

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 2,700 feet north of Interstate Highway 80 adjacent to corporate limits		<i>Kettle River—Reach 1 (Near Barstow):</i>		Maps are available for inspection at the Ferry County Planning Department, 146 North Clark, Suite 7, Republic, Washington.	
Approximately 2,000 feet north of Interstate Highway 80 adjacent to corporate limits	#2	Approximately 9.87 miles upstream of confluence with the Columbia River	*1,306		
Approximately 1,000 feet north of Interstate Highway 80 adjacent to corporate limits	#1	Approximately 10.36 miles upstream of confluence with the Columbia River	*1,309	Stevens County (Unincorporated Areas) (FEMA Docket No. 7163)	
Approximately 500 feet north of Interstate Highway 80 adjacent to corporate limits	#2	Approximately 10.86 miles upstream of confluence with the Columbia River	*1,312	<i>Kettle River—Reach 1 (Near Barstow):</i>	
Approximately 100 feet north of Interstate Highway 80 and 300 feet due east of corporate limits	#1	<i>Kettle River—Reach 2 (Near Orient):</i>		Approximately 9.87 miles upstream of confluence with the Columbia River	*1,306
Approximately 100 feet north of Interstate Highway 80 and 1,300 feet due east of corporate limits	*4,349	Approximately 18.62 miles upstream of confluence with the Columbia River	*1,389	Approximately 10.5 miles upstream of confluence with the Columbia River	*1,310
Approximately 100 feet north of Interstate Highway 80 and 2,800 feet due east of corporate limits	*4,344	Approximately 18.77 miles upstream of confluence with the Columbia River	*1,390	Approximately 10.86 miles upstream of confluence with the Columbia River	*1,312
<i>Drainage along south side of Interstate Highway 80:</i>		Approximately 19.17 miles upstream of confluence with the Columbia River	*1,391	<i>Kettle River—Reach 2 (Near Orient):</i>	
Approximately 100 feet south of Interstate Highway 80 and 200 feet due east of corporate limits	#3	<i>Kettle River—Reach 3 (Near Laurier):</i>		Approximately 18.62 miles upstream of confluence with the Columbia River	*1,389
Approximately 700 feet south of Interstate Highway 80 and 450 feet east of corporate limits	#2	Approximately 27.24 miles upstream of confluence with the Columbia River	*1,435	Approximately 19.17 miles upstream of confluence with the Columbia River	*1,391
Approximately 1,500 feet south of Interstate Highway 80 and 1,000 feet due east of corporate limits	#1	Approximately 27.53 miles upstream of confluence with the Columbia River	*1,438	<i>Kettle River—Reach 3 (Near Laurier):</i>	
Approximately 100 feet north of Union Pacific Railroad and 3,000 feet due east of corporate limits	*4,245	Approximately 28.00 miles upstream of confluence with the Columbia River	*1,441	Approximately 27.24 miles upstream of confluence with the Columbia River	*1,435
Maps are available for inspection at 195 South First Street, Wendover, Utah.		Approximately 28.26 miles upstream of confluence with the Columbia River	*1,443	Approximately 27.8 miles upstream of confluence with the Columbia River	*1,440
		<i>Kettle River—Reach 4 (Near Danville):</i>		Approximately 28.26 miles upstream of confluence with the Columbia River	*1,443
		Approximately 58.0 miles upstream of confluence with the Columbia River	*1,732	Maps are available for inspection at the Stevens County Planning Department, 260 South Oak Street, Colville, Washington.	
		Approximately 58.43 miles upstream of confluence with the Columbia River	*1,733		
WASHINGTON		<i>Kettle River—Reach 5 (Near Curlew):</i>		(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")	
Ferry County (Unincorporated Areas) (FEMA Docket No. 7163)		Approximately 64.87 miles upstream of confluence with the Columbia River	*1,764	Dated: March 25, 1996.	
<i>Kettle River—Reach 7 (Near Curlew):</i>		Approximately 65.17 miles upstream of confluence with the Columbia River	*1,765	Richard W. Krimm,	
Approximately 73.96 miles upstream of confluence with the Columbia River	*1,806	Approximately 65.45 miles upstream of confluence with the Columbia River	*1,766	<i>Acting Associate Director for Mitigation.</i>	
Approximately 74.66 miles upstream of confluence with the Columbia River	*1,810	<i>Kettle River—Reach 8 (Near Ferry):</i>		[FR Doc. 96-8124 Filed 4-2-96; 8:45 am]	
Approximately 75.17 miles upstream of confluence with the Columbia River	*1,812	Approximately 84.78 miles upstream of confluence with the Columbia River	*1,864	BILLING CODE 6718-04-P	
Approximately 75.52 miles upstream of confluence with the Columbia River	*1,814	Approximately 85.15 miles upstream of confluence with the Columbia River	*1,866	FEDERAL COMMUNICATIONS COMMISSION	
Approximately 75.84 miles upstream of confluence with the Columbia River	*1,815	Approximately 85.58 miles upstream of confluence with the Columbia River	*1,868	47 CFR Chapter I	
				[FCC 96-94]	
				Pioneers' Preference Payments for Initial Authorizations in the Broadband Personal Communications Service	
				AGENCY: Federal Communications Commission.	

