

Channel 64

Status	EduCom	CityState	Call Sign	Offset	ERP	HAAT	Polar	Name of licensee or applicant	Comment
LIC	C	Barstow, CA	KHIZ	Z	3160	518	H	Sunbelt Television Inc.	
LIC	C	Cincinnati, OH	WSTR-TV	-	5000	337	E	WSTR Licensee, Inc.	
LIC	C	Kalamazoo, MI	WLLA	Z	1450	305	H	Christian Faith Broadcast, Inc.	MOD
CP	C	Kalamazoo, MI	WLLA	Z	2510	319	E	Christian Faith Broadcast, Inc.	
APP	C	Kalamazoo, MI	WLLA	Z	5000	331	H	Christian Faith Broadcast, Inc.	
LIC	C	Kannapolis, NC	WAXN	-	129	86	C	Kannapolis Television Company	
CP	C	Kannapolis, NC	WAXN	-	1910	300	H	Kannapolis Television Company	
LIC	C	Macon, GA	WGNM	-	51.3	185	H	Good News Television	
LIC	C	Naranjito, PR	WECN	Z	1000	142	H	Encuentro Christian Network	
CP	C	Naranjito, PR	WECN	Z	1000	142	H	Encuentro Christian Network	
LIC	C	Providence, RI	WNAC-TV	+	3720	315	C	Argyle Television, Inc.	
LIC	C	Stockton, CA	KFTL	Z	1950	874	H	Family Stations, Inc.	
LIC	E	Seaford, DE	WDPB	-	186	195	H	WHYY, Inc.	
CP	C	Scranton, PA	WSWB-TV	Z	7.94	374	H	Ehrhardt Broadcasting	CP expired 5/5/90; pending extension app 970306KE
APP	C	Scranton, PA	WSWB-TV	Z	11	312	H	Ehrhardt Broadcasting	Pending mod app 960417KE
APP	C	Charlottesville, VA	New	+	5000	78	H	George Walton Lindsay	Granted Initial Decision
APP	C	Charlottesville, VA	New	+	3160	423	H	Achernar Broadcasting Company	Denied Initial Decision
APP	C	Destin, FL	New	Z	1200	138	H	Delta Media Corporation	
APP	C	Destin, FL	New	+	3090	159	H	Kaleidoscope Partners	
APP	C	Destin, FL	New	+	316	65	H	Marri Broadcasting Corporation	
APP	C	Destin, FL	New	+	1000	124	H	ValueVision International, Inc.	
APP	C	Destin, FL	New	+	5000	99	H	WinStar Broadcasting Corp.	
APP	C	Destin, FL	New	+	347	99	H	West Florida TV Acquisition Co.	

Channel 64

Status	EduCom	CityState	Call Sign	Offset	ERP	HAAT	Polar	Name of licensee or applicant	Comment
APP	C	Inverness, FL	New	Z	1350	86	H	Marri Broadcasting, L.P.	Requests a waiver of freeze
CP	C	Inverness, FL	WGOX	Z	3470	414	H	West Florida Television, Ltd.	CP cancelled 11-16-94
APP	C	Tullahoma, TN	New	+	5000	525	H	Pelican Broadcasting Compay	Requests a waiver of freeze

Channel 65

Status	EduCom	City, State	Call Sign	Offset	ERP	HAAT	Polar	Name of licensee or applicant	Comment
LIC	C	Ashland, VA	WAWB	+	1580	262	H	Christel Broadcasting, Inc.	
APP	C	Ashland, VA	WAWB	+	2690	262	H	Christel Broadcasting, Inc.	
LIC	C	Beattyville, KY	WLJC	Z	74.1	197	H	Hour of Harvest, Inc.	
LIC	C	El Paso, TX	KJLF-TV	Z	1000	557	H	UN2JC Communications, Ltd.	
APP	C	El Paso, TX	KJLF-TV	Z	5000	610	H	UN2JC Communications, Ltd.	
LIC	C	San Jose, CA	KLXV-TV	Z	3090	812	C	Paxson San Jose License, Inc.	
LIC	C	Vineland, NJ	WHSP-TV	-	3800	280	H	SKVI Broadcasting Partnership	
APP	C	Vineland, NJ	WHSP-TV	-	5000	280	C	SKVI Broadcasting Partnership	
LIC	E	New Haven, CT	WEDY	Z	7.94	82	H	Connecticut Public Broadcasting, Inc.	
CP	C	Orlando, FL	WRBW	Z	5000	465	H	Rainbow Broadcasting Company	CP on air; MOD
APP	C	Defiance, OH	New	+	5000	321	H	Pappas Tele of America	Requests a waiver of freeze
APP	E	Springfield, IL	New	+	10	116	H	West Central Il Ed Tele. Corpoation	Requests a waiver of freeze

Channel 66

Status	EduCom	City, State	Call Sign	Offset	ERP	HAAT	Polar	Name of licensee or applicant	Comment
LIC	C	Bradenton, FL	WFCT	Z	2240	465	H	Channel 66 of Tampa, Inc.	
LIC	C	Erie, PA	WFXP	+	891	271	H	Erie Broadcasting, Inc.	
APP	C	Erie, PA	WFXP	+	5000	363	H	Erie Broadcasting, Inc.	
LIC	C	Flint, MI	WSMH	-	1170	287	H	WSMH Licensee, Inc.	
CP	C	Flint, MI	WSMH	-	5000	287	H	WSMH Licensee, Inc.	
LIC	C	Joliet, IL	WGBO-TV	+	5000	393	H	WGBO License Partnership, G.P.	
LIC	C	Lebanon, TN	WJFB	-	251	161	H	Bryant Communications, Inc.	
CP	C	Lebanon, TN	WJFB	-	2240	161	H	Bryant Communications, Inc.	
LIC	C	Manassas, VA	WVVI	+	4370	168	H	WVVI(TV), Inc.	
LIC	C	Marlborough, MA	WHSB-TV	Z	3630	326	H	SKMA Broadcasting Partnership	
APP	C	Marlborough, MA	WHSB-TV	Z	5000	356	C	SKMA Broadcasting Partnership	
LIC	C	Opelika, AL	WSWS-TV	Z	794	207	H	Pappas Telecasting of Opelika	
APP	C	Opelika, AL	WSWS-TV	Z	5000	443	H	Pappas Telecasting of Opelika	
CP	C	Kaneohe, HI	KAPA	Z	95.5	632	H	Dove Broadcasting Company, Inc.	CP expires 8/13/98(?)
CP	C	Vallejo, CA	KPST-TV	Z	3470	466	H	Channel 66 of Vallejo, CA, Inc.	CP on air; MOD: allocated to Vallejo-Fairfield, CA
CP	E	West Milford, NJ	WFME-TV	Z	24	217	H	Family Stations of New Jersey, Inc.	CP on air
APP	C	Fairmont, WV	New	-	1510	263	H	Davis Television Fairmont, LLC	Requests a waiver of freeze
APP	C	Fairmont, WV	New	-	1510	151	H	Marri Broadcasting, L.P.	
PET	C	Broken Arrow, OK	New	Z				Fant Broadcast Development LLC	Pet for Rulemaking filed
PET	E	Memphis, TN	New	Z				Flinn Broadcasting Corp	

Channel 67

Status	EduCom	City, State	Call Sign	Offset	ERP	HAAT	Polar	Name of licensee or applicant	Comment
LIC	C	Alvin, TX	KHSH-TV	Z	5000	543	H	SKHO Broadcating Partnership	
APP	C	Alvin, TX	KHSH-TV	Z	5000	543	C	SKHO Broadcating Partnership	
LIC	C	Canton, OH	WOAC	Z	1410	88	H	Whitehead Media of Ohio, Inc.	
CP	C	Canton, OH	WOAC	Z	5000	148	H	Whitehead Media of Ohio, Inc.	MOD
LIC	C	Monterey, CA	KSMS-TV	-	1260	701	E	KSMS-TV, Inc.	Allocated to Salinas-Monterey, CA
LIC	C	Smithtown, NY	WHSI-TV	Z	2630	219	H	SKNJ Broadcasting Partnership	
APP	C	Smithtown, NY	WHSI-TV	Z	5000	219	E	SKNJ Broadcasting Partnership	
LIC	E	Baltimore, MD	WMPB	-	1000	250	H	Maryland Public Broadcasting Commission	
CP	C	Lake Worth, FL	WHBI	Z	501	60	H	Hispanic Broadcasting, Inc.	CP expires 10/3/97
APP	C	Lake Worth, FL	WHBI	Z	5000	132	H	Hispanic Broadcasting, Inc.	Pending mod app 960111KL
CP	C	Morehead, KY	WAOM	-	5000	247	H	Garcia Communications	CP expires 6/17/97
APP	C	Morehead, KY	WAOM	-	398	285	H	Garcia Communications	Pending mod app 960705KF
CP	C	Springville, NY	WNGS	+	38.9	160	H	Unicorn/Springville	License application pending (CP on air); MOD
CP	C	Troy, AL	WRJM-TV	Z	1260	592	H	State Door Development, Inc.	CP expired 12/11/88; ext denied 7/10/95; recon request 7/25/95
APP	C	Troy, AL	WRJM-TV	Z	2820	325	H	State Door Development, Inc.	Pending mod app 960131KE

