

officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 29, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.412 is amended as follows:

a. In the table to paragraph (a):

i. By removing the entries for celery; grape pomace (wet and dry); lettuce, head; lettuce, leaf; potatoes; raisin waste; raspberries; spinach; and sweet potato.

ii. By revising the entries for beans, forage; beans, succulent; grapes; raisins; and soybeans.

iii. By adding entries for apricots; beet, garden; caneberries crop subgroup;

cherries (sweet and sour); cilantro; leafy vegetable (except Brassica) crop group; nectarines; peaches; and tuberous and corm vegetables crop subgroup.

b. In the table to paragraph (c) by removing the entry for endive, and by revising the entry for artichokes.

The added and revised portions read as follows:

§ 180.412 Sethoxydim; tolerances for residues.

(a) *General.* ***

Commodity	Parts Per Million	Expiration/Revocation date
* * *	*	*
Apricots	0.2	None
* * *	*	*
Beans, forage	15.0	None
Beans, succulent	15.0	None
Beet, garden	1.0	None
* * *	*	*
Caneberries crop subgroup	5.0	None
* * *	*	*
Cherries (sweet and sour)	0.2	None
Cilantro	4.0	None
* * *	*	*
Grapes	1.0	None
* * *	*	*
Leafy vegetable (except Brassica) crop group	4.0	None
* * *	*	*
Nectarines	0.2	None
Peaches	0.2	None
* * *	*	*
Raisins	2.0	None
* * *	*	*
Soybeans	16.0	None
* * *	*	*
Tuberous and corm vegetable crop subgroup	4.0	None

* * *

(c) *Tolerances with regional registrations.* ***

Commodity	Parts Per Million	Expiration/Revocation date
Globe artichoke	5.0	None
* * *	*	*

* * *

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 20, 95, and 97

[WT Docket No. 98-169; WT Docket No. 95-47; FCC 98-228]

Frequencies in the 218-219 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This rule is part of the Commission's comprehensive examination of its regulations governing the licensing and use of frequencies in the 218-219 MHz band, allocated to the Interactive Video and Data Service (IVDS) in the Personal Radio Services. In this rule, the Commission addresses issues regarding the IVDS installment payment portfolio and redesignates this service as the "218-219 MHz Service," and resolves matters raised in petitions for reconsideration.

EFFECTIVE DATE: November 9, 1998.

FOR FURTHER INFORMATION CONTACT: Bob Allen at (202) 418-0660 (Auctions & Industry Analysis Division) or James Moskowitz at (202) 418-0680 (Public Safety & Private Wireless Division), Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This *Order*, and (*MO&O*), in WT Docket No. 98-169, RM-8951, adopted September 15, 1998, released September 17, 1998, is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street, N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857-3800.

Synopsis of Order and Memorandum Opinion and Order

I. Introduction And Background

1. IVDS is a point-to-multipoint, multipoint-to-point, short distance communications service in which licensees may provide information or services to individual subscribers within a service area, and subscribers may provide interactive responses. See 47 CFR 95.803(a). These systems use radio channels in the 218-219 MHz band for fixed and mobile services between the licensee's cell transmitter station (CTS) and the subscriber's response transmitter unit (RTU), or between two CTSs.

2. IVDS was established in response to a petition for rulemaking filed by TV Answer, Inc. (TV Answer) (now known

as EON Corporation (EON)), a company proposing a system that would provide interactivity capabilities to television viewers. See *Notice of Proposed Rule Making*, 56 FR 10222 (March 11, 1991) ("Allocation Notice"). In the *Report and Order*, 57 FR 8272 (March 9, 1992) ("1992 Allocation Report and Order") the Commission established a frequency allocation at 218–219 MHz for IVDS, allowing a 500 kilohertz frequency segment to two licensees in each of the 734 cellular-defined service areas (306 Metropolitan Statistical Areas (MSAs) and 428 Rural Service Areas (RSAs)). When the Commission adopted the service rules governing IVDS in the *1992 Allocation Report and Order*, it decided, *inter alia*, to regulate IVDS as a private radio service, and to establish licensing criteria such as a five-year license term, restrictions on ownership of both frequency segments in a given market, and construction benchmarks. The Commission designed technical requirements that would permit the spectrum allocation for IVDS as sought by TV Answer and reduce the potential for harmful interference to nearby operations, including reception of TV Channel 13 broadcasts in the 210–216 MHz band. The Commission later modified the IVDS construction benchmark scheme, *Report and Order*, 61 FR 1286 (January 19, 1996), ("One-Year Construction Report and Order"), and, in its *Mobility Report and Order*, the Commission authorized use of this spectrum to provide mobile as well as fixed operation.

