

service areas, those with historical experience figures between 11 and 106 (inclusive), were assigned to the 50 percent group. For wireline services, the remaining counties with a historical experience of 101 or more, were determined to be within the 25 percent group.

Thus, the percentage group applicable to a particular county or market service area can be determined according to its total historical experience, as summarized below.

a. Counties

Counties with a total historical experience between 0 and 10 (inclusive), are in the 100 percent group; between 11 and 44 (inclusive), are in the 75 percent group; between 45 and 100 (inclusive) are in the 50 percent group; and greater than 100, are in the 25 percent group. The following chart summarizes these determinations:

Historical experience	Percentage group
0–10	100
11–44	75
45–100	50
101 or more	25

b. Market Service Areas

The following describes the percentage groups for wireless carriers regardless of the type of geographic region (MSA/RSA, MTA, and BTA). Market service areas with a total historical experience between zero and five (inclusive) are in the 100 percent group; between six and ten (inclusive) are in the 75 percent group; and greater than ten, are in the 50 percent group. The following chart summarizes these determinations:

Historical experience	Percentage group
0–5	100
6–10	75
11 or more	50

5. Application of Percentage to Actual and Maximum Capacity Requirements

Carriers can use the applicable percentage to determine the number of simultaneous communications interceptions that they should be capable of accommodating within their total capacity requirements.

As described above, the actual and maximum capacity requirements specify a total number of surveillances. The applicable percentage is then multiplied by the capacity requirement to determine the highest number of

simultaneous surveillances that could be in the form of communications interceptions. If the calculation results in a fraction, then the number of communications interceptions should be rounded up.

The percentage does not change the total number of surveillances specified in the actual and maximum capacity requirements, and does not change the total number of surveillances that carriers must be able to accommodate simultaneously in order to meet the capacity requirements. In cases where the carrier's capacity requirements fall within the 75 percent group, or lower, the percentage will clearly limit the number of simultaneous communications interceptions that a carrier is required to be capable of accommodating. Thus, a carrier must at all times be able to accommodate a number of surveillances equal to its capacity requirement, and the total number of surveillances may be all pen registers/traps and traces or a combination of these and communications interceptions. However, the number of communications interceptions will not exceed the limit, if any, indicated by the applicable percentage. The examples below will illustrate this.

Example 1

Montgomery County, Maryland has a historical experience of 66, an actual capacity requirement of 84, and a maximum capacity requirement of 110. The historical experience of 66 places it within the 50 percent group. Multiplying the percentage by the capacity requirements indicates that the actual capacity requirement is limited to 42 communications interceptions and the maximum capacity requirement is limited to 55 communications interceptions. A carrier providing service in this county is required to be capable of accommodating an actual capacity of 84 pen registers/traps and traces, or any combined number of surveillances equal to 84 where the number of communications interceptions is equal to 42 or less. For example, the carrier must be capable of accommodating 42 simultaneous communications interceptions and 42 simultaneous pen registers/traps and traces. For a further example, the carrier must be capable of accommodating 10 simultaneous communications interceptions and 74 simultaneous pen registers/traps and traces. The same form of analysis applies to the maximum capacity requirements.

Example 2

Metropolitan Statistical Area / Rural Statistical Area (MSA/RSA) 234, Athens, Georgia, has a historical experience of 7, an actual capacity requirement of 12, and a maximum capacity requirement of 20. The historical experience of 7 places it within the 75 percent group. Multiplying the percentage by the capacity requirements indicates that the actual capacity requirement is limited to 9 communications interceptions and the maximum capacity requirement is limited to 15 communications interceptions. A carrier providing service in this MSA/RSA is required to be capable of accommodating an actual capacity of 12 pen registers/traps and traces, or any combined number of both types of surveillances equal to 12, where the number of communications interceptions is equal to 9 or less. For example, the carrier must be capable of accommodating 9 simultaneous communications interceptions and 3 simultaneous pen registers/traps and traces. For a further example, the carrier must be capable of accommodating 2 simultaneous communications interceptions and 10 simultaneous pen registers/traps and traces. The same form of analysis applies to the maximum capacity requirements.

Example 3

Harris County, Texas has a historical experience of 294, an actual capacity requirement of 371, and a maximum capacity requirement of 484. The historical experience of 294 places it within the 25 percent group. Twenty-five percent of 371 is 92.75, which is rounded up to 93. The actual capacity requirement is limited to 93 communications interceptions and the maximum capacity requirement is limited to 121 communications interceptions. A carrier providing service in this county is required to be capable of accommodating an actual capacity of 371 pen registers/traps and traces, or any combined number of both types of surveillances equal to 371 where the number of communications interceptions is equal to 93 or less. For example, the carrier must be capable of accommodating 93 simultaneous communications interceptions and 278 simultaneous pen registers/traps and traces. For a further example, the carrier must be capable of accommodating 10 simultaneous communications interceptions and 361 simultaneous pen registers/traps and traces. The same form of analysis applies to the maximum capacity requirements.