Channel 67

Status	EduCom	City, State	Call Sign	Offset	ERP	HAAT	Polar	Name of licensee or applicant	Comment
APP	C	Galesburg, IL	New	Z	5000	600	H	Highlands Broadcasting Gen P/ship	
APP	C	Galesburg, IL	New	Z	5000	294	H	DM Partners	
APP	C	Galesburg, IL	New	Z	3630	297	H	Northwest Television, Inc.	
APP	C	Galesburg, IL	New	Z	5000	317	H	Galesburg 67, L.L.C.	
APP	C	High Point, NC	New	+	1510	125	H	Marri Broadcasting, L.P.	Requests a waiver of freeze
APP	C	Ilion, NY	New	-	7.08	137	H	Mohawk Valley Broadcasting, Inc.	Requests a waiver of freeze
APP	C	Olympia, WA	New	Z	5000	610	H	Sonoma Media Corporation, Inc.	Requests a waiver of freeze
PET	C	Chandler, AZ	New	Z				Chandler 67, LLC	Pet for Rulemaking filed

Channel 68

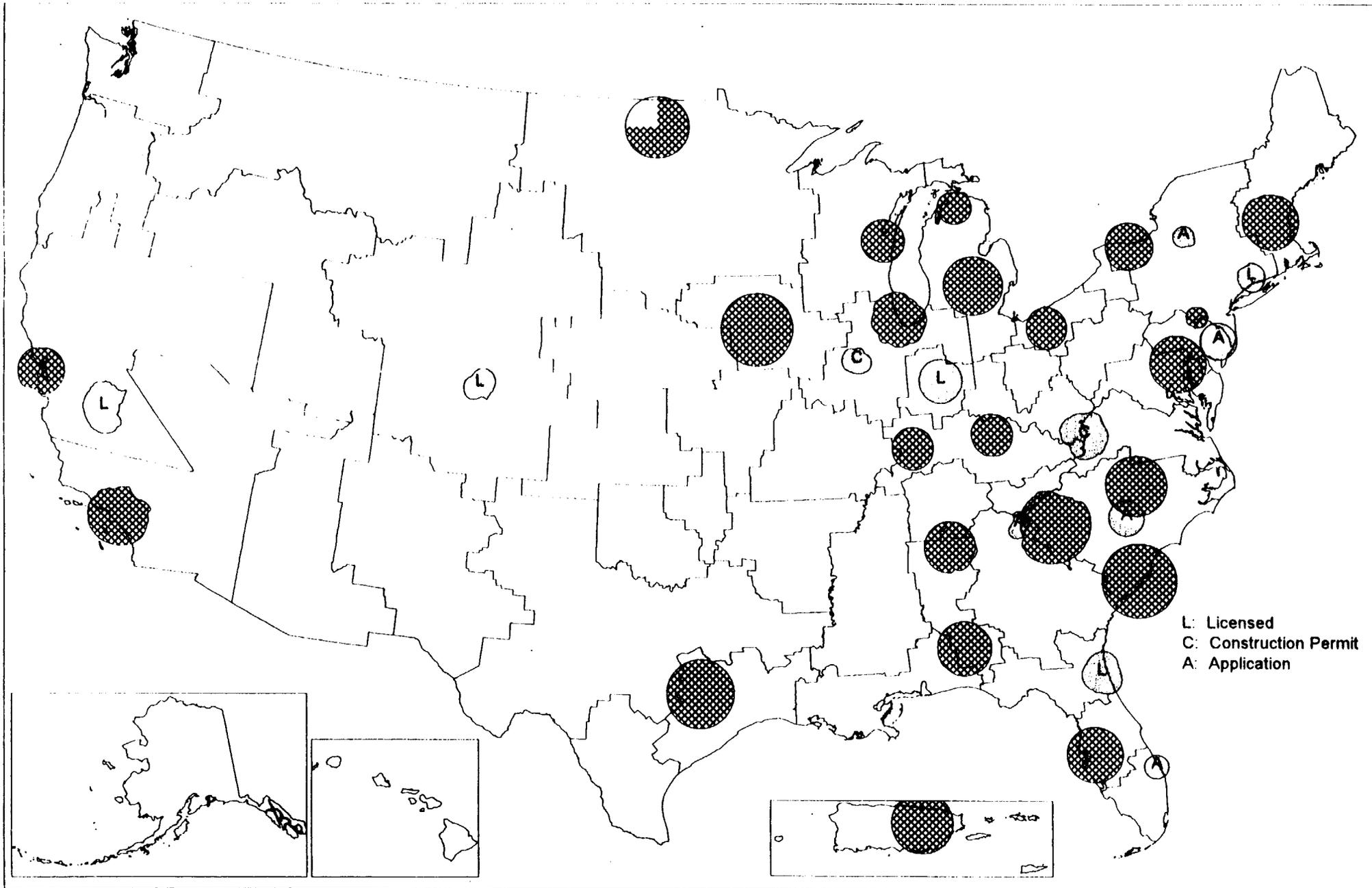
Status	EduCom	City, State	Call Sign	Offset	ERP	HAAT	Polar	Name of licensee or applicant	Comment
LIC	C	Birmingham, AL	WABM	+	1450	314	H	Birmingham (WABM-TV) Licensee	
CP	C	Birmingham, AL	WABM	+	5000	314	H	Birmingham (WABM-TV) Licensee	
LIC	C	Boston, MA	WABU	+	1350	249	H	Boston Univers. Communications Inc	
LIC	C	Grundy, VA	WLFG	Z	1150	763	E	Living Faith Ministries, Inc.	
LIC	C	Hagerstown, MD	WJAL	+	3890	394	H	Channel 68 Broadcasting Corporation	
LIC	C	Humacao, PR	WVSN	Z	79.4	594	H	Tito Atilas Natal	
APP	C	Humacao, PR	WVSN	Z	457	594	H	Tito Atilas Natal	
LIC	C	Mansfield, OH	WMFD-TV	-	269	180	H	Mid-State Television, Inc.	
CP	C	Mansfield, OH	WMFD-TV	-	5000	180	H	Mid-State Television, Inc.	
LIC	C	Newark, NJ	WHSE-TV	Z	2630	439	E	SKNJ Broadcasting Parnership	
APP	C	Newark, NJ	WHSE-TV	Z	5000	439	C	SKNJ Broadcasting Parnership	
LIC	C	Syracuse, NY	WSYT	-	1000	448	H	Max Television of Syracuse L.P.	
CP	C	Syracuse, NY	WSYT	-	1000	445	H	Max Television of Syracuse L.P.	
LIC	E	Cocoa, FL	WBCC	Z	2820	287	H	Brevard Community College	
LIC	E	Louisville, KY	WKMJ-TV	+	1170	250	H	Kentucky Authority for Educat. TV	
CP	E	Louisville, KY	WKMJ-TV	+	1580	249	H	Kentucky Authority for Educat. TV	
CP	C	Arlington, TX	KINZ	Z	5000	360	H	United Broadcast Group, Ltd.	CP on air
CP	C	Fond Du Lac, WI	WMMF-TV	Z	5000	506	H	Skycom, Inc.	CP expires ?5/13/97-6/18/97
CP	C	Novato, CA	KWOK	Z	5000	431	H	North Bay Television, Inc.	CP expires 9/13/97
APP	C	Novato, CA	KWOK	Z	1100	402	H	North Bay Television, Inc.	Pending mod app 961009KE
APP	C	Danville, IL	New	Z	5000	404	H	Pelican Broadcasting Compay	Requests a waiver of freeze
APP	E	Kansas City, MO	New	-	2630	297	H	Oral Roberts University	Requests a waiver of freeze
PET	C	Bartlett, TN	New	Z				Fant Broadcast Development LLC	Pet for Rulemaking filed

