

2. Section 81.324 is amended by revising the entry for AQCR 131 in the

table entitled "Minnesota-SO₂" to read as follows:

§ 81.324 Minnesota.

* * * * *

MINNESOTA-SO₂

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 131:				
Anoka County				X
Carver County				X
Dakota County				X
Hennepin County				X
Ramsey County				X
Scott County				X
Washington County				X
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[FR Doc. 97-11994 Filed 5-12-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 76

[CS Docket No. 96-46; FCC 97-130]

Open Video Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The *Fourth Report and Order* adopts and modifies rules and policies concerning open video systems. The *Fourth Report and Order* amends our regulations to reflect the provisions of the Telecommunications Act of 1996 (the "1996 Act") which pertain to the filing requirements for certification applications, comments and oppositions, Notices of Intent and complaints concerning channel carriage. This item further fulfills Congress' mandate in adopting the 1996 Act and will provide guidance to open video system certification applicants, open video system operators, video programming providers and consumers concerning open video systems.

DATES: Effective upon approval of the OMB, but no sooner than June 12, 1997. The Commission will publish a document at a later date notifying the public as to the effective date. Written comments by the public on the modified information collections are due on or before June 12, 1997. Written comments must be submitted by OMB on the modified information collections on or before July 14, 1997.

ADDRESSES: A copy of any comments on the modified information collections

contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503 or via the Internet to fain—t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Carolyn Fleming, Cable Services Bureau, (202) 418-7200. For additional information concerning the information collections contained herein contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Fourth Report and Order* in CS Docket No. 96-46, FCC 97-130, adopted April 10, 1997 and released April 15, 1997. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW, Washington, D.C. 20554.

The *Fourth Report and Order* contains modified information collections. It has been submitted to OMB for review, as required by the Paperwork Reduction Act of 1995. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collections contained in the *Fourth Report and Order*. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c)

ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060-0700.

Title: Open Video Systems Provisions.

Form Number: FCC Form 1275.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses and other for-profit entities; state, local and tribal governments.

Number of Respondents: 748. (10 OVS operators, 250 video programming providers that may request additional Notice of Intent information, file rate complaints, or dispute cases, 60 broadcast stations that may elect type of carriage and make network non-duplication notifications, 100 programming providers that may make notice of invalid rights claimed, 300 must-carry list requesters, 28 oppositions to OVS operator certifications.)

Number of Responses: 3,754. (14 certification filings/refilings, 250 requests for additional Notice of Intent information, 250 responses to requests for additional Notice of Intent information, 10 Notices of Intent, 50 rate complaints, 50 rate justifications, 60 carriage elections, 10 must-carry recordkeepers, 300 must-carry list requests, 300 provisions of must-carry lists, 1,200 notifications of network non-duplication rights to OVS operators, 100 programming provider notifications of invalid rights claimed, 1,100 OVS operator notifications to programming providers, 28 oppositions to certifications, 20 dispute case complainants, and 20 dispute case defendants.)

Estimated Burden to Respondents:

Section 76.1502 Certification: We estimate that prospective OVS operators will make a total of 14 certification filings and refilings on an annual basis. The average burden to OVS operators for all aspects of each filing and refiling process, including serving copies to appropriate entities, is estimated to be 2 hours apiece; therefore 14 filings and refilings \times 2 = 28 hours. We estimate there will be an average of 2 oppositions to each filing and refiling. The average burden entities will undergo in drafting and filing each opposition with the Commission's Office of the Secretary and Cable Services Bureaus is estimated to be 4 hours. 14 filings and refilings \times 2 oppositions each \times 4 hours for each opposition = 112 hours.

Section 76.1503 Carriage of video programming providers on open video systems: We currently estimate 10 Notices of Intent will be filed on an annual basis. The average number of entities that prospective OVS operators must notify with each Notice of Intent is estimated to be 45. The average burden for each OVS operator to undergo all aspects of the Notice of Intent process, including serving copies to all entities is estimated to be 8 hours; therefore 10 Notices \times 8 hours each = 80 hours. We estimate that the number of written requests for additional information that will be received subsequent to Notices of Intent will be 25 per Notice of Intent. 10 Notices \times 25 requests for additional information = 250. The average burden to prospective video programming providers to make each written request is estimated to be 2 hours apiece; therefore 10 \times 25 \times 2 = 500 hours. The average burden to each OVS operator to provide the additional information to the entire group of prospective video programming providers who requested additional information is estimated to be 8 hours apiece; therefore 10 Notices \times 8 hours = 80 hours.

