

Trump Village Section 3, Inc.

2915 WEST 5TH STREET • BROOKLYN, N. Y. 11224

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September 25, 1996

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

Re: Satellite Earth Stations
IB Docket No. 95-59

Dear Mr. Canton:

We are a middle-income housing cooperative located in Brooklyn, New York containing 1,674 apartments, housing approximately 4,000 people.

We are writing this Comment in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996 regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter.

We are concerned that the proposed rules prohibiting enforcement of nongovernmental restrictions will adversely affect the ability of our housing cooperative to set rules for its own community. Trump Village is run by a duly elected unpaid Board of Directors committed to preserving the structural soundness of its buildings and protecting the comfort and safety of all residents. In usurping the Board's right to regulate the use and placement of satellite equipment in our cooperative the government is harming rather than helping our cooperators.

Where these satellite antennas are to be allowed and placed is a decision for our duly elected Board and not for each individual cooperator. This is a home rule issue where people have elected their representatives to make decisions for the benefit of the cooperative as a whole. The Board does not want satellite antennas sprouting out of its windows and on its terraces both from an aesthetic and building integrity point of view. If each cooperator were allowed to make decisions like this for himself or herself the Board would become powerless to govern and anarchy would reign. There is no need for the government to interfere with the cooperative's decision making process in this area.

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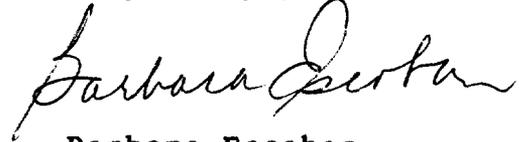
Mr. William F. Caton , Acting Secretary
Federal Communications Commission

September 25, 1996
Re: Satellite Earth
Stations

- 2 -

We are not a group of individual homeowner's associations, owners of rental housing or other entity where the apartment occupant has no control over restrictions placed on the use of his or her property. Restrictions imposed on our individual cooperators by our democratically elected Board of Directors for the good of the entire cooperative should not be barred by government fiat. There is no need and no reason for the FCC to preempt our restrictions by regulation or otherwise and we therefore strongly urge the Commission to create an exemption from the proposed Regulation for cooperative housing developments such as ours.

Very truly yours,



Barbara Escobar
General Manager

cc: Board of Directors
Arthur Gussaroff, Esq., Szold & Brandwen, P.C.
Ezra Goodman, Esq., Szold & Brandwen, P.C.
Rhonda Daniels, NAHB
Herbert Warshavsky, Executive Director, ABO
Marvin Specht, NY State Divison of Housing & Community Renewal



Coordinating
Council of
Cooperatives



Council of
New York
Cooperatives



Federation of
New York
Housing Cooperatives



HDPC
Coalition

April 12, 1996

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

Re: **Satellite Earth Stations**
IB Docket No. 95-59

Dear Mr. Caton:

The Council of New York Cooperatives, the Coordinating Council of Cooperatives and the Federation of New York Housing Cooperatives are membership organizations providing information and services to the vast majority of approximately 8000 housing cooperatives, condominiums and homeowners associations that are the homes of some 500,000 New York families.

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996 regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter.

We are concerned that the proposed rules prohibiting enforcement of nongovernmental restrictions will adversely affect the ability of housing cooperatives, condominiums and homeowners associations to set rules for their own communities. Our members are run by boards of directors committed to preserving the structural soundness of buildings, protecting the comfort and safety of all residents. In usurping the board's right to regulate the use and placement of satellite equipment in public areas of these entities, the government is harmful to our members.

