

that the NCC become ANSI-certified as an ASD and by eliminating the requirement that all fees, terms and conditions of licenses for proprietary technology contained in any NCC-recommended standard be approved by ANSI. In addition, the Commission has adopted on reconsideration an alternative procedure to protect users of NCC-recommended standards from unfair discrimination. The requirement that owners or holders of rights to proprietary technology contained in NCC-recommended standards that seek to license such rights must file statements with the NCC will burden a handful of entities that may or may not be small entities. In contrast, the requirement will benefit thousands of small governmental jurisdictions and their agencies by protecting their suppliers from unfair discrimination in the acquisition of technologies, and by encouraging greater competition in the public safety communications equipment market.

VII. Significant Alternatives Considered and Rejected

The alternative approaches contained in the *First Report and Order* were considered and rejected as too burdensome, unnecessarily restrictive, or inefficient, thus leading the Commission to eliminate the above-described compliance requirements on ANSI and the NCC. With regard to a mechanism to protect users of NCC-recommended standards from unfair discrimination in the licensing of proprietary technology, the alternative of providing no protection was considered and deemed anti-competitive, unnecessarily expensive and insufficiently responsive to the communications needs of the large and small members of public safety community that the Commission is bound by law to support. The chosen mechanism of requiring owners and holders of rights to proprietary technology to agree with their licensees to make the technologies available, either without cost or on terms that are free from unfair discrimination, and to evidence that agreement by filing a statement to that effect with the NCC, was determined to be the least expensive and burdensome alternative available. Moreover, given its probable effect of encouraging competition in the relevant equipment market, this mechanism was determined to generate the most favorable ratio of cost to benefit in the overall public safety communications community.

Report to Congress

The Commission shall send a copy of this Supplemental Final Regulatory Flexibility Analysis, along with the *Order on Reconsideration*, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). A copy of this Supplemental Final Regulatory Flexibility Analysis will also be published in the **Federal Register**.

List of Subjects

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 90

Administrative practice and procedure, Communications equipment, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99-28549 Filed 11-3-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[CC Docket No. 94-102; FCC 99-245]

Wireless Radio Services; Compatibility With Enhanced 911 Emergency Calling Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document revises rules applicable to wireless carriers to permit the use of handset-based solutions, or hybrid solutions that require changes both to handsets and wireless networks, in providing caller location information as part of Enhanced 911 (E911) services. These actions are intended to encourage the deployment of the best location technology for each area being served, promote competition in E911 location technology, and speed implementation of E911.

DATES: Effective March 3, 2000, except for § 20.18(i), which contains an information collection requirement that has not been approved by the Office of Management and Budget. The FCC will publish a document in the **Federal Register** announcing the effective date for that section. Public comments on the information collection are due January 3, 2000.

FOR FURTHER INFORMATION CONTACT: Legal Information: Daniel Grosh, 202-

418-1310; Technical Information: Martin Liebman, 202-418-1310. For further information concerning the information collection contained in this Report and Order, contact Les Smith, Federal Communications Commission, Room 1A-804, 445 12th Street, SW, Washington, DC 20054, or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Report and Order* (Third R&O) in CC Docket No. 94-102; FCC 99-245, adopted September 15, 1999, and released October 6, 1999. The complete text of this Third R&O is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY-B400, 445 12th Street, SW, Washington, DC.

Synopsis of the Third Report and Order

1. The Commission adopts a Third Report and Order (Third R&O) in CC Docket No. 94-102, regarding implementation of Enhanced 911 (E911) emergency calling systems. Specifically, in the Third R&O, the Commission takes several steps to enable handset-based methods of providing Automatic Location Identification (ALI) to compete in a reasonable way with network-based solutions in meeting the Commission's E911 Phase II requirements. The new rules will benefit both wireless callers and public safety entities by providing accurate and efficient automatic caller location information in emergencies.

