

part 1, subpart Y, particularly § 1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs).

\* \* \* \* \*

12. Section 63.50 is revised to read as follows:

**§ 63.50 Amendment of applications.**

Any application may be amended as a matter of right prior to the date of any final action taken by the Commission or designation for hearing. Amendments to applications shall be filed electronically through the International Bureau Filing System (IBFS). For information on IBFS filing procedures, see generally part 1, subpart Y, of this chapter, particularly § 1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs). If a petition to deny or other formal objections have been filed to the application, the amendment shall be served on the parties.

13. Section 63.51 is amended by revising paragraph (c) to read as follows:

**§ 63.51 Additional Information.**

\* \* \* \* \*

(c) You must submit electronically through the International Bureau Filing System (IBFS) any additional information which the Commission may require.

14. Section 63.53 is revised to read as follows:

**§ 63.53 Form.**

Applications for international service under Section 214 of the Communications Act must be filed electronically on the Internet through the International Bureau Filing System (IBFS). You are not required to send the original or any copies with your fee payment. For information on filing your application through IBFS, see part 1, subpart Y, of this chapter, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs).

15. Section 63.701 is amended by revising the introductory paragraph to read as follows:

**§ 63.701 Contents of application.**

Except as otherwise provided in this part, any party requesting designation as a recognized operating agency within the meaning of the International Telecommunication Convention shall request such designation. Such designation is required to be filed electronically through the International Bureau Filing System (IBFS). For information on IBFS filing procedures, see generally part 1, subpart Y, of this chapter, particularly § 1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs). A request for designation as a recognized operating agency within the meaning of the International Telecommunication Convention shall include a statement of

the nature of the services to be provided and a statement that the applicant is aware that it is obligated under Article 6 of the ITU Constitution to obey the mandatory provisions thereof, and all regulations promulgated thereunder, and a pledge that it will engage in no conduct or operations that contravene such mandatory provisions and that it will otherwise obey the Convention and regulations in all respects. The applicant must also include a statement that it is aware that failure to comply will result in an order from the Federal Communications Commission to cease and desist from future violations of an ITU regulation and may result in revocation of its recognized private operating agency status by the United States Department of State. Such statement must include the following information where applicable:

\* \* \* \* \*

**PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS**

16. The authority citation for part 64 continues to read as follows:

**Authority:** 47 U.S.C. 154, 254(k); secs. 403(b)(2)(B), (c), Public Law 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 225, 226, 228, and 254(k) unless otherwise noted.

17. Section 64.1001 is amended by revising paragraph (a) to read as follows:

**§ 64.1001 Requests to modify international settlement arrangements.**

(a) The procedures set forth in this rule apply to carriers that are required to file with the International Bureau, pursuant to § 43.51(e) of this chapter, requests to modify international settlement arrangements. Any operating agreement or amendment for which a modification request is required to be filed cannot become effective until the modification request has been granted under paragraph (e) of this section. You are required to file a modification electronically through the International Bureau Filing System (IBFS). For information on filing your modification through IBFS, see part 1, subpart Y, of this chapter, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs).

\* \* \* \* \*

18. Section 64.1002 is amended by revising paragraph (c) to read as follows:

**§ 64.1002 International settlements policy.**

\* \* \* \* \*

(c) A carrier that seeks to add a U.S. international route to the list of routes that are exempt from the international settlements policy shall make its request in writing to the International Bureau, accompanied by a showing that a U.S.

carrier has entered into a benchmark-compliant settlement rate agreement with a foreign carrier that possesses market power in the country at the foreign end of the U.S. international route that is the subject of the request. The required showing shall consist of an effective accounting rate modification, filed pursuant to § 64.1001 of this part, that includes a settlement rate that is at or below the Commission's benchmark settlement rate adopted for that country in IB Docket No. 96–261, Report and Order, 12 FCC Rcd 19,806, 62 FR 45758, Aug. 29, 1997, available on the International Bureau's World Wide Web site at <http://www.fcc.gov/ib>. The request is required to be filed electronically through the International Bureau Filing System (IBFS). For information on IBFS filing procedures, see generally part 1, subpart Y, of this chapter, particularly § 1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs).

\* \* \* \* \*

[FR Doc. 04–17075 Filed 8–6–04; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 2 and 25**

[IB Docket No. 02–364; FCC No. 04–134]

**Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document solicits comment on redistributing additional spectrum in the 1.6 GHz band (L-band or Big LEO band). Specifically, the Federal Communications Commission (Commission) initiated the *Further Notice of Proposed Rulemaking (FNPRM)* in this proceeding to determine whether mobile-satellite service (MSS) operators using different technologies could share additional spectrum in the L-band.