*Distributed to
Consulting Council of Engineers
465 Grand Street
New York, New York 10002*

Federal Communications Commission

FCC 96-328

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Preemption of Local Zoning Regulation of Satellite Earth Stations)	IB Docket No. 95-59
)	
In the Matter of)	
)	
Implementation of Section 207 of the Telecommunications Act of 1996)	CS Docket No. 96-83
)	
Restrictions on Over-the-Air Reception Devices: Television Broadcast Service and Multichannel Multipoint Distribution Service)	

**REPORT AND ORDER,
MEMORANDUM OPINION AND ORDER, and
FURTHER NOTICE OF PROPOSED RELEASING**

Adopted: August 5, 1996

Released: August 6, 1996

Comment date: September 27, 1996

Reply Comment date: October 28, 1996

By the Commission: Commissioners Queffo and Chong issuing separate statements.

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Federal Communications Commission

FCC 96-328

based on health and safety considerations.¹²⁸ We note, however, that there was an almost complete lack of a record on nongovernmental restrictions and their purposes.

47. In response to our proposed rules regarding private restrictions, we received extensive comments from consumers as well as representatives of community associations, commercial real estate interests, and video programming services. Based on this record, we have determined that our original proposals should be modified, and that the same rule and procedures applicable to governments will apply to those desiring to enforce certain nongovernmental restrictions on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership interest in the property.¹²⁹ We seek comment below on the application of Section 207 in other kinds of ownership situations.

48. Many commenters, including those representing community associations, commercial real estate interests, and building owners, have expressed significant concern about the applicability of our rules to situations in which a resident wishes to install an antenna on property that is owned by the viewer, is commonly owned, or is owned by a landlord. Based on these comments, we have identified three categories of property rights that might be affected by our rules, including: (a) property within the exclusive use or control of a person who has a direct or indirect ownership interest in the property; (b) property not under the exclusive use and control of a person who has a direct or indirect ownership interest in the property, including the outside of the building, including the roof; and (c) residential or commercial property that is subject to lease agreements. At this time, we conclude that we should apply our rule to property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership interest in the property. Such a rule appropriately implements the statute while recognizing these important distinctions in the way in which property is owned. With respect to leased property and property not under the viewer's exclusive use or control but where the viewer has an ownership interest, we have determined that the existing record in this proceeding is inadequate to reach a definitive conclusion and that, as discussed below, a further notice of proposed rulemaking is appropriate.

2. Installation on property within the exclusive use or control of the viewer and in which the viewer has a direct or indirect ownership interest

49. The first category includes the case in which an individual owns his home and the land on which it sits. This type of ownership can apply to either a single family detached home or a single family rowhouse, and the owner may be subject to restrictions in the form of covenants or homeowners' association rules that are usually incorporated in a deed. One community association commenter asserts that enforcement and implementation of our rule in

¹²⁸ DRS Order and Further Notice ¶ 62.

¹²⁹ See discussion of waivers and declaratory rulings, *infra* at III. E. Process and Procedure.



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FEDERAL REGULATORY COUNSEL
REGULATORY & LEGAL AFFAIRS DIVISION

FCC ISSUES RULES ON HOMEOWNER ASSOCIATION RESTRICTIONS ON SATELLITE ANTENNAS; DEFERRED RULING ON RENTAL PROPERTY RESTRICTIONS

The Federal Communications Commission (FCC) has released its rule concerning private restrictions on placement of satellite antennas less than one meter in diameter, off-the-air television antennas, and multipoint distribution service antennas. This rule implements Section 207 of the Telecommunications Act of 1996. This rule applies only to restrictions that impair reception by antennas installed on property exclusively owned by the viewer. Thus, homeowner association restrictions must comply with this new FCC rule.

The FCC deferred ruling on the issue of antenna restrictions adopted by owners of rental property. The FCC recognized that where a landlord or community association is legally responsible for maintenance and repair of the property and can be liable for failure to perform its duties properly, there are many issues that arise if restrictions on placement of antennas are removed. Therefore, additional comments are requested on the legal, technical, and practical issues arising from installation of antennas on rental or commonly-owned property. Comments are due by September 27, 1996.

