

proceeding. Comsearch points out that in Part 25 of the Rules, the terrestrial station EIRP used to determine frequency coordination distance in the 4, 6, and 11 GHz bands is +55 dBW, which corresponds with the International Telecommunications (ITU) Radio Rules and Regulations. The Commission decided not to act on that portion of Comsearch's petition, instead deferring consideration of maximum authorized power, antenna standards, and ATPC to a future proceeding. We seek comment on whether increasing the transmitter power limitations as proposed would have any negative impact on any radio users.

17. *Automatic Transmitter Power Control.* ATPC is a feature of digital microwave radio that automatically adjusts transmitter output power based on path fading detected at the far-end receiver(s). In the emerging technologies/relocation proceeding, commenters proposed that ATPC should be explicitly authorized in the rules. In response, the Commission clarified in the rules that ATPC is permitted up to a 3 dB increase in power and encouraged industry groups to explore in greater detail under what circumstances ATPC should be authorized and whether a greater increase in power than 3 dB would be appropriate. We have reviewed the ATPC guidelines in TSB 10-F and are still uncertain of the necessity of including explicit provisions for its use in the rules. We seek comment on whether it is necessary to have TIA's recommendations for ATPC implementation included in our Rules. TSB 10-F contains provisions for up to three different power level specifications: maximum transmit power, coordinated transmit power, and nominal transmit power. We also seek comment on how these recommendations for ATPC should be implemented under our current licensing scheme, which authorizes only a single operating power level on each license, with that power being the one used in the coordination process. If the use of ATPC as described in TSB 10-F were to be permitted, what changes would the Commission have to make to its forms, licenses, and data base?

18. *Antenna Standards.* All antenna standards for Part 101 services have been consolidated into one rule section (proposed section 101.115). Few substantive changes to the antenna standards are proposed. In the Docket 92-9 proceeding, commenting parties raised concerns about our existing antenna standards, stating that the category A standards should be updated

and that a new detailed definition of congested areas should be specified to maximize efficiency and permit full use of available bands. The Commission does not have sufficient information at this time to propose specific changes to these standards.

Developmental Authorizations

19. We propose to eliminate the general requirement that applicants report on any patents applied for as a result of a developmental authorization. This information is in the public domain when the patent is granted, and our requirement is, therefore, duplicative. We also propose to modify the language concerning the confidentiality of developmental reports to make it consistent with our general rules on requests for confidentiality. The consolidated rules continue the prohibition on providing service for hire with a developmental grant now placed on common carriers and extends the prohibition against commercial operation of a developmental grant to private radio operations.

20. In this Notice, we have proposed to amend the regulations for the common carrier and private operational fixed microwave services by consolidating and simplifying their present rule parts, contained respectively in Parts 21 and 94 of the Commission's Rules, to create a new Part 101. Our specific proposals are contained in the rules appendix. We solicit comment on them. We also invite comment on any additional changes that can make the Commission's microwave rules more "user friendly" and help the staff provide improved service to the public.

21. *Initial Regulatory Flexibility Analysis.* Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

A. Reason for Action

This rulemaking proceeding is initiated to obtain comment regarding consolidation and simplification of the microwave rules not contained in parts 21 and 94 of title 47 of the Code of Federal Regulations.

B. Objectives

This action would reduce redundancy now contained in the rules and remove obsolete rules and language. It would also simplify and clarify the requirements for filing license and other authorization applications, the processing of applications and other requests, and the operation of common carrier and private operational fixed microwave stations.

C. Legal Basis

The proposed action is authorized by Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

D. Description, Potential Impact, and Number of Small Entities Affected

This reorganization and revision of the common carrier and private operational fixed microwave rules will reduce the volume of the rules by approximately 25 percent and make them easier to use and understand. Both the reduction in volume and consolidation of the rule should improve their usefulness as they will be more easily understood by, and save research time for, the public. The benefits would accrue to all interested parties, large and small entities alike. We invite specific comment by interested parties on the likely magnitude of the impact on small radio manufacturers and suppliers.

E. Reporting, Record Keeping, and Other Compliance Requirements

There should be an overall decrease in reporting, record keeping, and other compliance requirements. The use of electronic filing alone should greatly reduce the amount of paperwork required to be filed and increase speed of service.

F. Federal Rules That Overlap, Duplicate or Conflict With These Rules

None.

G. Significant Alternatives Minimizing Impact on Small Entities Consistent With Stated Objectives

The objective of this proceeding is to minimize confusion, research time, record keeping and recording for users of microwave radio frequencies. We are unaware of other alternatives that would be as desirable. We solicit comments on this point.

22. *Other Matters.* This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided in the Commission's rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

23. This action is taken pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i) and 303(r).

24. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before February 3, 1995, and reply comments on or before February 21, 1995. All relevant and timely comments will be