
FCC DOCKET SUMMARIES

The following is a listing of significant FCC actions that were initiated from January, 1994 through March, 1995. The docket summaries are organized numerically according to the FCC bureau responsible for the particular docket matter. The docket summaries provide brief synopses and citations to the full text of the FCC actions, but are not intended to serve as substitutes for the text contained in the original sources.

COMMON CARRIER

CC DOCKET NO. 80-286: *In re* Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board, *Notice of Inquiry*, 9 FCC Rcd. 7404, 59 Fed. Reg. 46,606 (1994).

In its *NOI*, released August 30, 1994, the Commission sought information concerning the Part 36 jurisdictional separations rules which provide interstate assistance to local exchange carriers ("LECs"). The Commission invited comment on numerous policy questions involving the provision of high-cost assistance. The Commission proposed a wide spectrum of alternatives from modifying the present rules to implementing a new system of high-cost assistance. The Commission sought comment on whether these alternatives reflect necessary changes in the goals of high-cost assistance and resolve current abuses of high-cost assistance.

In conjunction with the inquiry on high-cost assistance, the Commission requested comment on DEM weighing rules. In light of abuses resulting from DEM weighing rules, such as incentives to manipulate separation rules, the Commission sought information on the necessity of continuing such assistance, the possibility of restructuring the program, and other viable changes.

CC DOCKET NO. 87-266: *In re* Telephone Company-Cable Television Cross-Ownership Rules, Section 63.54-63.58, *Fourth Further Notice of Proposed Rule Making*, 10 FCC Rcd. 4617, 60 Fed. Reg. 8996 (1995).

On January 20, 1995, the Commission released its *Fourth Further NPRM* in response to decisions of the United States Courts of Appeals for the Fourth

and Ninth Circuits concluding that the 1984 Cable Act's cross-ownership restriction violates the First Amendment rights of telephone companies. Telephone Company-Cable Television Cross-Ownership Rules were established to prevent telephone companies from monopolizing the cable industry by offering cable services in their respective telephone service areas. The Commission sought comment on changes in the video dialtone rules and policies. The Commission also requested comment on whether and to what extent Title II and Title VI of the Communications Act should apply to telephone companies providing video programming to subscribers in their telephone service areas over video dialtone facilities. Furthermore, the Commission sought comment on rules and policies to govern telephone companies not subject to the cross-ownership ban who provide video programming over video dialtone facilities. The Commission concluded that those telephone companies who remain subject to the cross-ownership ban would still be required to follow the current video dialtone framework.

CC DOCKET NO. 91-281: *In re* Rules and Policies Regarding Calling Number Identification Service — Caller ID, *Report and Order and Further Notice of Proposed Rule Making*, 9 FCC Rcd. 1764, 59 Fed. Reg. 18,318 (1994).

On March 29, 1994, the Commission released its rules governing interstate calling party number-based services such as caller ID and requested further comment in a *NPRM* on related privacy and education issues.

In the *Report and Order*, the Commission concluded that a federal model for interstate delivery of the calling party number is in the public interest and is necessary for the introduction of many valuable services including interstate caller ID. In addition, the Commission decided that calling party privacy must be protected and that state regulation of interstate calling party services must be preempted. The Commission amended Part 64 of the rules to require that calling party number parameter and its associated privacy indicator be transmitted on an interstate call to connecting carriers by common carriers using Common Channel Signalling System 7 ("SS7"). The

Commission also decided that free automatic per call blocking be offered by CPN delivery services for interstate callers. The rules would further require that terminating carriers providing calling party based services honor the privacy indicator. The Commission concluded that telephone subscribers must be informed that their number may be revealed to the called party and further, that the subscribers may take steps to prevent this information from being revealed. Finally, the Commission established rules restricting the reuse or sale of information produced by automatic number identification or charge number services, without customer consent.

In the *Further NPRM*, the Commission sought comment on whether additional customer education programs should be implemented. The Commission also sought comment on whether it should extend the policies adopted in the *Report and Order* to other services that may identify the calling party.

CC DOCKET NO. 92-166: *In re* Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands, *Notice of Proposed Rule Making*, 9 FCC Rcd 1094, 59 Fed. Reg. 11,746 (1994).