**DATES:** Comments are due September 8, 2004, and reply comments are due September 23, 2004.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW–B204, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Gorny, Howard Griboff, or James Ball, Policy Division, International Bureau, (202) 418–1460.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *FNPRM* in IB Docket No. 02-364, FCC No. 04-134, adopted June 10, 2004, and released on July 16, 2004. The full text of this document is available for public inspection and copying during normal reference room hours at the FCC Reference Information Center, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The document is also available for download over the Internet at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-04-134A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-134A1.doc). The complete text may also be purchased from the Commission's copy contractor, Best Copy and Printing, in person at 445 12th Street, SW., Room CY-B402, Washington, DC 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at [Commission@bcpiweb.com](mailto:Commission@bcpiweb.com).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's

Secretary, Office of the Secretary, Federal Communications Commission.

### Summary of Further Notice of Proposed Rulemaking

On July 16, 2004, the Commission released a *Report and Order*, *Fourth Report and Order* and *FNPRM* in this proceeding. The *Report and Order* and *Fourth Report and Order* relating to this proceeding is published elsewhere in this issue of the **Federal Register**. The *FNPRM* seeks comment on proposals for reassigning or reallocating a portion of spectrum in the Big LEO L-band. In the attached *Report and Order*, we adopt provisions that permit time division multiple access (TDMA) and code division multiple access (CDMA) MSS operators to share 3.1 megahertz of spectrum at 1618.25-1621.35 MHz, based on the record before us. In adopting these provisions, we have approved a sharing plan that provides the opportunity for the TDMA MSS operator to have greater capacity to serve its customers' needs, while at the same time not causing significant harm to the CDMA MSS operator's ability to serve its current and future customers. We recognize, however, that the current TDMA MSS system is capable of operating on frequencies as low as 1616 MHz, and thus an opportunity for further sharing between the TDMA and CDMA MSS operators could exist at 1616-1618.25 MHz. We issue this *FNPRM* in IB Docket No. 02-364, to explore whether and how sharing an additional 2.25 MHz in the L-band may be possible.

In particular, parties should discuss how to ensure that shared use of this band does not adversely impact the ability of both CDMA and TDMA MSS operators to provide a wide-range of services, including aviation services. Second, we seek comment on whether and how sharing of this spectrum by TDMA and CDMA MSS operators would impact CDMA MSS operators' ability to provide viable ancillary terrestrial component services. Further, we seek comment on how any additional sharing requirements might impact the ability of Globalstar, as the CDMA MSS operator, to provide global communications. For example, Globalstar's French license starts at 1615 MHz, and Globalstar's Italian and Russian licenses are limited to frequencies above 1616 MHz.

We also seek comment on what benefits might be gained by permitting additional sharing and how any technical limitations should be weighed in comparison against these benefits. We are particularly interested in any alternative sharing approaches that take

into account any technical limitations and that would permit us to make the most efficient use of this spectrum.

### Procedural Issues

#### *Initial Regulatory Flexibility Certification*

The Regulatory Flexibility Act (RFA) requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). The SBA has developed a small business size standard for Satellite Telecommunications, which consists of all such companies having \$12.5 million or less in annual revenue.

The Commission established the original Big LEO band plan in 1994 and has modified that plan in the attached *Report and Order*. In that *Report and Order*, the Commission allows the TDMA and CDMA MSS operators to share 3.1 megahertz in the L-band at 1618.25-1621.35 MHz. The spectrum sharing plan in the L-band should promote the efficient use of spectrum by increasing the number of licensees that use the spectrum. We recognize, however, that Iridium, the current TDMA MSS operator, is capable of operating in spectrum as far down as 1616 MHz. Thus, the purpose of the attached *FNPRM* is to initiate and conduct a review of whether it would be feasible for the TDMA and CDMA MSS operators to share an additional 2.25 megahertz of spectrum at 1616-1618.25 MHz. This proposed band plan change is designed to further improve spectral efficiency within the L-band.

The proposal in the *FNPRM* impacts only Big LEO MSS licensees and currently, only two MSS licensees are operating in Big LEO spectrum. We do not consider these entities to be small businesses because small businesses would not likely be able to satisfy the capital requirements for launching and operating these satellite systems. Thus, the change we propose will not have a

substantial economic impact on small entities.

The Commission therefore certifies, pursuant to the RFA, that the proposal in this *FNPRM*, if adopted, will not have a significant economic impact on a substantial number of small entities. If commenters believe that the proposals discussed in the *FNPRM* require additional RFA analysis, they should include a discussion of these issues in their comments and additionally label them as RFA comments. The Commission will send a copy of the

*FNPRM*, including a copy of this Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA. In addition, a copy of the *FNPRM* and this initial certification will be published in the **Federal Register**.

*Ordering Clauses*

Pursuant to sections 4(i), 7, 302(a), 303(c), 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157, 302(a), 303(c), 303(e), 303(f) and 303(r), the *FNPRM* is adopted.

The Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this *FNPRM*, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04-18147 Filed 8-6-04; 8:45 am]

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