

**Authority:** 21 U.S.C. 321(q), 346(a) and 371.

**§ 180.511 [Amended]**

2. In § 180.511, by amending paragraph (b) by changing the date for curcubits from "12/31/99" to read "12/31/00".

[FR Doc. 99-28637 Filed 11-2-99; 8:45 am]

BILLING CODE 6560-50-F

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 94-150, 92-51, 87-154; FCC 99-207]

#### Attribution Ownership Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** This rule announces the effective date of two of the rules published on September 17, 1999. Those rules amended the Commission's rules local public inspection file and filing requirements for broadcast licensees. The Commission amended the filing requirements for broadcasters to require filing of attributable TV LMAs. The Commission also amended the public inspection file rules to require that television time brokerage agreements and radio and television joint sales agreements be kept in commercial broadcast stations' public files.

**DATES:** Sections 73.3526(e)(14) and (16) and 73.3613(d) and (e) published at 64 FR 50621 (September 17, 1999) are effective on November 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mania K. Baghdadi, Mass Media Bureau, (202) 418-2120.

**SUPPLEMENTARY INFORMATION:** On October 27, 1999 the Office of Management and Budget ("OMB") approved the amendments to the public file rules pursuant to OMB Control No. 3060-0214, and on October 27, 1999, OMB approved the amendments to the filing requirements rules pursuant to OMB Control No. 3060-0185. Accordingly, the rules in Sections 73.3526(3)(14) and (16) and 73.3613(d) will be effective on November 16, 1999.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 99-28791 Filed 11-2-99; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 99-1444; MM Docket No. 96-249, RM-8926 and RM-9068; MM Docket No. 96-259, RM-8970, RM-9069, and RM-9070]

#### FM Broadcasting Services; St. Maries, Moscow, Post Falls, and Troy, Idaho

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In MM Docket No. 96-249, the Chief, Allocations Branch, granted the petition for rulemaking filed by Pentacle Investments, Inc. (RM-8926), set forth in *Notice of Proposed Rulemaking*, 61 FR 66,249, published December 17, 1996, to allot Channel 221A at St. Maries, Idaho. In MM Docket No. 96-259, the Chief denied the petition for rulemaking filed by Darin L. Siebert (RM-8970), set forth in the *Notice of Proposed Rulemaking*, 62 FR 372, published January 3, 1997, to allot Channel 277A at Moscow, Idaho. However, the Chief granted two counterproposals filed in response to this *Notice*: by Rook Broadcasting, Inc. (RM-9069), licensee of Station KCDA(FM), Coeur d'Alene, Idaho, to upgrade its station by substituting Channel 276C1 for Channel 276C2 and to change that station's community of license by modifying it for operation at Post Falls, Idaho, and by Radio Palouse, Inc. (RM-9070) to allot Channel 262A at Troy, Idaho. With this action, the proceeding is terminated.

**DATES:** Effective November 26, 1999. A filing window for Channel 221A at St. Maries, Idaho and for Channel 262A at Troy, Idaho, will not be opened at this time. Instead, the Commission will address the issue of opening a filing window for this channel in a subsequent order.

**FOR FURTHER INFORMATION CONTACT:** J. Bertron Withers, Jr., Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Report and Order*, MM Dockets 96-249 and 96-259, adopted September 29, 1999, and released October 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's

Reference Center, 445 12th Street, SW, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's copy contractor, International Transcription Service, 1231 20th Street, N.W., Washington, DC 20036, (202) 857-3800.

Channel 221A can be allotted at St. Maries, Idaho in compliance with the Commission's minimum distance separation requirements without a site restriction at reference coordinates North Latitude 47-18-54 and West Longitude 116-34-30. Channel 276C1 can be allotted at Post Falls, Idaho in compliance with the Commission's minimum distance separation requirements at a site restricted to 6.0 kilometers (3.7 miles) north of the community at coordinates North Latitude 47-39-35 and West Longitude 116-57-12. Channel 262A can be allotted at Troy, Idaho in compliance with the Commission's minimum distance separation requirements at a site restricted to 7.7 kilometers (4.8 miles) east of the community at coordinates North Latitude 46-44-49 and West Longitude 116-39-59. Because St. Maries, Troy, and Post Falls are located within 320 kilometers (199 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained.

The Chief referred back to the Audio Services Division for final disposition, the application filed by Spokane Public Radio, Inc. (BPED-961210MC), which had been treated as a counterproposal (RM-9068) in MM Docket No. 96-249. That application seeks to upgrade Station KSFC(FM) at Spokane by substituting Channel 220C2 for Channel 220A. The Chief also rejected an alternative proposal offered by Spokane Public Radio to allot Channel 278A to St. Maries in lieu of Channel 221A. Since this decision removes the conflict with the application filed by Wilson Creek Communications, L.L.C. (BPH-970227ID), to upgrade Station KVVY(FM) at Wilson Creek by substituting Channel 278C1 for Channel 277C3, processing of this application may be resumed upon finality in this proceeding.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 reads continues to read as follows:

**Authority:** Sections 47 U.S.C. 154, 303, 334, and 336.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments, under Idaho, is amended by adding St. Maries, Channel 221A and Troy, Channel 262A and by removing Channel 276C2 at Coeur d'Alene and adding Post Falls, Channel 276C1.

