

(2) Tolerances are established for residues of the fumigant in or on all RACs resulting from preharvest treatment of pest burrows in agricultural and non-crop land areas.

Commodity	Parts per million
All RACs resulting from preharvest treatment of pest burrows .....	0.01

(3) Residues resulting from fumigation of processed foods:

Commodity	Parts per million
Processed foods .....	0.01

(4) Residues resulting from fumigation of animal feeds:

Commodity	Parts per million
Animal feeds .....	0.1

(5) To assure safe use of this pesticide, it must be used in compliance with the labeling conforming to that registered by the U.S. Environmental Protection Agency (EPA) under FIFRA. Labeling shall bear a restriction to aerate the finished food/feed for 48 hours before it is offered to the consumer, unless EPA specifically determines that a different time period is appropriate. Where appropriate, a warning shall state that under no condition should any formulation containing aluminum or magnesium phosphide be used so that it will come in contact with any processed food, except processed brewer's rice, malt, and corn grits stored in breweries for use in the manufacture of beer.

(b) Section 18 emergency exemptions. [Reserved]

(c) Tolerances with regional registrations. [Reserved]

(d) Indirect or inadvertant residues. [Reserved]

**§ 180.375 [Removed]**

b. Section 180.375 is removed.

**PART 185—[AMENDED]**

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

**§ 185.200 [Removed]**

b. Section 185.200 is removed.

**§ 185.3800 [Removed]**

c. Section 185.3800 is removed.

**PART 186—[AMENDED]**

3. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 342, 348, and 371.

**§ 186.200 [Removed]**

b. Section 186.200 is removed.

**§ 186.3800 Removed**

c. Section 186.3800 is removed.

[FR Doc. 99-33332 Filed 12-28-99; 8:45 am]

BILLING CODE 6560-50-F

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 20**

[CC Docket No. 94-102; FCC 99-352]

**Wireless Radio Services; Compatibility With Enhanced 911 Emergency Calling Systems**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petitions for reconsideration.

**SUMMARY:** In this document the Commission decides various issues raised in petitions for reconsideration and clarification of the wireless Enhanced 911 (E911) rules that request the removal of ambiguities in the rules and the adoption of modifications to enhance Phase I implementation. Resolution of these issues should address delays in implementation of Phase I service. The Commission also resolves such issues in order to ensure implementation of Phase II and avoid potential delays in the provision of vital Phase II services. Finally, the Commission takes action to overcome obstacles in Commercial Mobile Radio Service carriers' ability to comply with the schedule and requirements that apply to their implementation of E911, consistent with the Commission's goals in adopting the framework for E911.

**DATES:** Effective April 27, 2000. Public comment on the information collection are due February 28, 2000, and comments by the Office of Management and Budget are due April 27, 2000.

**ADDRESSES:** A copy of any comments on the information collection contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington, D.C. 20554, or via the Internet to jboley@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** Barbara Reideler, 202-418-1310. For further information concerning the information collection contained in this Report and Order, contact Judy Boley, Federal Communications Commission, 202-418-0214, or via the Internet at jboley@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Second Memorandum Opinion and Order (Second MO&O) in CC Docket No. 94-102; FCC 99-352, adopted November 18, 1999, and released December 8, 1999. The complete text of this Second MO&O is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, S.W., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY-B400, 445 12th Street, S.W., Washington, DC.

**Synopsis of the Second Memorandum Opinion and Order**

1. In this Second Memorandum Opinion and Order (Second MO&O), the Commission takes steps to hasten the introduction and rollout of wireless Enhanced 911 (E911) services that were required by the Commission when it adopted E911 rules in the Report and Order. (61 FR 40348, August 2, 1996.) The Commission seeks to accelerate implementation of this important service in order to enable wireless callers to obtain emergency assistance more rapidly and efficiently through the transmission of certain enhanced information that assists in locating the caller. Wireless subscribership continues to grow rapidly and wireless phones are used increasingly to place 911 calls in emergency situations. The Commission adopted E911 rules in accordance with an agreement between the wireless industry and State and local 911 officials to promote wireless technologies and transmissions that provide important information to enable the 911 Public Safety Answering Point (PSAP) to promptly locate the 911 caller. The wireless E911 service was established to ensure that wireless phones automatically transmit the same vital data about a 911 caller's location as wireline phones.