ACTION: Final rule.

SUMMARY: The Commission released this Order specifying the payment obligations and procedures for the Pioneers' preference recipients in the Broadband Personal Communications Service. This Order is necessary to inform the parties to this action of their obligations and to explain the procedures for payments. The intended effect of this action is to ensure the parties have the information they require for timely and accurate payments.

EFFECTIVE DATE: June 3, 1996.

FOR FURTHER INFORMATION CONTACT: Lisa Warner, (202) 418-0620, Wireless Telecommunications Bureau, Commercial Wireless Division.

SUPPLEMENTARY INFORMATION: This is the text of the *Order*, adopted March 8, 1996, released March 11, 1996 concerning: American Personal Communications, File No. 15000-CW-L-94, Call Sign: KNLF200; Cox Cable Communications, Inc., File No. 15001-CW-L-94, Call Sign: KNLF201; Omnipoint Communications, Inc., File No. 15002-CW-L-94, Call Sign: KNLF202. This order is available for inspection and copying during normal business hours the Commercial Wireless Division Legal Branch, Room 7130, 2025M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Order

I. Introduction and Background

1. By this action we specify the payment obligations and procedures for the Pioneers' preference recipients in the Broadband Personal Communications Service ("PCS"): American Personal Communications ("APC"), Cox Cable Communications, Inc. ("Cox"), and Omnipoint Communications, Inc. ("Omnipoint") (collectively, "Pioneers"). The Pioneers will pay to the United States Treasury a sum of \$701,780,378, plus interest, over the next five years. The action is taken pursuant to legislation implementing the General Agreement on Tariffs and Trade ("GATT legislation"), enacted December 8, 1994.

2. In December 1993, the Commission granted Pioneers' preferences to APC, Cox and Omnipoint for their innovative work in the development of PCS in the 2 GHz band. The Commission determined that, if otherwise qualified, APC would be licensed to use Channel Block A in the Washington-Baltimore

Major Trading Area ("MTA"); Cox would be licensed to use Channel Block A in the Los Angeles-San Diego MTA; and Omnipoint would be licensed to use Channel Block A in the New York MTA.

3. On December 13, 1994, we granted the Broadband PCS license applications filed by APC, Cox, and Omnipoint based upon their Pioneers' preference awards ("*Pioneers Licensing Order*"). Each grant is conditioned on, *inter alia*, each licensee paying to the United States Treasury an amount equal to 85 percent of the adjusted value of its license calculated in accordance with Section 801 of the GATT legislation. The adjusted value of the licenses are based on the high bids for comparable licenses in the broadband PCS auction for the A and B frequency blocks. The GATT legislation provides that payments are not to commence until that auction is completed and after the Pioneers' license grants have become final and no longer subject to administrative or judicial review. At the time we adopted the *Pioneers Licensing Order*, the auction for the A and B block licenses was not completed and the Pioneers' preferences and license grants, as well as the constitutionality of the GATT legislation, had become the subject of several judicial challenges. The A and B block auction was completed on March 13, 1995, and the litigation has concluded. Accordingly, the Pioneers' license conditions are subject to this subsequent *Order* specifying payment procedures and amounts.