Federal Communications Commission.

**John A. Karousos,**

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99-28481 Filed 11-2-99; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1, 20, and 95

[FCC 99-239; WT Docket No. 98-169]

### 218-219 MHz Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document modifies the regulations governing the licensing of the 218-219 MHz Service to maximize the efficient and effective use of the 218-219 MHz band. The Commission amends the rules to redesignate the 218-219 MHz Service from a strictly private radio service to a service that can be used in common carrier and private operations, extend the license term to ten years, adopt a "substantial service" analysis to replace the three- and five-year construction benchmarks, and permit partitioning and disaggregation of spectrum. Additionally, the Commission addresses the constitutional issues raised by Graceba Total Communications, Inc. that are before the Commission on remand from the D.C. Circuit Court of Appeals, together with similar issues raised by other commenters in the proceeding.

**DATES:** Effective January 3, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, S.W., Room 4-C207, Washington, D.C. 20554. A copy of any comments on the information collection contained herein should be submitted to Judy Boley, Federal Communications Commission, 445 12th Street, S.W., Room 1-C804, Washington, D.C. 20554 or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov); and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street, N.W., Washington, D.C. 20503 or via the Internet to [fain-t@al.eop.gov](mailto:fain-t@al.eop.gov).

**FOR FURTHER INFORMATION CONTACT:**

Jamison Prime, Shellie Blakeney or Nick Kolovos of the Policy and Rules Branch,

Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-0680. For further information concerning the information collection contained in the *Report and Order and Memorandum Opinion and Order*, contact Judy Boley at (202) 418-0215 or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order and Memorandum Opinion and Order* in WT Docket No. 98-169, FCC 99-239, adopted September 7, 1999, and released September 10, 1999. The full text of the *Report and Order and Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The full text of the *Report and Order and Memorandum Opinion and Order* may also be purchased from the Commission's copy contractor, International Transcription Services, 1231 20th Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800, facsimile (202) 857-3805. The full text of the *Report and Order and Memorandum Opinion and Order* may also be downloaded at: <http://www.fcc.gov/Bureaus/Wireless/Orders/1999/fcc99239.wp>. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418-0260, TTY (202) 418-2555, or at [mcontee@fcc.gov](mailto:mcontee@fcc.gov).

### Synopsis of the Report and Order and Memorandum Opinion and Order

The *Report and Order* gives maximum flexibility to 218-219 MHz Service providers, letting them choose their regulatory status. Mobile service providers may elect their regulatory status as either commercial (under the Commercial Mobile Radio Service [CMRS] rules) or private (under the Private Mobile Radio Service rules). Fixed service providers may elect their regulatory status as either common carrier or private, under the conditions set forth in Title III of the Communications Act of 1934, as amended. Regardless of regulatory status, the *Report and Order* further clarifies that both one- and two-way communications are permissible, as well as Response Transmitter Unit-to-Response Transmitter Unit (RTU-to-RTU) communications (in addition to RTU interconnection with the public switched network or any CMRS service). License terms are extended to ten years, regardless of whether the license was obtained by lottery or auction.

Regarding payment options, existing licensees that (a) were current in installment payments (*i.e.*, less than 90 days delinquent) as of March 16, 1998, or (b) had properly filed grace period requests under the former installment payment rules, are eligible for a new payment structure. These eligible licensees may choose between (a) reamortization of principal and interest installment payments over the new ten-year period; (b) amnesty wherein licensees surrender any licenses they choose to the Commission for subsequent auction and, in return, have all of the outstanding debt on those licenses forgiven (together with a refund of any installment payments already made, either in full or applied toward retained licenses, as applicable); or (c) prepayment whereupon licensees may retain or return as many licenses as they desire. Licensees electing the prepayment option, however, must prepay the outstanding principal of any license they wish to retain.

The *Report and Order* also resolves constitutional concerns raised by Graceba Total Communications, Inc. regarding a bidding preference for minorities and women that was used in the 1994 auction for what is now the 218-219 MHz Service. Now, every winning bidder that met the small business qualifications for that auction receives a 25 percent bidding credit, in order to achieve parity with the bidding credit formerly given to minorities and women. Minority- and women-owned winning bidders are not disadvantaged by this action because all such bidders also met the small business qualifications.

Regarding service and construction requirements, the three- and five-year construction benchmarks are replaced by a "substantial service" construction requirement, defined as a "service that is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal." In addition, the following "safe harbor" examples achieve compliance: (a) a demonstration of coverage to twenty percent of the population or land area of the licensed service area; (b) a demonstration of specialized or technologically sophisticated service that does not require a high level of coverage to be of benefit to customers; or (c) a demonstration of service to niche markets or a focus on serving populations outside of areas currently serviced by other licensees. These criteria are to be demonstrated at the time of license renewal.

License transfer restrictions on lotteried licenses are relaxed, though they remain subject to case-by-case,