

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

In the Matter of)	
)	
1998 Biennial Regulatory Review --)	MM Docket No. 98-98
Amendment of Part 73 and Part 74)	
Relating to Call Sign Assignments for)	
Broadcast Stations)	
)	
)	

NOTICE OF PROPOSED RULEMAKING

Adopted: June 22, 1998

Released: June 30, 1998

By the Commission:

Comment Date: [30 days after publication in the Federal Register]

Reply Comment Date: [45 days after publication in the Federal Register]

1. In this *Notice of Proposed Rulemaking (Notice)*, we are proposing, on our own initiative, to modify the practices and procedures set forth in 47 C.F.R. §§ 73.3550 and 74.783, regarding the assignment of call signs to radio and television broadcast stations. Specifically, pursuant to this proposal, our existing procedures will be replaced by an on-line system for the electronic preparation and submission of requests for the reservation and authorization of new and modified call signs. Recently, we initiated a broad-based, streamlining rulemaking proceeding to overhaul Mass Media Bureau policies and licensing procedures in conjunction with our 1998 Biennial Regulatory Review. Although not required by statute, our action today is likewise taken in conjunction with the 1998 Biennial Regulatory Review because it will streamline our call sign assignment procedures and result in significant improvement in service to our broadcast station licensees and permittees. In particular, we believe that adoption and implementation of the on-line system described herein will enhance the speed and certitude of radio and television broadcast station call sign assignments, thereby providing better service to all broadcast licensees and permittees.

BACKGROUND

2. The Commission is committed to utilizing new information technologies to better serve our licensees and the public generally. For the past two years, for example, we have made virtually every FCC order, notice of proposed rulemaking, public notice and news release available at no charge through the Internet. We have continued to improve our World Wide Web site at <

<http://www.fcc.gov> >, have established an electronic mailbox, < fccinfo@fcc.gov >, for submitting messages and questions to the agency, and have created World Wide Web home pages for the Commission's operating bureaus.

3. It is our goal to create a customer-friendly environment that uses the most current filing and processing technologies and promotes more efficient and speedy Commission operations. To that end, the Commission has since 1994 made extensive use of electronic data submission and bidding in connection with our spectrum auctions.¹ Since October 1997, renewal applications for wireless radio services authorizations (FCC Form 900) have been required to be submitted electronically. Effective February 2, 1998, we also mandated the electronic submission via the Internet of federal tariffs and associated documents from incumbent local exchange carriers.² Further, we have launched a comprehensive electronic filing initiative, which includes a proceeding to allow parties to file comments electronically in FCC notice and comment rulemakings.³ With regard to call sign applications specifically, vanity call signs for amateur radio stations can already be requested electronically via the Internet. The Mass Media Bureau has also acted to streamline its operations and has completed the first stage of an extensive project to provide for electronic filing of broadcast applications, which will scan for incomplete or inaccurate applications and provide for automatic computer analysis of interference issues.⁴ Also, broadcast television licensees may currently file (and, in fact, are encouraged to file) their Children's Television Programming Reports (FCC Form 398) electronically. Given our commitment to expanding the use of electronic filing in many areas including broadcast, we believe the proposed modification in this *Notice* of our manual call sign assignment procedures to be appropriate and timely.

4. Under our current procedures, broadcast station licensees and permittees or counsel acting on their behalf must telephone the Commission's call sign desk and inquire as to the availability of the call signs in which they are interested. Thereafter, requests for new or modified call signs are made by letter. *See* 47 C.F.R. § 73.3550. If a fee payment is required, as is usually the case, FCC Form 159 (Remittance Advice) and the appropriate fee must accompany the letter request and be submitted to the Commission's lock-box bank in Pittsburgh, Pennsylvania. Generally, new and modified call sign requests are authorized by the call sign desk within five business days after receipt from

¹ Indeed, in our wireless communications service auction, we required all prospective bidders to file their FCC Form 175 applications electronically and permitted bidding only from remote locations electronically by computer. Under our recently revised Part 1 auction rules, we will require all prospective bidders to file their FCC Form 175 applications electronically beginning January 1, 1999. 47 C.F.R. § 1.2105(a).

² *See Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996, Report and Order*, 12 FCC Rcd 2170, 2195 (1997).

³ *See Electronic Filing of Documents in Rulemaking Proceedings, Notice of Proposed Rulemaking*, 12 FCC Rcd 5150 (1997).

⁴ *See Notice of Proposed Rulemaking, 1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes*, FCC 98-57 at ¶¶ 5-11 (rel. April 3, 1998) (*Streamlining Notice*).

Pittsburgh. However, requests that are defective because of an insufficient or faulty fee payment, or because of the Commission's intervening receipt of a request for the same call sign,⁵ are returned. Incomplete or otherwise deficient requests are retained, although final processing and authorization is delayed until the necessary information is obtained or the deficiency remedied.

5. Access to the new call sign reservation and authorization system will be made by licensees and permittees or by persons acting on their behalf via the Internet's World Wide Web. This on-line, electronic call sign system will enable users to determine the availability and licensing status of call signs; to request an initial, or change an existing, call sign; and to determine and submit more easily the appropriate fee, if any. Because all elements necessary to make a valid call sign reservation are encompassed within the on-line system, this system will prevent users from filing defective or incomplete call sign requests, as may occur under the current, manual system. The electronic system will, moreover, provide greater certitude, as a selected call sign is effectively reserved as soon as the user has submitted its call sign request. In addition, the on-line system encompasses virtually all functions previously performed manually by the Mass Media Bureau staff. Confirmation of receipt of any requisite fee payment will be done electronically, and a call sign change authorization will be issued automatically the following business day. A call sign request requiring the submission of a fee will not become effective until confirmation that payment of the fee has been received.

