

forth in CEA-542-B: "Standard: Cable Television Channel Identification Plan," (Incorporated by reference, see § 76.602).

* * * * *

(6) The amplitude characteristic shall be within a range of ±2 decibels from 0.75 MHz to 5.0 MHz above the lower boundary frequency of the cable television channel, referenced to the average of the highest and lowest amplitudes within these frequency boundaries. The amplitude characteristic shall be measured at the subscriber terminal.

(7) The ratio of RF visual signal level to system noise shall not be less than 43 decibels. For class I cable television channels, the requirements of this section are applicable only to:

* * * * *

Note 3: The requirements of this section shall not apply to devices subject to the TV interface device rules under part 15 of this chapter.

* * * * *

■ 8. Section 76.610 is revised to read as follows:

§ 76.610 Operation in the frequency bands 108-137 and 225-400 MHz—scope of application.

The provisions of §§ 76.605(a)(12), 76.611, 76.612, 76.613, 76.614, 76.616, 76.617, 76.1803 and 76.1804 are applicable to all MVPDs (cable and non-cable) transmitting carriers or other signal components carried at an average power level equal to or greater than 10⁻⁴ watts across a 25 kHz bandwidth in any 160 microsecond period, at any point in the cable distribution system in the frequency bands 108-137 and 225-400 MHz for any purpose. Exception: Non-cable MVPDs serving less than 1000 subscribers and less than 1000 units do not have to comply with § 76.1803.

■ 9. Section 76.616 is revised to read as follows:

§ 76.616 Operation near certain aeronautical and marine emergency radio frequencies.

(a) The transmission of carriers or other signal components capable of delivering peak power levels equal to or greater than 10⁻⁵ watts at any point in a cable television system is prohibited within 100 kHz of the frequency 121.5 MHz, and is prohibited within 50 kHz of the two frequencies 156.8 MHz and 243.0 MHz.

(b) At any point on a cable system from 405.925 MHz to 406.176 MHz analog transmissions are prohibited from delivering peak power levels equal to or greater than 10⁻⁵ watts. The

transmission of digital signals in this range is limited to power levels measured using a root-mean-square detector of less than 10⁻⁵ watts in any 30 kHz bandwidth over any 2.5 millisecond interval.

§ 76.618 [Removed and Reserved]

■ 10. Remove and reserve § 76.618.

§ 76.619 [Removed and Reserved]

■ 11. Remove and reserve § 76.619.

§ 76.620 [Removed and Reserved]

■ 12. Remove and reserve § 76.620.

■ 13. Section 76.1510 is revised to read as follows:

§ 76.1510 Application of certain Title VI provisions.

The following sections within part 76 shall also apply to open video systems: §§ 76.71, 76.73, 76.75, 76.77, 76.79, 76.1702, and 76.1802 (Equal Employment Opportunity Requirements); §§ 76.503 and 76.504 (ownership restrictions); § 76.981 (negative option billing); and §§ 76.1300, 76.1301 and 76.1302 (regulation of carriage agreements); § 76.611 (signal leakage restrictions); § 76.1803 and 76.1804 (signal leakage monitoring and aeronautical frequency notifications); provided, however, that these sections shall apply to open video systems only to the extent that they do not conflict with this subpart S. Section 631 of the Communications Act (subscriber privacy) shall also apply to open video systems.

PART 78—CABLE TELEVISION RELAY SERVICE

■ 14. The authority citation for part 78 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

■ 15. Section 78.19 is amended by revising paragraph (f)(2)(ii) to read as follows:

§ 78.19 Interference.

* * * * *

(f) * * *

(2) * * *

(ii) Within the rectangular areas defined as follows (vicinity of Denver, CO):

Rectangle 1:

41°30'00" N. Lat. on the north
103°10'00" W. Long. on the east
38°30'00" N. Lat. on the south
106°30'00" W. Long. on the west

Rectangle 2:

38°30'00" N. Lat. on the north

105°00'00" W. Long. on the east
37°30'00" N. Lat. on the south
105°50'00" W. Long. on the west

Rectangle 3:

40°08'00" N. Lat. on the north
107°00'00" W. Long. on the east
39°56'00" N. Lat. on the south
107°15'00" W. Long. on the west

* * * * *

■ 16. Section 78.27 is amended by revising paragraph (b)(1) to read as follows:

§ 78.27 License conditions.

