The following is a listing of significant FCC actions that were initiated during 1993. 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**


In its NPRM, released February 9, 1993, the Commission proposed to amend Part 21 of its rules to permit certain applications in the Point-to-Point Microwave Radio Service ("PPMS") to begin construction of station facilities upon filing FCC Form 494, rather than waiting until station authorizations are granted as required by current rules. Additionally, the Commission sought comment on whether PPMS applicants requesting modification of existing licenses should be permitted to begin construction prior to the grant of an application.

The Commission invited comment on several proposed changes to streamline reporting requirements that would reduce the filing burden on all PPMS and Part 21 applicants. Under the proposal, FCC Form 430 would be eliminated; FCC Form 494 would be revised to include the licensee qualification information currently reported on FCC Form 430; PPMS applicants would no longer use FCC Form 494A; and FCC Forms 702 and 704 would be eliminated. Part 21 applicants would use a new FCC Form 705 for reporting information currently provided for on FCC Forms 702 and 704.


In its NPRM, released February 11, 1993, the Commission proposed to reform the interstate access tariff and revenue distribution processes administered by the National Exchange Carrier Association ("NECA"). The NPRM proposed to amend 47 C.F.R. § 69.602 to include at least two directors from outside the local exchange carrier ("LEC") industry on NECA’s Board of Directors to assure NECA considers independent views.

The NPRM invited comment on additional measures to strengthen NECA’s Board of Directors and improve its operations, to increase NECA and LEC accountability to the FCC, and to strengthen NECA’s internal operations. In adopting this NPRM, it is the Commission’s intent to help assure that NECA administers the interstate access tariff and revenue distribution processes in accordance with FCC rules.


On August 13, 1993, the Commission released its
rules governing the provision of interstate pay-per-call services, also known as “audiotext” or “900” services, to conform with the requirements of the Telephone Disclosure and Dispute Resolution Act (“TDDRA”).

In the Report & Order, the Commission agreed that leaving credit and charge card transactions out of the scope of TDDRA was consistent with congressional intent. The Commission requires the common carrier who assigns the telephone number to explicitly require in the contract that information providers comply with FCC or FTC regulations. A further requirement compels the common carrier to terminate a violative program after written notice to the information provider, unless corrective action is taken by the information provider during the notice period. Other issues addressed by the Commission include restrictions on collect telephone calls, restrictions on number availability to those area codes and prefixes designated by the Commission, codification of TDDRA’s requirement that LECs offer blocking to 900 services, subject to technical feasibility, and other policy and administrative issues. The Commission stated these rules are intended to maximize telephone subscribers’ protection against fraudulent and abusive practices without unduly burdening common carriers and providers of legitimate pay-per-call services.


On February 11, 1993, the Commission adopted a NPRM seeking to eliminate the licensing requirement for most international receive-only earth stations in fixed-satellite services. Excluded from this proposal were earth stations that are operationally connected to domestic common carrier systems and that are used to exchange the carrier’s common carrier traffic with the INTELSAT satellite system. The Commission removed the licensing requirement for domestic receive-only earth stations. To afford frequency protection, a voluntary registration program was proposed. With the introduction of new, high powered international satellites and the increasing competition among international satellite operators, this change would make international direct-to-home services, such as television programming, more feasible for U.S. consumers. Deregulation is consistent with U.S. law and treaty obligations and opens new markets and services for international communication transmissions.


On August 18, 1993, the Commission released streamlined federal tariffing requirements for domestic nondominant common carriers. This MO&O allows nondominant common carriers to file their interstate tariffs on not less than one day’s notice. The MO&O permits nondominant common carriers to state in their tariffs either a fixed rate or a reasonable range of rates in order to reduce the instances of re-filing. The MO&O also gives nondominant common carriers added flexibility in formatting their tariff filings.

The Commission stated that these rules are necessary in the wake of a recent court decision that found the Commission’s forbearance rules unlawful. As a result of that decision, all nondominant common carriers are required to file tariffs for their interstate common carrier communications services. The Commission stated these rules are designed to ease the existing tariff filing requirements for domestic nondominant common carriers.


In its NPRM, released March 22, 1993, the Commission proposed to amend Parts 32 and 65 of its rules regarding the Allowance for Funds Used During Construction (“AFUDC”). The Commission’s purpose was to revise the rules in accordance with the Commission’s goal to fully adopt generally accepted accounting principles (“GAAP”).

