problems in using the current procedures.

First, the staff recommends that the Radio Regulations be modified so that the coordination and notification of satellite systems under Articles 11 and 13 can be done on a network, rather than a frequency assignment, basis. This change would reduce costs and procedural complexity without diminishing interference protection when additional earth stations are planned for a satellite system after that system has been coordinated.

Second, the staff recommends that Article 14 of the Radio Regulations be modified to ensure timely completion of coordination under those procedures and also to avoid application of duplicative coordination procedures under both Articles 11 and 14.

Third, the staff recommends certain minor modifications of Appendices 28 and 29 of the Radio Regulations concerning interference criteria.

The Commission also makes recommendations regarding Broadcasting-Satellite Service (BSS) issues. Recommended U.S. proposals are offered with respect to U.S. Region 3 feeder link requirements, technical parameters for planning purposes, and adoption of procedures for long-term use for implementing interim BSS systems. The Commission declines to recommend formal proposals at this time with respect to possible frequency allocations for Satellite Sound Broadcasting or High Definition Television but recommends further study on these issues.

Ordering Clauses

Pursuant to sections 4(i) and 303 of the Communications Act of 1934, as amended, this *Second Report and Order* is adopted and it is ordered that the *Second Report and Order* and the attached recommended United States of America Proposals be transmitted to the Department of State. It is further ordered that this *Second Report and Order* be transmitted to the Chairman of the United States Delegation to the Conference for incorporation into the positions of the delegations.

It is further ordered that this proceeding is terminated.

List of Subjects in 47 CFR Part 1

Inquiries.

Federal Communications Commission.

H. Walker Feaster III,

Secretary.

[FR Doc. 88-10757 Filed 5-12-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-144; FCC 88-152]

Broadcast Services; Reconsideration of Rule Amendments Affecting Grandfathered Short-Spaced FM Stations and Class A FM Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule; memorandum opinion and order on reconsideration.

SUMMARY: The Commission denied a petition for reconsideration of its action that amended the rule governing modification and relocation of grandfathered short-spaced FM broadcast stations. The Commission determined that it would be inappropriate to amend the rule affecting all such stations solely to provide relief for one particular station with unique circumstances. Also, the Commission granted a petition for reconsideration of its action that established an exception to the minimum power requirements for FM broadcast stations. The Commission further amended its rules to allow Class A stations to use that exception. In the original action, Class A stations had been unnecessarily excluded.

EFFECTIVE DATE: May 13, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: B.C. "Jay" Jackson, Jr., Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order*, MM Docket 86-144, which was adopted on April 19, 1988 and released on April 29, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW, Washington, DC. Also, the complete text of this decision may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW, Suite 140, Washington, DC 20037.

Summary of the Memorandum Opinion and Order

1. The Commission has before it two petitions for reconsideration of the *Second Report and Order* ("*Second Report*") (52 FR 37786, October 9, 1987) in this proceeding. One petition, filed by Brown Broadcasting Service, Inc. on November 5, 1987, requests that the Commission reconsider and modify its action that amended § 73.213 of the rules, which governs relocations and modifications of grandfathered short-spaced FM stations. The other petition, filed by Eric R. Hilding on November 6, 1987, requests that the Commission reconsider and modify its action that amended § 73.211 of the rules, which sets forth power and antenna height requirements for each of the six classes of FM stations. No comments were filed in response to either petition.

2. *Background.* The Commission initiated this proceeding with a *Notice of Proposed Rule Making* ("*Notice*") (51 FR 15927, April 29, 1986), that proposed minor adjustment to certain rules that were affected by the Commission's actions in BC Docket No. 80-90, (48 FR 29486, June 27, 1983; 49 FR 10260, March 20, 1984), but were not given detailed consideration in that proceeding. In January 1987, the Commission adopted a *First Report and Order* (52 FR 8259, March 17, 1987) resolving two of the issues in the *Notice*. In September 1987, the Commission adopted the Second Report which, among other things, set forth a definitive method for classifying FM stations according to their effective radiated power (ERP) and antenna height above average terrain (HAAT), and amended rules to limit relocations and modifications of grandfathered short-spaced FM stations, allowing only those that would not increase the potential for interference.

3. *The Brown Petition.* Brown Broadcasting Service, Inc. ("Brown") is the licensee of station WBRU, Channel 238B, Providence, Rhode Island. WBRU is a grandfathered short-spaced station, and thus is subject to § 73.213 of the Commission's rules. Brown claims that WBRU would be adversely affected by the Commission's revision of that rule.

