

Radiolocation Radio Services. Subpart V sets forth the rules governing the use of competitive bidding to choose among mutually exclusive 800 MHz SMR applicants.

*Need:* These rules are needed to provide a framework for auctions.

*Legal Basis:* 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

*Section Number and Title:*

- 90.901 800 MHz SMR spectrum subject to competitive bidding.
- 90.903 Competitive bidding mechanisms.
- 90.904 Aggregation of EA licenses.
- 90.909 License grants.
- 90.910 Bidding credits.
- 90.911 Partitioned licenses and disaggregated spectrum.
- 90.912 Definitions.
- 90.913 Record maintenance and definitions.

## PART 95—PERSONAL RADIO SERVICES

### Subpart B—Family Radio Service (FRS)

*Brief Description:* The part 95 rules govern the Personal Radio Services, including the General Mobile Radio Service, Family Radio Service, Radio Control Radio Service, Citizens Band Radio Service, 218–219 MHz Service, Low Power Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, and Multi-Use Radio Service. Subpart B applies to the Family Radio Service, a very short distance, unlicensed, two-way voice radio service in the Ultra High Frequency (UHF) portion of the radio spectrum.

*Need:* These rules provide a radio service to meet the needs of families and other small groups for a good quality voice radio communication service having a very short range. The Family Radio Service provides group members with the ability to use palm size radio units to communicate while on outings, such as visiting shopping malls and amusement parks, attending sporting events, camping, and taking part in other recreational activities. These rules also impose limitations on the use of the Family Radio Service, including specification of permissible communications.

*Legal Basis:* 47 U.S.C. 154, 303.

*Section Number and Title:*

- 95.191 (FRS Rule 1) Eligibility and responsibility.
- 95.192 (FRS Rule 2) Authorized locations.
- 95.193 (FRS Rule 3) Types of communications.
- 95.194 (FRS Rule 4) FRS units.

### Subpart G—Low Power Radio Service (LPRS)

*Brief Description:* The part 95 rules govern the Personal Radio Services, including the General Mobile Radio Service, Family Radio Service, Radio Control Radio Service, Citizens Band Radio Service, 218–219 MHz Service, Low Power Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, and Multi-Use Radio Service. Subpart G applies to the Low Power Radio Service, a low power radio service sharing use of the 216–217 MHz band.

*Need:* These rules provide a regulatory framework accommodating, for example, auditory assistance devices, health care assistance devices, and law enforcement tracking systems. These rules also impose limitations on the use of the Low Power Radio Service, including specification of permissible communications.

*Legal Basis:* 47 U.S.C. 154, 303.

*Section Number and Title:*

- 95.1001 Eligibility.
- 95.1003 Authorized locations.
- 95.1005 Station identification.
- 95.1007 Station inspection.
- 95.1009 Permissible communications.
- 95.1011 Channel use policy.
- 95.1015 Disclosure policies.
- 95.1017 Labeling requirements.
- 95.1019 Marketing limitations.

## PART 101—FIXED MICROWAVE SERVICES

### Subpart B—Applications and Licenses

*Brief Description:* The part 101 rules prescribe the manner in which portions of the radio spectrum may be made available for private operational, common carrier, 24 GHz Service and Local Multipoint Distribution Service fixed, microwave operations that require transmitting facilities on land or in specified offshore coastal areas within the continental shelf. Subpart B sets forth the rules governing the licensing and operations of those fixed microwave operations subject to part 101.

*Need:* The identified rules are necessary to define the rights and obligations of licensees in those portions of the band that have been reallocated from fixed microwave services to other services.

*Legal Basis:* 47 U.S.C. 151, 154(i), 157(a), 301, 303(f), 303(g), 303(r), 307, 316.

*Section Number and Title:*

- 101.71 Voluntary negotiations.
- 101.73 Mandatory negotiations.
- 101.75 Involuntary relocation procedures.

101.77 Public safety licensees in the 1850–1990 MHz, 2110–2150 MHz, and 2160–2200 MHz bands.

101.79 Sunset provisions for licensees in the 1850–1990 MHz, 2110–2150 MHz, and 2160–2200 MHz bands.

101.81 Future licensing in the 1850–1990 MHz, 2110–2150 MHz, and 2160–2200 MHz bands.

### Subpart C—Technical Standards

*Brief Description:* The part 101 Rules prescribe the manner in which portions of the radio spectrum may be made available for fixed microwave services. Subpart C sets forth the technical requirements for such services.

