

reports that a total of 478 such firms were in operation for at least one year at the end of 1992. According to the SBA, a small natural gas distributor is an entity whose gross revenues do not exceed five million dollars. The Census Bureau reported that 267 of the 478 firms listed had total revenues below five million dollars in 1992.

24. Mixed, Manufactured, or Liquefied Petroleum Gas Production and/or Distribution (SIC 4925). The SBA has classified this type of entity as a utility that engages in the manufacturing and/or distribution of the sale of gas. These mixtures may include natural gas. The Census Bureau reports that a total of 43 such firms were in operation for at least one year at the end of 1992. The SBA's definition of a small mixed, manufactured or liquefied petroleum gas producer or distributor is a firm whose gross revenues do not exceed five million dollars. The Census Bureau reported that 31 of the 43 firms listed had total revenues below five million dollars in 1992.

25. Gas and Other Services Combined (SIC 4932). The SBA has classified this entity as a gas company whose business is less than 95% gas, in combination with other services. The Census Bureau reports that a total of 43 such firms were in operation for at least one year at the end of 1992. According to the SBA, a small gas and other services combined utility is a firm whose gross revenues do not exceed five million dollars. The Census Bureau reported that 24 of the 43 firms listed had total revenues below five million dollars in 1992.

(3) Water Supply (SIC 4941)

26. The SBA defines a water utility as a firm who distributes and sells water for domestic, commercial and industrial use. The Census Bureau reports that a total of 3,169 water utilities were in operation for at least one year at the end of 1992. According to SBA's definition, a small water utility is a firm whose gross revenues do not exceed five million dollars. The Census Bureau reported that 3,065 of the 3,169 firms listed had total revenues below five million dollars in 1992.

(4) Sanitary Systems (SIC 4952, 4953 and 4959)

27. Sewerage Systems (SIC 4952). The SBA defines a sewage firm as a utility whose business is the collection and disposal of waste using sewage systems. The Census Bureau reports that a total of 410 such firms were in operation for at least one year at the end of 1992. According to SBA's definition, a small sewerage system is a firm whose gross revenues did not exceed five million

dollars. The Census Bureau reported that 369 of the 410 firms listed had total revenues below five million dollars in 1992.

28. Refuse Systems (SIC 4953). The SBA defines a firm in the business of refuse as an establishment whose business is the collection and disposal of refuse "by processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of such materials." The Census Bureau reports that a total of 2,287 such firms were in operation for at least one year at the end of 1992. According to SBA's definition, a small refuse system is a firm whose gross revenues do not exceed six million dollars. The Census Bureau reported that 1,908 of the 2,287 firms listed had total revenues below six million dollars in 1992.

29. Sanitary Services, Not Elsewhere Classified (SIC 4959). The SBA defines these firms as engaged in sanitary services. The Census Bureau reports that a total of 1,214 such firms were in operation for at least one year at the end of 1992. According to SBA's definition, a small sanitary service firm's gross revenues do not exceed five million dollars. The Census Bureau reported that 1,173 of the 1,214 firms listed had total revenues below five million dollars in 1992.

(5) Steam and Air Conditioning Supply (SIC 4961)

30. The SBA defines a steam and air-conditioning supply utility as a firm who produces and/or sells steam and heated or cooled air. The Census Bureau reports that a total of 55 such firms were in operation for at least one year at the end of 1992. According to SBA's definition, a steam and air conditioning supply utility is a firm whose gross revenues do not exceed nine million dollars. The Census Bureau reported that 30 of the 55 firms listed had total revenues below nine million dollars in 1992.

(6) Irrigation Systems (SIC 4971)

31. The SBA defines irrigation systems as firms who operate water supply systems for the purpose of irrigation. The Census Bureau reports that a total of 297 firms were in operation for at least one year at the end of 1992. According to SBA's definition, a small irrigation service is a firm whose gross revenues do not exceed five million dollars. The Census Bureau reported that 286 of the 297 firms listed had total revenues below five million dollars in 1992.

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

32. This Third Further Notice of Proposed Rulemaking proposes no additional reporting, recordkeeping or other compliance measures.

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

33. This Third Further Notice of Proposed Rulemaking seeks comment on how the proposals set forth could impact regulated entities, including small entities. For example, we seek comment on whether an overly broad construction of utility ownership or control would impose unreasonable burdens on building owners, including small building owners, or compromise their ability to ensure the safe use of rights-of-way or conduit, or engender other practical difficulties. Commenters are invited to address the economic impact of all of our proposals on small entities and offer any alternatives.

