revenue information for small businesses; 262.5 hours for disclosure of terms of joint bidding agreements; 787.5 hours for transfer disclosure information.

Total Annual Burden: A one-time burden of approximately 4,099.5 hours.

Total Respondents Costs: $1,008,036.

Needs and Uses: On February 8, 1996, the Commission adopted a *Notice of Proposed Rule Making* that examines ways to establish a comprehensive and consistent regulatory scheme that will simplify and streamline licensing procedures and provide a flexible operating environment for both common carrier and private paging services. To this end, the *Notice* proposes to establish a geographic, rather than a site-based, licensing approach. The *Notice* also proposes to adopt auction rules for mutually exclusive paging applications so that available channels may be assigned rapidly to applicants, who will, in turn, expedite service to the public.

To ensure that the process of streamlining our paging regulations correctly gauges current usage of the applicable spectrum, it may be necessary for us to request that existing paging licensees notify the Commission of the location of their various transmitter sites. The *Notice* also proposes to require that licensees submit information that they meet applicable coverage requirements. Further, the *Notice* proposes that incumbent licensees operating at multiple sites may exchange their multiple site license for a single license after the completion of the auction for the spectrum blocks within which their frequencies are included provided they submit a showing that their authorized facilities have been constructed and placed in operation and the contours associated with these facilities are contiguous and overlapping. The *Notice* also proposes that auction winners submit proof of their notification to incumbents operating on frequencies included within the auction winners' spectrum blocks of their intention to relocate such incumbent.

In addition, the proposed auction procedures include (1) a requirement that auction winners claiming status as a small business submit detailed ownership and gross revenue information necessary to determine whether they qualify as a small business pursuant to Commission rules; (2) a requirement that auction winners disclose the terms of joint bidding agreements, if any, with other auction participants in order to ensure the integrity of the market structure; and (3) a requirement that licensees who transfer licenses within three years maintain a file of all documents and contracts pertaining to the transfer.

Ex Parte Rules—Non-Restricted Proceeding

This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules, 47 CFR §§ 1.1202, 1.1203, 1.1206(a).

Ordering Clauses

It is ordered that the pending applications for paging licenses that are not mutually exclusive with other paging applications will be processed to the extent possible under our existing licensing rules.

It is further ordered that applications for PCP exclusivity and waiver requests received after the adoption date of this *Notice of Proposed Rulemaking* will be held in abeyance and not processed until further notice, except as otherwise indicated above with respect to Interim Licensing.

List of Subjects

47 CFR Part 22

Communications common carriers, Recordkeeping requirements.

47 CFR Part 90

Common carriers, Recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–3657 Filed 2–15–96; 8:45 am]

BILLING CODE 6712–01–P

---

47 CFR Part 76

[MM Docket No. 92–260; FCC 95–503]

Cable Home Wiring

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Further Notice of Proposed Rulemaking (''FNPRM'') requests comment on wiring issues concerning loop-through wiring and the right of persons other than the subscriber to purchase cable home wiring. The FNPRM will assist the Commission in devising additional regulations in this area.

DATES: Written comments by the public on the proposed and/or modified information collections are due March 18, 1996. Interested parties may file comments on or before March 18, 1996 and reply comments on or before April 17, 1996. Written comments must be submitted by OMB on the proposed and/or modified information collections on or before April 16, 1996.

ADDRESSES: In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, D.C. 20503 or via the Internet to fain__t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Lynn Crakes or Rick Chessen, Cable Services Bureau, (202) 416–0800. For additional information concerning the information collections contained in this Order and FNPRM contact Dorothy Conway at 202–418–0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

This is a synopsis of the Commission's Further Notice of Proposed Rulemaking in MM Docket No. 92–260, FCC No. 95–503, adopted December 15, 1995 and released January 26, 1996.

I. Further Notice of Proposed Rulemaking

A. Multiple Dwelling Unit Buildings with Loop-Through Wiring

1. We solicit comment on Liberty's request that the Commission require cable operators to allow a building owner to purchase loop-through wiring in the limited situation where all subscribers in a multiple dwelling unit building want to switch to a new service provider. We ask whether we should apply the same rules regarding compensation (i.e., wiring may be purchased at the per-foot replacement cost) and technical standards to loop-through wiring that we now apply to non-loop-through wiring. We solicit comment on the appropriate demarcation point for this limited application of the home wiring rules. We note, however, that we are concerned with allowing the multiple dwelling unit building owner to control the wiring since such control could arguably supersede subsequent subscribers' wishes. We therefore solicit comment on how to apportion control of a loop-through wiring system, including how to assure that subscribers have a choice of multichannel video programming service providers. We

further solicit comment on whether we should prohibit future installations of loop-through wiring configurations, and whether we have the statutory authority to do so.