3. In the Omnibus Budget Reconciliation Act of 1993 (*1993 Budget Act*), Congress authorized the Commission to award licenses for certain spectrum-based services by competitive bidding (i.e., auctions). In the *Second Report and Order*, 59 FR 22980 (May 4, 1994) ("Competitive Bidding Second Report and Order"), on recon., *Second Memorandum Opinion and Order*, 59 FR 44272 (August 26, 1994), the Commission determined that IVDS licenses should be awarded through competitive bidding, and prescribed certain general rules and procedures to be used for all auctionable services. In the *Fourth Report and Order*, 59 FR 24947 (May 13, 1994) ("Competitive Bidding Fourth Report and Order"), the Commission established specific auction procedures for IVDS, setting forth auction methodology and payment procedures, and incorporating by reference many of the general rules and procedures set forth in the *Competitive Bidding Second Report and Order*, such as the installment payment and associated

grace period rules. In addition, the *Competitive Bidding Fourth Report and Order* established provisions such as installment payments to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women (collectively, "designated entities") are afforded a meaningful opportunity to participate in IVDS auctions. More recently, in the *Third Report and Order*, 63 FR 2315 (January 15, 1998) ("Part 1 Third Report and Order"), the Commission streamlined the general competitive bidding procedures to provide a uniform set of Part 1 provisions to be applied to all auctionable services, including IVDS. The new Part 1 license-related payment rules apply to existing IVDS licensees effective March 16, 1998.

4. The first eighteen IVDS system licenses (two licenses in nine of the top ten MSAs) were awarded by lottery held September 15, 1993, and granted on March 28, 1994. Subsequently, utilizing the procedures adopted in the *Competitive Bidding Fourth Report and Order*, the Commission held the first auction for IVDS licenses on July 28 and 29, 1994, covering the remaining 594 MSA licenses. On January 18, 1995 and February 28, 1995, the Commission conditionally granted licenses to the winning bidders, subject to the bidder meeting the terms of the auction rules, including down payment requirements.

5. On September 4, 1996, Petitioners filed a Petition for Rulemaking, RM–8951, seeking a change in the IVDS license term from five to ten years, with a corresponding extension of installment payment amortization. The Petition for Rulemaking was later amended with requests for regulatory relief on other issues such as construction benchmarks, ownership limitations, and technical restrictions. The Commission received no comments in opposition to the Petition for Rulemaking.

6. On December 4, 1996, the Wireless Telecommunications Bureau ("Bureau") announced a February 18, 1997 start date for an auction of 981 IVDS licenses, consisting of the 856 RSA licenses, and 125 MSA licenses being reaucted because the first auction winners were found in default. Then, on January 29, 1997, the Bureau announced postponement of the IVDS auction, "to give the Commission an opportunity to consider [the] Petition for Rulemaking and numerous informal requests of potential bidders and license holders seeking to obtain additional flexibility for the service."

II. Order

7. In authorizing the use of auctions to award licenses, Congress directed the Commission to ensure that designated entities are given the opportunity to participate in the provision of spectrum-based services. In accordance with this statutory mandate, the Commission's competitive bidding rules for the first auction of IVDS licenses allowed winning bidders that qualified as small businesses to pay 20 percent of their net bid price(s) as a down payment and the remaining 80 percent in installments over the five-year term of the license(s), with interest only paid for the first two years, and interest and principal payments amortized over the remaining three years. The first interest payment, due March 31, 1995, was deferred to June 30, 1995 pursuant to administrative action by the Office of Managing Director. The Bureau further stayed the date for making the initial interest payment pending Commission resolution of licensees' substantive requests related to the payment requirements. The stay was lifted on January 5, 1996, with licensees required to make the interest payments back-due from March 31, 1995 and June 30, 1995. Although the interest payments due September 30, 1995 and December 31, 1995 remained uncollected (hereinafter, the "Suspension Interest"), the Commission denied requests to "set-back" the payment schedule. Therefore, the first installment payment consisting of principal and interest was due March 31, 1997.