In its *NPRM*, released February 18, 1994, the Commission proposed a new mobile satellite service. These rules and policies were developed in response to the Commission's consideration of several proposals to construct satellite systems. These systems would provide an assortment of voice and data mobile satellite services in the 1610-1626.5/2483.5-2500 MHz frequency bands (MSS Above 1 GHz Service). This new service is expected to dramatically broaden communication service internationally, as well as domestically.

The Commission expects this innovative service to stimulate economic growth through the creation of a global industry which would result in substantial investments in the United States economy and large increases in high paying jobs. The Commission hopes that its proposed licensing of mobile voice systems will facilitate the development of this industry and permit the United States to continue its leadership role in this market.

CC DOCKET NO. 92-237: *In re* Administration of the North American Numbering Plan, *Notice of Proposed Rule Making*, 9 FCC Rcd. 2068, 59 Fed. Reg. 24,103 (1994).

The North American Numbering Plan ("NANP"), currently administered by Bell Commu-

nications Research, Inc., coordinates numerous numbering systems such as area codes, service access codes, and carrier identification codes in most of North America. The administration of these codes results in efficient services and enables technologies to facilitate continued economic growth. Due to continued growth in the telecommunications market, the Commission issued a *NOI* and a *NPRM* in order to address technical and administrative concerns.

In its *NPRM*, released April 1, 1994, the Commission tentatively concluded that a single non-government entity should control the administration of the NANP. To this conclusion, the Commission invited comment on whether a new board should be established to aid in creating a numbering policy and resolving disputes. Furthermore, the Commission tentatively decided that fees should be imposed to recover the cost of number regulation. The Commission sought comment on whether mandatory number charges should be imposed by itself and World Zone 1 regulators in order to finance the international administration of NANP. Finally, the Commission tentatively concluded that a transition period of six years would permit development from FGD CICs to a four digit format. The Commission invited comment on whether LECs in equal access areas should be required to deliver interstate, intraLATA "1+" Message Telephone Service calls to carriers preselected by the end users.

CC DOCKET NO. 94-1: *In re* Price Cap Performance Review for Local Exchange Carriers, *Notice of Proposed Rule Making*, 9 FCC Rcd. 1687, 59 Fed. Reg. 12,888 (1994).

On February 16, 1994, the Commission released a *NPRM* requesting comment on whether it should revise its price cap plan for local exchange carriers ("LECs") which took effect January 1, 1991. The Notice begins with a comprehensive review of the effect the price cap regulation has had over the past three years. The Commission indicated that while the price cap has resulted in a decline in access rates, higher earnings, and consistent service quality, rapid changes in telecommunications technology may require modification in the LECs price cap plan.

This *NPRM* serves to review whether the price cap plan for LECs requires revision in order to better serve the goals of the Communications Act and the public interest. With this in mind, the Commission sought data and comment on three specific issues. First, the Commission sought comment on whether the goals of price caps should be modified to guarantee that regulation facilitates the economic

growth of industry, the creation of jobs and development of technology. Next, the Commission requested comment on whether the plan should be improved for better performance or modified to adjust to recent changes in the market place and technology. Finally, the Commission invited comment on how the plan should be revised to adjust to future changes.

CC DOCKET NO. 94-54: *In re* Equal Access and Interconnection Obligations Pertaining to Commercial Mobile Radio Services, *Notice of Proposed Rule Making and Notice of Inquiry*, 9 FCC Rcd. 5408, 59 Fed. Reg. 35,664 (1994).

On July 1, 1994, the Commission released a *NPRM* and *NOI* requesting comment on three issues regarding commercial mobile radio services ("CMRS"). The revision of section 332 of the Communications Act resulted in mobile services being classified as either "commercial mobile radio services" or "private mobile radio services." A CMRS *Second Report* postponed consideration of the issue of equal access requirement on PCS providers until all CMRS providers could be considered. The Commission invited comment in regard to equal access with the goals and policies of section 332 and the CMRS *Second Report* in mind.

In light of the on-going examination of the CMRS marketplace, the Commission sought comment on whether to impose equal access obligations upon CMRS providers. The Commission tentatively concluded that equal access requirements should be imposed on cellular licensees. The Commission sought comment on costs and benefits of this imposition on other CMRS providers. The Commission also requested comment on rules to govern requirements for interconnection service provided by LECs to CMRS providers. This includes comment on proposals for tariff or negotiated interconnection arrangement requirements in order to avoid discriminatory interconnection arrangements imposed on new market entrants. Finally, the Commission's *NOI* serves to determine whether to advance rules requiring CMRS providers to interconnect with one another.