2. The rule change was needed because, when the Commission originally adopted its Phase II rules in 1996, it was believed that location information could only be effectively provided by technologies based in or overlaid on carrier networks, using approaches such as triangulation of the handset's signal. Since that time, advancements in location technologies that employ new or upgraded handsets have demonstrated important progress. While no single solution appears to be perfect in all situations, each type of solution has its advantages and limitations and each may be improved or combined with other technologies in the future to support further improvements in 911 service.

3. The Commission's original rules, adopted in the Report and Order and Further Notice of Proposed Rulemaking (61 FR 40348, August 2, 1996), as a practical matter, only permitted network-based solutions to meet the Commission's Phase II requirements

because they required that ALI be provided for all 911 calls in a requesting Public Safety Answering Point's (PSAP's) area as of a fixed date. In order to enable handset-based solutions to be a viable competitor for initial deployment under Phase II, the Commission decided to allow for a phase-in of new or upgraded handsets. To offset the potential delay in full availability of Phase II location information that may be caused by this action, the Commission imposed a higher accuracy standard on handset-based solutions, required handset deployment to begin earlier than the current October 1, 2001, deployment date, and required that this deployment occur, for carriers deploying a handset-based solution, regardless of whether a PSAP has requested Phase II.

4. As a result, in the Third R&O, the Commission mandates that wireless carriers employing a technology that requires new, modified or upgraded handsets must comply with the following deployment and penetration requirements, without respect to whether any PSAP has requested Phase II deployment:

(1) Begin selling ALI-capable handsets no later than March 1, 2001;

(2) Ensure that at least 50 percent of all new handsets activated are ALI-capable no later than October 1, 2001; and

(3) Ensure that at least 95 percent of all new digital handsets activated are ALI-capable no later than October 1, 2002.

5. Once a PSAP request is received, a carrier deploying a handset-based solution is required to satisfy the following requirements, in the area served by the PSAP:

(1) Within six months or by October 1, 2001, whichever is later:

(a) Ensure that 100 percent of all new handsets activated are ALI-capable;

(b) Implement any network upgrades or other steps necessary to locate handsets; and,

(c) Begin delivering to the PSAP location information that satisfies Phase II requirements.

(2) Within two years or by December 31, 2004, whichever is later, undertake reasonable efforts to ensure that all handsets used by its subscribers are ALI-capable.

6. For roamers and other callers without ALI-capable handsets, carriers must support Phase I ALI and other available best practice methods of providing the location of the handset to the PSAP. In addition, to be allowable under the rules, an ALI technology that requires new, modified, or upgraded handsets must conform to general

standards and be interoperable, allowing roaming among carriers employing handset-based location technologies.

7. For carriers employing network-based location technologies, the Third R&O modifies the applicable deployment schedule to require the carrier to deploy Phase II to 50 percent of callers within 6 months of a PSAP request and to 100 percent of callers within 18 months of such a request. The Commission determined that such a phase-in for network-based solutions was reasonable in recognition of the likelihood that installing equipment throughout a carrier's network will often require more time than the six months previously allowed under the rules.

8. The Third R&O also imposes the following revised standards for Phase II location accuracy and reliability: (1) For network-based solutions: 100 meters for 67 percent of calls, 300 meters for 95 percent of calls; and (2) for handset-based solutions: 50 meters for 67 percent of calls, 150 meters for 95 percent of calls. The Commission decided to replace the Root Mean Square (RMS) reliability methodology with this more workable and understandable standard.

9. Additionally, the Third R&O directs wireless carriers to report to the Commission their plans for implementing E911 Phase II, including the technology they plan to use to provide caller location, by October 1, 2000. This report shall provide information to permit planning for Phase II implementation by public safety organizations, equipment manufacturers, local exchange carriers, and the Commission, in order to support Phase II deployment by October 1, 2001.

Paperwork Reduction Act of 1995 Analysis

10. The actions contained in this Third R&O have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose a new reporting requirement or burden on the public. Implementation of this new reporting requirement will be subject to approval by the Office of Management and Budget, as prescribed by the Act. The new paperwork requirement contained in the Third Report and Order will go into effect March 3, 2000, dependent on OMB approval.

