

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 27**

[WT Docket No. 99-168, CS Docket No. 98-120, MM Docket No. 00-39; FCC 01-02]

**Service Rules for the 746-764 and 776-794 MHz Bands; Revisions to Part 27 of the Commission's Rules**

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** This proceeding considers service rules for the 747-762 and 777-792 MHz bands (the lower and upper 700 MHz commercial bands). The Commission, in this document, affirms an earlier decision that base station transmitters should be permitted to operate in the upper 700 MHz commercial band and denies a petition for reconsideration of this issue. This action also responds to the petitioner's request for clarification as to the appropriate out-of-band emission standard for control stations operating in the 700 MHz commercial bands.

**DATES:** Effective February 6, 2001.

**FOR FURTHER INFORMATION CONTACT:** Legal Information: Stan Wiggins, 202-418-1310; Technical Information: Marty Liebman, 202-418-1310.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Second Memorandum Opinion and Order* (Second MO&O) in WT Docket No. 99-168; CS Docket No. 98-120, and MM Docket No. 00-39, FCC 01-02, adopted January 2, 2001, and released January 12, 2001. The complete text of this Second MO&O is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY-B400, 445 12th Street, SW., Washington, DC.

**Synopsis of the Second Memorandum Opinion and Order**

1. The Commission adopts a Second Memorandum Opinion and Order (Second MO&O) in the above-cited proceeding, with regard to service rules for the 747-762 and 777-792 MHz bands. The Second MO&O responds to a petition for reconsideration of the decision in the Memorandum Opinion and Order in this docket (65 FR 42879, July 12, 2000) to permit base station transmitters to operate in both the lower

and upper 700 MHz commercial bands. Motorola, Inc. (Motorola) asked that the Commission reconsider this decision. As detailed in paragraphs 1 through 13 of the full text of the Second MO&O, the Commission finds that allowing such transmissions should not cause additional interference for public safety operations, will allow for the broadest possible use of this spectrum, consistent with sound spectrum management, and will expand participation in the auction and increase the potential for new technologies and new services.

2. The Commission concludes that, while interference is highly unlikely to occur as a result of this decision, where instances of interference actually occur they can be readily addressed on a case-by-case basis, and that historically-followed coordination procedures, requiring cooperation and accommodation by both commercial and public safety entities, will generally be able to resolve such interference. The Commission indicates that should routine coordination procedures fail to resolve the interference, it will consider other appropriate mitigation measures.

3. Motorola also sought clarification as to the appropriate out-of-band emission standard for control stations operating in the 700 MHz commercial bands. The Commission, in the Second MO&O, clarifies that control stations, which are fixed stations, must comply with the same  $76 + 10 \log P$  emission standard that applies to all base and fixed stations.

**Authority Citation and Ordering Clauses**

1. This action is taken pursuant to sections 1, 4(i), 7, 10, 201, 202, 208, 214, 301, 303, 307, 308, 309(j), 309(k), 310, 311, 316, 319, 324, 332, 336, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157, 160, 201, 202, 208, 214, 301, 303, 307, 308, 309(j), 309(k), 310, 311, 316, 319, 324, 332, 336, and 337 and the Consolidated Appropriations Act, 2000, Public Law 106-113, 113 Stat. 1501, section 213.

The Petition for Reconsideration or Clarification filed by Motorola is denied, and, in accordance with section 213 of the Consolidated Appropriations Act, 2000, Public Law 106-113, 113 Stat. 1501 (1999), this action shall be effective February 6, 2001.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 01-3045 Filed 2-5-01; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 51**

[CC Docket No. 98-147; CC Docket No. 96-98; FCC 01-26]

**Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document addresses five petitions for reconsideration and/or clarification of the Commission's Line Sharing Order, in which the Commission required incumbent local exchange carriers (LECs) to make a portion of their voice customer's local loop available to competitive providers of advanced services. The Commission denies two of these petitions, and grants three of them.

**DATES:** Effective February 6, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jessica Rosenworcel, Attorney Advisor, Policy and Program Planning Division, Common Carrier Bureau, (202) 418-1580.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Third Report and Order on Reconsideration in CC Docket No. 98-147 and the Commission's Fourth Report and Order on Reconsideration in CC Docket No. 96-98. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY-B400, 445 12th Street, SW., Washington, DC. It is also available on the Commission's website at <http://www.fcc.gov/>.