Section 76.1504 Rates, terms and conditions of carriage on open video systems: We estimate that video programming providers will file an average of 5 complaints against each OVS operator per year; therefore 10 OVS operators \times 5 complaints = 50 complaints. We estimate the average burden to draft and file a complaint is 1 hour; therefore 50 complaints \times 1 hour = 50 hours. We estimate the burden for OVS operators to undergo all aspects of the rate justification process to be 20 hours per justification; therefore 10 OVS operators \times 5 justifications \times 20 hours for each justification = 1,000 hours.

Section 76.1506 Carriage of television broadcast signals: We estimate there are

10 OVS operators, each with an estimated average number of 6 broadcast stations in each OVS operator's area of carriage. We estimated the average burden to broadcast stations for each election for must-carry or retransmission consent to be 2 hours per election; therefore 10 \times 6 \times 2 hours = 120 hours. The estimated annual recordkeeping burden for OVS operators to maintain list of broadcast stations carried in fulfillment of must-carry requirements is 4 hours per OVS operator; therefore 10 \times 4 = 40 hours. The estimated annual number of written requests received by OVS operators is 30 per OVS operator; therefore 10 \times 30 = 300. The burden for completing written requests: .25 hours per request; therefore 10 \times 30 \times .25 = 75 hours. The burden to OVS operators to respond to requests: .25 hours per request; therefore 10 \times 30 \times .25 = 75 hours.

Section 76.1508 Network non-duplication, Section 76.1509 Syndicated program exclusivity: We estimated number of notices to be filed by television broadcast stations in order to notify OVS operators of exclusive or non-duplication rights being exercised is 6 stations in each OVS operator's area of carriage \times 20 estimated annual notifications \times 10 OVS operators = 1,200. The burden to television stations to make notifications is estimated to be .5 hours per notice; therefore 1,200 \times .5 = 600 hours. We estimate the annual number of notices filed by programming providers to notify OVS operators that the sports exclusivity rights claimed are invalid to be 100. The burden to programming providers to make notifications is estimated to be .5 hours per notice; therefore 100 \times .5 hours = 50 hours. The burden for each OVS operator to make notifications available to all programming providers on their systems: 1 hour per notification \times 1,100 occurrences = 1,100 hours.

Section 76.1513 Dispute resolution: We estimate there will be 20 initial notices filed by complainants annually as well as 20 defendants' responses to notices filed. The average burden for each notice and response is estimated to be 4 hours apiece; therefore 40 \times 4 = 160 hours. We estimate that the 20 annual notices will result in the initiation of 10 dispute cases. The average burden for complainants and defendants for undergoing all aspects of the dispute case is estimated to be 25 hours per case; therefore 20 (10 complainants + 10 defendants) \times 25 = 500 hours.

Total Annual Burden to respondents: 4,570 hours, as calculated above.

Estimated Costs to Respondents:

Section 76.1502 Certification: Costs of stationery, diskettes, and postage at \$10

for 14 Form 1275 filings/refilings sent to the Commission and all applicable local communities = \$140. Costs of stationery and postage at \$2 apiece for 28 sets of opposition filings = \$56.

Section 76.1503 Carriage of video programming providers on open video systems: Costs of stationery and postage at \$2 apiece for (10 Notices of Intent \times 45 entities) + 250 requests for additional information + 250 responses to requests for additional information = \$1,900.

Section 76.1504 Rates, terms and conditions of carriage on open video systems: Costs of stationery and postage at \$2 apiece for 50 rate complaints + 50 rate justifications = \$200.

Section 76.1506 Carriage of television broadcast signals: Costs of stationery and postage at \$2 apiece for 60 carriage elections + 300 requests for lists + 300 provisions of lists = \$1,320.

