

**Continue** to return to the summary screen. Entering the location, antenna or frequency data may trigger ULS edits that require entry of certain fields and/or Antenna Structure Registration information. In addition, changing information to a station that requires Quiet Zone, NEPA or international coordination may cause the application to be treated as a major modification and require a fee.

### 3. Summary Screen; Error Messages; Certify and Submit the Application

When all information for the individual locations is entered, click **Continue** to proceed to the "Summary" screen. If the system detects any errors, a message will be displayed that directs the licensee to go back to the relevant section of the application and correct the errors. When all errors are corrected, click **Continue to Certify**. The licensee must sign application and click **Submit Application** to complete filing. Upon successful submittal, the licensee will receive a confirmation screen listing the application file number.

## II. Second, Supplemental Data Collection (Optional Pending OMB Approval—See Section III Below)

In order to determine the extent and scope of operations in the 2150–2160/62 MHz band, additional information beyond that collected on the FCC Form 601 for these services is required. Licensees will be required to submit this information electronically by filing an application on the Universal Licensing System (ULS) to modify their BRS license(s). Because this information is not normally collected on ULS, licensees will need to submit the information as an attachment to the application. Licensees must enter the required FCC Form 601 Main Form information even if they are submitting only the attachment with no other changes.

On ULS, you must select the newly created Attachment Type: "BRS Channel 1, 2, 2A Notification" and file the attachment described below—(see pages 3–4 for ULS-filing instructions)

The following information must be included on the attachment for each operational station in the 2150–2160/62 MHz band.

(1) The ULS location number of the station transmitting on frequencies in the 2150–2160/62 MHz band. The location number can be found on the "Site Specific Technical Summary" screen.

(2) Category of service (e.g., one-way or two-way; fixed point-to-point, fixed point-to-multipoint, base-to-mobile).

(3) For each station reported under the first data collection, the following receiver information.

(a) For a fixed point-to-point transmitter: the receiver coordinates, elevation and the receive antenna's make, model, beamwidth, gain, azimuth, and height to center above ground level.

(**Note:** You do not have to provide the receiver coordinates for any subscriber/customer premises equipment.)

(b) For a mobile or portable transmitter: the receiver elevation, covered service area, and the receive antenna's make, model, beamwidth, gain, and height to center above ground.

(c) For a fixed point-to-multipoint or base-to-mobile transmitter: the approximate coverage area and type of receiving equipment. If separate receive antennas are used, include the receive antenna's make, model, beamwidth and gain.

(4) Operational status of the station, including whether the station is providing service to customers or students.

(5) Type of equipment use by subscribers associated with this station (e.g. handheld device, fixed customer premises equipment).

(6) Number of subscribers associated with the station as of November 1, 2005.

(7) The type of application being provided (e.g., video, broadband data, backhaul).

(8) For fixed point-to-multipoint systems: the number of links associated with the station.

- Licensees should also note in their attachment if both BRS Channels 1 and 2 are used as part of the same service (e.g., as a link to a two-way data service).

## III. Important Information Concerning Your Rights Under the Paperwork Reduction Act of 1995

This Public Notice discusses two data collections: the first is mandatory and you must file the required data on or before December 27, 2005. The second is optional unless and until approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995. This Public Notice describes the supplemental data collection so licensees have the option to gather the supplemental data along with the required data to minimize the need to review similar records again if filing the supplemental data becomes mandatory in the future.

- You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor

this collection unless it displays a currently valid OMB control number with this notice.

- The first data collection detailed in this Public Notice has been assigned OMB control number 3060–0798, the filing deadline is December 27, 2005.

- Currently, no OMB control number is assigned to the supplemental data collection so you are not required to respond and there is no filing deadline.

- The Commission has or will soon request OMB approval for the supplemental data collection described in this Public Notice.

- If OMB approves the supplemental collection, we will issue another public notice announcing the OMB control number and the deadline for filing the supplemental data.

Federal Communications Commission.

