

on a co-primary basis to the common carrier and private operational fixed microwave licensees that are relocating from the 1850–1990, 2110–2150, and 2160–2200 MHz bands (2 GHz bands) to accommodate Personal Communications Services (PCS) and other emerging technologies. See Second Report and Order in ET Docket No. 92–9, 58 Fed. Reg. 49220 (1993). Although the emerging technologies proceeding resolved all the technical issues necessary for this reallocation, there were other technical matters raised in the proceeding, which were not considered critical to the 2 GHz microwave users' relocation to other regions of the spectrum, that were left to be settled in a future proceeding.

4. Also, as a result of the emerging technologies spectrum reallocation and the resulting increase in frequency band-sharing, common carrier and private microwave industry members have united to develop joint interference standards and coordination procedures. For over a year, a subcommittee of the Telecommunications Industry Association's Fixed Point-to-Point Microwave Engineering Committee (TIA TR14.11 Interference Criteria Engineering Subcommittee) has held joint meetings with the National Spectrum Managers Association (NSMA), a group of frequency coordinators for Part 21 applicants, to determine interference criteria for Part 21 and Part 94 users. This collaboration has resulted in a revised TIA Telecommunications Systems Bulletin TSB 10–F, "Interference Criteria for Microwave Systems," (TSB 10–F) which was adopted by the microwave industry on May 31, 1994. Representatives from both the TIA fixed microwave group and the NSMA have met with Commission staff to discuss the benefits of common technical standards, processing procedures, and consolidated rules for common carrier and private operational fixed microwave users.

5. Another factor necessitating this proceeding is that the majority of the license application processing for the Part 21 and Part 94 microwave services is now being handled by the Wireless Telecommunications Bureau's Licensing Division in Gettysburg, Pennsylvania. Because the application processing for these services was formerly performed by different Commission offices, the processing practices and policies differed. See Public Notice, "New Application Processing Practices in the Common Carrier Point-to-Point Microwave and Broadcast Auxiliary Services," DA 93–77, January 27, 1993,

8 FCC Rcd. 775, (1993). This proceeding seeks to bring uniformity to the fixed microwave application processing procedures.

6. The Part 21 and Part 94 rules need to be consolidated, conformed, and updated to allow the microwave industry to operate as efficiently as possible without being hampered by obsolete regulations. Because of the commonality of major portions of the existing common carrier and private operational fixed microwave rules and the industry move to create common standards and coordination procedures, we believe it would be beneficial to consolidate these rules into one comprehensive part. At the same time, this proceeding provides us with an opportunity to improve the organization of the microwave rules, to simplify them, to eliminate unnecessary language, and to make other substantive amendments.

We expect that a new consolidated Part 101 will result in major benefits. First, the public will benefit because of a much simplified and streamlined licensing process. Second, the improvements in processing efficiency will save scarce Commission resources and free staff time to improve service to the public. Third, we expect the proposed rules to encourage more efficient use of the microwave spectrum. Finally, common technical standards for common carrier and private microwave equipment may lead to economies of scale in microwave equipment production and, thus, lower equipment prices to users.

7. Proposed Part 101 is approximately 65 percent the volume of the current common carrier and private radio fixed microwave rules. This reduction results from the elimination of repetitive sections such as definitions, application procedures, and processing procedures, the elimination of unnecessary language, and the consolidation of the remaining rules. In the paragraphs below we address the proposed changes for each subpart and section of the rules, other than proposed changes that are editorial in nature or that concern only renumbering of existing rule language.

8. We welcome comments on whether the scope of our consolidation effort is appropriate. We ask that comments identify the subject of their remarks, whenever possible, by citing the proposed section number of a rule (with cross-reference to the old rule as necessary). This identification will expedite and simplify our review of the comment on the many proposals contained in this Notice.

General Requirements

9. *Definitions.* We propose to make minor editorial changes in the definitions where appropriate. In instances where a definition now appears in more than one rule section and is phrased inconsistently, we propose to use the phrasing that we believe to be the most precise. In cases where a definition appears in Part 2 of the Rules as well as in another part, the proposed Part 101 definition adopts the Part 2 definition in order to conform with either the International Telecommunication Convention or the international Radio Regulations. Additionally, we propose to change the name and all relevant terms related to the Private Digital Termination System service to match the name and terms of the identical Common Carrier Digital Electronic Message Service. See proposed Section 101.3.

Applications and Licenses

10. *General Application Requirements.* We propose to eliminate several application showings that are currently required of common carrier microwave applicants under Part 21 of the rules, but which are not essential for processing these applications. We request comments on each of these proposals. First, we propose to eliminate the financial showing required under §§ 21.13(a)(2) and 21.17. Lack of financing has generally not been a problem in the common carrier services being transferred to Part 101, and we consider a certification of financial ability unnecessary in these services. Second, we propose eliminating the public interest showing required under § 21.13(a)(4). We tentatively conclude that the public interest will generally be served by granting applications in these services that meet all the Commission's other rules and requirements, and that separate statement form the applicant pursuant to § 21.13(a)(4) is unnecessary. We also note that the Commission can still request a separate public interest showing if this is deemed necessary in any particular case. Third, we propose eliminating the requirement that applicants submit a copy of any franchise or other authorization when such authorizations are required by local law. See § 21.13(f). We request comments on whether we should replace this application showing with a rule, similar to that contained in Part 22 of the rules, stating that applicants must comply with all local franchise or authorization requirements, obtain any local authorizations by the end of the construction period, and notify the