The NPRM proposes to capitalize AFUDC at the cost of debt on all construction, eliminate the long-term/short-term dichotomy for plant under construction, include all plant under construction in the rate base, and apply the amount of AFUDC capitalized as a revenue requirement reduction for the period in which it is capitalized. The NPRM directed the Regional Bell Operating Companies to provide the Common Carrier Bureau with specific data necessary to evaluate the potential impact of the proposed
changes on revenue requirements.


On April 8, 1993, the Commission released a proposal to amend the rules on the filing of tariffs to incorporate metric units of measurement. The Commission recognized that this may cause a burden to carriers and customers; however, the Commission felt that such a burden is necessary to advance the goals of the Metric Conversion Act, which would aid in bringing the U.S. into conformance with the international system of units.

The Commission allowed two years for carriers to comply with the new rule. They also provided three options as to how the rule can be implemented: (1) require carriers to provide a table for converting non-metric units to metric units in the general rules section of the tariff publication; (2) require carriers to state the metric unit and corresponding rate in parenthesis next to the non-metric unit and rate; or (3) require carriers to provide a conversion table for non-metric units and rates in their tariffs.


Having significantly reduced regulation of international common carriers in the last two decades, the Commission released an NPRM on July 2, 1993, to codify requirements for the filing of international circuit status reports, to reduce the frequency of the filings from monthly to annual, and to require all facilities-based international common carriers to file such reports. The Commission found that this action is necessary to reduce the burden on those facilities-based international common carriers now filing circuit status reports and to assure that the industry-wide international circuit use data is available to the Commission.


Due to issues raised in the 1993 annual tariff filings of the local exchange carriers ("LECs"), on June 18, 1993, the Commission adopted a proposal that LECs should include "add-back" adjustments to their price caps in a manner similar to that required under rate-of-return regulation. The Commission's price cap regulations for LECs permit adjustments to the price cap limits based on a LEC's rate-of-return in the preceding year. These alterations include one-time adjustments for sharing relatively high returns and for raising relatively low returns. In cases where a LEC's price cap had been adjusted in one year, some LECs have sought to "add-back" the amount of the adjustment into the rate-of-return used to compute the adjustments in the following year, while other LECs did not "add-back" an adjustment. This NPRM proposed to make "add-backs" a requirement for all LECs.


On July 23, 1993, the Commission released an NPRM requesting comments on whether it should revise its rules for the price cap regulation of AT&T. Revisions under consideration could have the effect of removing price limits from some competitive services and revising Commission monitoring of AT&T service quality and network reliability. The revisions include: (1) moving Optional Calling Plans such as "Reach Out" of AT&T out of Basket 1; (2) moving commercial service out of Basket 1; (3) clarifying or revising the monitoring and reporting of AT&T service quality and network reliability; and (4) revising the price cap treatment of the 800 Directory Assistance service remaining in Basket 2 and the analog private line services remaining in Basket 3. The Commission proposed to improve the price cap plan with these revisions, for example, by removing unneeded regulation and targeting productivity gains to customers of standard long distance services.


On September 9, 1993, the Commission released a proposal to adopt accounting rules and ratemaking policies applicable to antitrust judgments, antitrust settlements, and other antitrust litigation expenses. The Commission stated that because the accounting and ratemaking treatment of antitrust judgments, settlements, and associated litigation expenses affect the sharing mechanism incorporated in local exchange carriers ("LECs") price cap plans, and because carriers must maintain their books of accounts
in accordance with FCC rules and policies, the LECs were invited to comment on whether, and to what extent, such rules should be applicable to other areas of law. The Commission stated that the rules are intended to address the Commission's concern that certain litigation costs are not to be passed on to ratepayers. As an interim measure, the Commission requires the carrier to place any antitrust judgments or settlements for which they become liable in a balance sheet deferral account.


On September 23, 1993, the Commission released an NPRM to amend its affiliate transactions rules, which were adopted in the Joint Cost Proceeding of CC DOCKET 86-111. The valuation method currently used (known as prevailing company pricing), whereby telephone companies are required to record the prices an affiliate charges non-affiliates for similar transactions, would be limited by requiring this valuation only on affiliate transactions where at least seventy-five percent of the nonregulated affiliate's output sales are to non-affiliates.