CC DOCKET NO. 94-93: *In re* Amendment of Subpart E of Chapter 1 of the Commission's Rules Governing Procedures to Be Followed When Informal Complaints Are Filed Against Common Carriers, *Notice of Proposed Rule Making*, 9 FCC Rcd. 4499, 59 Fed. Reg. 51,533 (1994).

On September 2, 1994, the Commission invited comment on its proposed changes to procedures for informal complaints filed against common carriers.

Section 208 of the Communications Act of 1934 provides that any party may file a complaint against a common carrier for acts or omissions that violate the Act or Commission's rules or orders.

The Commission's goal is to improve the informal complaint process by making it more accessible and responsive to the public. In order to reach this goal the Commission proposed to amend section 1.716 of the rules to further specify that informal complaints may address common carrier violations of the Commission rules or orders as well as the Act. The Commission proposed to further revise this section by requiring informal complaints to include specific factual allegations that if true would support a finding that the common carrier did violate the Act, rule, or order.

In addition, the Commission proposed to add two new subsections, (b) and (c), to section 1.716. Each new subsection would reduce the clerical burden on the staff. Subsection (b) would encourage complainants to file both an original informal complaint plus a copy for each carrier named to be served by that carrier. Subsection (c) would require an informal complaint concerning billing disputes to include copies of pertinent bills.

The Commission also proposed to amend section 1.717 to require the staff to advise the complainant and the carrier in writing of the status of the informal complaint. Finally, the Commission proposed to change Section 1.718 in order to cure duplicate filing problems.

CC DOCKET NO. 94-102: *In re* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Notice of Proposed Rule Making*, 9 FCC Rcd. 6170, 59 Fed. Reg. 54,878 (1994).

In its *NPRM*, released October 19, 1994, the Commission proposed to amend its regulations concerning emergency calling systems in order to assure the public access to enhanced 911 services. First, the Commission addresses a petition which advocates amending Part 68 of the rules by requiring technical performance standards. The commission sought comment on proposals for ensuring the compatibility of private branch exchanges and other telecommunication systems with enhanced 911 emergency services. Second, the Commission proposed to adopt rules that would require wireless services to make enhanced 911 services available to mobile radio callers.

CC DOCKET NO. 94-129: *In re* Policies and Rules Concerning Unauthorized Changes of Consumer's

Long Distance Carriers, *Notice of Proposed Rule Making*, 9 FCC Rcd. 6885, 59 Fed. Reg. 63,750 (1994).

In response to numerous complaints concerning the unauthorized changing of consumer's long distance carriers, the Commission proposed various revisions to cure this problem in its *NPRM* released November 10, 1994. Specifically, the Commission invited comment on its proposals to change the form and content of LOAs, or "Letters of Agency". The Commission proposed that LOAs, which are a form of verification, should be sent by IXC's to customers separate from any other promotional material. Furthermore, the Commission indicated that LOAs should not do anything except authorize IXC's to initiate an IXC change. Finally, the Commission proposed that the LOAs set out the terms of the orders for long distance service clearly, unambiguously, and legibly.

CC DOCKET NO. 94-158: *In re* Amendment of Policies and Rules Concerning Operator Service Providers and Call Aggregators, *Notice of Proposed Rule Making and Notice of Inquiry*, 10 FCC Rcd. 1533, 60 Fed. Reg. 8217 (1995).

On February 8, 1995, the Commission released a *NPRM* and *NOI* requesting comment on proposed changes to the rules governing operator service providers ("OSPs") and call aggregators. First, the Commission invited comment on the imposition of call branding on call aggregators. In addition, the Commission sought comment on whether or not to require OSPs and aggregators to identify themselves to both parties involved in making the collect call — the calling party and the called party. The Commission tentatively concluded that both parties must accept the charges. Second, the Commission proposed to amend the rules regarding routing and handling of emergency calls by creating minimum standards for aggregators to comply with, similar to those imposed currently on OSPs. Third, in response to informal complaints, the Commission sought comment on whether the definition of "aggregator" should be enlarged to include correctional institutions. The Commission also requested comment on possible changes in the management of the entities that provide interstate telecommunication services to correctional facilities. Finally, the Commission sought comment on amending the rules regarding the posting of information on or near telephone instruments. Specifically, the Commission sought comment on the problems resulting from delays and on the time limits for updating such information.