The rule that was issued pertains to restrictions that impair reception by antennas installed on property exclusively owned by the viewer. Under this rule, homeowner association restrictions which prevent, unreasonably delay, unreasonably increase the cost of antenna installation, maintenance or use, or preclude reception of an acceptable quality signal will no longer be enforceable. However, reasonable architectural guidelines which do not impair signal reception will continue to be enforceable. Thus, a restriction that requires that a relatively unobtrusive antenna be screened by expensive landscaping will no longer be enforceable. However, a requirement to paint an antenna in a way that does not interfere with reception so that it blends into the background would likely be acceptable. In addition, restrictions that serve legitimate safety needs, such as restrictions requiring minimum distances from high voltage power lines, or that preclude installation near streets and intersections are permitted. Also permitted are safety regulations stipulating the adequate bolting of antennas, as are fire code provisions prohibiting placement at fire exits. Safety restrictions must be no more burdensome on antenna users than is necessary to achieve the desired objective.

The FCC also recognized that certain restrictions on placement of antennas are adopted because the site in question has historic status. Accordingly, the rule allows restrictions on the installation, use and maintenance of antennas if the restrictions are designed to protect historic areas that are listed or eligible for listing in the National Register of Historic Places. In addition, the FCC will consider granting waivers where the attempting to enforce a restriction demonstrates that the restriction is necessary to protect other environmental concerns.

For further information or to provide comments on technical and practical aspects of placement of antennas on rental property or commonly-owned property, please contact Rhonda Daniels, at 800-368-5242, ext. 328.

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distribution service or direct broadcast satellite services." This FNPRM will provide interested parties an opportunity to submit comments that will provide the Commission with a sufficient record on which to base ultimate regulations.

DATES: Interested parties may file comments to this FNPRM on or before September 27, 1996 and reply comments on or before October 28, 1996. Written comments by the public on the proposed and/or modified information collections are due on or before September 27, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before November 4, 1996.

ADDRESSES: An original and six copies of all comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, with a copy to Jacqueline Spindler of the Cable Services Bureau, 2033 M Street, N.W., Room 700, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554, or via the Internet to dconway@fcc.gov, and to Timothy Pain, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, D.C. 20503 or via the Internet to tpain@al.sop.gov.

FOR FURTHER INFORMATION CONTACT: Jacqueline Spindler, Cable Services Bureau, (202) 418-7200. For additional information concerning the information collections contained herein, contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's FNPRM in CS Docket No. 96-89, IB Docket No. 96-89, FCC No. 96-328, adopted August 5, 1996 and released August 8, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M

Street, NW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW, Washington, D.C. 20554. This FNPRM contains a proposed information collection subject to the Paperwork Reduction Act of 1996 (PRA). As part of our continuing effort to reduce paperwork burdens, we invite the general public and OMB to comment on the information collection contained in this FNPRM, as required by the Paperwork Reduction Act of 1996, Public Law No. 104-13. Public and agency comments are due on September 27, 1996; OMB comments are due 90 days from the date of publication in the Federal Register. Comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3000-0747
Title: Prescription of Restrictions on Over-the-Air Reception Devices—Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking.

Type of Review: Revision of an existing collection. The following are burden estimates for the Order portion of the document, as well as the Further Notice of Proposed Rulemaking portion of the document. We account for the burdens estimates separately, if in a subsequent rulemaking, the proposed rules in the Further Notice of Proposed Rulemaking are not adopted in part or in whole, the Commission will adjust its burden estimates accordingly.

Respondents: State and local governments; small organizations; small businesses.

Number of Respondents for the Order: 248. (100 requests for declaratory rulings, 24 comments on requests, 100 petitions for waivers, 24 comments on petitions.)

Estimated Time Per Response for the Order: 2-5 hours.

