



United States General Accounting Office
Washington, DC 20548

Office of the General Counsel

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February 8, 2000

The Honorable John McCain
Chairman
The Honorable Ernest F. Hollings
Ranking Minority Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Thomas J. Bliley, Jr.
Chairman
The Honorable John D. Dingell
Ranking Minority Member
Committee on Commerce
House of Representatives

Subject: Federal Communications Commission: Wireless Radio Services;
Compatibility With Enhanced 911 Emergency Calling Systems

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Federal Communications Commission (FCC), entitled "Wireless Radio Services; Compatibility With Enhanced 911 Emergency Calling Systems" (CC Docket No. 94-102; FCC 99-352). We received the rule on January 18, 2000. It was published in the Federal Register as a final rule on December 29, 1999. 64 Fed. Reg. 72951.

The final rule resolves various issues and clarifies the wireless Enhanced 911 rules to address delays being experienced in the implementation of Phase I and to assure the timely implementation of Phase II. The final rule, among other changes, revises the E911 rules to remove the prerequisite that a cost recovery mechanism be in place before a carrier is obligated to provide the service in response to a valid Public Safety Answering Point service request.

Enclosed is our assessment of the FCC's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the FCC complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO

evaluation work relating to the subject matter of the rule is Stanley Czerwinski, Associate Director for Housing and Community Development Issues. Mr. Czerwinski can be reached at (202) 512-7631.

Sincerely yours,

Robert P. Murphy
General Counsel

Enclosure

cc: Ms. Diane Cornell
Associate Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission

ENCLOSURE

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
FEDERAL COMMUNICATIONS COMMISSION
ENTITLED
"WIRELESS RADIO SERVICES; COMPATIBILITY WITH
ENHANCED 911 EMERGENCY CALLING SYSTEMS"
(CC DOCKET NO. 94-102; FCC 99-352)

(i) Cost-benefit analysis

The FCC, in its report to our Office, states that it was not required to prepare and did not prepare a cost-benefit analysis of the final rule.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The FCC prepared a Supplemental Final Regulatory Flexibility Analysis in connection with the final rule which contains information that is in addition to that in the Final Regulatory Flexibility Analysis. The additional information reflects the clarifications made in the final rule and the Supplemental Analysis complies with the requirements of the Act.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

As an independent regulatory agency, the FCC is not subject to title II of the Unfunded Mandates Act of 1995.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

The FCC, in its report to our Office, states that the final rule was adopted pursuant to the notice and comment procedures contained at 5 U.S.C. 553. The rule, which the final rule clarifies, was published by the FCC on August 2, 1996, in the Federal Register. 61 Fed. Reg. 40348.

The FCC received comments and reply comments in response to the petitions for reconsideration from over 20 parties.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains a modified information collection that is subject to review by the Office of Management and Budget under the Paperwork Reduction Act.

The preamble to the final rule contains the information required by the Act, including the number of respondents--estimated to be 50--and the annual burden--estimated at one hour per respondent.

Statutory authorization for the rule

The final rule was issued pursuant to the authority contained in sections 1, 4(i), 201, 303, 309, and 332 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. 151, 154(i), 201, 303, 309, and 332.

Executive Order No. 12866

The rule, promulgated by an independent regulatory agency, is not subject to the review requirements of Executive Order No. 12866.