

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[FCC 08-222; MM Docket No. 01-33; RM-10060]

**Radio Broadcasting Services; Caro and Cass City, MI****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; denial of application for review.

**SUMMARY:** The Commission denied an application for review filed by Edward Czelada of a *Report and Order* in this proceeding. The *Report and Order* upgraded the class of Station WIDL from Channel 221A to 221C3, reallocated Channel 221C3 from Caro to Cass City, Michigan, and denied Czelada's counterproposal to allot Channel 218C3 at Ubly, Michigan and Channel 297C3 at Cass City, Michigan. The Commission determined that the counterproposal was defective because it requested a channel allotment in the noncommercial educational reserved band, which is prohibited under the Commission's rules. See **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:**

Victoria M. McCauley, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 01-33, adopted September 24, 2008, and released September 26, 2008. The Commission denied an application for review filed by Edward Czelada of a *Report and Order* in this proceeding. See 66 FR 29237 (May 30, 2001). The Commission also denied review of Czelada's argument that the staff failed to consider the preclusionary effect of the Channel 221 upgrade at Cass City on existing and potential NCE FM service as untimely raised. But even if it were to consider the argument, it was without merit. The preclusionary effect analysis occurs only when the 60 dBu contour of the Channel 221 upgrade proposal overlaps the Grade B contour of a television channel 6 station. No such overlap would occur in this case. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554,

telephone 1-800-378-3160 or [www.BCPIWEB.com](http://www.BCPIWEB.com).

This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Memorandum Opinion and Order to GAO, pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A) because the application for review was denied.)

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

[FR Doc. E8-24323 Filed 10-10-08; 8:45 am]

**BILLING CODE 6712-01-P****FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 90**

[WT Docket No. 06-142; FCC 08-186]

**Amendment of Section 90.20(e)(6) of the Commission's Rules****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** This document addresses proposed revisions to the Commission's rules and policies regarding stolen vehicle recovery systems (SVRS) and the use of frequency 173.075 MHz. The Commission takes these actions in response to a petition for rulemaking filed by LoJack Corporation (LoJack), in which LoJack sought to modify the Commission's rules to accommodate its future narrowband operations on frequency 173.075 MHz, to improve the recovery services its products provide, and to permit other services in addition to SVRS. The *Report and Order* furthers the public interest by promoting flexibility and allowing SVRS licensees to operate with some relaxed restrictions while ensuring the continued interference protection of incumbent users.

**DATES:** Effective November 13, 2008.**FOR FURTHER INFORMATION CONTACT:**

Thomas Eng, Policy Division, Public Safety and Homeland Bureau, Federal Communications Commission, Washington, DC 20554, at (202) 418-0019, TTY (202) 418-7233, via e-mail at [Thomas.Eng@fcc.gov](mailto:Thomas.Eng@fcc.gov), or via U.S. Mail at Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order* in WT Docket No. 06-142, adopted on August 12, 2008 and released on August 13, 2008. The

complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., in person at 445 12th Street, SW., Room CY-B402, Washington, DC 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com). Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities or by sending an e-mail to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or calling the Consumer and Governmental Affairs Bureau at (202) 418-0530, TTY (202) 418-0432. This document is also available on the Commission's Web site at <http://www.fcc.gov>.

1. The major decisions in the *Report and Order* are as follows:

- Increases the effective radiated power (ERP) limit for narrowband (12.5 kHz bandwidth or less) base stations from 300 watts to 500 watts.
- Increases the power output limit for narrowband (12.5 kHz bandwidth or less) mobile transceivers from 2.5 watts to five watts.
- Modifies the duty cycle for base stations from one second every minute to five seconds every minute.
- Increases the tracking duty cycle for mobile transceivers from 200 milliseconds every ten seconds to 400 milliseconds every ten seconds and, correspondingly, increases the tracking duty cycle for mobile transceivers that are being tracked actively from 200 milliseconds every second to 400 milliseconds every second.
- Increases the uplink duty cycle for mobile transceivers from 1800 milliseconds every 300 seconds to 7200 milliseconds every 300 seconds.
- Retains the requirement for TV Channel 7 interference studies and requires that the studies be served upon affected TV Channel 7 stations.
- Permits the licensing of mobile transceivers by rule.
- Expands the scope of § 90.20(e)(6) to permit the tracking and recovery of lost and stolen cargo and hazardous materials, missing or wanted persons, and individuals at risk or of interest to law enforcement when established boundaries are violated. Also permits mobile transceivers to transmit automatic collision notifications, vehicle fire notifications, and carjacking alerts.
- Relaxes the limitation on emissions to permit flexibility in modulation as well as analog and digital signals.

