

DEPARTMENT OF AGRICULTURE**Forest Service**

RIN 0596-AB60

Fee Schedule for Communications Facilities Authorized To Use and Occupy National Forest System Lands in Regions 8, 9, and 10

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy; request for public comment.

SUMMARY: The Forest Service proposes to adopt for the Southern and Eastern States and Alaska (Regions 8, 9, and 10, respectively) the same fee schedule and policies currently in effect for the Western States in Regions 1 to 6 for communications facilities authorized to use and occupy National Forest System lands. The Forest Service and the Bureau of Land Management in the Department of the Interior jointly developed identical fee schedules, the same definitions for use categories, and similar administrative procedures for administering and determining fees for communications uses, which are in effect in Regions 1 to 6 for the Forest Service and nationally for the Bureau of Land Management. The Forest Service fee schedule for Regions 1 to 6 was published as a final policy in the **Federal Register** October 27, 1995 (60 FR 55089), and the Bureau of Land Management schedule was published as a final rule November 13, 1995 (60 FR 57057). The proposed implementation of this fee schedule for Regions 8, 9, and 10 would complete the Forest Service efforts to establish annual fees for all communications uses on National Forest System lands that are consistent throughout all States, are based on sound business management principles, and reflect fair market value, as required by Title V of the Federal Land Policy and Management Act of 1976, the Independent Offices Appropriations Act of 1952, and the Office of Management and Budget Circular A-25. Public comment is invited.

DATES: Comments must be received in writing by October 10, 1997.

ADDRESSES: Send written comments to the Director, Lands Staff (2720), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090. The public may inspect comments received on this proposed policy in the Office of the Director, Lands Staff, 4th Floor-South, Auditors Building, 201 14th Street S.W., Washington, DC. Those who submit comments should be aware that all comments, including names and addresses when provided, are placed in

the record and are available for public inspection. To facilitate entrance into the building, those wishing to inspect comments are encouraged to call ahead at (202) 205-1367.

FOR FURTHER INFORMATION CONTACT: Mark Scheibel, Lands Staff, (202) 205-1264.

SUPPLEMENTARY INFORMATION:**Background**

Use of National Forest System lands for transmission of electronic signals, commonly called communications uses, is authorized by Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761-1771). This use involves buildings, towers, or other physical improvements built, installed, or established to support communications equipment.

From 1987 to 1992, through various notices in the **Federal Register**, the Forest Service began publishing final and revised fee schedules on a regional basis for selected categories of communications uses on sites serving rural areas. The notices explained the need for further analysis to complete the fee schedules for the remaining use categories. In the interim, on-site appraisals would determine commercial mobile radio and cellular telephone fees for sites serving urban areas (Los Angeles, Albuquerque, and Boise, for example) and for television and FM radio broadcast.

To forestall the effect of significant fee increases on authorization holders, especially in rural areas, Congress adopted administrative provisions in the Appropriations Acts for Interior and Related Agencies for fiscal years 1990 through 1994 preventing the Forest Service from raising fees over the amount in effect on January 1, 1989. In the fiscal year 1992 Appropriations Act, Congress extended the prohibition to include those authorizations issued by the Department of the Interior, Bureau of Land Management (BLM). In addition, the conference report for the Appropriations Act directed the Secretaries of Agriculture and Interior to establish a broad-based Radio and Television Broadcast Use Fee Advisory Committee (Advisory Committee). The Advisory Committee's charge was to review the schedules, with particular emphasis on their impact on rural communities in the Western United States.

The Forest Service and BLM entered into a joint agency agreement in April 1991 to develop parallel procedures and standards for establishing fair market rental values for communications uses on lands they administer. The objective

of the effort was to develop joint market-based fee schedules. At that time, the Forest Service decided to proceed with a fee schedule for only the Western States (Regions 1 to 6) and to develop fee schedules for the Southern and Eastern States and Alaska at a later date.

The Advisory Committee submitted its report to the Secretaries on December 11, 1992. The report made several recommendations: (1) Use of fee schedules instead of individual site appraisals to improve cost efficiency and administration, (2) acceptance of industry-recognized market ranking systems, (3) a phase-in period for rent increases greater than \$1,000, (4) collection of 25 percent of the gross sublease income received from tenants by facility owners, (5) issuance of a "footprint" lease in which only facility owners would hold authorizations, and (6) annual fee increases based on the Consumer Price Index (Urban Consumer, U.S. City Average).

On July 13, 1993, the Forest Service published a **Federal Register** notice (58 FR 37840) requesting public comments on a proposed fee schedule for the four categories of commercial uses previously excluded from the regional schedules. The uses included television broadcast, FM radio broadcast, commercial mobile radio, and cellular telephone uses. The adoption of a final revised fee schedule would complete the regional schedules in place in Forest Service Regions 1 through 6 in the Western United States. Additionally, the agency stated its intention that its fee schedule be fully consistent with that of BLM and acknowledged that BLM planned to issue a separate **Federal Register** notice proposing the use of fee schedules for all communications uses applicable to lands under its jurisdiction.

The Forest Service and BLM jointly reviewed and considered the comments received by the Forest Service on its July 1993 proposed policy (58 FR 37840, July 13, 1993), incorporating and adopting the comments as appropriate in the development of the BLM proposed rule. On July 12, 1994, BLM published a proposed rule in the **Federal Register** (59 FR 35596), requesting comments on amendments to its right-of-way regulations. The proposed rule contained procedures for setting fair market rent for communications uses on public land and established schedules and procedures for eleven categories of communications service.

The Forest Service and BLM developed the final fee schedule and similar policies and procedures for administering communications

authorizations using information gained from public responses to the proposed Forest Service policy (58 FR 37840, July 13, 1993) and the proposed BLM rule (59 FR 35596, July 12, 1994). The agencies also used the Advisory Committee report; the General Accounting Office report; discussions with hundreds of industry representatives and private lessors, commercial communications site managers, State and local government representatives, and appraisers; and nearly 2,000 confirmed private lease transactions. The final Forest Service fee schedule, policy, and procedures for communications fees for Regions 1 through 6 were issued as amendments to Forest Service Handbook (FSH) 2709.11, Special Uses Handbook, chapter 30, Fee Determinations, and chapter 40, Special Uses Administration (60 FR 55089, October 27, 1995).

Proposed Fee Schedule for Regions 8, 9, and 10

The proposed fee schedule and policy for communications uses in Regions 8, 9 and 10 are identical to the final policy and fee schedule implemented for Forest Service Regions 1 through 6 (60 FR 55089, October 27, 1995).

Regions 8, 9, and 10 used existing data gathered for developing the fee schedule in Regions 1 through 6 and additional data gathered in areas of concentrated uses in Regions 8, 9, and 10 to determine if this fee schedule implemented in Regions 1 through 6 is valid for the Southern and Eastern States and Alaska. Analysis of the market survey concluded that the fee schedule for Regions 1 through 6 is appropriate for use in Regions 8, 9, and 10.