8. Pursuant to the installment payment rules in effect for payments due prior to March 16, 1998, any licensee whose installment payment was more than 90 days past due was in default, unless a "grace period" request was filed prior to the default date. Specifically, in anticipation of default on one or more installment payments, a licensee could request that the Commission grant a three- to six-month grace period during which no installment payments need be made. The licensee would not be declared in default during the pendency of such request. If the Commission (or the Bureau upon delegated authority) granted the request, the licensee would not be considered in default during the grace period, and the interest that accrued while no payments are made was amortized by adding it to the other interest payments over the remaining term of the license. Upon expiration of any grace period without successful resumption of payment, or upon default with no such request submitted, the license was cancelled automatically.

9. In the *Part 1 Third Report and Order*, the Commission modified the grace period provisions as applied to all existing licensees who are currently paying for their licenses in installments. Thus, beginning with installment payments due on or after March 16, 1998, a licensee that does not make payment on an installment obligation when due will automatically have an additional 90 days in which to submit its required payment without being considered delinquent, but will be assessed a late payment fee equal to five percent of the amount of the past due payment. If the licensee fails to make the required payment within the first 90-day period, the licensee automatically will be provided a subsequent 90 days in which to submit its required payment without being considered delinquent, this time subject to a second, additional late payment fee equal to ten percent of the amount of the past due payment. The licensee is not required to submit a filing to take advantage of these provisions. A licensee who fails to make payment within 180 days after an installment payment due date sufficient to pay all past-due late payment fees, interest, and principal, will be deemed to have failed to make full payment of its obligation and the license shall automatically cancel without further Commission action. The late payment fee and automatic cancellation provisions described above do not apply to licensees with properly filed grace period requests until such time as the Commission (or the Bureau upon delegated authority) addresses these grace period requests.

10. As of March 16, 1998, the effective date of the revised grace period rule, the IVDS installment payment portfolio consisted of licensees that have remitted their requisite installment payments, licensees that have not remitted their requisite installment payments but have properly filed grace period requests under the former installment payment rules, and licensees that have not remitted their requisite installment payments and do not have grace period requests on file in conformance with the former rules. Petitioners request that the Commission forego acting on the pending grace period requests and waive the late payment fee and automatic cancellation provisions of the revised installment payment rules for IVDS licensees until resolution of the proposals set forth in the Petition for Rulemaking, RM-8951, in an initial Report and Order. In addition, the Commission has before it several requests from IVDS licensees for broader

relief associated with the installment payment program. Some licensees seek more modest relief, generally associated with the pendency of this rulemaking. Other licensees request various types of payment deferral and/or restructuring.

11. The Commission believes that widespread cancellation of IVDS licenses through operation of the late payment fee and automatic cancellation provisions of the revised grace period rule would be inconsistent with many of the proposals under consideration in the Petition for Rulemaking, RM-8951. Therefore, the Commission will grant Petitioners' request to the extent that it will not act on grace period requests until the rulemaking is resolved. Since the late payment fee and automatic cancellation provisions of the revised grace period rule do not apply to licensees with properly filed grace period requests until such time as those grace period requests are addressed, there is no reason to grant a service-wide waiver of those provisions as Petitioners request. The Commission also believes that IVDS licensees that have remitted adequate installment payments as of March 16, 1998, and thus did not have grace period requests on file when the revised rules took effect, should not be penalized through the operation of the late payment fee and automatic cancellation provisions of the revised grace period rule, insofar as the Commission will need time to evaluate the issues raised in the Petition for Rulemaking, RM-8951. Therefore, for those licensees, the Commission suspends the operation of the late payment fee and automatic cancellation provisions of the revised grace period rule during the pendency of the rulemaking. In sum, the Commission will not assess late payment fees or cancel any IVDS license for which a properly filed grace period request is pending, or for which adequate installment payments were made as of March 16, 1998, until resolution of the issues raised in the Petition for Rulemaking, RM-8951, in an initial Report and Order. Licensees that have been delinquent in payment without properly filed grace period requests are in default of their payment obligations and will be notified by the Bureau regarding debt collection procedures.