CABLE SERVICES

CS DOCKET NO. 94-48: *In re* Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992 Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, *Notice of Inquiry*, 9 FCC Rcd. 2896, 59 Fed. Reg. 27,526 (1994).

The Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act") requires the Commission to report annually to Congress on the status of competition in the cable television marketplace. Competition is expected to provide cable subscribers with reasonable rates and prevent large cable operators from limiting competition, thereby encouraging a variety of programming. On May 19, 1994, in order to comply with its statutory directive, the Commission released a *NOI* setting out three goals.

First, the Commission sought information in order to prepare its first report for Congress regarding the status of competition in cable supplied by alternative distribution technologies. Next, the Commission sought information which would indicate changes in the practices and conduct of multichannel video programming vendors and distributors focusing on the entry and development of competitors. Finally, the Commission requested information in order to develop a framework and data reference points for future annual reports.

ENGINEERING & TECHNOLOGY

ET DOCKET NO. 94-32: *In re* Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, *Notice of Proposed Rule Making*, 9 FCC Rcd. 6779, 59 Fed. Reg. 59,393 (1994).

On November 8, 1994, the Commission released a *NPRM* proposing to transfer to the private sector 50 MHz of spectrum initially allocated to the Federal Government. The Commission indicated that the reallocation of spectrum to the private sector will foster the development of communications technologies and ensure that the spectrum is put to its best and most valued use for the benefit of the public. The Commission requested comment on an allocation scheme that would designate the 2390-2400 MHz, 2402-2417 MHz, and 4660-4685 MHz bands for fixed and mobile services.

ET DOCKET NO. 94-45: *In re* Revision of Part 2 of the Commission's Rules Relating to the Market-

ing and Authorization of Radio Frequency Devices, *Notice of Proposed Rule Making*, 9 FCC Rcd. 2702, 59 Fed. Reg. 31,966 (1994).

On June 9, 1994, the Commission proposed to amend the marketing regulations and the equipment authorization procedures for radio frequency devices. The Commission initiated the rulemaking proceeding to cure inconsistencies in the rules that led to industry confusion and discouragement of otherwise legitimate methods of marketing radio frequency devices.

ET DOCKET NO. 94-124: *In re* Amendment of Parts 2 and 15 of the Commission's Rules to Permit Use of Radio Frequencies Above 40 GHz for New Radio Applications, *Notice of Proposed Rule Making*, 9 FCC Rcd. 7078, 59 Fed. Reg. 61,304 (1994).

In its *NPRM*, released November 8, 1994, the Commission proposed to make the "millimeter wave" frequency bands above 40 GHz available for commercial development. While the millimeter technology has been historically used only by military and scientific application, this proposal will promote application of this technology with commercial products and services.

Under the proposal, 16 GHz of spectrum in the frequency range between 47.2 and 153 GHz would be available on a shared basis with existing and future government users. In addition, the proposal would open 2 GHz of spectrum in the 40.5-42.5 GHz band for non-government users. These new frequency bands would allow the development of short-range wireless radio systems with communication capacity equal to that provided through coaxial and optical fiber cable. Such development would provide the public with new communication services and products, increased business and opportunities, and economic growth.

ET DOCKET NO. 95-18: *In re* Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service, *Notice of Proposed Rule Making*, 10 FCC Rcd. 3230, 60 Fed. Reg. 11,644 (1995).

On January 31, 1995, the Commission proposed to allocate the 1990-2025 MHz (Earth to space) and 2165-2200 MHz (space to Earth) bands to the mobile-satellite service ("MSS"). While the Commission planned on allocating these bands to geostationary ("GSO") and non-geostationary (low-Earth orbit) satellites, the Commission further proposed to

limit these bands solely to GSO and low-earth orbit satellites to promote efficient utilization of the spectrum. The Commission expects this allocation to MSS to provide more services, increase competition, and create new jobs.

ET DOCKET NO. 95-19: *In re* Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices, *Notice of Proposed Rule Making*, 60 Fed. Reg. 15,116 (1995).

