

proposed land mobile operation will be restricted as follows:

Base station operation is permitted in the five boroughs of New York City and Nassau, Westchester and Suffolk Counties in New York, and Bergen County, New Jersey. Mobile operation is permitted in these counties and boroughs as well as outside these areas provided the distance from the Empire State Building (Geographic Coordinates: 40°44'54" N, 73°59'10" W) does not exceed 48 kilometers (30 miles).

#### *Co-Channel Television Protection*

For base stations to be located in the five boroughs that comprise the City of New York and other jurisdictions east of the Hudson River and Kill Van Kull, the maximum effective radiated power (ERP) will be limited to 225 watts at an antenna height of 152.5 meters (500 feet) above average terrain. Adjustment of the permitted power will be allowed provided it is in accordance with the "169 kilometer Distance Separation" entries specified in Table B or prescribed by Figure B of Section 90.309(a)(5) of the Rules.

For base stations to be located west of the Hudson River, the maximum ERP will be limited to the entries specified in Table B or prescribed by Figure B of Section 90.309(a)(5) of the Rules for the actual separation distance between the land mobile base station and the transmitter site of WNEP-TV, Scranton (Geographic Coordinates: 41°10'58" N, 75°52'21" W).

Mobile stations associated with such base stations will be restricted to 100 watts ERP in the area of operation extending eastward from the Hudson

River and 10 watts ERP in the area of operation extending westward from the Hudson River. These restrictions offer 40 dB of protection to the Grade B coverage contour of WNEP-TV, Scranton.

#### *Adjacent Channel Television Protection*

The above parameters and conditions are considered to be sufficient to protect first-adjacent channel television station WPHL-TV, Philadelphia (Geographic Coordinates: 40°02'30" N, 75°14'24" W). Operation of mobile units within a radius of 48 kilometers (30 miles) from the Empire State Building would be no closer than 8 kilometers (5 miles) from the WPHL Grade B coverage contour. This will offer a 0 dB protection ratio to WPHL-TV.

#### *Low Power Television Protection*

LPTV station W17BM has no responsibility to protect land mobile operations on adjacent TV Channel 16 other than from spurious emissions. Land mobile licensees must correct, at their expense, interference caused by their operations to the reception of W17BM within its protected signal contour as defined in Section 74.707 of the Rules.

#### *Periodic Reports*

The Joint Committee of broadcasters and public safety agencies—as contemplated in the agreement—will file annual reports with the Commission regarding the status of implementation and progress toward the development of new spectrum efficient systems.

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## 47 CFR Part 73

[MM Docket No. 88-613; RM-6483 and RM-6712]

### Radio Broadcasting Services; Dickson, TN, and Benton and Calvert City, KY

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** The Commission dismisses the petition filed by Jackson Purchase Communications for reconsideration of the *Report and Order* in MM Docket No. 88-613, 54 FR 53612, published December 29, 1989. Jackson Purchase Communications requested withdrawal of its petition, stating that it has received no consideration for such withdrawal. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** April 14, 1995.

**FOR FURTHER INFORMATION CONTACT:** J. Bertron Withers, Jr., Mass Media Bureau, (202) 418-2180.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Bruce A. Romano,

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