The following is a listing of significant FCC actions that took effect during the year 1992. The docket summaries are organized according to the FCC bureau responsible for the particular docket matter. These docket summaries provide interested readers a brief summary and citation to the full text of an FCC action, but are not intended to serve as a substitute for the full text contained in the original source.

COMMON CARRIER DOCKET ACTIONS


On March 12, 1992, the Commission in its Second Report and Order, in association with its ongoing proceeding for filling unserved areas, established a new method for determining the cellular geographic service area ("CGSA") of cellular systems. Additionally, the Commission's Rules were amended to allow licensees of cellular systems to expand the CGSAs of their systems during a five year fill-in period without prior Commission authorization. Under the new rules, licensees will need to notify the Commission only of the addition or modification of a cell. Additionally, the Commission held that CGSA boundaries are to be defined by a new mathematical formula which approximates the composite 32 dBu contours of a cellular system. The new mathematical formula for determining a licensee's CGSA "yields the radial distance from a cell transmitter site to the boundary of its service area as a function of antenna height above average terrain ("HAAT"), and effective radiated power ("ERP")." A minimum value of 100 feet is set for HAAT and the minimum ERP value for power is set at 0.1 watts or 27 dBu below the maximum ERP, which ever is more.

On October 14, 1992, the Commission adopted a Third Report and Order which affirmed the new mathematical formula for calculating the service provided by cellular systems in the Gulf of Mexico Statistical Area ("GMSA").


On May 14, 1992, the Commission adopted a Report and Order, allowing cellular customer premises equipment ("CPE") and cellular service to be offered on a bundled basis, "provided that cellular service is also offered separately on a nondiscriminatory basis." The Commission found that since the CPE market was competitive, even though the cellular service market is not fully competitive, the public interest benefits of bundling in the cellular market outweigh any potential for competitive harm.

The Commission found that many public interest benefits stem from the bundling of cellular CPE and service. It reduces barriers to new customers and can provide new customers with such services more economically than if it were prohibited. Through bundling, customers can obtain an "assortment" of combined cellular CPE and service from numerous sources.


On February 13, 1992, the Commission adopted a Report and Order adding section 63.100 to its rules in Service Disruptions, requiring that local exchange and interexchange common carriers operating "transmission or switching facilities promptly notify the Commission of service outages whenever telephone services provided by their networks are signif-
just and reasonable standard of section 201(b) of the Act is not violated because resale restrictions for fully operational facilities-based carriers does not constitute unjust and unreasonable discrimination.

Specifically, the new rules require the reporting of "outages that affect 50,000 or more customers ([i.e., potential users]) and not those based solely on an effect upon grade equivalent circuits" which last for at least thirty minutes. The threshold requirement for reporting is based on the number of customers potentially affected by the outage. While the FCC could not come up with a standard formula to obtain a measurement of service outages, in the interim, the Commission determined that it will use the estimated number of blocked calls for outage measurement.

Carriers must file Initial Service Disruption Reports with the Commission within ninety minutes of the outage. Those subject to the reporting requirements include all local exchange or interexchange common carriers operating transmission or switching facilities, interstate or international telecommunications service, and resale common carriers who operate their own switches.


On May 14, 1992, the Commission adopted a proposal allowing a cellular licensee to deny resale capacity to its facilities-based competitor in the same market after that competitor's five year fill-in period has expired.

The Commission found that requiring the two facilities-based carriers to provide resale capacity to each other will only serve the public interest until both carriers are fully operational. However, once the second carrier is fully operational, the rationale for prohibiting resale restrictions ceases to exist.

Terminating the resale requirement once both carriers are fully operational would "promote inter-brand competition, expedite expansion of both licensees' coverage areas, and spur the deployment of spectrum-efficient technology." According to the Commission, such a rule is not in violation of the just and reasonable standard of section 201(b) of the Communications Act since its benefit to the public interest outweighs any adverse impact on the public. Additionally, the Commission determined that section 202(a) of the Act is not violated because resale restrictions for fully operational facilities-based carriers does not constitute unjust and unreasonable discrimination.