By this *NPRM*, released February 7, 1995, the Commission proposed to amend Parts 2 and 15 of the rules to relax the equipment authorization requirements for FCC certification for personal computers. Under the new process, an equipment manufacturer or supplier would be permitted to test a product to ensure its compliance with radio frequency emission standards and enclose a statement of compliance in the information brochures furnished with the product. This eliminates the need for the manufacturers and suppliers to apply for equipment authorization and wait for FCC approval. The Commission's proposed amendments would allow the FCC equipment authorization requirements for personal computers to match those used in other parts of the world.

GENERAL COUNSEL

GC DOCKET NO. 95-21: *In re* Amendment of 47 C.F.R. § 1.1200 et seq. Concerning Ex Parte Presentations in Commission Proceedings, *Notice of Proposed Rule Making*, 10 FCC Rcd. 3240, 60 Fed. Reg. 8995 (1995).

In its *NPRM*, released February 7, 1995, the Commission proposed to amend the ex parte rules to make them less complicated and less restrictive. First, the Commission proposed to use the Administrative Procedure Act in defining the situations in which ex parte presentations are absolutely prohibited. All other ex parte situations would be conditioned on a permit-but-disclose rule. This would allow ex parte presentations provided that such actions were disclosed on the public record. Second, the Commission sought comment on whether the sunshine period prohibition included in the ex parte rules should be modified. Finally, the Commission proposed various methods for making the ex parte rules more productive, such as requiring more informative notices in permit-but-disclose proceedings.

GENERAL

GN DOCKET NO. 94-33: *In re* Further Forbearance from Title II Regulation for Certain Types of Commercial Mobile Radio Service Providers, *Notice of Proposed Rule Making*, 9 FCC Rcd. 2164, 59 Fed. Reg. 25,432 (1994).

On May 4, 1994, the Commission released a *NPRM* to consider whether commercial mobile radio services (CMRS) require further relief from Title II provisions. Currently, under the Second Report and Order in General Docket No. 93-252, the Commission has exercised its authority to forbear from applying sections 203, 204, 205, 211, 212, and 214 of Title II of the Communications Act to any service classified as CMRS. However, the other provisions of Title II have applied to CMRS. The Commission sought comment as to whether these additional provisions place an undue burden on CMRS and, therefore, require further forbearance.

GN DOCKET NO. 94-90: *In re* Eligibility for the Specialized Mobile Radio Services and Radio Services in the 220-222 MHz Land Mobile Band and Use of Radio Dispatch Communications, *Notice of Proposed Rule Making*, 9 FCC Rcd. 4405, 59 Fed. Reg. 42,563 (1994).

In its *NPRM*, released August 11, 1994, the Commission proposed to amend the rules governing licensee eligibility in the Specialized Mobile Radio (SMR) service and in the commercial 220-222 megahertz (MHz) land mobile services. Presently, wireline telephone common carriers that supply local exchange service are prohibited from securing SMR licenses according to Section 90.603(c) of the rules. The licensing of commercial 220 MHz mobile radio services is also banned by section 90.703(c). The Commission sought comment on whether these restrictions are still necessary in light of the current condition of the commercial mobile services marketplace. In addition, the Commission proposed to eliminate the ban on the provision of dispatch service by cellular licensees and other licensees in the Public Mobile Services.

INTERNATIONAL

IB DOCKET NO. 95-22: *In re* Market Entry and Regulation of Foreign-affiliated Entities, *Notice of Proposed Rule Making*, 10 FCC Rcd. 4844, 60 Fed. Reg. 11,644 (1995).

In its *NPRM*, released February 17, 1995, the

Commission proposed new policies to regulate the participation of foreign carriers in the U.S. international telecommunications market. These policies will encourage effective competition in the global market for communication services, prevent anticompetitive conduct in the international communication industry, and encourage access to foreign communication markets. In light of these goals, the Commission concluded that permitting foreign carrier entry in to the United States international services market would further the public interest by increasing competition. However, the Commission tentatively concluded that unrestricted foreign carrier entry would not be in the best interest of the public where the United States would not be granted reciprocity with the foreign markets.

