

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 73

[MM Docket No. 99-49; RM-9473]

Radio Broadcasting Services; El Jebel, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 263A to El Jebel, Colorado, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. See 64 FR 8780, February 23, 1999. Coordinates used for Channel 263A at El Jebel are 39-23-42 NL and 107-06-29 WL. With this action, the proceeding is terminated.

DATES: Effective August 30, 1999. A filing window for Channel 263A at El Jebel, Colorado, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-49, adopted July 7, 1999, and released July 16, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding El Jebel, Channel 263A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-18828 Filed 7-22-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

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 the *Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications*, 8 FCC Rcd 4735 (1993).

EFFECTIVE DATE: July 23, 1999.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted July 7, 1999, and released July 16, 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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 269C2 and adding Channel 269C1 at Springerville.

3. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 289C3 and adding Channel 289C at Ouray.

4. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 280C1 and adding Channel 280C at Cape Coral and by removing Channel 284C3 and adding Channel 284C2 at Naples.

5. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 239C2 and adding Channel 239C1 at Valdosta.

6. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Channel 288A and adding Channel 288C3 at Mount Sterling, by removing Channel 288A and adding Channel 287A at Prestonsburg, and by removing Channel 247A and adding Channel 247C3 at Salyersville.

7. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 281C1¹ and adding Channel 288C3 at Gladstone and by removing Channel 276A and adding Channel 274A at Pentwater.

8. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 270A and adding Channel 270C2 at Walker.

9. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 267A and adding Channel 267C3 at Vicksburg.

10. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 228C3 and adding Channel 228C2 at Osage Beach, by removing Channel 237A and adding Channel 237C2 at Owensville and by removing Channel 230A and adding Channel 230C3 at Scott City.

11. Section 73.202(b), the Table of FM Allotments under Montana, is amended by removing Channel 251C3 and adding Channel 254C1 at Hamilton.

12. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended

¹ The Report and Order in MM Docket No. 88-49 substituted Channel 288C1 for Channel 288A. See 54 FR 37682, September 12, 1989.

by removing Channel 241A and adding Channel 241C at McCook.

13. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by removing Channel 233C2 and adding Channel 233C3 at Sun Valley.

14. Section 73.202(b), the Table of FM Allotments under New Hampshire, is amended by removing Channel 272A and adding Channel 272C3 at Lancaster.

15. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 287C2 and adding Channel 287C3 at Alamogordo.

16. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 264C2 and adding Channel 264C3 at Overton.

17. Section 73.202(b), the Table of FM Allotments under Vermont, is amended by removing Channel 229C3 and adding Channel 229A at Addison.²

18. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 254A and adding Channel 254C3 at Mabton.

19. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by removing Channel 285A and adding Channel 285B1 at Clarksburg.

20. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 297A and adding Channel 297C2 at Kemmerer, by removing Channel 235C1 and adding Channel 235C at Sheridan and by removing Channel 269A and adding Channel 269C1 at Thermopolis.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-18835 Filed 7-22-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 89-553, PP Docket No. 93-253, GN Docket No. 93-252, FCC 95-395]

Metropolitan Trading Area Licensees; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction.

SUMMARY: This correction amendment clarifies 47 CFR 90.665(c). This

correction amendment is necessary to clarify that the Commission adopted two distinct options to satisfy construction requirements for Metropolitan Trading Area (MTA) licensees in the 900 MHz Specialized Mobile Radio Service.

EFFECTIVE DATE: August 12, 1999.

FOR FURTHER INFORMATION CONTACT: Don Johnson, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240.

SUPPLEMENTARY INFORMATION: This *Second Erratum*, DA 95-2327, released November 8, 1995, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, S.W., Washington D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington D.C. 20036 (202) 857-3800. The document is also available via the internet at <http://www.fcc.gov/Bureaus/Wireless/Orders/1995/index.html>.

Synopsis

This document corrects 47 CFR 90.665(c) of the Final Rules, set forth in the amendatory text to the Second Order on Reconsideration and Seventh Report and Order in the above-captioned proceeding, 60 FR 48913 (September 19, 1995), 47 CFR 90.665. This correction clarifies that there are two distinct options to satisfy construction requirements for Metropolitan Trading Area (MTA) licensees in the 900 MHz Specialized Mobile Radio Service. Under the first option, the MTA licensee must demonstrate coverage of one-third of the MTA's population three years from the date of license grant, and demonstrate two-thirds coverage of the MTA's population five years after license grant. The second option requires an MTA licensee to demonstrate five years after license grant that it is providing substantial service to the MTA. An MTA licensee must, three years from license grant, either show that the one-third population coverage standard has been satisfied, or provide written notification that it has elected to show substantial service to the MTA five years from license grant. In addition, as part of the election to provide a substantial service showing, each MTA licensee must, three years from license grant, indicate how it expects to demonstrate substantial service at five years. We find good cause under section 553(d)(3) of the Administrative Procedure Act (5 U.S.C. chapter 5) and 47 CFR 1.427(b) to depart

from the general requirement that final rules take effect not less than thirty days after their publication in the **Federal Register**. In this case, the three-year construction deadline for most licensees affected by this erratum is August 12, 1999. Therefore, to avoid any possible confusion of what a licensee would need to do if it elects the substantial service option, we make the effective date of the amended rule to be August 12, 1999.

List of Subjects in 47 CFR Part 90

Private Land Mobile Radio Service.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Accordingly, 47 CFR Part 90 is corrected by making the following amendment:

PART 90—PRIVATE LAND MOBILE RADIO SERVICE

1. The authority citation for Part 90 is revised 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), 332(c)(7).

2. § 90.665(c) is revised to read as follows:

§ 90.665 Authorization, construction and implementation of MTA licenses.

* * * * *

(c) Each MTA licensee in the 896-901/935-940 MHz band must, three years from the date of license grant, construct and place into operation a sufficient number of base stations to provide coverage to at least one-third of the population of the MTA; further, each MTA licensee must provide coverage to at least two-thirds of the population of the MTA five years from the date of license grant. Alternatively, an MTA licensee must demonstrate, through a showing to the Commission five years from the date of license grant, that it is providing substantial service. An MTA licensee must, three years from license grant, either show that the $\frac{1}{3}$ population coverage standard has been satisfied, or provide written notification that it has elected to show substantial service to the MTA five years from license grant. In addition, as part of the election to provide a substantial service showing, each MTA licensee must, three years from license grant, indicate how it expects to demonstrate substantial service at five years. The MTA licensee must meet the population coverage benchmarks regardless of the extent to

² Pursuant to MM Docket No. 98-52, effective December 14, 1998, Channel 229C3 was substituted for Channel 229A at Hague, New York, and reallocated to Addison, Vermont. See 63 FR 62957, November 10, 1998.