelegraph Operator's Certificate, the Restricted Radiotelephone Operator Permit, and the Marine Radio Operator Permit.

(c) A Third Class Radiotelegraph Operator's Certificate conveys all of the operating authority of the Restricted Radiotelephone Operator Permit and the Marine Radio Operator Permit.

(d) A General Radiotelephone Operator License conveys all of the operating authority of the Marine Radio Operator Permit.

(e) A GMDSS Radio Operator's License conveys all of the operating authority of the Marine Radio Operator Permit.

(f) A GMDSS Radio Maintainer's License conveys all of the operating authority of the General Radiotelephone Operator License and the Marine Radio Operator Permit.

11. Section 13.10 is added to read as follows:

§ 13.10 Licensee Address

In accordance with § 1.923 of this chapter all applicants must specify an address where the applicant can receive mail delivery by the United States Postal Service except as specified below:

(a) Applicants for a Restricted Radiotelephone Operator Permit;

(b) Applicants for a Restricted Radiotelephone Operator Permit—Limited Use.

PART 22—PUBLIC MOBILE SERVICES

12. The authority citation for part 22 continues to read as follows:

Authority: Secs. 4, 303, 309 and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 309 and 332, unless otherwise noted.

13–14. Section 22.165 is amended by removing the term "COSA" and add, each place it appears, the term "CGSA" in paragraph (e).

15. Section 22.529 is amended by revising the introductory text and by adding paragraph (c) to read as follows:

§ 22.529 Application requirements for the Paging and Radiotelephone Service.

In addition to information required by subparts B and D of this part, applications for authorization in the Paging and Radiotelephone Service contain required information as described in the instructions to the form. Site coordinates must be referenced to NAD83 and be correct to +-1 second.

* * * * *

(c) Upon request by an applicant, licensee, or the Commission, a part 22 applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

16. Section 22.709 is amended by adding paragraph (f) to read as follows:

§ 22.709 Rural radiotelephone service application requirements.

* * * * *

(f) *Antenna Information.* Upon request by an applicant, licensee, or the Commission, a part 22 applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

17. Section 22.803 is amended by adding paragraph (c) to read as follows:

§ 22.803 Air-ground application requirements

* * * * *

(c) Upon request by an applicant, licensee, or the Commission, a part 22 applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

18. Section 22.929 is amended by revising the introductory text and by adding paragraph (d) to read as follows:

§ 22.929 Application requirements for the Cellular Radiotelephone Service.

In addition to information required by subparts B and D of this part, applications for authorization in the Cellular Radiotelephone Service contain required information as described in the instructions to the form. Site coordinates must be referenced to NAD83 and be correct to ± 1 second.

* * * * *

(d) *Antenna Information.* Upon request by an applicant, licensee, or the Commission, a cellular applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

19. Section 22.946 is amended by revising the last sentence of paragraph (a) to read as follows:

§ 22.946 Service commencement and construction periods for cellular systems.

(a) * * * The licensee must notify the FCC (FCC Form 601) after the requirements of this section are met (see § 1.946 of this chapter).

* * * * *

§ 22.953 [Amended]

20. In § 22.953 remove paragraph (a)(5).

PART 80—STATIONS IN THE MARITIME SERVICES

21. The authority citation for Part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, and 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

22. Section 80.59 is amended by revising the last sentence of paragraph (c)(2) to read as follows:

§ 80.59 Compulsory ship inspections.

* * * * *

(c) * * *

(2) * * * Emergency requests must be filed with the Federal Communications Commission, Office of the Secretary,

445 Twelfth Street, S.W., TW-B204, Washington, D.C. 20554.

* * * * *

PART 87—AVIATION SERVICES

23. The authority citation for Part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 307(e), unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

§ 87.25 [Amended]

24. In § 87.25 remove paragraph (a).

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

25. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 251–2, 303, 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 251–2, 303, 309, and 332, unless otherwise noted.

26. Section 90.167 is amended by revising the subject heading to read as follows:

§ 90.167 Time in which a station must commence service.

* * * * *

27. Section 90.693 is amended by adding a sentence at the end of paragraphs (b), (c), (d)(1), and (d)(2):

§ 90.693 Grandfathering provisions for incumbent licensees.

* * * * *

(b) * * * Pursuant to the minor modification notification procedure set forth in 1.947(b), the incumbent licensee must notify the Commission within 30 days of any changes in technical parameters or additional stations constructed that fall within the short-spacing criteria. See 47 CFR 90.621(b).

(c) * * * Pursuant to the minor modification notification procedure set forth in 1.947(b), the incumbent licensee must notify the Commission within 30 days of any changes in technical parameters or additional stations constructed that fall within the short-spacing criteria. See 47 CFR 90.621(b).

(d) Consolidated license.

(1) * * * Incumbents exercising this license exchange option must submit specific information on Form 601 for each of their external base sites after the close of the 800 MHz SMR auction.

(2) * * * Incumbents exercising this license exchange option must submit specific information on Form 601 for each of their external base sites after the close of the 800 MHz SMR auction.

PART 95—PERSONAL RADIO SERVICES

28. The authority citation for part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154 and 303.

29. Section 95.5 is revised to read as follows:

§ 95.5 Licensee eligibility.

(a) An *individual* (one man or one woman) is eligible to obtain, renew, and have modified a GMRS system license if that individual is 18 years of age or older and is not a representative of a foreign government.

