

circuits. For example, the 64 kbps circuit equivalent of a 2.048 Mbps circuit is 30 64 kbps circuits. Analog circuits such as 3 and 4 kHz circuits used for international service are also included as 64 kbps circuits. However, circuits derived from 64 kbps circuits by the use of digital circuit multiplication systems are not equivalent 64 kbps circuits. Such circuits are not subject to fees. Only the 64 kbps circuit from which they have been derived will be subject to payment of a fee. For FY 1999, the regulatory fee is \$7.00 for each active 64 kbps circuit or equivalent. For analog television channels we will assess fees as follows:

Analog television channel Size in MHz	No. of equivalent 64 kbps circuits
36	630
24	288
18	240

e. International Public Fixed

39. This fee category includes common carriers authorized under part 23 of the Commission's rules to provide radio communications between the United States and a foreign point via microwave or HF troposcatter systems, other than satellites and satellite earth stations, but not including service between the United States and Mexico and the United States and Canada using frequencies above 72 MHz. For FY 1999, International Public Fixed Radio Service licensees will pay a \$410 annual regulatory fee per call sign.

f. International (HF) Broadcast

40. This category covers International Broadcast Stations licensed under part 73 of the Commission's rules to operate on frequencies in the 5,950 kHz to 26,100 kHz range to provide service to the general public in foreign countries. For FY 1999, International HF Broadcast Stations will pay an annual regulatory fee of \$520 per station license.

Authorization of Service: The authorization or licensing of radio stations, telecommunications equipment, and radio operators, as well as the authorization of common carrier and other services and facilities. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with authorization activities.¹⁶⁶

¹⁶⁶ Although Authorization of Service is described in this exhibit, it is not one of the activities included as a feeable activity for regulatory fee purposes pursuant to section 9(a)(1) of the Act. 47 U.S.C. 159(a)(1).

Policy and Rulemaking: Formal inquiries, rulemaking proceedings to establish or amend the Commission's rules and regulations, action on petitions for rulemaking, and requests for rule interpretations or waivers; economic studies and analyses; spectrum planning, modeling, propagation-interference analyses, and allocation; and development of equipment standards. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with policy and rulemaking activities.

Enforcement: Enforcement of the Commission's rules, regulations and authorizations, including investigations, inspections, compliance monitoring, and sanctions of all types. Also includes the receipt and disposition of formal and informal complaints regarding common carrier rates and services, the review and acceptance/rejection of carrier tariffs, and the review, prescription and audit of carrier accounting practices. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with enforcement activities.

Public Information Services: The publication and dissemination of Commission decisions and actions, and related activities; public reference and library services; the duplication and dissemination of Commission records and databases; the receipt and disposition of public inquiries; consumer, small business, and public assistance; and public affairs and media relations. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with public information activities.

Attachment H—Factors, measurements and calculations that go into determining station signal contours and associated population coverages

AM Stations: Specific information on each day tower, including field ratio, phasing, spacing and orientation was retrieved, as well as the theoretical pattern RMS figure (mV/m @ 1 km) for the antenna system. The standard, or modified standard if pertinent, horizontal plane radiation pattern was calculated using techniques and methods specified in sections 73.150 and 73.152 of the Commission's rules.¹⁶⁷ Radiation values were calculated for each of 72 radials around the transmitter site (every 5 degrees of azimuth). Next, estimated soil conductivity data was retrieved from a database representing

¹⁶⁷ 47 U.S.C. 73.150 and 73.152.

the information in FCC Figure M3. Using the calculated horizontal radiation values, and the retrieved soil conductivity data, the distance to the city grade (5 mV/m) contour was predicted for each of the 72 radials. The resulting distance to city grade contours were used to form a geographical polygon. Population counting was accomplished by determining which 1990 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted city grade coverage area.

FM Stations: The maximum of the horizontal and vertical HAAT (m) and ERP (kW) was used. Where the antenna HAMSLS was available, it was used in lieu of the overall HAAT figure to calculate specific HAAT figures for each of 72 radials under study. Any available directional pattern information was applied as well, to produce a radial-specific ERP figure. The HAAT and ERP figures were used in conjunction with the propagation curves specified in section 73.313 of the Commission's rules to predict the distance to the city grade (70 dBuV/m or 3.17 mV/m) contour for each of the 72 radials.¹⁶⁸ The resulting distance to city grade contours were used to form a geographical polygon. Population counting was accomplished by determining which 1990 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted city grade coverage area.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 25

[B Docket No. 99-67; FCC 99-37]

Implementation of the GMPCS MoU and Petition of the NTIA To Establish Emissions Limits for Mobile and Portable Earth Stations in the 1610-1660.5 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed rules and policies implementing the international Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements adopted last spring by the International

¹⁶⁸ 47 U.S.C. 73.313.

Telecommunications Union. Among other things, the Notice proposes to apply our current part 2 equipment certification procedures to terminals used in conjunction with authorized GMPCS systems that are for sale or lease and use in the United States. It also contemplates a customs procedure for allowing terminals to be carried into the United States.

DATES: Comments must be submitted on or before May 3, 1999; reply comments must be submitted on or before May 18, 1999.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street S.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tracey Weisler (202) 418-0744 or Bill Bell (202) 418-0741.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in IB Docket No. 99-67; FCC 99-37, adopted February 25, 1999 and released March 5, 1999. The complete text of this Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Information Center, 445 Twelfth Street, Room CYA257, S.W., Washington, DC 20554, and also may be purchased from the Commission's copy contractor, International Transcription Service, 1231 20th Street, N.W., Washington, DC 20036, phone: 202-857-3800; facsimile: 202-857-3805.

