

- (1) Profit making;
- (2) Commercial advertising and sales;
- (3) Partisan political activities;
- (4) Sectarian activities, or other similar activities; or
- (5) Any use inconsistent with those authorized in this section.
- (e) You may not charge admission fees, indirect assessment, or take any other kind of monetary collection at the event.
- (f) You will be assessed a charge by the facility director to reimburse the Government for expenses incurred as a result of the your use of the facility.

Dated: March 17, 2000.

**John W. Carlin,**

*Archivist of the United States.*

[FR Doc. 00-7209 Filed 3-22-00; 8:45 am]

**BILLING CODE 7515-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Chapter I

[PR Docket No. 93-144; FCC 00-95]

#### Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Request for comments.

**SUMMARY:** In this document, the Commission requests comment on the construction requirements that the Commission should impose on 800 MHz Specialized Mobile Radio (SMR) commercial licensees that are part of a wide area system ("wide-area licensees") operating on non-SMR channels (e.g., Business and Industrial /Land Transportation (BI/LT) channels) through inter-category sharing. Comment is sought based on the Commission's decision in its *Memorandum Opinion and Order on Remand (Remand Order)* responding to the decision of the U.S. Court of Appeals for the District of Columbia Circuit (Court) in *Fresno Mobile Radio, Inc. v. FCC (Fresno)*. The Commission has decided to determine the construction status of BI/LT frequencies authorized for SMR use through inter-category sharing by separate order in the *Fresno Remand* proceeding. Interested parties may file comments on or before March 27, 2000. Parties interested in submitting reply comments must do so on or before April 6, 2000.

**DATES:** Comments due March 27, 2000 and Reply Comments due April 6, 2000.

**FOR FURTHER INFORMATION CONTACT:** Don Johnson, Wireless Telecommunications Bureau, at (202) 418-7240.

**SUPPLEMENTARY INFORMATION:** This *Public Notice* in PR Docket No. 93-144, adopted and released March 10, 2000 is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC 20036 (202) 857-3800. The document is also available via the internet at <http://www.fcc.gov/Bureaus/Wireless/Public Notice/1999/index2.html>.

#### Synopsis of Public Notice

The Commission requests comment on the construction requirements that the Commission should impose on 800 MHz Specialized Mobile Radio (SMR) commercial licensees that are part of a wide area system ("wide-area licensees") operating on non-SMR channels (e.g., Business and Industrial /Land Transportation (BI/LT) channels) through inter-category sharing. In the *Remand Order*, the Commission stated that it would allow incumbent wide-area 800 MHz SMR licensees, who were within their construction periods at the time of the *Fresno* decision, to elect to satisfy either: (1) Construction requirements similar to those given to Economic Area (EA) licensees in the 800 MHz band; or (2) the original construction requirements outlined in the *800 MHz Rejustification Order*. The *Remand Order* stated that the construction status of BI/LT frequencies authorized for SMR use through inter-category sharing was beyond the scope of the proceeding and would be considered in the context of the Commission's rulemaking proceeding to implement the Balanced Budget Act of 1997 (BBA proceeding).

The Commission has decided to determine the construction status of BI/LT frequencies authorized for SMR use through inter-category sharing by separate order in the *Fresno Remand* proceeding rather than in the BBA proceeding. Therefore, we seek comment on whether the Commission should adopt construction rules for these incumbent wide-area licensees operating on BI/LT frequencies similar to those adopted in the *Remand Order* for wide-area licensees operating on SMR frequencies. The Commission also requests further comment on the applicable construction requirements (e.g., substantial service or population-

based) for wide-area SMR licensees that operate on BI/LT frequencies through inter-category sharing. This request is limited to comments on the construction status of BI/LT frequencies authorized for SMR use through inter-category sharing. We do not seek comment on any issues relating to construction requirements for Private Mobile Radio Service (PMRS) licensees.

The Commission notes that, regardless of its decision in this matter, we intend to allow the affected SMR licensees on BI/LT channels six months after the adoption of a final order in this proceeding to complete buildout, unless a longer period is specified in that order. We note that the Bureau has already granted extensions to the Southern Company and to Nextel Communications, Inc., of the extended implementation period for construction of their Business and Industrial/Land Transportation channels, until final rules regarding licensing of the BI/LT frequencies in the context of the Commission's rulemaking proceeding to implement the Balanced Budget Act of 1997 take effect. By this Public Notice, the Commission modifies the term of each of these two waivers to expire six months after the adoption of a final order in the instant proceeding.

Interested parties may file comments on or before March 27, 2000. Parties interested in submitting reply comments must do so on or before April 6, 2000. All comments should reference PR Docket No. 93-144 and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW, Room TW-B204, Washington, DC 20554. A copy of each filing should be sent to International Transcription Services, Inc. (ITS), 1231 20th Street, NW, Washington, DC 20036. In addition, parties should send two copies each to:

- (1) Don Johnson, Federal Communications Commission, Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch, 445 Twelfth Street, SW, Room 4A-332, Washington, DC 20554; and
- (2) Jennifer Mock, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 Twelfth Street, SW, Room 3-C400, Washington, DC 20554.

