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January 31, 1995

**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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JAN 31 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Re: Petition for Rulemaking of United States  
Satellite Broadcasting Company, Inc. and USSB II, Inc.  
to amend 47 C.F.R. §§ 74.432, 74.600, and 74.632

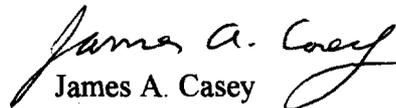
Dear Mr. Caton:

Transmitted herewith, on behalf of United States Satellite Broadcasting Company, Inc. ("USSB") and USSB II, Inc., are an original and four (4) copies of their Petition for Rulemaking to amend 47 C.F.R. §§ 74.432(a), 74.600, and 74.632(a) to make Direct Broadcast Satellite ("DBS") licensees and operators eligible to apply for remote pickup and television broadcast auxiliary licenses under these subparts. USSB II is a DBS licensee and USSB is a DBS operator.

Should there be any questions regarding this matter, kindly communicate directly with the undersigned counsel for USSB and USSB II.

Very Truly Yours,

FLETCHER, HEALD & HILDRETH, P.L.C.



James A. Casey

Counsel for

United States Satellite Broadcasting  
Company, Inc. and USSB II, Inc.

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BEFORE THE

Federal Communications Commission

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WASHINGTON, D.C. 20554

JAN 31 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Amendment of §74.432, ) MM Docket No. \_\_\_\_\_  
§74.600 and §74.632 )

To: The Commission

**PETITION FOR RULEMAKING**

United States Satellite Broadcasting Company, Inc. ("USSB") and its wholly-owned subsidiary, USSB II, Inc. ("USSB II"), by their counsel, hereby submit their Petition for Rulemaking to amend 47 C.F.R. §74.432(a), §74.600, and §74.632(a) to make Direct Broadcast Satellite ("DBS") licensees and operators eligible to apply for remote pickup and television broadcast auxiliary licenses under these subparts. USSB II is a DBS licensee and USSB is a DBS operator.

§74.432(a) currently provides that: "A license for a remote pickup station will be issued to: the licensee of an AM, FM, noncommercial FM, TV, international broadcast or low power TV station; broadcast network-entity, or cable network-entity." §74.600 provides that "[a] license for a station in this subpart will be issued only to a television broadcast station, a television broadcast network-entity, a low power television station, or a television translator station." Similarly, §74.632(a) provides, in pertinent part, that "[I]licenses for television pickup, television STL, television microwave booster, or television relay stations will be issued only to licensees of

television broadcast stations, and broadcast network-entities and, further, on a secondary basis, to licensees of low power television stations." These eligibility categories should now be expanded to include DBS broadcast television licensees and operators.

The purpose of this request is to secure the same access to the auxiliary services for DBS licensees and operators that similarly situated television broadcast licensees now have. DBS companies will be involved in the production and distribution of video programming for broadcast to the public, just as the other Part 74 eligible entities presently are.

As producers and distributors of television programming, DBS licensees and operators will ultimately face all of the same situations and have all of the same needs for auxiliary services as any other television broadcast entity (*e.g.*, relay between production facilities, remote pickup, etc.). In addition, it is reasonable to place DBS companies into the existing framework of auxiliary services for television stations. Because the types of activities for which DBS providers will require auxiliary licenses are the same as for broadcast television stations, there are currently mechanisms and procedures in place for dealing with the various frequency coordination and service operation concerns. Such will not be the case if DBS companies are forced into a different regulatory category. Therefore, since there is no other more appropriate place for these auxiliary needs to be met, DBS television licensees and operators should be eligible to apply for remote pickup and television broadcast auxiliary licenses under Part 74 of the FCC's Rules.

A grant of this petition should in no way cause concern with respect to the crowding of the auxiliary services spectrum. Given the fact that there will ultimately be a relatively small number

of DBS companies, the impact on the auxiliary services will be minimal. Moreover, there are presently very limited options for DBS licensees and operators for these types of uses in other services licensed by the Commission.

USSB and USSB II propose that the rules be amended as follows:

47 C.F.R. § 74.432(a)

A license for a remote pickup station will be issued to: the licensee of an AM, FM, noncommercial FM, TV, international broadcast or low power TV station; broadcast network-entity; cable network-entity; or a direct broadcast satellite television licensee or operator.

47 C.F.R. § 74.600

A license for a station in this subpart will be issued only to a television broadcast station, a television broadcast network-entity, a direct broadcast satellite television licensee or operator, a low power television station, or a translator station.

47 C.F.R. § 74.632(a)

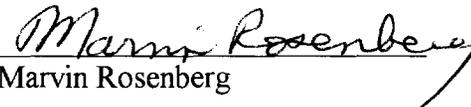
Licenses for television pickup, television STL, television microwave booster, or television relay stations will be issued only to licensees of television broadcast stations, broadcast network-entities, and direct broadcast satellite television licensees or operators and, further, on a secondary basis, to licensees of low power television stations.

Therefore, USSB and USSB II respectfully request that §74.432(a), §74.600, and §74.632(a) of the FCC's Rules be amended to make DBS television licensees and operators eligible to be licensed for remote pickup and television broadcast auxiliary frequencies.

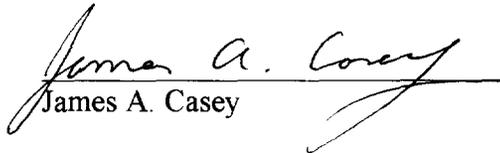
Respectfully submitted,

UNITED STATES SATELLITE  
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USSB II, INC.

  
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Date: January 31, 1995