Total Annual Burden for the Order: 844 hours. It is estimated that 50% of declaratory rulings will be prepared without outside counsel with a burden of 5 hours each and 50% of parties will hire outside counsel. The estimated burden to coordinate information with

outside counsel is 2 hours. 50 (50% without outside counsel) x 5 hours = 250 hours. 50 (50% with outside counsel) x 2 hours = 100 hours. It is estimated that 50% of comments on declaratory rulings will be prepared without outside counsel with a burden of 4 hours each and 50% of parties will hire outside counsel. The estimated burden to coordinate information with outside counsel is 2 hours. 12 (50% without outside counsel) x 4 hours = 48 hours. 12 (50% with outside counsel) x 2 hours = 24 hours. It is estimated that 50% of petitions for waivers will be prepared without outside counsel with a burden of 5 hours each and 50% of parties will hire outside counsel. The estimated burden to coordinate information with outside counsel is 2 hours. 50 (50% without outside counsel) x 5 hours = 250 hours. 50 (50% with outside counsel) x 2 hours = 100 hours. It is estimated that 50% of comments on waivers will be prepared without outside counsel with a burden of 4 hours each and 50% of parties will hire outside counsel. The estimated burden to coordinate information with outside counsel is 2 hours. 12 (50% without outside counsel) x 4 hours = 48 hours. 12 (50% with outside counsel) x 2 hours = 24 hours.

Estimated Costs Per Respondent for the Order: It is estimated that 50 requests for declaratory rulings, 12 comments on requests for declaratory rulings, 50 petitions for waivers and 12 comments on petitions for waivers will be prepared each year through outside counsel. The estimated annual costs are \$66,400, illustrated as follows: 50 declaratory rulings x 5 hours x \$150/hr. = \$37,500. 12 comments on declaratory rulings x 4 hours x \$150/hr. = \$7,200. 50 petitions for waivers x 5 hours x \$150/hr. = \$37,500. 12 comments on petitions for waivers x 4 hours x \$150/hr. = \$7,200.

Number of Respondents for the FNPRM: 248. (100 requests for declaratory rulings, 24 comments on requests, 100 petitions for waivers, 24 comments on petitions.)

Estimated Time Per Response for the FNPRM: 2-5 hours.

Total Annual Burden for the FNPRM: 844 hours. It is estimated that 50% of declaratory rulings will be prepared without outside counsel with a burden of 5 hours each and 50% of parties will hire outside counsel. The estimated burden to coordinate information with outside counsel is 2 hours. 50 (50% without outside counsel) x 5 hours = 250 hours. 50 (50% with outside counsel) x 2 hours = 100 hours. It is estimated that 50% of comments on declaratory rulings will be prepared

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Estimated Costs Per Respondent for the FNPRM: It is estimated that 50 requests for declaratory rulings, 12 comments on requests for declaratory rulings, 50 petitions for waivers and 12 comments on petitions for waivers will be prepared each year through outside counsel. The estimated annual costs are \$99,400, illustrated as follows: 50 declaratory rulings × 5 hours × \$150/hr. = \$37,500, 12 comments on declaratory rulings × 4 hours × \$150/hr. = \$7,200, 50 petitions for waivers × 5 hours × \$150/hr. = \$37,500, 12 comments on petitions for waivers × 4 hours × \$150/hr. = \$7,200.

Needs and Uses: Submitted information will be used to evaluate requests for declaratory ruling regarding the reasonableness of state, local and nongovernmental restrictions, or to requests for waiver of the rule.

I. Synopsis of Further Notice of Proposed Rulemaking

1. On February 8, 1996, the Telecommunications Act of 1996 ("1996 Act") became law. Section 207 of the 1996 Act directs that the Commission shall, "pursuant to Section 303 of the Communications Act, promulgate regulations to prohibit restrictions that impair a viewer's ability to receive video programming services through devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution services, or direct broadcast satellite services." On August 8, 1996, the Commission released a Report and Order implementing Section 207, in this Further Notice of Proposed Rulemaking

(FNPRM) we seek comment on the implementation of Section 207 as it relates to restrictions on property not within the exclusive use or control of the viewer and/or in which the viewer may not have a direct or indirect ownership interest.