12. All other requests for payment deferral or restructuring that are inconsistent with this *Order*, are hereby denied. The Commission concludes that it is reluctant to adopt any solutions that will only postpone these payment difficulties and further prolong uncertainty. In that regard, the Commission reminds licensees that there is no suspension of the

requirement to make quarterly payments under its installment payment rules, irrespective of its actions today, and that the Commission will strictly enforce the late payment fee and automatic cancellation provisions of the revised grace period rule beginning with the first payment due upon resolution of the issues raised in the Petition for Rulemaking, RM 89-51, in an initial Report and Order.

I. Memorandum Opinion And Order

13. On May 16, 1996, the Commission adopted the *Mobility Report and Order*, in which the Commission amended its rules to authorize mobile in addition to fixed operation for IVDS RTUs operated with an effective radiated power (ERP) of 100 milliwatts or less. The Commission decided that the output power of these mobile RTUs could be measured in terms of "mean power" rather than "peak power," and the Commission eliminated the requirement that such units utilize automatic power controls. In addition, the Commission eliminated the IVDS duty cycle requirement for RTU operations outside of TV Channel 13 predicted Grade B contours. Finally, the Commission permitted direct CTS-to-CTS communications on a primary basis, enabling licensees to transmit point-to-point communications between fixed points within their systems. The Commission found that these amendments would provide additional flexibility for licensees to meet the communications needs of the public, which the record indicated may include commercial data distribution and inventory monitoring services, without increasing the likelihood of interference. Timely petitions for reconsideration of the *Mobility Report and Order* were filed by Euphemia Banas, et al. (Banas) and the National Association of Broadcasters (NAB); and ITV/IALC timely filed a Request for Clarification. The Commission addresses these filings below.

A. Service Designation

14. As a threshold matter, given the regulatory flexibility provided to 218-219 MHz band licensees in the *Mobility Report and Order*, the Commission believes the service designation "Interactive Video and Data Service" no longer describes the breadth of different services evolving in the 218-219 MHz band. In addition to radio-based interactive television services, the Commission has noted a myriad of services that licensees can offer, including commercial data applications such as transmission of database information to point-of-sale terminals,

home banking or downloading of data to personal computers, VCRs, or other consumer electronic products. The Commission is also aware of other uses of this spectrum, including two-way telemetry services such as remote meter reading and energy management operations, inventory monitoring services, a link between automatic teller machines and a bank's central computer, alarm security functions, cable television theft deterrence, and stock transaction or quotation services. Indeed, this list of applications is not exhaustive. Therefore, on its own motion, the Commission redesignates this service as the "218–219 MHz Service," to eliminate any confusion regarding the service's existing capabilities. This change in nomenclature is procedural in nature under the Administrative Procedure Act, and consequently, the requirement of notice and comment rulemaking does not apply.

B. Operation of Mobile RTUs

15. As the Commission stated in the *Mobility Report and Order*, by definition, mobility makes it more likely that an RTU will transiently operate in areas where interference may result. The Commission therefore recognized that allowing unrestricted mobile operations may promote flexibility within the service, but it also increases the interference potential with respect to the operation of licensees in other services.

16. The Commission finds Baras' claim that the 100 milliwatt power limit raises the cost and amount of time necessary to construct a network as unpersuasive because 218–219 MHz Service licensees are not required to provide service to mobile RTUs—it is merely one type of service licensees may provide. Moreover, the Commission expects that licensees will factor additional cost considerations into their decision making process concerning what services to provide their subscribers and how much to charge for them. The Commission also disagrees with NAB's request to measure output in terms of peak power rather than mean power. The Commission purposefully chose the mean power measurement for these low power mobile RTUs because it concluded that a mean power standard would provide licensees with greater economic flexibility and efficiency in equipment design, while only insignificantly increasing the risk of interference to TV Channel 13 operations. Nonetheless, the combination of suggestions in the petitions for reconsideration and

associated comments leads the Commission to question whether the 100 milliwatt ERP limit may be unnecessarily low. As the record does not provide the empirical data to support a reasonable alternative, the Commission dismisses petitions with respect to the mobile RTU power limit issue and will reexamine the issue as part of the record of the Petition for Rulemaking, RM–8951.