2. The Commission reaffirmed its commitment to the goals for a wireless E911 service in the E911 First Reconsideration Order. (63 FR 02631, January 16, 1998) Accordingly, covered Commercial Mobile Radio Service (CMRS) carriers were expected to achieve transmission of the enhanced

location information in two phases, with Phase I to begin April 1, 1998. The Commission subsequently received petitions from BellSouth Corporation (BellSouth) and the Cellular Telecommunications Industry Association (CTIA) for further reconsideration and for clarification of the E911 rules that request the removal of ambiguities in the rules and the adoption of modifications to enhance Phase I implementation. In this Second MO&O, the Commission decides the various issues raised in the petitions for reconsideration and clarification. Resolution of these issues should address delays being experienced in implementation of Phase I service. In addition, the Commission resolves such issues in order to ensure implementation of Phase II and avoid potential delays in the provision of vital Phase II services. The Commission also takes action to overcome obstacles in CMRS carriers' ability to comply with the schedule and requirements that apply to their implementation of E911, consistent with the Commission's goals in adopting the framework for E911.

3. First, the E911 rules are revised to remove the prerequisite that a cost recovery mechanism for carriers be in place before the CMRS carrier is obligated to provide E911 service in response to a valid PSAP service request. The Commission agrees with CTIA that modification of the rule is necessary to remove ambiguities that are causing delays in Phase I implementation and that, more significantly, may delay implementation of Phase II. The Commission declines to modify the rule, as suggested by commenters, by imposing certain requirements on the States to adopt formal mechanisms for the recovery of carrier costs and to adhere to certain definitions and procedures as the means to clarify the rule and facilitate implementation. Instead, the Commission finds that the disputes and delays that have arisen in the consideration and implementation of cost recovery mechanisms for carrier costs, in some instances, have become, and will continue to be, significant and unnecessary impediments to Phase I implementation. Moreover, the Commission finds that the disputes and delays also will be a problem in the implementation of Phase II.

4. Although a number of States have decided that separate E911 cost recovery mechanisms are the best way to recover carriers' costs of implementing E911, such mechanisms are not necessary to permit CMRS carriers, whose rates are not regulated, to recover their costs. As a result, the Commission sees no need

to make the obligations of carriers to implement E911 service contingent on the resolution of carrier cost recovery issues. However, in removing the condition that a cost recovery mechanism for carriers' costs be in place before the carrier is obligated to provide E911 service, the Commission does not intend to disturb the actions of States or localities that already have adopted such mechanisms or to discourage them from deciding that cost recovery or sharing mechanisms that cover carrier costs are an effective way of expediting wireless E911 for their citizens, especially in rural areas.

5. At the same time, adequate funding of PSAPs to enable them to deploy the upgrades to use wireless E911 location information remains essential to implementation. State and local authorities have to provide their local public safety officials with the means needed to request and use wireless E911 location information. Otherwise, PSAPs will be unable to dispatch emergency services to wireless 911 callers in life-threatening situations as quickly as possible. In these circumstances, the Commission modifies the rule to retain a cost recovery requirement for recovery of the PSAP's costs of E911 service. Thus, while the Commission no longer conditions a carrier's obligation on a cost recovery mechanism to be in place for the carrier's costs, the obligation continues to be conditioned upon the carrier receiving a valid request from the PSAP that is capable of receiving and utilizing the data elements associated with the service. Inasmuch as those capabilities often were achieved through mechanisms that included carrier costs, the Commission modifies that condition to ensure that States or localities continue to address the needs of the PSAPs to be upgraded for wireless E911.