2. Neither the DRS Order and FNPRM nor the TVBS-MAIDS NPRM specifically proposed rules to govern or sought comment on the question of whether the antenna restriction presumption rules should apply to the placement of antennas on rental and other property not within the exclusive control of a person with an ownership interest. As a consequence many of the specific practical problems of how possible regulations might apply were not commented on, nor were the policy and legal issues fully briefed. We conclude that the record before us on this issue is incomplete and insufficient to address legal, technical and practical issues relating to whether, and if so how, to extend our rule to situations in which antennas may be installed on common property for the benefit of one with an ownership interest or on a landlord's property for the benefit of a tenant. Accordingly, we request further comment on these issues. We invite comment on the potential for central-reception facilities in situations where restrictions on individual antenna placement are preempted by the rules, and thus no involuntary use of common or landlord-owned property is involved. We seek comment on the technical and practical feasibility of an approach that would allow the placement of over-the-air reception devices on rental or commonly-owned property. In particular, we invite comment to address technical and/or practical problems or any other considerations they believe the Commission should take into account in deciding whether to adopt such a rule and, if so, the form such a rule should take.

3. Specifically, we seek comment on the Commission's legal authority to prohibit nongovernmental restrictions that impair reception by viewers who do not have exclusive use or control and a direct or indirect ownership interest in the property. On the question of our legal authority, we note that in *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982), the Supreme Court held that a state statute that allowed a cable operator to install its cable facilities on the landlord's property constituted a taking under the Fifth Amendment. In the same case, the Court stated, in dicta, that "a different question" might be presented if the statute required the landlord to provide cable installation desired by the tenant

Id. at 440 n.18. We therefore request comment on the question of whether adoption of a prohibition applicable to restrictions imposed on rental property or property not within the exclusive control of the viewer who has an ownership interest would constitute a taking under *Loretto*, for which just compensation would be required, and if so, what would constitute just compensation in these circumstances.

4. In this regard, we also request comment on how the case of *Bell Atlantic Telephone Companies v. FCC*, 24 F.3d 1441 (D.C. Cir. 1994), should affect the constitutional and legal analysis. In that case, the U.S. Court of Appeals for the District of Columbia invalidated Commission orders that permitted competitive access providers to locate their connecting transmission equipment in local exchange carrier central offices because these orders directly implicated the Just Compensation Clause of the Fifth Amendment.

II. Initial Regulatory Flexibility Analysis

5. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 603 (1996), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the potential economic impact on small entities of the approach proposed in this Further Notice of Proposed Rulemaking. Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadline for comments on the Further Notice of Proposed Rulemaking provided above.

6. **Reason for Action.** The rulemaking is initiated to obtain comment on the implementation of Section 207 of the Telecommunications Act of 1996, Public Law No. 104-104, 110 Stat. 58, as it applies to the installation, maintenance or use of antennas on common areas or rental properties, property not within the exclusive control of a person with an ownership interest, where a community association or landlord is legally responsible for maintenance and repair.

7. **Objectives.** The Commission seeks to evaluate whether preempting non-federal restrictions on commonly owned property and property subject to lease agreements, would: (1) enhance viewers' ability to receive video programming services through devices designed for over-the-air reception of television broadcast signals and multichannel multipoint distribution services; (2) provide an unreasonable management burden for parties owning and legally responsible for the property

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at issue; and (3) result in the Commission exceeding its statutory authority and Congress' constitutional authority.

8. *Legal Basis.* The proposed action is authorized under Section 1 of the Communications Act of 1934, as amended, 47 U.S.C. § 151, and Section 207 of the Telecommunications Act of 1996, Public Law No. 104-104, 110 Stat. 56.

9. *Reporting, Recordkeeping, and Other Compliance Requirements.* Depending on the outcome of the Further Notice of Proposed Rulemaking, neighborhood associations, property management companies and individual landlords promulgating regulations that restrict the installation, maintenance or use of devices designed for receiving over-the-air signals of DBS, MMDS and TVBS may, in certain circumstances, request declaratory rulings from the Commission that their regulations are reasonable, or petition the Commission for waiver of the rule.

10. *Federal Rules that Overlap, Duplicate or Conflict with These Requirements.* None.

