

a public notice providing that operators of low power auxiliary stations, including wireless microphones, in the 700 MHz band in those market(s) will be required to cease operations within 60 days after the Commission's notice is released.

(ii) Any commercial or public safety licensee in the 700 MHz band may notify any low power auxiliary station users operating in the 700 MHz band that it has initiated or will be initiating operations on specified frequencies in the market in which the low power auxiliary station is operating. The wireless operations initiated by the commercial or public safety 700 MHz licensees may include system testing or trials. Upon receipt of such notice, the low power auxiliary station in the affected market area must cease operation within 60 days.

(iii) In the event that both of these notice provisions in paragraphs (e)(2)(i) and (ii) of this section are used with respect to a particular low power auxiliary station, the low power auxiliary station will have to cease operations in the market(s) in accordance with whichever notice provides for earlier termination of its operations.

(3) Notwithstanding this 60 day notice requirement, any low power auxiliary station that causes harmful interference to any commercial or public safety 700 MHz licensee must cease operations immediately, consistent with the rules for secondary use.

■ 7. Section 74.851 is amended by revising the heading and adding new paragraphs (g), (h), and (i) to read as follows:

**§ 74.851 Certification of equipment; prohibition on manufacture, import, sale, lease, offer for sale or lease, or shipment of devices that operate in the 700 MHz Band; labeling for 700 MHz band equipment destined for non-U.S. markets; disclosure for the core TV bands.**

\* \* \* \* \*

(g) No person shall manufacture, import, sell, lease, offer for sale or lease, or ship low power auxiliary stations that are capable of operating in the 700 MHz band (698–806 MHz). This prohibition does not apply to devices manufactured solely for export.

(h) Any person who manufactures, sells, leases, or offers for sale or lease low power auxiliary stations, including wireless microphones, that are destined for non-U.S. markets and that are capable of operating in the 700 MHz band shall include labeling and make clear in all sales, marketing, and packaging materials, including online materials, relating to such devices that

the devices cannot be operated in the U.S.

(i) Any person, whether such person is a wholesaler or a retailer, who manufactures, sells, leases, or offers for sale or lease low power auxiliary stations that operate in the core TV bands (channels 2–51, excluding channel 37) is subject to the disclosure requirements in § 15.216 of this chapter. ■ 8. Section 74.861 is amended by revising paragraph (e)(1)(ii) to read as follows:

**§ 74.861 Technical requirements.**

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(ii) 470–608 and 614–698 MHz bands—250 mW

\* \* \* \* \*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 15**

[WT Docket Nos. 08–166, 08–167, and ET Docket No. 10–24; DA 10–92]

**Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this order, Wireless Telecommunications Bureau and Consumer and Governmental Affairs Bureau of the Federal Communications Commission adopt the specific language that must be used in the consumer disclosure that is required by Section 15.216 of Appendix B in the *Wireless Microphone Report and Order*.<sup>1</sup>

**DATES:** This rule amends § 15.216, which contains information collection requirements that have not been approved by OMB. The FCC will

<sup>1</sup> Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones, WT Docket Nos. 08–166, 08–167, ET Docket Nos. 10–24, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 10–16 at para. 99 (rel. October 15, 2010) (“*Wireless Microphone Report and Order*”).

publish a document in the **Federal Register** announcing the effective date.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Order in WT Docket Nos. 08–166 and 08–167, ET Docket No. 10–24 and DA 10–92, adopted January 15, 2010, and released on January 15, 2010. In this order, the Wireless Telecommunications Bureau and Consumer and Governmental Affairs Bureau of the Federal Communications Commission adopt the specific language that must be used in the consumer disclosure that is required by Section 15.216 of Appendix B in the *Wireless Microphone Report and Order*.<sup>2</sup> This disclosure requirement is applicable to persons who manufacture, sell, lease, or offer for sale or lease low power auxiliary stations, including wireless microphones, capable of operating in the core TV bands (channels 2–51, excluding channel 37).

