

Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available. This document shows that only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees.⁷ Therefore, the majority of entities to provide telecommunications services in the 47 GHz band may be small businesses under SBA's definition.

46. The Commission has not developed a definition of small entities applicable to licensees in the 47 GHz band, because the band is being opened for the first time for commercial, licensed use in this *Second R&O* and has not been subject to licensing. The RFA amendments were not in effect when the *First NPRM* was released, and no data has been received establishing the number of small businesses to be associated with services in the band. Although we proposed to auction the spectrum for assignment, we did not request information regarding the potential number of small businesses interested in obtaining licenses. We do not adopt in the *Second R&O* our proposal to auction the spectrum, and instead will seek additional comment in a future Notice of Proposed Rulemaking in which we will also propose the service rules to implement services in the 47 GHz band. Thus, we are unable to estimate the potential number of entities that may apply for a license that may be small businesses.

IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

47. We do not adopt any rules that entail reporting, recordkeeping, and third party consultation. Until we adopt service rules to govern the licensing, operating, and technical aspects of our decision, there are no requirements to impose on any entities.

V. Significant Alternatives to Proposed Rules Which Minimize Significant Economic Impact on Small Entities and Accomplish Stated Objectives

48. We agree with many small entities that opening up the 47 GHz band for commercial uses is timely and feasible, and would be in the public interest. Small entities, such as Avant-Garde and MACOM, see many future market opportunities and have developed equipment, or expect to readily modify

equipment, to meet consumer demand for the kinds of services to be provided. Sky Station has developed an innovative technology that uses platforms fixed in the stratosphere to deliver services in an efficient and effective manner. They and other small or new entities will benefit from the demand for commercial applications of their technologies.

49. We agree with commenters, such as Avant-Garde and Metricom, to adopt the flexible licensing framework we proposed that authorizes any service allowed under the Table of Frequency Allocations. We find that a broadly defined service allocation assures that the 47 GHz band will be used to the greatest benefit of the public by giving licensees, including small entities, the flexibility to meet demands. We also adopt our proposal to prescribe service rules for the licensing of the band based on what the dominant use is likely to be, as demonstrated by the comments. We agree with Avant-Garde to reexamine the likely uses and find that, while the predominant uses are the fixed point-to-multipoint uses we predicted, they would not be based on LMDS-type technology but rather on millimeter wave technology based on stratospheric platforms for delivery of service as proposed for the 47 GHz band by Sky Station. We deny Sky Station's request to modify the Table of Frequency Allocations to protect its service, and find that its need for protection from interference is properly addressed in the future proceeding in which we will establish the technical and operational service rules to govern the authorized services in the band.

50. We decide to adopt our proposal to license on the basis of geographic areas in order to enable the broadest range of uses for the band and ensure efficient and effective operations. Area-based licensing provides greater operational flexibility and ease of administration that is particularly beneficial to small entities. We defer questions about the appropriate size of the area as raised by Sky Station to our consideration of service rules in a future proceeding.

51. Because of the change in the potential predominant use for the band, we do not adopt our proposed channelization plan and instead revise the subdivision of the spectrum to reflect the proposed uses, as P-Com requests. We agree with Sky Station to divide the bands into five pairs of 100 megahertz channels, with each pair separated by 500 megahertz. This provides adequate bandwidth to accommodate the predominant uses.

VI. Report to Congress

52. We will submit a copy of this Final Regulatory Flexibility Analysis, along with the Order, in a report to Congress pursuant to 5 U.S.C. 801(a)(1)(A).

53. It is ordered that the actions of the Commission herein are taken pursuant to sections 4(i), 257, 303(r), and 309(j) of the Communications Act of 1934, 47 U.S.C. 154(i), 257, 303(r), 309(j).

54. It is further ordered that these actions shall take effect October 14, 1997.

55. It is further ordered that the Request and Petition and Application filed by Sky Station, the Further Comments filed by Sky Station, and the comments and reply comments filed in response thereto, are accepted in this record as late-filed comments.

56. It is further ordered that the spectrum 47.2–48.2 GHz (47 GHz band) is designated for licensed, commercial use on the basis of area-wide licenses in accordance with the terms of this *Second R&O*.

57. It is further ordered that a division of the spectrum for license blocks is adopted for the 47 GHz band that divides the band into five spectrum blocks of 200 megahertz each for licensing, with each block consisting of a pair of 100 megahertz channels separated by 500 megahertz.

List of Subjects

47 CFR Part 2

Communications equipment.

47 CFR Part 15

Communications equipment, Radio.

