

provisioning, maintenance and repair, and billing, as well as change management), Nevada Bell provides access to its OSS in a manner that enables competing carriers to perform the functions in substantially the same time and manner as Nevada Bell does or, if no appropriate retail analogue exists within Nevada Bell's systems, in a manner that permits competitors a meaningful opportunity to compete. In addition, regarding specific areas where the Commission identifies issues with Nevada Bell's or Pacific Bell's OSS performance, these problems are not sufficient to warrant a finding of checklist noncompliance.

#### Other Checklist Items

11. *Checklist Item 4—Unbundled Local Loops.* Based on the evidence in the record, the Commission concludes that Nevada Bell provides unbundled local loops in accordance with the requirements of section 271 and our rules. The Commission also notes that no commenter challenges Nevada Bell's showing on this checklist item or the California evidence that it relies upon. The Commission's conclusion is based on Nevada Bell's performance (and Pacific Bell's performance in California where Nevada volumes are low) for all loop types, which include, as in past section 271 orders, voice grade loops, hot cut provisioning, xDSL-capable loops, digital loops, high capacity loops, as well as our review of Nevada Bell's processes for line sharing and line splitting.

12. *Checklist Item 1—Interconnection.* Based on the Commission's review of the record, it concludes that Nevada Bell complies with the requirements of checklist item 1. In reaching this conclusion, the Commission examined Nevada Bell's performance with respect to collocation and interconnection trunks, as the Commission has done in prior section 271 proceedings. For the one performance measure that the Commission noted that Nevada Bell failed four of the five-month data period, the failures were not sufficient to warrant a finding of checklist noncompliance.

13. *Remaining Checklist Items (3, 5–14).* In addition to showing that it is in compliance with the requirements discussed above, an application under section 271 must demonstrate that it complies with checklist item 3 (access to poles, ducts, and conduits), item 5 (unbundled transport), item 6 (local switching unbundled from transport), item 7 (911/E911 access and directory assistance/operator services), item 8 (white pages directory listings), item 9 (numbering administration), item 10

(databases and associated signaling), item 11 (number portability), item 12 (local dialing parity), item 13 (reciprocal compensation), and item 14 (resale). Based on the evidence in the record, the Commission concludes that Nevada Bell demonstrates that it is in compliance with these checklist items in Nevada. It notes that no party objects to Nevada Bell's compliance with these checklist items.

14. *Section 272 Compliance.* Based on the record, the Commission concludes that Nevada Bell has demonstrated that it will comply with the requirements of section 272. Significantly, Nevada Bell provides evidence that it maintains the same structural separation and nondiscrimination safeguards in Nevada as it does in California.

15. *Public Interest Analysis.* The Commission concludes that approval of this application is consistent with the public interest. From its extensive review of the competitive checklist, which embodies the critical elements of market entry under the Act, the Commission finds that barriers to competitive entry in the local exchange markets have been removed and the local exchange markets in Nevada today are open to competition. The Commission further finds that the record confirms our view, as noted in prior section 271 orders, that BOC entry into the long distance market will benefit consumers and competition if the relevant local exchange market is open to competition consistent with the competitive checklist.

16. *Section 271(d)(6) Enforcement Authority.* Working with the Nevada Commission, the Commission intends to closely monitor Nevada Bell's post-approval compliance to ensure that Nevada Bell continues to meet the conditions required for section 271 approval. It stands ready to exercise its various statutory enforcement powers quickly and decisively in appropriate circumstances to ensure that the local market remains open in Nevada.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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### FEDERAL COMMUNICATIONS COMMISSION

[DA 03–1089]

#### Audit of Operational Status of Certain 220–222 MHz Band Licenses

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document the Wireless Telecommunications Bureau (Bureau) announces a license audit of the operational status of certain site-specific licenses operating in three commercial radio services in the 220–222 MHz band. To prepare for the audit, the Bureau is encouraging licensees to verify their mailing addresses on record for each license held and, where appropriate, update the information. In addition, the Bureau is asking each licensee to ensure it has registered with the Commission Registration System (CORES) to receive its FCC Registration Number (FRN) and has associated with the FRN with each license held. The purpose of the audit is to promote intensive use of the spectrum in 220 MHz.

**FOR FURTHER INFORMATION CONTACT:** Denise D. Walter, Commercial Wireless Division, at 202–418–0620.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal Communications Commission's *Public Notice*, DA 03–1089, released on April 9, 2003. The full text of this document is available for inspection and copying during normal business hours in the Federal Communications Commission Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Federal Communications Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at <http://wireless.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 or TTY (202) 418–7365 or at [bmillin@fcc.gov](mailto:bmillin@fcc.gov).

1. The Federal Communications Commission's (FCC) Wireless Telecommunications Bureau (Bureau) will be conducting a license audit of the operational status of certain licenses operating in the 220–222 MHz (220 MHz) band in the following radio services: “QT”—non-nationwide 5-channel trunked systems, “QD”—non-nationwide data, and “QO”—non-nationwide other. Every licensee in these radio services must respond to the audit letter and certify that its authorized station(s) has not discontinued operations for one year or more. The Bureau is performing the audit to promote intensive use of the radio spectrum by updating and increasing the accuracy of the Commission's licensing database.