VI. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

34. None.

List of Subjects in 47 CFR Part 1

Communications common carriers, Telecommunications.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 99-19634 Filed 7-30-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 51, 68, 76

[WT Docket No. 99-217; FCC 99-141]

Promotion of Competitive Networks in Local Telecommunications Markets

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this *Notice of Proposed Rulemaking*, the Commission initiates a proceeding intended to facilitate the development of competitive telecommunications networks that will provide consumers with alternatives to services provided by the incumbent wireline local exchange carriers (LECs). In particular, the Commission seeks comment on the following issues: the provision of reasonable and nondiscriminatory access to rights-of-

way and riser conduit on private premises that are under the ownership or control of LECs or other utilities and competitively neutral state and local taxation. A companion *Notice of Inquiry* and a *Third Further Notice of Proposed Rulemaking* are summarized elsewhere in this issue of the **Federal Register**.

DATES: Comments are due August 13, 1999; Reply comments are due September 3, 1999.

ADDRESSES: Parties who choose to file comments by paper should send comments to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW; TW-A325; Washington, D.C. 20554. Comments filed through the Commission's Electronic Comment Filing System (ECFS) can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. See

SUPPLEMENTARY INFORMATION: For additional information about paper and electronic filing.

FOR FURTHER INFORMATION CONTACT: Jeff Steinberg at (202) 418-0896 or Joel Taubenblatt at (202) 418-1513 (Wireless Telecommunications Bureau).

SUPPLEMENTARY INFORMATION: This is a summary of the *Notice of Proposed Rulemaking in WT Docket No. 99-217* (the "Notice"), FCC 99-141, adopted June 10, 1999 and released July 7, 1999. The complete text of the document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Washington, D.C. and also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 445 12th Street, S.W., CY-B400, Washington, D.C. 20554. The document is also available via the Internet at <<http://www.fcc.gov/Bureaus/Wireless/Orders/1999/index.html>>.

Introduction

1. This Notice is part of a larger item that seeks comment in order to further the Commission's ongoing efforts to promote facilities-based competition in the local telephone market. The larger item addresses issues that are not squarely before the Commission in pending proceedings. In particular, this Notice seeks comment on several potential modifications of the Commission's Rules in order to facilitate competitive providers' access to multiple tenant environments and facilities.

Background

2. In the Telecommunications Act of 1996, *codified at* 47 U.S.C. 151 *et seq.*, Congress included provisions intended to facilitate competition with the incumbent LECs through three entry strategies: resale of the incumbent LEC's services, leasing of unbundled network elements, and use of a new entrant's own facilities. To date, the Commission's efforts to facilitate local competition pursuant to these provisions of the Act have generally encompassed all three of these means of entry. Carriers who provide service by any of the three means of competitive entry have the potential to bring many of the benefits of competition to local exchange markets, and the Commission recognizes it should continue to facilitate competitive entry by all means. However, in the long term, the most substantial benefits to consumers will be achieved through facilities-based competition. Only facilities-based competitors can break down the incumbent LECs' bottleneck control over local networks and provide services without having to rely on their rivals for critical components of their offerings. Moreover, only facilities-based competition can fully unleash competing providers' abilities and incentives to innovate, both technologically and in service development, packaging, and pricing.

Discussion

3. Accordingly, this Notice seeks comment on several potential modifications of the Commission's Rules in order to facilitate access by competing facilities-based providers of telecommunications service to multiple tenant environments. Specifically, the Notice also seeks comment, subject to the Commission's future interpretation of the "necessary" and "impair" standards of section 251 of the Communications Act, 47 U.S.C. 251, on whether the Commission should require incumbent LECs to make available to any requesting telecommunications carrier unbundled access to riser cable and wiring that they control within multiple tenant environments.

4. The Notice also seeks comment on whether the Commission should require building owners who allow access to their premises to any telecommunications provider to make comparable access available to all such providers on a nondiscriminatory basis, and on the extent of the Commission's legal authority to adopt such a requirement. The Notice asks questions regarding how any such obligation should be implemented.

