

grant of their initial license. EA-based licensees may, in the alternative, provide substantial service to their markets within five years of the grant of their initial license. Substantial service shall be defined as: "Service which is sound, favorable, and substantially above a level of mediocre service."

\* \* \* \* \*

■ 10. Section 90.693 is amended by revising paragraphs (c), and (d)(2) to read as follows:

**§ 90.693 Grandfathering provisions for incumbent licensees.**

\* \* \* \* \*

(c) *Special provisions for Spectrum Blocks F1 through V.* Incumbent licensees that have received the consent of all affected parties or a certified frequency coordinator to utilize an 18 dBµV/m signal strength interference contour shall have their service area defined by their originally-licensed 36 dBµV/m field strength contour and their interference contour shall be defined as their originally-licensed 18 dBµV/m field strength contour. The "originally-licensed" contour shall be calculated using the maximum ERP and the actual HAAT along each radial. Incumbent licensees seeking to utilize an 18 dBµV/m signal strength interference contour shall first seek to obtain the consent of affected co-channel incumbents. When the consent of a co-channel licensee is withheld, an incumbent licensee may submit to any certified frequency coordinator an engineering study showing that interference will not occur, together with proof that the incumbent licensee has sought consent. Incumbent licensees are permitted to add, remove or modify transmitter sites within their original 18 dBµV/m field strength contour without prior notification to the Commission so long as their original 18 dBµV/m field strength contour is not expanded and the station complies with the Commission's short-spacing criteria in §§ 90.621(b)(4) through 90.621(b)(6). Incumbent licensee protection extends only to its 36 dBµV/m signal strength contour. Pursuant to the minor modification notification procedure set forth in § 1.947(b) of this chapter the

incumbent licensee must notify the Commission within 30 days of any changes in technical parameters or additional stations constructed that fall within the short-spacing criteria. See 47 CFR 90.621(b).

(d) \* \* \*

(2) *Special Provisions for Spectrum Blocks F1 through V.* Incumbent licensees that have received the consent of all affected parties or a certified frequency coordinator to utilize an 18 dBµV/m signal strength interference contour operating at multiple sites may, after grant of EA licenses has been completed, exchange multiple site licenses for a single license. This single site license will authorize operations throughout the contiguous and overlapping 36 dBµV/m field strength contours of the multiple sites. Incumbents exercising this license exchange option must submit specific information on Form 601 for each of their external base sites after the close of the 800 SMR auction. The incumbent's geographic license area is defined by the contiguous and overlapping 18 dBµV/m contours of its constructed and operational external base stations and interior sites that are constructed within the construction period applicable to the incumbent. Once the geographic license is issued, facilities that are added within an incumbent's existing footprint and that are not subject to prior approval by the Commission will not be subject to construction requirements.

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 22 and 90**

[WT Docket No. 02-55; FCC 04-168]

**Improving Public Safety Communications in the 800 MHz Band**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** This document announces that the information collection requirements adopted in the 800 MHz Report and Order are effective upon publication of this document in the **Federal Register**.

**DATES:** 47 CFR 22.972, 22.973, 90.674, 90.676, and 90.677, published at 68 FR 67823 (Nov. 22, 2004) are effective February 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** John Evanoff, Esq., Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-0680 or via the Internet at [jevanoff@fcc.gov](mailto:jevanoff@fcc.gov). For additional information concerning the Paperwork Reduction Act information collection requirements, contact Judith B. Herman at (202) 418-0214.

**SUPPLEMENTARY INFORMATION:** A summary of the 800 MHz Report and Order was published in the **Federal Register** on November 22, 2004, 68 FR 67823. The 800 MHz Report and Order adopted rules designed to abate interference to public safety entities. The summary stated that with the exception of rules requiring OMB approval, the rules adopted in the 800 MHz Report and Order would become effective January 21, 2005. With regard to rules requiring OMB approval, the Commission stated it will publish a document in the **Federal Register** announcing the effective date of these rules. The information collection requirements in §§ 22.972, 22.973, 90.674, 90.675, 90.676 and 90.677 have been approved by OMB. In a separate document published in this issue, the Commission has announced that OMB has approved the information collection requirements adopted in the 800 MHz Report and Order. With publication of the instant document in the **Federal Register**, all rules adopted in the 800 MHz Report and Order are now effective.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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