*II. Discussion**A. Payment Amounts*

4. Section 801 of the GATT legislation amended Section 309(j) of the Communications Act of 1934 to require that the Commission recover a portion of the value of a pioneer's preference recipient's license, and establishes a payment formula of 85 percent of the adjusted value of the license. Based on the formula in the GATT legislation, we calculated the average per population price established by competitive bidding for frequency blocks A and B in the twenty largest MTAs, excluding the MTAs awarded to the Pioneers, to be \$15.48. We then reduced this average per capita bid amount by 15 percent to obtain the adjusted per capita value of the Pioneers' licenses, which we determined to be \$13.16. Finally, we multiplied this discounted per population figure by the 1990 Census population figures for the respective service areas of the Pioneers' licenses. As a result of this calculation, we have determined that the Pioneers are

required to pay the following amounts for their licenses: APC for the Washington-Baltimore MTA—\$102,343,539; Cox for the Los Angeles-San Diego MTA—\$251,918,526; and Omnipoint for the New York MTA—\$347,518,309. We note that these amounts compare with \$211,771,000 paid for the competitive B block license in Washington-Baltimore (a 52 percent difference); \$493,500,000 paid for the Los Angeles-San Diego MTA B block license (a 49 percent difference); and \$442,712,000 paid for the New York MTA B block license (a 22 percent difference).

B. Commencement of Payments

5. The GATT legislation further directs that the Pioneers are to commence their payments no later than either the date of completion of the auction of comparable licenses, or thirty days after Pioneers' preferences are awarded and the licenses are no longer subject to administrative or judicial review. The Commission commenced its auction of licenses for broadband PCS operations on frequency blocks A and B on December 5, 1994, and completed this auction on March 13, 1995. At the time the auction was completed, however, several judicial challenges to both the GATT legislation and the Pioneers' awards remained pending, delaying the finality of the licenses awarded to the Pioneers. That litigation has ended. Pursuant to the GATT legislation, the license grants (and the underlying pioneer's preferences) are not subject to further administrative or judicial review. Accordingly, Pioneers' installment payments will commence 30 days after the adoption of this Order, on April 8, 1996.

C. Interest Rate

6. The GATT legislation states that the Pioneers shall be permitted to pay for the licenses through guaranteed installment payments over a period of five years subject to: (1) The payment only of interest on unpaid balances during the first two years; and (2) payment of the unpaid balance and interest thereon after the end of such two years in accordance with the regulations prescribed by the Commission. The text of the statute is silent on the interest rate to be charged except for its reference to the Commission's regulations. The House Committee Report describing this provision states that payment of the principal and interest should be "in a manner consistent with the installment payment rules adopted by the Commission as part of its general competitive bidding regulations." The

House Committee Report also states that "[t]he Committee anticipates that the Commission will calculate interest payments based on the prevailing prime rate." The overall goal of the pioneer's preference provisions in the GATT legislation was to "ensure that holders of a pioneer's preference pay an equitable amount for use of their spectrum."

7. Based on the language and legislative history, we conclude that the GATT legislation provides the Commission discretion to establish an interest rate for the Pioneer's payments that is "in accordance with [our] regulations," and that the legislative history indicates that Congress intended that the Commission would use certain established guidelines in setting the rate; *i.e.*, the "general" competitive bidding regulations and the prevailing prime rate. The Commission's general competitive bidding regulations establish guidelines for imposing installment payment plans for auctioned licenses. These rules provide the Commission, on a service-by-service basis, the flexibility to "vary the interest rate and the payment schedule for installment payments." Specifically, Section 1.2110(e)(3) of the Commission's rules provides that, unless other terms are specified in the rules of particular services, installment plans will: (1) impose interest based on the rate of U.S. Treasury obligations (with maturities close to the duration of the license term); (2) allow installments to be paid over the full license term; (3) begin with interest-only payments for the first two years; and (4) amortize principal and interest over the remaining term of the license.