Final Regulatory Flexibility Analysis

11. As required by the Regulatory Flexibility Act, 5 U.S.C. 603 (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the Further Notice of Proposed Rule Making (Further Notice) issued in this

proceeding, 61 FR 40348, August 2, 1996. The Commission sought written public comments in the Further Notice, including comment on the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in this Third R&O conforms to the RFA, as amended by the Contract With America Advancement Act of 1996 (CWAAA), Pub. L. 104-121, 110 Stat. 847 (1996).¹

(1) Need for and Purpose of This Action

12. The Commission's current rules, as a practical matter, only permit network-based solutions to meet Phase II requirements. The Third R&O revises the Commission's 911 rules to permit handset-based solutions, or hybrid solutions that require changes both to handsets and wireless networks, to compete in a reasonable way with the network-based solutions in providing automatic location identification (ALI). The Third R&O is therefore intended to ensure that E911 regulation reflects the most current technological advances possible and accordingly the most effective and responsive E911 service possible.

(2) Summary of Significant Issues Raised by the Public in Response to the IRFA

13. No comments were submitted in direct response to the IRFA. However, the Commission made every effort to gather as much data as possible and to solicit public comment on the issues resolved in the Third R&O. (See, for example, 64 FR 31530, June 11, 1999.) For example, on June 28, 1999, the Commission sponsored a roundtable discussion of technical issues involved in implementing the performance and accuracy standards for E911 Phase II ALI technologies. Roundtable participants included representatives of network-based solution technologies, handset-based technologies, manufacturers, wireless carriers, and public safety organizations.

(3) Description and Estimates of the Number of Entities Affected by This Order on Reconsideration

14. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted (5 U.S.C. 603(b)(3)). The RFA generally defines the term "small entity" as having the same meaning as the term "small business" (5 U.S.C. 602(6)). In addition, the term "small business" has the same

¹ Subtitle II of the CWAAA is "The Small Business Regulatory Enforcement Fairness Act of 1996" (SBREFA), codified at 5 U.S.C. 601 *et. seq.*

meaning as the term "small business concern" under the Small Business Act (5 U.S.C. 601(6)). 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) (15 U.S.C. 632).

15. *SMR Licensees.* Pursuant to 47 CFR 90.814(b)(1), the Commission has defined "small business" for purposes of auctioning 900 Mhz SMR licenses (60 FR 48913, September 21, 1995), 800 MHz SMR licenses for the upper 200 channels (61 FR 6212, February 16, 1996), and 800 MHz SMR licenses for the lower 230 channels (62 FR 41190, July 31, 1997) as a firm that has had average annual gross revenues of \$15 million or less in the three preceding calendar years. This small business size standard for the 800 MHz and 900 MHz auctions has been approved by the SBA. The rule amendments adopted in this Third R&O affect geographic and wide area SMR providers if they offer real-time, two-way PSN-interconnected voice service utilizing an in-network switching facility.

16. Sixty winning bidders for geographic area licenses in the 900 MHz SMR band qualified as small business under the \$15 million size standard. It is not possible to determine which of these licensees intend to offer real-time, two-way PSN-interconnected voice or data service utilizing an in-network switching facility. Therefore, the Commission concludes that the number of 900 MHz SMR geographic area licensees affected by this rule modification is at least 60.

17. The auction of the 525 800 MHz SMR geographic area licenses for the upper 200 channels began on October 28, 1997, and was completed on December 8, 1997. Ten winning bidders for geographic area licenses for the upper 200 channels in the 800 MHz SMR band qualified as small businesses under the \$15 million size standard. It is not possible to determine which of these licensees intend to offer real-time, two-way PSN-interconnected voice or data service utilizing an in-network switching facility. Therefore, the Commission concludes that the number of 800 MHz SMR geographic area licensees for the upper 200 channels affected by this rule modification is at least ten.

18. The Commission has determined that 3,325 geographic area licenses will be awarded in the 800 MHz SMR auction for the lower 230 channels. Because the auction of these licenses has not yet been conducted, there is no basis to estimate how many winning

bidders will qualify as small businesses under the Commission's \$15 million size standard. Nor is it possible to determine which of these licensees will offer real-time, two-way PSN-interconnected voice or data service utilizing an in-network switching facility. Therefore, the Commission concludes that the number of 800 MHz SMR geographic area licensees for the lower 230 channels that may ultimately be affected by this rule modification is at least 3,325.