The Commission proposed to amend the public interest standard for considering foreign carrier applications to enter the United States market. The Commission sought comment on whether to require that a foreign carrier applying for entry demonstrate that the carrier's primary market will be open to United States carriers seeking to provide basic, international telecommunications service now or in the near future. Other factors, such as, national security, reciprocal treatment by foreign carriers primary market and the possibility for discrimination against unaffiliated United States carriers, would continue to be considered by the Commission.

Furthermore, the Commission proposed a specified level of foreign carrier ownership in a United States carrier to which the proposed entry standard would apply. The Commission sought comment on what the minimum level of ownership should be set at.

COMPLIANCE AND INFORMATION

IC DOCKET NO. 94-31: *In re* Preparation for International Telecommunication Union World Radiocommunication Conferences, *Notice of Inquiry*, 9 FCC Rcd. 2430, 59 Fed. Reg. 25,873 (1994).

On May 5, 1994, the Commission released a *NOI* to prepare for the 1995 and future World Radiocommunication Conferences ("WRCs"). The Commission sought information to assist in the development of United States proposals to be incorporated into the 1995 WRC agenda, such as promoting the introduction of new worldwide mobile-satellite services. The Commission also sought information to further develop the U.S. agenda and proposals for the 1997 and 1999 WRCs.

IC DOCKET NO. 94-31: *In re* Preparation for International Telecommunication Union World Radiocommunication Conferences, *Second Notice of Inquiry*, 10 FCC Rcd. 4169, 60 Fed. Reg. 8994 (1995).

On January 31, 1995, the Commission released a *Second NOI* to review comments from the first inquiry and to solicit comment on preliminary proposals for the 1995 World Radiocommunication Conference (WRC) and future WRCs.

The International Telecommunication Union (ITU) will convene the 1995 WRC from October 23, to November 17, 1995. The Commission submitted proposals to facilitate implementation of competitive MSS operations by relaxing international technical and regulatory constraints and by providing additional spectrum allocations. In addition to comment on MSS, the Commission invited comment on other topics, such as space service allocation matters, availability of high frequency broadcasting bands, and agendas for the 1997, 1999 and 2001 WRCs.

MASS MEDIA

MM DOCKET NO. 91-221: *In re* Review of the Commission's Regulations Governing Television Broadcasting; Television Satellite Stations Review of Policy and Rules, *Further Notice of Proposed Rule Making*, 10 FCC Rcd. 3524, 60 Fed. Reg. 6490 (1995).

In its *NPRM*, released January 17, 1995, the Commission proposed a new analytical framework for evaluation of the ownership rules applying to television stations. In response to the Commission's Office of Plans and Policy report issued in 1991, the Commission began an ongoing investigation of the ownership rules and their effectiveness in the current communications market. The majority of comments responded positively to the notion that the ownership rules needed to be amended so that over-the-air television could compete effectively in the video market.

In light of major developments in the communications industry since the 1992 *NPRM*, the Commission released this *NPRM* to further explore the proposals to modify TV ownership rules. The Commission sought comment regarding economic and diversity issues with respect to numerous proposals designed to change our national and local multiple ownership rules for television.

MM DOCKET NO. 94-34: *In re* Implementation of Commission's Equal Employment Opportunity Rules, *Notice of Inquiry*, 9 FCC Rcd. 2047, 59 Fed.

Reg. 23,183 (1994).

On April 21, 1994, the Commission released an inquiry into the policies and procedures promoting equal employment opportunity and promotion opportunity in the cable and broadcast industries. As mandated by section 22(g) of the 1992 Cable Act, the Commission sought review in order to prepare a report to Congress on the effectiveness of the Commission's rules. The Commission also sought comment on possible changes that may better promote equality of employment and promotion opportunity for women and minorities more effectively.

MM DOCKET NO. 94-123: *In re* Review of the Prime Time Access Rule, Section 73.658(k) of the Commission's Rules, *Notice of Proposed Rule Making*, 9 FCC Rcd. 6328, 59 Fed. Reg. 55,402 (1994).

In its *NPRM*, released October 25, 1994, the Commission initiated an overall review of the Prime Time Access Rule ("PTAR") to determine whether the rule has become unnecessary due to economic and technological changes in the telecommunications market since the rule's adoption in 1970. PTAR was created to increase the level of competition in the independent production of programming by preventing the three major television networks from monopolizing the program production market. Section 73.658(k) mandates that network-affiliated television stations in the top fifty television markets shall not present more than three hours of national network programs, including off-network programs, during the four hours of prime time. In light of prevailing market conditions, such as the success of the video marketplace and the decline in television network power, the Commission sought economic and other data and analysis to determine whether PTAR still serves the public interest.