8. In applying these general rules to specific services, the Commission has adopted a range of interest rates for installment plans based on the circumstances of the service and the objectives behind permitting installment payments—typically to small businesses. For example, in the Interactive Video and Data Service auction rules, the Commission adopted an interest rate for small business installment payments based on the five-year U.S. Treasury note rate. In the auction for narrowband PCS regional licenses, we permitted certain designated entities to pay installments at the 10-year U.S. Treasury Note rate, plus 2.5 percent. Our competitive bidding rules for frequency block C in broadband PCS (smaller Basic Trading Area licenses) make available three different interest rates depending on the economic size of the winning bidder: 10-year U.S. Treasury Note, plus 3.5 percent; 10-year U.S. Treasury Note,

plus 2.5 percent; and 10-year U.S. Treasury Note. Eligibility for the lower, flat 10-year Treasury Note interest rate is limited to small businesses in the "entrepreneurs' block" auction. We have no specific installment payment rules for frequency blocks A and B in broadband PCS.

9. For each of the Pioneer's installment payments, we have decided, within our discretion, to impose an interest rate equal to the five-year Treasury Note, plus 2.5 percent, as of the date of adoption of this Order. We typically use the U.S. Treasury obligations of maturity equal to the license term because the license and payment terms are of the same duration. Here the license and payment term are different, and we will use the rate for U.S. Treasury obligations with maturity at the end of the payment term. Thus, starting with the five-year Treasury Note rate as a basis for the Pioneers' interest rate is consistent with the operation of our general installment payment rules and the GATT legislation.

10. We add 2.5 percent to the base Treasury Note rate for several reasons. First, we believe that this interest rate will help fulfill the purpose of the GATT legislation by ensuring that the pioneer's preference recipients pay an "equitable amount" for use of the spectrum. Although the Pioneer's licenses were granted over 13 months ago, and one Pioneer has begun operating, none of the Pioneer's have paid for their use of the spectrum. In comparing similarly situated licensees, the Pioneers received a discount on the value of the license and can pay over time, *supra* para. 4, whereas the other A and B block licenses in broadband PCS were required to make their payments in full shortly after license grant. The Pioneers have been adequately rewarded for their innovations by receiving guaranteed licenses at discount. Second, this rate is below the prime rate benchmark referenced in the legislative history, which is currently 8.5 percent. Assuming that the prime rate is what the Pioneers would be able to obtain if private financing is sought, this rate for government financing of the license costs will further benefit the Pioneers, who will avoid the higher interest rates and other transactional costs associated with using private sources to finance their license payment. Finally, this approach to establishing an interest rate is fully consistent with our "general" rules for imposing installment payment plans and our experience in fashioning an interest rate that best fits the circumstances.

11. With respect to the actual interest rate, the five-year T-Note rate on the adoption date of this Order, with maturity in February of 2001 (the closest to the duration of the payment term) is 5.25 percent. Accordingly, the amounts to be paid by the Pioneers will be subject to 5.25 plus 2.5 percent, for a total interest rate of 7.75 percent. Interest will begin accruing as of the adoption of this Order.

D. Installment Payment Terms and Conditions

12. As to the other aspects of the installment payments, the statute leaves us little discretion to establish different terms. As noted above and contrary to our "general" installment payment rules, the statute precludes the Commission from allowing installment payments for the duration of the 10-year license term. The GATT legislation specifically provides for a five-year payment period. In addition, like our general installment payment rules, interest-only payments are permitted for the first two years. Thereafter, unpaid principal balance and interest will be amortized over the remaining three years.

13. The first interest payment will be due on April 8, 1996, thirty (30) days after the adoption of this Order. The first payments will be the following: APC—\$660,968.69; Cox—\$1,626,973.81; and Omnipoint—\$2,244,389.08. Thereafter the Pioneers' payments will be due on a quarterly basis on the last day of each quarter. Thus, the second payment will be due on April 30, 1996. The second payment will be the following: APC—\$1,321,937.38; Cox—\$3,253,947.62; and Omnipoint—\$4,488,778.16. The remaining payment dates and amounts are established in the attached schedule.