Channel 69

Status	EduCom	City, State	Call Sign	Offset	ERP	HAAT	Polar	Name of licensee or applicant	Comment
LIC	C	Allentown, PA	WFMZ-TV	Z	1070	313	H	Maranatha Broadcasting Co., Inc.	
APP	C	Allentown, PA	WFMZ-TV	Z	1780	313	H	Maranatha Broadcasting Co., Inc.	
LIC	C	Atlanta, GA	WUPA	Z	2630	299	H	HSN Broadcast of Georgia, Inc.	
LIC	C	Block Island, RI	WOST-TV	-	17.8	38	H	Ocean State Television, L.L.C.	
CP	C	Block Island, RI	WOST-TV	-	3470	213	H	Ocean State Television, L.L.C.	
APP	C	Block Island, RI	WOST-TV	-	2880	229	H	Ocean State Television, L.L.C.	
LIC	C	Hollywood, FL	WYHS-TV	Z	5000	264	E	SKFL Broadcasting Partnership	
APP	C	Hollywood, FL	WYHS-TV	Z	5000	264	C	SKFL Broadcasting Partnership	
LIC	C	San Diego, CA	KSWB-TV	Z	4790	594	H	KTTY Inc.	
CP	C	San Diego, CA	KSWB-TV	Z	4470	594	E	KTTY Inc.	
LIC	E	Indianapolis, IN	WTBU	Z	9.77	167	H	Butler University	
APP	C	Des Moines, IA	New	Z	851	83	H	Caroline K. Powley	
APP	C	Des Moines, IA	New	Z	2000	101	H	ValueVision International, Inc.	
APP	C	Des Moines, IA	New	Z	1410	354	H	Kaleidoscope Partners	
APP	C	Des Moines, IA	New	Z	5000	151	H	Stead Communications	
APP	C	Des Moines, IA	New	Z	479	118	H	Frank Duross	
APP	C	Des Moines, IA	New	Z	4900	618	H	John C. Siegel	
APP	C	Fredericksburg, VA	New	+	1510	109	H	Marri Broadcasting, L.P.	Requests a waiver of freeze
APP	C	Paintsville, KY	New	+	5000	203	H	United Television, Inc.	
APP	C	Paintsville, KY	New	+	1510	152	H	Marri Broadcasting, L.P.	Requests a waiver of freeze
PET	C	Geistown, PA	New	-				Sinclair Comm. of Geistown, Inc	Pet for Rulemaking filed

Channel 59 Full-Service TV Stations

(Boundaries delineate the Major Economic Areas)



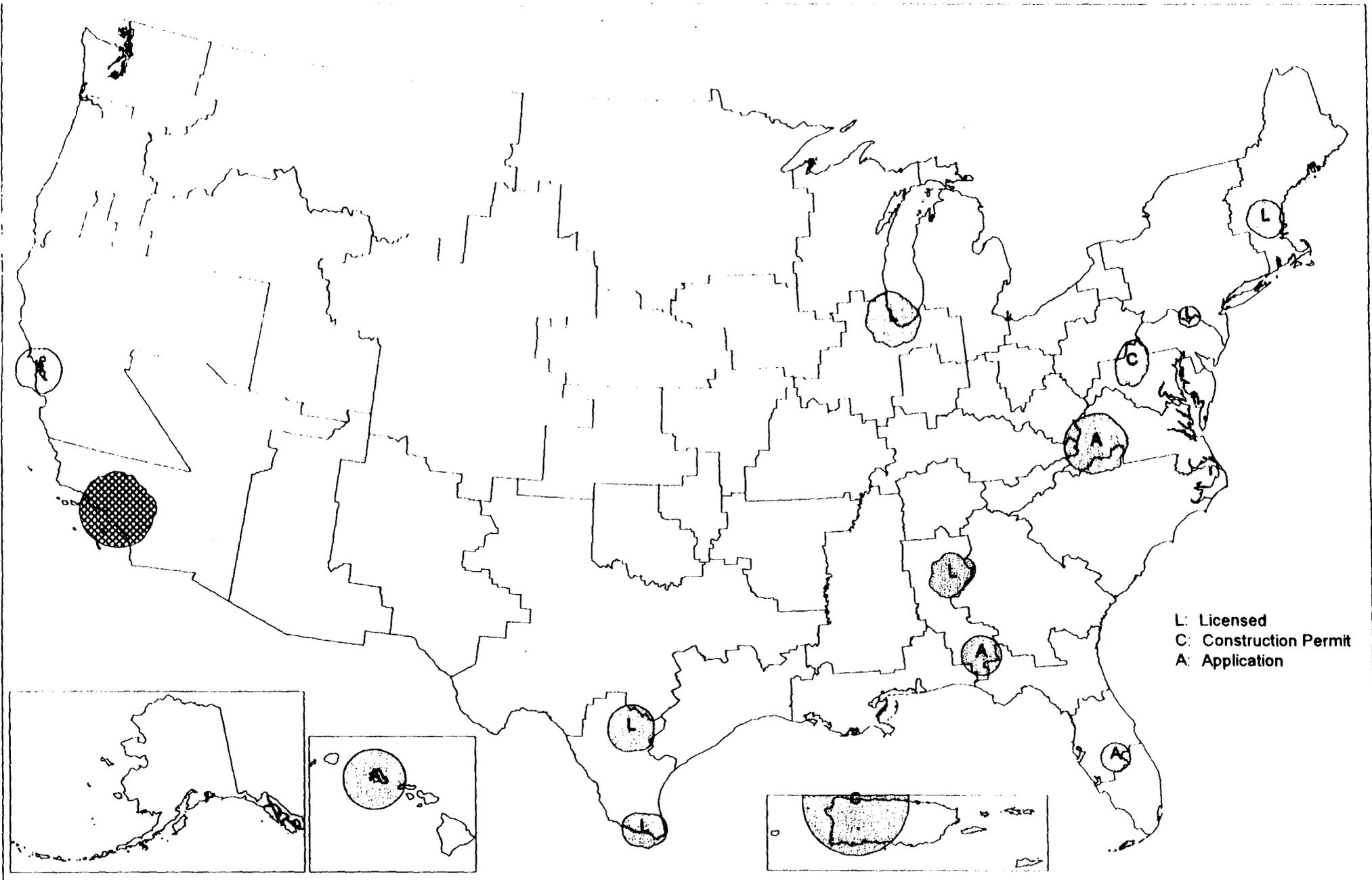
L: Licensed
C: Construction Permit
A: Application

Shaded areas are the Grade B contours of protected full-service TV stations.
Cross-hatched areas are the associated NTSC Grade B contours of proposed digital TV stations.
Areas designated "A" will require protection if granted.

Federal Communications Commission
Office of Engineering and Technology
Based on the March 18, 1997, TV Engineering Database

Protected Full-Service TV Stations on Channel 60 (746-752 MHz)

(Boundaries delineate the Major Economic Areas)