2. To prepare for the audit, the Bureau strongly encourages licensees in these

three radio services to verify the mailing address for each license held prior to May 9, 2003. Licensees can verify the accuracy of the Commission's information by accessing the *License Search* function in the Universal Licensing System (ULS) at <http://wireless.fcc.gov/uls>. If the information is incorrect, the licensee should use ULS to electronically file an *Administrative Update* application.

3. Another important step a licensee should take to prepare for the audit is to ensure that it has registered in CORES, received an FRN, and associated the FRN with all licenses held. This should be done by May 9, 2003.

4. The Bureau will send letters to all licensees operating in the QT, QD, and QO radio services inquiring about the operational status of each license held. The letters will be mailed during the week of May 12, 2003. Each letter will include the call signs of the licensee's authorizations involved in this audit and will be directed to each licensee at its address of record. A licensee will receive only one audit letter if the licensee has, by May 9, 2003, verified the address is listed correctly in ULS, obtained its FRN, and associated its call signs with the FRN. If the licensee has not performed these activities by May 9, 2003, the Bureau will attempt to include all of a licensee's call signs subject to this audit in one letter, but may issue more than one letter for an entity due to slight variations in licensee name or address in the Commission's licensing records. If a licensee receives multiple letters, the licensee must respond to each letter in order to account for all its call signs that are part of this audit. If a licensee holds authorizations in one of these radio services and does not receive an audit letter, the licensee may still be required to respond to the audit. In order to determine if a particular license is a part of the audit, licensees should use Audit Search at <http://wireless.fcc.gov/licensing/audits/220> after the audit letters have been mailed (scheduled for the week of May 12, 2003). If the search shows an audit letter was mailed, the licensee is required to respond to the audit using the audit reference number. For instructions on how to proceed in this instance, licensees can call the Commission at 717-338-2888 or 888-CALLFCC (888-225-5322) and select option 2.

5. A response to the audit letter is mandatory. The process for responding to the audit and the internet site will be included in the audit letter. Each licensee is required to submit its response electronically within thirty (30) calendar days of the date on the

audit letter. Failure to provide a timely response may result in the Commission presuming that the station has been non-operational for one year or more, and thus the license may be presumed to have automatically cancelled. Failure to provide a timely response may also result in an enforcement action, including monetary forfeiture, pursuant to section 503(b)(1)(B) of the Communications Act and 47 CFR 1.80(a)(2).

Federal Communications Commission.

**William W. Kunze,**

*Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.*

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## FEDERAL COMMUNICATIONS COMMISSION

[DA 03-785]

### Media Bureau Implements New Equal Employment Opportunity Forms, Mandatory Electronic Filing of FCC Form 396-A

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces the mandatory electronic filing of the FCC broadcast Equal Employment Opportunity Form 396-A. The Commission suspended the previous version of this form and adopted the current version with a new EEO rule. Paper version of the form will not be accepted after deadline date unless accompanied by request for waiver.

**FOR FURTHER INFORMATION CONTACT:** Roy Boyce, Policy Division, Media Bureau, (202) 418-1450.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Media Bureau's Public Notice ("PN"), DA 03-785, adopted and released March 18, 2003. The complete text of this PN is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC and may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B-402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### Synopsis of Public Notice

1. By this PN the Media Bureau announces mandatory electronic filing for FCC Form 396-A, Broadcast Equal Employment Opportunity Model

Program Report (February, 2003 Edition).

2. Mandatory electronic filing commenced on March 10, 2003. Paper versions of these forms will not be accepted for filing after March 10, 2003, unless accompanied by an appropriate request for waiver of the electronic filing requirement. Users can access the electronic filing system via the Internet from the Media Bureau's Web site at: <http://www.fcc.gov/mb>.

3. Pursuant to the *1998 Biennial Regulatory Review—Streamlining of Mass Media Applications, Rules and Processes* (63 FR 70040, December 18, 1998), Report and Order ("*R&O*"), mandatory electronic filing was to commence six-months after a given form was made available for electronic use. The then Mass Media Bureau made FCC Form 396-A available for electronic use more than six months ago. The form was made available in connection with a broadcast Equal Employment Opportunity ("EEO") rule adopted in February 2000 that was subsequently vacated as a result of a Court order. As a result of the Court's action, the Commission suspended the prior version of Form 396-A in January, 2001. The current version was adopted by the 2nd *R&O* (68 FR 00670, January 7, 2003), and Third Notice of Proposed Rule Making (3rd *NPRM*), (67 FR 77374, December 17, 2002), in MM Docket No. 98-204, which adopted a new broadcast EEO rule. It is substantially similar to the version adopted in February 2000 and is used in conjunction with other forms (e.g., FCC Forms 301, 314, 315, and 340) that are already subject to mandatory electronic filing.

4. In the *Streamlining R&O*, which announced the Commission's electronic filing requirement, the Commission recognized the need for limited waivers of this requirement in light of the "burden that electronic filing could place upon some licensees who are seeking to serve the public interest, with limited resources, and succeed in a highly competitive local environment." Such waivers will not be routinely granted and the applicant must plead with particularity the facts and circumstances warranting relief.

5. Instructions for use of the electronic filing system are available in the CDBS User's Guide which can be accessed from the electronic filing Web site. Special attention should be given to the details of the applicant account registration function, form filing function, and the fee form handling procedures, if a fee is required. Failure to follow the procedures in the User's Guide may result in an application