Section 76.1508 Network non-duplication, Section 76.1509 Syndicated program exclusivity: Costs of stationery and postage at \$2 apiece for 1,200 notifications to OVS operators + 100 notifications of invalid rights claimed + 1,100 OVS operator notifications to programming providers = \$4,800.

Section 76.1513 Dispute resolution: Costs of stationery and postage at \$2 apiece for 20 notices + 20 responses to notices = \$80. Costs of stationery and postage at \$10 apiece for 10 complainants in dispute cases + 10 defendants in dispute cases = \$200. \$80 + \$200 = \$280.

Total Annual Cost to respondents: \$8,696 as calculated above.

Needs and Uses: The information collections contained herein, which are necessary to implement the statutory provisions for Open Video Systems contained in the Telecommunications Act of 1996, have been previously approved by OMB under OMB control number 3060-0700. The following summary addresses only changes that have been adopted by the Commission in its *Fourth Report and Order*.

I. Introduction

1. On February 8, 1996, the Telecommunications Act of 1996 added Section 653 to the Communications Act of 1934, establishing open video systems as a new framework for entry into the video programming marketplace. Subsequently, the Commission adopted a series of orders prescribing rules and policies governing the establishment and operation of open video systems. The Commission has 10 calendar days from receipt of a complete FCC Form 1275 to issue an order approving or disapproving the certification. Upon receipt of a complete FCC Form 1275, the Commission will

publish a notice of the filing in the Daily Digest and post the filing on the Commission's Internet site. Comments or oppositions to the certification must be received by the Office of the Secretary within five days of the applicant's filing and must be served upon the applicant. The FCC Form 1275 will be deemed approved if the Commission does not disapprove the filing within the 10 calendar day time period. If the Commission disapproves the FCC Form 1275, the applicant may file a revised FCC Form 1275 or refile its original submission with a statement addressing the issues in dispute as stated in our order disapproving the filing.

2. Based on the experiences of recent open video system certification proceedings, we believe that certain modifications to the open video system procedures will benefit both the parties and the Commission. The intent of this *Fourth Report and Order* is to revise our procedures for both the filing of certification applications and the filing of comments and oppositions to provide the most efficient processing of applications for certification, given the limited 10-day statutory deadline for deciding certification applications.

3. Section 553 of the Administrative Procedures Act ("APA") provides that an agency must provide notice of proposed rules in the **Federal Register** and afford an opportunity for interested persons to present their views. However, rules of "agency organization, procedure, or practice" are exempted from the APA's notice and comment requirement. We find that the changes in the Commission's open video system procedures proposed in this *Fourth Report and Order* fit within this exception because they are purely ministerial and do not alter the rights of interested parties. The purpose of these changes is to organize the Commission's internal procedures to provide for a more efficient processing of applications for certification. Accordingly, we issue this *Fourth Report and Order* without providing for a prior notice and comment period.

II. Certification Application

4. To date, certain certification applications that were submitted were found to be improperly filed with the Commission because the accompanying diskettes were not properly formatted. Parties are reminded that all certification applications must be filed on 3.5 diskettes formatted in an IBM compatible form using Wordperfect 5.1 for Windows and Excel 4.0 software. Attachments are part of the application package and, therefore, are subject to the

same diskette requirements as the application, unless technologically infeasible. In addition, we remind parties that a hard copy and a diskette copy of the FCC Form 1275 and all attachments must be filed with both the Office of the Secretary and the Office of the Bureau Chief, Cable Services Bureau. In order to ensure the prompt delivery of the application and related pleadings to the staff person responsible for its review, parties are required to attach a cover sheet to the filing and related pleadings indicating that the submission is either an open video system certification application or related pleadings. Specifically, for an open video system certification application, the only wording on this cover sheet shall be "Open Video System Certification Application" and "Attention: Cable Services Bureau." Similarly, for pleadings related to an open video system application, the only wording on this cover sheet shall be "Open Video System Certification Application Comments" and "Attention: Cable Services Bureau." In either case, the wording shall be located in the center of the page and should be in letters at least 1/2 inch in size. For the purpose of open video system certification applications and related pleadings, we are also modifying our mailing address by requiring applications to be filed with the Office of the Bureau Chief, Cable Services Bureau as well as with the Office of the Secretary. Parties shall include the words "open video systems" on their mailing envelopes.