19. With respect to licensees operating under extended implementation authorizations, approximately 6,800 such firms provide 800 MHz or 900 MHz SMR service. However, it is uncertain how many of these intend to offer real-time, two-way PSN-interconnected voice or data service utilizing an in-network switching facility or which of this subset qualify as small businesses under the \$15 million size standard. The Commission assumed, for purposes of the FRFA, that all of the remaining existing authorizations are held by licensees qualifying as small businesses under the \$15 million size standard. Of these, the Commission assumes, for purposes of its evaluations and conclusions in this FRFA, that all of these licensees intend to offer real-time, two-way PSN-interconnected voice or data service utilizing an in-network switching facility. Therefore, the Commission concludes that the number of SMR licensees operating in the 800 MHz and 900 MHz bands under extended implementation authorizations that may be affected by this rule modification is up to 6,800.

20. *Cellular Licensees.* Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons. According to the Bureau of the Census, only twelve radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees.² Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, the Commission notes that there are 1,758 cellular licenses; however, a cellular

licensee may own several licenses. In addition, according to the most recent *Carrier Locator: Interstate Service Providers* data, 732 carriers reported that they were engaged in the provision of either cellular service or Personal Communications Service (PCS) services, which are placed together in the data.³ The Commission has no data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, it estimates that there are fewer than 732 small cellular service carriers that may be affected by the policies adopted in this Third R&O.

21. *Broadband Personal Communications Service (PCS).* The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined "small entity" for Blocks C and F as an entity that has average gross revenues of less than \$40 million in the three previous calendar years. (See 61 FR 33859, July 1, 1996; see also 47 CFR 24.720(b).) For Block F, an additional classification for "very small business" was added and is defined as an entity that, together with their affiliates, has average gross revenues of not more than \$15 million for the preceding three calendar years. These regulations defining "small entity" in the context of broadband PCS auctions have been approved by the SBA. No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F. Based on this information, the Commission concludes that the number of small broadband PCS licensees will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, for a total of 183 small entity PCS providers as defined by the SBA and the Commission's auction rules.

³ Carrier Locator: Interstate Service Providers, Carrier Providers, Figure, Figure 1 (Jan. 1999). The most reliable source of current information regarding the total numbers of common carrier and related providers nationwide, including the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its "Carrier Locator" report, derived from filings made in connection with the Telecommunications Relay Service (TRS).

² U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities (issued May 1995), Series UC92 S1, at Table 5, SIC Code 4812.

22. *Providers of Location Technologies.* The Commission's requirement that wireless carriers provide the location of wireless 911 callers has created a business opportunity for companies that are able to develop and provide the technology to meet this obligation. Several apparently small location technology companies have participated in this proceeding, for example, by presenting their technologies and filing comments. The Commission estimates that as many as 20 small companies are involved in developing location technologies that may be affected by these rules, either directly in the case of handset-based technology companies or largely indirectly in the case of network-based technology companies.

(4) Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

23. Among the rules enacted by the Third R&O is a requirement that wireless carriers report their plans for implementing E911 Phase II, including the technology they plan to use to provide caller location, by October 1, 2000. This report shall provide information to permit planning for Phase II implementation by public safety organizations, equipment manufacturers, local exchange carriers, and the Commission in order to support Phase II deployment by October 1, 2001. This reporting requirement is discussed in Section IV.E of the full text of the Third R&O.

24. With respect to other compliance requirements, the Third R&O adopts rules that: (1) Allow a phased-in implementation schedule for carriers employing a handset-based solution; (2) establish a higher accuracy standard for handset-based solutions than required for network-based solutions; (3) require that handset deployment begin earlier than the current October 1, 2001, deployment date and that this deployment occur, for wireless carriers employing a handset solution, regardless of whether the PSAP has requested Phase II; (4) require that wireless carriers employing handset-based solutions take additional steps to provide location information for roamers and callers with non-ALI capable handsets; (5) require that carriers take action to ensure that any phase-in for handset-based solutions is brief and complete; (6) replace the Root Mean Square (RMS) reliability methodology with a more workable and understandable standard; and (7) allow wireless carriers employing network-based location technology to reach 50 percent coverage within six months of a

PSAP request for Phase II service and 100 percent coverage eighteen months after a PSAP request.