The Commission also proposed specific procedures for telephone companies to use in implementing the proposed rules by requiring carriers to calculate interstate costs of resources whenever the provider obtains resources from an affiliate. The Commission issued this NPRM to enhance its ability to keep telephone companies from imposing the costs of non-regulated activities on interstate ratepayers and to keep ratepayers from being harmed by the telephone companies.


On December 2, 1993, the Commission released proposals on how: (1) to achieve increased coordination between the industry, consumers, vendors, law enforcement agencies, Congress, and the Commission to aid in the detection and prevention of toll fraud; (2) to improve consumer education initiatives by the Commission, consumer groups, and the telecommunications industry; (3) to determine the extent to which tariff liability provisions that fail to recognize a carrier's obligation to warn customers of risks of using carrier services are unreasonable; (4) to establish a federal policy assigning liability for payphone fraud; (5) to codify a requirement for written warnings for all telecommunications equipment registered under part 68; and (6) to impose measures that prevent cellular and Line Information Database ("LIDB") fraud.

The proposals are designed to develop effective measures to address toll fraud problems. These proposals could affect accountability on the part of small businesses for charges associated with fraudulent calls made while utilizing their equipment as well as affect large and small common carriers, manufacturers of equipment registered under Part 68, and CPE owners.

ENGINEERING & TECHNOLOGY


In its NPRM, released December 1, 1993, the Commission, proposed rules to address compatibility between consumer electronics equipment and cable systems, as required by section 17 of the Cable Television Consumer Protection and Competition Act of 1992. The Commission's proposals for near-term improvements include requirements for cable systems to provide subscribers with supplementary equipment such as converters with multiple descramblers and by-pass switches to enable simultaneous reception of multiple channels, to refrain from scrambling signals on the basic service tier, and to provide subscribers with a consumer education program on how to achieve greater compatibility with cable service.

The Commission stated its belief that the most practical solution for ensuring compatibility between scrambling technologies and the special features of consumer electronic equipment is to require use of an updated "Decoder Interface" connector and associated component descrambler unit.


ET DOCKET No. 93-59: In re Amendment of Sec-

On April 1, 1993, the Commission released a proposal that allocates the 449 MHz frequency band for wind profiler radar systems. The Commission also solicited comment on whether these systems should be accommodated at the 915 MHz frequency band or other frequency bands. This proposal responds to a request made by the National Telecommunications and Information Administration and a petition for rulemaking made by Radian Corporation, Inc., which requested a 915 MHz frequency band secondary allocation for non-government wind profilers.

The Commission's objective is to prevent interference to safety-of-life satellites operating in the 406 MHz band. The Frequency Allocation Branch of the Office of Engineering and Technology also requested comment on whether other spectrum should be allocated for wind profilers.


In its NPRM, released April 8, 1993, the Commission proposed to amend and update the guidelines and methods it uses to evaluate environmental effects of radiofrequency (“RF”) radiation, given the revisions made to the guidelines by the Institute of Electrical and Electronics Engineers, Inc. (“IEEE”) and the adoption of the revised guidelines by the American National Standards Institute (“ANSI”). The National Environmental Policy Act mandates the Commission to provide for an environmental processing of applications for facilities that could have a significant environmental impact due to human exposure to RF emissions from transmitting sources.

The new ANSI/IEEE guidelines specify one set of exposure recommendations for controlled environments and another set for uncontrolled environments. The new guidelines also include specific restrictions on currents induced in the human body by RF fields.

The Commission recognized that evaluation of biological effects of RF and microwave energy is complex and controversial and called for comments on issues such as defining “controlled” and “uncontrolled” environments, the new requirements regarding induced and contact currents, differences between ANSI/IEEE guidelines and other RF exposure standards, discontinuities in exposure restrictions in the FM broadcast band, evaluation of hand-held devices, and the potential impact of the proposed rules on existing facilities and services.


On June 28, 1993, the Commission released a NOI concerning the December 1992 restructuring of the International Telecommunication Union (“ITU”), which decided that World Radiocommunication Conferences (“WRCs,” formerly WARCs) should meet every two years. The first WRC was held November 15 - 19, 1993, in Geneva, Switzerland. WRC-93 set agendas for the 1995 and 1997 conferences, and did not address the merits of particular regulatory provisions in specific topic areas, but has identified the following topics as candidates for the agendas of future WRCs: broadcasting satellite service (sound); wind profiler radars; space services; and satellite service (sound). The Commission's NOI solicits public comment regarding the substantive issues that the Commission should consider for placement on the agendas of the 1994, 1997 or future WRCs. Specific issues for WRC-95 include a guidance on the use of spectrum allocated internationally to the mobile-satellite service and a review of the Radio Regulations based upon the report of the Voluntary Group of Experts.