III. Filing Comments or Oppositions

5. In several instances, comments or oppositions filed with the Office of the Secretary were not also filed with, or served on, the Cable Services Bureau. Due to the short review period for certification applications, we now require parties wishing to respond to an FCC Form 1275 filing to submit comments or oppositions simultaneously to the Office of the Secretary and the Bureau Chief, Cable Services Bureau. Comments will not be considered timely filed unless filed with both offices. Untimely filed comments will not be deemed properly filed, and will not be considered by the Commission.

IV. Calculation of Response Period

6. Under the current rule, comments or oppositions must be filed within five days of the applicant's filing. The Commission has 10 calendar days from receipt of a complete FCC Form 1275 to issue an order approving or disapproving the certification.

Intermediate holidays are not counted in determining the commenters' five-day response period, but are counted in determining the Commission's review period. These two rules, taken together, could lead to a situation where the Commission's order could be due on the same day that comments are due, effectively denying the Commission an opportunity to review the comments in rendering its decision.

7. Accordingly, in this *Fourth Report and Order* we now modify this rule to provide that comments or oppositions must be received by the Office of the Secretary and the Bureau Chief, Cable Services Bureau within five calendar days of the applicant's filing and served upon the applicant. Intermediate holidays (e.g. Saturday, Sunday, and other officially recognized federal holidays) will be counted in determining the due date for filing comments and oppositions. If, after making the necessary calculations, the due date for filing comments falls on a holiday, comments shall be filed on the next business day before noon, unless the nearest business day precedes the fifth calendar day following a filing, in which case the comments will be due on the preceding business day. We note that this modification of our computation of time regulations applies solely to the open video system certification process.

V. Certification Denials

8. If the Commission denies certification to an applicant, the applicant may file a revised FCC Form 1275 or refile its original submission with a statement addressing the issues in dispute as stated in our order disapproving the filing. Applicants to operate an open video system must serve such refilings on any objecting party from the previous proceeding and on all local communities in which the applicant intends to operate. The Commission will consider any revised or refiled FCC Form 1275 to be a new proceeding. Commenters from the original proceeding must refile their original comments if they think such comments should be considered in the subsequent proceeding. All persons, however, remain free to file new comments in response to a refiled FCC Form 1275.

VI. Channel Allocation and Carriage Dispute Resolution Proceedings

9. In order to commence the channel allocation process, an operator is required to file a Notice of Intent with the Commission. The Commission then releases the Notice of Intent to the public. As part of that release, the Cable

Services Bureau is required to publish the Notice on the Internet. In order to ensure the prompt delivery of such notices to the staff persons responsible for their review, we now require parties to include the word "open video systems" on their mailing envelopes. Parties are also now required to attach a cover sheet to the filing indicating that the submission is an Open Video System Notice of Intent. Specifically, for a Notice of Intent, the only wording on this cover sheet shall be "Open Video System Notice of Intent" and "Attention: Cable Services Bureau." This wording shall be located in the center of the page and should be in letters at least 1/2 inch in size. Parties shall include the words "open video systems" on their mailing envelopes. Parties shall submit the Notice of Intent and related pleadings simultaneously to the Office of the Secretary and the Bureau Chief, Cable Services Bureau.

10. Additionally, pursuant to Section 653(a)(2) of the 1996 Telecommunications Act, the Commission has the authority to resolve disputes regarding open video system channel carriage. In order to conform our procedures for the filing of such complaints with our procedures for other open video system matters, parties are now required to include the words "open video systems" on their mailing envelopes. Parties are also now required to submit the complaint and materials related to these proceedings simultaneously to the Office of the Secretary and the Office of the Bureau Chief, Cable Services Bureau. Such pleadings must include a cover sheet indicating that the submission is either an Open Video System Channel Carriage Complaint or related pleading. In either case, the only wording on this cover sheet shall be "Open Video System Channel Carriage Dispute Resolution" and "Attention: Cable Services Bureau." This wording shall be located in the center of the page and should be in letters at least 1/2 inch in size.

