

## 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; adoption of final policy.

**SUMMARY:** The Forest Service is adopting a final policy and fee schedule for determining annual fees for communications uses authorized on National Forest System lands for the Southern and Eastern States and Alaska (Forest Service Regions 8, 9, and 10, respectively). The same policy and fee schedule have been in effect since 1995 in the Western States (Regions 1 to 6). 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). Implementation of this final policy and fee schedule for Regions 8, 9, and 10 completes the Forest Service's 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.

**EFFECTIVE DATE:** This policy is effective December 30, 1997 for new use authorizations and on January 1, 1998, for existing use authorizations in Regions 8, 9, and 10.

**FOR FURTHER INFORMATION CONTACT:** Questions about this policy and fee schedule should be addressed to Mark Scheibel, Lands Staff (2700), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090, (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 would 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.

On July 12, 1994, the House of Representatives Committee on Natural Resources, Subcommittee on National Parks, Forests and Public Lands, and the Committee on Government Operations, Subcommittee on Environment, Energy, and Natural Resources held a joint hearing on communications site fees. The General Accounting Office released a report (GAO-RCED-94-248) at this hearing which concluded that fees for communications sites on Federal lands were usually significantly below fair

market value. The report acknowledged that the Forest Service fees were based on an outdated formula established forty years ago and the BLM rental rates were based on out-of-date appraisals. The report concluded that appropriations-related legislation impeded agency efforts to implement new fees. The report warned that if the limits continued, the Federal Government would not obtain fair market value for communications sites for many years. Because of the joint agency testimony and the General Accounting Office report, the committees strongly encouraged the agencies to complete the fee schedules as soon as possible.

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 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.

On August 11, 1997, The Forest Service published a notice in the **Federal Register** (62 FR 43053) requesting public comments on a proposed fee schedule and policy for National Forest System lands in the Southern and Eastern States and Alaska (Regions 8, 9, and 10) identical to those previously adopted for Regions 1 to 6 (60 FR 55089, October 27, 1995). Comments were considered on the development of the final Forest Service fee schedule, policy, and procedures for communications fees for all Forest Service Regions, which are being issued as amendments to Forest Service Handbook (FSH) 2709.11, Special Uses Handbook, chapter 30, Fee Determinations, and chapter 40, Special Uses Administration. The text of the final policy is set out at the end of this notice.

#### **Analysis and Response to Public Comments**

The Forest Service received four comments on the notice published in

the **Federal Register** August 11, 1997 (62 FR 43053), requesting public comments on a proposed fee schedule and policy for National Forest System lands in the Southern and Eastern States and Alaska (Regions 8, 9, and 10). The proposed policy and fee schedule were identical to those already in effect for the Western States in Regions 1 to 6. All responses consisted of individual letters. No form letters or petitions were received.

#### *Fees for Amateur Radio*

*Comment.* Two respondents commented on proposed fees for amateur radio users. Amateur radio is classified in the "other" use category. One respondent stated that a fee increase from \$34 per year to \$77.25 per year would place an undue hardship on their organization. One respondent stated that amateur radio users provide a public service and requested that their fee not be raised too high.

*Response.* The Forest Service does not believe that the fee rate for the "other" category is excessive. In addition, only facility owners in the "other" category will be charged a fee. Amateur radio users who are not facility owners and who just occupy space in another's facility will not be required to possess an agency authorization and will not be charged a fee by the Forest Service if they relinquish their current authorizations.

#### *Other Issues*

*Comment.* The Forest Service received two comments that were not within the scope of August 1997 proposed policy (62 FR 43053). One respondent asked that his fee waiver continue. Another respondent stated that, as a taxpayer, he felt that the Forest Service should maintain the roads and sites and he was against proposed site fees.

*Response.* Forest Service policy for fee waivers and exemptions is contained in Forest Service Handbook, 2709.11, chapter 30, and related regulations are in Title 36, Code of Federal Regulations, Part 251. This final policy and the fee schedule do not address or change current regulations or policy concerning fee waivers and exemptions.

Fees collected on National Forest System lands reflect fair market value for the holder's use of public land (land use fee). This land use fee is not intended to pay for expenses that are the holder's responsibility to bear, such as maintenance of exclusive use roads and private investments. Nor should the general public, through general taxes, be responsible for maintaining these facilities. The general public should,

however, be compensated for the communications holder's use of the public land through a land use fee.

#### **Fee Schedule Implementation**

The draft policy indicated the final fee schedule and associated policy changes would require Forest Service Regions 8, 9, and 10 to replace their existing fee schedules. This final fee schedule replaces Regions 8, 9, and 10 communication use schedules, except for passive reflector and local exchange network uses. The fee schedule in FSH 2709.11, section 36.21, exhibit 01, set out at the end of this notice displays use fees for 1998 billings. This fee schedule reflects a 2.2 percent adjustment based on the Consumer Price Index-Urban Consumer, U.S. City Average (CPI-U), from the fee schedule for 1997 billings used in the draft policy. The fee schedule will be updated annually to reflect: (1) The CPI-U adjustment factor applied to annual billings for existing authorizations; (2) revised schedule fees, reflecting the CPI-U adjustment to be used for new authorizations; and (3) changes to the Rannally Metro Area (RMA) population rankings as identified in the current edition of the "Rand McNally Commercial Atlas and Marketing Guide."