B. Others' Rights to Cable Home Wiring

2. We solicit comment on several issues raised in this proceeding regarding the rights of persons other than the subscriber or the cable operator to cable home wiring. For instance, it has been asserted that the Commission's cable home wiring rules do not apply when the owner of a multiple dwelling unit building terminates cable service for the entire building in favor of an alternative multichannel video programming service provider. According to the record, at least one cable operator has contended that no ''voluntary termination by the subscriber,'' as provided in Section 76.802 of our rules, has occurred when it is the building owner or condominium association that terminates the service, or at least that the subscriber has not voluntarily terminated the cable service. In order to promote the goals of Section 16(d) and our rules thereunder, it may be appropriate for the subscriber (where there is a non-loop-through wire configuration) or the building owner (where there is a loop-through wire configuration) to be given the opportunity to purchase the cable home wiring under these circumstances. We request comment on this matter. In addition, we seek comment on whether this right of a building owner with a loop-through system should only apply if all of the individual subscribers want to terminate service and switch to a new video service provider, as described in Section III.A. above.

3. In addition, we ask for comment on the disposition of the cable home wiring in the event that a subscriber terminates cable service, elects not to purchase the wire and vacates the premises within the time period the operator has to remove the home wiring. Apparently some cable operators believe that our rule providing that the cable operator must remove the wire within 30 days (now seven business days) or make no subsequent attempt to remove it or to restrict its use does not apply if the subscriber vacates the premises before the 30-day (now seven-business-day) period elapses. We believe that, as long as the cable operator has been allowed access to the premises to remove its wiring if it so wishes, whether the subscriber vacates the premises has no bearing on the application of our rules, and that the cable operator must therefore remove the wire within seven business days of the subscriber's termination of service, or make no subsequent attempt to remove it or to restrict its use, regardless of who subsequently resides in the premises. We request comment on this matter. Furthermore, we seek comment on whether, when the subscriber voluntarily terminating cable service does not own the premises, the premises owner should have the right to purchase the cable home wiring if and only if the subscriber elects not to purchase the wire.

II. Initial Regulatory Flexibility Act Analysis for the Further Notice of Proposed Rulemaking

4. Pursuant to Section 603 of the Regulatory Flexibility Act, the Commission has prepared the following initial regulatory flexibility analysis (''IRFA'') of the expected impact of these proposed policies and rules on small entities. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the FNPRM, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of the FNPRM, including the IRFA, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. § 601 *et seq.* (1981).

5. Reason for Action. Section 16(d) of the Cable Television Consumer Protection and Competition Act of 1992 requires the Commission to prescribe rules and regulations regarding the disposition of cable wiring within the subscriber's premises after the subscriber terminates service. This FNPRM proposes to allow the multiple dwelling unit building owner to purchase the loop-through cable wiring in the situation where all subscribers on a loop in a multiple dwelling unit building want to simultaneously switch to the same alternative multichannel video programming service provider. This FNPRM also proposes: (a) to require that the subscriber (where there is a non-loop-through wire configuration) or the building owner (where there is a loop-through wire configuration) be provided with the opportunity to purchase the cable home wiring when the owner of a multiple dwelling unit building terminates cable service for the entire building in favor of an alternative multichannel video programming service provider; (b) to clarify that, as long as the cable operator has been allowed access to the premises to remove its wiring if it so wishes, the cable operator must remove the wire within seven business days of the subscriber's termination of service, or make no subsequent attempt to remove it or to restrict its use, regardless of when the subscriber vacates the premises and who subsequently resides in the premises; and (c) when the subscriber voluntarily terminating cable service does not own the premises, to give the premises owner the right to purchase the cable home wiring, if and only if the subscriber elects not to purchase the wire.

6. Objectives. To propose rules which implement Section 16(d) of the 1992 Cable Act and promote its goals of protecting subscribers from unnecessary disruption and expense caused by the removal of home wiring and to allow subscribers to use the wiring for an alternative multichannel video programming service provider.

7. Legal Basis. Action as proposed for this rulemaking is contained in Sections 1, 4(i), 4(j) and 624(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 151, 154(i), 154(j) and 544(i).

8. Description, Potential Impact and Number of Small Entities Affected. The proposals, if adopted, will not have a significant effect on a substantial number of small entities.

9. Reporting, Recordkeeping and Other Compliance Requirements. None.

10. Federal Rules which Overlap, Duplicate or Conflict with these Rules. None.

11. Any Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives. None.

III. Ordering Clauses

12. It is ordered that, pursuant to Sections 4(i), 4(j) and 624(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 544(i), notice is hereby given of proposed amendments to Part 76, in accordance with the proposals, discussions, and statement of issues in this Further Notice of Proposed Rulemaking, and that comment is sought regarding such proposals, discussion, and statement of issues. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before March 18, 1996 and reply comments on or before April 17, 1996. To file formally in this proceeding, you must file an original plus four copies of all comments, reply comments, and supporting comments. If

you want each Commissioner to receive a personal copy of your comments and reply comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W. Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, Federal Communications Commission, 1919 M Street N.W., Washington D.C. 20554.

