

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 99-1429; MM Docket No. 99-44, RM-9469]

Radio Broadcasting Services; Stanfield, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission dismisses the request of Luella Hoskins seeking the allotment of Channel 241C3 to Stanfield, OR, since neither the petitioner nor any other party expressed an intent to apply for the channel, if allotted. See 64 FR 7842, February 17, 1999.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-44, adopted July 14, 1999, and released July 23, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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.*

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 78**

[CS Docket No. 99-250; FCC 99-166]

Eligibility Requirements in Part 78 Regarding 12 GHz Cable Television Relay Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document requests comment on amending the Commission's rules to allow private cable operators ("PCOs") and other

multichannel video programming distributors ("MVPDs") to use the frequencies in the 12 GHz band for the delivery of video programming. This document is in response to a petition for rulemaking filed with the Commission by Optel, Inc., a PCO that provides video programming and other services to residential subscribers, requesting eligibility to use the 12 GHz Cable Television Relay Service ("CARS") band for video programming. The Notice invites comments which will help the Commission determine the competitive impact on franchised cable resulting from the proposed expansion of eligibility for CARS licenses to PCOs and other MVPDs. The Notice also invites comments on technical and spectrum management issues relevant to expansion of CARS eligibility.

DATES: Comments are due on or before August 16, 1999 and reply comments are due on or before September 20, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (January 2, 1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>.

Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

FOR FURTHER INFORMATION CONTACT: Eloise Gore or Carolyn Fleming at (202) 418-7200 or via internet at egore@fcc.gov or cflaming@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking, FCC 99-166, CS Docket No. 99-250, adopted July 9, 1999 and released July 14, 1999 ("Notice"). The full text of this Notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, S.W., Washington, D.C. 20554, or may be purchased from the

Commission's copy contractor, International Transcription Service ("ITS"), (202) 857-3800, 1231 20th Street, NW, Washington, D.C. 20036, or may be reviewed via internet at <http://www.fcc.gov/Bureaus/Cable/News_Releases/1998/nrcb8022.html>. For copies in alternative formats, such as braille, audio cassette or large print, please contact Sheila Ray at ITS.

Ex Parte Rules

This proceeding will be treated as a "permit-but-disclose" proceeding subject to the "permit-but-disclose" requirements under Section 1.1206(b) of the rules. (47 CFR 1.1206(b), as revised). Ex parte presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, ex parte or otherwise, are generally prohibited. Persons making oral ex parte presentations are reminded that a memorandum summarizing a presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. (See 47 CFR 1.1206(b)(2), as revised.) Additional rules pertaining to oral and written presentations are set forth in 47 CFR 1.1206(b).

Synopsis of Notice of Proposed Rulemaking*Introductory Background*

1. In this proceeding, we respond to a petition for rulemaking filed by Optel, Inc. ("Optel"), a PCO that provides video and other services to residential users primarily located in multiple dwelling units ("MDUs") on a shared tenant basis. In its petition, Optel proposes to expand eligibility for the 12 GHz CARS band to include PCOs. On its own motion, the Commission seeks comment on expanding eligibility to other MVPDs. The Optel petition was filed on April 1, 1998. The Commission received comments all of which were in support of Optel's petition.

2. For purposes of the Notice, the 12 GHz frequency band is defined as the band segment 12.70-13.20 GHz shared by CARS and other services. Currently, that segment of the 12 GHz bandwidth is used by, among others, CARS licensees which provide point-to-point, e.g., from one side of a river or mountain to the other side of the river or mountain, and point-to-multipoint transmissions, e.g., from one side of a river or mountain to many points, video and related audio signals. Part 78 of the Commission's rules governs the