C. Duty Cycle

17. In the *Mobility Report and Order*, the Commission eliminated the duty cycle requirement for: (1) fixed RTUs operating outside a TV Channel 13 predicted Grade B contour; and (2) mobile RTUs operating in system service areas that do not overlap with a TV Channel 13 predicted Grade B contour. In doing so, the Commission noted that in such areas, TV Channel 13 operations have no expectation of protection from interference, thereby rendering the duty cycle restriction unnecessary, and furthermore, that the duty cycle limitation was an additional safeguard against interference rather than one of the principal ways the Commission intended to minimize the interference potential of the 218–219 MHz Service.

18. The Commission believes that NAB's request to expand the area of RTU duty cycle limits at least ten miles further in all directions would burden 218–219 MHz Service technical operations with no attendant public interest benefits. The Commission therefore denies NAB's request that it expand this interference protection requirement to include an area far outside the TV Channel 13 Grade B contour because it is inconsistent with its goal of providing flexibility to licensees to design their systems in the most efficient way. The Commission also denies NAB's request for expanded duty cycle regulations in anticipation of advanced television implementation. This request was fully considered in the *Mobility Report and Order*, in which the Commission stated that it expects that whatever system is adopted will generally be more immune to interference from signals in adjacent spectrum than is the case with current analog TV systems.

D. Limitations on Types of Service

i. CTS-to-CTS Communications and Section 95.861

19. Households receiving over-the-air television broadcasts are provided interference protection from any component of a 218–219 MHz Service system pursuant to Section 95.861 of the

Commission's rules. Specifically, under the rule, a 218–219 MHz Service licensee must: (1) notify all households within its service area located within a TV Channel 13 station Grade B predicted contour of the potential for interference to television reception from the 218–219 MHz Service system; (2) upon request, provide and install a filter, free of charge, to any household within a TV Channel 13 station Grade B predicted contour that experiences interference due to a component CTS or RTU; and (3) investigate and eliminate interference to television broadcasting and reception due to a component CTS or RTU within 30 days of receipt of a written interference complaint, and if it fails to do so, the CTS or RTU causing the interference must discontinue operation.

20. The Commission believes that its rules regarding 218–219 MHz Service interference protection requirements are clear. The Commission nonetheless reiterates its policy in response to NAB's request for clarification that the fixed point-to-point direct CTS-to-CTS communications authorized in the *Mobility Report and Order* are subject to these general interference protection regulations. Specifically, all transmissions related to the 218–219 MHz Service, including the CTS-to-CTS communications now permitted under § 95.805(b) of the Commission's rules, are subject to the § 95.861 general interference protections described above.

2. Use of Public Switch Network (PSN) or Commercial Mobile Radio Services (CMRS) for Internal Control Purposes

21. Under the Commission's current rules, mobile RTUs are prohibited from interconnecting with the PSN or CMRS providers.

22. A licensee's use of the PSN or CMRS providers for internal control purposes is not an "interconnected service." Since the Commission's rules do not limit the method by which a 218–219 MHz Service licensee can configure internal control communications, the Commission clarifies that the mobile RTU prohibition on interconnection with the PSN or CMRS providers does not limit a 218–219 MHz Service licensee's use of the PSN or CMRS for internal control purposes. This clarification does not affect the current prohibition on PSN or CMRS interconnection by mobile RTUs operated by 218–219 MHz Service licensees. The Commission previously considered and rejected a contention that the 218–219 MHz band should be developed primarily as an interactive service for use in conjunction with the

broadcast industry. In doing so, the Commission reasoned that consumers, through market forces, should determine the variety of uses for this allocation, whether broadcast-related or otherwise.

ii. Annual Reviews

23. Finally, NAB requested that the Commission undertake annual review of the services provided by 218–219 MHz Service licensees to assure that licensees are not using their facilities for unintended purposes or for services duplicative of services provided by other licensed communications operators. This request is contrary to current FCC policy, which allows the marketplace to develop efficient uses for spectrum and encourages competition between varied communications operators. The Commission believes that such a requirement would constitute unnecessary and burdensome regulation on 218–219 MHz Service licensees and places an undue burden on the agency. Further, such a requirement is unprecedented for a personal radio service, and would serve no regulatory purpose in light of the Commission's proposals regarding permissible uses of this spectrum.

