

### Summary of NCS Petition

The NCS contends in its petition for rulemaking that cellular usage by the general public in emergency situations leads to congestion in the cellular network, causing usage by those with NS/EP responsibilities to be severely curtailed or made impossible. Without "priority access" to cellular spectrum, the NCS argues, rescue workers are impaired by recurring surges in cellular usage associated with emergency situations. The NCS cites the bombing of a Federal office building in Oklahoma City, Oklahoma, as a recent example. The NCS argues that "priority access" to cellular spectrum is essential in conducting response and recovery efforts. The NCS also maintains that action at the national level is necessary to ensure there is one uniform, nationwide cellular priority access scheme.

The term "priority access," as used by the NCS, means that in emergencies, when cellular spectrum is congested, authorized priority users would gain access to the cellular radio spectrum before cellular telephone users not engaged in NS/EP functions. Approval of the proposed rules would (1) authorize cellular service providers to provide priority access; (2) ensure that such service providers, when doing so, are not in violation of Communications Act provisions barring unlawful discrimination or undue preference; and (3) override any existing contractual provisions inconsistent with the rules adopted.

The NCS requests that the Commission establish the Cellular Priority Access Service (CPAS) by amending Part 64 of the Commission's Rules. Under the proposed CPAS rules, authorized NS/EP users would be permitted to obtain access to cellular radio channels ahead of non-NS/EP users when cellular network congestion is blocking NS/EP call attempts. In order to obtain priority access, the authorized user would dial a feature code such as "\*XX." The service would require no special activation; CPAS calls would not preempt calls in progress.

### Public Safety Rulemaking

In a rulemaking proceeding recently initiated by the Commission, comment has been sought regarding present deficiencies in public safety wireless communications, and spectrum needs for public safety purposes. See The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No.

96-86, Notice of Proposed Rulemaking, FCC 96-115, released April 10, 1996. The Commission stated that the goal of the proceeding is:

To develop the data necessary to evaluate the spectrum needs of public safety agencies, to solicit comment on how best to meet these needs, and to facilitate a transition to a communications environment in which public safety agencies have access to higher quality transmission, emerging technologies, and broader services, including the ability to communicate readily with one another (interoperability).

Id. at para. 3.

In addition to commenting on the merits of the NCS petition, interested parties are asked to address whether and to what extent the issues raised in the NCS petition are related to the pending public safety rulemaking proceeding, WT Docket No. 96-86. Interested parties may file comments no later than June 3, 1996. Reply comments must be filed by July 2, 1996. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Room 222, Washington, DC 20554, referencing WT Docket No. 96-86 and the petition for rulemaking filed by the NCS. The full text of the petition, the comments, and reply comments are available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, NW., Room 239, Washington, DC 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

### List of Subjects in 47 CFR Part 64

Civil defense.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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### 47 CFR Part 73

[MM Docket No. 96-88; RM-8760]

### Radio Broadcasting Services; Manitowoc and Two Rivers, WI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Lyle Robert Evans d/b/a High Mark Radio Company, proposing the allotment of Channel 255A to Two Rivers, Wisconsin, as that community's first

local FM service. Channel 255A can be allotted to Two Rivers with a site restriction 12.1 kilometers (7.5 miles) southwest of the community. The coordinates for Channel 255A are 44-03-57 and 87-39-44. We shall also make an editorial correction to the FM Table of Allotments showing the actual allotment of Channel 272A at Manitowoc, Wisconsin, rather than Two Rivers, Wisconsin.

**DATES:** Comments must be filed on or before June 10, 1996, and reply comments on or before June 25, 1996.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Lyle Robert Evans d/b/a High Mark Radio Company, 1296 Marian Lane, Green Bay, Wisconsin 54304.

### FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-88, adopted April 3, 1996, and released April 18, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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