14. In addition, the Pioneers' installment payments will be "guaranteed" by their licenses. Consistent with our general competitive bidding rules, the Pioneers' licenses will continue to be conditioned upon the full and timely performance of their respective payment obligations under their installment plans. The license conditions will be modified to reflect the specific terms of the payments set forth above. If a Pioneer is more than ninety (90) days delinquent in any payment, it shall be deemed to be in default and the Commission's general rules will apply.

E. Omnipoint's Request for Special Installment Terms

15. We have decided not to differentiate among the three Pioneers when establishing the installment

payment terms and not to compare their situation to that of applicants for the broadband PCS entrepreneurs' block licenses. Omnipoint recently suggested that the Commission's new rules for small business pioneers should be applied to it and has requested that its payment terms be as equivalent as possible to the block C small business installment payment plan. Omnipoint specifically asks for interest-only payments for five years and a single, lump-sum payment due at the end of the fifth year. We deny this request for the following reasons.

16. First, we do not believe that the GATT legislation contemplates different treatment for the Pioneers or the type of deferred-principal payment plan requested by Omnipoint. As noted above, the text of the statute states that the installment payment terms shall be "the payment only of interest on unpaid balances during the first 2 years * * * and * * * payment of the unpaid balance and interest thereon after the end of such 2 years in accordance with the regulations prescribed by the Commission." The House Commerce Committee Report's section-by-section analysis says, "[t]he pioneers shall pay interest only for the first two years, and interest and principal for the next three years, pursuant to the Commission's regulations." The House Report also states that payment of the principal and interest should be "in a manner consistent with the installment payment rules adopted by the Commission as part of its general competitive bidding regulations." These rules referenced in the statute and the legislative history are found in Section 1.2110(e)(3) of the Commission's rules and state:

Unless other terms are specified in the rules of particular services, such [installment] plans will

* * * * *

(iii) begin with interest-only payments for the first two years; and

(iv) amortize principal and interest over the remaining term of the license. There are no Commission rules that would allow an entity making installment payments to wait until the end of the payment term to make one lump sum principal payment. We believe that the text of the statute and its legislative history, read in conjunction with the Commission's rules, shows that Congress intended that each Pioneer, including Omnipoint, shall begin paying principal in the third year.

17. Second, we do not believe that Congress or the Commission's rule cited by Omnipoint contemplate a comparison of Omnipoint with the C-

Block small business applicants. Congress determined in the GATT legislation that "the most reasonably comparable licenses" for purposes of determining the value of the Pioneers' licenses were "the broadband licenses in the personal communications service for blocks A and B for the 20 largest markets (ranked by population) in which no applicant has obtained preferential treatment." The broadband PCS Pioneers' installment payments are governed by the provisions in Section 309(j)(13)(E) of the Act discussed above. Thus, our new rules, adopted pursuant to Section 309(j)(13)(C) of the Act, governing installment payments for future pioneer's preference recipients that are similarly situated to designated entities participating in an auction do not apply here.

18. However, even if the new rules did apply to Omnipoint, we believe that Omnipoint has misconstrued the purpose of the rule it cites, which states "a pioneer that qualifies as a designated entity will be eligible for installment payments under the same terms and conditions as other designated entities in that service. In the order adopting this rule, the Commission rejected a similar deferred payment proposal offered by Omnipoint. The Commission, instead, adopted its proposal "that if an entity receiving a pioneer's preference would be eligible for installment payments *in the auction for that service*, the entity could pay for its pioneer's preference license in installments under comparable terms and conditions to *similarly situated licensees* over a period not to exceed five years. In the auction in which Omnipoint would have had to participate to obtain its MTA license, installment payments were not available to small businesses. While the auction rules in the broadband PCS "service" provide an installment payment option to small businesses obtaining smaller C-Block, BTA licenses, Omnipoint received a substantially larger A Block MTA license for its pioneer's preference. This situation was expressly contemplated when the Commission had earlier rejected Omnipoint's deferred payment proposal, stating, "if a small business pioneer chooses, it may apply for a license in a service as a designated entity either in addition to *or in lieu of* its acceptance of a guaranteed pioneer's preference license." We note that an affiliate of Omnipoint's is currently actively participating in the C-block auction.