* * * * *

(b) * * *

(1) The licensee of a CARS station shall notify the Commission in writing when the station commences operation. Such notification shall be submitted on or before the last day of the authorized one year construction period; otherwise, the station license shall be automatically forfeited.

* * * * *

■ 17. Add § 78.30 to read as follows:

§ 78.30 Forfeiture and termination of station authorizations.

(a) A CARS license will be automatically forfeited in whole or in part without further notice to the licensee upon the voluntary removal or alteration of the facilities, so as to render the station not operational for a period of 30 days or more.

(b) If a station licensed under this part discontinues operation on a permanent basis, the licensee must cancel the license. For purposes of this section, any station which has not operated for one year or more is considered to have been permanently discontinued.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03-2704]

Radio Broadcasting Services; Birmingham, AL

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document editorially amends 47 CFR 73.202(b), the Table of FM Allotments for Birmingham, Alabama, which was published in the **Federal Register** of Friday, September 19, 2003, (68 FR 54855). The Federal Communications Commission published in the **Federal Register**, of

September 19, 2003, a document which removed Channel 295C and added Channel 295C0 at Birmingham, Alabama. See 68 FR 54855. This document amends 47 CFR 73.202(b), the Table of FM Allotments under Alabama, by removing Channel 295C0 at Birmingham, Alabama because Channel 295C was reallocated to Homewood, Alabama in an earlier rulemaking proceeding, MM Docket No. 01-104. See 68 FR 33654, published June 5, 2003.

DATES: Effective on September 28, 2004.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION:

Background

The Federal Communications Commission published a document in the **Federal Register** of September 19, 2003, (68 FR 54855), which amended § 73.202(b), the FM Table of Allotments under Alabama by removing Channel 295C and adding Channel 295C0 at Birmingham. However, Channel 295C at Birmingham was reallocated to Homewood, Alabama in a prior rulemaking proceeding. See 68 FR 33654, published June 5, 2003.

Need for Correction

Part 73 of title 47 of the Code of Federal Regulations currently contains under § 73.202(b), the FM Table of Allotments under Alabama Channel 295C0 at Birmingham, therefore Channel 295C0 at Birmingham needs to be removed from the Code of Federal Regulations.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

- Accordingly, 47 CFR part 73 is amended as follows:

PART 73—RADIO BROADCAST SERVICES

- 1. The authority citation of part 73 continues to read as follows:

Authority: 47 U.S.C. 54, 303, 334 and 336.

§ 73.202 [Amended]

- 2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by removing Channel 295C0 at Birmingham.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04-21725 Filed 9-27-04; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04-2907]

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and *Amendment of the Commission's Rules to permit FM Channel and Class Modifications by Applications*, 8 FCC Rcd 4735 (1993).

DATES: Effective September 28, 2004.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, adopted September 15, 2004 and released September 17, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. The Commission will not send a copy of the *Report & Order* in this proceeding pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

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

PART 73—RADIO BROADCASTING SERVICES

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

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

§ 73.202 [Amended]

- 2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 240C1 and adding Channel 240C0 at Cottonwood.
- 3. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 265A and adding Channel 265C3 at Arkadelphia.
- 4. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 279C1 and adding Channel 279C0 at Garberville.
- 5. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 288C2 and adding Channel 288C1 at Timnath.
- 6. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 271C2 and adding Channel 271C1 at Rock Harbor.
- 7. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 264C1 and adding Channel 264C0 at Brunswick; by removing Channel 297C and adding Channel 297C0 at Columbus; by removing Channel 240C1 and adding Channel 240C0 at Dublin; and by removing Channel 298A and adding Channel 298C3 at Wrightsville.
- 8. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by removing Channel 286C2 and adding Channel 287C2 at Keaau.
- 9. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by removing Channel 222A and Channel 282A and by adding Channel 222C2 and 279C1 at Victor.
- 10. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by removing Channel 227C1 and adding Channel 227C0 at Des Moines.
- 11. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 229A and adding Channel 230C2 at Newberry.
- 12. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel *258A and adding Channel *258C3 at Roswell.
- 13. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Channel 285C3 and adding Channel 285C2 at Calabash.
- 14. Section 73.202(b), the Table of FM Allotments under Utah, is amended by removing Channel 239C and adding Channel 240C1 at Delta.
- 15. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by removing Channel 285C3 and adding Channel 285C2 at Roanoke.