On September 17, 1992, the Commission in its Report and Order, required that Tier 1 local exchange carriers (LECs) offer expanded interconnection with their networks "to all interested parties, permitting competitors and high volume users to terminate their own special access transmission facilities at LEC central offices." The Tier 1 LECs were required to make physical collocation available to all interconnectors requesting it, but "virtual collocation arrangements" were left open for negotiation. If a LEC's central office space should become filled to capacity, a LEC is required to prove virtual collocation.

Two exceptions were noted by the Commission as situations which would justify granting a LEC an exemption from the physical collocation requirements. First, the LEC would need to demonstrate that a particular central office lacks physical space to accommodate physical collocation. Second, if a state legislature or public utility regulatory agency preferring virtual collocation over physical collocation, or allowing LECs to choose which form of interconnection they prefer to use for intrastate expanded interconnection, would be exempted from the Commission's collocation requirements.

Expanded interconnection is to be provided by LECs at serving wire centers and end offices, as well as remote distribution points and any other points the LEC treats as a rating point. In order to implement expanded interconnection, LECs must establish new connection charge elements for services provided to interconnectors covering a number of functions and equipment. Such connection charges will be included in the LEC's tariffs which are to be designed to compensate LECs for services offered to interconnectors.

The Commission dismissed speculation that the proposed expanded interconnections raised Fifth Amendment questions of a "taking" without just compensation. The Commission asserted that "giving interconnectors a right to mandatory physical collocation does not violate the Fifth Amendment because it is not a taking." In the alternative, the Commission stated that, even if it is considered a taking, it does not violate the Fifth Amendment because the
Office of the Commission, FCC, Washington, D.C.

Commission (1) has the authority to engage in such takings; (2) the taking would be for a public purpose; and (3) a mechanism is provided for Tier 1 LECs to receive just compensation for the use of their property.

On December 18, 1992, the Commission, in its modified Expanded Interconnection, Memorandum Opinion and Order, held that, instead of requiring that the LECs file tariffs for all of their central offices providing expanded interconnection, the LECs must file initial tariffs for only a subset of their central offices. This subset must include those central offices where interconnectors will want expanded interconnection for DS1 and DS3 service in the near future.


On July 16, 1992, the Commission in its Second Report further modified its rules to enable local telephone companies to participate in the video marketplace through video dialtone. Local telephone companies may provide a basic platform to deliver video programming and other services for end users, to multiple service providers on an equal access, non-discriminatory common carrier basis. Additionally, local telephone companies may provide additional enhanced and non-common carrier services to customers of the common carrier platform. Under these new rules, telephone companies are permitted to have an increased non-cognizable financial interest of up to five percent in video programmers.

The Commission, however, did place restrictions on the extent of participation of telephone companies in providing video services.

Telephone companies are not permitted to: (1) select video programming by determining how programming is presented for sale to consumers, including making decisions based on bundling or tiering, or (2) otherwise have a financial interest in, or exercise editorial control over, video programming provided directly to subscribers within their telephone service areas.

Through this Second Report, the Commission recommended to Congress that the statutory telephone company-cable television cross-ownership restriction be repealed. The Commission stated that because a telephone company which offers video dialtone, with its common carrier platform, will not be providing video programming directly to its subscribers in the manner of traditional cable operators, video dialtone is fully consistent with the statutory telephone company-cable television cross-ownership rules.


MASS MEDIA DOCKET ACTIONS


On August 15, 1992, the Commission in its MO&O disposed of several issues raised in petitions seeking reconsideration of the Report and Order in MM Dkt. No. 91-140, 7 FCC Rcd. 2755 (1992), in which the Commission significantly relaxed the local and national radio ownership rules and included certain local time brokerage agreements within the scope of the new ownership restrictions.