MM DOCKET NOS. 94-149; 91-140: *In re* Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities, *Notice of Proposed Rule Making*, 10 FCC Rcd. 2788, 60 Fed. Reg. 6068 (1995).

On January 12, 1995, the Commission released a *NPRM* to examine ways to provide greater opportunities to minorities and women to enter into the mass media industry. The Commission has long held that diversity in all aspects of mass media is in the best interest of the public. Due to the continued underrepresentation of minorities and women in the mass media, the Commission sought comment on proposals aimed at increasing the minority and female ownership of mass media facilities and requested

comment on other ways to further this goal. The Commission attributed some of the problem to the inability of minorities and women to obtain capital to invest and enter the market.

With this in mind, the Commission first proposed to refine previous proposals to establish an "incubator" program that would create incentives for current mass media owners to assist new entrants into the industry. Second, the Commission invited comment on how to improve the existing ownership attribution rules to encourage more investment in minority and female-controlled properties. In addition, the Commission sought comment on ways to improve the tax certificate policy already in place. Finally, the Commission requested data and comment on whether to revise the broadcast ownership form in order to collect information on race, ethnicity and gender.

MM DOCKET NOS. 94-150; 92-51; 87-154: *In re* Review of the Commission's Regulations Governing Attribution of Broadcast Interests; Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry; Reexamination of the Commission's Cross-Interest Policy, *Notice of Proposed Rule Making*, 10 FCC Rcd. 3606, 60 Fed. Reg. 6483 (1995).

In its *NPRM*, released January 12, 1995, the Commission initiated a comprehensive overview of the attribution rules which regulate multiple ownership of broadcast stations in order to promote diversity of ownership. Due to changes in the broadcast industry, including relaxation of multiple ownership rules in other areas, the Commission considered revising the rules in order to assist the entry of minorities and women into the market. The Commission also addressed concern that nonattributable investments and cooperative arrangements are being used to indirectly achieve multiple ownership that otherwise would be prohibited.

Furthermore, the Commission sought identification of positional and ownership interests that convey a degree of influence or control over the holder and, therefore, should be included in the multiple ownership rules. The Commission wants the attribution rules to foster arrangements in which investment capital is made available to the broadcast industry.

MM DOCKET NO. 94-130: *In re* Amendment of Parts 73 and 74 of the Commission's Rules to Permit Unattended Operation of Broadcast Stations and to Update Broadcast Station Transmitter Control and Monitoring Requirements, *Notice of Proposed*

Rule Making, 10 FCC Rcd. 509, 59 Fed. Reg. 64,378 (1994).

In its *NPRM*, released December 7, 1994, the Commission sought comment on whether it should waive the requirement that a broadcast station must have a licensed radio operator on duty in charge of the transmitter during all periods of broadcast operation. The Commission proposed to waive not only this requirement, but also the requirement that licensed transmitter duty operators hold a Restricted Radio telephone Operator Permit. The Commission also sought comment on other various proposed changes in light of the above waivers, including changes to reflect unattended operation of facilities. Finally, the Commission proposed to amend Part 74 in order to offer similar flexibility to low power TV stations.

MM DOCKET NO. 94-131: *In re* Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act-Competitive Bidding, *Notice of Proposed Rule Making*, 9 FCC Rcd. 7665, 59 Fed. Reg. 63,743 (1994).

On December 1, 1994, the Commission proposed to facilitate the filing and processing of applications for new facilities in the Multipoint Distribution Service ("MDS") by adopting filing procedures similar to the competitive bidding procedures.

The Commission proposed that all applicants file short-form applications for predetermined geographic areas, but that only the successful bidders file long-form applications. The Commission concluded that competitive bidding would increase the development and advance deployment of MDS.

Furthermore, the Commission concluded that this method would reduce the likelihood of speculative filings and accelerate the initiation of new services. The Commission sought comment concerning other alternative procedures that would accomplish the Commission's goal in facilitating development of the wireless cable industry and coordinate the processing of MDS and ITFS applications.