5. In addition, the Notice seeks comment on several other proposed Commission actions potentially ensuring that customers located in multiple tenant environments have access to their choice of telecommunications service providers. Specifically, the Notice requests comment on whether the Commission should forbid telecommunications service providers, under some or all circumstances, from entering into exclusive contracts with building owners, and abrogate any existing exclusive contracts between these parties. The Notice also requests comment on whether the Commission should modify its rules governing determination of the demarcation point between facilities controlled by the telephone company and by the landowner on multiple unit premises. In addition, the Notice seeks comment on whether the current rules governing access to cable home wiring for multichannel video programming distributors should be extended to include providers of telecommunications services. Furthermore, the Notice requests comment on whether the Commission should extend rules similar to those adopted under section 207 of the 1996 Act to providers of telecommunications and other fixed wireless services. The Notice recognizes that section 207 by its terms applies only to certain video programming services, but states that the Commission may have authority to adopt similar rules prohibiting restrictions on the placement of antennas used for over-the-air telecommunications and other fixed wireless services pursuant to section 4(i) and other provisions of the Communications Act, including sections 201(b) and 303(r), granting the Commission general authority to effectuate the provisions and purposes of the Communications Act. See 47 U.S.C. 4(i), 201(b), and 303(r).

Filing Procedures

6. Pursuant to 47 CFR 1.415, 1.419, interested parties may file comments on or before August 13, 1999, and reply comments on or before September 3, 1999. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998).

7. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking

numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

8. 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 appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.

9. Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 445 12th Street, S.W., CY-B400, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 445 12th Street, S.W., Washington, D.C. 20554.

10. Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with 47 CFR 1.49, and all other applicable sections of the Commission's rules. The Commission also directs all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments. All parties are encouraged to utilize a table of contents, regardless of the length of their submission.

Initial Regulatory Flexibility Analysis

11. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this Notice of Proposed Rulemaking. Written public comments are requested on this IRFA. These

comments must be filed in accordance with the same filing deadlines for comments on the rest of this Notice of Proposed Rulemaking, as set forth in the Filing Procedures section above, and they must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Office of Public Affairs, Reference Operations Division, will send a copy of this Notice of Proposed Rulemaking, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the RFA.

I. Need for and Objectives of the Proposed Rules

12. We are issuing this Notice of Proposed Rulemaking to seek comment on proposals to facilitate competition with the incumbent local exchange carriers (LECs) by competitors who use their own end-to-end facilities. Extensive facilities-based competition will provide consumers with a choice of telecommunications providers that will compete to offer traditional, voice-grade telephone service, as well as high-speed data and other advanced services, at reasonable prices and with reasonable terms and conditions—a major goal of the Telecommunications Act of 1996. We particularly expect this proceeding to further the availability of competition to the many consumers and businesses that are located in multiple tenant environments, such as apartment and office buildings.

13. Specifically, this Notice of Proposed Rulemaking seeks comment on the following issues: (1) Whether we should require incumbent LECs to make available to any requesting telecommunications carrier unbundled access to riser cable and wiring that they control within multiple tenant environments, subject to the Commission's future interpretation of the "necessary" and "impair" standards of 47 U.S.C. 251; (2) whether we should require building owners who allow access to their premises to any telecommunications provider to make comparable access available to all such providers on a nondiscriminatory basis; (3) whether we should forbid telecommunications service providers, under some or all circumstances, from entering into exclusive contracts with building owners, and abrogate any existing exclusive contracts between these parties; (4) whether we should modify our rules governing determination of the demarcation point between facilities controlled by the telephone company and by the landowner on multiple unit premises; (5) whether the rules governing access to cable home wiring for multichannel

video program distribution should be extended to benefit providers of telecommunications services; and (6) whether we should adopt rules similar to those adopted in the video context under section 207 of the 1996 Act protecting the ability to place antennas to transmit and receive telecommunications signals and other signals that are not covered under section 207.

II. Legal Basis

14. The potential actions on which comment is sought in this Notice of Proposed Rulemaking would be authorized under sections 1, 2(a), 4(i), 4(j), 201(b), 251(c)(3), 251(d), 303(r), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 154(i), 154(j), 201(b), 251(c)(3), 251(d), 303(r), and 332, and 47 CFR 1.411 and 1.412.

III. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

15. The RFA requires that an initial regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). For many of the entities described below, the SBA has defined small business categories through Standard Industrial Classification ("SIC") codes.

16. This Notice of Proposed Rulemaking could result in rule changes that, if adopted, would impose requirements on local exchange carriers, building owners and managers, multichannel video program distributors, neighborhood associations, and small governmental jurisdictions. To assist the Commission in analyzing the total number of potentially affected small entities, commenters are requested to provide estimates of the number of small entities that may be affected by any rule changes resulting from this Notice of Proposed Rulemaking.

a. Local Exchange Carriers

17. Many of the potential rules on which comment is sought in this Notice of Proposed Rulemaking, if adopted, would affect small LECs. Neither the Commission nor the SBA has developed a small business definition specifically for small LECs. The closest applicable definition under the SBA rules is for those telephone communications companies that are not radiotelephone (wireless) companies. The SBA has defined establishments engaged in providing "Telephone Communications, Except Radiotelephone" to be small businesses when they have no more than 1,500 employees. According to November 1997 Telecommunications Industry Revenue data, 1,371 carriers reported that they were engaged in the provision of local exchange services. We do not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that fewer than 1,371 providers of local exchange service are small entities or small incumbent LECs that may be affected by the potential actions discussed in this Notice of Proposed Rulemaking, if adopted.