Method for Determining Fees

The proposed method to determine fees in Regions 8, 9, and 10 is the method currently used in Regions 1 through 6 and set out in Forest Service Handbook (FSH) 2709.11, Special Uses Handbook, chapter 40, Special Uses Administration, section 48, Communications. The fee policy and schedule, including implementation, phase-in, and updating procedures, are included in FSH 2709.11, chapter 30, Fee Determinations, section 36.2, Communications Site Fee Schedule. The text of the proposed policy and the fee schedule in FSH 2709.11 are set forth at the end of this notice.

Fee Schedule

1. Categories of Use

The proposed fee schedule for Regions 8, 9 and 10 contains nine

categories of communications uses that are identical to the categories in the current fee schedule for Regions 1 to 6. These categories of uses include: (1) Television broadcast, (2) AM/FM radio broadcast, (3) cable television, (4) broadcast translators, low power television and low power FM radio, (5) commercial mobile radio service and facility manager, (6) cellular telephone, (7) private mobile radio service, (8) microwave, and (9) other communications uses. Two use categories, passive reflector and local exchange network, will remain as regional fee schedules.

2. Community Served

The current fee policy in Regions 1 through 6 contains criteria for determining the community served. The proposed fee schedule for Regions 8, 9, and 10 contains identical criteria as follows:

a. The fee schedule is based on a ranking of Ranally Metro Areas (RMAs) as identified in the current edition of the "Rand McNally Commercial Atlas and Marketing Guide." An RMA represents Rand McNally's definition of metropolitan areas in the United States. There are 452 RMAs, of which 417 have a population of 50,000 or more; 35 have a population near 50,000 and are included as RMAs because they include a central city of an official Metropolitan Statistical Area.

b. The fee is based on the location of the communications site and whether or not it serves an RMA, serves a community not listed as an RMA, or is in a remote, sparsely populated area that does not serve any individual community.

c. If the communications site serves an RMA, the fee is determined by the category of use and the population range on the schedule that includes the RMA population.

d. If the communications site serves a community not listed as an RMA, the fee is determined by the category of use and the population range on the schedule that includes the population for the largest community served by the site, as indicated in the current edition of the "Rand McNally Road Atlas."

e. If the communications site does not serve a community, the fee is based on the minimum scheduled fee for the type of facility and use. The fee schedule used for Regions 1 to 6 and proposed for Regions 8, 9, and 10 is shown in section 36.21, exhibit 01.

3. Fee Indexing

The fees for Regions 1 to 6, which the Forest Service proposes to apply to Regions 8, 9, and 10, are subject to an

annual index to ensure the fee is kept current with fair market value. The Forest Service found that use of an index is common practice in the private lease market. Accordingly, the Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers (CPI-U) is used as an annual index for communications site fees in the current schedule for Regions 1 to 6. Annual rents for communications site uses on private leases are linked to changes in the CPI-U instead of increases in land value. Because of inflation and time factors, use of the CPI-U could cause higher than normal increases in land rents in the private market. To offset potentially high increases in CPI-U and minimize any potential inflation of fees, the agency has to limit the CPI-U increases in the current schedule to no more than 5 percent per year.

4. Lease Authorization

Regions 8, 9, and 10 would utilize the same communications site lease, Form FS-2700-4a, already used by the Forest Service in Regions 1 through 6 and nationally by the Bureau of Land Management. This authorization allows the holder to lease space in the holder's facility to other communications users. The fee is determined by the highest value use in the facility (base fee), plus 25 percent of the schedule fee for the type of use and community served for all tenant uses. Additional provisions of the lease are as follows:

a. The lease authorizes tenant occupancy, if desired by the holder and consistent with site plans or agency direction, without prior written consent of the Forest Service.

(1) In a facility with tenants, the holder's base fee is determined by the use that generates the highest fee on the schedule (highest valued use) of any of the uses in the facility, excluding those uses that would qualify for a fee exemption and/or waiver. If the schedule fee for another use in the facility is higher than the holder's, the holder's use is subordinated for purposes of calculating total fees for the facility. By October 15 each year, the holder is required to provide the authorized officer with a certified statement listing the name and type of use for each occupant in the holder's facility on September 30 of that year.

(2) Uses defined as "customer" (including private (other) and internal (PMRS) categories), rental of space in a communications facility, and uses that would qualify for a fee exemption and/or waiver are not used to calculate total fees for the facility.

(3) An additional fee for tenant occupancy applies to all other use

categories in every population strata not identified in the preceding paragraph (2). The additional fee is calculated on 25 percent of the scheduled fee.

(4) The total fee for the facility is the base fee (the highest value use), plus the additional fee based on 25 percent of the schedule fee for all tenant uses in the facility. (These requirements are in sec. 36.21.)

b. The fee for a facility with no tenants is the schedule fee for the holder's category of use.

c. A tenant in a facility may hold a separate authorization at the full schedule fee based on the tenant's category of use. A tenant is defined in the policy as a communications user who rents space in a communications facility and operates communications equipment for the purpose of re-selling communications services to others for profit (sec. 48.1, para. 5).

d. The lease is transferable with prior approval of the authorized officer.

5. Phase-in of Fee Schedule

The Forest Service recognizes that the proposed implementation of the fee schedule could significantly raise fees for some permittees in Regions 8, 9, and 10. The agency thus proposes for Regions 8, 9, and 10 to phase in the fee schedule according to the same procedure already in place for Regions 1 to 6 as follows: Fee increases of \$1,000 or more would be phased in over a 5-year period, with a maximum increase of \$1,000 in year one of implementation of the schedule. The balance would be phased in during years two through five. The full fee, as indicated in the fee schedule, plus adjustments based on annual CPI-U indexing and changes in tenant uses, would be reached in the fifth year. The phase-in policy does not apply for new uses (new construction).

As stated in the proposed policy for Regions 1 to 6, the reason for phasing in the fee schedule is to minimize the possible significant economic burden on users (58 FR 37840, July 13, 1993). The agency also recognizes that a phase-in policy results in reduced receipts to the Treasury in the initial years of the fee schedule implementation. However, the agency believes that the magnitude of some fee increases under the proposed fee schedule, due in part to the length of time the fee schedule has been under development and debate, and its decision to change the method of determining fair market value to obtain more accurate fees, could impose an economic burden on some permittees with an associated risk of adverse impact on their business. A phase-in policy minimizes this risk to the permittee.

The following is an example of a phase-in fee schedule:

Year 1 (1998):

$\$700 + \$1,000 = \$1,700$

Year 2 (1999):

$(\$1,700 + \$250) \times 1.02 = \$1,989$

Year 3 (2000):

$(\$1,989 + \$250) \times 1.02 = \$2,284$

Year 4 (2001):

$(\$2,284 + \$250) \times 1.02 = \$2,584$

Year 5 (2002):

$(\$2,584 + \$250) \times 1.02 = \$2,891$

Year 6 (2003):

$(\$2,891 + \$0) \times 1.02 = \$2,949$

This example of a phase-in fee schedule assumes a 2 percent increase each year in the CPI-U.

