

FEDERAL COMMUNICATIONS COMMISSION

[DA 02-3606]

Consumer Advisory Committee**AGENCY:** Federal Communications Commission.**ACTION:** Notice.

SUMMARY: This document announces the rechartering of the Consumer Advisory Committee, formerly known as the Consumer/Disability Telecommunications Advisory Committee (hereinafter "the Committee"), whose purpose is to make recommendations to the Federal Communications Commission ("FCC" or "Commission") regarding consumer issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including people with disabilities and underserved populations, such as American Indians and persons living in rural areas) in proceedings before the Commission. The Commission also requests applications for membership on the Committee.

DATES: Applications should be received no later than January 31, 2003.

ADDRESSES: Applications should be sent to the Federal Communications Commission, Consumer & Governmental Affairs Bureau, Attn.: Scott Marshall, via e-mail to cac@fcc.gov, via facsimile to 202-418-6509 or via U.S. Mail, to 445 12th Street, SW., Room 5A824, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 202-418-2809 (voice), 202-418-0179 (TTY), or e-mail smarshal@fcc.gov.

SUPPLEMENTARY INFORMATION: A public notice, which announced the rechartering of the Consumer Advisory Committee (formerly known as the Consumer/Disability Telecommunications Advisory Committee), was released on December 31, 2002.

Electronic Access and Filing

A copy of this notice also is available in alternate formats (Braille, cassette tape, large print or diskette) upon request. The notice also is posted on the Commission's Web site at www.fcc.gov/cgb/cac. Applications for membership on the Committee may be sent to the Commission via email addressed to Consumer & Governmental Affairs Bureau, Attn.: Scott Marshall, cac@fcc.gov, may be transmitted via facsimile to 202-418-6509, or may be

sent via U.S. mail to 445 12th Street, SW., Room 5A824, Washington, DC 20554.

Background

The establishment of the Committee was announced by public notice dated November 30, 2000, 15 FCC Rcd 23798, as published in the **Federal Register** (65 FR 76265, December 6, 2000). On November 20, 2002, the initial Charter of the Committee terminated. The Charter was renewed for another two year term, and the name of the Committee was changed to the Consumer Advisory Committee to better reflect its mandate and activities. The Committee is organized under, and will operate in accordance with, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2 (1988).

The mission of the Committee is to make recommendations to the Commission regarding consumer issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including people with disabilities and underserved populations, such as American Indians and persons living in rural areas) in proceedings before the Commission.

Each meeting of the full Committee will be open to the public. A notice of each meeting will be published in the **Federal Register** at least 15 days in advance of the meeting. Records will be maintained of each meeting and made available for public inspection.

Functions of the Committee

The topics to be addressed by the Committee will include, but are not limited to, the following areas:

- Consumer protection and education (e.g., cramming, slamming, consumer friendly billing, detariffing, bundling of services, Lifeline/Linkup programs, customer service, privacy, telemarketing abuses, and outreach to underserved populations, such as Native Americans and persons living in rural areas).
- Access by people with disabilities (e.g., telecommunications relay services, closed captioning, accessible billing and access to telecommunications products and services).
- Impact upon consumers of new and emerging technologies (e.g., availability of broadband, digital television, cable, satellite, low power FM, and the convergence of these and emerging technologies).
- Implementation of Commission rules and consumer participation in the FCC rulemaking process.

During calendar year 2003, it is anticipated that the Committee will meet in Washington, DC for three one-

day meetings on April 11, June 27, and November 14. In addition, as needed, working groups will be established to facilitate the Committee's work between meetings of the full Committee. Meetings will be fully accessible to individuals with disabilities.

Membership

The Commission seeks applications from interested organizations, from both the public and private sectors, that wish to be considered for membership on the Committee. Selections will be made on the basis of factors such as expertise and diversity of viewpoints that are necessary to address effectively the questions before the Committee. Applicants should be recognized experts in their fields, including, but not limited to, consumer advocacy, disabilities, underserved populations (e.g., persons living in rural areas and tribal communities), telecommunications infra-structure and equipment, telecommunications services (including wireless), and broadcast/cable services. The number of Committee members will be established to effectively accomplish the Committee's work. Organizations with similar interests are encouraged to nominate one person to represent their interests.

Members must be willing to commit to a 2-year term of service, should be willing and able to attend three 1-day meetings per year in Washington, DC, and are also expected to participate in deliberations of at least one working group. The Commission is unable to pay *per diem* or travel costs.

Applications for Membership/ Deadline

Applications should be received by the Commission no later than January 31, 2003, and should be sent to the Federal Communications Commission, Consumer & Governmental Affairs Bureau, Attn.: Scott Marshall, via e-mail to cac@fcc.gov, via facsimile to 202-418-6509 or via U.S. mail to 445 12th Street, SW., Room 5A824, Washington, DC 20554.

Due to the extensive security screening of incoming mail since September 11, 2001, delivery of mail sent to the FCC may be delayed. Therefore, we encourage submission by email or fax. If an application is sent via U.S. mail, we encourage applicants to follow up with a phone call to Scott Marshall, 202-418-2809, or 202-418-0179 (TTY), to confirm receipt. A specified application form is not required. However, applications should include the name of the organization, the representative's name, the name of an alternate representative, title, address

and telephone number, a statement of the interests represented and the issues of interest to the applicant, and a detailed description of the applicant's knowledge and qualifications to serve on the Committee. The application should further be supported by a statement indicating a willingness to serve on the Committee for a 2 year period of time; a commitment to attend three 1-day meetings per year in Washington, DC at the applicant's own expense; and a commitment to work on at least one working group. Members will have an initial and continuing obligation to disclose any interests in, or connections to, persons or entities that are, or will be, regulated by or have interests before the Commission.

After the applications have been reviewed, the Commission will publish a notice in the **Federal Register** announcing the appointment of the Committee members and the first meeting date of the Committee. It is anticipated that the first Committee meeting will take place on April 11, 2003.

Federal Communications Commission.

K. Dane Snowden,

Chief, Consumer & Governmental Affairs Bureau.

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FEDERAL COMMUNICATIONS COMMISSION

[DA 02-3371]

Wireless Telecommunications Bureau Seeks To Verify ITFS, MDS, and MMDS License Status and Pending Applications; Requests for Extension of Response Date Filed by Troutman Sanders LLP and the Wireless Communications Association International/The National ITFS Association

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Federal Communications Commission (FCC) extends the time until February 3, 2003 for all Instructional Television Fixed Service, Multipoint Distribution Service, and Multichannel Multipoint Distribution Service licensees to respond to the October 18, 2002 *Public Notice* requiring all Instructional Television Fixed Service (ITFS), Multipoint Distribution Service (MDS), and Multichannel Multipoint Distribution Service (MMDS) (collectively, the "Services") licensees

and applicants to verify licensing information and associated technical data, and submit required corrections.

FOR FURTHER INFORMATION CONTACT:

Legal Matters: contact John J. Schauble, Chief, Policy and Rules Branch, Public Safety and Private Wireless Division, at (202) 418-0680.

For all questions regarding data corrections, and how to file those corrections, contact the Licensing Support Hotline at 1-888-225-5322 and select option 2.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order*, DA 02-3371, released on December 5, 2002. The full text of this document is available for inspection and copying during normal business hours in the Federal Communications Commission Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Federal Communications Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365 or at bmillin@fcc.gov.

1. On October 18, 2002, 67 FR 69010, November 14, 2002, the Wireless Telecommunications Bureau (WTB or Bureau) required all Instructional Television Fixed Service (ITFS), Multipoint Distribution Service (MDS), and Multichannel Multipoint Distribution Service (MMDS) (collectively, the "Services") licensees and applicants in the Services to review licensing information and associated technical data. Specifically, licensees and applicants in the Services were required to verify the available information concerning their licenses and applications, make any necessary corrections concerning that data, and, under certain circumstances, submit corrections or responses to that data by December 17, 2002.

2. On November 25, 2002, the law firm of Troutman Sanders LLP requested a sixty-day extension of time, on behalf of several wireless cable clients, to comply with the *BLS License Inventory Public Notice*. On November 27, 2002, the Wireless Communications Association International and the National ITFS Association (WCA/NIA) jointly filed a similar request. For the reasons stated below, the FCC grants the requests in part and extends the time to respond to the *BLS License Inventory Public Notice* until February 3, 2003.

3. In their requests, Troutman Sanders and WCA/NIA argue that the process of reviewing the FCC's licensing records regarding the Services and preparing corrections is taking far longer than the Bureau anticipated because the vast majority of records require corrections or additional information. WCA/NIA assert that there are a limited number of people with the necessary experience with the MDS and ITFS licensing processes to evaluate the FCC's licensing records, determine whether corrections are needed, and prepare the necessary changes. WCA/NIA also represent that many ITFS licensees will be closed from the middle of December through the middle of January because of the holiday season.

4. Although the FCC does not routinely grant extensions of time, the importance of ensuring that the FCC's licensing records are accurate, and the challenges that licensees and applicants in the Services are facing, indicate that an extension of the December 17, 2002 deadline is appropriate. The FCC does not believe, however, that a sixty-day extension is warranted. In this connection, the FCC notes that electronic application filing has been suspended in the Services. The FCC is concerned that delays in the verification of licensing data and submission of corrections could unduly hinder the Bureau's efforts towards developing accurate licensing records and resuming electronic filing in the Services in an expeditious and efficient manner. Based upon the record before us, the FCC believes the current extension of time would be sufficient to allow licensees and applicants to respond to the *BLS License Inventory Public Notice* and provide any needed corrections. The February 3, 2003 date is beyond the mid-December to mid-January timeframe in which WCA/NIA identified that many ITFS licensees are closed for business. As a result of this extension, licensees and applicants in the Services will have had over 100 days to review the FCC's licensing records and prepare any necessary corrections and responses.

I. Ordering Clauses

5. Pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and § 1.46 of the FCC's rules, 47 CFR 1.46, that the requests filed by Troutman Sanders LLP on November 24, 2002 and by the Wireless Communications Association International and the National ITFS Association on November 27, 2002 are granted to the extent stated herein and are otherwise denied in all other respects.