On September 17, 1993, the Commission released a proposal to provide additional frequencies for cordless telephone operation. This proposal relieves channel congestion and reduces interference to cordless telephones that operate in the 46 MHz and 49 MHz frequency bands.

This proposal responds to a petition by the Personal Communications Section of the Telecommunications Industry Association (“TIA”). The petition made on August 20, 1992, sought to gain additional frequencies for cordless telephones. TIA proposed that the Commission make 15 channel pairs available by using 30 frequencies near 44 MHz and 49 MHz for cordless telephones. Seven parties responded in favor of the petition. As a result, the Commission offered this NPRM to relieve channel crowding and interference to cordless telephones.
Applying the same technical and administrative requirements that apply to current 46/49 MHz cordless telephones, the Commission expects little or no increase in the cost of equipment.


In its NPRM, released October 21, 1993, the Commission proposed possible modifications to, or repeal of, the pioneer’s preference rules in light of recently enacted statutory authority to assign licenses by competitive bidding. The Commission invited comment on whether the pioneer’s preference rules continue to be appropriate in a competitive bidding environment or whether they should be amended to take into account competitive bidding, or whether they should be repealed altogether.

The Commission sought comment on possible amendments to the rules addressing the competitive bidding method of obtaining a license. The Commission also requested commenters to address whether or not to require applicants to incorporate relevant experimental material into their preference requests.

GENERAL


On October 8, 1993, the Commission released a NPRM in response to Congress’ mandate directing the agency to implement sections 3(n) and 332 of the Communications Act of 1934 as amended by title VI, section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66, 107 Stat. 312, 392 (“1993 Budget Act”).

The NPRM solicited comments on: (1) definitional issues raised by the 1993 Budget Act; (2) regulatory classification of mobile services, including Personal Communications Service (“PCS”), affected by the legislation; and (3) which provisions of Title II of the Communications Act should be applied to commercial mobile services and which should be forborne. This NPRM took the first step in implementing the 1993 Budget Act and amending section 332 of the Communications Act (private land mobile services) to create a new and comprehensive regulatory framework for all existing future mobile radio services, including PCS.

The Commission’s two principal objectives in revising section 332 are: (1) to ensure that similar mobile services will be subject to the same classification under the same statute; and (2) to achieve regulatory flexibility under the statute by varying the degree of regulation imposed upon commercial service providers.

The 1993 Budget Act’s revisions replace common carrier and private radio regulation with two new categories: (1) Commercial Mobile Radio Service, defined as (a) a mobile service provided for profit that (b) makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public; and (2) Private Mobile Radio Service, defined as any service not meeting the two-part definition of CMRS.

The objective of the NPRM permits the Commission to forebear from regulation of these services, but preserves Commission authority to protect consumers, to promote and to protect competition in the marketplace, and to encourage regulatory flexibility.

MANAGING DIRECTOR


On December 17, 1993, the Commission released an NPRM relating to the administration of accounting authorities in the maritime mobile and maritime mobile-satellite radio services. These rules excepted distress and safety communications. The Commission proposed the rules to establish basic requirements and qualifications for entities or individuals who want to serve as accounting authorities for the settlement of international radio maritime accounts that involve United States registered vessels operating in international or foreign waters. The Commission recommended that U.S. citizenship requirements not be imposed on accounting authorities, but instead, certain restrictions regarding the physical location of accounting authority settlement facilities be established. The Commission proposes to “grandfather” all current accounting authorities currently qualified and following established procedures; however, existing accounting authorities are not exempt from the new application process. The proposed rules are necessary to ensure adherence to international settle-
ment procedures and to establish the requirement that accounting authorities cooperate fully with the Commission concerning maritime settlements issues.