In this MO&O, the Commission further modified the national and local ownership limits adopted in the previous Report and Order, and clarified various aspects of the Report and Order. In the original Report and Order, the Commission increased from twelve to thirty the number of AM and FM stations a single licensee could own nationwide. In addition, the Report and Order increased the number of stations a licensee may own on the local and market levels, and prohibited a licensee from simulcasting more than twenty-five percent of its programming on another station in the same service through a time brokerage arrangement where the brokered and brokering stations serve substantially the same area.

In the MO&O, the Commission amended the national ownership rule to permit a single entity to hold an attributable interest in up to eighteen AM and eighteen FM stations, with this limit to increase to twenty AMs and twenty FMs after two years. In
addition, the MO&O permits an entity to hold a non-controlling attributable interest in three additional stations if each station is controlled by minorities or small businesses. The MO&O amends the local ownership rules by eliminating the system of market tiers for markets with fifteen or more stations. The NPRM sought comment on ways to encourage stations to adopt programs designed to increase pluralism in radio station ownership and stimulate investment in the radio industry.


On May 14, 1992, the Commission amended its rules to expressly prohibit the broadcast of hoaxes that are harmful to the public. The rule prohibits a broadcast licensee or permittee from knowingly broadcasting false information concerning a crime or catastrophe if it is foreseeable that broadcast of the information will cause substantial public harm, and broadcast of the information does in fact directly cause substantial public harm. The rule provides the Commission with greater enforcement flexibility by subjecting licensees that perpetrate harmful hoaxes to possible forfeitures, in addition to other applicable penalties.


On September 17, 1992, the Commission resolved and, in some cases, reconsidered outstanding issues fundamental to implementing advanced television ("ATV") service in the United States. The Third Further NPRM in this proceeding, which was initiated in 1982, sought comment on other issues still to be resolved with regards to ATV.


On March 26, 1992, the Commission amended the low power television ("LPTV") license renewal announcement requirements found in Section 73.3580 of the Commission's Rules, 47 C.F.R. § 73.3580. Specifically, the Report and Order modifies the text and timing of the broadcast announcements required of locally originating LPTV licensing renewal obligations, including dispensing with the requirements that licensees broadcast information suggesting the existence of a public inspection file containing a renewal application and other license renewal information.


On April 18, 1992, the Commission amended its rules to implement an amendment made by Congress in 1989 to increase the maximum amounts of forfeitures that may be imposed under section 503(b) of the Communications Act of 1934. Under the amended rules, the Commission granted the Chiefs of the Mass Media, Common Carrier, Private Radio and Field Operations Bureaus and the Chief Engineer, the delegated authority to act in forfeiture proceedings involving $20,000 or less. The previous limits had been between $2,000 and $10,000.


On December 18, 1992, the Commission issued Notices of Apparent Liability ("NAL") to Sagittarius Broadcasting Corp., licensee of WXRK(FM), New York, NY; Infinity Broadcasting Corp. of Pennsylvania, licensee of WYSP (FM), Philadelphia, Pa.; and, Infinity Broadcasting Corp. of Washington, D.C., licensee of WJFK(FM), Manassas, Va., in the aggregate amount of $600,000 ($200,000 each) for airing apparently indecent material during the Howard Stern Show on 12 separate days in late 1991. All three licensees are subsidiaries of Infinity Broadcasting Corp. Previously, the Commission is-
sued a NAL in the amount of $105,000 to Greater Los Angeles Radio, Inc., licensee of KLSX(FM), Los Angeles, Ca., for airing the same material.


On July 24, 1992, the Commission initiated an inquiry regarding changing the license renewal dates for several types of stations licensed under Part 74 of the Commission’s Rules in order to simplify and reduce the paperwork associated with the renewal process. Specifically, the Commission proposed changing the license renewal dates of FM and TV translator stations and low power television ("LPTV") stations to the same date as full power stations operating in the same state.


