

Reason for Action

This rulemaking is being initiated to adopt certain licensing and service rules for the 24 GHz band, to auction 24 GHz spectrum not used by Digital Electronic Message Service (DEMS) licensees relocated from the 18.82–18.92 and 19.16–19.26 GHz bands (18 GHz band) to the 24.25–24.45 and 25.05–25.25 GHz bands (24 GHz band).

Objectives

The Commission's objectives are: (1) to accommodate the introduction of new uses of spectrum and the enhancement of existing uses; and (2) to facilitate the awarding of licenses to entities who value them the most.

Legal Basis for Proposed Rules

The proposed action is authorized under the Administrative Procedure Act, 5 U.S.C. 553; and sections 1, 4(i), 7, 301, 303, 308 and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157, 301, 303, 308 and 309(j).

Description and Estimate of Small Entities Subject to the Rules

The rules will affect incumbent licensees who are relocated to the 24 GHz band from the 18 GHz band and applicants who wish to provide services in the 24 GHz band.

The Commission has not developed a definition of small entities applicable to licensees in the 24 GHz band. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules for the radiotelephone industry that provides that a small entity is a radiotelephone company employing fewer than 1,500 persons. The 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available, shows that only 12 radiotelephone firms out of a total of 1,178 such firms that operated during 1992 had 1,000 or more employees. The Commission believes that there are only two licensees in the 24 GHz band that will be relocated, Teligent and TRW, Inc. It is the Commission's understanding that Teligent and its related companies have less than 1,500 employees, although this may change in the future. On the other hand, TRW is not a small entity. The Commission therefore believes that only one licensee in the 24 GHz is a small business entity. The Commission seeks comment on this analysis. In providing such comment, commenters are requested to provide information regarding how many total

and small business entities would be relocated.

The proposals also affect potential new licensees on the 24 GHz band. Pursuant to 47 CFR 24.720(b), the Commission has defined "small entity" for Blocks C and F broadband PCS licensees as firms that had average gross revenues of less than \$40 million in the three previous calendar years. This regulation defining "small entity" in the context of broadband PCS auctions has been approved by the SBA. With respect to new applicants in the 24 GHz band, the Commission also proposes to use the small entity definition adopted in the Broadband PCS proceeding. With regard to "very small businesses" the Commission proposes to adopt the definition used for 39 GHz licenses and for the PCS C and F block licenses: businesses with average annual gross revenues for the three preceding years not in excess of \$15 million.

The Commission will not know how many licensees will be small or very small businesses until the auction, if required, is held. Even after that, the Commission will not know how many licensees will partition their license areas or disaggregate their spectrum blocks, if partitioning and disaggregation are allowed. In view of our lack of knowledge of the entities that will seek 24 GHz licenses, the Commission therefore assumes that, for purposes of its evaluations and conclusions in the Initial Regulatory Flexibility Analysis, all of the prospective licensees are either small or very small business entities.

The Commission invites comment on this analysis.

Reporting, Recordkeeping, and Other Compliance Requirements

Applicants for 24 GHz licenses will be required to submit applications. The Commission requests comment on how these requirements can be modified to reduce the burden on small entities and still meet the objectives of the proceeding.

Significant Alternatives Minimizing the Impact on Small Entities Consistent With Stated Objectives

The Commission has reduced burdens wherever possible. To minimize any negative impact, however, it proposes certain incentives for small and very small entities that will redound to their benefit. These special provisions include partitioning and spectrum disaggregation. The regulatory burdens the Commission has retained, such as filing applications on appropriate forms, are necessary in order to ensure that the public receives the benefits of

innovative new services in a prompt and efficient manner. The Commission will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing any significant economic impact on small entities. The Commission seeks comment on significant alternatives commenters believes it should adopt.

Federal Rules That Overlap, Duplicate, or Conflict With These Proposed Rules

None.

[FR Doc. 99-32829 Filed 12-17-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 99-2684, MM Docket No. 99-342, RM-9773]

Radio Broadcasting Services; Pearsall and George West, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rule Making filed by John R. Furr, requesting the substitution of Channel 281C1 for Channel 281A at Pearsall, Texas, and modification of the authorization for Channel 281A to specify operation on Channel 281C1. To accommodate the substitution at Pearsall, we shall also propose the substitution of Channel 265A for Channel 281A at George West, Texas, and modification of the authorization for Channel 281A accordingly. The coordinates for Channel 281C1 at Pearsall are 28-44-52 and 98-50-13. The coordinates for Channel 265A at George West are 28-24-26 and 98-10-05. Mexican concurrence will be requested for the allotments at Pearsall and George West. In accordance with Section 1.420(g) of the Commission's Rules, we shall not accept competing expressions of interest in the use of Channel 281C1 at Pearsall.

DATES: Comments must be filed on or before January 24, 2000, and reply comments on or before February 8, 2000.

ADDRESSES: Federal Communications Commission, Washington, 445 Twelfth Street, SW, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John J. McVeigh, 12101 Blue paper Trail, Columbia, Maryland 20036.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-342, adopted November 24, 1999, and released December 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805. 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* contact.

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. 99-32802 Filed 12-17-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA No. 99-2686, MM Docket No. 99-344, RM-9709]

Radio Broadcasting Services; Lampasas and Leander, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed Shamrock Communications, Inc. proposing the reallocation of Channel 255C1 from Lampasas, Texas, to Leander, Texas, as that community's first local service and modification of its license for Station KJFK to specify Leander as its community of license. The channel can be allotted to Leander

in compliance with the Commission's Rules at the licensed site for Station KJFK. The coordinates for Channel 255C1 at Leander are 30-43-34 NL and 97-59-23 WL.

DATES: Comments must be filed on or before January 24, 2000, and reply comments on or before February 8, 2000.

ADDRESSES: 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: Amelia L. Brown, Wilkinson Barker Knauer, LLP, 2300 N Street, N.W., Suite 700, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-344, adopted November 24, 1999, and released December 3, 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. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

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* contact.

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. 99-32803 Filed 12-17-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration**

[Docket No. RSPA-99-5143, N-99-4]

49 CFR Parts 106, 107, and 171**Regulatory Flexibility Act Section 610 and Plain Language Reviews**

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of regulatory review; request for comments.

SUMMARY: RSPA requests comments on the economic impact of its regulations on small entities. As required by the Regulatory Flexibility Act and as published in DOT's Semi-Annual Regulatory Agenda, we are analyzing the rules on Rulemaking and Program Procedures and General Information, Regulations, and Definitions to identify rules that may have a significant economic impact on a substantial number of small entities. We also request comments on ways to make these regulations easier to read and understand.

DATES: Comments must be received by March 22, 2000.

ADDRESSES: Address written comments to the Dockets Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590-0001. Identify the docket number RSPA-99-5143 at the beginning of your comments and submit two copies. If you want to receive confirmation of receipt of your comments, include a self-addressed, stamped postcard. You can also submit comments by e-mail by accessing the Dockets Management System on the Internet at "http://dms.dot.gov" or by fax to (202) 366-3753.

The Dockets Management System is located on the Plaza Level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. In addition, you can review comments by accessing the Dockets Management System at "http://dms.dot.gov."

FOR FURTHER INFORMATION CONTACT:

Susan Gorsky, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, telephone (202) 366-8553; or Donna O'Berry, Office of Chief Counsel, Research and Special Programs Administration, U.S. Department of