4. Brown states it is in the middle of an extended process to obtain a new tower site. At the new site, Brown believes that WRBU would be able to operate with 50,000 watts effective radiated power. Brown fears that newly amended § 73.213 will prevent WBRU from moving to this new site because, in effect, the amended rule limits each grandfathered short-spaced station to the predicted coverage (in the direction of other grandfathered short-spaced stations) which that station actually had on the effective date of the *Second Report* (November 9, 1987). On this date, WBRU was operating with a lower power (20,000 watts) at what it considers to be a temporary site. (WBRU has been operating at this site for more than 10 years.) Brown does not want WBRU's coverage to be limited in the future to that provided by the lower power at the temporary site. As a remedy, Brown requests that the

Commission's action that amended § 73.213 be modified to permit any grandfathered short-spaced station to be authorized for facilities that would produce predicted coverage equivalent to either: (1) The maximum predicted coverage that could have been authorized under the old rule; or alternatively, (2) the maximum predicted coverage from a site that is not short-spaced.

5. *Discussion.* Prior to the *Second Report,* § 73.213 allowed licensees to routinely modify or relocate grandfathered short-spaced stations, even if the potential for interference were increased as a result. In the *Second Report* the Commission affirmed its contention that licensees of grandfathered short-spaced stations have had sufficient time (22 years) to relocate and optimize their facilities under the relatively liberal provisions of the old rule. The Commission found that continuing to allow relocations and modifications that increase the risk of interference is not in the public interest and is counter to the objective of promoting efficiency in the use of the spectrum.

6. Brown did not present any evidence to demonstrate that any grandfathered short-spaced station other than WBRU has or anticipates a similar problem; that is, operation at an interim location on the effective date of our action. No comments were filed by other grandfathered short-spaced stations in support of Brown's petition. The Commission is not aware of any grandfathered short-spaced station other than WBRU that would be significantly affected by our action in the *Second Report.*

7. Tailoring § 73.213, which affects all grandfathered short-spaced stations, to fit circumstances peculiar to one particular grandfathered short-spaced station would not be good public policy. Because Brown's situation with regard to the site for WBRU appears to be an individual problem, any relief that may be necessary would be more appropriately considered in the context of a request for a waiver of § 73.213, rather than through any further amendment of that rule. The Commission does not here evaluate or rule on the merits of any future relocation of WBRU. Rather, the Commission's decision in this *Memorandum Opinion and Order* is based primarily on the inappropriateness of amending a rule affecting an entire group of licensees solely in reponse to the concerns of one licensee in that group.

8. *The Hilding Petition.* Eric R. Hilding ("Hilding"), in his petition, states that § 73.211, as amended by the *Second Report,* excludes Class A FM stations from "the benefit of certain reference distance considerations", and claims that this exclusion pervents Class A FM stations from utilizing relatively high (and therefore desirable) antenna locations. For relief, Hilding requests that the Commission expressly permit any Class A station, regardless of its HAAT, to operate with less than 100 watts, provided that the resulting reference distance equals or exceeds that of a Class A station operating with minimum facilities. The minimum facilities for a Class A FM station are considered to be 100 watts ERP with an antenna HAAT of 30 meters. This combination produces a reference distance of 6 kilometers.

9. *Discussion.* Section 73.211 does not preclude a Class A FM station from using any desired antenna site, regardless of the elevation or the resulting antenna HAAT. The rules permit operation of a Class A FM broadcast station with an antenna HAAT. However, with an antenna HAAT greater than the Class A reference HAAT (100 meters), the station's ERP must be lower than the 3,000 watt class maximum such that the resulting reference distance does not exceed 24 kilometers.

10. Hilding does raise a good point, however. Section 73.211 as it now stands does treat Class A stations differently than stations of the other classes in this respect—Class A stations at very high antenna sites must provide the full maximum Class A coverage, whereas Class B1, B, C2, C1 and C stations need only provide more coverage than the full maximum coverage of the *next lower class.* Before the *Second Report,* all FM stations at very high antenna sites were required to provide the full maximum coverage for their class. However, the Commission found it necessary to allow stations the option to provide less than full coverage in order to facilitate classification of FM stations and to provide a continuous range of permissible facilities. Class A stations were excluded because there is no lower class to establish a minimum coverage requirement for them.