18. Above, we have included smaller incumbent LECs in our analysis. Although some incumbent LECs may have 1,500 or fewer employees, we do not believe that such entities should be considered small entities within the meaning of the RFA because they are either dominant in their field of operations or are not independently owned and operated, and therefore by definition not "small entities" or "small business concerns" under the RFA. Accordingly, our use of the terms "small entities" and "small businesses" does not encompass small incumbent LECs. Out of an abundance of caution, however, for regulatory flexibility analysis purposes, we will separately consider small incumbent LECs within this analysis and use the term "small incumbent LECs" to refer to any incumbent LECs that arguably might be defined by the SBA as "small business concerns."

b. Building Owners and Managers

19. Several of our inquiries in this Notice of Proposed Rulemaking would affect multiple dwelling unit operators and real estate agents and managers, if such inquiries lead to adopted rules.

Such inquiries include the following issues: whether we should require building owners who allow access to their premises to any telecommunications provider to make comparable access available to all such providers on a nondiscriminatory basis; whether we should forbid telecommunications service providers, under some or all circumstances, from entering into exclusive contracts with building owners, and abrogate any existing exclusive contracts between these parties; and whether we should adopt rules similar to those adopted in the video context under section 207 of the 1996 Act protecting the ability to place antennas to transmit and receive telecommunications signals and other signals that were not covered under section 207.

(1) Multiple Dwelling Unit Operators (SIC 6512, SIC 6513, SIC 6514)

20. The SBA has developed definitions of small entities for operators of nonresidential buildings, apartment buildings, and dwellings other than apartment buildings, which include all such companies generating \$5 million or less in revenue annually. According to the Census Bureau, there were 26,960 operators of nonresidential buildings generating less than \$5 million in revenue that were in operation for at least one year at the end of 1992. Also according to the Census Bureau, there were 39,903 operators of apartment dwellings generating less than \$5 million in revenue that were in operation for at least one year at the end of 1992. The Census Bureau provides no separate data regarding operators of dwellings other than apartment buildings, and we are unable at this time to estimate the number of such operators that would qualify as small entities.

(2) Real Estate Agents and Managers (SIC 6531)

21. The SBA defines real estate agents and managers as establishments primarily engaged in renting, buying, selling, managing, and appraising real estate for others. According to SBA's definition, a small real estate agent or manager is a firm whose revenues do not exceed 1.5 million dollars.

c. Multichannel Video Program Distributors (SIC 4841)

22. Our inquiry in this Notice of Proposed Rulemaking regarding whether the rules governing access to cable home wiring for multichannel video program distribution should be extended to benefit providers of telecommunications services would

affect operators of cable and other pay television services, if such inquiry leads to the adoption of rules. The SBA has developed a definition of a small entity for cable and other pay television services, which includes all such companies generating \$11 million or less in annual receipts. This definition includes cable system operators, closed circuit television services, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems and subscription television services. According to the Bureau of the Census, there were 1423 such cable and other pay television services generating less than \$11 million in revenue that were in operation for at least one year at the end of 1992.

d. Neighborhood Associations

23. Our inquiry in this Notice of Proposed Rulemaking regarding whether we should adopt rules similar to those adopted in the video context under section 207 of the 1996 Act protecting the ability to place antennas to transmit and receive telecommunications signals and other signals that are not covered under section 207 would affect neighborhood associations, if such inquiry leads to the adoption of rules. Section 601(4) of the Regulatory Flexibility Act, 5 U.S.C. 601(4), defines "small organization" as "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." This definition includes homeowner and condominium associations that operate as not-for-profit organizations. The Community Associations Institute estimates that there were 150,000 such associations in 1993.

e. Municipalities

24. Our inquiry in this Notice of Proposed Rulemaking regarding whether we should adopt rules similar to those adopted in the video context under section 207 of the 1996 Act protecting the ability to place antennas to transmit and receive telecommunications signals and other signals that are not covered under section 207 may affect municipalities, if such inquiry leads to the adoption of rules. The term "small governmental jurisdiction" is defined as "governments of * * * districts, with a population of less than 50,000." As of 1992, there were approximately 85,006 governmental entities in the United States. This number includes such entities as states, counties, cities, utility districts and school districts. Of the 85,006 governmental entities, 38,978 are counties, cities and towns. The remainder is composed primarily of

utility districts, school districts, and states. Of the 38,978 counties, cities and towns, 37,566, or 96%, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,606 (96%) are small entities.