19. Finally, as a policy matter, we have previously determined that the pioneer's preference rule and the rules for the entrepreneurs' blocks were

designed to meet different goals. The Commission permitted entrepreneurs and small businesses to pay for their licenses in installments in order to assist businesses who are likely to have difficulty obtaining adequate financing to obtain licenses in a competitive bidding environment. We determined that installment payments would be an effective way to efficiently promote the participation of small businesses in the provision of broadband PCS. The pioneer's preference program, on the other hand, is designed to reward a particular entity for its innovative contributions to a new service by guaranteeing it a license, at a discounted price, without requiring it to participate in an auction. When we provided that future small business pioneers could obtain similar payment terms as similarly situated licensees, we did not intend to merge these two separate policy objectives. Rather, we clarify that, as a matter of fairness and convenience, a small business pioneers preference recipient should get the same or similar installment payment terms that are available to other small businesses that obtained comparable licenses in an auction.

F. Other Matters

As a final matter, we note that, on September 22, 1995, a pleading styled "Petition to Deny" was filed against Omnipoint by Whitestone Wireless, L.P., Southern Personal Communications Systems, and Minco, P.C.S. The 30-day period to file petitions to deny against the Pioneers expired on September 26, 1994. Moreover, the GATT legislation states that the grant of Omnipoint's license and underlying pioneer's preference awards shall not be subject to administrative or judicial review. We therefore dismiss the Whitestone Petition as untimely and moot.

G. Payment Schedule Attention: Pioneer's Preference Recipients Broadband Personal Communications Service

The first interest payment will be due on April 8, 1996, (30) thirty days after the adoption of this Order. The first payment will be the following: APC \$660,968.69; Cox \$1,626,973.81; Omnipoint \$2,244,389.08. Thereafter, the Pioneer's payments will be due on a quarterly basis on the last day of each quarter. Thus, the second payment will be due on April 30, 1996. The second payment will be the following: APC \$1,321,937.38; Cox \$3,253,947.62; Omnipoint \$4,488,778.16.

The remaining payment dates and amounts are established in the attached

schedule. Mailed remittances must be *actually received* no later than April 8, 1996. Hand-carried or couriered remittances can be delivered up through 11:59 P.M. on Monday, April 8, 1996. Remittances received after 11:59 P.M. on Monday, April 8, 1996, will be considered late filed.

H. Instructions for the First and Second Installment Payments

Payments must be made in U.S. dollars, must be in the form of a wire transfer or cashier's check, and must be made payable to the "Federal Communications Commission" or "FCC". Installment payments whether being paid by wire transfer or cashier's check, must be accompanied by a completed FCC Remittance Advice, Form 159.

A. Form 159

Pioneers must submit an FCC Form 159 when making any payments to the Commission's lockbox bank. Failure to accurately complete your FCC Form 159 could result in a delay in processing your remittance. Before completing an FCC Form 159, read the instructions below. Also, a correctly completed sample FCC Remittance Advice (Form 159) is attached.

(1) You must complete all of the blocks in the Payor Information Section, (Blocks 1 through 10). It is extremely important that you enter your taxpayer identification number (TIN) in with a prefix of "0" in block number 1. Blocks 2 through 10 are self explanatory.

(2) You must complete the following blocks for each "Item Number Information" in accordance with the Instructions For Using FCC Form 159 (but only if the names of the "payor" and the "applicant" are different): Block numbers 11, 13, 19, 20, and 21.

(3) You must complete the following auction-specific information in blocks 12(A), 14(A), 15(A), 16(a) and 17(A). Block 12(A)—FCC Call Sign, enter your respective call sign; block 14(A)—Payment Type Code, enter the letters "ACHD"; block 15(A)—Quantity, enter "1"; block 16(A)—Fee Due, enter the amount remitted; and block 17(A)—FCC Code 1, enter "P".