11. The Commission finds that Hilding's suggestion to use Class A minimum facilities as the lower boundary for Class A coverage is reasonable and appropriate, and amends § 73.211 to permit any Class A station to have an ERP less than 100 watts, provided that the reference distance equals or exceeds 6 kilometers. The Commission is reorganizing and republishing the entire § 73.211 to avoid confusion that may have resulted from amendment of that section by a recent Order pertaining to Oversight of Radio and TV Rules (52 FR 47567, December 15, 1987). In that order, certain language already contained in § 73.210 was unnecessarily duplicated in § 73.211 as new paragraphs (a)(1) and (a)(2), and the remaining paragraphs were redesignated. The Commission is removing the redudant language, and restoring the remaining paragraphs to their former designations. The Commission is also restoring the former section heading to avoid confusion with § 73.210.

12. The rule amendment contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements, and it will not increase or decrease burden hours imposed on the public.

13. Because the rule amendment adopted herein is a substantive rule which grants an exemption and relieves a restriction, the Commission is designating that it shall become effective immediately upon publication in the **Federal Register** (5 U.S.C. 553(d)). Applications pending or received on or after September 25, 1987 (the release date of the *Second Report*) may be processed in accordance with the newly amended rule.

14. Accordingly, *It is ordered,* That the Petition for Reconsideration filed by Brown Broadcasting Service, Inc. *is denied,* and That the Petition for Reconsideration filed by Eric R. Hilding *is granted.*

15. *It is further ordered* That Part 73 of the Commission's Rules and Regulations *is amended* as set forth below, effective upon publication in the **Federal Register**. Authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

H. Walker Feaster, III,

Acting Secretary.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73 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 and 303.

2. 47 CFR 73.211 is revised in its entirety to read as follows:

§ 73.211 Power and antenna height requirements.

(a) *Minimum requirements.* (1) Except as provided in paragraphs (a)(3) and (b)(2) of this section, the minimum effective radiated power (ERP) for:

Class A stations must equal 0.1 kW (−10.0 dBk);

Class B1 stations must exceed 3 kW (4.8 dBk);

Class B stations must exceed 25 kW (14.0 dBk);

Class C2 stations must exceed 3 kW (4.8 dBk);

Class C1 stations must exceed 50 kW (17.0 dBk);

Class C stations must equal 100 kW (20.0 dBk).

(2) Class C stations must have an antenna height above average terrain (HAAT) of at least 300 meters (984 feet). No minimum HAAT is specified for Classes A, B1, B, C2, or C1 stations.

(3) Stations of any class except Class A may have an ERP less than that specified in paragraph (a)(1) of this section, provided that the reference distance, determined in accordance with paragraph (b)(1)(i) of this section, exceeds the distance to the class contour for the next lower class. Class A stations may have an ERP less than 100 watts provided that the reference distance, determined in accordance with paragraph (b)(1)(i) of this section, equals or exceeds 6 kilometers.

(b) *Maximum limits.* (1) The maximum ERP in any direction, reference HAAT, and distance to this class contour for the various classes of stations are listed below:

Station class	Maximum ERP	Reference HAAT in meters (ft.)	Class contour distance in kilometers
A	3kW (4.8 dBk)	100 (328)	24
B1	25kW (14.0 dBk)	100 (328)	39
B	50kW (17.0 dBk)	150 (492)	52
C2	50kW (17.0 dBk)	150 (492)	52
C1	100kW (20.0 dBk)	299 (981)	72
C	100kW (20.0 dBk)	600 (1968)	92

(i) The reference distance of a station is obtained by finding the predicted distance to the 1mV/m contour using Figure 1 of § 73.333 and then rounding to the nearest kilometer. Antenna HAAT is determined using the procedure in § 73.313. If the HAAT so determined is less than 30 meters (100 feet), a HAAT of 30 meters must be used when finding the predicted distance to the 1 mV/m contour.

(ii) If a station's ERP is equal to the maximum for its class, its antenna HAAT must not exceed the reference HAAT, regardless of the reference distance. For example, a Class A station operating with 3 kW ERP may have an antenna HAAT of 100 meters, but not 101 meters, even though the reference distance is 24 km in both cases.

(iii) Except as provided in paragraph (b)(3) of this section, no station will be authorized in Zone I or I–A with an ERP equal to 50 kW and a HAAT exceeding 150 meters. No station will be authorized in Zone II with an ERP equal to 100 kW and a HAAT exceeding 600 meters.