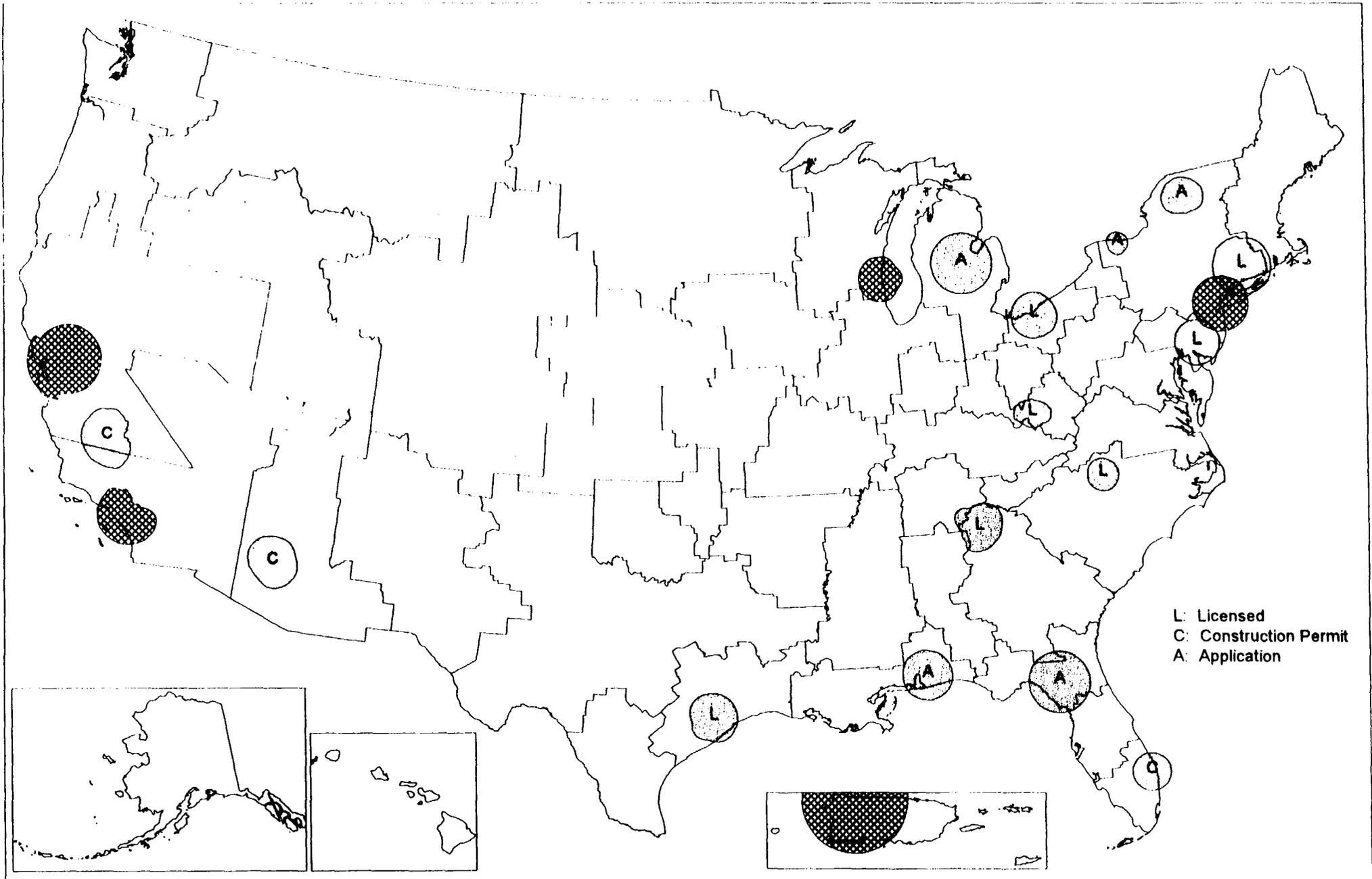
L: Licensed
C: Construction Permit
A: Application

Shaded areas are the Grade B contours of protected full-service TV stations.
Cross-hatched areas are the associated NTSC Grade B contours of proposed digital TV stations.

Federal Communications Commission
Office of Engineering and Technology
Based on the March 18, 1997, TV Engineering Database

Protected Full-Service TV Stations on Channel 61 (752-758 MHz)

(Boundaries delineate the Major Economic Areas)

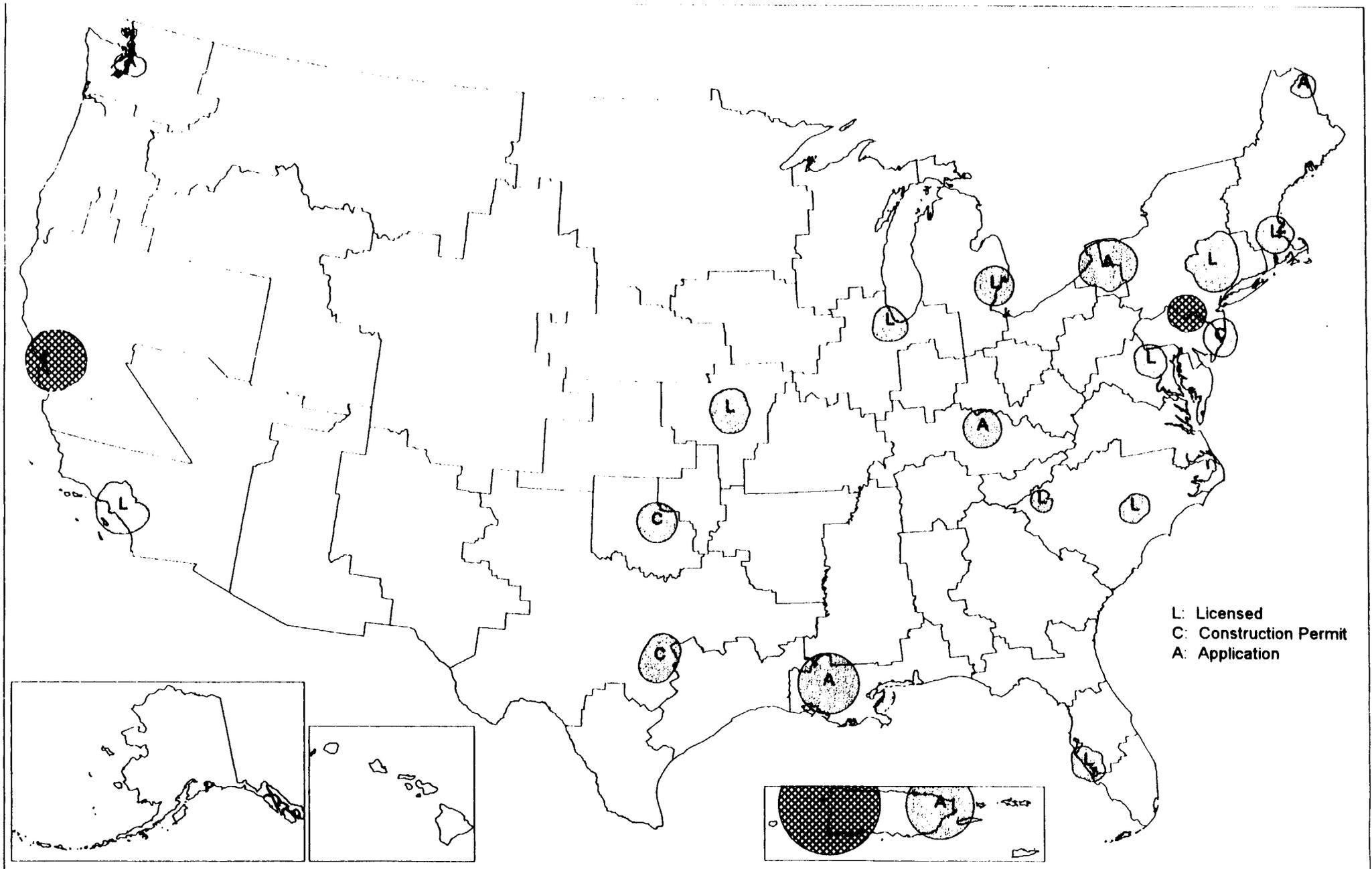


Shaded areas are the Grade B contours of protected full-service TV stations.
Cross-hatched areas are the associated NTSC Grade B contours of proposed digital TV stations.
Areas designated "A" will require protection if granted.

Federal Communications Commission
Office of Engineering and Technology
Based on the March 18, 1997, TV Engineering Database

Protected Full-Service TV Stations on Channel 62 (758-764 MHz)

(Boundaries delineate the Major Economic Areas)