(5) Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

25. The Commission is taking this action to provide all affected licensees, regardless of size, with the flexibility to comply with the E911 Phase II regulations in the way that they feel best takes advantage of available technology. The rules adopted in the Third R&O will allow the use of handset-based solutions, or hybrid solutions, as well as network-based solutions for providing location information. The phased-in approach to implementation of handset-based solutions provided in the Third R&O may potentially delay the full availability of Phase II location information for callers and PSAPs. To offset the effects of a delay on public safety, the Third R&O requires that handset-based solutions be held to a higher accuracy standard. This will help locate callers more quickly and assist PSAPs in handling 911 calls more efficiently. The Third R&O also requires that handset deployment begin earlier than the current October 1, 2001, deployment date and that this deployment occur for carriers employing a handset solution, regardless of whether the PSAP has requested Phase II.

26. These steps should promote the rapid rollout of handset-based solutions through normal handset turnover and growth. While it does not appear that any single network-based or handset-based location technology is perfect in all situations or for all wireless transmission technologies, both network and handset-based solutions may provide location information by 2001 that meets or exceeds the Commission's accuracy requirements. The Commission is aware that each type of solution has its advantages and limitations, and each may also be improved or combined with other technologies in the future to support further improvements in 911 service and public safety. The Commission is not recommending one method over another, and is aware of the limitations apparent in handset-based solutions; however, the Commission concluded that any disadvantages of actions in the Third R&O are far outweighed by the possible benefits.

27. All of the actions taken in the Third R&O, as described above, may have a certain amount of negative impact on affected entities, but the Commission expects that few, if any, small entities will feel an impact from its actions. Providers of network-based

technologies may be affected indirectly as they confront more vigorous competition from companies offering handset-based and hybrid solutions, but will also benefit directly from rule revisions that allow more time to install network-based location equipment, a more workable accuracy standard, and a best practice obligation for carriers that may encourage the use of network-based technologies to supplement handset-based technologies. The limited negative affects of the Third R&O are offset by the flexibility that will be provided in allowing use of handset-based technology in complying with E911 regulations. This flexibility should be especially beneficial to small rural wireless carriers. Taken together, the Commission expects that this revised program for Phase II deployment will encourage the deployment of the best and most efficient technologies, speed actual implementation of E911, and promote competition in E911 location technology and service. The Commission also expects that its actions in the Third R&O will provide the clear guidance needed to enable the many necessary participants in wireless E911 deployment to implement Phase II as soon as possible.

(6) Report to Congress

28. The Commission shall send a copy of this Third R&O, including a copy of this Final Regulatory Flexibility Analysis, in a report to be sent 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 this FRFA will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

Ordering Clauses

29. Part 20 of the Commission's Rules is accordingly amended.

30. The rule amendments made by this Third R&O shall become effective March 3, 2000, except for § 20.18(i), which contains an information collection requirement that has not been approved by the Office of Management and Budget. The FCC will publish a document in the **Federal Register** announcing the effective date for that section.

32. The Office of Public Affairs, Reference Operations Division, shall send a copy of this Third R&O, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

33. All petitions for waiver of the Commission's wireless E911 rules submitted in response to the Wireless Telecommunications Bureau's *Waiver*

Public Notice are dismissed as moot in light of the rule changes adopted in this Third R&O.