11. *Description and Estimate of the Number of Small Entities Impacted.* The Regulatory Flexibility Act defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction," and "the same meaning as the term 'small business concern' under section 3 of the Small Business Act." A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA), 15 U.S.C. § 832. Neighborhood associations and property rental businesses may be affected by the ultimate outcome in the Further Notice of Proposed Rulemaking. These entities might need to revise their covenants and lease restrictions so that they conform with the rule.

12. Section 601(4) of the Regulatory Flexibility Act defines "small organization" as "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." 5 U.S.C. § 601(4). This definition includes homeowner and condominium associations that operate as not-for-profit organizations. The Community Associations Institute estimates that there were 180,000 associations in 1993.

13. The U.S. Small Business Administration classifies a small entity as a firm with fewer than 500 employees. United States Small Business Administration, *A Guide to the*

Regulatory Flexibility Act, App. A (1996). Utilizing the Standard Industrial Classification Codes for Real Estate Agents and Managers, 100,135 firms (of a total of 100,554) have fewer than 500 employees. United States Dept. of Commerce, Bureau of the Census, 1993 *Census of Cable and Other Pay Television Services* (quoted by Dr. William Whiston, Chief, Research Contracts Branch, Office of Advocacy for the Small Business Administration, July 31, 1996). This number does not include real estate agents who would not be burdened by the proposed rule, but does not include sole proprietors engaged in leasing rental property, who might be burdened.

14. *Any Significant Alternatives to Minimizing the Impact on Small Entities Consistent with the Stated Objectives.* This Notice solicits comments on a general approach only.

III. Paperwork Reduction Act of 1995 Analysis

15. *Final Paperwork Reduction Act of 1995 Analysis.* This FNPRA has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to contain an information collection requirement on the public implementation of an information collection requirement is subject to approval by the Office of Management and Budget as prescribed by the Act.

16. This FNPRA contains a proposed/modified information collection. As part of our continuing effort to reduce paperwork burdens, we invite the general public and OMB to comment on the information collection contained in this FNPRA, as required by the Paperwork Reduction Act of 1995, Public Law No. 104-13, Public and agency comments are due on September 27, 1996; OMB comments are due November 4, 1996. Comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

17. Written comments by the public on the modified information collections are due on September 27, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed collections on or before November 4, 1996. A copy of

any comments on the information collection contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW, Washington DC 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW, Washington DC 20503 or via the Internet to fain@oal.eop.gov.

IV. Procedural Provisions

18. *Ex parte Rules—Non-Restricted Proceeding.* This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, provided that they are disclosed as provided in Commission's rules. See generally 47 CFR §§ 1.1202, 1.1206.

19. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before September 27, 1996, and reply comments on or before October 28, 1996. To file formally in this proceeding, you must file an original and six copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original and eleven copies of all comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, with a copy to Jacqueline Spindler of the Cable Services Bureau, 2033 M Street, N.W., Room 700, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, N.W., Room 236, Washington, D.C. 20554.

V. Ordering Clauses

20. It is ordered that pursuant to Sections 4(j), 4(i), and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(j), 154(i), and 303, and Section 207 of the Telecommunications Act of 1996, Public Law No. 104-104, 110 Stat. 56, notice is hereby given and comment is sought regarding the proposals, discussion, and statement of issues in the Further Notice of Proposed Rulemaking.

21. It is further ordered that the requirements and regulations

established in this decision shall become effective upon approval by the Office of Management and Budget (OMB) of the new information collection requirements adopted herein, but no sooner than October 4, 1996.

22. This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission rules. See generally, 47 CFR §§ 1.1202, 1.1203, and 1.1206(a).

23. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415 and 1.419, interested parties may file comments on or before September 27, 1996, and reply comments on or before October 28, 1996. All pleadings must conform to Section 1.49(a) of the Commission's rules, 47 CFR § 1.49(a). To file formally in this proceeding, parties must file an original and six copies of all comments, reply comments and supporting comments. If parties want each Commissioner to receive a personal copy of their comments, they must file an original plus eleven copies. Parties should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Room of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. For further information, contact Jacqueline Spindler at (202) 418-7200.