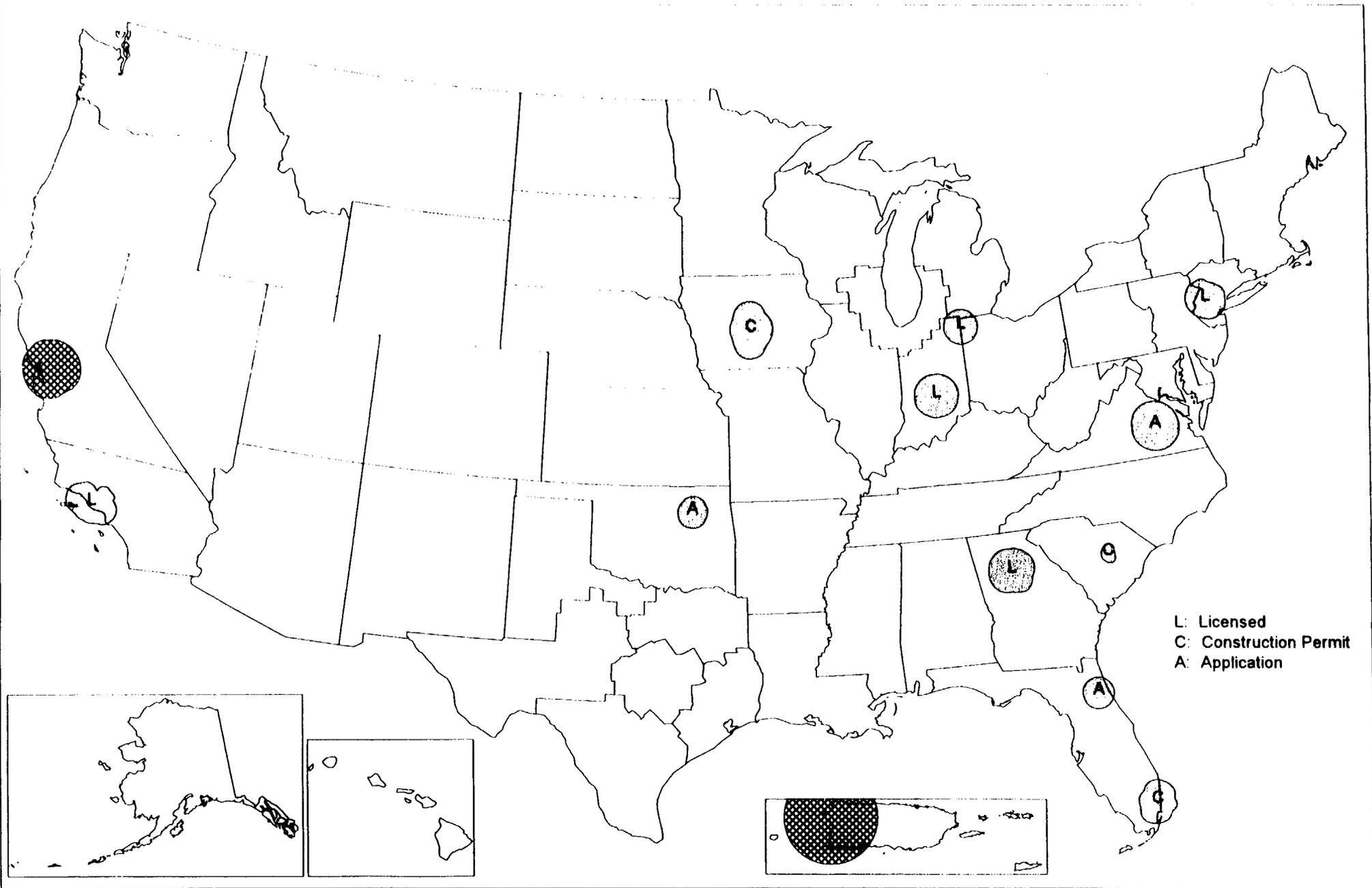


Shaded areas are the Grade B contours of protected full-service TV stations.
Cross-hatched areas are the associated NTSC Grade B contours of proposed digital TV stations.
Areas designated "A" will require protection if granted.

Federal Communications Commission
Office of Engineering and Technology
Based on the March 18, 1997, TV Engineering Database

Protected Full-Service TV Stations on Channel 63 (764-770 MHz)

(Boundaries delineate the Public Safety Regions)

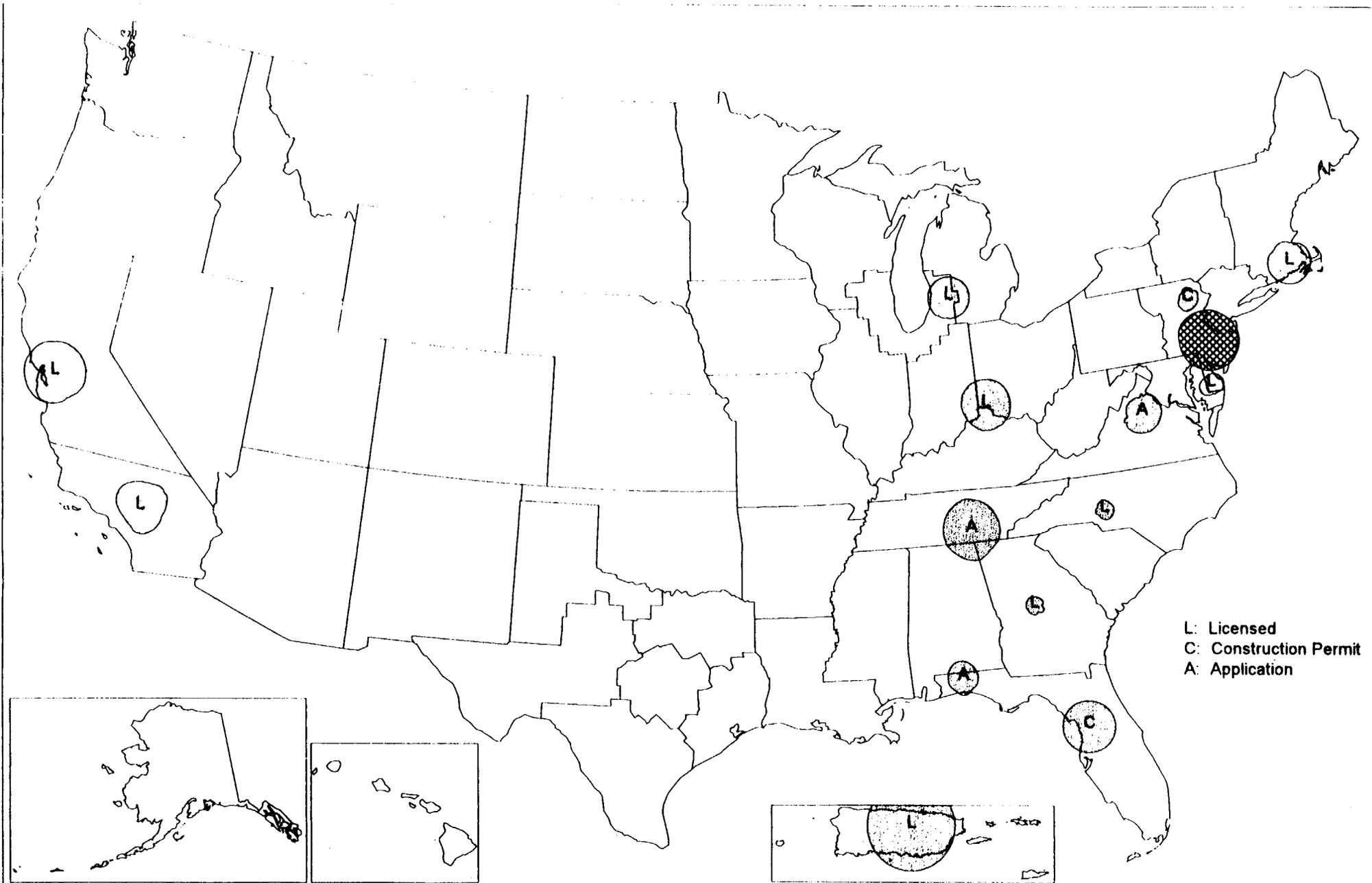


Shaded areas are the Grade B contours of protected full-service TV stations.
Cross-hatched areas are the associated NTSC Grade B contours of proposed digital TV stations.
Areas designated "A" will require protection if granted.

Federal Communications Commission
Office of Engineering and Technology
Based on the March 18, 1997, TV Engineering Database

Protected Full-Service TV Stations on Channel 64 (770-776 MHz)

(Boundaries delineate the Public Safety Regions)