On March 12, 1992, the Commission initiated an inquiry into the efficacy of the current system used by the Commission to award broadcast licenses. Noting that the Commission currently resolves comparative hearings using criteria set forth in the Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393 (1965), the Commission suggested that adoption of a revised system could produce swifter, more certain choices among applicants for new broadcast facilities, while preserving the real public interest benefits of making such choices. The Commission sought comments to revise the twenty-seven-year-old comparative process to remedy any perceived shortcomings of the existing system.


On July 16, 1992, the Commission established new procedures for resolving conflicts between rulemaking petitions to amend the FM Table of Allotments and applications for new FM stations, or for changes in facilities. The Report and Order adopts a cut-off rule, by which FM applications will be protected from rulemaking petitions at the same time they gain protection from other mutually exclusive applications. FM applications for new stations or major changes filed during a filing window will be protected from rulemaking petitions at the close of the filing window. All other FM applications will be protected as of the date they are received at the Commission.


On July 16, 1992, the Commission relaxed its “hard look” approach to processing applications to construct commercial FM broadcast stations. In the Report and Order the Commission retained current FM filing standards, but will give FM applicants the chance to correct otherwise fatal errors and omissions in their applications. The Commission said that this more lenient approach is possible due to recent changes in the quality and quantity of commercial FM applications and the Commission’s adoption of other measures to discourage speculation in broadcast proceedings.


On May 14, 1992, the Commission proposed alternative means of lessening the regulatory burden on television broadcasters as they seek to adapt to the multichannel video marketplace. Noting that a greater number and variety of programming choices have emerged in the past several years and that viewers have begun to migrate from traditional broadcast services to other program sources, the Commission proposed changes to many of its rules to allow broadcasters to respond competitively to the changing video marketplace. The Notice sought comment regarding the national ownership limitations, the duopoly rules, time brokerage agreements, the radio-television cross-ownership rule, the dual net-
work rule, and other network rules.


In conforming with section 16(a) of the Public Telecommunications Act of 1991, Pub. L. No. 102-356, signed into law by President Bush on August 26, 1992, the Commission initiated a proceeding on September 17, 1992, to adopt a rule that will prohibit the broadcast of indecent material between the hours of six a.m. and ten p.m. on public broadcast stations that go off the air at or before midnight. The rule will also prohibit the broadcast of indecent programming on all other broadcast stations between six a.m. and midnight. The rule will prohibit the broadcast of obscene material at all times.


On February 13, 1992, the Commission eliminated the spousal attribution policy by which the media interests of one spouse are presumptively attributed to the other in applying the multiple ownership and cross-ownership rules. Rather than presumptively attributing to one spouse the media interest of another solely because of marital status, the Commission will review the relationship between the spouses and their respective media interests to determine whether attribution of their media interests is necessary to preserve the objectives of economic competition and diversity. The policy established the same attribution standards for spousal relationships that govern the attribution of media interests for other family relationships. The policies adopted in the Policy Statement do not address the application of spousal attribution in determining integration or diversification credit in the context of comparative hearings.


On February 13, 1992, the Commission adopted new technical standards to define the basic technical quality of service cable that subscribers are entitled to receive. This is the first major revision of the cable technical rule in more than fifteen years. The new standards take into account changes in the American television household environment since the 1970s.

MM Docket No. 82-434: In re Amendment of Part 76, Subpart J, Section 76.501 of the Commission's Rules and Regulations to Eliminate the Prohibition on Common Ownership of Cable Television Systems and National Television Networks, Report and Order, 7 FCC Rcd. 6156 (1992)

On June 18, 1992, the Commission relaxed its rule prohibiting common ownership of cable television systems and national television networks, which was adopted in 1970 to curb network dominance of the video marketplace and to protect the cable industry in its incipient state of development. The Commission concluded that the rule is no longer needed to achieve its original objective. The Commission also indicated it believes substantial public benefits could occur through relaxing the cross-ownership restriction, thus allowing significant network entry into cable television ownership. The Commission revised the rule to permit networks to own cable systems, provided that no such combination exceeds ten percent of homes passed by cable nationwide, and fifty percent of the homes passed by cable within an ADI.