6. The new on-line call sign system proposed herein offers many advantages over the Commission's existing manual call sign system. Specifically, permittees and licensees will be able to determine the availability of call signs and to request an initial, or change an existing, call sign more easily and quickly. In fact, we have estimated that a user will be able to reserve an available call sign via the new on-line system within ten minutes.⁶ The electronic system will also prevent users from filing incomplete or defective call sign requests. If a user fails to complete a required element, such as certifying compliance with the requirements of the Anti-Drug Abuse Act, an automatic error message will be triggered, and the user will be able to correct the error. In addition, authorization of the reserved call sign can be automatically issued immediately after confirmation of fee payment, if required, or shortly after reservation. Because licensees and permittees will generally be able to utilize the on-line system to request and receive an authorization for a requested call sign without Commission staff assistance or involvement, the system will also conserve Commission resources. For these reasons, we believe the electronic call sign reservation and authorization system discussed in detail below will significantly improve service to all radio and television broadcast station licensees and permittees, and we seek comment on whether licensees and permittees should be required to utilize the system to make call sign requests. However, as we are sensitive to the possible

⁵ Call signs are assigned on a "first-come, first served" basis. A call sign reported as available by the call sign desk may in fact be unavailable by the time the applicant's written request for that call sign is received, if, for example, another request for that same call sign had already been received, with the appropriate fee, by Mellon Bank when the call sign inquiry was made.

⁶ Indeed, this immediate reservation of a call sign may be the most significant feature for users of the electronic system. Not only will the on-line system instantaneously reserve a requested call sign, the system will be immediately updated so as to inform any other user making an inquiry that such call sign is not available.

inconveniences that mandatory use of this new electronic system could impose on certain licensees and permittees, we also seek comment on whether use of the on-line system should be permissive, rather than mandatory, for certain licensees and permittees, or whether, if mandatory, the Commission should phase in such a requirement.

DISCUSSION

7. In modifying the practices and procedures by which call signs are assigned, we propose to retain our long-standing policy of assigning call signs on a "first-come, first-served" basis. Rather than requesting a call sign assignment by letter, however, broadcast licensees and permittees and authorized persons acting on their behalf will be able to confirm the availability of call signs and reserve new or modified call signs via the Internet. This on-line, electronic system will be accessible to authorized users 24 hours-a-day, seven days a week, through the World Wide Web by navigating to <<http://www.fcc.gov>>. We believe authorized users will include representatives who are directed by licensees and permittees to act on their behalf. To assist in its use, the system will have on-line aids, including a User's Guide, and information regarding the Commission's revised call sign policies and regulations.

8. Broadcast licensees and permittees should particularly note that our proposal to adopt electronic filing procedures will not alter the current rules regarding what constitutes a valid call sign. With one exception, only four-letter call signs (plus an LP, FM or TV suffix, if used) will be assigned via the new on-line system. A licensee of a station with a grandfathered three-letter call sign will continue to be allowed to utilize the same three-letter call sign, with an appropriate FM, TV or LP suffix, with respect to any commonly-owned station. *See* 47 C.F.R. § 73.3550(f). Because, in recent years, the instances where three-letter requests have been made have been extremely rare, the on-line system was not designed to accommodate such infrequent requests. However, any licensee seeking to apply its three-letter call sign to another, commonly-owned station will be able to do so by contacting the call sign desk directly. In accordance with existing rules, call signs beginning with the letter "K" will not be assigned via the electronic system to stations located east of the Mississippi River, nor will call signs beginning with the letter "W" be assigned to stations located west of the Mississippi River. *See* 47 C.F.R. §§ 73.3550(e); 74.783(e). Although the on-line system will not prevent a user from requesting and reserving a call sign in violation of this geographic rule, we propose to rescind any call sign assignment violating the rule. Of course, waivers of this and other call sign regulations can continue to be requested by contacting the call sign desk directly. We ask for comments on these proposals.

9. The Commission proposes to continue, as under the current rules, to assign five character alpha-numeric call signs to low power TV stations. *See* 47 C.F.R. § 74.783(d). However, low power TV licensees will continue to be allowed to request via our new procedures the assignment of four-letter call signs with a LP suffix, in lieu of these five-character alpha-numeric call signs. *See* 47 C.F.R. § 74.783(e). To allow low power TV permittees to make call sign requests via the on-line system as freely as other broadcast permittees, we propose to eliminate the existing requirement that

holders of low power TV construction permits who request four-letter call signs must submit with their requests a certification that the station has been constructed, that physical construction is underway at the transmitter site, or that a firm equipment order has been placed. *See* 47 C.F.R. § 74.783(e). We believe that such restriction, mandated because of the inherent limitations of the current manual system and limited Commission personnel resources to handle the potentially large number of requests for such changes, is no longer necessary. We seek comment on these proposals.

10. Under our current call sign practices, we allow mutually agreed-to transfers of basic call signs only in cases where licensees of stations in the same service located in the same market exchange frequencies or where a station switches to a new frequency in the same market. We do not believe that continuation of this limitation any longer advances or safeguards any key Commission regulatory objective. We are therefore proposing to eliminate any restrictions that currently prevent licensees or permittees in the same service from agreeing to exchanges or transfers of call signs.

Call Sign Queries

11. The initial welcome screen to the new on-line call sign reservation and authorization system will present the user with two program choices -- to issue a query to the call sign database or to request a call sign. Access to a description of the FCC's call sign policies and regulations, as well as to the call sign system's user's guide, is also available. Selecting the "Query" button on the initial screen will launch the main "Call Sign Query" screen, where users can determine the availability of any call sign of interest by simply entering that call sign. If a user submits an invalid call sign, the system will respond with an error message indicating the call sign must be of valid length (four letters) and must begin with the letter "W" or "K." Once a valid call sign query has been submitted, the system will search the call sign database and return the licensing information to the user. If a queried call sign has already been assigned, the system will respond that the call sign is not available and will identify to whom that call sign is assigned or reserved.⁷ If a particular call sign is not currently assigned, the system will respond that the call sign is available. Users may then immediately request or reserve such call sign by selecting one of the following functions: (1) "Change Request"; (2) "Permittee Initial Request"; (3) "Transfer/Assignment Request"; or (4) "Exchange Request."