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

25. This Notice of Proposed Rulemaking proposes no additional reporting, recordkeeping or other compliance measures.

V. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

26. This Notice of Proposed Rulemaking seeks comment on how the inquiries set forth could impact regulated entities, including small entities. For example, with respect to our inquiry into building owner obligations, we seek comment on whether we should limit the scope of any building owner obligation in order to avoid imposing unreasonable regulatory burdens on building owners, and we suggest that a potential rule could exempt buildings that house fewer than a certain number of tenants or are under a certain size. Commenters are invited to address the economic impact of all of our proposals on small entities and offer any alternatives.

VI. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

27. None.

List of Subjects

47 CFR Parts 1 and 51

Communications common carriers, Telecommunications.

47 CFR Part 68

Communications common carriers, Communications equipment.

47 CFR Part 76

Cable television.

Federal Communications Commission.

William F. Caton,

Deputy, Secretary.

[FR Doc. 99-19635 Filed 7-30-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 95

[ET Docket 99-255; FCC 99-182]

Wireless Medical Telemetry Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Commission's rules to allocate spectrum and to establish rules for a Wireless Medical Telemetry Service. This action is intended to allow potentially life-critical medical telemetry equipment, which currently operates on a secondary basis, unprotected from interference, to operate on a blanket licensed, interference protected basis. We believe our action will improve the reliability of this critical service.

DATES: Comments must be filed on or before September 16, 1999, and reply comments must be filed on or before October 18, 1999.

ADDRESSES: Address all comments concerning this proposed rule to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, FCC, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Hugh L. Van Tuyl, Office of Engineering and Technology, (202) 418-7506, TTY (202) 418-2989, e-mail: hvantuy@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, ET Docket 99-255, FCC 99-182, adopted July 14, 1999 and released July 16, 1999. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW, Washington, DC, and is available on the FCC's Internet site at <http://www.fcc.gov/oet/dockets/et99-255/>. The complete text of this document may also be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Summary of Notice of Proposed Rule Making

1. The Commission proposes to amend parts 2 and 95 of the rules to allocate spectrum and to establish service rules for a Wireless Medical Telemetry Service. It proposes to allocate frequencies for medical telemetry equipment to operate on a primary basis. Two possible options for

frequencies are proposed; (1) 608-614 MHz, 1395-1400 MHz and 1429-1432 MHz, or (2) 608-614 MHz and 1391-1400 MHz. This action is intended to allow potentially life-critical medical telemetry equipment, which currently operates on a secondary basis, unprotected from interference, to operate on a blanket licensed, interference protected basis. We believe our action will improve the reliability of this critical service.

2. Medical telemetry equipment is used in hospitals and health care facilities to transmit patient measurement data to a nearby receiver, permitting greater patient mobility and increased comfort. Examples of medical telemetry equipment include heart, blood pressure and respiration monitors. The use of these devices allows patients to move around early in their recovery while still being monitored for adverse symptoms. With such devices, one health care worker can monitor several patients remotely, thus decreasing health care costs.

3. Currently, medical telemetry devices are allowed to operate under either part 15 or part 90 of the Commission's rules. Part 15 of the rules permits medical telemetry equipment to operate on an unlicensed basis on TV channels 7-13 and 14-46 (174-216 MHz and 470-668 MHz). Part 90 of the rules permits medical telemetry equipment to operate on a secondary basis to land mobile users in the 450-470 MHz band.

4. There have been recent changes to the Commission's rules that could result in harmful interference to medical telemetry equipment operating under part 15. At the direction of Congress, the Commission has provided for the introduction of digital television (DTV) stations in the TV broadcast bands. In order to accomplish this, the Commission has provided each local TV station with an additional channel that will be used to broadcast DTV during the transition. This means that there will be fewer vacant channels in every market, and that in some areas, channels that were once unused for TV broadcasting may now be used for DTV.

5. To reduce the possibility of DTV causing interference to medical telemetry equipment, the Commission adopted changes to part 15 of the rules in 1997 to increase the number of TV frequencies where medical telemetry devices could operate on an unlicensed basis. These changes allow operation on TV channels 14-46 in addition to channels 7-13, which were the only channels where medical telemetry equipment was previously allowed to operate. The Commission also increased the maximum allowable operating