(b) A *non-individual* (an entity other than an individual) is ineligible to obtain a new GMRS system license or make a major modification to an existing GMRS system license (see § 1.929 of this chapter).

(c) A GMRS system licensed to a non-individual before July 31, 1987, is eligible to renew that license and all subsequent licenses based upon it if:

(1) The non-individual is a partnership and each partner is 18 years of age or older; a corporation; an association; a state, territorial, or local government unit; or a legal entity;

(2) The non-individual is not a foreign government; a representative of a foreign government; or a federal government agency; and

(3) The licensee has not been granted a major modification to its GMRS system.

30. Section 95.7 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 95.7 Channel sharing.

(a) Channels or channel pairs (one 462 MHz frequency listed in § 95.29(a) of this part and one 467 MHz frequency listed in § 95.29(b) of this part) are available to GMRS systems only on a shared basis and will not be assigned for the exclusive use of any licensee. * * *

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31. Section 95.29 is amended by revising paragraphs (a) and (b) and by removing and reserving paragraph (e) to read as follows:

§ 95.29 Channels available.

(a) For a base station, fixed station, mobile station, or repeater station (a GMRS station that simultaneously retransmits the transmission of another GMRS station on a different channel or channels), the licensee of the GMRS system must select the transmitting channels or channel pairs (see § 95.7(a) of this part) for the stations in the GMRS system from the following 462 MHz channels: 462.5500, 462.5750, 462.6000,

462.6250, 462.6500, 462.6750, 462.7000 and 462.7250.

(b) For a mobile station, control station, or fixed station operated in the duplex mode, the following 467 MHz channels may be used only to transmit communications through a repeater station and for remotely controlling a repeater station. The licensee of the GMRS system must select the transmitting channels or channel pairs (see § 95.7(a) of this part) for the stations operated in the duplex mode, from the following 467 MHz channels: 467.5500, 467.5750, 467.6000, 467.6250, 467.6500, 467.6750, 467.7000 and 467.7250.

* * * * *

(e) [Reserved]

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32. Section 95.101 is amended to add paragraph (d) to read as follows:

§ 95.101 What the license authorizes.

* * * * *

(d) For non-individual licensees, the license together with the system specifications for that license as maintained by the Commission represent the non-individual licensees' maximum authorized system.

33. Section 95.103 is amended by revising paragraphs (a) and (b) to read as follows:

§ 95.103 Licensee duties.

(a) The licensee is responsible for the proper operation of the GMRS system at all times. The licensee is also responsible for the appointment of a station operator.

(b) The licensee may limit the use of repeater to only certain user stations.

* * * * *

PART 97—AMATEUR RADIO SERVICE

34. 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.

35. Section 97.15 is revised to read as follows:

§ 97.15 Station antenna structures.

(a) Owners of certain antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the Federal Aviation Administration and register with the Commission as required by part 17 of this chapter.

(b) Except as otherwise provided herein, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur

service communications. (State and local regulation of a station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose. See PRB–1, 101 FCC 2d 952 (1985) for details.)

36. Section 97.17 is amended by revising paragraphs (b)(1) and (c) to read as follows.

§ 97.17 Application for new license grant.

* * * * *

(b) * * *

(1) Each candidate for an amateur radio operator license which requires the applicant to pass one or more examination elements must present the administering VEs with all information required by the rules prior to the examination. The VEs may collect all necessary information in any manner of their choosing, including creating their own forms.

* * * * *

(c) No person shall obtain or attempt to obtain, or assist another person to obtain or attempt to obtain, an amateur service license grant by fraudulent means.

* * * * *

37. Section 97.21 is amended by revising paragraph (a)(2) to read as follows:

§ 97.21 Application for a modified or renewed license.

(a) * * *

(2) May apply to the FCC for a modification of the operator/primary station license grant to show a higher operator class. Applicants must present the administering VEs with all information required by the rules prior to the examination. The VEs may collect all necessary information in any manner of their choosing, including creating their own forms.

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PART 101—FIXED MICROWAVE SERVICES

38. The authority citation for Part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

39. Section 101.705 is revised to read as follows:

§ 101.705 Special showing for renewal of common carrier station facilities using frequency diversity.

Any application for renewal of license, for a term commencing January 1, 1975, or after, involving facilities utilizing frequency diversity must

contain a statement showing compliance with § 101.103(c) or the exceptions recognized in paragraph 141 of the *First Report and Order* in Docket No. 18920 (29 FCC 2d 870). (This document is available at: Federal Communications Commission, Library (Room TW–B505), 445 Twelfth Street, SW, Washington, DC) If not in compliance, a complete statement with the reasons therefore must be submitted.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 96–115; FCC 99–223]

Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reconsiders the first CPNI order, addresses petitions for forbearance from the requirements of that order, and establishes rules to implement section 222. The intended effect is to further Congress' goals of fostering competition in telecommunications markets and ensure the privacy of customer information.

DATES: All of these rules contain information collection requirements that have not yet been approved by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date of these rules.

FOR FURTHER INFORMATION CONTACT: Eric Einhorn, Attorney Adviser, Common Carrier Bureau, Policy and Program Planning Division, (202) 418–1580 or via the Internet at eeinhorn@fcc.gov. Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202–418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted August 16, 1999, and released September 3, 1999. The full text of this Order on Reconsideration is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S. W., Room CY–A257, Washington, D.C. The complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/CommonCarrier/Orders/fcc99223.wp>, or may be