6. Accordingly, before a carrier is required to provide E911 services pursuant to a PSAP request, the PSAP must have the means of covering its costs of receiving and utilizing the E911 information to ensure the request is valid. As modified, the carrier's E911 service obligation is triggered when the carrier receives a valid request from a PSAP that is capable of receiving and utilizing the data elements associated with the service, and a mechanism for recovering the PSAP's cost of the E911 service is in place. The Commission does not mandate any specific State action, nor do we define the nature and extent of any funding mechanism or other approach that may achieve the necessary technology and service capabilities that enable the PSAP to make a valid service request.

7. Second, the Commission agrees with CTIA that disputes between CMRS carriers and PSAPs on the choice of the transmission means and related technologies also have caused delays in Phase I implementation. The Commission declines, however, to establish in the E911 rules that the carriers, and not the PSAP, should have the final choice as the means to overcome the delays. Instead, given our elimination of a cost recovery mechanism for carriers as a prerequisite for E911 implementation, the Commission concludes that negotiation between the parties, presumptively based on the alternative methods adopted in the official standard, is the best means in most instances to ensure an expeditious selection of transmission method that meets the individual requirements of the PSAP and carrier in each situation. However, in the event that an impasse arises, Commission staff will be available to help resolve these disagreements on an expedited basis, based on consideration of a number of specific factors. These include the additional costs of the two methodologies to the PSAP and the wireless carrier, whether the carrier is paying for its own E911 implementation costs or receiving funding from a State-sponsored cost recovery mechanism, the technical configuration of the PSAP's existing E911 system, and the ability of the transmission technology to accommodate Phase II of wireless E911 and other planned changes in the E911 system.

8. Third, we find that this Commission and the relevant State public service commissions can address the issues concerning local exchange carriers (LECs) that are identified as potential reasons for delay in the implementation of E911. LECs are important factors in achieving E911 implementation, inasmuch as State 911 systems are LEC-based. Although the Commission has not, at this point, imposed special obligations on incumbent LECs in implementing E911, we note that incumbent LECs are already subject to obligations under the Telecommunications Act of 1996, as well as various Federal and State regulations, to ensure that interconnection agreements with CMRS carriers are fulfilled promptly and fairly. The Commission intends to further monitor the role of LECs to determine whether we need to impose additional obligations on them to ensure implementation of our wireless E911 rules. The Commission notes that parties may request consideration under our rocket docket procedures of

complaints filed under section 208 of the Communications Act against LECs for violation of LECs' existing obligations.

9. Finally, the Commission modifies the Phase I rule to conform with the E911 Orders (cited in paragraphs 1 and 2 of this synopsis) and clarifies that carriers are required to provide service within six months of a PSAP's request for Phase I service when the request is received after the date established in the rules. In addition, the Commission finds the requests in CTIA's petition to protect carriers from liability for providing E911 service and to mandate nationwide usage of 911 as the number for emergency assistance are moot. The Wireless Communications and Public Safety Act of 1999 (911 Act) requires that States provide CMRS carriers, users, and PSAPs involved in the transmission of wireless 911 and E911 calls with liability protection to the same extent the State provides protection with respect to wireline 911 services. The 911 Act also provides for the Commission to designate 911 as the universal emergency telephone number for both wireline and wireless telephone service and includes provisions for transition periods and Commission action to encourage the development of State-wide E911 systems. Insofar as the petition also requests that the Commission encourage federal agencies to make federal property available for the siting of wireless facilities, we find the request to be beyond the scope of this proceeding. The United States Congress is the preferable forum for addressing this issue, as well.

10. The goals of this proceeding are to maintain the framework the Commission established to achieve the E911 service intended to provide the customers of wireless carriers with improved emergency response services. This relies on the voluntary efforts of wireless and wireline providers, manufacturers, third-party providers, State and local governments, public safety authorities, and consumer interest groups to achieve the necessary transmissions and provide the emergency assistance required by the public. The Commission adopted the E911 rules to ensure that CMRS licensees developed the capabilities to achieve enhanced transmission of 911 calls and respond promptly when localities request service. The Commission is concerned by delays in the implementation of Phase I of the E911 service and addresses obstacles to that implementation in order to take appropriate action for their removal. The Commission is also concerned about the potential delays to Phase II

implementation that are likely to result unless such obstacles are removed. The Commission's actions in this MO&O are intended to build on the progress that has been made and to expedite E911 implementation. Any unnecessary delay in deployment and effective, universal operation of E911 is undesirable.