Call Sign Reservations and Requests

12. From either the initial welcome screen to the call sign reservation and authorization system, or following a query for an available call sign, users may request a call sign assignment. A "Change Request" should be made if the user currently holds a broadcast license or permit with an

⁷ The information reported for such unavailable call signs will include the broadcast service for which the call sign was issued (*e.g.*, TV or FM); any secondary call signs assigned (*e.g.*, Wxxx-LP); the location of the licensed station; and the name and address of the licensee. In addition, the system will report if there are any pending requests related to the call sign, although the system will not report the reason that a request is pending. (A call sign request may, for example, be "pending" if it is awaiting confirmation of fee payment from Mellon Bank or notification of transfer/assignment consummation.)

existing call sign that the user would like to change to a new, available call sign. A "Permittee Initial Request" should be made by a user holding a construction permit who wishes to make an initial call sign selection. A "Transfer/Assignment Request" should be made when a proposed transferee/assignee with a license assignment or transfer of control application on file wants to reserve a different call sign for the station to be transferred or assigned. An "Exchange Request" should be made when two licensees in the same service want to mutually exchange their call signs or where, by mutual agreement, a licensee or permittee seeks to transfer its station's call sign to another licensee or permittee.

13. **Change Requests.** A licensee wanting to change its assigned call sign to a new, available call sign should select the "Change Request" function on the "Call Sign Request Menu." A licensee of an FM or TV station seeking to modify its current call sign only to the extent of adding or deleting an "-FM" or "-TV" suffix should also select this "Change Request" function. The system will then ask the user to enter both the call sign being requested and the call sign currently assigned to the licensee. Again, if the user submits an invalid call sign, the system will respond with an error message indicating that the call sign must be of valid length (four letters) and must begin with the letters "W" or "K." If a user submits a request to change to a call sign that has already been assigned, the system will respond with a message stating that the requested call sign is unavailable and identify the holder of the primary call sign. If a request is made for a secondary call sign (*e.g.*, Wxxx-FM) whose primary call sign (*e.g.*, Wxxx) is assigned to another holder, the user will be required to certify that consent to use the secondary call sign has been obtained from the holder of the primary call sign. Upon initial reservation of such call sign, the holder of the primary call sign will be automatically notified of the user's action via postcard sent by U.S. mail on the next business day. In addition, if a requested call sign is reserved by the Coast Guard, the system will so inform the user and provide the Coast Guard telephone number and contact person so that the user may request release of the call sign from the Coast Guard. Once written approval of the release of the call sign is received by the Commission from the Coast Guard, Mass Media Bureau staff will add that call sign to the call sign availability database.

14. After the user submits in appropriate form the licensee's currently assigned call sign and the requested call sign, the system will display the "Change Request Form." This form will display the licensee's current call sign information (including the broadcast service for which the call sign was issued and the licensee's name and mailing address) and the requested call sign. The entry portion of this "Change Request Form" will ask the user for the following:

(1) The desired effective date for the change of the call sign in month/day/year format. As is currently required by our rules, the specified effective date must be within 45 days of the submission of the call sign request. *See* 47 C.F.R. § 73.3550(k). Users should note that a call sign request requiring the submission of a fee will not, regardless of the effective date specified by the user, become effective until confirmation that payment of the fee has been received.

(2) Certification that neither the licensee nor any shareholder, officer or director thereof, is subject to a denial of federal benefits, including Commission benefits, pursuant to Section 5301 of

the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a).

(3) If the request is for a secondary call sign, a certification by the requestor that consent has been received from the primary call sign holder.

(4) Information concerning the person making the call sign change request, including the user's name and organization, address, telephone number and e-mail address.⁸

If a user submits incomplete information on this "Change Request Form," the system will notify the user accordingly, and the user will be able to enter complete information. Users should also be aware that certifications (such as those specified above in this paragraph) made while requesting a new or modified call sign via the on-line system constitute representations to the Commission upon which we will rely. Users, including licensees or permittees or their counsel, who submit false certifications while making call sign requests will be subject to severe sanctions, including revocation of their station licenses or construction permits and/or forfeiture. *See* 47 U.S.C. §§ 312(a)(1), 503.

15. Upon submission of a completed "Change Request Form," the call sign reservation system will automatically do the following:

(1) Return an on-screen verification of the receipt of the "Change Request Form," and indicate the "Call Sign Request Number" which should be noted for future reference.

(2) Temporarily "lock" or reserve the requested new call sign.

(3) Insert the call sign change request into the queue of pending requests and into the call sign database.⁹

(4) Generate the postcards acknowledging reservation of the requested call sign, which will be sent by U.S. mail on the business day following reservation of the call sign by the user. These reservation postcards will be sent to both the affected licensee and to the person making the call sign change request on its behalf. Thus, if a person not authorized by the licensee were to attempt to change the licensee's call sign, the system would automatically notify the licensee that a new call sign had been requested for its station and the identity of the person submitting such request. In such a situation, the licensee should immediately notify the Commission that an unauthorized request for a call sign change had been made. If a change or other type of call sign request is made for a secondary call sign, the system will also automatically send a reservation postcard to the licensee holding the

⁸ If the address of the person making the change request is the same as the displayed address of the licensee, then the user may simply check the box on the screen labeled "Check here if applicant address is same as licensee" to avoid typing redundant information. However, the user will still be required to enter his/her name.

⁹ Thus, if another user were to submit a request for this same call sign, the system would report the call sign as unavailable.

primary call sign. Thus, if a licensee or permittee, contrary to its certification, were to request a secondary call sign without obtaining the consent of the primary call sign holder, the primary holder would be notified that such a request had been submitted. We believe that this automatic notification procedure will provide an effective security check on the electronic call sign reservation part of our on-line system.