34. The Petition to Modify the wireless 911 rules filed by the Wireless Consumers Alliance, Inc. is denied.

Paperwork Reduction Act

The Third R&O contains a new information collection. As part of its continuing effort to reduce paperwork burdens, the Commission invites the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this Third R&O, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due January 3, 2000. OMB comments are due March 3, 2000. Comments should address: (1) 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; (2) the accuracy of the Commission's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) 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. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained in this Order should be submitted to Les Smith, Federal Communications Commission, Room 1A-804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to lesmith@fcc.gov, and to Virginia A. Huth, OMB Desk Officer, 10236 NEOB, 725-17th Street, NW., Washington, DC 20503, or via the Internet to vhuth@omb.eop.gov.

OMB Approval Number: N./A.

Title: Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Third Report and Order Form No.: N./A.

Type of Review: New information collection

Respondents: Business or other for profit

Number of Respondents: 4,000

Estimated Time Per Response: 1 hour

Total Annual Cost Burden: \$400,000 for the one-time initial filing. In addition, the Commission estimates that each licensee will file one additional report, reporting any changes in their plans for implementing E911 Phase II, for an additional \$400,000 and a total burden of \$800,000.

Total Annual Burden: 1 burden hour for the initial filing, and an additional

hour for any additional reports, for an estimated total burden hour of 2.

Needs and Uses: The information required to be reported to the Commission by wireless carriers will provide PSAPs, providers of location technology, investors, manufacturers, local exchange carriers, and the Commission with valuable information necessary for preparing for full Phase II E911 implementation. The advance reports will provide helpful, if not essential, information for coordinating carrier plans with those of manufacturers and PSAPs. Also, they will assist the Commission's efforts to monitor Phase II developments and to take necessary actions to maintain the Phase II implementation schedule.

List of Subjects in 47 CFR Part 20

Communications common carrier, Communications equipment, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 20 as follows:

PART 20—COMMERCIAL MOBILE RADIO SERVICES

1. The authority citation for part 20 continues to read as follows:

Authority: 47 U.S.C. 154, 160, 251-254, 303, and 332 unless otherwise noted.

2. Section 20.3 is amended by adding the following definitions in alphabetical order:

§ 20.3 Definitions.

* * * * *

Handset-based location technology. A method of providing the location of wireless 911 callers that requires the use of special location-determining hardware and/or software in a portable or mobile phone. Handset-based location technology may also employ additional location-determining hardware and/or software in the CMRS network and/or another fixed infrastructure.

* * * * *

Location-capable handsets. Portable or mobile phones that contain special location-determining hardware and/or software, which is used by a licensee to locate 911 calls.

* * * * *

Network-based Location Technology. A method of providing the location of wireless 911 callers that employs hardware and/or software in the CMRS

network and/or another fixed infrastructure, and does not require the use of special location-determining hardware and/or software in the caller's portable or mobile phone.

* * * * *

3. Section 20.18 is amended by revising paragraph (e), redesignating paragraphs (f) and (g) as (j) and (k) and adding new paragraphs (f), (g), (h), and (i) to read as follows:

§ 20.18 911 Service.

* * * * *

(e) Phase II enhanced 911 service. Licensees subject to this section must provide to the designated Public Safety Answering Point Phase II enhanced 911 service, i.e., the location of all 911 calls by longitude and latitude in conformance with Phase II accuracy requirements (see paragraph (h) of this section).

(f) Phase-in for network-based location technologies. Licensees subject to this section who employ a network-based location technology shall provide Phase II 911 enhanced service to at least 50 percent of their coverage area or 50 percent of their population beginning October 1, 2001, or within 6 months of a PSAP request, whichever is later; and to 100 percent of their coverage area or 100 percent of their population within 18 months of such a request or by October 1, 2002, whichever is later.

(g) Phase-in for handset-based location technologies. Licensees subject to this section who employ a handset-based location technology may phase in deployment of Phase II enhanced 911 service, subject to the following requirements:

(1) Without respect to any PSAP request for deployment of Phase II 911 enhanced service, the licensee shall:

(i) Begin selling and activating location-capable handsets no later than March 1, 2001;

(ii) Ensure that at least 50 percent of all new handsets activated are location-capable no later than October 1, 2001; and

(iii) Ensure that at least 95 percent of all new digital handsets activated are location-capable no later than October 1, 2002.