6. Reevaluation of Fee Schedule

The policy in effect for Regions 1 to 6, which the Forest Service proposes to adopt in Regions 8, 9, and 10, provides for review and updating of the communications fee schedule no later than 10 years from the date of implementation, and at least every 10 years thereafter, to ensure the fees reflect fair market value (60 FR 55097). Each holder's annual fee established as a result of this schedule would be reviewed.

7. Other Provisions of the Policy

The policy for Regions 1 to 6, which the Forest Service proposes to adopt for Regions 8, 9, and 10, allows exceptions to the fee schedule in certain situations. The fee policy for Regions 1 through 6 provides that the authorized officer may deviate from the schedule and use other methods, including appraisals and competitive bids, to determine fair market value fees for communications uses when one or more of the following criteria applies (FSH 2709.11, sec. 36.21a):

a. The fee or use is not covered by the fee schedule.

b. The fee has been or will be established through competitive bid or appraisal and will be updated in accordance with the terms and conditions of the authorization.

c. The Regional Forester concurs with the authorized officer that the communications site serves a population of 1 million or more and the expected fee for the communications use is more than \$10,000 above the established fee schedule.

d. The expected fee exceeds the schedule rate fee by five times or more.

Fee waivers and exemptions are allowed but must follow the policy addressing all land uses, as set forth in FSH 2709.11, chapter 30 and Forest Service Manual (FSM) chapter 2710, section FSM 2715. The authority to set

criteria for and grant exemptions from fees is either reserved to Federal agencies or set by law. The authorized officer determines fee waivers on a case-by-case basis and may grant a fee waiver when it is equitable and in the public interest.

Summary

The Forest Service is proposing to implement the same fee schedule and policies in the Southern and Eastern States and Alaska (Regions 8, 9, and 10, respectively) as are currently in use in the Western United States (Regions 1 through 6). The agency believes the proposed fee schedule meets the statutory and regulatory requirements to obtain fair market value fees from authorized commercial and private communications uses on National Forest System lands, and that its adoption would be in the public interest.

If this fee schedule is adopted for Regions 8, 9, and 10, it would place most communications uses on National Forest System lands in these Regions under a fee schedule. Exceptions to use of the fee schedule would be allowed in certain situations. It is the agency's intention that its fee schedule for Regions 8, 9, and 10 be fully consistent with the schedule currently implemented in Regions 1 through 6 (60 FR 55089, October 27, 1995) and with the corresponding fee schedule for lands under the jurisdiction of the Bureau of Land Management (60 FR 57057, November 13, 1995).

Controlling Paperwork Burdens on the Public

This policy does not contain any record keeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 which are not already required by law or not already approved for use. The information collection being requested as a result of this action has been approved by OMB (Number 0596-0082, expiration date June 30, 1999). Accordingly, further review is not required under provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), and implementing regulations at 5 CFR part 1320 do not apply.

Environmental Impact

This proposed policy would establish a fee schedule to guide the administrative process of calculating annual fees to be charged holders of authorizations for communications uses on National Forest System lands in Forest Service Regions 8, 9, and 10 (Southern and Eastern States and

Alaska, respectively). The existing regional fee schedules for communications uses in Regions 8, 9, and 10 would be replaced by the fee schedule already in effect for the Western States in Regions 1 to 6. Upon adoption of a final fee schedule, individual authorization holders would be notified of the changes in their annual fees.

Section 31.1b of Forest Service Handbook 1909.15 (57 FR 43180, September 18, 1992) excludes from documentation in an environmental assessment or impact statement, "rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions." The agency's preliminary assessment is that this policy falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement. A final determination will be made upon adoption of the final policy.

Regulatory Impact

This proposed policy has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is not a significant policy. This policy will not have an annual effect of \$100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This policy will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this action will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients of such programs. Accordingly, this proposed policy is not subject to OMB review under Executive Order 12866.

Moreover, this proposed policy has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and it has been determined that this action will not have a significant economic impact on a substantial number of small entities as defined by that act. The phase-in of annual fees proposed in this notice will allow small entities to adjust to the new fees over a period of time, and thus minimize the risk of adverse impact on some businesses because of the magnitude of the increases in some fees.

No Takings Implications

This policy has been analyzed in accordance with the principles and criteria contained in Executive Order 12630, and it has been determined that

the policy does not pose the risk of a taking of Constitutionally protected private property.

Civil Justice Reform Act

This proposed policy has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed policy were adopted, (1) all State and local laws and regulations that are in conflict with this proposed policy or which would impede its full implementation would be preempted; (2) no retroactive effect would be given to this proposed policy; and (3) it would not require administrative proceedings before parties may file suit in court challenging its provisions.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, the Department has assessed the effects of this policy on State, local, and tribal governments and the private sector. This policy does not compel the expenditure of \$100 million or more by any State, local, or tribal governments or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Dated: July 8, 1997.

Robert C. Joslin,
Acting Chief.

Note: The Forest Service organizes its directive system by alpha-numeric codes and subject headings. Only those sections of the Forest Service Handbook (FSH) 2709.11, Special Uses Handbook, including policy direction that is the subject of this notice are set out here. The intended audience for this direction is Forest Service employees charged with issuing and administering communications use authorizations. The text of the proposed policy and fee schedule follows:

FSH 2709.11—Special Uses Handbook

Chapter 30—Fee Determination

36.2—Communications Site Fee Schedule. This section provides direction for use of the fee schedule for communications uses on National Forest System lands.

36.21—Determination of Fees. The authorized officer shall request that the holder provide a certified statement by October 15 of each year containing a list of tenants, by category of use, in the facility on September 30 of that year.

Calculate the annual fee using the fee schedule (ex. 01) and the population strata based on the Ranally Metro Area (RMA) population and city listing (ex. 02). The fee schedule provides fees by category of use and population. See § 36.21a for exceptions to using the fee schedule.

1. Consider the following when determining fees:

a. If the communications site serves an RMA community (ex. 02), determine the fee by the category of use and the corresponding population range on the fee schedule (ex. 01).

b. If the communications site does not serve a listed RMA community (ex. 02), determine the fee based on the population of the largest community (according to the most current "Rand McNally Road Atlas") served by the site.

c. If the communications site does not serve a community, determine the fee based on the lowest schedule fee (ex. 01) for the category of use, except in situations described in § 36.21a.

d. Consider co-owned AM and FM stations located in the same facility as two radio stations in determining fees.

e. Do not apply the 25 percent schedule rate for customers (sec. 48.1, para. 5), including internal and private users, renting space in a communications facility.

2. Apply the fee schedule to communications uses providing the following services:

a. *Television Broadcast.* (Sec. 48.11a of this Handbook).

b. *AM and FM Radio Broadcast.* (Sec. 48.11b).

c. *Cable Television.* (Sec. 48.11c).

d. *Broadcast Translator, Low Power Television, and Low Power FM Radio.* (Sec. 48.11d).

e. *Commercial Mobile Radio Service (CMRS) and Facility Manager.* (Sec. 48.12a).

f. *Cellular Telephone.* (Sec. 48.12b).

g. *Private Mobile Radio Service.* Stand alone operations only. (Sec. 48.12c).

h. *Microwave.* Common carrier microwave relay and industrial microwave. (Sec. 48.12d).

i. *Other Communications Uses.* Stand alone operations only. This category includes the following uses: amateur radio; personal/private receive only; and natural resource and environmental monitoring. (Sec. 48.13).