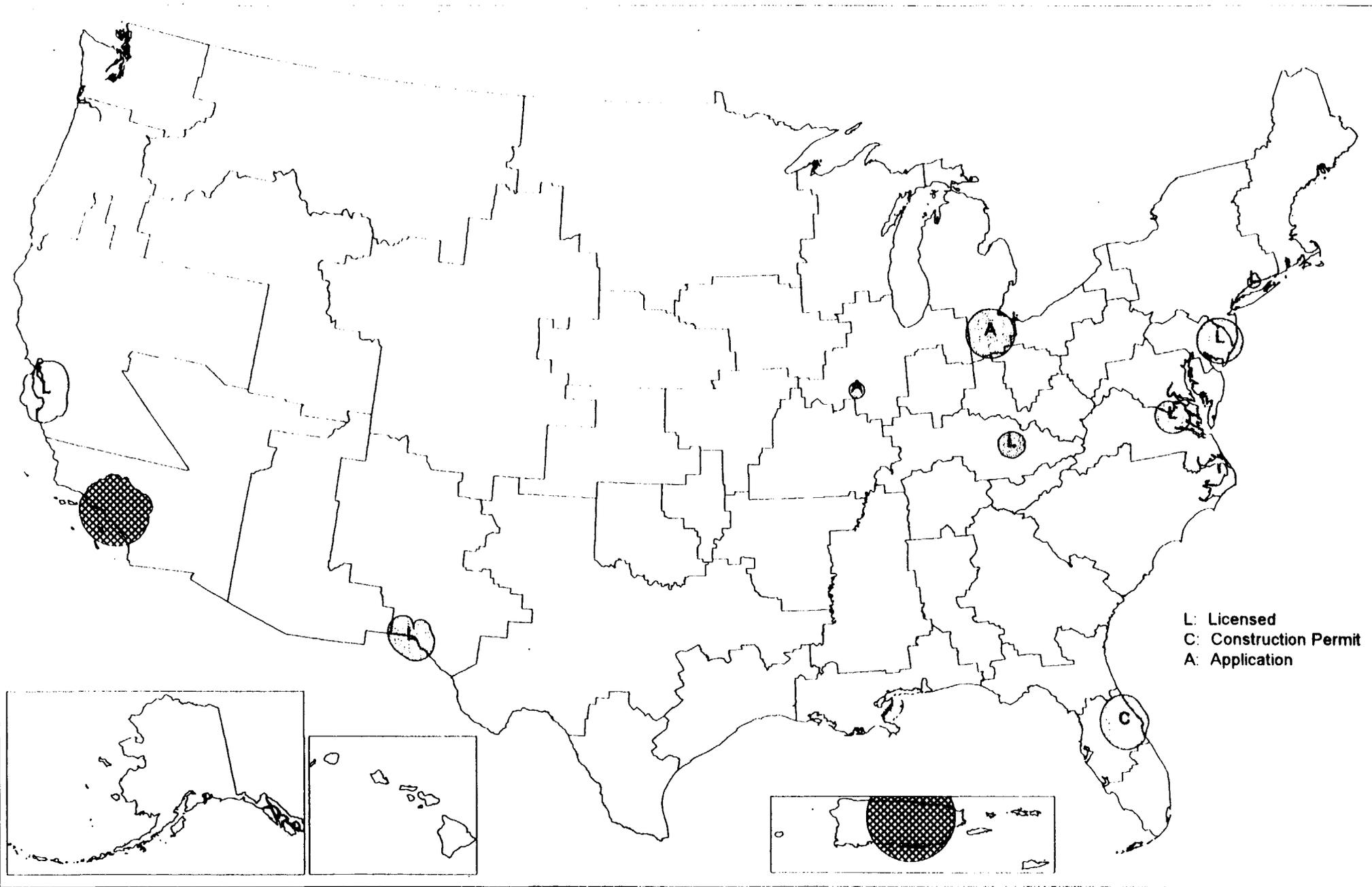
L: Licensed
C: Construction Permit
A: Application

Shaded areas are the Grade B contours of protected full-service TV stations.
Cross-hatched areas are the associated NTSC Grade B contours of proposed digital TV stations.
Areas designated "A" will require protection if granted.

Federal Communications Commission
Office of Engineering and Technology
Based on the March 18, 1997, TV Engineering Database

Protected Full-Service TV Stations on Channel 65 (776-782 MHz)

(Boundaries delineate the Major Economic Areas)



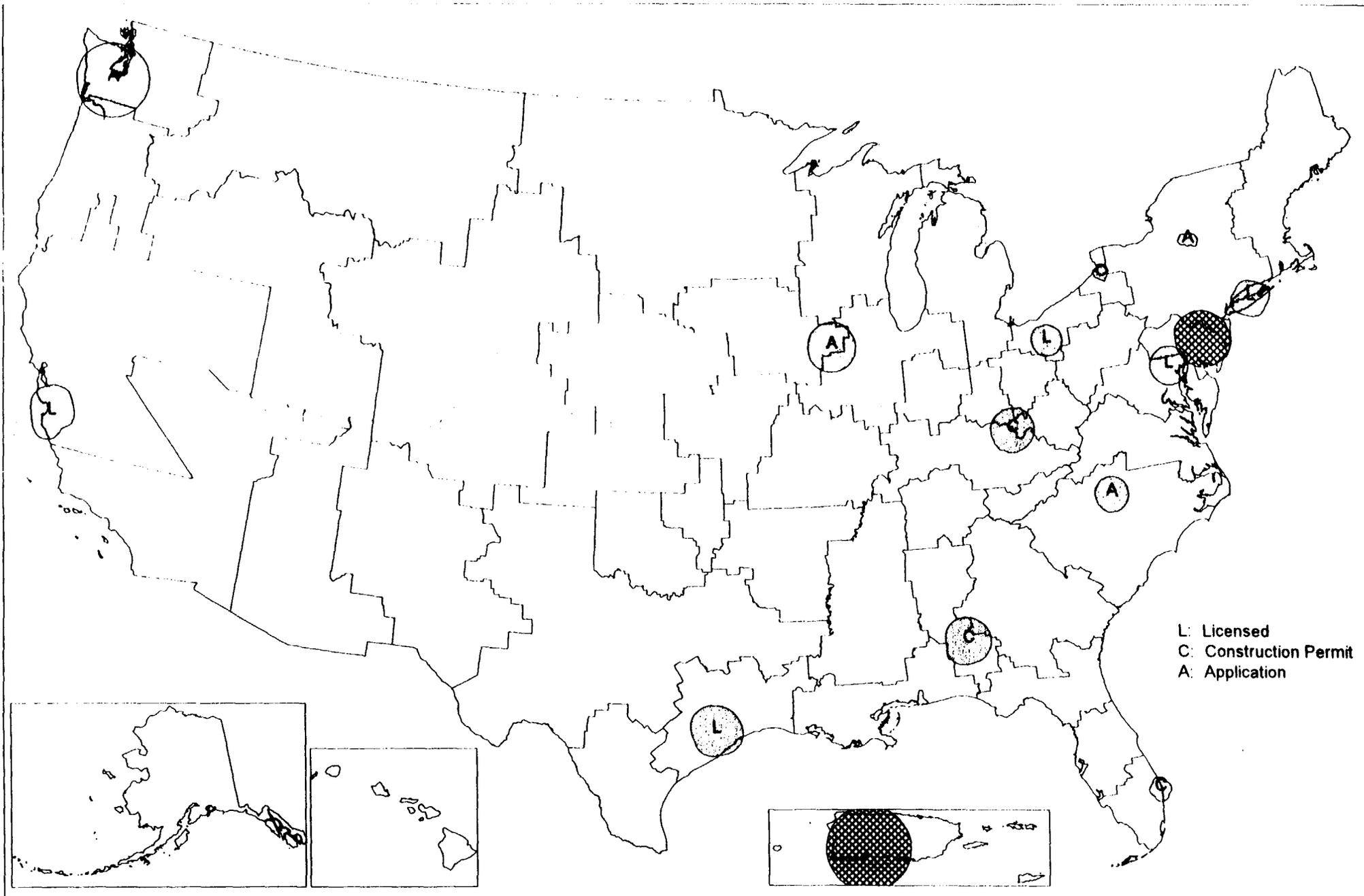
L: Licensed
C: Construction Permit
A: Application

Shaded areas are the Grade B contours of protected full-service TV stations.
Cross-hatched areas are the associated NTSC Grade B contours of proposed digital TV stations.
Areas designated "A" will require protection if granted.

Federal Communications Commission
Office of Engineering and Technology
Based on the March 18, 1997, TV Engineering Database

Protected Full-Service TV Stations on Channel 67 (788-794 MHz)

(Boundaries delineate the Major Economic Areas)



