

“substantial service” within ten years of the license grant. A “substantial service” assessment will be made at renewal pursuant to the provisions and procedures contained in § 1.949 of this chapter.

(b) Each 218–219 MHz Service licensee must file a report to be submitted to inform the Commission of the service status of its system. The report must be labeled as an exhibit to the renewal application. At minimum, the report must include:

(1) A description of its current service in terms of geographic coverage and population served;

(2) An explanation of its record of expansion, including a timetable of new construction to meet changes in demand for service;

(3) A description of its investments in its 218–219 MHz Service systems;

(4) A list, including addresses, of all component CTSs constructed; and

(5) Copies of all FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy; and a list of any pending proceedings that relate to any matter described in this paragraph.

(c) Failure to demonstrate that substantial service is being provided in the service area will result in forfeiture of the license, and will result in the licensee’s ineligibility to apply for 218–219 MHz Service licenses for three years from the date the Commission takes final action affirming that the 218–219 MHz Service license has been canceled pursuant to § 95.813 of this part.

21. Section 95.853 is revised to read as follows:

§ 95.853 Frequency segments.

There are two frequency segments available for assignment to the 218–219 MHz Service in each service area. Frequency segment A is 218.000–218.500 MHz. Frequency segment B is 218.501–219.000 MHz.

22. Section 95.855 is revised to read as follows:

§ 95.855 Transmitter effective radiated power limitation.

The effective radiated power (ERP) of each CTS and RTU shall be limited to the minimum necessary for successful communications. No CTS or fixed RTU may transmit with an ERP exceeding 20 watts. No mobile RTU may transmit with an ERP exceeding 4 watts.

23. Section 95.859 is amended by revising paragraph (a) and by removing and reserving paragraph (b) to read as follows:

§ 95.859 Antennas.

(a) The overall height from ground to topmost tip of the CTS antenna shall not

exceed the height necessary to assure adequate service. Certain CTS antennas must be individually licensed to the 218–219 MHz System licensee (see § 95.811(b) of this part) and the antenna structures of which they are a part must be registered with the Commission (see part 17 of this chapter).

24. Section 95.861 is revised to read as follows:

§ 95.861 Interference.

(a) When a 218–219 MHz Service system suffers harmful interference within its service area or causes harmful interference to another 218–219 MHz Service system, the licensees of both systems must cooperate and resolve the problem by mutually satisfactory arrangements. If the licensees are unable to do so, the Commission may impose restrictions including, but not limited to, specifying the transmitter power, antenna height or area, duty cycle, or hours of operation for the stations concerned.

(b) The use of any frequency segment (or portion thereof) at a given geographical location may be denied when, in the judgment of the Commission, its use in that location is not in the public interest; the use of a frequency segment (or portion thereof) specified for the 218–219 MHz Service system may be restricted as to specified geographical areas, maximum power, or other operating conditions.

(c) A 218–219 MHz Service licensee must provide a copy of the plan required by § 95.815(b) of this part to every TV Channel 13 station whose Grade B predicted contour overlaps the licensed service area for the 218–219 MHz Service system. The 218–219 MHz Service licensee must send the plan to the TV Channel 13 licensee(s) within 10 days from the date the 218–219 MHz Service licensee submits the plan to the Commission, and the 218–219 MHz Service licensee must send updates to this plan to the TV Channel 13 licensee(s) within 10 days from the date that such updates are filed with the Commission pursuant to § 95.815(b) of this part.

(d) Each 218–219 MHz Service system licensee must provide upon request, and install free of charge, an interference reduction device to any household within a TV Channel 13 station Grade B predicted contour that experiences interference due to a component CTS or RTU.

(e) Each 218–219 MHz Service system licensee must investigate and eliminate harmful interference to television broadcasting and reception, from its component CTSs and RTSs, within 30 days of the time it is notified in writing,

by either an affected television station, an affected viewer, or the Commission, of an interference complaint. Should the licensee fail to eliminate the interference within the 30-day period, the CTS(s) or RTU(s) causing the problem(s) must discontinue operation.

(f) The boundary of the 218–219 MHz Service system, as defined in its authorization, is the limit of interference protection for that 218–219 MHz Service system.

§ 95.863 [Removed]

25. Section 95.863 is removed.

[FR Doc. 99–27874 Filed 11–2–99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 101

[FCC 99–179–ET Docket No. 95–183]

37.0–38.6 GHz and 38.6–40.0 GHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission published rules in the **Federal Register** concerning the service rules for the 37.0–38.6 GHz and 38.6–40.0 GHz bands. This document makes corrections to those rules.

DATES: Effective October 22, 1999.

FOR FURTHER INFORMATION CONTACT: Jennifer Burton, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, (202) 418–0680. **TTY:** (202) 418–7233.

SUPPLEMENTARY INFORMATION:

Background

The Commission inadvertently included typographical errors in certain final rules published in the **Federal Register** dated August 23, 1999, (64 FR 45891). This correction amends those typographical errors. This correction also amends § 101.56(i) to comport with the Commission’s decision in the *Memorandum Opinion and Order* to allow 39 GHz licensees that obtain a bidding credit at auction to subsequently partition or disaggregate subject to the Commission’s unjust enrichment rules, the substance of which was not reflected in the final regulations.

List of Subjects in 47 CFR Part 101

Radio, Communications equipment.

Federal Communications Commission.
Magalie Roman Sales,
Secretary.

Rule Changes

For the reasons set forth in the preamble, amend part 101 of title 47 of the Code of Federal Regulations as follows:

PART 101—FIXED MICROWAVE SERVICES

1. The authority citation for Part 101 continues to read as follows:

Authority: Sec. 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154 and 303, unless otherwise noted.

2. In § 101.56, paragraphs (d)(1) and (d)(2) are redesignated as paragraphs (d) and (e) and paragraph (i) is revised to read as follows:

§ 101.56 Partitioned Services Areas (PSAs) and Disaggregate Spectrum.
* * * * *

(i) Licensees, including those using bidding credits in a competitive bidding

procedure, shall have the authority to partition service areas or disaggregate spectrum. Licensees who utilize bidding credits must comply with the requirements set forth in § 1.2111 (d) and (e).

* * * * *

§ 101.147 Frequency assignments.

3. In § 101.147, paragraph (u)(2) is redesignated as (v)(2).

[FR Doc. 99-28482 Filed 11-2-99; 8:45 am]
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