Copies of the comments and reply comments will be available for inspection and duplication during regular business hours in the Public Reference Room, 445 Twelfth Street,

SW, Room CY-8257, Washington, DC 20554. Copies also may be obtained from ITS, 1231 20th Street, NW, Washington, DC 20036; (202) 857-3800.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 00-7164 Filed 3-22-00; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 00-39; FCC 00-83]

#### Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Commission invites comment on a number of issues that it believes require resolution to ensure that the digital television (DTV) conversion progresses and that potential sources of delay are eliminated. Among these are: first, whether to adopt a service replication requirement and to require enhanced service to the DTV station's city of license; second, whether to adopt a requirement that DTV stations elect their post-transition DTV channel by a certain date; and third, how to resolve mutually exclusive DTV and DTV/NTSC applications. Comment is also requested on a number of other issues related to the transition to digital television.

**DATES:** Comments are due on or before May 17, 2000; reply comments are due on or before June 16, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, Room TW-A306, SW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Gordon Godfrey, Policy and Rules Division, Mass Media Bureau at (202) 418-2190, or Keith A. Larson, Office of the Bureau Chief, Mass Media Bureau at (202) 418-2600.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rulemaking* ("NPRM"), FCC 00-83, adopted March 6, 2000; released March 8, 2000. The full text of the Commission's NPRM is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room TW-A306), 445 12 St. S.W., Washington, D.C. The complete text of this NPRM may also be purchased from the Commission's copy contractor, International Transcription

Services (202) 857-3800, 1231 20th St., N.W., Washington, D.C. 20036.

#### Synopsis of Notice of Proposed Rulemaking

##### I. Introduction

1. With this NPRM, we commence our first periodic review of the progress of the conversion of our nation's television system from analog technology to digital television ("DTV"). In the *Fifth Report and Order* in MM Docket No. 87-268 (63 FR 13546, May 20, 1998), we stated that we would conduct a review every two years to "ensure that the introduction of digital television and the recovery of spectrum at the end of the transition fully serves the public interest." For the most part, this conversion is progressing, and television stations are working hard to convert to digital television pursuant to the construction schedule we established in the *Fifth Report and Order*. In this NPRM, we invite comment on a number of issues that we believe require resolution to ensure that this progress continues and that potential sources of delay are eliminated. Specifically, we invite comment on: (1) Whether to adopt a service replication requirement and to require enhanced service to the DTV stations' city of license; (2) whether to adopt a requirement that DTV stations elect their post-transition DTV channel by a certain date; and (3) how to resolve mutually exclusive DTV and DTV/NTSC applications.

##### II. Background

2. Our efforts to convert our nation's television system to digital television began in 1987, when we issued our first inquiry into the potential for advanced television ("ATV") services (52 FR 34259, September 10, 1987). The ensuing proceeding lasted a decade, during which we had the benefit of numerous comments and participation by broadcasters, equipment manufacturers, public interest groups, and the public. As the proceeding progressed, all-digital advanced television systems were developed and we began to refer to advanced television as digital television ("DTV"), recognizing that technological developments meant that any ATV system was certain to be digital. In February of 1993, the Advisory Committee on Advanced Television Service (the "Advisory Committee") reported that a digital HDTV system was achievable, but that all four competing digital systems then under consideration would benefit significantly from further development

and none would be recommended over the others at that time. In May of 1993, seven companies and institutions that had been proponents of the four tested digital ATV systems, joined together in a "Grand Alliance" to develop a final digital ATV system for the standard. Over the next two-and-a-half years, that system was developed, extensively tested, and is documented in the ATSC DTV Standard. On November 28, 1995, the Advisory Committee voted to recommend the Commission's adoption of the ATSC DTV Standard. In 1996, the Commission adopted a standard for the transmission of digital television based on the ATSC DTV Standard with minor modifications. *Fourth Report and Order* in MM Docket No. 87-268 (62 FR 14006, March 25, 1997).

3. In 1997, in the *Fifth Report and Order*, the Commission adopted rules to implement the Telecommunications Act of 1996 ("1996 Act"), which provided that initial eligibility for any advanced television licenses issued by the Commission should be limited to existing broadcasters, conditioned on the eventual return of either the current 6 MHz channel or the new digital channel. The Commission issued initial licenses for DTV, established service rules, including a requirement that broadcasters continue to provide free, over-the-air television service, and set an aggressive but reasonable construction schedule and a target date of 2006 for the completion of the transition. The Commission adopted a simulcasting requirement phased in at the end of the transition period. The Commission also recognized that digital broadcasters remain public trustees of the nation's airwaves and have a responsibility to serve the public interest. In the *Sixth Report and Order* (63 FR 15774, April 1, 1998), the Commission adopted a DTV Table of Allotments. After the adoption of the *Fifth Report and Order*, Congress made the 2006 reversion date statutory, in enacting the Balanced Budget Act of 1997, which provides that "[a] broadcast license that authorizes analog television service may not be renewed to authorize such service for a period that extends beyond December 31, 2006" unless the Commission grants an extension based on specific criteria enumerated in the statute. 47 U.S.C. 309(j)(14). With this NPRM, we commence our first periodic review in our continuing effort to assure that the transition goes smoothly for American consumers, broadcasters, and other interested parties.

##### III. Progress Report

4. Affiliates of the top four networks in the top ten television markets were