On November 5, 1992, the Commission proposed regulations to implement section 10 of the 1992 Cable Act, which requires the Commission to adopt regulations designed to restrict access by children to indecent programming on leased access channels of cable systems and enable cable operators to prohibit use of channel capacity on the public, educational, or governmental access channels for programming which contains obscene material, sexually explicit conduct, or material soliciting or promoting unlawful conduct.

As part of its implementation of the 1992 Cable Act, the Commission on April 1, 1993, adopted rules prohibiting unfair or discriminatory practices in the sale of satellite cable and satellite broadcast programming. The new rules are intended to increase competition and diversity in the multichannel video programming market as well as fostering competition to traditional cable systems. The new rules define the entities and business relationships to be covered by program access regulations. They also implement the new law's prohibitions relating to exclusive contracts and other unfair practices, and establish procedures for resolving complaints in this area.


In this Report and Order, the Commission on April 1, 1993, adopted rate regulations for cable systems that provide for a significant reduction in current cable rates. Under the Commission's approach, which was first suggested in an Order issued in December 1992, every cable system that is not in a competitive marketplace, as defined by the 1992 Cable Act, will have its "reasonable" rate determined by a formula based on pricing practices of cable systems that do face competition. The rate reductions are expected to affect up to seventy-five percent of cable systems and cable subscribers nationwide. Cable systems with less than thirty percent penetration were not included in the pricing survey conducted as part of the December Order in this proceeding. A Further Notice of Proposed Rule Making will seek comment on whether there is a legal basis for excluding these low-penetration systems from the Commission's analysis and, if so, whether the systems should be excluded and rates reduced further.


In another action by the Commission with regards to cable rates, on December 10, 1992, the Commission directed a sample of cable systems to provide rate and other information to the Commission. The cable systems identified by the Commission were required to complete a questionnaire stating whether they are subject to effective competition under statutory standards and to provide additional information. This data was used by the Commission in establishing a benchmark to govern rates for cable service based on representative industry data.


In another action to implement the 1992 Cable Act, the Commission on December 10, 1992, sought comment on the interpretation and implementation of the cross-ownership and anti-trafficking provisions of the Act as well as on the adoption of limits on horizontal concentration and vertical integration in the cable industry. Section 11 of the Act amends section 613 of the Communications Act by placing restrictions on the ownership of cable systems, including barring common ownership of a cable system and a multichannel multipoint distribution service or a cable system and a satellite master antenna television service, apart from the franchised cable service, within a franchise area. Section 13 of the new Act adds section 617 to the Communications Act, establishing an anti-trafficking rule which prohibits the sale or transfer of ownership in a cable system within three years of its acquisition or initial construction. The NPRM sought comment on the anti-trafficking restriction, cross-ownership prohibition, subscriber limits for cable systems, channel occupancy limits for cable systems and whether there should be restrictions on video programming distributors to cable systems.


In this rulemaking to implement the 1992 Cable Act, the Commission sought comment on December 10, 1992, on issues concerning cable consumer protection and customer service. The Act requires standards for cable system office hours, telephone availability, installations, outages, service calls and communications between the cable operator and sub-
scribers, including billing and refund policies.


Pursuant to section 3 of the 1992 Cable Act, the Commission on December 10, 1992, proposed regulations that would prohibit cable operators from requiring subscribers to purchase any tier of service—other than the basic service tier—in order to obtain video programming that is offered on a per channel or per program basis.


