

and Order, MM Docket No. 99-184, adopted August 25, 1999, and released September 3, 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 continues to read 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 California, is amended by adding Lost Hills, Channel 289A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 99-24154 Filed 9-15-99; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 99-1790; MM Docket No. 99-182; RM-9585]

#### Radio Broadcasting Services; Hamilton City, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 269A to Hamilton City, California, 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 30296, June 7, 1999. Coordinates used for Channel 269A at Hamilton City are 39-49-52 NL and 122-02-31 WL. With this action, the proceeding is terminated.

**DATES:** Effective October 18, 1999. A filing window for Channel 269A at Hamilton City, California, 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. 99-182, adopted August 25, 1999, and released September 3, 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 continues to read 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 California, is amended by adding Hamilton City, Channel 269A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 99-24155 Filed 9-15-99; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 90

[FCC 99-138—PR Docket No. 92-235]

#### Private Land Mobile Radio Services. Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Radio Services.

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document amends the land mobile radio service rules to more readily facilitate trunked operations on shared spectrum. The action was taken in response to petitions for reconsideration of the rule concerning

centralized trunking below 512 MHz adopted in the final rule in this proceeding.<sup>1</sup> This will allow private land mobile radio licensees to construct more efficient radio systems.

**DATES:** Effective November 15, 1999 except for §§ 90.187(b)(2)(b) and 90.187(e) which contain information collection requirements that have not been approved by OMB. The Commission will publish a document in the **Federal Register** announcing the effective date. Written comment by the public on the information collection are due November 15, 1999. Written comment must be submitted to the Office of Management and Budget on the information collection on or before November 15, 1999.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, S.W., Room 4-C207, Washington, DC 20554. A copy of any comments on the information collection contained herein should be submitted to Judy Boley, Federal Communications Commission, 445 Twelfth Street, S.W. Room 1-C804, Washington, DC 20554 or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov); and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 Seventeenth Street, N. W., Washington, DC 20503 or via the Internet to [fain\\_t@al.eop.gov](mailto:fain_t@al.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Michael J. Wilhelm, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554 or by telephone at (202) 418-0680 or by e-mail to [mwilhelm@fcc.gov](mailto:mwilhelm@fcc.gov). For further information concerning the information collection contained in the *Third Memorandum Opinion and Order*, contact Judy Boley at 202-418-0215 or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Third Memorandum Opinion and Order* in PR Docket No. 92-235, FCC 99-138, adopted June 10, 1999, and released July 1, 1999. The *Third Memorandum Opinion and Order* permits the use of a system of protected contours as an alternative to the mileage separation standards used to determine the licensees from which consent must be sought when an applicant seeks authorization for centralized trunking below 512 MHz. It also provides for a 60 day "hold" period during which

<sup>1</sup> Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Radio Services, *Second Report and Order*, 62 FR 18834 April 17, 1997, 12 FCC Rcd 14307 (1997) (Second R&O).

conflicting applications may not be filed while an applicant is seeking consents from other licensees for centralized trunking. It maintains the requirement that consent to centralized trunking must be obtained from all affected licensees [*i.e.* 100%], not some lesser percentage as suggested by some petitioners. The Commission declines to eliminate the requirement that consent be obtained from licensees of channels adjacent to the channel or channels proposed by an applicant proposing centralized trunking. The following additional actions are taken: A ten channel limit is placed on the number of channels that may be requested in an initial application for centralized trunking with exceptions made for applicants proposing frequencies in the Public Safety Pool, provided a showing of need is made. Applicants proposing centralized trunking are required to certify that they have obtained the consent of affected licensees and must maintain a copy of consent agreements for inspection by the Commission on request. Centralized trunking is not permitted below 150 MHz. The Commission rejects a proposal to make special interference showing provisions for applicants who propose to use equipment alleged to be superior in spectrum efficiency. A proposal to limit trunked operation to incumbent licensees is also rejected. The rulemaking portion of the *First Report and Order and Further Notice of Proposed Rule Making*<sup>2</sup> in this proceeding is terminated to the extent rendered moot by the *Third Memorandum Opinion and Order*, and, as to other matters therein relevant to the *Notice of Proposed Rule Making* in WT Docket No. 99-87,<sup>3</sup> will be incorporated into the record in that proceeding. Finally, the Commission declines to address that portion of a petition for reconsideration requesting changes in the Commission's Safe Harbor rules because said rules are outside the scope of the *Second R&O*. The complete text of the *Third Memorandum Opinion & Order* may be purchased from the Commission's copy contractor, International Transcription Services, 1231 20th Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800, facsimile (202) 857-3805. Alternative formats (computer diskette, large print, audio cassette, and

Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418-0260, TTY (202) 418-2555, or at mcontee@fcc.gov. The full text of the *Third Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth St., S.W., Room CY-A257. The full text of the *Third Memorandum Opinion and Order* can also be downloaded at:<sup>3</sup>  
<http://www.fcc.gov/Bureaus/Wireless/Orders/1999/fcc99138.txt> or  
<http://www.fcc.gov/Bureaus/Wireless/Orders/1999/fcc99138.wp>.

#### Paperwork Reduction Act Analysis

This *Third Memorandum Opinion and Order* contains either a new or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collections contained in this *Third Memorandum Opinion and Order* as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13. Public and agency comments are due 60 days from date of publication of this *Third Memorandum Opinion and Order* in the **Federal Register**. Comments should address: (a) Whether the new or modified collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

*OMB Approval Number:* 3060-XXXX.

*Title:* Application for Construction Permit for Commercial Broadcast Station.

*Form No.:* FCC 600.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Government and businesses.

*Number of Respondents:* 1000.

*Estimated time per response:* 5 hours (This time varies depending on the complexity of the users' projected needs.).

*Total annual burden:* 5,000.

*Total annual cost:* none.

*Needs and Uses:* FCC Form 600 is used to apply for authority to construct private land mobile radio stations or to make changes in the existing facilities of such stations. This *Third Memorandum Opinion and Order* requires applicants for trunked facilities to accompany Form 600 with a certification that consent to trunked operation has been obtained from affected licensees. Further, applicants for Public Safety Pool channels are required to accompany Form 600 with a supplementary showing when such applicants request more than 10 trunked channels. The supplementary showing must demonstrate why more than 10 trunked channels are required by, *e.g.*, furnishing a loading study.

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

Radio, Communications equipment.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

#### Rule Changes

For the 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:** Secs. 4, 251-2, 303, 309 and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 251-2, 303, 309 and 332, unless otherwise noted.

2. § 90.187 is amended by revising paragraph b(2), b(2)(ii) and b(2)(iii) and adding paragraphs b(2)(iv), b(2)(v), (d), (e) and (f) to read as follows:

#### § 90.187 Trunking in the bands between 150 and 512 MHz.

\* \* \* \* \*

(b) \* \* \*

(2) Trunking will be permitted on frequencies where an applicant or licensee does not have an exclusive service area provided that all frequency coordination requirements are complied with and written consent is obtained from affected licensees using either the procedure set forth in b(2)(i), and b(2)(ii) of this section (mileage separation) or the procedure set forth in b(2)(iii)(A), b(2)(iii)(B) and b(2)(iii)(C) of this section (protected contours).

(i) \* \* \*

(ii) Stations with service areas (37 dBu contour for stations in the 150-174

<sup>2</sup> Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Services, PR Docket No. 92-235, 60 FR 37152 July 19, 1995, *First Report and Order and Further Notice of Proposed Rule Making*, 10 FCC Red. 10076 (1996).

<sup>3</sup> Implementation of Sections 309(j) and 337 of the Communications Act of 1934, as amended, Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, Establishment of a Public Service Radio Pool in the Private Mobile Frequencies Below 800 MHz, WT Docket No. 99-87, RM-9332, *Notice of Proposed Rulemaking*, 64 FR 23571 May 3, 1999, FCC 99-52 (rel. March 25, 1999).

MHz band and 39 dBu contour for stations in the 421–512 MHz bands; see § 90.205) that overlap a circle with radius 113 km (70 mi.) from the proposed base station.

(iii) In lieu of the mileage separation procedure set forth in (b)(2)(i) and (b)(2)(ii) of this section, applicants for trunked facilities may obtain consent only from stations that would be subjected to objectionable interference from the trunked facilities. Objectionable interference will be considered to exist when the interference contour (19 dBu for VHF stations, 21 dBu for UHF stations) of a proposed trunked station would intersect the service contour (37 dBu for VHF stations, 39 dBu for UHF stations) of an existing station. The existing stations that must be considered in a contour overlap analysis are a function of the channel bandwidth of the proposed trunked station, as follows:

(A) For trunked stations proposing 25 kHz channel bandwidth: Existing co-channel stations and existing stations that have an operating frequency 15 kHz or less from the proposed trunked station.