13. It is further ordered that the Secretary shall send a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–3127 Filed 2–15–96; 8:45 am]

BILLING CODE 6712–01–P

---

47 CFR Part 90

[PR Docket No. 93–144; PP Docket No. 93–253; FCC 95–501]

Future Development of SMR Systems in the 800 MHz Frequency Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this Second Further Notice of Proposed Rule Making (*Second Further Notice*) in PR Docket No. 93–144, the Commission seeks comment on disaggregation of channel blocks and partitioning on the upper 200 channels of 800 MHz Specialized Mobile Radio (SMR) spectrum, certain aspects of mandatory relocation as adopted in the *First Report and Order* (*First R&O*) in PR Docket No. 93–144, and eligibility of Basic Exchange Telecommunications Radio Service (BETRS) operators for certain upper 200 channels. In addition, we propose to adopt service and competitive bidding rules for the lower 80 SMR channels and the General Category channels in the 800 MHz band. Further, we have redesignated the General Category channels for exclusive SMR use. The intended effect of this action is to facilitate future development of SMR systems in the 800 MHz band through implementation of streamlined licensing procedures and the use of competitive bidding.

DATES: Comments are to be filed on or before February 15, 1996, and Reply Comments are to be filed on or before March 1, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David Furth, or David Kirschner at (202) 418–0620.

SUPPLEMENTARY INFORMATION: This *Second Further Notice,* adopted December 15, 1995, and released December 15, 1995, is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street N.W., Washington, D.C. 20037 (telephone: (202) 857–3800).

I. Disaggregation of Channel Blocks on the Upper 200 Channels of 800 MHz SMR Spectrum

1. *Background.* In the *Further Notice of Proposed Rule Making* in PR Docket No. 93–144, 59 FR 60111 (November 22, 1994) (*Further Notice),* we asked commenters to address whether licensees should be allowed to sublicense portions of larger blocks instead of aggregating smaller blocks.

2. *Comments.* Total Com, AMTA, AMI and Motorola contend that licensees with service areas based on Economic Areas (EAs) established by the United States Department of Commerce, Bureau of Economic Analysis should be permitted to sublicense portions of their spectrum blocks. Motorola argues that allowing sublicensing on a spectrum basis would allow excess spectrum capacity to be made available for alternative uses and provide small SMR licensees with the opportunity to participate in the provision of wide-area service at levels commensurate with their business and customer interests and their financial resources. AMTA argues that such sublicensing should be permitted as long as construction and coverage requirements are satisfied, because such an approach would encourage development of bidding consortia of smaller operators, which otherwise might be incapable of participating in the competitive bidding process. Parkinson, *et al.* express concern that, by allowing sublicensing, an incumbent's operations unfairly and unreasonably would be restricted by the EA licensee.

3. *Discussion.* Given the extensive incumbent presence in the upper 10 MHz block of the 800 MHz SMR spectrum, we tentatively conclude that EA licensees should be permitted to disaggregate their spectrum blocks. We believe that this additional tool will enable EA licensees to manage their spectrum blocks more effectively and efficiently. We further believe that disaggregation not only will facilitate the coexistence of EA licensees and incumbents in the upper 200 channels, but also will result in the most efficient use of the 800 MHz SMR spectrum. We seek comment on this tentative conclusion.

4. As a general matter, we believe that any disaggregation agreements must comply with the Commission's pro-competitive policies. We propose that spectrum covered by an EA license may be sublicensed in either of two ways: (1) a group of licensees or entities may form bidding consortia to participate in auctions, and then disaggregate or partition the EA license(s) won among consortia participants; and (2) an EA licensee, through private negotiation and agreement before or after the auction, may elect to disaggregate or partition its spectrum block. We seek comment on this proposal.

5. Although we are interested in affording EA licensees optimal flexibility for spectrum management, we nonetheless do not want to undermine our goal to facilitate an effective and efficient wide-area licensing scheme. We ask commenters to discuss the conditions under which EA licensees should be permitted to disaggregate their spectrum blocks. Should EA licensees be required to retain a specified portion of their spectrum block, and if so, what is an appropriate amount? In addition, should there be a minimum amount of spectrum that EA licensees must disaggregate in order to utilize this spectrum management tool? Should geographic area licensees be permitted to disaggregate only after they have satisfied applicable construction and coverage requirements? We also ask commenters to discuss any other type of considerations applicable to disaggregation.

II. Partitioning on the Upper 200 Channels of 800 MHz SMR Spectrum

6. *Background.* In the *Eighth Report and Order* (*Competitive Bidding Eighth R&O*) in PP Docket No. 93–253 we adopted a partitioning option for rural telephone companies.

7. *Comments.* Nextel contends that smaller, local operators wishing to participate in wide-area service could become involved through arrangements with the EA licensee to partition its service area.