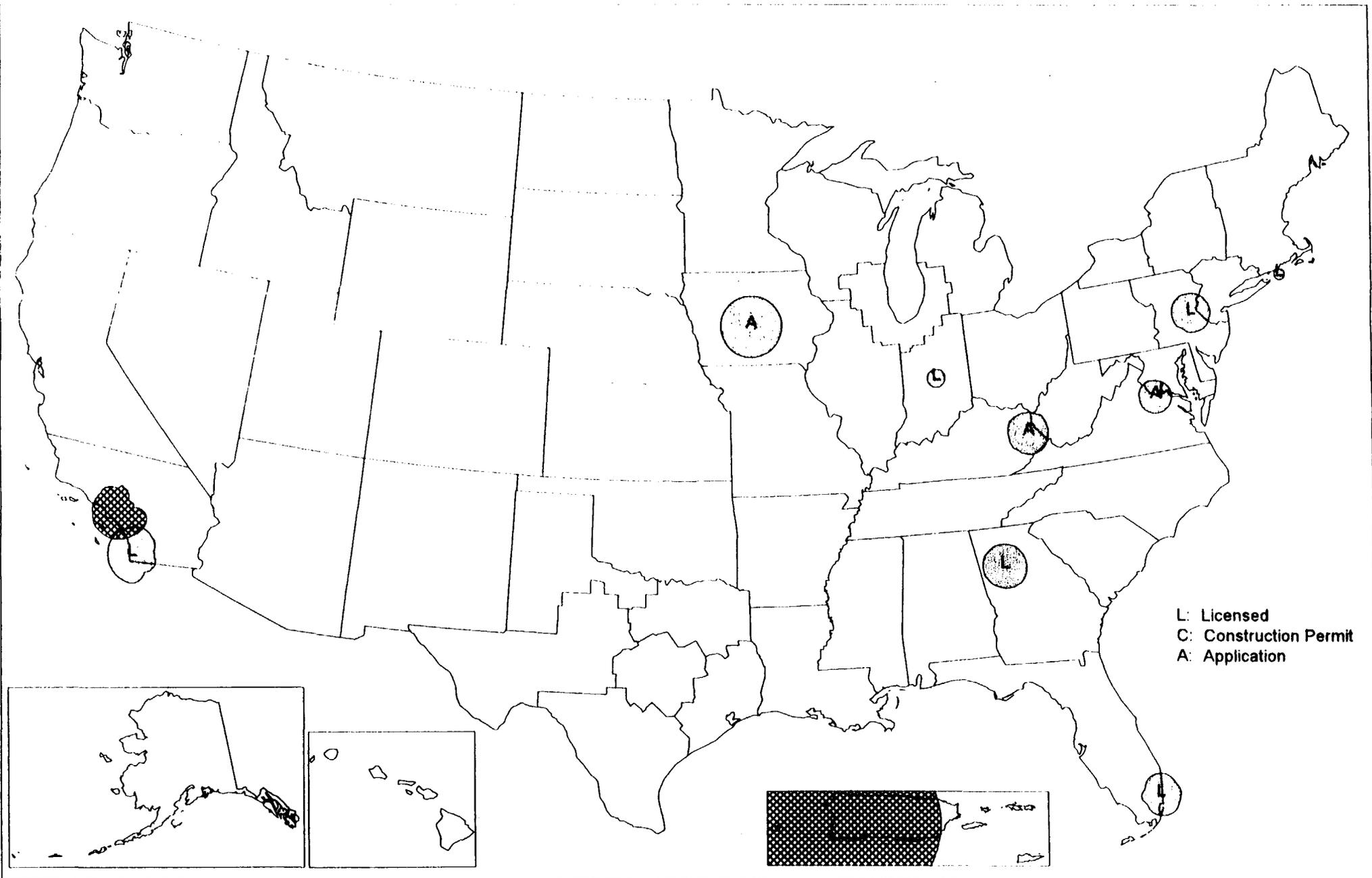
L: Licensed
C: Construction Permit
A: Application

Shaded areas are the Grade B contours of protected full-service TV stations.
Cross-hatched areas are the associated NTSC Grade B contours of proposed digital TV stations.
Areas designated "A" will require protection if granted.

Federal Communications Commission
Office of Engineering and Technology
Based on the March 18, 1997, TV Engineering Database

Protected Full-Service TV Stations on Channel 69 (800-806 MHz)

(Boundaries delineate the Public Safety Regions)



Shaded areas are the Grade B contours of protected full-service TV stations.
Cross-hatched areas are the associated NTSC Grade B contours of proposed digital TV stations.
Areas designated "A" will require protection if granted.

Federal Communications Commission
Office of Engineering and Technology
Based on the March 18, 1997, TV Engineering Database

Appendix C: DTV Channel 60-69 Allotments

DTV Channel	City, State	NTSC Channel	North Latitude	West Longitude
60	Los Angeles, CA	2	34 13 57	118 04 18
61	Milwaukee, WI	18	43 05 48	87 54 19
61	Newark, NJ	13	40 42 43	74 00 49
61	Sacramento, CA	10	38 14 24	121 30 03
61	San Bernardino, CA	18	34 11 15	117 41 54
62	Allentown, PA	39	40 33 58	75 26 06
62	Stockton, CA	64	37 53 35	121 53 58
63	Concord, CA	42	37 53 34	121 53 53
64	Philadelphia, PA	6	40 02 39	75 14 26
65	Los Angeles, CA	11	34 13 29	118 03 47
66	Los Angeles, CA	13	34 13 42	118 04 02
66	Vineland, NJ	65	39 44 07	74 50 29
67	Philadelphia, PA	10	40 02 36	75 14 12
68	Los Angeles, CA	5	34 13 36	118 03 56
69	Riverside, CA	62	34 11 16	117 41 55
Puerto Rico				
61	Arecibo	60	18 27 21	66 52 59
62	Aguada	50	18 19 06	67 10 49
63	Mayaguez	16	18 19 06	67 10 42
65	Naranjito	64	18 17 34	66 16 02
66	Ponce	7	18 09 17	66 33 16
67	Ponce	14	18 10 11	66 34 38
69	Aguadilla	12	18 09 00	66 59 00

APPENDIX C

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act,³⁹ the Commission has prepared an Initial Regulatory Flexibility Analysis of the expected significant economic impact on small entities by the policies and rules proposed in this *Notice of Proposed Rule Making (Notice)*. Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Notice* provided above. The Secretary shall send a copy of this Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.⁴⁰

A. Need for and Objectives of the Proposed Rules.

This Notice proposes to reallocate the 746-806 MHz band, television (TV) Channels 60-69, to other services. We propose to allocate 24 megahertz at 764-776 MHz and 794-806 MHz for public safety use. We propose to allocate the remaining 36 megahertz at 746-764 MHz and 776-794 MHz to the fixed and mobile services, and to retain the allocation to the broadcasting service in these bands. We further propose to protect full-power TV stations in the band until the transition to digital television (DTV) is complete, and to retain the secondary status in the band of Low Power TV (LPTV) and TV translator stations. These allocations would help alleviate a critical shortage of public safety spectrum, make new technologies and services available to the American public, and allow more efficient use of spectrum in the 746-806 MHz band.

B. Legal Basis.

The proposed action is taken pursuant to Sections 4(i), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(c), 303(f), 303(g), and 303(r).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply.

1. Definition of a "Small Business"

Under the RFA, small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. § 601(6). The RFA, 5 U.S.C. § 601(3), generally defines the term "small business" as having the same meaning as the term "small business concern" under the Small Business Act, 15 U.S.C. § 632. 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"). According to the SBA's regulations, entities engaged in television broadcasting Standard Industrial

³⁹ 5 U.S.C. § 603.

⁴⁰ *See id.* § 603(a).

Classification ("SIC") Code 4833 -- Television Broadcasting Stations, may have a maximum of \$10.5 million in annual receipts in order to qualify as a small business concern. This standard also applies in determining whether an entity is a small business for purposes of the RFA.

2. Issues in Applying the Definition of a "Small Business"

As discussed below, we could not precisely apply the foregoing definition of "small business" in developing our estimates of the number of small entities to which the rules will apply. Our estimates reflect our best judgments based on the data available to us.

An element of the definition of "small business" is that the entity not be dominant in its field of operation. We were unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the following estimates of small businesses to which the new rules will apply do not exclude any television station from the definition of a small business on this basis and are therefore overinclusive to that extent. An additional element of the definition of "small business" is that the entity must be independently owned and operated. As discussed further below, we could not fully apply this criterion, and our estimates of small businesses to which the rules may apply may be overinclusive to this extent. The SBA's general size standards are developed taking into account these two statutory criteria. This does not preclude us from taking these factors into account in making our estimates of the numbers of small entities.

3. Television Station Estimates Based on Census Data

The *Notice of Proposed Rule Making* will affect full service television stations, TV translator facilities, and LPTV stations. The Small Business Administration defines a television broadcasting station that has no more than \$10.5 million in annual receipts as a small business.⁴¹ Television broadcasting stations consist of establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services.⁴² Included in this industry are commercial, religious, educational, and other television stations.⁴³ Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials.⁴⁴ Separate establishments primarily engaged in producing taped

⁴¹ 13 C.F.R. § 121.201, Standard Industrial Code (SIC) 4833 (1996).

⁴² Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications and Utilities, Establishment and Firm Size, Series UC92-S-1, Appendix A-9 (1995).

⁴³ *Id.* See Executive Office of the President, Office of Management and Budget, Standard Industrial Classification Manual (1987), at 283, which describes "Television Broadcasting Stations (SIC Code 4833) as:

Establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational and other television stations. Also included here are establishments primarily engaged in television broadcasting and which produce taped television program materials.