II. Ordering Clauses

24. Authority for issuance of this *Order*, and *Memorandum Opinion and Order* is contained in Sections 4(i), 257, 303(b), 303(g), 303(r), 309(j), and 332(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 257, 303(b), 303(g), 303(r), 309(j), and 332(a).

25. Accordingly, it is ordered that this *Order*, and *Memorandum Opinion and Order* is adopted. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this *Order*, and *Memorandum Opinion and Order*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

26. It is further ordered that all references to "Interactive Video and Data Service" in 47 CFR Parts 1, 2, 20, 95, and 97 are to be removed and, in their place, the words "218–219 MHz Service" are to be substituted. Pursuant to 47 CFR 0.331(d), the Commission hereby instructs the Wireless Telecommunications Bureau to make conforming edits to the Code of Federal Regulations consistent with this Ordering Clause.

27. It is further ordered that the request of the Petitioners for general waiver of § 1.2110(f)(4) of the Commission's rules, as amended by the *Part 1 Third Report and Order*, is

denied. However, a suspension of the application of § 1.2110(f)(4)(i)-(iv), limited to those 218–219 MHz Service licensees that have remitted adequate installment payments as of March 16, 1998, will remain in effect pending Commission resolution of the issues raised in the *Notice of Proposed Rulemaking* in an initial Report and Order.

28. It is further ordered that all other payment relief requests are denied to the extent that they are inconsistent with the actions described above.

29. It is further ordered that, as described above, the petition for reconsideration of the *Mobility Report and Order*, to the extent that it is addressed in the Order is dismissed.

30. It is further ordered that, to the extent described above, the Commission clarifies issues raised in a petition for partial reconsideration and a request for clarification.

31. It is further ordered that the petition for partial reconsideration is dismissed or denied in all other respects.

32. It is further ordered that WT Docket No. 95–47 is terminated.

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 2

Communications equipment, Radio

47 CFR Part 20

Communications common carriers, Radio

47 CFR Parts 95 and 97

Radio.

Federal Communications Commission.

William F. Caton,
Deputy Secretary.

Rule Changes

Parts 1, 2, 20, 95, and 97 of Chapter I of Title of the Code of Federal Regulations are amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 225 and 303(r).

2. All references to "Interactive Video and Data Service," "Interactive Video and Data Service (IVDS)," or "IVDS" are to be removed and, in their place, the words "218–219 MHz Service" are to be substituted.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

3. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 307 and 336 unless otherwise noted.

4. All references to "Interactive Video and Data Service," "Interactive Video and Data Service (IVDS)," or "IVDS" are to be removed and, in their place, the words "218–219 MHz Service" are to be substituted.

PART 20—COMMERCIAL MOBILE RADIO SERVICES

5. The authority citation for part 20 continues to read as follows:

Authority: Secs. 4, 251, 252, 303, and 332, 48 Stat. 1066, 1062, as amended; 47 U.S.C. 154, 251, 252, 253, 254, 303, and 332, unless otherwise noted.

6. All references to "Interactive Video and Data Service," "Interactive Video and Data Service (IVDS)," or "IVDS" are to be removed and, in their place, the words "218–219 MHz Service" are to be substituted.

PART 95—PERSONAL RADIO SERVICES

7. The authority citation for part 95 would continue to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

8. All references to "Interactive Video and Data Service," "Interactive Video and Data Service (IVDS)," or "IVDS" are to be removed and, in their place, the words "218–219 MHz Service" are to be substituted.

PART 97—AMATEUR RADIO SERVICES

9. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

10. All references to "Interactive Video and Data Service," "Interactive Video and Data Service (IVDS)," or "IVDS" are to be removed and, in their place, the words "218–219 MHz Service" are to be substituted.

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