Prior to the 1992 Cable Act, cable operators have not been required to seek the permission of the originating broadcaster before carrying its signal, nor have they been required to compensate broadcasters for the value of its signal. The Act, however, includes a provision permitting broadcasters to seek compensation from cable operators and other multichannel providers for carriage of the broadcast signals. In this NPRM, adopted December 10, 1992, the Commission sought comment on how the must-carry and retransmission consent provisions of the Cable Act should be incorporated into the Commission's rules.

**FCC 92-211, In re Exclusive Jurisdiction with Respect to Potential Violations of the Lowest Unit Charge Requirements of Section 315(b) of the Communications Act of 1934, as amended, Order on Reconsideration, 7 FCC Rcd. 4123 (1992).**

On May 14, 1992, the Commission affirmed its *Declaratory Ruling* that federal law preempts state causes of action that are dependent on any determination of the "lowest unit charge" under section 315(b) of the Communications Act or of some other duty arising under that subsection. In the *Declaratory Ruling*, the Commission declared that it is the sole forum for adjudicating lowest unit charge claims under section 315(b), and the Commission established procedures governing complaints against broadcast stations filed with the Commission alleging violations of the lowest unit charge requirements of section 315(b). In this *Order*, the Commission noted that the procedures set forth in the *Declaratory Ruling* fully protect the rights of parties and should facilitate timely and fair resolution of such complaints.

*See also Declaratory Ruling, 6 FCC Rcd. 7511 (1991).*


On August 7, 1992, the Commission affirmed a determination by the Mass Media Bureau that broadcasters may not require federal political candidates, or entities buying time on their behalf, to submit payment more than one week in advance of the air date of the first advertisement in the schedule. However, the Bureau ruled that if a candidate or its agency had an established credit history (and is responsible for payment), requiring any advance payment was inappropriate if the station would not so treat commercial advertisers under the station's customary payment/credit policies.

*See also Beth Daly, 7 FCC Rcd. 1442 (MMB 1992).*

**FCC 92-288, In re Request for Declaratory Ruling that Independently Produced bona fide News Interview Programs Qualify for the Equal Opportunities Exemption Provided in Section 315(a)(2) of the Communications Act, Memorandum Opinion and Order, 7 FCC Rcd. 4681 (1992).**

As a result of a *Request for Declaratory Ruling* filed by three petitioners, the Commission on June 30, 1992, determined that neither the plain language of section 315(a) nor its legislative history precludes application of the *bona fide* news interview exemption to programming produced by independent producers. The *Request for Declaratory Ruling* was filed January 9, 1992, in response to an invitation contained in footnote 41 of the Codification of the Commission's Political Programming Policies, Report and Order in MM Dkt. No. 91-168, 7 FCC Rcd. 678, 684 (1991).


In this *Order*, adopted May 14, 1992, the Commission confirmed, clarified, or revised various aspects of the Political Broadcasting *Report and Order*, 7 FCC Rcd. 678 (1991), in which detailed and comprehensive rules were issued that are designed to ensure that broadcasters, candidates, advertising buyers and the public are fully apprised of the duties required by, and rights accorded under, the Commun
cations Act with respect to political advertising.

Specifically, the Commission determined the following: (1) so long as a station makes available to federal candidates a wide array of dayparts and programs, access to news programming is not required to ensure “reasonable access”; (2) stations are not required to create a separate class of “news adjacency” time; (3) stations are required only to apply the same policies to candidates with respect to weekend access that they apply to commercial advertisers; (4) cable operators are free to restrict access to particular programs and channels for any political candidate, federal, state or local, because section 312(a)(7) does not apply to cable operators; (5) a section 315 “use” includes only non-exempt candidate appearances that are controlled, approved or sponsored by a candidate or the candidate’s authorized committee; (6) the previously determined disclosure requirements regarding multiple classes of immediately preemptible time are adequate to protect against license abuse; (7) the Report and Order should be modified to provide that non-cash merchandising and promotional incentives need not be offered to candidates if they are either de minimis in value or may reasonably imply a relationship between the station and the advertiser; (8) the make-good policy enunciated in the Report and Order is required in order to ensure that candidates are placed on par with a station’s most favored commercial advertisers; (9) the fire sale policy should be discontinued; and, (10) the current rule regarding the contents of the political file should be continued.