(5) If the payment of a fee is required for the call sign change requested, inform the user that completion of the Form 159 and the fee payment are required within 15 days from the date of the change request to complete the request. *See* paragraphs 25-26 below for discussion of the on-line Form 159. If the fee payment is not received within the specified time frame, the requested call sign change will be cancelled electronically and the call sign will no longer be reserved. Upon confirmation of receipt of the requisite payment electronically, the system will finalize the requested call sign change.

(6) Generate the postcard sent to the licensee acknowledging the assignment of the requested new call sign. This authorization postcard will contain the effective date of the new call sign assignment (which will continue to be within 45 days of the request), and will state that the postcard is considered part of the station license pending issuance of an authorization incorporating the new call sign. The authorization postcard would be generated no earlier than five business days after the call sign reservation. If a fee payment is required for a particular call sign change, confirmation of such payment will also be required before issuance of the authorization postcard.

Following the effective date of the change of a broadcast station's call sign, the station's previous call sign will be available for reservation by another user. In addition, the system will periodically generate public notices identifying all Mass Media Bureau call sign actions taken during the specified period. Currently, these public notices listing call sign actions are released every two weeks. Under our revised procedures, we would expect such public notices to be released at least as often, and we request comment on whether the notices should be released more frequently.

16. ***Permittee Initial Request.*** In accordance with our existing rules, the on-line call sign system will not accept a call sign reservation request from an applicant for a new station until the Commission has granted a construction permit. *See* 47 C.F.R. § 73.3550(b). It has been our experience that permittees of new stations apply promptly for their initial call signs after the grant of their construction permits. Under our revised procedures, we will continue to expect permittees to request the assignment of their initial call signs expeditiously following the grant of their construction permits. The Commission proposes, however, to no longer assign a call sign if a permittee of a new station fails to request the assignment of a call sign within 30 days of grant of the construction permit. *See id.* Given the promptness with which broadcast permittees generally apply for their initial call signs, we believe that the Commission should no longer be involved in the assignment of such call signs and that eliminating such involvement will further conserve Commission resources. We ask for comment on this proposal.

17. A holder of a construction permit who wishes to make an initial call sign selection should

select the "Permittee Initial Request" function from the "Call Sign Request Menu." The system will display a screen requiring the entry of the requested call sign and the permittee's construction permit file number. Users should enter an available four-letter call sign (with an optional FM, TV or LP suffix); if a user submits an invalid call sign, the system will respond with a message indicating that the new call sign must be four letters starting with "W" or "K," with an optional FM, TV or LP suffix. If a user submits a request for a call sign that has already been assigned, the system will respond with a message stating that the requested call sign is unavailable. If a user submits an incorrect construction permit file number, the system will respond with a message indicating that the FCC database does not contain the specified file number.

18. Submission of a valid requested call sign and construction permit file number will display the "Permittee Initial Request Form," which is identical to, and should be completed in the same manner as, the "Change Request Form" described in paragraph 14 above. Upon submission of a completed "Permittee Initial Request Form," the call sign reservation system will automatically do the following:

(1) Return an on-screen verification of the receipt of the "Permittee Initial Request Form" and indicate the "Call Sign Request Number" which should be noted for future reference.

(2) Insert the call sign request into the queue of pending requests and into the call sign database.

(3) Generate the postcards acknowledging reservation of the requested call sign, which will, for security purposes, be sent on the business day following reservation to both the permittee and to the person making the call sign initial request on its behalf.¹⁰

(4) Generate the postcard sent to the permittee acknowledging the assignment of the requested initial call sign. Because no fee payment is required when requesting an initial call sign, this authorization postcard will be generated no earlier than five business days after issuance of the postcards acknowledging reservation of the requested initial call sign.

19. ***Transfer/Assignment Request.*** As permitted under our current rules, an applicant for transfer or assignment of an outstanding construction permit or license may utilize the on-line reservation system to request a new call sign for the station to be assigned or transferred. *See* 47 C.F.R. § 73.3550(c). Because, as described previously, we generally believe that Commission involvement in the assignment of call signs is unnecessary, we propose to no longer select and assign a new call sign in the event of a transfer or assignment of a station whose existing call sign conforms

¹⁰ As described in paragraph 15, if a permittee has requested a secondary call sign, the system will also automatically send a reservation postcard to the primary holder of that call sign.

to that of a commonly owned station not part of the transaction. *See* 47 C.F.R. §73.3550(d).¹¹ We believe that the assignee/transferee alone should bear the responsibility of requesting a different call sign or obtaining the consent necessary to retain the present or conforming call sign from the existing owner. In our experience, the parties to assignments and transfers have been able to resolve the call sign issue without Commission involvement. We seek comment on this proposal.

20. A transferee or assignee desiring to reserve a new call sign for the station it is seeking to acquire should select the "Transfer/Assignment Request" function from the "Call Sign Request Menu." The system will display a screen requiring the entry of the transferee/assignee's requested call sign, the licensee's current call sign, and the license assignment/transfer of control application file number. As previously discussed in detail, if the user submits an invalid or incorrect call sign or assignment/transfer of control application number, the system will respond with an appropriate error message and provide the user with an opportunity to correct the error.

21. Submission of a valid requested call sign, current call sign, and assignment/transfer of control application file number will display the "Transfer/Assignment Request Form." This form is similar to, and should be completed in the same manner as, the "Change Request Form" discussed in paragraph 14 above. Unlike the "Change Request Form," however, this "Transfer/Assignment Request Form" will not ask the user to enter an effective date for the call sign change because such date will be dependent upon obtaining Commission approval of the station's assignment or transfer. Upon submission of a complete "Transfer/Assignment Request Form," the call sign reservation system will automatically do the following:

(1) Return an on-screen verification of the receipt of the "Transfer/Assignment Request Form," and indicate the "Call Sign Request Number" which should be noted for future reference.