3. Except for fees that apply to a facility manager (para. 4), assess fees for all the preceding uses in paragraphs 2a to 2i providing space to tenants as follows:

a. Determine a base fee from the schedule rate fee for the building owner or the use generating the highest schedule fee in the facility. If a facility owner's fee is equal to or greater than any other schedule fee in the facility, the facility owner's use is the base fee. If the highest schedule fee is a "tenant" fee, the "tenant" fee becomes the base fee and the facility owner's schedule rate fee is used as a tenant fee for calculating additional fees (following para. b).

b. Add 25 percent of the schedule fee for each "tenant" (ex. 01). Include 25 percent of the building owner's schedule fee if it is not the highest fee and, therefore, not used as the base fee.

Sample fee calculations are provided as follows:

Example 1: A communications facility serving an RMA population area of 200,000, with a CMRS provider (building owner), one TV broadcaster, two FM broadcasters, one cellular telephone, and two private mobile radio users.

Base fee=\$6,000 (TV broadcast is the highest value use in the facility) + \$750 (25% CMRS provider (building owner) + \$2,000 (25% of two FM broadcasters) + \$1,000 (25% cellular telephone) + \$0.00 (no charge for PMRS)=Total fee for the facility: \$9,750.

Example 2: A communications facility serving an RMA population area of 800,000, with a TV station (building owner), one FM broadcaster, and three private mobile radio users.

Base fee=\$14,000 (TV broadcast is the highest value use in the facility) + \$2,500 (25% FM broadcaster) + \$0.00 (no charge for PMRS)=Total fee for the facility: \$16,500.

4. Fees for facility managers are calculated differently from other uses. Facility managers provide space for other communications uses; they do not directly provide communications services to others. Determine the base fee as described in the preceding paragraph. If a facility manager's fee is equal to or greater than any other schedule fee in the facility, the facility manager's use is the base fee. However, if the highest valued schedule fee for the facility is not the facility manager's, do not "substitute" the 25 percent facility manager fee for the tenant fee used for the base fee.

Sample fee calculations for facility manager uses are provided as follows:

Example 1: A facility manager serving an RMA population area of 200,000, with three microwave providers and two amateur radio operators.

Base fee=\$3,000 (the facility manager schedule rate is the highest valued use in the facility) + \$1,500 (25% three microwave users) + \$0.00 (no charge for amateur radio)=Total fee for the facility: \$4,500.

Example 2: A facility manager serving an RMA population area of 800,000, with a TV station, three FM broadcasters, and three private mobile radio users.

Base fee=\$14,000 (TV broadcast is the highest value use in the facility) + \$7,500 (25% FM broadcaster) + \$0.00 (no charge for PMRS)=Total fee for the facility: \$21,500.

5. Charge a full fee based on the type of use and population served and complete a separate authorization, Form FS-2700-4, Special Use Permit, for tenants and customers in Federal facilities.

6. Authorize and bill separately for stand-alone facilities under different ownerships that depend on each other. For example, Holder A owns a communications tower (no building); Holder B owns a communications building (no tower). Because each facility is dependent upon the other, Holder A and Holder B share common tenants and customers as occupants in their facilities. In these situations, consider each improvement as a separate facility and calculate a fee based on the fee schedule and policy.

36.21a—Exceptions to Fee Schedule. Fees not established by use of the fee schedule shall be based on comparative market surveys, appraisals, or other reasonable methods. All such fee determinations shall be documented, supported, and approved by the authorized officer. The following are exceptions to the fee schedule:

1. The fee or use is not covered by the fee schedule.

2. The fee has been or will be established through competitive bid or appraisal and will be updated in accordance with the terms and conditions of the authorization.

3. The Regional Forester concurs with the authorized officer's determination that the communications site serves a population of 1 million or more and the expected fee for the communications use is more than \$10,000 above the established fee schedule.

4. The expected fee exceeds the schedule rate fee by 5 times or more.

36.22—Phase-in of Fees. Fees for new uses (new construction) do not qualify for a phase-in. For existing uses, phase in first-year increases in fees of more than \$1,000 over a 5-year period. For example, if the current total fee is \$700, and the new total fee is \$2,700, calculate the 5-year phase-in as follows:

1. *Year 1.* \$700 (current total fee in preceding year)+\$1,000 (limit of first year increase)=\$1,700 (first year's fee);

2. *Year 2.* [\$1,700 (first year fee)+\$250 (1/4 of remaining increase (\$1,000)

greater than \$1,000)] $\times 1.02^* = \$1,989$ (second year's fee);

3. *Year 3.* [\$1,989 (second year's fee)+\$250 (1/4 of remaining increase (\$1,000) greater than \$1,000)] $\times 1.02^* = \$2,284$ (third year's fee);

4. *Year 4.* [\$2,284 (third year's fee)+\$250 (1/4 of remaining increase (\$1,000) greater than \$1,000)] $\times 1.02^* = \$2,584$ (fourth year's fee);

5. *Year 5.* [\$2,584 (fourth year's fee)+\$250 (1/4 of remaining increase (\$1,000) greater than \$1,000)] $\times 1.02^* = \$2,891$ (fifth year's fee);

6. *Year 6.* Phase-in of the fee schedule has been completed. In year six calculate fees on the building inventory and new fee schedule. In succeeding years, apply only the CPI-U to the previous year's fee and adjust to reflect changes in building inventory if necessary.

36.23—Updating Fee Schedule. The Director of Lands, Washington Office, shall update the fee schedule (sec. 36.21, ex. 01) annually, based on the CPI-U published in July of each year. Annual adjustments based on the CPI-U shall be limited to 5 percent. The Director of Lands shall review the fee schedule no later than 10 years after the date of implementation of this schedule, and at least every 10 years thereafter, to ensure that fees reflect fair market value.

The Director of Lands shall review and update the RMA city and population table (sec. 36.21, ex. 02) annually.

36.24—Fee Waivers and Exemptions. For direction on fee waivers and exemptions, see sections 31.2 through 31.4.

36.25—Fee Adjustment for Required Free Use. In no circumstance require a private holder to provide free space to Federal agencies or any other entity. In order to rectify past situations in which the Forest Service required the holder to provide free rental space, discount the annual fee by the same percentage that the entity receiving free use occupies (in square feet) in that building. For example, if the Forest Service previously required a building owner to provide free use for 20 percent of the building, discount the annual fee by 20 percent. Such a discount is valid for the period of time specified in an existing agreement between the parties.

BILLING CODE 3410-11-P

* Assumed 2 percent increase each year in the United States Department of Labor Consumer Price Index for All Urban Consumers—U.S. City Average (CPI-U).