In this Order, adopted on February 12, 1992, the Commission reevaluated its previous conclusion that political broadcasting advertisements must contain audio and visual sponsorship identification. The Commission determined that in order to comply with the requirements of section 317 of the Communications Act, the minimum video identification of the sponsor must use letters equal to or greater than four percent of the vertical picture height and must air for not less than four seconds.

See also Report and Order, 7 FCC Rcd. 678 (1992).

PRIVATE RADIO AND SATELLITE/INTERNATIONAL DOCKET ACTIONS


On January 16, 1992, the Commission adopted a Report and Order which implemented the Global Maritime Distress and Safety System (“GMDSS”). The Commission views it as the biggest improvement in marine safety since the first maritime regulations were enacted in 1912 following the sinking of the Titanic. The GMDSS changes international distress communications from Morse code and manual operation to automated or semi-automated communications. It is an automated ship-to-shore distress alerting system that relies on satellite and advanced terrestrial systems. Such provision for U.S. vessels will result in a significant improvement of maritime safety, including worldwide alerting, coordinated search and rescue operations, and dissemination of maritime safety information.

The Commission amended its rules to require ships subject to the international Safety of Life at Sea (“SOLAS”) Convention or Title III, Part II of the 1934 Communications Act to conform to the GMDSS provisions. These requirements will be phased in beginning February 1, 1992 through February 1, 1999.


On September 17, 1992, the Commission allocated 220 MHz of 2 GHz spectrum for emerging technologies and adopted a transition framework designed to prevent disruption to incumbent 2 GHz fixed microwave licensees. This action will provide spectrum for a wide range of potential new services that employ emerging technologies such as personal communications services, data-PCS and other future mobile services. The plan also provides for fair and equitable sharing of the 2 GHz frequencies by new services and the existing fixed microwave services that currently use this spectrum or relocation of existing facilities to other spectrum.

The Commission allocated the 1850-1990, 2110-2150 and 2160-2200 MHz bands for emerging tech-
nology services. The incumbent users of those bands can be relocated to higher fixed microwave bands with minimal disruption to service. For those fixed microwave licensees that are required to move, the transition period would be of a fixed duration during which the licensees and emerging technology services would negotiate a voluntary relocation. After such negotiation period, the incumbent licensees would retain co-primary status until its frequencies are requested by an emerging technologies provider. If no negotiation can be made after the request, the emerging technology service provider could request involuntary relocation of the incumbent. In that case, the emerging technology provider must pay for all relocation expenses of the incumbent.


**ET DOCKET No. 91-269: In re Amendment of Part 15 to Enable the Widespread Implementation of Home Automation and Communication Technology, Report and Order, 7 FCC Rcd. 4476 (1992).**

On June 18, 1992, the Commission amended Part 15 of its rules to facilitate the introduction of sophisticated, new home automation and communications systems designed to integrate communications and control systems within the home environment.

These home automation and communications systems will bring new levels of convenience to the American public. They can help minimize losses due to fire and theft; control lights and appliances within the home; monitor and control energy use; and distribute entertainment programming such as radio and television signals throughout the house.

This Report and Order will allow more freedom and remove unnecessary technical restrictions for manufacturers of home automation systems that use carrier current communications technology. This action further eliminates existing requirements that unnecessarily restrict home automation and communications systems that use carrier current and master antenna technology.


**GEN DOCKET No. 90-314: In re Amendment of the Commission's Rules to Establish New Personal Communications Services, Tentative Decision and Memorandum Opinion and Order, 7 FCC Rcd. 7794 (1992).**

On October 8, 1992, the Commission reached a tentative decision to award pioneer preferences to three of the fifty-six applicants to establish new personal communications services ("PCS"). The applicants are American Personal Communications, Cox Enterprises and Omnipoint Communications.