B. Paying by Cashier's Check

Each cashier's check and corresponding FCC Remittance Advice (Form 159) must be in an individual envelope and specifically addressed to: Mellon Bank, P.O. Box #358850, Pittsburgh, PA 15251-5850, Attn: Auction Payment. If delivering an auction payment in person or by courier, the check and FCC Remittance Advice (Form 159) must be delivered to

Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th Floor, Room 153-2713, Pittsburgh, PA 15259-0001, (Attn: Wholesale Lockbox Shift Supervisor).

C. Paying by Wire Transfer

If making an auction payment by wire transfer, fax a completed FCC Remittance Advice (Form 159) to Mellon Bank at (412) 236-5702 at least one hour before placing the order for the wire transfer. On the cover sheet of the fax indicate "Wire Transfer—Auction Payment for Auction Event # "P". When wiring funds, please give your bank the following information:

ABA Routing Number: 043000261;
Receiving Bank: Mellon Pittsburgh;
BNF: FCC/AC-9116106;
OBI Field: (Skip one space between each information item)
"AUCTIONPAY";

FCC Account No. (Exactly as on Form 159, Block #1);

Payor Name (Exactly as on Form 159, Block #3);

Payment Type Code (Exactly as on Form 159, Block #14);

FCC Code 1 (Exactly as on Form 159, Block #17).

For further information, please contact Regina W. Dorsey, Chief, Billings and Collections Branch at (202) 418-1995 (voice) or (202) 418-2843 (fax).

Remaining 19 Quarterly Payments

Please see the attached Auction Installment Payment Program (AIP). Inside the program package you will find the Masterfile Maintenance Form (Page 19). Please read the package information and complete this form. Return the form to the address listed on the form. Beginning with payment number 2 (payment number one was split into two payments, both of which are due in the month of April) due July 31, 1996, use the AIP program.

III. Ordering Clauses

20. Accordingly, it is ordered that, effective April 8, 1996, the payment condition on American Personal Communications' license, call sign KNLF200, is modified as follows:

This authorization requires that American Personal Communications shall pay to the United States Treasury \$102,343,539, plus interest, pursuant to the terms and procedures in the above schedule of payments (and accompanying instructions).

21. It is further ordered that, effective April 8, 1996, the payment condition on Cox Cable Communications, Inc.'s license, call sign KNLF201, is modified as follows:

This authorization requires that Cox Cable Communications, Inc. shall pay to the United States Treasury \$251,918,526, plus interest, pursuant to the terms and procedures in the above schedule of payments (and accompanying instructions).

22. It is further ordered that, effective April 8, 1996, the payment condition on Omnipoint Communications, Inc.'s license, call sign KNLF202, is modified as follows:

This authorization requires that Omnipoint Communications, Inc. shall pay to the United States Treasury \$347,518,309, plus interest, pursuant to the terms and procedures in the above schedule of payments (and accompanying instructions).

23. It is further ordered that the pleading styled a "Petition to Deny the Award of a Pioneer Preference License to Omnipoint Corporation", filed by Whitestone Wireless, L.P., Southern Personal Communications Systems; and Minco P.C.S., on September 22, 1995, is hereby dismissed.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-7965 Filed 4-2-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 95-164; RM-8716]

Radio Broadcasting Services; Cornell, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken in this document allots Channel 260C3 to Cornell, Wisconsin, in response to a petition filed by Flambeau Broadcasting Co. See 60 FR 56034, November 6, 1995. The coordinates for Channel 260C3 at Cornell are 45-10-56 and 91-12-20. There is a site restriction 4.9 kilometers (3 miles) west of the community. Canadian concurrence has been obtained for this allotment. With this action, this proceeding is terminated. **DATES:** Effective May 13, 1996. The window period for filing applications will open on May 13, 1996, and close on June 13, 1996.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-164, adopted March 19, 1996, and released March 29, 1996. The full text of this Commission decision is available for inspection and copying during normal