(2) Temporarily "lock" or reserve the requested new call sign.

(3) Insert the transfer/assignment request into the queue of pending requests and into the call sign database.

(4) Generate postcards acknowledging reservation of the requested call sign, which will, for security purposes, be sent on the business day following reservation to the proposed assignee/transferee, to the current licensee of the station being assigned or transferred, and to the user who made the transfer/assignment request.

(5) If the payment of a fee is required, inform the user that completion of the Form 159 and the fee payment are required within 15 days from the date of the transfer/assignment call sign request to complete the request. *See* paragraphs 25-26 below for discussion of the on-line Form 159. If the

¹¹ Currently under this section, the Commission will assign a new call sign to the assigned/transferred station if the new licensee of the station does not, within 30 days after consummation, request a different call sign or submit a statement of written consent to retain the conforming call sign from the existing owner.

fee payment is not received within the specified time frame, the transfer/assignment call sign request will be cancelled electronically and the call sign will no longer be reserved.

(6) After receiving notification of the consummation of the transfer or assignment, generate the authorization postcard sent to the new licensee of the transferred/assigned station acknowledging the assignment of the requested new call sign. This notification of the consummation of an assignment or transfer cannot be done electronically at this time and will be incorporated in other ongoing Bureau electronic filing initiatives. Accordingly, broadcast licensees will continue to be required to provide written notification of such consummation to the call sign desk, and should include in such notification the desired effective date for any requested call sign change. Upon receipt of written notification by the licensee or permittee of the consummation of the Commission-approved transfer or assignment, the Mass Media Bureau staff will enter the effective date of the call sign change specified by the assignee/transferee in the notification, thereby finalizing the requested call sign change.

22. **Exchange Request.** The electronic call sign reservation system may be used to effectuate two types of call sign exchanges. Two licensees can simply exchange their call signs, or one licensee may request any available call sign, while transferring its call sign to the second licensee. We emphasize that, for an exchange of call signs, the stations involved must be in the same service. Users should also note that only one of the licensees involved in an exchange should utilize the on-line system to make the exchange request.

23. Licensees seeking to make a call sign exchange should select the "Exchange Request" function from the "Call Sign Request Menu." The screen displayed will require the entry of the current call signs and the requested call signs of the two licensees involved in the exchange.¹² Assuming that valid call signs are submitted, the system will display the "Exchange Request Form." This form is similar to, and should be completed in the same manner as, the "Change Request Form" described above in paragraph 14. The "Exchange Request Form" additionally requires the user to certify that each licensee consents to the exchange and that each is the primary holder of its call sign.

24. Upon submission of the completed "Exchange Request Form," the call sign reservation system will automatically do the following:

(1) Return an on-screen verification of the receipt of the "Exchange Request Form," and indicate the "Call Sign Request Number" which should be noted for future reference.

¹² For a simple swap of call signs, the current call sign of the first licensee will be the requested call sign of the second licensee, and the requested call sign of the first licensee will be current call sign of the second licensee. Where there is not a mutual exchange of call signs, the first licensee will transfer its call sign to the second licensee while requesting a different call sign for itself. Thus, the current call sign of the first licensee and the requested call sign of the second licensee will be the same.

- (2) Temporarily "lock" or reserve the requested exchanged call signs.
- (3) Insert the exchange request into the queue of pending requests and into the call sign database.
- (4) Generate the postcards acknowledging reservation of the requested call signs, which will, for security purposes, be sent on the business day following reservation to both licensees involved in the exchange and to the user who made the exchange request on their behalf.
- (5) If the payment of a fee is required for the call sign exchange requested, inform the user that completion of the Form 159 and the fee payment are required within 15 days from the date of the exchange request to complete the request. *See* paragraphs 25-26 below for discussion of the on-line Form 159. If the fee payment is not received within the specified time frame, the requested call sign exchange will be cancelled electronically and the exchanged call signs will no longer be reserved. Upon confirmation of receipt of the requisite payment electronically, the system will finalize the requested call sign exchange.
- (6) Generate the postcards sent to both licensees involved in the exchange acknowledging the assignment of the requested call signs. If no fee is required for the exchange, the authorization postcards will be generated no earlier than five business days after the call sign exchange request.

FCC Form 159 (Remittance Advice)

25. The on-line call sign reservation system will also aid the user in the payment of any required call sign fees. No fee is required for licensees and permittees of noncommercial educational and low power television stations seeking to change the call signs of their stations. Similarly, no fee is imposed on licensees and permittees of commercial FM and TV stations that seek to modify their stations' existing call signs only to the extent of adding or deleting an -FM or -TV suffix. Further, the permittee of any commercial or noncommercial AM, FM or TV station requesting the assignment of its initial call sign is not required to pay a fee.

26. In all other situations, however, if the call sign change, transfer or exchange request involves a commercial AM, FM or TV station, the on-line system will inform the user that a fee payment is required and that a Form 159 must be filed. In such cases, when the call sign reservation request has been confirmed, the user should press the "Form 159" button on the confirmation screen, and the system will then display an FCC Form 159. This form will already have certain information supplied, including the Payment Type Code, the amount to be paid,¹³ and an FCC code that will enable the matching of each particular call sign request to the fee payment. The user should, as instructed by the system, print the Form 159 and complete the remaining fields. The text at the

¹³ The system will calculate the amount to be paid. For example, a request involving the exchange of the call signs of two commercial television stations will require the payment of two fees; the system will determine the correct total and include it on the form.

bottom of the screen after the form contains the address to which the completed form and payment should be mailed.¹⁴ Upon submission of the Form 159, users will have completed all elements necessary to make a valid call sign request via the new on-line system.

