

**47 CFR Part 73**

[MM Docket No. 95-52, RM-8604]

**Radio Broadcasting Services; Roann, IN****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Roann Broadcasting seeking the allotment of FM Channel 270A to Roann, Indiana, as that community's first local aural transmission service. Coordinates used for Channel 270A at Roann are 40-55-18 North Latitude and 85-55-30 West Longitude. Roann is located within 320 kilometers (199 miles) of the Canadian border, and therefore, the Commission must obtain concurrence of that Government in this proposal.

**DATES:** Comments must be filed on or before June 22, 1995, and reply comments on or before July 7, 1995.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Matthew H. McCormick, Esq., Reddy, Begley, Martin & McCormick, 1001 - 22nd Street, NW, Suite 350, Washington, D.C. 20037.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-52, adopted April 19, 1995, and released May 1, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments.

See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

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

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,***Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-11015 Filed 5-3-95; 8:45 am]

BILLING CODE 6712-01-F

**47 CFR Part 73**

[MM Docket No. 95-51, RM-8591]

**Radio Broadcasting Services; Shingletown, CA****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Mark C. Allen, seeking the allotment of Channel 232A to Shingletown, California, as that community's second local FM service. Coordinates used for this proposal are North Latitude 40-29-33 and West Longitude 121-53-17.

**DATES:** Comments must be filed on or before June 22, 1995, and reply comments on or before July 7, 1995.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mark C. Allen, 3745 McHale Way, Redding, CA 96001.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-51, adopted April 19, 1995, and released May 1, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

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

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,***Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-11016 Filed 5-3-95; 8:45 am]

BILLING CODE 6712-01-F

**47 CFR Part 73**

[MM Docket No. 95-50, RM-8581]

**Radio Broadcasting Services; Willcox, AZ****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of William S. Konopnicki, licensee of Station KWCX-FM, Channel 252A, Willcox, Arizona, seeking the substitution of Channel 285C3 for Channel 252A and modification of his license accordingly to specify operation on the higher powered channel. Coordinates for this proposal are 32-14-48 and 109-39-52. Willcox is located within 320 kilometers (199 miles) of the United States-Mexico border, and therefore, the Commission must obtain concurrence of the Mexican government to this proposal.

Additionally, petitioner's modification proposal is consistent with the provisions of Section 1.420(g)(2) of the Commission's Rules as he demonstrated that an additional equivalent channel can be allotted to Willcox in the event other parties express an interest in the proposal. Therefore, we will not accept competing expressions of interest in the use of Channel 285C3 at Willcox.

**DATES:** Comments must be filed on or before June 22, 1995, and reply comments on or before July 7, 1995.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC,

interested parties should serve the petitioner's consultant, as follows: Dennis Silver, P.E., 3404 West 2640 South, West Valley City, Utah 84119-1625.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-50, adopted April 17, 1995, and released May 1, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 95-11017 Filed 5-3-95; 8:45 am]

BILLING CODE 6712-01-F

### 47 CFR Part 90

[PR Docket No. 89-553, GN Docket No. 93-252, PP Docket No. 93-253, FCC 95-159]

### Implementation of Section 309(j) of the Communications Act—900 MHz SMR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission adopted a *Second Further Notice of Proposed Rule Making* seeking comment on proposed licensing and auction rules to complete the licensing of the 900 MHz Specialized Mobile Radio (SMR)

service. This Order implements the Commission's decision in the *Third Report & Order* in GN Docket No. 93-252, 59 FR 59,945 (Nov. 21, 1994) (*CMRS Third Report & Order*), to license the 900 MHz band on a Major Trading Area (MTA) basis, and to use competitive bidding to select from among mutually exclusive applicants. This *Second Further Notice* requests comment on proposed new licensing rules and auction procedures for the service, including special provisions for small businesses, minority-owned and women-owned entities, and rural telephone companies.

**DATES:** Comments must be filed on or before May 24, 1995, and reply comments must be filed on or before June 1, 1995.

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

**FOR FURTHER INFORMATION CONTACT:** Amy Zoslov, (202) 418-0620, Wireless Telecommunications Bureau, Commercial Wireless Division.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Second Further Notice of Proposed Rule Making*, in PR Docket No. 89-553, FCC 95-159, adopted April 14, 1995, and released April 17, 1995. The complete text of this *Second Further Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 239, 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

### Synopsis of the Second Further Notice of Proposed Rule Making

#### I. Introduction

1. When the Commission established the 900 MHz SMR service in 1986, it elected to use a two-phase licensing process. In Phase I, licenses were assigned in 46 "Designated Filing Areas" (DFAs) comprised of the top 50 markets. Phase II licensing, for facilities outside the DFAs, was frozen after 1986, when the Commission opened its filing window for the DFAs. In 1989, the Commission adopted a *Notice of Proposed Rule Making* in PR Docket 89-553, 55 FR 00744, proposing to begin Phase II licensing of SMR facilities nationwide. In 1993, the Commission adopted a *First Report & Order & Further Notice of Proposed Rule Making* in PR Docket 89-553, 58 FR 12176 (March 3, 1993) (*Phase II First R&O &*

*Further Notice*), modifying its Phase II proposal and seeking comment on whether to license the 900 MHz SMR band to a combination of nationwide, regional and local systems. 8 FCC Rcd 1469 (1993). Shortly thereafter, Congress amended the Communications Act to reclassify most SMR licensees as Commercial Mobile Radio Service (CMRS) providers and establish the authority to use competitive bidding to select from among mutually exclusive applicants for certain services. The Commission deferred further consideration of Phase II and incorporated the 900 MHz SMR docket into its CMRS proceeding.

2. In the *CMRS Third Report & Order*, FR 59,945 (Nov. 21, 1994), the Commission further revised its Phase II proposals and established the broad outlines for the completion of licensing in the 900 MHz SMR band. The Commission left the specific auction rules for the Phase II proceeding.

3. The Commission seeks comment on the following proposals: adoption of a single simultaneous multiple round auction; establishment of upfront payment requirements; adoption of the Milgrom-Wilson activity rule; adoption of application procedures; adoption of procedures governing timing and duration of auction rounds, stopping rules and bid increments; adoption of bid withdrawal and default rules; adoption of procedures governing down payment and full payment for winning bidders; adoption of anti-collusion rules for bidders; and adoption of transfer disclosure and performance requirements for winning bidders.

4. With respect to rules for designated entities (*i.e.* small businesses, women-owned and minority-owned entities, and rural telephone companies), the Commission seeks comment on the following proposals: insulating certain spectrum blocks from large bidders; providing small businesses bidding credits, reduced down payment requirements, and installment payment options; whether reduced upfront payments are necessary; adoption of partitioning rule for rural telephone companies; adoption of eligibility standards for small business and rural telephone companies; and for small businesses, adoption of restrictions on transfer or assignment of their licenses.

#### II. Discussion

##### A. Competitive Bidding

5. In the *CMRS Third Report & Order*, 59 FR 59,945 (Nov. 21, 1994), the Commission determined that it would use competitive bidding to select from among mutually exclusive applicants in