

Educational, Noncommercial FM Station, Frequencies

Comments invited on proposed Table of Educational FM Assignments. See also Notice of Proposed Rulemaking in this Docket. (DO 20735)

F.C.C. 78-385

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

CHANGES IN THE RULES RELATING TO
NONCOMMERCIAL EDUCATIONAL FM
BROADCAST STATIONS

Docket No. 20735
RM-1974
RM-2655

FURTHER NOTICE OF PROPOSED RULEMAKING

(Adopted: June 7, 1978; Released: June 19, 1978)

BY THE COMMISSION:

1. The Commission has before it the *Notice of Proposed Rulemaking* in this proceeding and the filings made in response to it.

2. The proceeding was designed to explore a variety of legal, engineering and policy questions relating to the more efficient use of the spectrum space set aside for educational use. A number of these issues has been resolved by the *First Report and Order* and *Second Report and Order* adopted simultaneously with this document. One issue, that of the potential for interference to the reception of television Channel 6, is expected to be resolved in a *Report and Order* we hope to issue soon. Some of the remaining issues,¹ however, cannot be resolved as yet because additional information would be helpful for reaching the best solutions to difficult problems. Thus, this *Notice* is being issued in an effort to obtain this material and to aid commenting parties in focusing on the salient issues.

3. Originally, we expressed our belief that it was unlikely that a nationwide Table of Assignments could be developed for the FM Channels 201 through 220 which are set aside for educational use.² We had developed such a Table for use in the area near the Mexican border, but none existed for the rest of the country. Our doubts were not so much based on engineering problems involved in developing a Table (although these problems could well be considerable). Rather, we had serious questions about our being able to decide where the need was for the assignments. As we pointed out in developing the Table used for commercial FM assignments, we had been able to rely on the simple correlation between population and the need for (and, for that

¹As noted in the *Second Report and Order*, the issue we raised regarding the nature of the service to be provided by educational stations has been incorporated into a new proceeding we commenced to explore the issue of eligibility to become an educational licensee.

²In Alaska, these channels are not available for FM broadcasting and, as a result, separate channels as such have not been set aside for educational use. However, we have designated the individual channels assigned for educational purposes by use of an asterisk.

matter, ability to support) a commercial FM assignment. In the area of educational FM this correlation did not appear to exist. Nonetheless, we invited the Corporation for Public Broadcasting (the original petitioner) and any other parties to offer their suggestions in this regard.

4. CPB responded by submitting a proposed Table of Educational FM Assignments. Regardless of its merits, we would not wish to take so basic a step as adopting this or any other Table without having the benefit of substantial comment directly focused on it.³ That has not been possible yet since the CPB Table was not part of its submission which led to the *Notice*. Not only is the Table itself a new offering, it also incorporates a number of other suggestions made there for the first time, including changes in the classes of educational FM stations. The CPB Table utilizes three classes of stations with three subdivisions each, for a total of 9 types of stations. Although it is true that the *Notice* raised the issue of a Table and of changes in the classes of stations and/or changes in the facilities available to each class, this was done only in general terms. No specific proposal, as such, was offered beyond our observation that it might not be necessary for stations to be able to operate with the substantial height above average terrain now permitted for Class B and C stations. As we discovered, very few stations operate with the permissible heights above average terrain of 500 feet and 2,000 feet, respectively. That being the case, it was by no means clear that we needed to continue to permit these facilities if we established protection standards that would seek to insure a station's being able to increase its facilities to the maximum level. Also, if we acted to protect a station's ability to increase facilities through use of mileage separation requirements (as we do for commercial stations), we noted that the level of protection needs to bear a relationship to the realistic needs of the stations involved as well as the consequences for the establishment of other stations. The record on hand offers some assistance in this regard, but we feel that considerable benefit would result from inviting further comment on these allocations issues as well as on the CPB Table and its new classes of stations. Accordingly, comments are invited on the proposals set forth in the Appendix. The Appendix contains the CPB Table and an explanatory synopsis of its major features.*

5. Authority for the actions proposed here is contained in Sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments on or before January 2, 1979, and reply comments on or before February 15, 1979. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such reply comments shall be accompanied by a certificate of service. Further, members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading.

* See 43 FR 27691, June 26, 1978 for proposed table of Educational FM Assignments.

³ In fact, our engineering study suggests that at least some changes will necessarily have to be made in the Table even if it were adopted.

7. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO, *Secretary*.