36.21 - Exhibit 01

FEE SCHEDULE FOR COMMUNICATIONS USES

Billing Year 1997

POPULATION	TELEVISION	AM/FM RADIO *	CABLE TELEVISION	BROADCAST TRANSLATOR/ LPTV/LPFM	CMRS/ FACILITY MANAGER	CELLULAR TELEPHONE	PRIVATE MOBILE RADIO SERVICE	MICROWAVE	OTHER	PASSIVE REF. & LOCAL EXCH. NETWORKS	SAMPLE RMA'S
5,000,000 plus	\$46,350.00	\$35,020.00	INSUFFICIENT	INSUFFICIENT	\$12,360.00	\$12,360.00	\$10,300.00	\$10,300.00	\$77.25		Los Angeles, CA
2,500,000 to 4,999,999	\$30,900.00	\$21,630.00	MARKET DATA	MARKET DATA	\$10,300.00	\$10,300.00	\$6,180.00	\$8,240.00	\$77.25		Seattle, WA
1,000,000 to 2,499,999	\$18,540.00	\$14,420.00	FEE TO BE DETERMINED	FEE TO BE DETERMINED	\$8,240.00	\$8,240.00	\$6,180.00	\$7,210.00	\$77.25	FEES	Phoenix, AZ San Diego, CA Portland, OR Riverside, CA
500,000 to 999,999	\$14,420.00	\$10,300.00	BY APPRAISAL OR OTHER METHODS	BY APPRAISAL OR OTHER METHODS	\$5,150.00	\$6,180.00	\$4,120.00	\$5,665.00	\$77.25	THESE	Las Vegas, NV Salt Lake City, UT Tucson, AZ
300,000 to 499,999	\$12,360.00	\$8,240.00	BY APPRAISAL OR OTHER METHODS	BY APPRAISAL OR OTHER METHODS	\$4,120.00	\$5,150.00	\$2,575.00	\$2,575.00	\$77.25	USES	Albuquerque, NM Bakersfield, CA Spokane, WA
100,000 to 299,999	\$6,180.00	\$4,120.00	\$2,472.00	\$2,472.00	\$3,090.00	\$4,120.00	\$2,060.00	\$2,060.00	\$77.25	ARE DETERMINED	Boise, ID Anchorage, AK Reno, NV Palm Springs, CA Yakima, WA Yuma, AZ Billings, MT
50,000 to 99,999	\$3,090.00	\$2,060.00	\$1,236.00	\$1,236.00	\$1,236.00	\$3,090.00	\$1,030.00	\$1,545.00	\$77.25	BY	Las Cruces, NM Grand Junction, CO Idaho Falls, ID Missoula, MT Santa Fe, NM Pocatello, ID Farmington, NM Roswell, NM Butte, MT
25,000 to 49,999	\$1,545.00	\$1,236.00	\$1,030.00	\$515.00	\$1,030.00	\$2,575.00	\$618.00	\$1,545.00	\$77.25	EACH	
LESS THAN 25,000	\$1,236.00	\$927.00	\$618.00	\$103.00	\$618.00	\$2,575.00	\$360.50	\$1,545.00	\$77.25	REGION	

*FEE FOR AM RADIO IS 70% OF THE FM SCHEDULED FEE

Index Factor: 1.0300

36.21 - Exhibit 02

LISTING OF CITIES BY POPULATION STRATA

5,000,000 plus	2,500,000 to 4,999,999	1,000,000 to 2,499,999	500,000 to 999,999
Chicago, IL-IN-WI Los Angeles, CA New York, NY-NJ-CT (incl. Newark, NJ) and Danbury, CT) Philadelphia, PA- NJ-DC-MD (incl. Trenton, NJ Wilmington, DE, Coatesville, PA San Francisco, CA (incl. Antioch, Oakland, and San Jose)	Atlanta, GA Boston, MA-NH (incl. Brockton Haverhill, Lawrence, Salem and Lowell, MA and Nashua, NH) Dallas, TX (incl. Fort Worth) Detroit, MI-CAN (incl. Ann Arbor, MI and Windsor, CAN) Houston, TX Miami, FL (incl. Ft. Lauderdale) San Diego, CA- MEX (incl. Tijuana, MEX) Seattle, WA (Tacoma) Wash, DC-MD-VA	Baltimore, MD Buffalo, NY-CAN (incl. St. Cathannes- Niagara Falls, CAN) Cincinnati, OH-KY-IN Cleveland, OH Columbus, OH Denver, CO El Paso, TX-NM-MEX (incl. Ciudad Juarez, MEX) Hartford, CT (incl. New Britain) Indianapolis, IN Kansas City, MO-KS Milwaukee, WI Minneapolis, MN-WI (incl. St. Paul, MN) New Orleans, LA Norfolk, VA (incl. Portsmouth) Phoenix, AZ Pittsburg, PA Portland, OR Riverside, CA (incl. San Bernadino) Sacramento, CA St. Louis, MO-IL St. Petersburg, FL (incl. Clearwater) San Antonio, TX San Diego, CA	Akron, OH Albany, NY (incl. Schenectady, and Troy) Albuquerque, NM Allentown, PA-NJ (incl. Bethlehem, PA) Austin, TX Birmingham, AL Calexico, CA-MEX (incl. Mexicali, MEX) Charlotte, NC-SC Dayton, OH El Paso, TX-NM Flint, MI Fresno, CA Grand Rapids, MI Honolulu, HI Jacksonville, FL Knoxville, TN Las Vegas, NV Louisville, KY-IN McAllen, TX (incl. Reynosa, MEX and Edinburg, TX) Memphis, TN-AR-MS Nashville, TN New Haven, CT Oklahoma City, OK Omaha, NE-NE Orlando, FL Providence, RI-MA Raleigh, NC Richmond, VA (incl. Petersburg) Rochester, NY Salt Lake City, UT Springfield, MA Syracuse, NY Tampa, FL Toledo, OH-MI Tucson, AZ West Palm Beach, FL