(B) For trunked stations proposing 12.5 kHz channel bandwidth: Existing co-channel stations and existing stations that have an operating frequency 7.5 kHz or less from the proposed trunked station.

(C) For trunked stations proposing 6.25 kHz channel bandwidth: Existing co-channel stations and existing stations that have an operating frequency 3.75 kHz or less from the proposed trunked station.

(iv) The calculation of service and interference contours referenced in paragraph (iii) of this section shall be done using generally accepted engineering practices and standards which, for purposes of this rule section, shall presumptively be the practices and standards agreed to by a consensus of all certified frequency coordinators.

(v) The written consent from the licensees specified in paragraphs (b)(2)(i) and (b)(2)(ii) or (b)(2)(iii)(A), (b)(2)(iii)(B) and (b)(2)(iii)(C) of this section shall specifically state all terms agreed to by the parties and shall be signed by the parties. The written consent shall be maintained by the operator of the trunked station and be made available to the Commission upon request. The submission of a coordinated trunked application to the Commission shall include a certification from the applicant that written consent has been obtained from all licensees specified in paragraphs (b)(2)(i) and (b)(2)(ii) or (b)(2)(iii)(A), (b)(2)(iii)(B) and (b)(2)(iii)(C) of this section that the

written consent documents encompass the complete understandings and agreements of the parties as to such consent; and that the terms and conditions thereof are consistent with the Commission's rules. Should a potential applicant disagree with a certified frequency coordinator's determination that objectionable interference exists with respect to a given channel or channels, that potential applicant may request the Commission to overturn the certified frequency coordinator's determination. In that event, the burden of proving by clear and convincing evidence that the certified frequency coordinator's determination is incorrect shall rest with the potential applicant. If a licensee has consented to the use of trunking, but later decides against the use of trunking, that licensee may request that the licensee(s) of the trunked system(s) cease the use of trunking. Should the trunked station(s) decline the licensee's request, the licensee may request a replacement channel from the Commission. A new applicant whose interference contour overlaps the service contour of a trunked licensee will be assigned the same channel as the trunked licensee only if the trunked licensee consents in writing and a copy of the written consent is submitted to the certified frequency coordinator responsible for coordination of the application.

\* \* \* \* \*

(d) Potential applicants proposing trunked operation may file written notice with any certified frequency coordinator for the pool (Public Safety or Industrial/Business) in which the applicant proposes to operate. The notice shall specify the channels on which the potential trunked applicant proposes to operate and the proposed effective radiated power, antenna pattern, height above ground, height above average terrain and proposed channel bandwidth. On receipt of such a notice, the certified frequency coordinator shall notify all other certified frequency coordinators in the relevant pool within one business day. For a period of sixty days thereafter, no application will be accepted for coordination which specifies parameters that would result in objectionable interference to the channels specified in the notice. Potential applicants shall not file another notice for the same channels within 10 km (6.2 miles) of the same location unless six months shall have elapsed since the filing of the last such notice. Certified frequency coordinators shall return without action, any

coordination request which violates the terms of paragraph (d) of this section.

(e) No more than 10 channels for trunked operation in the Industrial/Business Pool may be applied for in a single application. Subsequent applications, limited to an additional 10 channels or fewer, must be accompanied by a certification, submitted to the certified frequency coordinator coordinating the application, that all of the applicant's existing channels authorized for trunked operation have been constructed and placed in operation. Certified frequency coordinators are authorized to require documentation in support of the applicant's certification that existing channels have been constructed and placed in operation. Applicants in the Public Safety Pool may request more than 10 channels at a single location provided that any application for more than 10 Public Safety Pool channels must be accompanied by a showing of sufficient need. The requirement for such a showing may be satisfied by submission of loading studies demonstrating that requested channels in excess of 10 will be loaded with 50 mobiles per channel within a five year period commencing with grant of the application.

(f) If a licensee authorized for trunked operation discontinues trunked operation for a period of 30 consecutive days, the licensee, within 7 days of the expiration of said 30 day period, shall file a conforming application for modification of license with the Commission. Upon grant of that application, new applicants may file for the same channel or channels notwithstanding the interference contour of the new applicant's proposed channel or channels overlaps the service contour of the station that was previously engaged in trunked operation.

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