47 CFR Part 97

Communications equipment, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–21180 Filed 8–11–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 32 and 53

[CC Docket No. 96–150; FCC 96–490]

Accounting Safeguards Under the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule; establishment of effective date.

SUMMARY: The requirements and regulations established by the

⁷ U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92–S–1, Subject Series, Establishment and Firm Size, Table 5, Employment Size of Firms: 1992, SIC 4812 (issued May 1995).

Accounting Safeguards Order, including the modifications to our affiliate transactions rules, shall become effective August 12, 1997. These amendments, which contained information collection requirements, were published in the **Federal Register** of January 21, 1997, and corrected by a document published on March 6, 1997.

EFFECTIVE DATE: The amendments to 47 CFR parts 32 and 53 published at 62 FR 2918 and corrected at 62 FR 10220 are effective August 12, 1997.

FOR FURTHER INFORMATION CONTACT: Warren Firschein, Common Carrier Bureau, (202) 418-0844.

SUPPLEMENTARY INFORMATION: On December 24, 1996, the Commission released the *Accounting Safeguards Order* (FCC 96-490) establishing the accounting safeguards necessary to satisfy the requirements of sections 260 and 271 through 276 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 62 FR 2918, January 21, 1997. This Order prescribed the way incumbent local exchange carriers, including the Bell Operating Companies ("BOCs"), must account for transactions with affiliates involving, and allocate costs incurred in the provision of, both regulated telecommunications services and nonregulated services, including telemessaging, interLATA telecommunications, information, manufacturing, electronic publishing, alarm monitoring and payphone services, to ensure compliance with the Act. The *Accounting Safeguard Order* amended 47 CFR 32.27 and added several provisions to part 53 of our rules. Because they imposed new or modified information collection requirements, these particular rule changes could not become effective until approved by the Office of Management and Budget ("OMB") pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. In an *Errata* released February 19, 1997 and published in the **Federal Register** March 6, 1997, 62 FR 10220, we stated that the requirements and regulations established in the *Accounting Safeguards Order* with regard to part 32 of our rules shall become effective upon approval by OMB, but no sooner than six months after publication in the **Federal Register**. We also stated that the remaining new and/or modified information collections established in this Order shall become effective upon approval by OMB, but no sooner than thirty days after publication in the **Federal Register**. OMB approved these rule changes on May 7, 1997.

In the **Federal Register** Summary of the *Errata*, we stated that "[t]he Commission will publish a document at a later date establishing the effective dates of these rules." This statement requires further action by the Commission to establish the effective date, notwithstanding the preceding statement in the summary that the rule changes imposing new or modified information collection requirements would become effective upon OMB approval. In order to resolve this matter in a manner that most appropriately provides interested parties with proper notice, the rule changes adopted in the *Accounting Safeguards Order* shall become effective August 12, 1997.

List of Subjects

47 CFR Part 32

Communications common carriers, Reporting and recordkeeping requirements, Telephone, Uniform System of Accounts.

47 CFR Part 53

Accounting, Bell Operating Companies, Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 97-21187 Filed 8-11-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-77; RM-8780, RM-8918]

Radio Broadcasting Services; Hobbs, Tatum and Jal, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of MTD, Inc., allots Channel 296C to Tatum, NM, as the community's first local aural transmission service, substitutes Channel 279C1 for Channel 296C1 at Jal, NM, and modifies Station KXJW's construction permit to specify operation on the alternate Class C1 channel. See 61 FR 18541, April 26, 1996, 62 FR 18558, April 16, 1997. The request of Great Plains Broadcasting Co., Inc., to allot Channel 279A to Hobbs, NM, as the community's fifth local FM and seventh local aural service, is denied. Channel 296C can be allotted to Tatum in compliance with the Commission's minimum distance

separation requirements with a site restriction of 13.2 kilometers (8.2 miles) west, at coordinates 33-15-27 NL; 103-27-22 WL, to avoid a short-spacing to Stations KPOS-FM, Channel 297C2, Post, TX, and KSMX, Channel 298C1, Clovis, NM. Channel 279C1 can be allotted to Jal at coordinates 32-25-53 NL; 103-09-08 WL, which is the transmitter site specified in Station KXJW's construction permit. Tatum and Jal are both located within 320 kilometers (199 miles) of the U.S.-Mexican border. Mexican concurrence in these allotments has been requested but not yet received. Therefore, in an effort to introduce a new FM service to Tatum, the allotment is subject to the following condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to a hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement." With this action, this proceeding is terminated.

DATES: Effective September 15, 1997. The window period for filing applications for Channel 296C at Tatum, NM, will open on September 15, 1997, and close on October 16, 1997.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-77, adopted July 23, 1997, and released August 1, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 296A