11. The Commission's actions also are consistent with the Congressional goals reflected in the newly enacted 911 Act. The purpose of the 911 Act is "to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs." Among other things, the 911 Act requires this Commission, or its delegatee, to designate 9-1-1 as "the universal emergency telephone number within the United States." The Commission also is specifically directed to encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans that include a ubiquitous wireless network and wireless E911 service. The Commission plans to move forward promptly to implement these Congressional goals, including through the initiation of a rulemaking proceeding.

#### **Paperwork Reduction Act of 1995 Analysis**

12. The actions contained in this Second MO&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 Second MO&O will go into effect April 27, 2000.

#### **Final Regulatory Flexibility Analysis**

13. As required by the Regulatory Flexibility Act (RFA),<sup>1</sup> a Final Regulatory Flexibility Analysis (FRFA) was incorporated into the Report and Order and Further Notice of Proposed Rulemaking (E911 First Report and Order) in this proceeding. This Supplemental Final Regulatory Flexibility Analysis (Supplemental

<sup>1</sup> See 5 U.S.C. 604. The RFA, *see* 5 U.S.C. 601 *et seq.*, was amended by the Contract With America Advancement Act of 1996, Public Law 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

FRFA) in this Second Memorandum Opinion and Order (Second MO&O) contains information that is in addition to that contained in the FRFA. This Supplemental FRFA is limited to matters addressed in this Second Memorandum Opinion and Order. Specifically, the Order addresses petitions for further reconsideration and clarification of the E911 First Report and Order and the responsive pleadings, which were filed in response to the First Memorandum Opinion and Order (E911 First Reconsideration Order). The Commission sought to augment the record and requested that an Implementation Report be filed on the matters to be addressed. Upon the filing of the Implementation Report, the Commission requested written public comment on the proposals in the petitions and the Implementation Report. The petitions, the Implementation Report, and the responsive comments that were filed for consideration in the Second Memorandum Opinion and Order are discussed in this Supplemental FRFA. This Supplemental FRFA conforms to the RFA. (*See* 5 U.S.C. 604.)

14. This is a summary of the full Supplemental FRFA. The full Supplemental FRFA may be found in Appendix C of the full text of this Second MO&O.

#### *I. Need for, and Objectives of, the Second Memorandum Opinion and Order*

15. This Second MO&O takes steps to hasten the introduction and rollout of wireless Enhanced 911 (E911) services that were required under the E911 service rules adopted in the E911 First Report and Order. The petitions for reconsideration and clarification of the E911 rules, the Implementation Report, and the responsive comments have identified a number of obstacles to the ability of carriers to comply with the schedule and performance requirements in the E911 rules. This Second MO&O aims to eliminate such delays and obstacles, and so to encourage prompt implementation of the E 911 rules.

#### *II. Summary of Significant Issues Raised by the Public Comments in Response to the Petitions for Reconsideration and Clarification and the Implementation Report*

16. In the petitions for reconsideration and clarification, some issues were raised that might affect small entities. Comments from some rural carriers and the Rural Cellular Association (RCA) argued that small and rural carriers would benefit if the cost recovery rule were amended to require States to

provide for the recovery of carriers' E911 costs through the adoption of pooling cost recovery mechanisms. They requested that the rule include requirements and procedures to ensure that the State legislatures adopt such mechanisms for carrier recovery and to overcome the delays under the current rule. The Association of Public-Safety Communications Officials-International, Inc. (APCO) alternatively argued that rural carriers and areas and PSAPs would benefit by elimination of the cost recovery rule and the complex, expensive, time-consuming process of achieving cost recovery mechanisms for carriers with State legislatures.

17. The Commission declined to adopt the specific definitions for carrier cost recovery, because they would be difficult to apply and would increase the delays already experienced in establishing State-adopted mechanisms as a prerequisite to E911 service. The Commission found that the cost recovery rule for carrier costs was unnecessary and eliminated the rule, giving carriers and States the option of such mechanisms while removing the obstacle to E911 implementation that resulted from carriers waiting for such a mechanism before initiating service. The Commission modified the rule to require that a PSAP cost recovery mechanism be in place, however, to ensure that States or localities funded PSAPs to enable PSAPs to request and provide vital E911 services.

18. CTIA and some carriers requested that the E911 rules be clarified to give carriers, and not PSAPs, the authority to choose which of the two official transmission means to use in transmitting E911 data to the PSAP in order to resolve disputes and expedite E911 implementation. The Public Safety Associations opposed the request, arguing that carrier choice would be too costly for many PSAPs and would fail to take into account the need to integrate with the PSAPs' systems. The Commission declined to adopt a rule on transmission choice as unnecessary and inappropriate, determining that any disputes should be resolved by the elimination of the carrier cost recovery rule and that negotiation between the parties was essential to ensure that a compatible transmission means is selected. The Commission provided the parties an opportunity to petition the Commission in the rare event of an impasse for a resolution.

19. Finally, the Implementation Report requested the Commission investigate the role of LECs and the delays in E911 implementation that result when LECs fail to cooperate with wireless carriers and promptly establish

the necessary interconnection with the LEC's 911 system to enable the wireless carrier to transmit E911 data to the PSAP. The Commission declined to conduct such an investigation as unnecessary and problematic. The Commission encouraged incumbent LECs to fulfill their obligations under several federal and State regulations that require prompt and fair interconnection agreements, noted that wireless carriers may file complaints for expedited treatment under the federal regulations, and intended to monitor the role of LECs to ensure that wireless E911 was being implemented promptly.

20. A more detailed discussion on issues raised by public comments may be found in section II of Appendix C to the full text of this decision.

### *III. Description and Estimates of the Number of Small Entities to Which the Rule Modifications and Decisions in the Second Memorandum Opinion and Order Will Apply*

21. 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. 601(6)). In addition, the term "small business" has the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." (5 U.S.C. 601(6)), incorporating by reference the definition of "small business concern" in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**." 5 U.S.C. 601(3). 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). (Small Business Act, 15 U.S.C. 632 (1996).) "Small governmental jurisdiction" generally means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000" (5 U.S.C. 601(5)); using Census Bureau data we estimate that 81,600 are small entities.

22. *SMR Licensees*. Pursuant to § 90.814(b)(1) of the Commission's

Rules, the Commission has defined "small business" for purposes of auctioning 900 Mhz SMR licenses, 800 MHz SMR licenses for the upper 200 channels, and 800 MHz SMR licenses for the lower 230 channels 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 all 800 MHz and 900 MHz auctions has been approved by the SBA. The rule modification in this Second MO&O that eliminates the requirement for a carrier cost recovery mechanism affects all SMR licensees that were previously subject to the rule. That rule was limited to SMR licensees that offer real-time, two-way voice or data service that is interconnected with the public switched network and that use an in-network switching facility.

23. The Commission concludes that the number of small 900 MHz SMR geographic area licensees affected by the rule modification that eliminates the rule for carrier cost recovery is at least 60. Additionally, the Commission estimates at least 10 small 800 MHz SMR geographic area licensees for the upper 200 channels affected by the rule modification that eliminates that rule for carrier cost recovery.

24. The Commission has determined that 3325 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 or which of these licensees would have been covered by the previous rule. 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 3325.

25. Finally, 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, at most, 6800 licensees.

26. *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 entities 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. The Commission concludes that there are fewer than 732 small cellular service carriers that may be affected by the rule

modification that eliminates the requirement for a carrier cost recovery mechanism adopted in this Second Memorandum Opinion and Order.

27. *Broadband Personal Communications Service.* 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. For Block F, an additional classification for "very small business" was added and is defined as an entity that, together with its 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. 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.

28. *Public Safety Answering Points.* A PSAP is "a point that has been designated to receive 911 calls and route them to emergency service personnel." (47 CFR 20.3.) Neither the Commission nor the SBA has developed a definition of small businesses specifically directed towards PSAPs. The category for small businesses that are within the SIC code 4899, "Communications Services, Not Elsewhere Classified," contains entities that have an annual revenue of \$11 million or less. We can estimate that the small entities affected by the rule modifications are approximately 10,000 PSAPs nationwide. The Commission assumes that, for purposes of this Supplemental FRFA, all of the PSAPs may be affected by the rule modifications.

#### *IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements*

29. The Second MO&O modifies the rule for a cost recovery mechanism, first, to eliminate the requirement that the mechanism provide for the recovery of the carrier's costs of implementing E911 as a precondition of service. Second, the cost recovery rule is modified to provide a recovery mechanism for the PSAP's E911 costs as a precondition of the carrier's service. The Second MO&O also provided

wireless carriers and PSAPs with an opportunity to petition the Commission in the rare case that they reach an impasse in their negotiations to choose the means of transmission for E911, but did not adopt any rule or otherwise impose any compliance requirements to govern such voluntary petitions.

#### *V. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered*

30. The rule modifications and decisions adopted in the Second MO&O are in response to the petitions for reconsideration and clarification of the E911 rules, the Implementation Report, and the responsive pleadings that, for purposes of this analysis, the Commission has considered to be filed by small entities, as discussed in section V of Appendix C of the full text of this decision.

31. *Report to Congress:* The Commission will send a copy of this Second Memorandum Opinion and Order, including this Supplemental FRFA, 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). In addition, the Commission will send a copy of the Second Memorandum Opinion and Order and this Supplemental FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

#### *Ordering Clauses*

32. Accordingly, the Petitions for Reconsideration and Clarification of the Memorandum Opinion and Order, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Calling Systems, are granted in part, as provided in the text of the Second Memorandum Opinion and Order, and are otherwise denied.

33. The late-filed Comments of Wireless Consumers Alliance are accepted.

34. The request for declaratory ruling of the Attorney General of the State of Washington is dismissed as moot.

35. Part 20 of the Commission's Rules is amended as reflected in the Rule Changes portion of this synopsis.

36. The Second Memorandum Opinion and Order and its rule amendments shall become effective April 27, 2000. The Commission will publish a document at a later date announcing OMB approval of the information collection requirements.

37. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Second Memorandum Opinion and Order, including the Supplementary Final Regulatory Flexibility Analysis, to

the Chief Counsel for Advocacy of the Small Business Association.

#### **Paperwork Reduction Act**

38. This Second MO&O contains a new information collection.

39. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collections contained in this Second MO&O, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due February 28, 2000. Comments should address: (a) Whether the new 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; (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.

*OMB Approval Number:* N.A.

*Title:* Revision of the Commission's Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems, Second Memorandum Opinion and Order.

*Form No.* N.A.

*Type of Review:* New information collection.

*Respondents:* Business or other for profit.

*Number of Respondents:* 50.

*Estimated Time Per Response:* 1 hour.

*Total Annual Burden:* 50 hours (one-time burden).

*Cost to Respondents:* .0.

*Needs and Uses:* The information required to be reported to the Commission by CMRS carriers and PSAPs who cannot agree on the choice of the transmission means and related technologies will be used by the Commission to resolve such disputes.

#### **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 20.18 is amended by revising paragraphs (d)(1) and (j) to read as follows:

**§ 20.18 911 Service.**

\* \* \* \* \*

(d) *Phase I enhanced 911 services.* (1) As of April 1, 1998, or within six months of a request by the designated Public Safety Answering Point as set forth in paragraph (j) of this section, whichever is later, licensees subject to this section must provide the telephone number of the originator of a 911 call and the location of the cell site or base station receiving a 911 call from any mobile handset accessing their systems to the designated Public Safety Answering Point through the use of ANI and Pseudo-ANI.