**Procedural Matters**

*A. Final Regulatory Flexibility Act Analysis*

2. As required by section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 604, the Commission has prepared a Final Regulatory Flexibility Analysis of the possible impact of the rule changes contained in this *Report and Order* on small entities. The Final Regulatory Flexibility Act analysis is set forth in Appendix C of the Report and Order. The Commission's Consumer Information Bureau, Reference Information Center, will send a copy of this *Report and Order*, including the Final Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

*B. Final Paperwork Reduction Act of 1995 Analysis*

3. This document contains a modified information collection requirement subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507 of the PRA. Prior to submission to OMB, the Commission will publish a notice in the **Federal Register** seeking public comment on the modified information collection requirement. In addition, that notice will also seek comment on how the Commission might "further reduce the information collection burden for small business concerns with fewer than 25 employees" pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4). The modified information collection contained in this order will not go into effect until OMB approves the collection. The Commission will publish a notice in the **Federal Register** announcing the effective date of the modified information collection.

*C. Congressional Review Act Analysis*

4. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

**Ordering Clauses**

5. Accordingly, pursuant to sections 1, 2, 4(i), 301, 302, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 301, 302, 303, and §§ 1.421 and 1.425 of the Commission's rules, 47 CFR 1.421, 1.425, *it is ordered* that the *Report and Order* is hereby *adopted*.

6. *It is further ordered* that Part 90 of the Commission's Rules IS *amended* as set forth in Appendix B of the *Report and Order*, and that these Rules shall be effective November 13, 2008.

7. *It is further ordered* that the Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

**List of Subjects in 47 CFR Part 90**

Common carriers; communications equipment; radio.

Federal Communications Commission.

**Marlene H. Dortch**,  
*Secretary*.

**Rule Changes**

■ For reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 90 as follows:

**PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

■ 1. The authority citation for Part 90 continues to read as follows:

**Authority:** Sections 4(i), 11, 303(g), 303(r) and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r) and 332(c)(7).

■ 2. Section 90.20 is amended by revising paragraph (e)(6) to read as follows:

**§ 90.20 Public Safety Pool.**

\* \* \* \* \*

(e) \* \* \*

(6) The frequency 173.075 MHz is available for stolen vehicle recovery systems on a shared basis with Federal stations in the fixed and mobile services.

(i) Stolen vehicle recovery systems are limited to tracking and recovering vehicles, cargo, and hazardous materials that have been reported stolen or missing; missing or wanted persons; and individuals at risk, or individuals of interest to law enforcement, only when established boundaries are violated. Stolen vehicle recovery systems are not authorized for general purpose tracking or monitoring. Mobile units may also transmit automatic collision notifications, vehicle fire notifications, and carjacking alerts.

(ii) Any type of emission may be used within a maximum authorized bandwidth of 12.5 kHz, except that stations that operate as part of a stolen vehicle recovery system that was authorized and in operation prior to

May 27, 2005 may operate with a maximum authorized bandwidth of 20 kHz until May 27, 2019. For a complete listing of emission symbols allowable under this part, see § 2.201 of this chapter.

(iii) Mobile transmitters operating on this frequency with emissions authorized in a maximum bandwidth of 12.5 kHz are limited to 5.0 watts power output. Mobile transmitters operating on this frequency with emissions authorized in a maximum bandwidth of 20 kHz are limited to 2.5 watts power output.

(iv) Base station transmitters operating on this frequency with emissions authorized in a maximum bandwidth of 12.5 kHz are limited to 300 watts ERP before February 18, 2009, and 500 watts ERP thereafter. Base station transmitters operating on this frequency with emissions authorized in a maximum bandwidth of 20 kHz are limited to 300 watts ERP.

(v) Transmissions from mobiles shall be limited to 400 milliseconds for every 10 seconds, except when a vehicle is being tracked actively transmissions are limited to 400 milliseconds for every second. Alternatively, transmissions from mobiles shall be limited to 7200 milliseconds for every 300 seconds with a maximum of six such messages in any 30 minute period.

(vi) Transmissions from base stations shall be limited to a total rate of five seconds every minute.