Mandatory or Permissive Use of On-Line Call Sign System

27. We believe that the on-line call sign reservation and authorization system described in detail in this *Notice* will increase the speed and improve the certitude of the Commission's call sign assignments. The electronic system may be accessed at the convenience of any radio or television broadcast station licensee or permittee who wishes to determine the availability of a call sign or to request an initial, or change an existing, call sign. Because the system instantaneously reserves a call sign for the user once a valid and complete request is submitted, users will have confidence that their requested call signs will in fact be assigned to them. Unlike the current, manual call sign application method, the new electronic system will also preclude users from submitting incomplete or invalid call sign requests, thereby preventing the delays that inevitably occur when insufficient call sign requests are submitted. The electronic system will moreover provide this greater speed and certainty to the public without day-to-day involvement by Commission staff. Given these expected benefits, we seek comment on whether broadcast station licensees and permittees should be required to utilize the electronic system when making call sign requests.

28. However, we seek to avoid any disruption to broadcast licensees and permittees that may not have easy access to, or are unfamiliar with utilizing, the Internet. We therefore request comment on the extent to which broadcast licensees, or their representatives,¹⁵ would be inconvenienced by a requirement to utilize the new on-line call sign system. If the lack of ready access to and experience with the Internet remain significant factors for certain broadcast licensees and permittees, such as small entities, should the Commission exempt these permittees and licensees from a requirement to use the electronic call sign system? If so, how should this exempt group of broadcasters be defined?¹⁶ Further, the Commission could allow a phase-in period, during which use of the new on-line system would be permissive for some or all broadcast licensees and permittees, before requiring all licensees and permittees to utilize the system in making call sign requests.¹⁷ Such a phase-in period could allow

¹⁴ As set forth above, the Form 159 and the payment are required to be received within 15 days of the call sign request.

¹⁵ The Commission estimates that approximately 75% of the call sign requests currently made via our manual system are submitted by attorneys on behalf of broadcast licensees and permittees.

¹⁶ As indicated in our recent *Streamlining Notice*, FCC 98-57 at ¶ 9, the waiver standards or small business definitions applied by other federal agencies could be useful in this regard.

¹⁷ Similar phase-in periods have been utilized in certain nonbroadcast contexts where the Commission has instituted or has proposed to institute mandatory electronic filing. For example, when we inaugurated the Electronic Tariff Filing System for local exchange carriers, we stated that its use would initially be permissive, but that it would become mandatory. See *Report and Order* in CC Docket No. 96-187, 12 FCC Rcd 2170, 2195 (1997); *Public Notice*, DA 97-

broadcast licensees a period of time to familiarize themselves with the new on-line system. If commenters believe that a phase-in period is appropriate, they should address such questions as the length of any such period and the steps the Commission might take to encourage use of the electronic system during the phase-in period.

29. If the Commission were to make use of the new on-line call sign system permissive rather than mandatory for certain broadcast licensees and permittees, we believe that any licensee and permittee who continues to file manually with the Commission's call sign desk would, for several reasons, be at a disadvantage. First, a manually filed call sign request would have to be entered into the electronic system by Commission staff after receipt, and the call sign being requested would not be reserved until so entered by staff. Thus, the manual applicant would not receive the benefit of one of the most significant features of the electronic system, which is the immediate reservation of the requested call sign. Second, a broadcast licensee manually requesting a call sign would be more likely to submit an incomplete or invalid request than a licensee utilizing the on-line system, which prevents users from submitting defective or incomplete requests, thereby resulting in significant delay in obtaining the desired call sign. Third, the effective date of a manually-requested call sign requiring the payment of a fee may be delayed because a manual applicant cannot utilize the on-line version of the FCC Form 159. Instead, the Commission would need to mail the FCC Form 159 to the licensee or permittee making a call sign request manually after staff had entered the requested call sign into the electronic system. We seek comment on these issues.

ADMINISTRATIVE MATTERS

30. *Comments and Reply Comments.* Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties shall file comments within 30 days of the date of publication of this *Notice* in the Federal Register and reply comments within 45 days of the date of publication of this *Notice* in the Federal Register. To file formally in this proceeding, you must file an original plus 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 plus eleven copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, Washington, D.C. 20554.

31. *Initial Paperwork Reduction Act of 1995 Analysis.* This *Notice* proposes rule and procedural revisions which may contain an information collection requirement. As part of our continuing effort to reduce paperwork burdens, we invite the general public and OMB to take this opportunity to comment on the information collection contained in this *Notice*, as required by the

Paperwork Reduction Act of 1995, Pub. L. No. 104-13. Public and agency comments are due at the same time as other comments on this *Notice*; OMB comments are due 60 days from the date of publication of this *Notice* in the Federal Register. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall 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. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554, or via the Internet to jboley@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 - 17th Street, N.W., Washington, D.C. 20503 or via the Internet to fain_t@al.eop.gov.

32. ***Ex parte Rules.*** This proceeding will be treated as a "permit-but-disclose" proceeding subject to the "permit-but-disclose" requirements under Section 1.1206(b) of the rules. *See* 47 C.F.R. § 1.1206(b), as revised. *Ex parte* presentations are permissible if disclosed in accordance with the Commission's rules, except during the Sunshine Agenda period when presentations, *ex parte* or otherwise, are generally prohibited. Persons making oral *ex parte* presentations are reminded that a memorandum summarizing a presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two-sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b)(2), as revised. Additional rules pertaining to oral and written presentations are set forth in Section 1.1206(b).

33. ***Initial Regulatory Flexibility Analysis.*** With respect to this *Notice*, an Initial Regulatory Flexibility Analysis (IRFA) is contained in Appendix A. As required by the Regulatory Flexibility Act,¹⁸ the Commission has prepared an IRFA of the expected significant economic impact on small entities by the policies and rules proposed in this *Notice*. Written public comments are requested on the IRFA. We ask a number of questions in our IRFA regarding the prevalence of small businesses in the industries covered by this *Notice*. Comments on the IRFA must be filed in accordance with the same filing deadlines as comments on the *Notice* and must have a distinct heading designating them as responses to the IRFA.