\* \* \* \* \*

(j) *Conditions for enhanced 911 services.* The requirements set forth in paragraphs (d) through (h) of this section shall be applicable only if the administrator of the designated Public Safety Answering Point has requested the services required under those paragraphs and is capable of receiving and utilizing the data elements associated with the service, and a mechanism for recovering the Public Safety Answering Point's costs of the enhanced 911 service is in place.

\* \* \* \* \*

[FR Doc. 99–33391 Filed 12–28–99; 8:45 am]

BILLING CODE 6712–01–P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Parts 36 and 54**

[CC Docket No. 96–45; FCC 99–306]

**Federal-State Joint Board on Universal Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** This document announces the effective date of the rules governing its existing support mechanism to ensure that support for rural carriers is not substantially changed when non-rural carriers are removed from that mechanism and transitioned to the new forward-looking support mechanism.

The document was published in the **Federal Register** on December 1, 1999. Some of the rules contained information collection requirements.

**DATES:** The amendments to 47 CFR 36.611(h), 36.612, 54.307(b), (c), 54.309(c), 54.311(c), and 54.313 published at 64 FR 67416 (December 1, 1999) became effective on December 15, 1999.

**FOR FURTHER INFORMATION CONTACT:** Jack Zinman, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400.

**SUPPLEMENTARY INFORMATION:** On October 21, 1999, the Commission adopted an order adopting a new specific and predictable forward-looking mechanism that will provide sufficient support to enable affordable, reasonably comparable intrastate rates for customers served by non-rural carriers. That document also addressed specific methodological issues relating to the calculation of forward-looking support, including the area over which costs should be averaged; the level of the national benchmark; the amount of support to be provided for costs above the national benchmark; the elimination of the state share requirement; and the targeting of the statewide support amount. A summary was published in the **Federal Register**. See 64 FR 67416, December 1, 1999. Some of the rules contained information collection requirements. We stated that the “rules contain information collections that have not 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.” The information collections were approved by OMB on December 2, 1999. See OMB Nos. 3060–0233, 3060–0774 and 3060–0894. This publication satisfies our statement that the Commission would publish a document announcing the effective date of the rules. It also modifies the rules governing our existing support mechanism to ensure that support for rural carriers is not substantially changed when non-rural carriers are removed from that mechanism and transitioned to the new forward-looking support mechanism.

**List of Subjects**

47 CFR Part 36

Reporting and recordkeeping requirements, Telephone.

47 CFR Part 54

Universal service.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 95**

[WT Docket No. 98–169; FCC 99–372]

**Rules to Provide Regulatory Flexibility in the 218–219 MHz Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission modifies the restructuring plan adopted in the 218–219 MHz final rule document. The purpose of the modification is to remove a provision whereby an eligible licensee participating in the restructuring plan can obtain a seventy-percent credit on its down payment and forego, for a period of two years, eligibility to acquire the surrendered licenses. It was not the Commission's intent to adopt the seventy-percent credit and the intended effect is to correct the prior error.

**DATES:** Effective December 29, 1999.

**FOR FURTHER INFORMATION CONTACT:** Andrea Kelly, Wireless Telecommunications Bureau, Auctions and Industry Analysis Division (202) 418–0660.

**SUPPLEMENTARY INFORMATION:** 1. This *Order on Reconsideration* in WT Docket 98–169 was adopted November 24, 1999 and released November 30, 1999. The document is available, in its entirety, for inspection and copying during normal business hours in the FCC Reference Center, (Room CY–A257), 445 12th Street, SW, Washington, DC 20554. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 1231 20th Street, NW, Washington, DC 20036, (202) 857–3800. In addition, it is available on the Commission's website at <http://www.fcc.gov/Bureaus/Wireless/Orders>.

**Synopsis***I. Background*

2. In the *218–219 MHz Report and Order* 64 FR 59656 (November 3, 1999), the Commission adopted a restructuring plan for existing 218–219 MHz licensees. These licensees were current in installment payments (*i.e.* less than ninety days delinquent) as of March 16, 1998, or those licensees that had properly filed grace period requests