**MASS MEDIA**


On February 25, 1993, the Commission released a proposal to adopt a window period for the filing of new Instructional Television Fixed Service ("ITFS") applications, to make major changes in existing stations, and to make amendments to pending applications. These proposals respond to the significant changes that have occurred in ITFS over the years. These modifications include adjusting minimum programming requirements for new ITFS operators; authorizing 15-mile interference protection for ITFS licensees that lease excess capacity for wireless cable operations; authorizing channel mapping technology by ITFS licensees in some situations; and modifying the Commission's "ready recapture" requirement with regard to excess channel capacity leasing by eliminating restrictive time-of-day and day-of-week regulations.

The Commission's amended regulations seek to avoid inhibiting the growth of ITFS and wireless cable services. These changes have spurred a tremendous increase in applications proposing the construction of new ITFS stations or major changes in the station's authorized facilities.


On March 2, 1993, the Commission released an NPRM to implement the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"). The NPRM proposes to apply the political programming requirements of the Communications Act of 1934, as amended, to Direct Broadcast Satellite ("DBS") service providers. Specifically, section 25(a) mandates that the Commission apply the political broadcast requirements of sections 312(a)(7) and 315 of the Communications Act to DBS. Section 25(b) requires the Commission to adopt rules governing the reservation and availability of channels on DBS for noncommercial educational and informational programming at reasonable rates.

The NPRM discusses equal opportunities for all candidates' comments on the same channels or different channels, charging legally qualified candidates no more than the station's lowest unit charge for use of the station preceding primary, runoff, general, or special elections. The NPRM sought to compile a record on whether a national mode of broadcasting such as DBS can accomplish the Commission's long standing goal of service to individual communities by beaming signals to local or regional areas. The NPRM also solicited comments on requiring DBS providers to reserve between four and seven percent of their total channel capacity for noncommercial, educational and informational programming.


In its NOI, released March 2, 1993, the Commission sought comment on whether and in what manner FCC rules and policies might be revised to more clearly identify the levels and types of programming necessary to adequately serve the educational and informational needs of children in order to better implement the requirements and underlying objectives of the Children's Television Act of 1990 ("CTA").

Pursuant to FCC rules implementing the objectives of the CTA, television station licensees were required to respond to the educational and informational needs of children, sixteen years of age and under, through their stations' overall programming; however, no minimum level of such programming has been proscribed. The Commission believes broadcasters should focus on establishing compliance with the CTA by broadcasting standard length programming that is specifically designed to serve children's needs, and should accord short-segment programming less importance.

To avoid definitional problems, the Commission stated its belief that education and information are the primary objectives of qualifying "core" children's programming, with entertainment of secondary importance.

The Commission invited comment on whether staff processing guidelines should be adopted that specify an amount and type of children's programming that would permit staff grant of a license renewal application, with applications not satisfying the processing criteria subject to further review.

On April 26, 1993, the Commission released an NPRM to amend its rules under section 74.931(a), which currently requires all authorized channels to transmit formal educational programming. This programming must be offered to students at accredited public and private schools, and colleges and universities. Section 74.931(e)(2) requires Instructional Television Fixed Service (“ITFS”) licensees to lease their excess capacity to wireless cable operators who will provide ITFS programming for a minimum of 20 hours and reserve another 20 hours per channel per week. The actual use per channel per week of ITFS programming would be scheduled at least three hours each weekday, between 8 a.m. and 10 p.m., and five additional hours, Monday through Saturday.

This proposal seeks to modify the current rules to allow “channel loading,” so that ITFS licensees can fulfill their minimum requirements by utilizing only one or two of their channels and to fully utilize the ITFS channels for legitimate educational purposes by implementing channel mapping through digital compression. This proposal came in response to comments that supported four petitions to waive the minimum requirement specified in the rule, which acknowledged that there was far less demand for ITFS spectrum than originally anticipated.


On June 16, 1993, the Commission adopted an NPRM to amend its Aural Broadcast Auxiliary Rules, section 74.550, to permit the use of non-authorized equipment including unapproved transmitters in the 944-952 MHz frequency band for backup purposes at Aural Broadcast Auxiliary Stations. Backup purposes are temporary uses necessary to restore and maintain regular service because the primary transmitter unit has failed or requires servicing. Backup transmitters may not be used for more than 720 cumulative hours per year without explicit Commission authority.


On June 29, 1993, the Commission release an inquiry into the policies and procedures governing proof-of-performance evaluations of antennas in the AM Radio Service. In light of the development of numerous powerful computer models which can calculate array patterns and because many urban AM array measurements are difficult and costly to obtain, the Commission proposed to evaluate its regulations.


