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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, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition, parties should send a copy of their filings to Victoria Goldberg, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A266, 445 12th Street, SW., Washington, DC 20554. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Documents in CC Docket No. 01-92 are available for review through the ECFS and are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, or by e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

### Synopsis of Order

On February 10, 2005, the Commission adopted a Further Notice of Proposed Rulemaking (FNPRM) in CC Docket No. 01-92. See Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92, Further Notice of Proposed Rulemaking, 70 FR 15030 (March 24, 2005). In the FNPRM, the Commission sought further comment on specific proposals for comprehensive intercarrier compensation reform, alternative reform measures, and related issues. The comment deadline was May 23, 2005, and the reply comment deadline is June 22, 2005.

On May 23, 2005, the Commission received over 3,000 pages of comments from more than 100 parties. Due to the voluminous record received, we are concerned that it may be extremely difficult for parties to review and respond to the comments by the June 22, 2005 reply comment deadline. In the interest of developing a thorough and complete record in this proceeding, the

Bureau, on its own motion, hereby extends the reply comment deadline to July 20, 2005. This extension should allow parties adequate time to review and respond to the voluminous record. Further, an extension should help avoid the piecemeal submission of arguments and analysis in the form of *ex parte* submissions after the reply comment deadline. All other filing requirements set forth in the FNPRM remain in effect.

### Ordering Clause

Accordingly, *it is ordered* that, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act, as amended, 47 U.S.C. 154(i) and 303(r), and §§ 0.204(b), 0.291, 1.45, and 1.415 of the Commission's rules, 47 CFR 0.204(b), 0.291, 1.45, and 1.415, the deadline for filing reply comments in response to the FNPRM is extended to July 20, 2005.

Federal Communications Commission.

**Thomas J. Navin,**

*Acting Chief, Wireline Competition Bureau.*

[FR Doc. 05-11728 Filed 6-14-05; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CG Docket No. 02-278; DA 05-1348]

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

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; petition for declaratory ruling, comments requested.

**SUMMARY:** In this document, the Commission seeks comment on a petition for declaratory ruling ("Petition") filed by Mark Boling, asking the Commission to declare that particular provisions of the California Consumer Legal Remedies Act ("CLRA"), as applied to interstate telephone calls, are not preempted by the Telephone Consumer Protection Act ("TCPA").

**DATES:** Comments are due on or before July 15, 2005, and reply comments are due on or before August 4, 2005.

**ADDRESSES:** You may submit comments, identified by CG DOCKET NO. 02-278, DA 05-1348, 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.

*www.fcc.gov/cgb/ecfs/*. Follow the instructions for submitting comments.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document, DA 05-1348, released May 13, 2005. The full text of this document 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, (202) 418-0270. This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing (BCPI), Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. at their Web site: <http://www.bcpiweb.com> or by calling 1-800-378-3160.

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) or (202) 418-0432 (TTY). This document 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)* revising its rules under the TCPA, published at 68 FR 44144, July 25, 2003. 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. Accordingly, the Commission instructed any party that believes a State law is inconsistent with § 227 or the Commission's rules to seek a declaratory ruling from the Commission. Mr. Boling's Petition seeks such a declaratory ruling. When filing comments, please reference CG Docket No. 02-278, DA 05-1348. 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 FR 24121, May 1, 1998. 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. In completing the transmittal screen, commenters 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 for e-mail comments, commenters should send e-mail to [ecfs@fcc.gov](mailto: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.

Parties who choose to file by paper must send an original and four (4) copies of each filing. Filings can be sent by hand or messenger delivery, by electronic media, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings or electronic media 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 and electronic media sent by 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-B204, Washington, DC 20554.

This proceeding shall be treated as a "permit but disclose" proceeding in accordance with the Commission's *ex parte* rules, 47 CFR 1.1200. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one

or two sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

### Synopsis

On August 11, 2003, Mark Boling filed a *Petition* "individually and on behalf of California consumers and California businesses" asking the Commission to declare that particular provisions of the California Consumer Legal Remedies Act ("CLRA"), as applied to interstate telephone calls, are not preempted by the Telephone Consumer Protection Act ("TCPA"). The Commission seeks comment on the issues raised in the *Petition*.

Mr. Boling states that he has acted as a party, representative party, or legal representative in numerous California lawsuits in which defendants have asserted as a defense that particular provisions of the CLRA are preempted by the TCPA. Mr. Boling indicates that the CLRA, as set forth in California Civil Code § 1770(a), contains a list of unlawful practices. He notes that California Civil Code § 1770(a)(22)(A), in particular, makes unlawful the "dissemination of an unsolicited prerecorded message by telephone without an unrecorded, natural voice first informing the person answering the telephone of the name of the caller or the organization being represented, and either the address or the telephone number of the caller, and without obtaining the consent of that person to listen to the prerecorded message."

Mr. Boling further notes that § 227(b)(1)(B) of the Communications Act, as amended by the TCPA, makes it unlawful for any person "to initiate any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by rule or order by the Commission under paragraph (2)(B)." Asserting that this provision of Federal law poses no conflict with the relevant provisions of the CLRA, Mr. Boling explains that:

In this instance, the CLRA controls dissemination of a prerecorded message and does not control the telephone call containing that message. The TCPA controls the call, and not the dissemination of the message. Therefore, when a party initiates the unlawful call it violates the TCPA and when the unlawful message is received in California it violates the CLRA.

As such, Mr. Boling asserts that "no conflict exists in the enforcement of the TCPA or the CLRA as it relates to the activities set forth in this action, as the actionable conduct in each law is separately defined." Finally, Mr. Boling asserts that, because the practices at issue in the *Petition* do not pertain to technical and procedural requirements for identification of senders of telephone facsimile messages or autodialed artificial or prerecorded voice messages, as described in section 227(d) of the TCPA, they are not subject to § 227(e) of the TCPA.

Accordingly, Mr. Boling asks the Commission to issue a declaratory ruling that the identified provisions of the California Civil Code, as applied to interstate calling, are not preempted by the TCPA.

Federal Communications Commission.

**Monica Desai,**

*Acting Chief, Consumer & Governmental Affairs Bureau.*

[FR Doc. 05-11910 Filed 6-14-05; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

[WT Docket No. 99-87; RM-9332; FCC 04-292]

### Promotion of Spectrum Efficient Technologies on Certain Frequencies

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Commission seeks comments on whether to defer or eliminate the requirement in the rules that certain applications for equipment authorization received on or after January 1, 2005, specify 6.24 kHz capability.

**DATES:** Submit comments on or before August 15, 2005, and reply comments are due on or before September 13, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Rodney Conway,  
[Rodney.Conway@fcc.gov](mailto:Rodney.Conway@fcc.gov), Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, (202) 418-0680, TTY (202) 418-7233.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal Communications Commission's *Third Further Notice of Proposed Rule Making (3rd Further NPRM)*, FCC 04-292, adopted on December 20, 2004, and released on December 23, 2004. The full