36.21 - Exhibit 02--Continued

LISTING OF CITIES BY POPULATION STRATA

300,000 to 499,999	100,000 to 299,999			
Augusta, GA-SC	Abilene, TX	Fayetteville, AR	Monroe, LA	Springfield, IL
Bakersfield, CA	Albany, GA	(incl. Springdale)	Monterey, CA	Springfield, MO
Baton Rouge, LA	Altoona, PA	Fayetteville, NC	(incl. Seaside)	Springfield, OH
Beaumont, TX	(incl. Bethlehem)	Fitchburg, MA	Montgomery, AL	Steubenville, OH-WV
(incl. Port Arthur)	Amarillo, TX	(incl. Leominster)	Muncie, IN	(incl. Weirton, WV)
Bridgeport, CT	Anchorage, AK	Fort Collins, CO	Muskegon, MI	Tallahassee, FL
Brownsville, TX-MEX	Anderson, IN	(incl. Loveland)	Myrtle Beach, SC	Terre Haute, IN
(incl. Matamoros, MEX)	Appleton, WI	Fort Myers, FL	(incl. Conway)	Topeka, KS
Canton, OH	Asheville, NC	(incl. Cape Coral)	Naples, FL	Tuscaloosa, AL
Charleston, SC	Athens, GA	Fort Pierce, FL	New Bedford, MA	Tyler, TX
Chattanooga, TN-GA	Atlantic City, NJ	Fort Smith, AK-OK	Newburgh, NY	Utica, NY
Colorado Springs, CO	Battle Creek, MI	Fort Walton Bch, FL	New London, CT-RI	(incl. Rome)
Columbia, SC	Billings, MT	Frederick, MD	(incl. Norwich, CT)	Vineland, NJ
Corpus Christi, TX	Biloxi, MI	Gainesville, FL	Nogales, AZ-MEX	Visalia, CA
Des Moines, IA	(incl. Gulfport)	Galveston, TX	(incl. Nogales, MX)	Waco, TX
Fort Wayne, IN	Binghamton, NY-PA	(incl. Texas City)	Ocala, FL	Waterbury, CT
Greensboro, NC	Bloomington, IL	Gastonia, NC	Oceanside, CA	Waterloo, IA
(incl. High Point)	(incl. Normal)	Green Bay, WI	Odessa, TX	Wheeling, WV-OH
Greenville, SC	Bloomington, IN	Hagerstown, MD-PA-WV	Ogden, UT	Wichita Falls, TX
Harrisburg, PA	Boise, ID	Harlingen, TX	Olympia, WA	Williamsport, PA
Jackson, MS	Boulder, CO	Hemet, CA	Palm Springs, CA	Wilmington, NC
Johnson City, TN-VA	(incl. Longmont)	Hickory, NC	Panama City, FL	Winter Haven, FL
(incl. Kingsport and Bristol)	Bremerton, WA	Houma, LA	Peoria, IL	Yakima, WA
Lansing, MI	Brownsville, TX	(incl. Thibodaux)	Port Huron, MI-CAN	York, PA
Laredo, TX-MEX	Bryan, TX	Huntington, WV-KY-OH	(incl. Sarnia, CAN)	Yuma, AZ-CA
(incl. Nuevo Laredo, MEX)	(incl. College Station)	Huntsville, AL	Portland, ME	
Little Rock, AR	Burlington, NC	Jackson, MS	Portsmouth, NH-ME	
McAllen, TX	Burlington, VT	Jacksonville, NC	(incl. Dover and	
(incl. Edinburg)	Cedar Rapids, IA	Johnstown, PA	Rochester, NH)	
Madison, WI	Champaign, IL	Kalamazoo, MI	Poughkeepsie, NY	
Melbourne, FL	(incl. Urbana)	Kannapolis, NC	Provo, UT	
(incl. Cocoa)	Charleston, WV	(incl. Concord)	(incl. Orem)	
Mobile, AL	Clarksville, TN-KY	Kenosha, WI	Pueblo, CO	
Newport News, VA	Columbus, GA-AL	Killeen, TX	Racine, WI	
(incl. Hampton)	Corvallis, OR	Lafayette, IN	Reading, PA	
Oxnard, CA	(incl. Albany)	(incl. W. Lafayette)	Redding, CA	
(incl. Ventura)	Davenport, IA-IL	Lafayette, LA	Reno, NV	
Pensacola, FL	(incl. Rock Island	Lake Charles, LA	Richland, WA	
Rockford, IL-WI	and Moline, IL)	Lakeland, FL	(incl. Kennewick	
Saginaw, MI	Daytona Beach, FL	Lancaster, PA	and Pasco)	
(incl. Bay City and Midland)	Decatur, IL	Laredo, TX	Roanoke, VA	
Sarasota, FL	Duluth, MN-WI	Lexington, KY	Salem, OR	
(incl. Bradenton)	Durham, NC	Lima, OH	Salinas, CA	
Scranton, PA	(incl. Chapel Hill)	Lincoln, NE	Santa Barbara, CA	
(incl. Wilkes-Barre)	Elkhart, IN-MI	Longview, TX	Santa Cruz, CA	
Spokane, WA-ID	Erie, PA	Lubbock, TX	Santa Rosa, CA	
Wichita, KS	Eugene, OR	Lynchburg, VA	Sault Ste. Marie,	
Winston-Salem, NC	Evansville, IN-KY	Macon, GA	MI-CAN (incl. Sault	
Worcester, MA	Fairfield, CA	Manchester, NH	Ste. Marie, CAN)	
Youngstown, OH-PA	(incl. Vacaville)	Mansfield, OH	Savannah, GA	
(incl. Warren, OH)	Fall River, MA-RI	Medford, OR	Shreveport, LA-TX	
	Fargo, ND-MN	Merced, CA	Sioux City, IA-NE-SD	
	(incl. Moorehead	Middletown, OH	Sioux Falls, SD	
	MN)	Midland, TX	South Bend, IN-MI	
		Modesto, CA	Spartanburg, SC	