**Order**

1. On January 14, 2010, the Commission adopted a *Wireless Microphone Report and Order*.<sup>3</sup> In the *Wireless Microphone Report and Order*, the Commission took action to ensure that low power auxiliary stations, including wireless microphones, are cleared from the 700 MHz Band (689–806 MHz) so that public safety and commercial licensees can operate in the band without interference. The Commission adopted a new rule, Section 15.216, which provides that any person who manufactures, sells, leases, or offers for sale or lease wireless microphones and other low power auxiliary stations capable of operating in the core TV bands must display a consumer disclosure text.<sup>4</sup>

2. The Commission delegated authority to the Wireless Telecommunications Bureau and the Consumer and Governmental Affairs Bureau to adopt the specific language that must be used in the consumer disclosure that is required by Section 15.216 of Appendix B in the *Wireless Microphone Report and Order*.<sup>5</sup> The Wireless Telecommunications Bureau

<sup>2</sup> Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones, WT Docket Nos. 08–166, 08–167, ET Docket Nos. 10–24, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 10–16 at para. 99 (rel. October 15, 2010) (“*Wireless Microphone Report and Order*”).

<sup>3</sup> *Id.*

<sup>4</sup> See *id.*, Appendix B.

<sup>5</sup> *Id.* at para. 99.

and the Consumer and Governmental Affairs Bureau hereby adopt the consumer disclosure text as required by the Commission.

#### List of Subjects in 47 CFR Part 15

Communications equipment, Labeling, and Reporting and recordkeeping requirements.

#### PART 15—RADIO FREQUENCY DEVICES

■ For the reason discussed in the preamble, the Federal Communications Commission amends 47 CFR part 15 as follows:

■ 1. The authority citation for part 15 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303, 304, 307, 336, and 544a.

■ 2. Section 15.216 is amended by adding an appendix to read as follows:

#### § 15.216 Disclosure Requirements for wireless microphones and other low power auxiliary stations capable of operating in the core TV bands.

\* \* \* \* \*

#### Appendix to § 15.216—Consumer Alert

##### Consumer Alert

Most users do not need a license to operate this wireless microphone system. Nevertheless, operating this microphone system without a license is subject to certain restrictions: The system may not cause harmful interference; it must operate at a low power level (not in excess of 50 milliwatts); and it has no protection from interference received from any other device. Purchasers should also be aware that the FCC is currently evaluating use of wireless microphone systems, and these rules are subject to change. For more information, call the FCC at 1-888-CALL-FCC (TTY: 1-888-TELL-FCC) or visit the FCC's wireless microphone Web site at <http://www.fcc.gov/cgb/wirelessmicrophones>.

##### Ruth Milkman,

Chief, Wireless Telecommunications Bureau, Federal Communications Commission.

##### Joel Gurin,

Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission.

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 10-20]

#### Maupin, Oregon

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division grants a Petition for Rule Making issued at the request of Maupin Broadcasting Company, requesting the allotment of Channel 244C2 at Maupin, Oregon, as its first local service. A staff engineering analysis indicates that Channel 244C2 can be allotted to Maupin consistent with the minimum distance separation requirements of the Rules with a site restriction 1.2 kilometers (0.7 miles) west located at reference coordinates 45-10-24 NL and 121-05-43 WL.

**DATES:** Effective February 22, 2010.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's notice of Proposed Rule Making, MB Docket 09-130, adopted January 6, 2010, and released January 8, 2010. The full text of this Commission document 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, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20554, 800-378-3160 or via the company's website, <http://www.bcpweb.com>.

This document does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. § 801(a)(1)(A).

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

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comment may be filed using: (1) the Commission's

Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. For submitting comments, filers should follow the instructions provided on the website.

For ECFS filer, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filer must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

For Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rule making number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor 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 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelope 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, Express, and Priority mail must be