

Before the  
 Federal Communications Commission  
 Washington, D.C. 20554

In the Matter of	)	
	)	
Recommendations of the Independent Panel	)	EB Docket No. 06-119
Reviewing the Impact of Hurricane Katrina on	)	WC Docket No. 06-63
Communications Networks	)	
	)	

**ORDER**

**Adopted: August 2, 2007**

**Released: August 2, 2007**

By the Commission:

1. In this Order, we extend the effective date of the recently adopted Section 12.2 of the Commission’s rules to October 9, 2007.<sup>1</sup> This rule requires local exchange carriers (LECs), including incumbent LECS and competitive LECs, and commercial mobile radio service (CMRS) providers to have “an emergency backup power source for all assets that are normally powered from local AC commercial power, including those inside central offices, cell sites, remote switches and digital loop carrier system remote terminals.”<sup>2</sup> The rule further states that “LECs and CMRS providers should maintain emergency back-up power for a minimum of 24 hours for assets inside central offices and eight hours for cell sites, remote switches and digital loop carrier system remote terminals that are normally powered from local AC commercial power.”<sup>3</sup> LECs that meet the definition of a Class B company as set forth in Section 32.11(b)(2) of the Commission’s rules and non-nationwide CMRS providers with no more than 500,000 subscribers are exempt from this rule.<sup>4</sup> Absent an extension, this rule would become effective on August 10, 2007, which is 30 days after publication of the *Katrina Panel Order* in the Federal Register.<sup>5</sup>

2. On July 31, 2007, CTIA – the Wireless Association® (CTIA) filed a “Motion for Administrative Stay” of Section 12.2.<sup>6</sup> In particular, CTIA requests an administrative stay, pending further review, of the requirement that CMRS providers have an emergency back-up power source for all assets that are normally powered by local AC commercial power, including a minimum of eight hours of back-up power for cell sites, by August 10, 2007.<sup>7</sup>

<sup>1</sup> See *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, EB Docket No. 06-119, WC Docket No. 06-63, Order, 22 FCC Rcd 10541, ¶¶76-78 and Appendix B (2007) (*Katrina Panel Order*); see also 47 C.F.R. § 12.2.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; see also 47 C.F.R. § 32.11(b).

<sup>5</sup> *Id.* at ¶ 126; see also 72 FR 37655 (rel. July 11, 2007).

<sup>6</sup> CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. AT&T is a member of CTIA, but is not a participant in the Motion for Administrative Stay. CTIA Motion for Administrative Stay at 1.

<sup>7</sup> CTIA Motion for Administrative Stay at 1.

3. On our own motion, we hereby delay the effective date of the back-up power rule adopted in the *Katrina Panel Order* for a period of 60 days from the original effective date of the rule (*i.e.*, the new effective date will be October 9, 2007). This will provide the Commission with additional time to consider the issues raised by CTIA in its Motion for Administrative Stay and to hear from other concerned parties on those issues.

4. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) of the Communications Act of 1934, as amended, 47 C.F.R. §§ 154(i) and (j), and Sections 1.108 and 1.427 of the Commission's Rules, 47 C.F.R. §§ 1.108 and 1.427, that the effective date of Section 12.2 of the Commission's Rules, 47 C.F.R. § 12.2, is delayed for a period of 60 days. The new effective date of this rule will be October 9, 2007.

5. IT IS FURTHER ORDERED that the effective date of this Order is the date upon which this Order is released by the Commission.<sup>8</sup>

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>8</sup> This Order addresses a Commission rule that is to become effective on August 10, 2007, hence the need for making the Order effective immediately upon release.