In its NPRM, released July 16, 1993, the Commission proposed cost-of-service standards for regulating the cable industry’s subscriber rates. In its Report and Order and Further Notice of Proposed Rule Making, MM Docket No. 92-266, 58 Fed. Reg. 29,736 (1993), the Commission adopted a “benchmark and price cap approach” to setting cable rates. The existing rates are compared to a benchmark rate that takes into account the numbers of subscribers and channels, and thus allows for effective competition. The price cap approach permits annual adjustments for inflation and recovery of cost increases.

In the NPRM, the Commission sought comments on its proposal to permit cable operators to use cost-of-service data to justify above benchmark rates or in lieu of benchmark rates. These new requirements would balance the interests of cable operators and consumers and allow for continual expansion, modernization and response to competitive forces. Moreover, cable rates should be adequate to ensure that cable operators realize reasonable rates-of-return.

The proposed rules require cable operators to establish cost-of-service categories to identify their external costs. The proposed categories are: Basic Service Tier Activities; Cable Programming Services Activities; Other Cable Programming Services Activities; Other Cable Activities; and Non-Cable Activities. The Commission sought comment on whether to establish procedural limits on cable operators seeking to justify above benchmark rates absent a demonstration of special circumstances or extraordinary costs; whether special FCC forms and worksheets should be required for any cost-of-service showing; standards for determining the opportunity for and limit on recovery of costs from subscribers; and the extent to which cable services rates are already cost-based and what computation methods are used.
The Commission proposed to permit cable operators to recover operating expenses, depreciation and taxes as annual expenses upon a cost-based showing. Additionally, the Commission proposed to permit cable operators to recover a return on investment (ratebase) through rates for cable services. The Commission tentatively concluded that plant in service, plant held for future use within a reasonable period of time, and working capital should be permitted to be included in the ratebase. The Commission also proposed to permit cable operators to recover a reasonable rate-of-return on investment used and useful in providing regulated cable service through cable service rates. The Commission further proposed to establish a single rate-of-return for all cable operators providing regulated cable service in order to set rates based on cost-of-service showings.


The Commission, in its NOI released August 12, 1993, sought comments to define “overmodulation” and to ascertain what methods or procedures are necessary to implement any proposed limits on modulation levels. Section 73.1570 of the Commission’s rules states that modulation limits are not to be exceeded by “peaks of frequent reoccurrence,” but no definition of the phrase is given in the rule. The Commission sought to determine whether the rule should remain unchanged or whether it should be modified or interpreted with more specificity. The Commission invited comments on whether consideration should be given to the amplitude of the modulation peaks beyond 100%, to the time duration of such peaks, or to the number of peaks within a given span of time.

As an alternative, the Commission sought comment on whether specific limits on modulation, per se, should be eliminated and replaced with a new emission limitation or standard designed to prevent harmful adjacent channel interference. The Commission noted the possibility that appropriate emission limitations could be developed for those stations that could render specific limits on modulation unnecessary.

Comments also were requested on the desirability of developing more precise emission limitations for FM and TV aural transmitters and whether an analytic or empirical approach would be preferable. Additionally, because of the possibility that the equipment needed to determine compliance with emission limitations may be more expensive than that used to make traditional modulation measurements, the Commission sought comment on what equipment would be required, its costs, and the skills necessary to operate it properly. The Commission also proposed to examine the alternative concept of whether emission limitations could replace modulation limitations.


In its NPRM, released August 27, 1993, the Commission proposed to amend 47 C.F.R. § 73.208(c)(8) to restrict rounding of distance separation calculations to the nearest one-hundredth of a kilometer (two decimal places) in instances where applicants are not in compliance with the FCC's minimum distance separation requirements. The Commission stated that this amendment would significantly reduce the potential for interference and inconsistencies from station to station.


In its NOI, released October 7, 1993, the Commission proposed to establish limits on the amount of commercial matter broadcast by television stations. Specifically, commenters were invited to address whether, and in what specific manner, an excess of commercial programming fails to serve the public. Commenters were also requested to address the form that any such regulation should take.

PLANS & POLICY


On July 1, 1993, the Commission released its Interim Report, in compliance with section 26 of the 1992 Cable Act, which required the Commission to examine sports programming migration from broadcast television to subscription media, such as cable, pay cable and pay-per-view, and to issue its analysis to Congress on or before July 1, 1993.