VII. Paperwork Reduction Act of 1995 Analysis

11. The requirements adopted in this *Fourth Report and Order* have been analyzed with respect to the Paperwork Reduction Act of 1995 (the "PRA") and found to impose modified information collection requirements on the public. Implementation of any modified requirement will be subject to approval by the Office of Management and Budget ("OMB") as prescribed by the PRA. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on

the information collections contained in this *Fourth Report and Order* as required by the PRA. Comments should address: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (2) the accuracy of the Commission's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and, (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

12. Written comments must be submitted by the Office of Management and Budget on the proposed and/or modified information collections on or before July 14, 1997. A copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to dconway@fcc.gov. For additional information concerning the information collections contained herein contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

VIII. Ordering Clauses

13. Accordingly, *it is ordered* that, pursuant to Section 4(i), 4(j), 303(r), and 653 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 303(r) and 573 of the rules, requirements and policies discussed in this order *are adopted* and Section 76.1502(e) of the Commission's rules, 47 CFR § 76.1502 *is amended* as set forth below.

14. *It is further ordered* that the requirements and regulations established in this decision shall become effective upon approval by OMB of the new information collection requirements adopted herein, but no sooner than June 12, 1997.

List of Subjects in 47 CFR Parts 1 and 76

Cable television.

Federal Communications Commission
William F. Caton,
Acting Secretary.

Rule Changes

Accordingly Parts 1 and 76 of Title 47 are amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read as follows:

Authority: 47 U.S.C. 151, 154, 207, 303 and 309(j).

2. Section 1.4 is amended by revising paragraphs (g), (j), and (k) to read as follows:

§ 1.4 Computation of time.

* * * * *

(g) Unless otherwise provided (e.g., §§ 1.773 and 76.1502(e)(1) of this chapter), if the filing period is less than 7 days, intermediate holidays shall not be counted in determining the filing date.

* * * * *

(j) Unless otherwise provided (e.g., § 76.1502(e) of this chapter) if, after making all the computations provided for in this section, the filing date falls on a holiday, the document shall be filed on the next business day. See paragraph (e)(1) of this section.

(k) Where specific provisions of part 1 conflict with this section, those specific provisions of part 1 are controlling. See, e.g., §§ 1.45(d), 1.773(a)(3) and 1.773(b)(2). Additionally, where § 76.1502(e) of this chapter conflicts with this section, those specific provisions of § 76.1502 are controlling. See e.g., 47 CFR 76.1502(e).

PART 76—CABLE TELEVISION SERVICE

3. The authority citation for Part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 552, 554, 556, 558, 560, 561, 571, 572, 573.

4. Section 76.1502 is amended by revising paragraphs (d) and (e), and adding new paragraph (f) to read as follows:

§ 76.1502 Certification.

* * * * *

(d) Parties are required to attach a cover sheet to the filing indicating that the submission is an open video system certification application. The only wording on this cover sheet shall be "Open Video System Certification Application" and "Attention: Cable Services Bureau." This wording shall be located in the center of the page and should be in letters at least 1/2 inch in size. Parties shall also include the words "open video systems" on their mailing envelope.

(e) (1) Comments or oppositions to a certification must be filed within five calendar days of the Commission's receipt of the certification and must be served on the party that filed the certification. If, after making the necessary calculations, the due date for

filing comments falls on a holiday, comments shall be filed on the next business day before noon, unless the nearest business day precedes the fifth calendar day following a filing, in which case the comments will be due on the preceding business day. For example, if the fifth day falls on a Saturday, then the filing would be due on that preceding Friday. However, if the fifth day falls on Sunday, then the filing will be due on the next day, Monday, before noon (or Tuesday, before noon if the Monday is a holiday).

(2) Parties wishing to respond to a FCC Form 1275 filing must submit comments or oppositions with the Office of the Secretary and the Bureau Chief, Cable Services Bureau. Comments will not be considered properly filed unless filed with both of these Offices. Parties are required to attach a cover sheet to the filing indicating that the submission is a pleading related to an open video system application, the only wording on this cover sheet shall be "Open Video System Certification Application Comments." This wording shall be located in the center of the page and should be in letters at least 1/2 inch in size. Parties shall also include the words "open video systems" on their mailing envelopes.