The Commission's pioneer preference rules permit preferential treatment in its licensing processes to parties that develop significant new communications services or technologies. The Commission stated that these applicants have developed technologies and service proposals that will further the public interest by bringing innovative service options to the American public.


**ET DOCKET No. 92-28: In re Amendment of Section 2.106 of the Commission's Rules to Allocate the 1610-1626.5 MHz and the 2483.5-2500 MHz Bands for Use by the Mobile-Satellite Service, Including Non-geostationary Satellites, Notice of Proposed Rule Making and Tentative Decision, 7 FCC Rcd. 6414 (1992).**

On August 5, 1992, the Commission proposed to allocate the 1610-1626.5 and 2483.5-2500 MHz bands for the mobile-satellite service ("MSS"), including the use of non-geostationary satellite systems, such as those using low-Earth orbit ("LEO") satellites. The proposed allocations would implement decisions made at the 1992 World Administrative Radio Conference ("WARC-92") that allocated these bands internationally.

These systems are expected to offer a wide range of new and low-cost services, such as two-way voice communications, facsimile copies and data messaging. They also have a potential worldwide scope of service.

The Commission, however, declined to award a tentative pioneer's preference to any of the five applicants in the proceeding.

**GEN DOCKET No. 91-2: In Re Amendment of Parts 0, 1, 2, and 95 of the Commission's Rules to Provide Interactive Video and Data Services, Memorandum Opinion and Order, 7 FCC Rcd. 4923 (1992).**

On January 16, 1992, the Commission adopted a Report and Order establishing a frequency allocation and service rules for Interactive Video and Data Services ("IVDS"). These rules allocated radio spectrum that licensees could use to provide a variety of radio-based interactive services to the public. The allocation would permit development of a convenient, low-cost system that provides two-way interaction
with commercial and educational programming, along with informational and data services that may be delivered by, and coordinated with, broadcast television, cable television, wireless cable, direct broadcast satellite, or any future television delivery methods. The spectrum allocated to IVDS was originally allocated to the Automated Maritime Telecommunications System ("AMTS"), but was only marginally useful due to technical restrictions. The Commission decided to issue by lottery two licenses per service area which will coincide with the 734 cellular service areas. IVDS will be regulated as a personal radio service under Part 95 of the Rules.

Subsequently, on July 16, 1992, the Commission adopted a MO&O in response to petitions requesting reconsideration of certain aspects of the Report and Order. In this MO&O, the Commission revised the rules to clarify that IVDS can be used in conjunction with any form of video or data distribution, rather than only broadcast and cable operations. IVDS licensees are also allowed more flexibility in locating cell station antennas, the use of higher cell transmitter station antennas with a corresponding reduction in power, and home units to use outside antennas.


On October 8, 1992, the Commission set forth numerous proposals to revise the Private Land Mobile Radio ("PLMR") services and to modify the policies and rules governing them. These proposals are the most comprehensive review of PLMR services since their inception in the 1930s. This Notice of Proposed Rule Making is in response to a 1991 Notice of Inquiry in PR Dkt. No. 91-170, 6 FCC Rcd. 4125, to gather information on how to promote more efficient use of the frequency bands below 512 MHz allocated to PLMR services.

These proposals are designed to increase channel capacity in these bands, to promote more efficient use of these channels, and to simplify the policies governing the use of these bands by a wide variety of small and large businesses and public safety agencies throughout the nation. The Commission views these proposed policy changes as an ideal time to create Part 88 and correct many deficiencies that exist in the current rules governing PLMR services. The Commission also recognizes that, because these proposals may radically differ from the current rules, it will attempt to develop a new set of rules that are flexible and simple with regard to the technical and operational characteristics of the PLMR services as well as the mechanisms for licensing users in these services.