



**NPSTC**

*National Public Safety Telecommunications Council*

Celebrating  
**10**  
YEARS  
1997-2007

Ten Years of Progress | 1997-2007

# FCC Rules and Procedures

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*NPSTC is a federation of organizations whose mission is to improve public safety communications and interoperability through collaborative leadership.*

# Laws / Rules

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- Communications Act of 1934, as amended
  - Part 47 U S Code
- FCC Rules and Regulations
  - Part 47 Code of Federal Regulations
  - Subparts relate to the various wireline and wireless service regulated by the FCC
  - Subpart 90 – Private Land Mobile Radio Service



# Other Rule Parts

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- Part 0 - FCC organization
- Part 1 - Practice and procedures
- Part 2 - Spectrum Table and Equip. Cert.
- Part 15 - Unlicensed devices
- Part 17 -Antenna Structures
- Part 22 - Public Land Mobile
- Part 80 - Maritime Services
- Part 101 - Microwave Services

# How Rules are Made

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- Administrative Procedure Act
  - Requires an open process
  - Public must be advised of potential rule changes and given an opportunity to comment
- Advisory Committee Act
  - Public meetings about rule changes
  - Membership open to the public

# Rule Making Steps

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- Petition for Rule Making
  - Filed by anyone
  - Petitions FCC to adopt, amend, or delete rules
  - May be put out for public comment, accepted without comment, or dismissed

# Rule Making Steps

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- Notice of Inquiry
  - FCC asks questions about a topic prior to initiating a formal rule making proceeding under the APA

# Rule Making Steps

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- Notice of Proposed Rule Making
  - Written by FCC
  - “Docket Number” assigned
  - Published notification of proposed changes in rules
  - Comment periods
    - Generally 30 days for comments
    - 15 days for reply comments

# Rule Making Steps

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- Report and Order
  - FCC analyzes comments to NPRM
  - R&O describes the rule changes being adopted and the reasons for adoption
  - Decision must be published in *Federal Register*
  - Public has 30 days to petition for reconsideration of the decision
    - Failure to request reconsideration prevents later appeal to the courts

# Rule Making Steps

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- Memorandum Opinion and Order
  - Responds to petitions for reconsideration of R&O
- Further NPRM
  - Extends the depth of a previous NPRM. May come before or after the R&O

# Other Procedures

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- Petitions to deny
  - One party asks the FCC not to grant the request of another party
- Stay Order
  - An *Order* delaying the effective date of a new rule

# Other Procedures

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- *Ex Parte* Rules
  - Non-restricted proceeding
    - Generally rule making proceedings
    - Presentations permitted to FCC staff with appropriate notations in the rule making file
  - Restricted proceeding
    - Generally affects the rights of a single party
    - No presentations permitted unless all parties are present or written pleading served on all parties