(2) If a station has an antenna HAAT greater than the reference HAAT for its class, its ERP must be lower than the class maximum such that the reference distance does not exceed the class contour distance. If the antenna HAAT is so great that the station's ERP must be lower than the minimum ERP for its class (specified in paragraphs (a)(1) and (a)(3) of this section), that lower ERP will become the minimum for that station.

(3) In Puerto Rico and the Virgin Islands:

(i) Class B stations may use antenna heights up to 600 meters (1968 feet) above average terrain with effective radiated powers up to 25.5 kW. For antenna heights above 600 meters (1968) feet), the power must be reduced so that the station's 1 mV/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the station's transmitter than with the facilities of 25.5 kW and an antenna height of 600 meters (1968 feet). For powers above 25.5 kW (up to 50 kW) no antenna height will be authorized which results in greater coverage by the 1 mV/m contour (located pursuant to Figure 1 of § 73.333) than that obtained with the facilities of 25.5 kW ERP and an antenna height of 600 meters (1968 feet).

(ii) Class A stations may use antenna heights up to 335 meters (1100 feet) above average terrain with effective radiated powers up to 3 kW. For antenna heights above 335 meters (1100 feet), the power must be reduced so that the station's 1 mV/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the stations transmitter than with the facilities of 3 kW ERP and an antenna height of 335 meters (1100 feet).

(iii) Class B1 stations may use antenna heights up to 335 meters (1100 feet) above average terrain with effective radiated powers up to 5 kW. For antenna heights above 335 meters (1100 feet), the power must be reduced so that the station's 1 mV/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the station's transmitter than with the facilities of 5 kW and an antenna height of 335 meters (1100 feet). For powers above 5 kW (up to 25.0 kW) no antenna height will be authorized which results in greater coverage by the 1 mV/m contour than that obtained with the facilities of 5 kW ERP and an antenna height of 335 meters (1100 feet).

(c) *Existing stations.* Stations authorized prior to March 1, 1984 that do not conform to the requirements of this section may continue to operate as authorized. Stations operating with facilities in excess of those specified in paragraph (b) of this section may not increase their effective radiated powers or extend their 1 mV/m field strength contour beyond the location permitted by their present authorizations. The provisions of this section will not apply to applications to increase facilities for those stations operating with less than the minimum power specified in paragraph (a) of this section.

[FR Doc. 88–10759 Filed 5–12–88; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–216; RM–5466]

Radio Broadcasting Services; Booneville, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 284C2 for Channel 221A at Booneville, Arkansas, and modifies the Class A license of Station KBSS(FM), accordingly, in response to a petition

filed on behalf of Booneville Broadcasting Company. A counterproposal filed on behalf of Red, White and Blue Communications, Inc., licensee of Station KAJJ–FM, Greenwood, Arkansas, was withdrawn. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 23, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–216, adopted April 14, 1988, and released May 9, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Arkansas by removing Channel 221A and adding Channel 284C2 at Booneville.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88–10760 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–392; RM–5890]

Radio Broadcasting Services; Fort Myers, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 237C1 for Channel 237A at Fort Myers, Florida, and modifies the Class A license for Station WSOR(FM) to specify the new channel at the request of the licensee Riverside Baptist Church of Fort Myers, Inc. The transmitter site for Channel 237C1 is 18.3 miles west of Fort Myers at coordinates 26–40–30 and 82–10–00. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 23, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (203) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–392, adopted April 13, 1988, and released May 9, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, in the entry for Fort Myers, Florida, Channel 237C1 is added, and Channel 237A is removed.

Federal Communications Commission

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88–10761 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–377; RM–5783]

Radio Broadcasting Services; Kekaha, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 277A to Kekaha, Hawaii, as a first FM channel at the request of Timothy D. Martz. With this action, this proceeding is terminated.

DATES: *Effective* June 20, 1988. The window period for filing applications will open on June 21, 1988, and close on July 21, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–377, adopted April 5, 1988, and released May 4, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), is amended by adding Kekaha, Hawaii, Channel 277A.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88–10675 Filed 5–12–88; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–404; RM–5814]

Radio Broadcasting Services; McCall, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allotts Channel 252A to McCall, Idaho, as a third FM service, at the request of Mary C. Rhoads. With this action, this proceeding is terminated.

DATES: Effective June 23, 1988. The window period for filing applications will open on June 24, 1988, and close on July 24, 1988.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–404, adopted April 13, 1988, and released May 9, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors,