

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

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MASS MEDIA BUREAU PROVIDES FURTHER INFORMATION ON APPLICATION FILING PROCEDURES AND ANNOUNCES AVAILABILITY OF ELECTRONIC FILING FOR TWO-WAY MULTIPOINT DISTRIBUTION SERVICE AND INSTRUCTIONAL TELEVISION FIXED SERVICE

By this *Public Notice* and pursuant to the *Report and Order in MM Docket No. 97-217 and RM-9060*, 13 FCC Rcd 19112 (1998) (*Two-Way Order*), *recon.*, 14 FCC Rcd 12764 (1999), *further recon. pending*, the Mass Media Bureau provides further information regarding filing procedures for applications for Multipoint Distribution Service (MDS) and Instructional Television Fixed Service (ITFS) two-way high-power signal booster stations, response station hubs and I channel transmission licenses. These procedures may also be utilized for filing ITFS major modification applications.

Filing Procedures for All Applications

An initial filing window will open on Monday, August 14, 2000, and will remain open through Friday, August 18, 2000. This is postponed from the originally announced dates of July 3 through 10, 2000. *See Order in MM Docket No. 97-217*, DA 00-1401 (released June 23, 2000). Applications filed during this initial window will be deemed to have been filed as of the same day for purposes of Sections 21.909, 21.913, and 74.939(l) of the Commission's rules. These applications will not be treated as mutually exclusive, and it will be the responsibility of the parties to resolve any conflicts.

Each applicant filing for two-way authority will be required to certify that it has met all the requirements regarding interference protection to existing and prior proposed facilities. Each applicant will also be required to certify that it has served all potentially affected parties with copies of its application and its engineering materials. Such service may be made by regular mail. Engineering analyses must comply with the methodology of *MM Docket No. 97-217* that is set forth at <http://www.fcc.gov/mmb/vsd/files/methodology.doc> ["the Methodology"].

Applicants filing for two-way authority will file using the FCC Form 331. We encourage applicants to file electronically. Applications filed electronically will be automatically entered into the Mass Media Bureau's Broadband Licensing System (BLS), which automatically prepares a public notice of applications filed. Applications filed on paper will require data entry by Bureau staff and will

appear on public notice when data entry is complete. The FCC Form 331 can be accessed electronically at <http://haifoss.fcc.gov/prod/mmb/forms/index.htm> . A user guide can be accessed at http://haifoss.fcc.gov/prod/mmb/forms/blsef_ug.htm .

If not using the Electronic Filing System, an applicant shall file an FCC Form 331 with Mellon Bank.

For applicants filing electronically, the system supports immediate on-line payment of the fee via a web enabled FCC Form 159. When the Form 331 application has been successfully submitted for filing, the system will display the application reference number as well as the date and time of the successful submission. This page will also contain a link to the FCC Form 159. Applicants should click the Form 159 button to access the form. Follow the instructions to complete the form, most of which information is pre-filled. On successful completion of the Form 159, the user is given the option to pay online via credit card or to print the Form 159 and mail it with a check to Mellon Bank. Payment of application fees may also be made by electronic payment, provided prior approval has been obtained from the Commission.

All applicants shall submit the following to the Commission's Reference Room: (1) a duplicate of any FCC Form 331 filed with Mellon Bank; (2) the data required by the Methodology; and (3) any other submissions required by the Commission's rules. Data files submitted as required by the Methodology must be in ASCII format on either CD-ROM or 3.5-inch diskette media. A hard copy version of these data files is not required. Demonstrations and certifications may be in either hard copy or ASCII or PDF format on CD-ROM or 3.5-inch diskette media. If CD-ROM or 3.5-inch diskette media are used, no hard copy version is required. Applicants serving the data files, demonstrations, and certifications on other applicants and/or licensees will be required to do so using the same format(s) and media as used in their submissions to the Commission's Reference Room.¹

With respect to the submission of data and information required by the Methodology, we wish to clarify two minor issues that have arisen:

(1) Paragraph 79 of the Methodology requires that the *File Name* data field for applicants/licensees include the latitude and longitude of associated RSH specified to the nearest whole second. These entries for latitude and longitude should be derived from the actual coordinates of the RSH, which must be specified to the nearest tenth of a second of latitude and longitude, by simply leaving the seconds digit unchanged for tenths of 0, 1, 2, 3, and 4, and rounding the seconds digit up for tenths of 5, 6, 7, 8, and 9.

(2) Paragraph 106 of the Methodology requires, with respect to response stations, that the applicants/licensees specify "the maximum power (EIRP) they may emit." This specification should

¹ Several of the Commission's Rules currently require submission of the listed items to the Commission's copy contractor. Those Rules are waived and parties shall instead submit those items to the Reference Room. The requirements in those same rules that parties must file on 3.5 diskettes are also waived and parties shall be permitted to file on either the specified diskettes or using CD-ROMs.

be in dBW to 2 decimal places and should be normalized to a bandwidth of 6 MHz, irrespective of the actual bandwidth(s) contemplated for the response station(s). For example, if particular response station(s) will utilize 1 watt (0 dBW) EIRP within a 100 kHz channel width, the value specified in the data field for *Class Info* would be 17.78 (*i.e.* 1 watt per 100 kHz normalizes to 60 watts per 6 MHz, which equates to 17.78 dBW).

All applicants in their filings must specify the geographic coordinates of antenna sites based on 1983 North American Datum (NAD83). However, we will accept interference analyses based on NAD27 or NAD83 coordinates through August 18, 2000.

Basic Trading Area (BTA) holders filing for new response station hubs, or I channel stations should file utilizing the call sign of the BTA holder's existing station. When filing electronically, the Facility ID Number referenced in Section 1 of the Form 331 will be entered automatically by the filing system once the call sign is entered. If the BTA holder does not have an existing station license, a BTA holder may file utilizing the Application Reference Number from the BTA holder's Statement of Intention to make use of vacant MDS channels within the BTA.

ITFS applicants who file for modifications of their main station for other than two-way service should file on the FCC Form 330. Pursuant to Section 74.903 of the Commission's rules, only receive sites registered as of September 17, 1998 will receive interference consideration. Therefore, no new receive sites can be registered. Any receive site included in an application that was not registered as of September 17, 1998 will be deleted from the application and the application may be returned.

Filing Procedures for Applications Filed July 3-August 11, 2000

The Commission will permit MDS operators, beginning on July 3, 2000, and continuing through August 11, 2000, to file applications for two-way authority for Channels 1, 2, and 2A upstream. Such commercial applicants should have consents for downstream transmissions from all affected parties. Specifically, such applicants are required to obtain consents from all current licensees with systems within line of sight of the applicant's system. That is, if one or more stations (as represented by worst-case RSA grid points) within the applicant's system are within line of sight of any portion of any other system, then the applicant must secure consents from each of those system licensees which come within the mileage separation criteria of Section 21.909(d) of the Commission's rules. During this same period running from July 3, 2000 through August 11, 2000, ITFS operators may file for developmental authority to commence two-way service. The Commission will issue public notices announcing the filing of applications submitted. Petitions to deny such applications must be filed within sixty (60) days of such public notice. Applicants permitted to file during this period may not amend their applications once filed. Any amendment submitted will be treated as a new application filed on the date such amendment is submitted. Applicants who file during the July 3, 2000 through August 11, 2000 period shall be entitled to no greater interference protection than those applications that are filed during the August 14-18, 2000 filing window. Applicants filed during the July 3-August 11, 2000 period, as well as those

applications filed during the August 14-18, 2000 filing window, will receive protection rights as set forth in the *Two-Way Order*, 13 FCC Rcd at 19148.

For further information, please contact Charles Dziedzic or David Roberts at (202) 418-1600, Sharon Bertelsen at (202) 418-7057, Barrett Brick at (202) 418-1065, Nazifa Naim at (202) 418-7059, or Melvin Collins at (202) 418-1622.

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