*Need:* The identified rule is necessary to promote efficient utilization of the spectrum allocated for fixed microwave services.

*Legal Basis:* 47 U.S.C. 154, 303.

*Section Number and Title:*

- 101.15 Use of signal boosters.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket No. 91–281; DA 06–2283]

### Rules and Regulations Regarding the Transmission of Calling Party Number

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed waiver; comments requested.

**SUMMARY:** On October 25, 2006, the National Aeronautics and Space Administration (NASA), John F. Kennedy Space Center (KSC) filed a petition for a limited waiver of the Commission's rules, which prohibits terminating carriers from passing calling party number (CPN) to the called party where a privacy indicator has been triggered. KSC requests that the Commission allow it to receive CPN, even when a privacy indicator has been triggered. In this document, the Commission seeks comment on the NASA/KSC petition for limited waiver of the Commission's Calling Party Number rules.

**DATES:** Comments are due on or before December 14, 2006, and reply comments are due on or before December 26, 2006.

**ADDRESSES:** You may submit comments, identified by CC Docket No. 91–281, 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 Lynne Montgomery, Consumer Policy Division, Consumer & Governmental Affairs Bureau, 445 12th Street, SW., Room 5–A746, Washington, DC 20554. Such a submission should be on a 3.5-inch diskette formatted in an IBM compatible format 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 *CC Docket No. 91–281*), 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:** Lynne Montgomery, Consumer Policy Division, Consumer & Governmental Affairs Bureau, (202) 418–2229 (voice), [Lynne.Montgomery@fcc.gov](mailto:Lynne.Montgomery@fcc.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s document, DA 06–2283, released November 7, 2006. The full text of document DA 06–2283, KSC’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 06–2283, KSC’s submission, and copies of subsequently filed documents in this matter may also be purchased from the

Commission’s contractor, Best Copy and Printing, at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact the Commission’s contractor at their Web site [www.bcpweb.com](http://www.bcpweb.com) or call 1–800–378–3160. A copy of KSC’s submission may also be found by searching ECFS at <http://www.fcc.gov/cgb/ecfs> (insert *CC Docket No. 91–281* 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 06–2283 can also be downloaded in Word or Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy>. 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 Web site 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 October 25, 2006, KSC filed a petition for a limited waiver of § 64.1601(b) of the Commission’s rules, which prohibits terminating carriers from passing calling party number (CPN) to the called party when a privacy indicator has been triggered. Specifically, KSC asks the Commission to allow its Central Office Switch facility to obtain and store CPN information so that its security personnel can identify and capture the perpetrators of threatening calls. Section 64.1601(b) of the Commission’s rules states in pertinent part that “[n]o common carrier subscribing to or offering any service that delivers CPN may override the privacy indicator associated with an interstate call \* \* \*. [W]hen a caller requests that the CPN not be passed, a carrier may not reveal that caller’s number or name, nor may the carrier use the number or name to allow the called party to contact the calling party.”

According to KSC, the facility provides its own security, fire and rescue, telecommunications, and other utility services 24 hours per day. Over the course of a year, KSC reports receiving between 12 and 20 threatening or harassing phone calls that are considered serious in nature. KSC states that the telecommunications carriers serving KSC are bound by CPN privacy rules, and parties placing threatening calls often use CPN restriction to

prevent authorities from identifying their location. Without access to CPN, KSC's security personnel have to request a trace of these phone calls which can take up to a week to process. KSC requests a waiver of section 64.1601(b) so that all CPN information can be passed, to KSC's secure log, without regard to the calling party's privacy indicator, to facilitate KSC's investigation of telephone threats it deems credible. KSC proposes to limit the scope of its waiver by recording the

CPN of incoming restricted calls but not passing CPN on to the party called, using passwords and non-disclosure agreements to protect CPN data, and destroying CPN information after a reasonable retention period. KSC argues that its situation presents special circumstances that warrant a limited waiver and states that it provides both the security services and end office telecommunications to all locations within its boundaries. Finally, KSC contends that the waiver would be

applicable only to a narrow and well-defined public institution making it predictable, workable and unbiased in application. Accordingly, the Commission seeks comment on KSC's petition.

Federal Communications Commission.

**Jay Keithley,**

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

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