(2) Once a PSAP request is received, the licensee shall, in the area served by the PSAP:

(i) Within six months or by October 1, 2001, whichever is later:

(A) Ensure that 100 percent of all new handsets activated are location-capable;

(B) Install any hardware and/or software in the CMRS network and/or other fixed infrastructure, as needed, to enable the provision of Phase II enhanced 911 service; and

(C) Begin delivering Phase II enhanced 911 service to the PSAP.

(ii) Within two years or by December 31, 2004, whichever is later, undertake reasonable efforts to achieve 100 percent penetration of location-capable handsets among its subscribers.

(3) For all 911 calls from portable or mobile phones that do not contain the hardware and/or software needed to enable the licensee to provide Phase II enhanced 911 service, the licensee shall, after a PSAP request is received, support, in the area served by the PSAP, Phase I location for 911 calls or other available best practice method of providing the location of the portable or mobile phone to the PSAP.

(4) Licensees employing handset-based location technologies shall ensure that location-capable portable or mobile phones shall conform to industry interoperability standards designed to enable the location of such phones by multiple licensees.

(h) *Phase II accuracy.* Licensees subject to this section shall comply with the following standards for Phase II location accuracy and reliability:

(1) For network-based technologies: 100 meters for 67 percent of calls, 300 meters for 95 percent of calls;

(2) For handset-based technologies: 50 meters for 67 percent of calls, 150 meters for 95 percent of calls.

(3) For the remaining 5 percent of calls, location attempts must be made and a location estimate for each call must be provided to the appropriate PSAP.

(i) *Reports on phase II plans.* Licensees subject to this section shall report to the Commission their plans for implementing Phase II enhanced 911 service, including the location-determination technology they plan to employ and the procedure they intend to use to verify conformance with Phase II accuracy requirements, by October 1, 2000. Licensees are required to update these plans within thirty days of the adoption of any change. These reports and updates may be filed electronically in a manner to be designated by the Commission.

[FR Doc. 99-28483 Filed 11-3-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-2378; MM Docket No. 98-123; RM-9291]

Radio Broadcasting Services; Marysville and Hilliard, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Citicasters Co., reallots Channel 289A from Marysville to Hilliard, Ohio, as the community's first local aural service, and modifies the license of Station WZAZ-FM accordingly. See 63 FR 49252, July 28, 1998. Channel 289A can be allotted to Hilliard in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.8 kilometers (1.8 miles) northeast, at coordinates 40-03-26 North Latitude and 83-08-36 West Longitude, to accommodate petitioner's desired transmitter site. Canadian concurrence in the allotment has been obtained since Hilliard is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATE: Effective December 13, 1999.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98-123, adopted October 20, 1999, and released October 29, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by removing Marysville, Channel 289A and adding Hilliard, Channel 289A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-28852 Filed 11-3-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 98-61; FCC 99-13]

1998 Biennial Regulatory Review—“Annual Report of Cable Television Systems,” Form 325

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Commission's amendments to 47 CFR 76.403 which contain information collection requirements became effective on July 1, 1999. These amendments which were published in the **Federal Register** on May 25, 1999 relate to revising and streamlining the Form 325, “Annual Report of Cable Television Systems,” which solicits basic operational information from cable television systems.

DATES: The amendments to 47 CFR 76.403 published at 64 FR 28106 (May 25, 1999) became effective on July 1, 1999.

FOR FURTHER INFORMATION CONTACT: Karen Kosar, Consumer Protection and Competition Division, Cable Services Bureau at (202) 418-1053.

SUPPLEMENTARY INFORMATION:

1. On March 31, 1999, the Commission released a Report and Order regarding the Form 325, a summary of which was published in the **Federal Register**. See 64 FR 28106 (May 25, 1999). The Report and Order modifies and streamlines the Form 325 and reduces the number of cable system operators required to file the form. Because the rule imposed modified information collection requirements, the amendments to 47 CFR 76.403 could not become effective until approved by the Office of Management and Budget (“OMB”). OMB approved the rule changes on July 1, 1999.

2. The **Federal Register** summary stated that the Commission would publish a document announcing the