36.21 - Exhibit 02--Continued

LISTING OF CITIES BY POPULATION STRATA

50,000 to 99,999			25,000 to 49,999	Less than 25,000
Alexandria, LA	Goldsboro, NC	New Castle, PA	Amherst, MA	Callexico, CA
Alliance, OH	Grand Forks, ND-MN	New Ikena, LA	Ashtabula, OH	Nogales, AZ
Ames, IA	Grand Junction, CO	Newport, RI	Bartlesville, OK	Sault Ste. Marie,- MI
Anderson, SC	Great Falls, MT	Oshkosh, WI	Brunswick, ME (incl. Bath)	
Annapolis, MD	Greeley, CO	Owensboro, KY	Burlington, IA	
Anniston, AL	Hanover, PA	Paducah, KY-IL	Butte, MTIA-IL	
Auburn, AL (incl. Opelika)	Hattiesburg, MS	Parkersburg, WV-OH	Clinton, IA-IL	
Auburn, NY	Hazleton, PA	Pascagoula, MS-AL	Clovis, NM	
Augusta, ME	Hilo, HI	Pine Bluff, AR	E. Liverpool, OH-WV	
Bangor, ME	Holland, MI	Pittsfield, MA	Enid, OK	
Beckley, WV	Hot Springs, AR	Pocatello, ID	Findley, OH	
Bellingham, WA	Idaho Falls, ID	Porterville, CA	Fort Dodge, IA	
Benton Harbor, MI (incl. St. Joseph)	Iowa City, IA	Port Huron, MI	Galesburg, IL	
Bismark, ND	Ithaca, NY	Portsmouth, OH-KY	Grand Island, NE	
Bowling Green, KY	Jackson, TN	Pottstown, PA	Greenville, MS	
Brunswick, GA	Jamestown, NY	Pottsville, PA	Hopkinsville, KY	
Butler, PA	Janesville, WI	Quincy, IL	Hutchinson, KS	
Cape Girardeau, MO	Jefferson City, MO	Rapid City, SD	Laurel, MS	
Carbondale, IL	Jonesboro, AR	Richmond, IN-OH	Leavenworth, KS	
Carlisle, PA	Joplin, MO-KS	Rochester, MN	Lewiston, ID-WA	
Casper, WY	Kankakee, IL	Rock Hill, SC	Manhattan, KS	
Charlottesville, VA	Kingston, NY	Rocky Mount, NC	Mankato, MN	
Cheyenne, WY	Kokomo, IN	Rome, GA	Marietta, OH-WV	
Chico, CA	La Crosse, WI-MN	Roswell, NM	Marshall, TX	
Clarkburg, WV	Lancaster, OH	Rutland, VT	Minot, ND	
Cleveland, TN	Las Cruces, NM	St. Cloud, MN	Natchez, MS-LA	
Columbia, MO	Latrobe, PA	St. Joseph, MO-KS	Northampton, MA	
Columbus, IN	Lawrence, KS	Salisbury, MD-DE	Oil City, PA (incl. Franklin)	
Columbus, MS	Lawton, OK	Salisbury, NC	Salina, KS	
Concord, NH	Lebanon, PA	San Angelo, TX	Stillwater, OK	
Cumberland, MD-WV	Lewiston, ME (incl. Auburn)	Sandusky, OH	Vicksburg, MS-LA	
Danville, IL	Lockport, NY	Santa Fe, NM	Waterville, ME	
Danville, VA-NC	Logan, UT	Sharon, PA-OH		
Davis, CA	Lompoc, CA	Sheboygan, WI		
Decatur, AL	Longview, WA-OR	Sherman, TX (incl. Denison)		
De Kalb, IL	Lufkin, TX	State College, PA		
De Land, FL	Manitowoc, WI	Sumter, SC		
Dothan, AL	Marion, IN	Taunton, MA		
Dover, DE	Marion, OH	Temple, TX		
Dubuque, IA-WI-IL	Martinsville, VA	Texarkan, TX-AR		
Eau Claire, WI	Meridian, MS	Titusville, FL		
Elmira, NY	Michigan City, IN-MI	Torrington, CT		
Eureka, CA (incl. Arcata)	Middletown, NY	Uniontown, PA		
Fairbanks, AKM	Missoula, MT	Valdosta, GA		
Fairmont, WV (incl. Barre)	Monroe, MI	Venice, FL		
Farmington, NM	Montpelier, VT	Victoria, TX		
Florence, AL	Morgantown, WV-PA	Washington, PA		
Florence, SC	Morristown, TN	Watertown, NY		
Fond du Lac, WI	Murfreesboro, TN	Watsonville, CA		
Freeport, TX (incl. Lake Jackson)	Muskogee, OK	Wausau, WI		
Gadsden, AL	Nampa, ID	Yuba City, CA (incl. Marysville)		
Glen Falls, NY	(incl. Caldwell)	Zanesville, OH		
	Napa, CA			
	Newark, OH			

Chapter 40—Special Uses Administration

48—Communications.

48.1—Communications Uses. This special-uses group includes a variety of communications use categories which utilize National Forest System lands. Typically the use occurs on a designated site and includes buildings, towers, and other support improvements.

1. **Authority.** Authorizations for all communications uses are issued under the authority of the Act of October 21, 1976 (43 U.S.C. 1761). This authority must be cited on all authorizations issued for communications uses.

2. **Objectives.** The objectives of communications use management are to authorize only those uses which meet forest land and resource management plan objectives; to facilitate the orderly development of sites to provide a safe and high quality communications environment; to maximize efficient use of the communications site; and to collect fair market value fees for communications uses on National Forest System lands.

3. **Policy.** Except for single uses which involve minor development (such as personal receive only use, resource monitoring use, or temporary use), communications sites must be designated before a new authorization for communications use can be issued. Communications site designation is a land use allocation and shall be made through the land and resource management planning process (FSM 1920).

Fees for communications uses shall be assessed in accordance with direction in chapter 30 of this Handbook.

Authorized officers shall not consider or issue authorizations that involve bartering or augmentation of goods or services, such as requiring the holder to provide free Government use of facilities or construction of other improvements not associated with the use.

4. **Responsibility.** The Regional Forester is responsible for approval of communications site plans; this responsibility may be delegated to the Forest Supervisor. Following communications site plan approval, Forest Supervisors have the authority to issue special-use permits, within the guidelines of the site plan. This responsibility may be delegated to the District Ranger.

5. **Definitions.** Definitions for other technical terms not listed in this section may be found in Federal Standard 1037 (FS 1037A), a standard glossary of telecommunication terms available from the General Services Administration.

Attenuation. Decrease in magnitude of current, voltage, or power of a signal in transmission between points. May be expressed in decibels (dB).

Band Width. A portion of the frequency spectrum authorized for use by a specific license; measured in kilohertz (KHz) or megahertz (MHz). Of concern is the amount of spectrum authorized; that is, a small amount (15 KHz) for two-way radio, a larger amount (6 MHz) for television broadcast, and a very large amount (many MHz) for radar.

Base Rent. The fee amount determined by the highest value use in a communications site facility. Base rent is applicable only to a facility owner's fee. If a facility owner or facility managers' fee is equal to or greater than any other schedule fee in the facility, the facility owner or facility manager's use is the base fee.

Beam Path. Direction or corridor of energy radiated from a directional antenna. Usually refers to microwave, which requires an unobstructed point-to-point corridor.

Continuous Broadcast or Constant Carrier. A continuously operating transmitter, not a microwave.

Communications Site. An area of National Forest System land designated through the land and resource management planning process. A communications site may be limited to a single communications facility, but most often encompasses more than one. Each site is identified by name; usually a local prominent landmark, such as Bald Mountain Communications Site.

Customer. An individual, business, organization, or agency that is paying a facility owner or tenant for communications services and is not reselling communication services to others. Private (other use category) and internal (private mobile radio services category) communication uses leasing space in a building and not reselling communication services to others are considered customers for fee calculation purposes.

Effective Radiated Power. The power supplied to the antenna multiplied by the relative gain of the antenna in a given direction.

Effective Receiver Sensitivity. The signal level required to detect and reproduce usable information from the local electromagnetic environment.

Electromagnetic Compatibility. The ability of telecommunications equipment, subsystems, or system to operate in their intended operational environments without suffering or causing unacceptable degradation because of electromagnetic radiation or response. Refers to coexistence of

different types of equipment in the same area.

Facility. A building, tower, and/or other physical improvement that is built, installed, or established to house and support authorized communications uses.

Facility Manager. The holder of a Forest Service communications use authorization who leases space for other communication users. A facility manager does not directly provide communications services to third parties.

Frequency Assignment. The process of authorizing a specific frequency, group of frequencies, or frequency band to be used at a certain location under specific conditions such as band width, power, azimuth, duty cycle, or modulation.

Gain. The increase in effective signal power in transmission under stated conditions. (Note: Power gain is expressed in decibels.)

Harmful Interference. Any transmission, radiation, or induction which specifically degrades, obstructs, or interrupts the services provided by such stations.

High Gain Antenna. An antenna whose effective radiated power in a given direction is greater than the input power.

Microwave. High frequencies commonly between 900 and 30,000 megahertz.

Mobile Station. A two-way radio station designed for operation when in motion or at unspecified points.

Noise. An undesired disturbance within the useful frequency band.