The agency recognizes that the final fee schedule may result in a reduction of current fees for some holders for several reasons, including: (1) Fees established by 1992 Regional schedules, which have been increased by the CPI-U adjustment factor each year; (2) definition of a "customer" to include internal and private uses renting space within a communication facility and not reselling communication services to others; (3) the inherent leveling effect of a fee schedule applying a national market-based ranking system rather than specific geographic market conditions.

However, the agency believes that implementation of a national fee schedule for most communications uses and the annual updating of fees with applicable CPI-U adjustments through national direction will end the inequity between fees charged to users in different regions and at the same time return fair market value in rental income to the United States.

The Forest Service plans the following actions and methods for implementing the final policy:

1. Regions 8, 9, and 10 will use the same Communication Use Lease, Form FS-2700-4a, currently used in Regions 1 to 6 to authorize communications uses on National Forest System lands. The new lease will allow tenant and customer occupancy of site-designated approved communication uses,

eliminating the requirement for prior written consent of the agency or issuance of separate authorizations to customers and tenants.

2. All authorization holders will receive notice of the changes affecting communications site use fees, and they will be given the option to convert to the new communications lease. The holders will have 60 days to respond to the authorized officer indicating their intention. Permits that expire will be replaced with the new communications lease.

3. Tenants and customers may retain an existing authorization or relinquish the authorization and be included in the facility owner's authorization. Tenants and customers electing to maintain an existing authorization will be billed the full use fee according to the schedule and category of use.

4. Fees for uses not included in the schedule continue to be determined on a Regional basis by other reasonable methods, including appraisals. However, for personal communication services (PCS) the cellular telephone rate from the fee schedule for the population of the community served will be used until fair market value is established. The holders will be advised that fees may be adjusted, if necessary, to reflect fair market value for PCS uses.

5. If a nonscheduled fee is indicated, the current fee remains in effect until the new fee is determined.

6. Separate fees are not assessed for ancillary uses.

7. Holders will be notified of the calendar year 1998 fee by written notice from the authorized officer. The notification will include instructions for appealing the new fees in accordance with existing regulations.

8. The fee schedule is effective December 30, 1997 for new communications uses, and January 1, 1998, for existing communications uses in Regions 8, 9, and 10.

#### **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 final policy establishes 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 this 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." Based on consideration of the comments received and the nature and scope of this policy, the Forest Service has determined 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.

#### **Regulatory Impact**

This final 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 Office of Management and Budget (OMB) review under Executive Order 12866.

Moreover, this final 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 included in the final policy 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. When this final policy is adopted, (1) all State and local laws and regulations that are in conflict with this policy or which would impede its full implementation would be preempted; (2) no retroactive effect would be given to this 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: December 7, 1997.

**Robert C. Joslin,**  
*Acting Associate 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 section 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 section 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 ( $\frac{1}{4}$  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 ( $\frac{1}{4}$  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 ( $\frac{1}{4}$  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.

\* 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).

**36.23—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

36.21—Exhibit 01

## 36.21 - Exhibit 01

## FEE SCHEDULE FOR COMMUNICATIONS USES

Billing Year 1998

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	\$47,369.70	\$35,790.44	INSUFFICIENT	INSUFFICIENT	\$12,631.92	\$12,631.92	\$10,526.60	\$10,526.60	\$78.95		Los Angeles, CA
2,500,000 to 4,999,999	\$31,579.80	\$22,105.86	MARKET DATA	MARKET DATA	\$10,526.60	\$10,526.60	\$6,315.96	\$8,421.28	\$78.95		Seattle, WA
1,000,000 to 2,499,999	\$18,947.88	\$14,737.24	FEE TO BE DETERMINED	FEE TO BE DETERMINED	\$8,421.28	\$8,421.28	\$6,315.96	\$7,388.62	\$78.95	FEES	Phoenix, AZ San Diego, CA Portland, OR Riverside, CA
500,000 to 999,999	\$14,737.24	\$10,526.60	BY APPRAISAL OR OTHER	BY APPRAISAL OR OTHER	\$5,263.30	\$6,315.96	\$4,210.64	\$5,789.63	\$78.95	FOR THESE	Las Vegas, NV Salt Lake City, UT Tucson, AZ Albuquerque, NM
300,000 to 499,999	\$12,631.92	\$8,421.28	METHODS	METHODS	\$4,210.64	\$5,263.30	\$2,631.65	\$2,631.65	\$78.95	USES	Bakersfield, CA Spokane, WA
100,000 to 299,999	\$6,315.96	\$4,210.64	\$2,526.38	\$2,526.38	\$3,157.98	\$4,210.64	\$2,105.32	\$2,105.32	\$78.95	ARE DETERMINED	Boise, ID Anchorage, AK Reno, NV Palm Springs, CA Yakima, WA Yuma, AZ Billings, MT
50,000 to 99,999	\$3,157.98	\$2,105.32	\$1,263.19	\$1,263.19	\$1,263.19	\$3,157.98	\$1,052.66	\$1,578.99	\$78.95	BY EACH REGION	Grand Junction, CO Idaho Falls, ID Missoula, MT Santa Fe, NM Pocatello, ID Farmington, NM Roswell, NM Butte, MT
25,000 to 49,999	\$1,578.99	\$1,263.19	\$1,052.66	\$526.33	\$1,052.66	\$2,631.65	\$631.60	\$1,578.99	\$78.95		
LESS THAN 25,000	\$1,263.19	\$947.39	\$631.60	\$105.27	\$631.60	\$2,631.65	\$368.43	\$1,578.99	\$78.95		

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

Index Factor: 1.0220

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



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

## 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 1037A (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.

*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.

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

*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 use 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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