⁴⁴ Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, *supra* note 7, Appendix A-9.

television program materials are classified under another SIC number.⁴⁵

There were 1,509 television stations operating in the nation in 1992.⁴⁶ That number has remained fairly constant as indicated by the approximately 1,551 operating television broadcasting stations in the nation as of February 28, 1997.⁴⁷ For 1992⁴⁸ the number of television stations that produced less than \$10.0 million in revenue was 1,155 establishments, or approximately 77 percent of the 1,509 establishments.⁴⁹ Thus, the rules will affect approximately 1,551 television stations; approximately 1,194 of those stations are considered small businesses.⁵⁰ These estimates may overstate the number of small entities since the revenue figures on which they are based do not include or aggregate revenues from non-television affiliated companies. We recognize that the rules may also impact minority and women owned stations, some of which may be small entities. In 1995, minorities owned and controlled 37 (3.0%) of 1,221 commercial television stations in the United States.⁵¹ According to the U.S. Bureau of the Census, in 1987 women owned and controlled 27 (1.9%) of 1,342 commercial and non-commercial television stations in the United States.⁵²

⁴⁵ Id.; SIC 7812 (Motion Picture and Video Tape Production); SIC 7922 (Theatrical Producers and Miscellaneous Theatrical Services (producers of live radio and television programs)).

⁴⁶ FCC News Release No. 31327, Jan. 13, 1993; Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, supra note 7, Appendix A-9.

⁴⁷ FCC News Release No. 7033, March 6, 1997.

⁴⁸ Census for Communications' establishments are performed every five years ending with a "2" or "7". See Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, supra note 7, at III.

⁴⁹ The amount of \$10 million was used to estimate the number of small business establishments because the relevant Census categories stopped at \$9,999,999 and began at \$10,000,000. No category for \$10.5 million existed. Thus, the number is as accurate as it is possible to calculate with the available information.

⁵⁰ We use the 77 percent figure of TV stations operating at less than \$10 million for 1992 and apply it to the 1997 total of 1551 TV stations to arrive at 1,194 stations categorized as small businesses.

⁵¹ Minority Commercial Broadcast Ownership in the United States, U.S. Dep't of Commerce, National Telecommunications and Information Administration, The Minority Telecommunications Development Program ("MTDP") (April 1996). MTDP considers minority ownership as ownership of more than 50% of a broadcast corporation's stock, voting control in a broadcast partnership, or ownership of a broadcasting property as an individual proprietor. Id. The minority groups included in this report are Black, Hispanic, Asian, and Native American.

⁵² See Comments of American Women in Radio and Television, Inc. in MM Docket No. 94-149 and MM Docket No. 91-140, at 4 n.4 (filed May 17, 1995), citing 1987 Economic Censuses, Women-Owned Business, WB87-1, U.S. Dep't of Commerce, Bureau of the Census, August 1990 (based on 1987 Census). After the 1987 Census report, the Census Bureau did not provide data by particular communications services (four-digit Standard Industrial Classification (SIC) Code), but rather by the general two-digit SIC Code for comr unications (#48). Consequently, since 1987, the U.S. Census Bureau has not updated data on ownership of broadcast facilities by women, nor does the FCC collect such data. However, we sought comment on whether the Annual Ownership Report Form 323 should be amended to include information on the gender and race of broadcast license owners. Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities, Notice of Proposed Rule Making, 10 FCC Rcd 2788, 2797 (1995).

There are currently 4,977 TV translator stations and 1,952 LPTV stations which would be affected by the allocation policy and other policies in this proceeding.⁵³ The Commission does not collect financial information of any broadcast facility and the Department of Commerce does not collect financial information on these broadcast facilities. We will assume for present purposes, however, that most of these broadcast facilities, including LPTV stations, could be classified as small businesses. As indicated earlier, approximately 77 percent of television stations are designated under this analysis as potentially small business. Given this, LPTV and TV translator stations would not likely have revenues that exceed the SBA maximum to be designated as small businesses.

4. Alternative Classification of Small Television Stations

An alternative way to classify small television stations is by the number of employees. The Commission currently applies a standard based on the number of employees in administering its Equal Employment Opportunity ("EEO") rule for broadcasting.⁵⁴ Thus, radio or television stations with fewer than five full-time employees are exempted from certain EEO reporting and recordkeeping requirements.⁵⁵ We estimate that the total number of commercial television stations with 4 or fewer employees is 132 and that the total number of noncommercial educational television stations with 4 or fewer employees is 136.⁵⁶

We have concluded that the 746-806 MHz band can be recovered immediately, and that it is in the public interest to reallocate this spectrum to uses in addition to TV broadcasting. We believe that such a reallocation is possible while continuing to protect TV. There are 95 full power TV stations, either operating or with approved construction permits, in Channel 60-69. There are also nine proposed stations, and approximately 15 stations will be added during the DTV transition period, for a total of approximately 119 nationwide. There are also approximately

⁵³ FCC News Release No. 7033, March 6, 1997.

⁵⁴ The Commission's definition of a small broadcast station for purposes of applying its EEO rule was adopted prior to the requirement of approval by the Small Business Administration pursuant to Section 3(a) of the Small Business Act, 15 U.S.C. § 632(a), as amended by Section 222 of the Small Business Credit and Business Opportunity Enhancement Act of 1992, Pub. L. No. 102-366, § 222(b)(1), 106 Stat. 999 (1992), as further amended by the Small Business Administration Reauthorization and Amendments Act of 1994, Pub. L. No. 103-403, § 301, 108 Stat. 4187 (1994). However, this definition was adopted after public notice and an opportunity for comment. See Report and Order in Docket No. 18244, 23 FCC 2d 430 (1970).

⁵⁵ See, e.g., 47 C.F.R. § 73.3612 (Requirement to file annual employment reports on Form 395-B applies to licensees with five or more full-time employees); First Report and Order in Docket No. 21474 (In the Matter of Amendment of Broadcast Equal Employment Opportunity Rules and FCC Form 395), 70 FCC 2d 1466 (1979). The Commission is currently considering how to decrease the administrative burdens imposed by the EEO rule on small stations while maintaining the effectiveness of our broadcast EEO enforcement. Order and Notice of Proposed Rule Making in MM Docket No. 96-16 (In the Matter of Streamlining Broadcast EEO Rule and Policies, Vacating the EEO Forfeiture Policy Statement and Amending Section 1.80 of the Commission's Rules to Include EEO Forfeiture Guidelines), 11 FCC Rcd 5154 (1996). One option under consideration is whether to define a small station for purposes of affording such relief as one with ten or fewer full-time employees. Id. at ¶ 21.

⁵⁶ We base this estimate on a compilation of 1995 Broadcast Station Annual Employment Reports (FCC Form 395-B), performed by staff of the Equal Opportunity Employment Branch, Mass Media Bureau, FCC.

1,366 LPTV stations and TV translator stations in the band, operating on a secondary basis to full power TV stations. We propose to immediately reallocate the 746-806 MHz band in order to maximize the public benefit available from its use.

The RFA also includes small governmental entities as a part of the regulatory flexibility analysis.⁵⁷ The definition of a small governmental entity is one with a population of fewer than 50,000.⁵⁸ There are approximately 85,006 governmental entities in the nation.⁵⁹ This number includes such entities as states, counties, cities, utility districts and school districts. There are no figures available on what portion of this number have populations of fewer than 50,000. However, this number includes 38,978 counties, cities and towns, and of those, 37,566, or 96 percent, have populations of fewer than 50,000.⁶⁰ The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the approximately 85,006 governmental entities, we estimate that 96 percent, or 81,600, are small entities that may be affected by our rules.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements.

None.

E. Significant Alternatives to Proposed Rules which Minimize Significant Economic Impact on Small Entities and Accomplish Stated Objectives.

We do not propose to provide LPTV and TV translator stations with the same protection afforded to full-power TV stations. Because of the large number of such stations, protecting them would significantly diminish the utility of the 746-806 MHz band to both public safety and commercial users. Also, LPTV and TV translator stations are secondary in this band, and we have proposed to make public safety and commercial services primary in the band. We remain concerned, however, for the interests of LPTV and TV translator stations because they are a valuable part of the American telecommunications structure and economy. For this reason, we seek measures which will allow as many LPTV and TV translator stations as possible to remain in operation. At a minimum, we propose to continue the secondary status of these stations, so that they will not be required to change or cease their operations until they actually interfere with one of the newly-allocated services. We also request comment on a number of measures which may alleviate the impact of reallocation of the 746-806 MHz band on LPTV and TV translator stations. We request comment on these options, with emphasis on how we can ensure fairness to all licensees, and how we can best balance the interests of current and future licensees to the benefit of the public.

⁵⁷ 5 U.S.C. § 601(5).

⁵⁸ *Id.*

⁵⁹ 1992 Census of Governments, U.S. Bureau of the Census, U.S. Department of Commerce.

⁶⁰ *Id.*

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules.

None.