**Synopsis of Reconsideration Order**

1. The Commission takes several actions in this Reconsideration Order with respect to line sharing. Specifically, it clarifies that the requirement for an incumbent LEC to provide line sharing applies to the entire loop, even where the incumbent LEC has deployed fiber in the loop. With regard to line splitting, it grants AT&T and WorldCom's request for clarification that the incumbent LECs must permit competing carriers

providing voice service using the unbundled-network-element (UNE) platform to self-provision or partner with a data carrier in order to provide voice and data service on the same line. The Commission denies Bell Atlantic's request for clarification that data carriers participating in line sharing arrangements are not required to have access to the loop's entire frequency range for testing purposes. It also denies Bell Atlantic's request that the Commission reconsider the requirement that incumbent LECs refusing to condition a loop demonstrate to the relevant state commission that conditioning the specific loop in question will significantly degrade voiceband services. Also, the Commission grants the joint petition of the National Telephone Cooperative Association and the National Rural Telephone Association for clarification regarding the line sharing obligations of rural incumbent LECs. The Commission rejects Bell Atlantic's contention that the industry is permitted to adopt a line sharing deployment schedule other than the one developed in the Line Sharing Order.

2. The Commission also takes several actions concerning spectrum management. First, it denies BellSouth's request that the Commission reconsider its finding that new technologies are presumed deployable anywhere when successfully deployed in one state without significantly degrading the performance of other services. Second, it denies Bell Atlantic's request for the Commission to reconsider its conclusion that state commissions are in the best position to determine the disposition of known disturbers in the network.

#### Ordering Clauses

3. Pursuant to the authority contained in sections 1-4, 201, 202, 251-254, 256, 271, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 51-154, 201, 202, 251-254, 256, 271, and 303(r), that the Third Report and Order on Reconsideration in CC Docket No. 98-147 and the Fourth Report and Order on Reconsideration in CC Docket No. 96-98 *Are Adopted*.

4. Pursuant to sections 1-4, 201, 202, 251-254, 256, 271, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151-154, 201, 202, 251-254, 256, 271, and 303(r) that the petitions for reconsideration filed by Bell Atlantic and BellSouth on February 9, 2000, *Are Denied*.

5. Pursuant to sections 1-4, 201, 202, 251-254, 256, 271, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151-154, 201, 202,

251,-254, 256, 271, and 303(r), that the petitions for reconsideration filed by AT&T Corp., MCI WorldCom, Inc., and the National Telephone Cooperative Association and the National Rural Telephone Association on February 9, 2000, *Are Granted* to the extent indicated herein and otherwise *Are Denied*.

#### List of Subjects in 47 CFR Part 51

Communications common carriers, Telecommunications, Interconnection.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01-2915 Filed 2-5-01; 8:45 am]

BILLING CODE 6712-01-U

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-183, MM Docket No. 99-346; RM-9763]

#### Digital Television Broadcast Services; Evansville, IN

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Tri-State Public Teleplex, Inc., licensee of noncommercial educational station WNIN(TV), substitutes DTV channel \*12 for DTV channel \*54 at Evansville, Indiana. See 64 FR 70670, December 17, 1999. DTV channel \*12 can be allotted to Evansville at coordinates (38-01-27 N. and 87-21-43 W.) with a power of 15.0, HAAT of 177 meters and with a DTV service population of 599 thousand. With this action, this proceeding is terminated.

**DATES:** Effective March 19, 2001.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 99-346, adopted January 30, 2001, and released January 31, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Indiana, is amended by removing DTV Channel \*54 and adding DTV Channel \*12 at Evansville.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-2914 Filed 2-5-01; 8:45 am]

BILLING CODE 6712-01-P

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-220, MM Docket No. 99-315, RM-9731]

#### Digital Television Broadcast Service; McAllen, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Entravision Holdings, LLC, licensee of station KNVO(TV), NTSC channel 48, substitutes DTV channel 49 for DTV channel 46 at McAllen, Texas. See 64 FR 59147, November 2, 1999. DTV channel 49 can be allotted to McAllen in compliance with the principle community coverage requirements of section 73.625(a) at reference coordinates (26-05-20 N. and 98-03-44 W.) with a power of 200, HAAT of 288 meters and with a DTV service population of 664 thousand. Since McAllen is located within 275 kilometers of the U.S.-Mexican border, concurrence by the Mexican government has been obtained for this allotment.

With this action, this proceeding is terminated.

**DATES:** Effective March 19, 2001.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report