

justify an extension, identifies these interests and justifies a precise extension period.

* * * * *

■ 7. Amend § 25.118 by revising paragraphs (a) and (b) and removing and reserving paragraphs (c) and (d) to read as follows:

§ 25.118 Modifications not requiring prior authorization.

(a) *Earth station license modifications, notification required.* Authorized earth station operators may make the following modifications to their licenses without prior Commission authorization, provided that the operators notify the Commission, using FCC Form 312 and Schedule B, within 30 days of the modification:

(1) Licensees may make changes to their authorized earth stations without obtaining prior Commission authorization, provided that they have complied with all applicable frequency coordination procedures in accordance with § 25.251, and the modification does not involve:

- (i) An increase in EIRP or EIRP density (both main lobe and side lobe);
- (ii) An increase in transmitted power;
- (iii) A change in coordinates of more than 1 second in latitude or longitude for stations operating in frequency bands that are shared with terrestrial systems; or
- (iv) A change in coordinates of 10 seconds or greater in latitude or longitude for stations operating in frequency bands that are not shared with terrestrial systems.

(2) Except for replacement of equipment where the new equipment is electrically identical to the existing equipment, an authorized earth station licensee may add, change or replace transmitters or antenna facilities without prior authorization, provided:

- (i) The added, changed, or replaced facilities conform to § 25.209;
- (ii) The particulars of operations remain unchanged;
- (iii) Frequency coordination is not required; and
- (iv) The maximum power and power density delivered into any antenna at the earth station site shall not exceed the values calculated by subtracting the maximum antenna gain specified in the license from the maximum authorized e.i.r.p. and e.i.r.p. density values.

(3) Authorized VSAT earth station operators may add VSAT remote terminals without prior authorization, provided that they have complied with all applicable frequency coordination procedures in accordance with § 25.251.

(4) A licensee providing service on a private carrier basis may change its

operations to common carrier status without obtaining prior Commission authorization. The licensee must notify the Commission using Form 312 within 30 days after the completed change to common carrier status.

(5) Earth station operators may change their points of communication without prior authorization, provided that the change results from a space station license modification described in paragraph (e) of this section, and the earth station operator does not re-point its antenna.

(b) *Earth station license modifications, notification not required.* Notwithstanding paragraph (a)(2) of this section, equipment in an authorized earth station may be replaced without prior authorization and without notifying the Commission if the new equipment is electrically identical to the existing equipment.

* * * * *

■ 8. Amend § 25.121 by revising paragraph (e) to read as follows:

§ 25.121 License term and renewals.

* * * * *

(e) *Renewal of licenses.* Applications for renewals of earth station licenses must be submitted on FCC Form 312R no earlier than 90 days, and no later than 30 days, before the expiration date of the license. Applications for space station system replacement authorization for non-geostationary orbit satellites shall be filed no earlier than 90 days, and no later than 30 days, prior to the end of the twelfth year of the existing license term.

■ 9. Amend § 25.131 by revising paragraphs (h) and (i) to read as follows:

§ 25.131 Filing requirements for receive-only earth stations.

* * * * *

(h) *Registration term:* Registrations for receive-only earth stations governed by this section will be issued for a period of 15 years from the date on which the application was filed. Applications for renewals of registrations must be submitted on FCC Form 312R (Application for Renewal of Radio Station License in Specified Services) no earlier than 90 days and no later than 30 days before the expiration date of the registration.

(i) Applications for modification of license or registration of receive-only earth stations shall be made in conformance with §§ 25.117 and 25.118. In addition, registrants are required to notify the Commission when a receive-only earth station is no longer operational or when it has not been

used to provide any service during any 6-month period.

* * * * *

§ 25.141 [Removed]

■ 10. Remove § 25.141.

Subpart H—[Removed and Reserved]

■ 11. Part 25 is amended by removing and reserving subpart H.