24. This Further Notice of Proposed Rulemaking contains a proposed information collection. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in the Further Notice of Proposed Rulemaking. As part of our continuing effort to reduce paperwork burdens, we invite the general public and the OMB to comment on the information collections contained in this Further Notice of Proposed Rulemaking, as required by the Paperwork Reduction Act of 1995, Public Law No. 104-13. Public and agency comments are due on September 27, 1996; OMB comments are due November 4, 1996. Comments should address: (a) Whether the modified and proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's burden estimates; (c)

ways to enhance the quality, utility and clarity of the information collected; and (d) ways to minimize the burden of collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 294, 1919 M Street, NW., Washington DC 20554, or via the Internet to dconway@fcc.gov; and to Timothy Pain, OMB Desk Officer, 30230 NEOB, 725 17th Street, NW., Washington, DC 20503 or via the Internet to tim.pain@eop.gov.

25. It is further ordered that the Secretary shall send a copy of this Report and Order and Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law No. 96-354, 84 Stat. 1164, 5 U.S.C. 601 et seq. (1981).

List of Subjects in 47 CFR Part 1

Telecommunications, Television.

Federal Communications Commission.

William F. Cates,

Acting Secretary.

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BILLING CODE 6710-01-U

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 504, 507, 610, 511, 512, 514, 515, 538, 539, 543, 546, 552, and 570

[APD 2800.12A, CHGE 70]

RIN 3090-AF86

General Services Administration
Acquisition Regulation; Acquisition of Commercial Items

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Extension of comment period and notice of public meeting.

SUMMARY: This public notice is issued to familiarize the public with the status of finalizing the interim rule which amended the General Services Administration Acquisition Regulation (GSAR) to implement Items I and III of Federal Acquisition Circular 90-32. These items in FAC 90-32 amended the Federal Acquisition Regulation (FAR) to

implement the portions of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-358) dealing with the Truth in Negotiation Act and with the acquisition of commercial items. The GSAR interim rule also canceled the Multiple Award Schedule (MAS) policy Statement of October 1, 1982 (47 FR 50242, November 5, 1982). This notice also extends the period for public comment and provides notification of a public meeting. GSA has made some revisions to the interim rule that was published in the February 16, 1996, Federal Register to address public comments and to take into account the enactment of the Federal Acquisition Reform Act of 1996. The revised coverage has been mailed to the public commentators and copies may be obtained by other interested parties. DATE: Comments Due: Comments should be submitted in writing to the address shown below on or before September 30, 1996.

Meeting Date: The meeting will be held at 10:00 a.m. on September 19, 1996.

ADDRESSES: A copy of the revised coverage may be obtained by calling the GSA Acquisition Policy Division at 501-1224. Interested parties should submit written comments to the Office of Acquisition Policy (MV), General Services Administration, Room 4010, 18th & F Streets, NW, Washington, DC 20405.

The public meeting will be held at: General Services Administration Auditorium, 18th & F Streets, NW, Washington, DC, 20405.

FOR FURTHER INFORMATION CONTACT: Al Masters, Office of GSA Acquisition Policy, (202) 501-1224.

SUPPLEMENTARY INFORMATION: On February 16, 1996, a interim rule was published in the Federal Register (61 FR 6164). The interim rule afforded the public a 60-day comment period. During that time 13 organizations submitted comments. Based on comments received and the enactment of the Federal Acquisition Reform Act of 1996, GSA has refined the coverage. Accordingly, a copy of the revised coverage has been mailed to previous public commentators. The purpose of this notice is to advise the public generally of the availability of the revised coverage and enable other interested parties to obtain a copy by contacting the GSA Acquisition Policy Division.

To allow the public to present its views on the refinements to this interim rule, a public meeting will be held at the GSA Auditorium on September 19, 1996. Persons or organizations wishing to make presentations should notify