Noise Floor. Existing volume (magnitude) of electronic noise power measured in decibels and referred to as an electronic value (such as milliwatt).

Omnidirectional Antenna. An antenna whose radiation pattern is nondirectional in azimuth (meaning it radiates or receives in 360 degrees).

Point-to-point Radio Communications. Radio communications between two fixed stations.

Polarization (Polarity). Term referring to antenna radiation polarity, which can be horizontal, vertical, or circular.

Radiation Pattern. A graphical representation of power radiation of an antenna, usually shown for the two principal planes, vertical and horizontal.

Receiver Desensitivity. A consequence of undesired reradiated frequency energy entering a receiver. Reduces the ability to receive weaker signals.

Repeater. A device that simultaneously transmits all properly coded input signals received, or in the case of pulses, amplifies, reshapes,

retimes, or performs a combination of any of these functions on an input signal for retransmission.

Reradiation. Energy radiated by a galvanic junction in a nonlinear manner. Sources may include radio equipment, antennas, metallic debris, defective structural components, unterminated antenna cables, or passive repeater.

Tenant. A communications user who rents space in a communications facility and operates communications equipment for the purpose of re-selling communications services to others for profit. Tenants may hold separate authorizations, without subtenancy rights, at the full schedule fee based on the category of use.

Trunking. A system which allows a number of radio channels to be operated as a single system allowing service to multiple users.

Wave guide. A hollow metallic conduit within which electromagnetic waves may be propagated.

7. Authorization and Administration.

(4) **Issuance of Authorizations.** Use Form FS-2700-4a, Communications Use Lease, to authorize use of National Forest System lands for communications uses by facility owners and facility managers. Use Form FS-2700-4, Special Use Permit, to authorize tenant and customer use in Federal facilities and charge the full schedule fee for that use (ch. 30).

Tenants and customers in non-Federal facilities are not required to have a separate authorization. However, tenants and customers in non-Federal facilities may retain their current authorizations until they expire at the end of the term. In these situations, charge the tenant or customer the full schedule rate for their type of use and population served (ch. 30). Do not issue new authorizations for tenants and customers in non-Federal facilities.

(5) **Fee Calculation.** Calculate fees for communications uses in accordance with the direction in chapter 30. Fees for new sites may be established using a prospectus.

48.11—Broadcast Uses.

48.11a—Television Broadcast. This category includes facilities licensed by the Federal Communications Commission (FCC) that broadcast UHF and VHF audio and video signals for general public reception and the communications equipment directly related to the operation, maintenance, and monitoring of the use.

Users include television stations (major and independent networks) that generate income through commercial advertisement and public television stations whose operations are supported

by subscriptions, grants, and donations. Broadcast areas may overlap State boundaries. This category of use relates only to primary transmitters and not to any rebroadcast systems such as translators, transmitting devices such as microwave relays serving broadcast translators, or holders licensed by the FCC as low power television (LPTV).

48.11b—AM and FM Radio Broadcast. This category includes FCC-licensed facilities that broadcast AM and FM audio signals for general public reception and the communications equipment directly related to the operation, maintenance, and monitoring of the use.

Users include radio stations which generate revenues from commercial advertising and public radio stations whose revenues are supported by subscriptions, grants, and donations. Broadcast areas often overlap State boundaries. This category of use relates only to primary transmitters and not to any rebroadcast systems such as translators, microwave relays serving broadcast translators, or holders licensed by the FCC as low power FM radio.

48.11c—Cable Television. This category includes FCC-licensed facilities that transmit video programming to multiple subscribers in a community over a wired or wireless network, and the communications equipment directly related to the operation, maintenance, or monitoring of the use. These systems normally operate as a commercial entity within an authorized franchise area. The category does not include rebroadcast devices, or personal or internal antenna systems such as private systems serving hotels or residences.

48.11d—Broadcast Translator, Low Power Television, and Low Power FM Radio. This category of use consists of FCC-licensed translators, low power television (LPTV), low power FM radio (LPFM), and communications equipment directly related to the operation, maintenance, or monitoring of the use. Microwave facilities used in conjunction with the systems are included in the category. Translators receive a television or FM radio broadcast signal and rebroadcast it on a different channel or frequency for local reception. In some cases the translator relays the signal to another amplifier or translator. Low power television and FM radio stations are broadcast translators that originate programming. This category of use includes translators associated with public telecommunications service.

48.12—Non-Broadcast Uses.

48.12a—Commercial Mobile Radio Service (CMRS) and Facility Manager.

This category of use includes FCC-licensed facilities providing mobile radio communications service to individual customers, and the communications equipment directly related to the operation, maintenance, or monitoring of the use. Examples of mobile radio systems in this category are two-way voice and paging services such as community repeaters, trunked radio (specialized mobile radio), two-way radio dispatch, public switched network (telephone/data) interconnect service, microwave communications link equipment, and internal and private communications uses not sold for a profit (that is, private mobile radio, internal microwave, and so forth). Some holders may not hold FCC licenses or operate communications equipment, but they may lease building, tower, and related facility space as part of their business enterprise and act as facility managers.

48.12b—Cellular Telephone. Cellular telephone includes holders of FCC-licensed systems and related technologies for mobile communications that use a blend of radio and telephone switching technology to provide public switched network services for fixed and mobile users within a geographic area. The system consists of cell sites containing transmitting and receiving antennas, cellular base station radio, telephone equipment, and often microwave communications link equipment, and the communications equipment directly related to the maintenance and monitoring of the use.

48.12c—Private Mobile Radio Service. This use category includes holders of FCC-licensed private mobile radio systems primarily used by a single entity for the purposes of mobile internal communications, and the communications equipment directly related to the operation, maintenance, or monitoring of the use. The communications service is not sold to others and is limited to the user. Services generally include private local radio dispatch, private paging services, and ancillary microwave communications equipment for the control of the mobile facilities.

48.12d—Microwave. This use includes holders of FCC-licensed facilities used for long-line intrastate and interstate public telephone, television, information, and data transmissions, or used by pipeline and power companies, railroads, and land resource management companies in support of the holder's primary business. Also included is communications equipment directly related to the operation, maintenance, or

monitoring of the use, such as mobile radio service.

48.12e—Local Exchange Network. This use refers to a radio service which provides basic telephone service, primarily to rural communities.

48.12f—Passive Reflector. Passive reflectors include various types of nonpowered reflector devices used to bend or ricochet electronic signals between active relay stations or between an active relay station and a terminal. A passive reflector commonly serves a

microwave communications system. The reflector requires point-to-point line-of-sight with the connecting relay stations, but does not require electric power. Maintenance is minimal and reflectors seldom require site visits for maintenance or monitoring.

48.13—Other Communications Uses. This category includes holders of FCC-licensed private communications uses such as amateur radio; personal/private receive-only antennas designed for the

reception of electronic signals to serve private homes; natural resource and environmental monitoring equipment used by weather stations, seismic stations, and snow measurement courses; and other small, low power devices used to monitor or control remote activities. These facilities are personally owned and not operated for profit.

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