The Commission found that the majority of com-
menters, including cable programmers and sports entities, believe that sports programming has not migrated from broadcast television to cable television. The Commission noted that a few commenters asserted that the distribution trend has been away from broadcast television, particularly at the local level.

The Commission focused on the changes in the telecasting of four professional (National Football League, National Basketball League, National Hockey League and Major League Baseball) and two college (NCAA Men’s Final Four Tournament and football) sports since 1980. The Commission concluded that the majority of professional games have not migrated to cable television with the limited exception of Major League Baseball games in local markets. The Commission further concluded that college games have not migrated, but it noted that these commenters’ concern was that preclusive contracts between telecasters and college football conferences limit the number of games available for broadcast by local over-the-air stations.


In its NPRM, released October 12, 1993, the Commission solicited comment on its implementation of new sections 309(i) and 309(j) of the Communications Act, as amended by the Omnibus Budget Reconciliation Act of 1993, which provides the Commission with the authority to conduct auctions of the electromagnetic spectrum.

The Commission requested specific comments on setting aside blocks of spectrum for designated groups of women and minority owners. The Commission also sought comment on alternative approaches for bidding, payment, deposits, safeguards and bidder qualifications and eligibility, and also asked how licenses should be offered when bidding is conducted sequentially.

**PRIVATE RADIO**


In its Report and Order, released December 14, 1993, the Commission relaxed and eliminated rules that imposed unnecessary regulatory burdens on certain private radio services.

The Report and Order amends sections 80.25(a) and 87.27 of the Commission’s rules to extend the current license term for aircraft and ship station licenses from five to ten years. The Report and Order eliminates the requirement contained in section 94.85 of the Commission’s rules, that licenses in the Private Operational Fixed Microwave Service perform specified measurements to ensure that their transmitters are maintained within the frequency tolerances required by section 94.67.

Additionally, the Report and Order eliminates the requirements contained in section 94.113(a), (b), (d), (e), (f) and (g) of the Commission’s rules, that licenses in the Private Operational Fixed Microwave Service maintain numerous records on station maintenance, including transmitter measurements and antenna inspections.


On October 8, 1993, the Commission released a Report and Order amending its regulations to ensure co-channel interference protection of Specialized Mobile Radio (“SMR”) and non-SMR radio systems operating above 800 MHz.

Subpart S of Part 90 of the Rules allows for co-channel SMR stations to be spaced at a minimum of 70 miles apart. SMR stations can be “short spaced” less than 70 miles apart if they operate at low powers or antenna heights. The non-overlap of the existing station’s 40 dBu signal strength contour and the proposed station’s 30 dBu contour determines the minimum separation distances of non-SMR stations.

This Report and Order amends 47 C.F.R. § 90.621(c), which requires 70 miles minimum spacing for all co-channel 800/900 MHz channels, but provides for a 40/22 dBu protection criteria for short-spacing applications.


On April 9, 1993, the Commission released a NPRM for licensing Automatic Vehicle Monitoring (“AVM”) systems. AVM systems are used to locate and track vehicles and are currently licensed in accordance with interim rules adopted in 1974.

The proposals provide for the continued develop-
ment of AVM services and permit expanded use of location technology to include the location of any object, animate or inanimate. Additionally, the proposals allow licensees to provide service on a private carrier basis to individuals, the federal government, and to Part 90 eligibles on a non-exclusive basis in the 902-928 MHz band.


In its NPRM, released March 29, 1993, the Commission proposed to amend section 97.103(a) of its rules that govern amateur stations participating in message forwarding and voice repeater systems. The petitioners assert that the current section 97.103(a) hampers the operation of high speed message forwarding systems and repeaters by limiting the number of messages sent. This limitation arises from the Commission's compliance policy, which currently provides that all originating and forwarding-only, or repeating, stations are accountable for violative transmissions. This policy results in messages being delayed by forwarding-only stations for appropriate review.

The Commission's proposed amendment to section 97.103(a) would remove liability for violative transmissions from all stations, except the originating station and the first forwarding station transmitting the message.


In response to requests from the public, the Commission, in its NPRM released May 12, 1993, proposed to clarify, revise and update the general exemptions to its Part 80 rules regarding radiotelegraph equipment requirements. Although the Communications Act of 1934 ("1934 Act") requires all passenger vessels and large oceangoing cargo vessels to carry a radiotelegraph station, the 1934 Act gives the Commission the authority to exempt a ship or class of ships from this requirement under certain conditions.