(f) If the Commission does not disapprove the certification application within ten days after receipt of an applicant's request, the certification application will be deemed approved. If disapproved, the applicant may file a revised certification or refile its original submission with a statement addressing the issues in dispute. Such refilings must be served on any objecting party or parties and on all local communities in which the applicant intends to operate. The Commission will consider any revised or refiled FCC Form 1275 to be a new proceeding and any party who filed comments regarding the original FCC Form 1275 will have to refile their original comments if they think such comments should be considered in the subsequent proceeding.

5. Section 76.1503 is amended by revising paragraph (b)(1) introductory text to read as follows:

§ 76.1503 Carriage of video programming providers on open video systems.

* * * * *

(b) * * *

(1) *Notification.* An open video system operator shall file with the Secretary of the Federal Communications Commission a "Notice of Intent" to establish an open video system, which the Commission will release in a Public Notice. Parties are required to attach a cover sheet to the

filing indicating that the submission is an Open Video System Notice of Intent. The only wording on this cover sheet shall be "Open Video System Notice of Intent" and "Attention: Cable Services Bureau." This wording shall be located in the center of the page and should be in letters at least 1/2 inch in size. Parties shall also include the words "open video systems" on their mailing envelopes. Parties must submit copies of the Notice of Intent with the Office of the Secretary and the Bureau Chief, Cable Services Bureau. The Notice of Intent shall include the following information:

* * * * *

6. Section 76.1513 is amended by adding new paragraphs (d)(8) and (d)(9) to read as follows:

§ 76.1513 Dispute resolution.

* * * * *

(d) * * *

(8) Parties are required to submit the complaint and materials related to these proceedings simultaneously to the Office of the Secretary and the Bureau Chief, Cable Services Bureau.

(9) Pleadings must include a cover sheet indicating that the submission is either an Open Video System Channel Carriage Complaint or related pleading. In either case, the only wording on this cover sheet shall be "Open Video System Channel Carriage Dispute Resolution" and "Attention: Cable Services Bureau." This wording shall be located in the center of the page and should be in letters at least 1/2 inch in size. Parties shall also include the words "open video systems" on their mailing envelopes.

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[FR Doc. 97-11973 Filed 5-12-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[ET Docket No. 96-8; FCC 97-114]

Spread Spectrum Transmitters

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this *Report and Order*, the Commission amends its regulations regarding the unlicensed operation of spread spectrum systems in the 902-928 MHz ("915 MHz"), 2400-2483.5 MHz ("2450 MHz"), and 5725-5850 MHz ("5800 MHz") bands, as proposed in the *Notice of Proposed Rule Making* ("NPRM") in this proceeding. These

amendments permit the use of high gain directional antennas for systems operating as fixed, point-to-point stations in the 2450 MHz and 5800 MHz bands. They also reduce the number of hopping channels for frequency hopping systems operating in the 915 MHz band. In addition, these amendments clarify existing regulations, codify existing policies into the rules, and update the definitions. These amendments will facilitate the growth of spread spectrum systems by enabling and encouraging practical applications for these systems.

DATES: Effective June 12, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 418-2455.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in ET Docket No. 96-8, FCC 97-114, adopted April 3, 1997, and released April 10, 1997. The complete text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, D.C. 20037.

Summary of the Report and Order

1. In the *Report and Order* ("Order"), the Commission amended Parts 2 and 15 of its regulations regarding unlicensed spread spectrum transmission systems operating in the 915 MHz, 2450 MHz and 5800 MHz bands. Spread spectrum systems use special modulation techniques that spread the energy of the signal being transmitted over a very wide bandwidth. This spreading reduces the power density of the signal at any frequency within the transmitted bandwidth, thereby reducing the probability of causing interference to other signals occupying the same spectrum. The reversal of the signal spreading process in the receiver enables the suppression of strong undesired signals.

2. The *Order* eliminates the limit on directional gain antennas for spread spectrum transmitters operating in the 2450 MHz and the 5800 MHz bands. The operation of these systems is limited to fixed, point-to-point systems. While transmitters in the 5800 MHz band are not required to reduce output power when the directional antenna