FCC Authorizes Unlicensed Operations of Ultra-Wideband Devices

On February 12, 2003, the FCC reaffirmed rules previously adopted in February 2002 to authorize the deployment of ultra-wideband (“UWB”) devices. UWB is expected to be used for public safety, radar imaging of objects buried under the ground or behind walls, and short-range, high-speed data transmissions. An anticipated benefit of UWB devices is operation on spectrum occupied by existing radio services without interference. The new rules specify UWB parameters for ground penetrating radar, through-wall imaging, medical, surveillance, vehicular radar, and communications and measurement systems.

Major Local Competition Decision Expected

With a court imposed deadline looming, the FCC is expected to adopt a decision on February 20, 2003, regarding unbundled network elements (“UNEs”) that Incumbent Local Exchange Carriers (“ILECs”) must make available to competing carriers, including interoffice transport, local circuit switching and line sharing. While FCC Chairman Powell repeatedly has signaled support for scaling back the current list of UNEs, fellow Republican Commissioner Martin has put forth an alternate plan—allegedly supported by Democratic Commissioners Copps and Adelstein—that would preserve the status quo. The stakes are high. During the last 18 months, AT&T and WorldCom, principally its MCI division, have bundled long distance services with UNE-based local exchange services, winning millions of local exchange customers from the ILECs.

Petition for Declaratory Ruling On Telephone Number Portability to Wireless Carriers

The FCC seeks comment on a Petition for Declaratory Ruling that wireline carriers must provide telephone number portability to wireless providers whose service areas overlap with wireline carriers' rate centers. Some wireline carriers have interpreted the FCC's rules to mean that portability is required only where wireless providers have established a presence in the area. Comments are due February 26 and Reply Comments are due March 13.

House Approves Telemarketing “Do-Not-Call” List

The U.S. House of Representatives approved a national "do not call" list on February 12, 2003, which is intended to stop unwanted telemarketing calls. Failure to honor a "do-not-call" request could subject a telemarketer to a fine of $11,000 for a single violation. The FCC is considering requiring telephone companies to honor the national “do-not-call” list.

Keller and Heckman LLP at ENTELEC ’03 – Austin, Texas

Wayne Black, Katherine Lucas, Randy Young, and Elizabeth Buckley will be at ENTELEC ’03, March 31-April 2, 2003, in Austin, Texas. Wayne and Katherine will deliver the Washington Report on Wednesday, April 2, providing an overview of recent telecommunications regulatory developments that potentially affect the energy industry. Randy will be a Panelist at the Telecommunications Roundtable following the Washington Report. All will be at Booth 727 from time to time, so please stop by to visit. Early discount hotel rates are available through March 7, 2003. For more information, please visit the ENTELEC website at http://www.entelec.org/e03.html.

For further information or assistance regarding these issues, please contact any of the following Keller and Heckman LLP Telecommunications or Business Partners:

Wayne Black at black@khlaw.com or 202-434-4130
Marty Bercovici at bercovici@khlaw.com or 202-434-4144
Mike Morrone at morrone@khlaw.com or 202-434-4124
Jack Richards at richards@khlaw.com or 202-434-4210
Doug Jarrett at jarrett@khlaw.com or 202-434-4180
David Reader at reader@khlaw.com or 202-434-4187

Keller and Heckman LLP's Telecom Business Alert © 2003. All rights reserved. All articles are on topics of general interest and do not constitute legal advice for particularized facts. Individual articles may be copied in their entirety with attribution. For additional information on Keller and Heckman LLP, please visit our website at http://www.khlaw.com.