To file formally in this proceeding, comments can be filed using the Commission's Electronic Comment Filing System ("ECFS") or by paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (May 1, 1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, The Portals, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554.

Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: Paul Gordon, Office of the Secretary, Federal Communications Commission, The Portals, 445 Twelfth Street, S.W., Room 2C223, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the lead docket number in this case [IB Docket No. 99-67]), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleading, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, DC 20037. Comments and reply comments should be captioned using the docket number in this proceeding only.

As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document.

Summary of Notice of Proposed Rulemaking

The Commission's proposed rulemaking (1) outlines the provisions of the GMPCS MoU and recognizes the need to facilitate transport terminals delivering new international voice, data and broadband services across national borders; (2) seeks comment on the categories of GMPCS terminals that should fall under the ITU definition for purposes of equipment certification; (3) seeks comment on the requirement to certify terminals for sale or lease and

use in the United States and how to treat terminals brought into the United States as personal effects for temporary use or transit; (4) seeks comment on the current technical requirements and procedures for earth station licensing under Part 25 and whether to expand those requirements for certification; (5) proposes to adopt NTIA's out-of-band emission proposal for terminals operating in the 1610-1660.5 MHz range; and (6) seeks comment on how best to implement and enforce our new procedures in conjunction with the Commission's Compliance and Information Bureau and the U.S. Customs Service.

Administrative Matters

This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a). The Sunshine Agenda period is the period of time that commences with the release of public notice that a matter has been placed on the Sunshine Agenda and terminates when the Commission (1) releases the text of a decision or order in the matter; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. 47 CFR 1.1202(f). During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically exempted. 47 CFR 1.1203. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before May 3, 1999 and reply comments on or before May 18, 1999.

To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments send additional copies to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Federal Communications Commission, Reference Information Center, Room CYA257, Twelfth Street, S.W., Washington, DC 20554.

Initial Regulatory Flexibility Act Statement

As required by the Regulatory Flexibility Act,¹ the Commission has prepared this present Initial Regulatory Flexibility Analysis of the possible significant economic impact on small entities by the policies and rules proposed in this *Notice of Proposed Rule Making* ("Notice"). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice provided above. The Commission will send a copy of this Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the Notice and IRFA will be published in the **Federal Register**.

Need for and Objectives of the Proposed Rules

This Notice proposes to extend the FCC's current equipment certification procedure to GMPCS terminals that are to be sold for use in the United States, while allowing terminals manufactured and sold elsewhere to enter the United States for transit or temporary use if they have complied with the GMPCS-MoU notification process and bear the "GMPCS-MoU ITU Registry" mark.

Legal Basis

This action is taken pursuant to Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r), 307, 309, and 310.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria

established by the Small Business Administration (SBA).

The Commission has not developed a definition of small entities applicable to geostationary or non-geostationary orbit fixed-satellite, mobile satellite operators or terminal manufacturers. Therefore, the applicable definition of small entity in the satellite services industry is the definition under the Small Business Administration (SBA) rules applicable to Communications Services "Not Elsewhere Classified."² This definition provides that a small entity is expressed as one with \$11.0 million or less in annual receipts. According to Census Bureau data, there are 848 firms that fall under the category of Communications Services, Not Elsewhere Classified. Of those, approximately 775 reported annual receipts of \$11 million or less and qualify as small entities.³ The Census Bureau category is very broad and commercial satellite services constitute only a subset of its total. Although it is difficult to estimate the number of entities that will be required to or choose to comply with the procedures proposed in this Notice, we note that the Commission has licensed 12 entities to provide GMPCS in the United States. Of these licensees, only VITA and LEO One qualify as small businesses.⁴ The other entities are not small businesses because they each have revenues in excess of \$11 million annually or have parent companies or investors that have revenues in excess of \$11 million annually. We request comment on the description and number of small entities that are significantly impacted by this proposal.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

In this proceeding, we are proposing to use current forms and procedures to implement new proposed requirements. Therefore, this proposed action may create minimal additional mandatory reporting requirements for license applications and/or new equipment certification requirements for certain sectors of the satellite operator, service

² See 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4899.

³ U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92-S-1, Subject Series, Establishment and Firm Size, Table 2D, Employment Size of Firms: 1992, SIC Code 4899 (issued May 1995).

⁴ See *Notice of Proposed Rulemaking*, IB Docket No. 96-426, 11 FCC Rcd 19841 (1996) at 44.

provider and equipment manufacturing industry.

Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

It should be noted that the Commission received a petition from the National Telecommunications and Information Agency regarding establishment of an out-of-band emission limit for certain GMPCS terminals in 1998 and comments were later filed by several entities. However, no Petitions for Rulemaking were filed to initiate the MoU portion of this proceeding, and there have been no comments in this proceeding that suggest alternatives to the proposed procedure. Therefore, we request comment on alternative licensing and equipment certification procedures that might minimize the amount of economic impact on small entities.

Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

None.

Ordering Clauses

Accordingly, It is Ordered that, pursuant to Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r), 307, 309(a), 310, NOTICE IS HEREBY GIVEN of our intent to adopt these proposed rule revisions. It is Further Ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with Section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.* (1981).

List of Subjects

47 CFR Part 2

Communications equipment.

47 CFR Part 25

Communications equipment, Satellites.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

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¹ 5 U.S.C. 603.