[FR Doc. 03–28170 Filed 11–10–03; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket Nos. 01–338; CC Docket No. 96–98; CC Docket No. 98–147; FCC 03–36]

Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final rules, which were published in the **Federal Register** (68 FR 52276, September 2, 2003). The rules established a new standard for determining the existence of impairment under section 251(d)(2) of the Communications Act of 1934, as amended, set forth a new list of unbundled network elements (UNEs), and created a specifically defined role for the states in the unbundling inquiry.

DATES: Effective October 2, 2003.

FOR FURTHER INFORMATION CONTACT: Jeremy Miller, Attorney-Advisor, Wireline Competition Bureau, at (202) 418–1580 or via the Internet at jmiller@fcc.gov.

SUPPLEMENTARY INFORMATION: On September 2, 2003, the **Federal Register** published a summary of the Commission's Report and Order and Order on Remand, adopted February 20, 2003, and released August 21, 2003, along with final rules adopted by the Commission. This document corrects those rules by replacing portions of §§ 51.318(b) through 51.319(d).

Need for Correction

1. As published, the final rules contain errors which may prove to be misleading and need to be clarified.

List of Subjects in 47 CFR Part 51

Interconnection, Telecommunications carriers.

■ 1. The authority citation for part 51 is revised to read as follows:

Authority: Sections 1–5, 7, 201–05, 207–09, 218, 225–27, 251–54, 256, 271, 303(r), 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151–55, 157, 201–05, 207–09, 218, 225–27, 251–54, 256, 271, 303(r), 332, 47 U.S.C. 157 *note*, unless otherwise noted.

■ 2. Revise paragraph 51.318(b) introductory text to read as follows:

§ 51.318 Eligibility criteria for access to certain unbundled network elements.

* * * * *

(b) An incumbent LEC need not provide access to an unbundled DS1 loop in combination, or commingled, with a dedicated DS1 transport or dedicated DS3 transport facility or service, or to an unbundled DS3 loop in combination, or commingled, with a dedicated DS3 transport facility or service, or an unbundled dedicated DS1 transport facility in combination, or commingled, with an unbundled DS1 loop or a DS1 channel termination service, or to an unbundled dedicated DS3 transport facility in combination, or commingled, with an unbundled DS1

loop or a DS1 channel termination service, or to an unbundled DS3 loop or a DS3 channel termination service, unless the requesting telecommunications carrier certifies that all of the following conditions are met:

* * * * *

■ 3. Section 51.319 is amended by revising paragraphs (a)(3) introductory text, (a)(3)(i), (d)(2)(iii)(A)(1) and (d)(2)(iii)(A)(2) to read as follows:

§ 51.319 Specific unbundling requirements.

(a) * * *

(3) *Fiber-to-the-home loops.* A fiber-to-the-home loop is a local loop consisting entirely of fiber optic cable, whether dark or lit, and serving an end user's customer premises.

(i) *New builds.* An incumbent LEC is not required to provide nondiscriminatory access to a fiber-to-the-home loop on an unbundled basis when the incumbent LEC deploys such a loop to an end user's customer premises that previously has not been served by any loop facility.

* * * * *

- (d) * * *
- (2) * * *
- (iii) * * *

(A) * * *

(1) *Local switching self-provisioning trigger.* To satisfy this trigger, a state commission must find that three or more competing providers not affiliated with each other or the incumbent LEC, including intermodal providers of service comparable in quality to that of the incumbent LEC, each are serving mass market customers in the particular market with the use of their own local switches.

(2) *Local switching competitive wholesale facilities trigger.* To satisfy this trigger, a state commission must find that two or more competing providers not affiliated with each other or the incumbent LEC, including intermodal providers of service comparable in quality to that of the incumbent LEC, each offer wholesale local switching service to customers serving DS0 capacity loops in that market using their own switches.

* * * * *

Federal Communications Commission.
Marlene H. Dortch,
Secretary.
[FR Doc. 03–28243 Filed 11–10–03; 8:45 am]
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