**Lauren M. Van Wazer,**  
*Special Counsel.*

**Catherine W. Seidel,**

*Acting Chief, Wireless Telecommunications Bureau.*

[FR Doc. 05–23981 Filed 12–13–05; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 02–278; DA 05–2975]

### Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; comments requested.

**SUMMARY:** In this document, the Commission seeks comment on a petition for declaratory ruling filed by the Fax Ban Coalition (the "Coalition") concerning the scope of the Commission's jurisdiction over interstate communications under the Telephone Consumer Protection Act of 1991 ("TCPA"). In particular, the Coalition asks the Commission to: Affirm that, under its general grant of exclusive authority to regulate interstate communications, the Commission has exclusive authority to regulate interstate commercial fax messages; and find that section 17538.43 of the California Business and Professions Code, and all other State laws that purport to regulate interstate facsimile transmissions, are preempted by the federal TCPA, 47 U.S.C. 227.

**DATES:** Comments are due on or before January 13, 2006, and reply comments are due on or before February 2, 2006.

**ADDRESSES:** You may submit comments, identified by [docket number and/or

rulemaking number], by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Federal Communications Commission's Web site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

- Mail: Parties who choose to file by paper should also submit their comment on diskette. These diskettes should be submitted, along with three paper copies to Kelli Farmer, Consumer & Governmental Affairs Bureau, Policy Division, 445 12th Street, SW., Room 5-A866, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible formatted using Word 97 or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the lead docket number in this case CG Docket No. 02-278), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase: "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554.

- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document

**FOR FURTHER INFORMATION CONTACT:**

Erica McMahon, Consumer Policy Division, Consumer & Governmental Affairs Bureau, (202) 418-2512 (voice), [Erica.McMahon@fcc.gov](mailto:Erica.McMahon@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document, DA 05-2975, released November 22, 2005. The full text of document DA 05-2975, the Coalition's submission, and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th

Street, SW., Room CY-A257, Washington, DC 20554. Document DA 05-2975, the Coalition's submission, and copies of subsequently filed documents in this matter may also be purchased from the Commission's contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact the Commission's contractor at their Web site <http://www.bcpweb.com> or call 1-800-378-3160. A copy of the Coalition's submission may also be found by searching ECFS at <http://www.fcc.gov/cgb/ecfs/> (insert CG Docket No. 02-278 into the proceeding block).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY). Document DA 05-2975 can also be downloaded in Word or Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy>. On July 3, 2003, the Commission released a *Report and Order (2003 TCPA Order)* which published in the **Federal Register** on July 25, 2003 (68 FR 44144) revising its rules under the TCPA. In the *2003 TCPA Order*, the Commission determined that it would consider any alleged conflicts between state and federal requirements and the need for preemption on a case-by-case basis. This petition argues that the Commission should assert its exclusive jurisdiction over interstate communications, rather than deal with preemption petitions on a case-by-case basis. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal

screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor 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, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

**Synopsis**

On November 7, 2005, the Coalition filed with the Commission a joint petition for declaratory ruling. See the Coalition's, Petition for Declaratory Ruling, filed November 7, 2005 ("Petition"). The Coalition characterizes its membership as a diverse group of small and large businesses and other organizations active in a variety of industries. Coalition members include bankers, health care providers, magazine publishers, trade show operators, travel agents, attorneys and insurance agents.

The joint petition raises issues concerning the scope of the Commission's jurisdiction over interstate communications under the

Telephone Consumer Protection Act of 1991 ("TCPA"). Telephone Consumer Protection Act of 1991, Public Law 102-243, 105 Statute 2394 (1991), *codified at* 47 U.S.C. 227. In particular, the Coalition asks the Commission to: (1) Affirm that, under its general grant of exclusive authority to regulate interstate communications, the Commission has exclusive authority to regulate interstate commercial fax messages; and (2) find that section 17538.43 of the California Business and Professions Code, and all other State laws that purport to regulate interstate facsimile transmissions, are preempted by the federal TCPA, 47 U.S.C. 227. In this document, the Commission seeks comment on the issues raised in the Coalition's joint petition.