The Commission proposed to broaden the current general exemption that covers large oceangoing cargo vessels operating on domestic voyages no more than 150 miles off-coast of the 48 contiguous states, as well as small passenger vessels operating on certain domestic voyages, to include domestic voyages through the Panama Canal, to Alaska and to Puerto Rico and to include certain short international voyages. The Commission also proposed to place an additional condition on the general exemption requiring emergency position indicating radio beacons to be included on all ships seeking the exemption. Because of its recent determination that the Global Maritime Distress and Safety System ("GMDSS") has technological advantages over the current marine manual Morse Code, the Commission also proposed to add the GMDSS equipment to the list of acceptable communications alternatives specified under the general exemption.


In response to the United States Coast Guard's request, the Commission released an NPRM on May 19, 1993, proposing to amend Part 80 of the FCC's rules to require the registration, with the National Oceanographic and Atmospheric Administration, of emergency position indicating radio beacons ("EPIRBs") that operate on the 406.025 MHz frequency. The commenters all agreed that beacon registration is essential to realize the full benefit of the 406 MHz satellite system. The commenters assert that by having access to registration information, along with the improved location accuracy of the 406 MHz system, they can substantially reduce time spent in dangerous and costly search and rescue ("SAR") missions.

In addition, commenters contend that registration information would enable them to recognize false distress signals with a simple telephone call to the registered owner of the EPIRB and help them refine the tools and equipment required for SARs based on the type of ship or aircraft in distress. This would result in substantial cost savings to the federal government and SAR forces with no additional cost or burden to manufacturers or beacon users.

Concomitant with the above NPRM is the issue of mandatory registration of emergency locator transmitters ("ELTs") used in aviation services and operating on the 406.025 MHz frequency band. The Commission stated that it would address both EPIRB and ELT issues together and proposed to require that 406 MHz band ELTs and 406 MHz band EPIRBs be registered in NOAA's database.

On June 9, 1993, the Commission released an NPRM seeking comment on proposals to amend its rules to facilitate the aggregation of substantial numbers of 800 MHz Specialized Mobile Radio (“SMR”) channels at base station sites within defined geographic areas. The Commission proposed to examine methods of assigning 800 MHz SMR spectrum, particularly by the establishment of an “Expanded Mobile Service Provider” licensing scheme, whereby SMR licenses would be granted on a wide-area basis and allowing for channel aggregation.


On July 14, 1993, the Commission released an NPRM to implement new technical specifications contained in Annex 10 of the International Civil Aviation Organization (“ICAO”) Convention for all airborne Instrument Landing Systems (“ILS”) and VHF Omnimange Radio (“VOR”) receivers on board United States’ aircraft. This proposal is premised on the United States’ obligation under the ICAO Convention to provide greater immunity to interference in the presence of VHF FM broadcast signals. The Commission proposed that all ILS and VOR receivers manufactured in or imported into the United States meet the ICAO standards by January 1, 1994. The proposed technical standards would increase the safety of flights, but could also affect small general aviation businesses by requiring them to replace current receivers with ILS and VOR receivers meeting the ICAO standards.


On November 4, 1993, responding to a petition filed by Western Carolina Radio Society/VEC, the Commission released a proposal to grant immediate temporary licenses to persons who pass examinations for new amateur operator licenses. This proposal permits individuals, upon passing their examinations, to operate their stations without waiting for their applications to be processed. Currently, the operator holds a temporary license until a full-term license is received or 120 days passes, whichever comes first.

There are restrictions on this proposal that prohibit the granting of temporary licenses, such as amateur stations that have significant environmental effects, as defined in the Commission’s rules.


On December 29, 1993, the Commission released a proposal to authorize use of vanity call signs by amateur operators. The Licensing Division of the Private Radio Bureau is installing a new automated licensing process that will allow it to administer the system. The Commission seeks to provide better service to amateur station licensees by allowing them to select their own call signs, provided they are not already assigned and are within the operator’s license class. The vanity call system would be an addition to the current sequential call sign system. Licensees of existing stations could request modification of their license to show their new personally selected call signs.

The Commission sought comment on this proposal and suggestions that would bring the military recreation and RACES stations into this system, affording them call signs of choice.