

Type of station	Protected contour		
	Channel	Contour (dBu)	Propagation curve
Analog TV	Low VHF (2–6)	47	F(50,50)
	High VHF (7–13)	56	F(50,50)
	UHF (14–69)	64	F(50,50)
Analog Class A, LPTV, translator and booster	Low VHF (2–6)	62	F(50,50)
	High VHF (7–13)	68	F(50,50)
	UHF (14–69)	74	F(50,50)
Digital TV	Low VHF (2–6)	28	F(50,90)
	High VHF (7–13)	36	F(50,90)
	UHF (14–51)	41	F(50,90)
Digital Class A	Low VHF (2–6)	43	F(50,90)
	High VHF (7–13)	48	F(50,90)
	UHF (14–51)	51	F(50,90)

(2) A TV channel will be considered vacant for use by an intentional radiator operating under the provisions of this section if the following desired-to-

undesired (D/U) signal ratios between co-channel and adjacent channel TV stations and the intentional radiator are met at all points within the service area

of the unlicensed transmitter, TV or FM broadcast station that transmits channel availability information.

Type of station	Protection ratios		
	Channel separation	D/U ratio (dB)	Propagation curve
Analog TV, Class A, LPTV, translator and booster	Co-channel	34	F(50,10)
	Upper adjacent	– 17	F(50,50)
	Lower adjacent	– 14	F(50,50)
Digital TV and Class A	Co-channel	23	F(50,10)
	Upper adjacent	– 26	F(50,50)
	Lower adjacent	– 28	F(50,50)

(h) Operation is not permitted within the service contours of co-channel stations. Portable devices are not required to comply with the D/U ratios for TV stations operating on adjacent channels. Fixed devices are not required to comply with the adjacent channel D/U ratios between channels 4 and 5, channels 6 and 7, and channels 13 and 14 because of the frequency separations that exist between those channels. For adjacent channel operation within the protected service contour of a television station, calculation of desired signal levels shall be based on FCC F(90,90) curves or the protected contour field strength value, whichever is higher. For unlicensed operation outside the protected contour of a television station, calculations of television (desired) signal levels would be based on the FCC F(50,50) curves. Calculations of unlicensed (undesired) signal levels would be based on the FCC F(50,50) curves or other appropriate models.

(i) Operation on a TV channel shared with the PLMRS or CMRS is permitted only if every point in the reception area of an unlicensed transmitter, or a TV or FM station that transmits channel availability information is separated by the following distances from the of the center coordinates of the metropolitan areas where shared operation is

permitted: 134 kilometers for co-channel operation and 131 kilometers for adjacent channel operation.

(j) Operation of fixed devices under the provisions of this section is not permitted on VHF channels within 32 kilometers of the border with Mexico, on UHF channels within 40 kilometers of the border with Mexico, or on either VHF or UHF channels within 60 kilometers of the border with Canada.

(k) Devices operating under the provisions of this section shall be equipped with a means to automatically and periodically transmit a unique identification signal. Devices must not be equipped with any controls accessible to any party, other than a professional installer, that allow selection of the transmit channel or output power. Devices must include features to ensure that only the software that was approved with a device can be loaded into a device, and the software may not allow the user to operate the device with parameters outside those that were approved. “Software” in this context includes the software that selects a device’s operating frequency, software used in determining a device’s geographic location or identifying TV channels that are vacant, and to the information in the database accessed by a device. Devices must incorporate a

means to detect whether tampering with the hardware or software has occurred and must not operate if tampering is detected. The application for certification must describe how the device complies with these requirements.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–1407, MB Docket No. 04–192, RM–10966]

Digital Television Broadcast Service; Honolulu, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Pacifica Broadcasting Company proposing the substitution of DTV channel *10 for station KALO assigned DTV channel *39c at Honolulu, Hawaii. DTV Channel *10 can be allotted to Honolulu with a “c” designation at reference coordinates 21–23–45 N. and 158–05–58 W. with a

power of 25, a height above average terrain HAAT of 577 meters.

DATES: Comments must be filed on or before July 19, 2004, and reply comments on or before August 3, 2004.

ADDRESSES: The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (*except in broadcast allotment proceedings*). See *Electronic Filing of Documents in Rule Making Proceedings*, GC Docket No. 97-113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Anne Goodwin Crump, Fletcher, Heald & Hildreth, P.L.C., 1300 North 17th Street, Eleventh Floor, Arlington, Virginia 22209 (Counsel for Pacifica Broadcasting Company).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04-192, adopted May 18, 2004, and released May 28, 2004. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-

863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 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 and 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Hawaii is amended by removing DTV channel *39c and adding DTV channel *10c at Honolulu.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04-1416; MB Docket No. 04-202, RM-10985]

Radio Broadcasting Services; Tomahawk, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division requests comments on a petition filed by Results Broadcasting of Rhinelander, Inc., proposing the allotment of Channel 265C3 at Tomahawk, Wisconsin, as the community's second local FM transmission service. Channel 265C3 can be allotted to Tomahawk in

compliance with the Commission's minimum distance separation requirements with a site restriction of 8.5 kilometers (5.3 miles) west-northwest to avoid a short-spacing to the licensed and construction permit sites of Station WOBE(FM), Channel 264C1, Crystal Falls, Michigan. The coordinates for Channel 265C3 at Tomahawk are 46-30-01 North Latitude and 89-49-50 West Longitude. Since Tomahawk is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

DATES: Comments must be filed on or before July 19, 2004, reply comments on or before August 3, 2004.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mark Blacknell, Esq., Womble, Carlyle, Sandridge & Rice, PLLC, 1401 Eye Street, NW., 7th Floor, Washington, DC 20005 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 04-202, adopted May 26, 2004, and released May 28, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex, International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.