The Coalition asserts that States lack jurisdiction to regulate interstate fax communications. According to the Coalition, Congress granted exclusive jurisdiction to the Commission over "all interstate and foreign communication" under the Communications Act of 1934. The Coalition argues that exclusive federal regulation of interstate commercial fax transmissions is consistent with congressional intent, 47 U.S.C. 227(e)(1), and with prior Commission decisions. In addition, the Coalition contends that individual states' attempts to regulate interstate communication have resulted in varying fax regulation that is not only inconsistent with Congressional intent and the optimal goals of the TCPA, but extremely burdensome to the individuals, companies and other organizations that rely heavily on fax technology to conduct business. Accordingly, the Coalition maintains the Commission should preempt all State laws purporting to regulate interstate fax transmissions and assert exclusive jurisdiction over such regulation.

In addition, the Coalition argues that on October 7, 2005, California enacted a law that conflicts with the fax requirements of the TCPA. The Coalition contends that California's new law contains the text of section 227 of the Communications Act, without the Junk Fax Prevention Act of 2005 ("JFPA") amendments, and applies that language to any person sending faxes into or out of the state. Consequently, the Coalition maintains that the California law effectively eliminates the established business relationship ("EBR") exception to the prohibition on unsolicited faxes in the JFPA.

The Coalition urges the Commission to declare that the Commission has exclusive jurisdiction to regulate

interstate commercial fax messages and all State efforts to do so are preempted.

Federal Communications Commission.

**Jay Keithley,**

*Deputy Bureau Chief, Consumer & Governmental Affairs Bureau.*

[FR Doc. 05-23856 Filed 12-13-05; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[DA 05-3140]

### Rescheduling of the Eighth Meeting of the Advisory Committee for the 2007 World Radiocommunication Conference (WRC-07 Advisory Committee)

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the eighth meeting of the WRC-07 Advisory Committee originally scheduled for December 9, 2005 (FR Vol. 70, No. 201, Wednesday, October 19, 2005, Notices) has been rescheduled and will now be held on January 25, 2006, at the Federal Communications Commission. The purpose of the meeting is to continue preparations for the 2007 World Radiocommunication Conference. The Advisory Committee will consider any preliminary views and draft proposals introduced by the Advisory Committee's Informal Working Groups.

**DATES:** January 25, 2006; 11 a.m.-12 noon.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-C305, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Alexander Roytblat, FCC International Bureau, Strategic Analysis and Negotiations Division, at (202) 418-7501.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Public Notice, IB Docket No. 04-286, DA 05-3140, released December 5, 2005. The Federal Communications Commission (FCC) established the WRC-07 Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2007 World Radiocommunication Conference (WRC-07).

In accordance with the Federal Advisory Committee Act, Public Law

92-463, as amended, this notice advises interested persons of the eighth meeting of the WRC-07 Advisory Committee. The WRC-07 Advisory Committee has an open membership. All interested parties are invited to participate in the Advisory Committee and to attend its meetings. The proposed agenda for the eighth meeting is as follows:

#### Agenda

Eighth Meeting of the WRC-07 Advisory Committee, Federal Communications Commission, 445 12th Street, SW., Room TW-C305, Washington, DC 20554; January 25, 2006; 11 a.m.-12 Noon

1. Opening Remarks
2. Approval of Agenda
3. Approval of the Minutes of the Seventh Meeting
4. Reports on Recent WRC-07 Preparatory Meetings
5. NTIA Draft Preliminary Views and Proposals
6. Informal Working Group Reports and Recommendations
7. Future Meetings
8. Other Business

Federal Communications Commission.

**Don Abelson,**

*Chief, International Bureau.*

[FR Doc. 05-23857 Filed 12-13-05; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2745]

### Petitions for Reconsideration of Action in Rulemaking Proceeding

December 1, 2005.

Petitions for Reconsideration have been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents is available for viewing and copying in Room CY-B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160). Oppositions to these petitions must be filed by December 29, 2005. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

**Subject:** In the Matters of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities (CC Docket No. 02-33).

Universal Service Obligations of Broadband Providers (CC Docket No. 02-33).