(vii) Any entity eligible to hold authorizations in the Public Safety Pool in accordance with §§ 90.20(a) and 90.111 of this chapter is authorized by this rule to operate mobile transmitters on this frequency. No license will be issued for mobile transmitters.

(viii) Applications for base stations operating on this frequency shall require coordination with the Federal Government. Applicants shall perform an analysis for each base station that is located within 169 km (105 miles) of a TV Channel 7 transmitter of potential interference to TV Channel 7 viewers.

Applicants shall serve a copy of the analysis to the licensee of the affected TV Channel 7 transmitter upon filing the application with the Commission. Such base stations will be authorized if the applicant has limited the interference contour to include fewer than 100 residences or if the applicant:

(A) Shows that the proposed site is the only suitable location (which, at the application stage, requires a showing that the proposed site is especially well-suited to provide the proposed service);

(B) Develops a plan to control any interference caused to TV reception from operations; and

(C) Agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by its operations.

(ix) The licensee must eliminate any interference caused by its operation to TV Channel 7 reception within 30 days after notification in writing by the Commission. If this interference is not removed within this 30-day period, operation of the base station must be discontinued. The licensee is expected to help resolve all complaints of interference.

[FR Doc. E8-24309 Filed 10-10-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 541

[Docket No. NHTSA-2008-0112]

#### Final Theft Data; Motor Vehicle Theft Prevention Standard

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Publication of final theft data.

**SUMMARY:** This document publishes the final data on thefts of model year (MY) 2006 passenger motor vehicles that occurred in calendar year (CY) 2006. The final 2006 theft data indicated an increase in the vehicle theft rate experienced in CY/MY 2006. The final theft rate for MY 2006 passenger vehicles stolen in calendar year 2006 is 2.08 thefts per thousand vehicles. Publication of these data fulfills NHTSA's statutory obligation to periodically obtain accurate and timely theft data and publish the information for review and comment.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah Mazyck, Office of International

Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Mazyck's telephone number is (202) 366-0846. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR Part 541. The standard specifies performance requirements for inscribing and affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data and publish the data for review and comment. To fulfill this statutory mandate, NHTSA has published theft data annually beginning with MYs 1983/84. Continuing to fulfill the § 33104(b)(4) mandate, this document reports the final theft data for CY 2006, the most recent calendar year for which data are available.

In calculating the 2006 theft rates, NHTSA followed the same procedures it used in calculating the MY 2005 theft rates. (For 2005 theft data calculations, see 73 FR 13150, March 12, 2008). As in all previous reports, NHTSA's data were based on information provided to NHTSA by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a government system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC data also include reported thefts of self-insured and uninsured vehicles, not all of which are reported to other data sources.

The 2006 theft rate for each vehicle line was calculated by dividing the

number of reported thefts of MY 2006 vehicles of that line stolen during calendar year 2006 by the total number of vehicles in that line manufactured for MY 2006, as reported to the Environmental Protection Agency (EPA).

The final 2006 theft data show an increase in the vehicle theft rate when compared to the theft rate experienced in CY/MY 2005. The final theft rate for MY 2006 passenger vehicles stolen in calendar year 2006 increased to 2.08 thefts per thousand vehicles produced, an increase of 12.4 percent from the rate of 1.85 thefts per thousand vehicles experienced by MY 2005 vehicles in CY 2005. NHTSA is not overly concerned about this increase in the overall theft rate. The data has shown an overall decreasing trend in theft rates since CY 1993, with periods of increase from one year to the next. As explained in the publication of preliminary theft data, if the final data, for calendar year/model year (CY/MY) 2006 showed a second year of increase, the agency would explore what could be the possible causes for these elevations. The agency also welcomed comments on the cause for this increase but no comments were received. Therefore, as indicated by the publication of preliminary theft rate data, the agency will continue to monitor this theft rate pattern and explore the possible reasons for the elevation in theft rates experienced during MY/CY 2005-2006.

For MY 2006 vehicles, out of a total of 223 vehicle lines, 19 lines had a theft rate higher than 3.5826 per thousand vehicles, the established median theft rate for MYs 1990/1991. (See 59 FR 12400, March 16, 1994). Of the 19 vehicle lines with a theft rate higher than 3.5826, 18 are passenger car lines, one is a multipurpose passenger vehicle lines, and none are light-duty truck lines.