34. Accordingly, IT IS ORDERED, That pursuant to the authority contained in Sections 4(i), 4(j) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 303, this *Notice of Proposed Rulemaking* IS ADOPTED.

35. IT IS FURTHER ORDERED, That the Commission's Office of Public Affairs, Reference Operations Division, SHALL SEND a copy of this *Notice*, including the Initial Regulatory Flexibility

¹⁸ Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 *et seq.* (1981), as amended.

Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

36. *Additional Information.* For additional information on this proceeding, please contact James J. Brown or Jerianne Timmerman, Video Services Division, Mass Media Bureau (202)418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

APPENDIX A

As required by the Regulatory Flexibility Act (RFA),¹⁹ the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this *Notice of Proposed Rulemaking (Notice)*. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments of the *Notice* provided above in ¶ 30. The Commission will send a copy of the *Notice*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. § 603(a). In addition, the *Notice* and IRFA (or summaries thereof) will be published in the Federal Register. *See id.*

A. Need For and Objectives of the Proposed Rules: With this *Notice*, the Commission commences a proceeding to modify its procedures regarding the assignment of call signs for radio and television broadcast stations. By replacing its existing manual procedures with a new on-line system for the electronic preparation and submission of requests for new and modified call signs, the Commission will enhance the speed and certitude of radio and television broadcast station call sign assignments, while at the same time conserving Commission resources. The proposed implementation of the on-line call sign system will serve the Commission's goals of improving service to all broadcast stations licensees and permittees and maximizing efficiency in the use of Commission resources. This review is taken in conjunction with the Commission's 1998 biennial regulatory review. Although Congress did not mandate this area of review, the Commission nonetheless undertakes it to assure that its rules and processes are no more regulatory than necessary to achieve Commission goals.

B. Legal Basis: Authority for the actions proposed in this *Notice* may be found in Sections 4(i), 4(j) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 303.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply: 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). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register."²⁰

¹⁹ *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et seq.*, has been amended by the Contract with America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

²⁰ We tentatively believe that the SBA's definition of "small business" greatly overstates the number of radio and television broadcast stations that are small businesses and is not suitable for purposes of determining the impact of the proposals in this *Notice* on small television and radio stations. For purposes of this *Notice*, however, we will utilize the SBA's definition in determining the number of small businesses to which the proposed rules would apply. We

The proposed rules and policies will apply to television broadcasting licensees and permittees and radio broadcasting licensees and permittees. The Small Business Administration defines a television broadcasting station that has no more than \$10.5 million in annual receipts as a small business.²¹ Television broadcasting stations consist of establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services.²² Included in this industry are commercial, religious, educational, and other television stations.²³ Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials.²⁴ Separate establishments primarily engaged in producing taped television program materials are classified under another SIC number.²⁵ There were 1,509 television stations operating in the nation in 1992.²⁶ That number has remained fairly steady as indicated by the approximately 1,569 operating television stations in the nation as of January 31, 1998.²⁷ For 1992,²⁸ the number of television stations that produced less than \$10.0 million in revenue

reserve the right to adopt a more suitable definition of "small business" as applied to radio and television broadcast stations subject to the proposed rules in this *Notice*, and to consider further in the future the issue of the number of radio and television broadcasters that are small entities. See *Report and Order* in MM Docket No. 93-48 (*Children's Television Programming*), 11 FCC Rcd 10660, 10737-38 (1996), citing 5 U.S.C. § 601(3).

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

²² 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).

²³ *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.

²⁴ 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).

²⁵ *Id.* SIC 7812 (Motion Picture and Video Tape Production); SIC 7922 (Theatrical Producers and Miscellaneous Theatrical Services (producers of live radio and television programs).

²⁶ FCC News Release No. 31327, Jan. 13, 1993; Economic and Statistics Administration, Bureau of Census, U.S. Department of Commerce, *supra* note 25, Appendix A-9.

²⁷ FCC News Release, "Broadcast Station Totals as of January 31, 1998."

²⁸ Census for communications establishments are performed every five years, during years ending with a "2" or "7". See Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, *supra* note 25, III.

was 1,155 establishments.²⁹

Additionally, the Small Business Administration defines a radio broadcasting station that has no more than \$5 million in annual receipts as a small business.³⁰ A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public.³¹ Included in this industry are commercial, religious, educational, and other radio stations.³² Radio broadcasting stations that primarily are engaged in radio broadcasting and that produce radio program materials are similarly included.³³ However, radio stations that are separate establishments and are primarily engaged in producing radio program material are classified under another SIC number.³⁴ The 1992 Census indicates that 96% (5,861 of 6,127) radio station establishments produced less than \$5 million in revenue in 1992.³⁵ Official Commission records indicate that 11,334 individual radio stations were operating in 1992.³⁶ As of January 31, 1998, official Commission records indicate that 12,241 radio stations were operating, of which 7,488 were FM stations.³⁷

Thus, the proposed rules will affect many of the approximately 1,569 television stations, approximately 1,208 of which are considered small businesses.³⁸ Additionally, the proposed rules will affect some of the 12,241 radio stations, approximately 11,751 of which are small businesses.³⁹ These estimates may overstate the number of small entities since the revenue figures on which they are based

²⁹ 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.

³⁰ 13 C.F.R. § 121.201, SIC 4832.

³¹ Economics and Statistics Administration, Bureau of Census, u.S. Department of Commerce, *supra* note 25, Appendix A-9.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ The Census Bureau counts radio stations located at the same facility as one establishment. Therefore, each co-located AM/FM combination counts as one establishment.

³⁶ FCC New Release No. 31327, Jan. 13, 1993.

³⁷ FCC News Release "Broadcast Station Totals as of January 31, 1998."

³⁸ We use the 77% figure of television stations producing less than \$10 million in revenue for 1992 and apply it to the 1998 total of 1569 television stations to arrive at 1,208 stations categorized as small businesses.