MM DOCKET NO. 95-31: *In re* Reexamination of the Comparative Standards for New Noncommercial Educational Applicants, *Notice of Proposed Rule Making*, 10 FCC Rcd. 2877, 60 Fed. Reg. 15,527 (1995).

In the *NPRM*, released March 17, 1995, the Commission requested additional comments on

changing the criteria used to choose among competing applicants for new noncommercial educational ("NCE") broadcast facilities. After receiving some comments, the Commission sought further comments in order to create a more complete record in which to develop new standards for choosing among mutually exclusive applicants. The Commission concluded that the current criteria is too vague, thereby making the selection difficult, if not impossible. In light of the tremendous inadequacies with the current standard, the Commission decided to issue a partial freeze on the processing of mutually exclusive NCE-FM applications.

PLANS & POLICY

PP DOCKET NO. 93-21: *In re* Implementation of Section 26 of the Cable Television Consumer Protection and Competition Act of 1992 Inquiry into Sports Programming Migration, *Further Notice of Inquiry*, 9 FCC Rcd. 1649, 59 Fed. Reg. 11,962 (1994).

In accordance with section 26 of the 1992 Cable Act, on March 11, 1994, the Commission released a *Further NOI* to upgrade the record in its sports programming migration docket and to obtain additional information in order to compile its Final Report to Congress due July 1, 1994. Under the 1992 Cable Act, the Commission must submit an analysis on the future trends in migration of each sport from broadcast television to cable or to pay-per-view. In addition, the Commission must investigate and provide information concerning the contracts negotiated between athletic conferences and video programming vendors to uncover unfair practices which restrict the supply of sporting events of local colleges for broadcast on local television stations. This *Further NOI* continues the investigation into these matters.

PRIVATE RADIO

PR DOCKET NO. 94-58: *In re* Amendment of Part 13 of the Commission's Rules to Provide Temporary Conditional Operating Authority for Commercial Radio Operator License Applicants, *Notice of Proposed Rule Making*, 9 FCC Rcd. 3143, 59 Fed. Reg. 38,154 (1994).

On July 6, 1994, the Commission proposed to amend the rules governing commercial radio operators by permitting persons who have passed the required examinations and have requested a commercial radio operator license to perform the functions of

a commercial radio operator temporarily and conditionally while awaiting the license.

The Commission concluded that this procedure will advance significant public interest objectives. First, applicants who have passed the required examination will be able to start work immediately. Second, successful applicants will receive their licenses in a shorter amount of time because of the reduced burden on the processing staff to answer inquiries as to the status of pending applications.

PR DOCKET NO. 94-59: *In re* Amendment of Part 97 of the Commission's Rules Concerning HF Digital Communications in the Amateur Services, *Notice of Proposed Rule Making*, 9 FCC Rcd. 2850, 59 Fed. Reg. 36,157 (1994).

In its *NPRM*, released June 23, 1994, the Commission proposed to amend the amateur service rules to permit automatic control of stations transmitting a digital emission on the High Frequency ("HF") amateur service bands. The Commission concluded that automatic control of amateur stations in the HF bands could make transmission of data and RTTY emission types functional and productive.

WIRELESS TELECOMMUNICATIONS

WT DOCKET NO. 94-153: *In re* Amendment of Part 80 of the Rules Concerning a U.S. Coast Guard Vessel Traffic Service (VTS) System in Prince William Sound on Marine VHF Channel 11, *Notice of Proposed Rule Making*, 10 FCC Rcd. 64, 60 Fed. Reg. 2726 (1995).

In its *NPRM*, released January 3, 1995, the Commission proposed to amend Part 80 of the Commission's rules to include Prince William Sound to the United States Coast Guard designated radio protection areas for mandatory Vessel Traffic Services ("VTS") and to institute marine VHF Channel 11 as the VTS frequency for Prince William Sound. Currently, the Coast Guard manages a VTS system in Prince William Sound on marine VHF Channel 13 which is not a dedicated channel and, therefore, subject to interference. Channel 11, in contrast, is dedicated and protected from interference. Presently, Section 80.383 of the rules identifies certain designated areas exclusively for VTS communications. Prince William Sound would be added to this list which will aid the Coast Guard in protecting the environment by better management of vessel traffic.

