

(i) The ESV applicant shall provide a detailed showing of the measures it intends to employ to maintain the effective aggregate EIRP-density from all simultaneously transmitting co-frequency terminals operating with the same satellite transponder at least 1 dB below the EIRP-density limits defined in paragraph (a)(1)(i) of this section. In this context the term “effective” means that the resultant co-polarized and cross-polarized EIRP-density experienced by any GSO or non-GSO satellite shall not exceed that produced by a single ESV transmitter operating at 1 dB below the limits defined in paragraph (a)(1)(i) of this section.

(ii) The ESV applicant shall provide a detailed showing that an individual ESV terminal is capable of automatically ceasing emissions within 100 milliseconds if the ESV transmitter exceeds the off-axis EIRP-density limit specified in paragraph (a)(3)(i) of this section and that the individual transmitter is self-monitoring and capable of shutting itself off. The ESV applicant shall also provide a detailed showing that one or more transmitters are capable of automatically ceasing or reducing emissions within 100 milliseconds of receiving the appropriate command from the system’s central control and monitoring station if the aggregate off-axis EIRP spectral-densities of the transmitter or transmitters exceed the off-axis EIRP-density limits specified in paragraph (a)(3)(i) of this section.

\* \* \* \* \*

(7) Except for ESV systems operating pursuant to paragraph (a)(2) of this section, ESV systems authorized pursuant to this section shall be eligible for a license that lists ALSAT as an authorized point of communication.

\* \* \* \* \*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 12–1207]

### Radio Broadcasting Services; Westley, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division unreserved Channel 239A at Westley, California for noncommercial educational (“NCE”) use by operation of law since none of the applications in NCE Reserved Allotment Group No. 8 would provide the requisite level of first and second NCE use. The window period for filing applications for Channel 239A at Westley, California will not be opened at this time. Instead, the issue of opening this allotment for auction for commercial use will be addressed by the Commission in a subsequent order. Accordingly, we are amending the FM Table of Allotments by removing the NCE “asterisk” from Channel 239A at Westley, California.

**DATES:** Effective August 20, 2012 and applicable July 27, 2012.

#### FOR FURTHER INFORMATION CONTACT:

Michael Wagner, Media Bureau, (202) 418–2700 or Rolanda F. Smith, Media Bureau, (202) 418–2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Letter*, released July 27, 2012. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC’s Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document may also be purchased from the Commission’s duplicating contractors, Best Copy and Printing, Inc., 445 12th

Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or via email [www.BCPIWEB.com](http://www.BCPIWEB.com). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. This document is not subject to the Congressional Review Act. Therefore, the Commission is not required to submit a copy of this Report and Order to the Government Accountability Office and Congress, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because these rules are rules of particular applicability and are not subject to the Commission’s notice and comment procedures.

### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

**Peter H. Doyle,**

*Chief, Audio Division, Media Bureau.*

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

### PART 73—RADIO BROADCAST SERVICES

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

**Authority:** 47 U.S.C. 154, 303, 334, 336 and 339.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel \*239A and by adding Channel 239A at Westley.

[FR Doc. 2012–19729 Filed 8–17–12; 8:45 am]

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