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Federal Communications Commission.

William F. Caton,

Acting Secretary.

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[DA 96-1724]

Released: October 17, 1996.

Mass Media Bureau Announces Commencement of Sixty (60) Day Period for Filing ITFS Modifications and Amendments Seeking to Co-Locate Facilities with Wireless Cable Operations

1. Commencing October 24, 1996, and continuing to and including December 23, 1996, the Commission will permit the filing of modification applications and amendments to pending applications in the Instructional Television Fixed Service (ITFS) proposing to co-locate with an authorized wireless cable facility.

2. This 60 day co-location filing period is not for the filing of new station applications or modification applications for additional channels. Amendments and modifications may not involve a technical conflict with existing operation(s) or with application(s) filed prior to this sixty (60) day filing period. Applications for upgrades in facilities unrelated to proposed co-location with a wireless cable facility will not be accepted. In addition, curative amendments to otherwise defective applications will not be accepted for filing. Changes in facilities which fail to comply with the limitations set forth in this Public Notice will not be accepted for filing.

3. On March 28, 1996, the Commission completed its auction of authorizations to provide single channel and multichannel Multipoint Distribution Service (collectively

referred to as MDS) in 493 Basic Trading Areas (BTAs) and BTA-like areas. Many BTA authorization holders and incumbent wireless cable operators lease excess channel capacity from the ITFS licensees in the same service area, pursuant to Section 74.931(e) of the Commission's Rules. The purpose of this Public Notice is to facilitate marketwide settlements and expedite the development of wireless cable services by permitting ITFS applicants and licensees to modify their applications or facilities to specify co-location with the facilities of a wireless cable operator which leases its ITFS channels. Therefore, amendments to pending applications, which were timely filed and substantially complete at the time of filing, and modification applications for changes in ITFS facilities will be accepted during the specified sixty (60) day filing period, provided that co-location with a wireless cable facility is proposed and the ITFS applicant or licensee has an executed channel lease agreement with the wireless cable operator. Applicants and licensees may also propose any changes in technical facilities in an effort to replicate those of the co-located wireless cable facility.

4. Applicants are requested to specify in an exhibit their protected service area (PSA) as follows. First, ITFS entities who lease excess channel capacity to an incumbent MDS operator (one authorized or proposed on or before September 15, 1995) should so state and specify the protected service area of the co-located wireless cable system, a fixed circle with a radius of 35 miles. Specifically, applicants are requested to provide the geographic latitude and longitude of the center of the PSA, which will not necessarily coincide with the proposed transmitting antenna site coordinates. Secondly, ITFS entities who lease excess capacity to a BTA holder should so state. In such cases the ITFS PSA will be a circular 35-mile protected service area centered at the transmitting antenna coordinates of the co-located MDS station, i.e., the site coordinates proposed in the application. An applicant's correct specification of its intended service area will facilitate the processing of the application and insure appropriate interference protection.

5. To further facilitate the orderly and expeditious processing of these submissions, applicants and licensees filing amendments and modifications pursuant to this Public Notice are requested to use a completed "cover sheet," identical to the cover sheet form attached to this Public Notice. In addition, all modification applications and amendments to pending applications must be substantially complete when tendered for filing.

6. All filings in response to this Public Notice must be filed with the Secretary's Office, Federal Communications Commission, 1919 M Street, Room 222, Washington, D.C. 20054. See 47 CFR 0.401(a). Mailed modification applications and amendments to pending applications must be received by the Commission no later than December 23, 1996. Hand-carried or courier-delivered ITFS filings can be delivered daily during the sixty day filing period at the Secretary's Office from 8:00 a.m. to 5:30 p.m. Submissions tendered after 5:30 p.m. on Monday, December 23, 1996, will not be accepted. Applicants are required to submit an original and two duplicate copies of the filing. To further facilitate the initial processing of these filings, all applicants are requested to enclose in a single envelope the original and duplicate copies of the filing, with each duplicate copy clearly denoted as such by the applicant. Where more than one application or amendment is being filed, separate envelopes enclosing the individual filings (i.e., an original and two copies) can be mailed in a single package. The Secretary's Office will provide date stamped copies of hand delivered filings upon request.

7. Modification applications and amendments which do not comply with the limitations set forth in this Public Notice, or which are otherwise found to be defective, will be rejected and returned to the applicant.

8. For further information concerning this sixty (60) day filing period, contact Charles P. Gratch or Joyce L. Bernstein, Video Services Division, Mass Media Bureau at (202) 418-1610.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

BILLING CODE 6712-01-P

COVER SHEET

ITFS SIXTY (60) DAY FILING PERIOD TO CO-LOCATE WITH WIRELESS CABLE OPERATIONS

(October 24, 1996 to December 23, 1996)

Call Sign: _____
(If licensed station)

File No: _____
(If application currently pending)

Applicant: _____

Check Yes or No to questions 1, 2 and 3

Yes No

- | | | | |
|----|--|-------|-------|
| 1) | Is this filing in response to the October 17, 1996, Public Notice of the commencement of a sixty day period for filing co-location modifications and amendments? | _____ | _____ |
| 2) | Does this filing propose to co-locate with and replicate the facilities of a wireless cable operator? | _____ | _____ |
| 3) | Do you have a signed lease agreement with the co-located wireless cable operator? | _____ | _____ |

* If a current lease agreement is not on file with the Commission, it must be submitted along with the amendment or modification being tendered for filing.

* List on the following line the name and call sign or file number of the MDS station or pending MDS application utilized by the wireless cable operator with which you propose to co-locate. (If the wireless cable operator is not the MDS licensee or applicant, include the operator's name.)

MDS Licensee or Applicant

Call sign/File No.

Wireless cable operator