³⁹ We use the 96% figure of radio station establishments with less than \$5 million revenue from the Census data and apply it to the 12,241 individual station count to arrive at 11,751 individual stations as small businesses.

do not include or aggregate revenues from non-television or non-radio affiliated companies.

D. Description of Projected Recording, Recordkeeping, and Other Compliance Requirements:

The measures proposed in the *Notice* would reduce the burdens on broadcast station licensees and permittees applying for or requesting a change in their station call signs. The proposal to replace the current manual call sign assignment process with an entirely electronic system would reduce the overall administrative burden upon both broadcast licensees and the Commission. Given the expected benefits of the new electronic system, we seek comment on whether to require all broadcast licensees and permittees to utilize the system to make call sign requests, and also seek comment as to whether to do so on a phased-in basis. We note that such a phased-in procedure has been used elsewhere with regard to electronic filing of applications so as to benefit small businesses. We believe that utilization of the new on-line system will, among other things, increase the speed and certitude of the call sign assignment process, conserve Commission resources, and aid licensees and permittees by informing them of errors in their call sign requests before they are actually sent. The measures proposed in the *Notice* do not alter the Commission's current rules and policies regarding call signs (such as what constitutes a valid call sign), but modify the procedures by which call signs are assigned.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered:

This *Notice* solicits comments regarding the implementation of the Mass Media Bureau's new on-line call sign reservation system. Given the expected benefits of the new electronic system for both broadcast station licensees and the Commission (*see supra* ¶¶ 27-29), we seek comment on whether all broadcast licensees and permittees should be required to utilize the system for reserving call signs. We also ask for comment on other alternatives, including exempting certain licensees and permittees (such as small entities) from a requirement to use the electronic system or providing for a phase-in period before mandating use of the new system. Any significant alternatives presented in the comments will be considered.

F. Federal Rules that Overlap, Duplicate, or Conflict with the Proposed Rules: The initiatives and proposed rules raised in this proceeding do not overlap, duplicate or conflict with any other rules.

APPENDIX B Proposed Rules

I. Part 73 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73 - RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334.

2. Section 73.3550 is amended to read as follows:

§ 73.3550 Requests for new or modified call sign assignments.

(a) All requests for new or modified call sign assignments for radio and television broadcast stations shall be made via the FCC's on-line call sign reservation and authorization system accessible through the Internet's World Wide Web by specifying <http://www.fcc.gov>. Licensees and permittees may utilize this on-line system to determine the availability and licensing status of any call sign; to select an initial call sign for a new station; to change a station's currently assigned call sign; to modify an existing call sign by adding or deleting an "-FM" or "-TV" suffix; to exchange call signs with another licensee or permittee in the same service; or to reserve a different call sign for a station being transferred or assigned.

(b) No request for an initial call sign assignment will be accepted from a permittee for a new radio or full-service television station until the FCC has granted a construction permit. Each such permittee shall request the assignment of its station's initial call sign expeditiously following the grant of its construction permit. All initial construction permits for low power TV stations will be issued with a five-character low power TV call sign, in accordance with § 74.783(d).

(c) Following the filing of a transfer or assignment application, the proposed assignee/transferee may request a new call sign for the station whose license or construction permit is being transferred or assigned. No change in call sign assignment will be effective until such transfer or assignment application is granted by the FCC and notification of consummation of the transaction is received by the FCC.

(d) Where an application is granted by the FCC for transfer or assignment of the construction permit or license of a station whose existing call sign conforms to that of a commonly-owned station not part of the transaction, the new licensee of the transferred or assigned station shall expeditiously request a different call sign, unless consent to retain the conforming call sign has been obtained from the primary holder and from the licensee of any other station that may be using such conforming call sign.

* * * * *

Subsection (h) is deleted and former subsection (i) is redesignated as subsection (h).

Former subsections (j), (k), (l), (m) and (n) are redesignated as subsections (i), (j), (k), (l) and (m) to read as follows:

(i) The provisions of this section shall not apply to International broadcast stations or to stations authorized under Part 74 of the rules (except as provided in § 74.783 of this chapter).

(j) A change in call sign assignment will be made effective on the date specified in the postcard

acknowledging the assignment of the requested new call sign and authorizing the change. Unless the requested change in call sign assignment is subject to a pending transfer or assignment application, the requester is required to include in its on-line call sign request a specific effective date to take place within 45 days of the submission of its electronic call sign request. Postponement of the effective date will be granted only in response to a timely request and for only the most compelling reasons.

(k) Four-letter combinations commencing with "W" or "K" which are assigned as call signs to ships or to other radio services are not available for assignment to broadcast stations, with or without the "-FM" or "-TV" suffix.

(l) Users of nonlicensed, low-power devices operating under Part 15 of the FCC rules may use whatever identification is currently desired, so long as propriety is observed and no confusion results with a station for which the FCC issues a license.

(m) Where a requested call sign, without the "-FM," "-TV" or "-LP" suffix, would conform to the call sign of any other non-commonly owned station(s) operating in a different service, an applicant utilizing the on-line reservation and authorization system will be required to certify that consent to use the secondary call sign has been obtained from the holder of the primary call sign.

II. Part 74 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 74 - EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. The authority citation for Part 74 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, 554.

2. Section 74.783 is amended, by deleting the final sentence of paragraph (e), to read as follows:

§ 74.783 Station identification.

* * * * *

(e) Low power TV permittees or licensees may request that they be assigned four-letter call signs in lieu of the five-character alpha-numeric call signs described in paragraph (d) of this section. Parties requesting four-letter call signs are to follow the procedures delineated in § 73.3550. Such four-letter call signs shall begin with K or W; stations west of the Mississippi River will be assigned an initial letter K and stations east of the Mississippi River will be assigned an initial letter W. The four-letter call sign will be followed by the suffix "-LP."

* * * * *

