



# NEWS

Federal Communications Commission  
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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FOR IMMEDIATE RELEASE  
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## FCC ADOPTS 14 ITEMS ON “CONSENT AGENDA” AT COMMISSION MEETING

Washington, D.C. – The Federal Communications Commission unanimously adopted the following 14 items on a “Consent Agenda” at today’s Commission open meeting.

### ENFORCEMENT BUREAU ITEMS

**1. In the Matter of Sprint Communications Company, LP Verification of Orders for Telecommunications Services.** The Commission entered into a Consent Decree with Sprint Communications Company, LP that resolves an investigation into whether Sprint engaged in practices that violated the Communications Act and the Commission's rules prohibiting the unauthorized change of a consumer's preferred telecommunications service provider, commonly referred to as “slamming,” or related record-keeping rules. Sprint has agreed to make a voluntary payment of \$4,000,000 to the United States Treasury and to take specific steps to ensure future compliance with the Commission's slamming safeguards. *News Media contact: Janice Wise at (202) 418-8165, [Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)*

**2. In the Matter of C&W Communications, Inc., Steve Gill, Radio Service Company, and Fresno Mobile Radio, Inc.** The Commission adopted an Order on Review affirming the Enforcement Bureau’s March 18, 2004 Memorandum Opinion and Order denying requests by Nextel for the commencement of license revocation proceedings against four 800 MHz licensees. *News Media contact: Janice Wise at (202) 418-8165, [Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)*

### INTERNATIONAL BUREAU ITEMS

**3. Satellite Reform Fifth Report and Order.** The Commission adopted a Fifth Report and Order streamlining the procedures for reviewing non-routine earth station applications. *News Media Contact: Jacki Ponti (202) 418-0436, [Jacki.Ponti@fcc.gov](mailto:Jacki.Ponti@fcc.gov)*

**4. Satellite Reform Sixth Report and Order and Third Further Notice.** The Commission adopted a Sixth Report and Order and Third Further Notice revising its earth station antenna gain pattern requirements, and the establishment of an off-axis EIRP envelope for Earth Stations in the Fixed Satellite Service. *News Media Contact: Jacki Ponti (202) 418-0436, [Jacki.Ponti@fcc.gov](mailto:Jacki.Ponti@fcc.gov)*

## MEDIA BUREAU ITEMS

### **5. In the Matter of Alva, Mooreland, Tishomingo, Tuttle and Woodward, Oklahoma.**

The Commission granted an Application for Review filed by Chisholm Trail Broadcasting to the extent of setting aside the staff action reallocating Channel 259C3 from Tishomingo to Tuttle, OK, and modifying the Station KTSH license to specify Tuttle as the community of license. This action was premised on the fact that Ralph Tyler, former licensee of Station KTSH, surrendered the Station KTSH license and withdrew any interest in pursuing the reallocation of Channel 259C3 to Tuttle, OK. *News Media Contact: Rebecca Fisher (202) 418-2359, [Rebecca.fisher@fcc.gov](mailto:Rebecca.fisher@fcc.gov)*

### **6. In the Matter of Birach Broadcasting Corporation, Order on Reconsideration.**

The Commission adopted an Order on Reconsideration that denied a petition filed by Birach Broadcasting Corporation ("Birach") for reconsideration of the Commission's January 31, 2003 denial of Birach's Application for Review. The FCC affirmed its earlier conclusion that Birach is not entitled to additional time to construct an AM broadcast station in Palm Beach Gardens, Florida. It rejected Birach's arguments that court and Commission proceedings post-dating Birach's Application for Review form a basis for reconsideration. *News Media Contact: Rebecca Fisher (202) 418-2359, [Rebecca.fisher@fcc.gov](mailto:Rebecca.fisher@fcc.gov)*

**7. In the Matter of KEGG Communications, Inc.** The Commission adopted an Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing directing KEGG Communications, Inc. to show cause why the license for FM Translator station K216EQ, Daingerfield, Texas should not be revoked and why its application for a new noncommercial educational FM station at Daingerfield, Texas, should not be denied. The Commission determined that KEGG's vague, incomplete, and inconsistent representations concerning the primary station rebroadcast over K216EQ raise a substantial and material question of fact as to whether KEGG misrepresented or lacked candor in providing information to the Commission concerning K216EQ's primary station and the related matter of whether KEGG originated programming on station K216EQ in violation of the Commission's FM translator rules. *News Media Contact: Rebecca Fisher (202) 418-2359, [Rebecca.fisher@fcc.gov](mailto:Rebecca.fisher@fcc.gov)*

**8. DTV Build-out, Request for Extension of DTV Construction Deadline - Commercial Television Stations.** The Commission adopted an Order granting six-month extensions for 39 commercial television stations to complete construction of their digital television (DTV) facilities based upon their demonstrated inability to complete construction by their current deadline. Of the stations receiving a grant of their extension applications, the Commission finds that 39 stations made reasonable and diligent efforts to construct, but were unable to complete construction due to circumstances that were either unforeseeable or beyond their control. These 39 stations are granted an extension running six months from the release date of the Order. The Order also admonishes 1 station for its failure to justify further extension of its DTV construction permit. The station is admonished and is granted six months to complete construction of its DTV facilities. *News Media Contact: Rebecca Fisher (202) 418-2359, [Rebecca.fisher@fcc.gov](mailto:Rebecca.fisher@fcc.gov)*

**9. DTV Build-out, Request for Extension of DTV Construction Deadline -Noncommercial Television Stations.** The Commission adopted an Order granting six-month extensions for 43 noncommercial television stations to complete construction of their digital television (DTV) facilities based upon their demonstrated inability to complete construction by their current

deadline. Of the stations receiving a grant of their extension applications, the Commission finds that 43 stations made reasonable and diligent efforts to construct, but were unable to complete construction due to circumstances that were either unforeseeable or beyond their control. These 43 stations are granted an extension running six months from the release date of the Order. The Order also finds that 2 stations failed to adequately justify further extension of their DTV construction permits. These stations are admonished and are granted six months to complete construction of their DTV facilities. *News Media Contact: Rebecca Fisher (202) 418-2359, [Rebecca.fisher@fcc.gov](mailto:Rebecca.fisher@fcc.gov)*

#### OFFICE OF ENGINEERING AND TECHNOLOGY ITEMS

**10. Amendment of Parts 2 and 90 of the Commission's Rules to Provide for Narrowband Private Land Mobile Radio Channels in the 150.05-150.8 MHz, 162-174 MHz, and 406.1-420 MHz Bands that are Allocated for Federal Government Use, Report and Order.** The Commission adopted a Report and Order concerning the procedures by which 40 Private Land Mobile Radio (PLMR) channels, which are located in frequency bands that are primarily allocated for Federal use, are to transition to narrower, more efficient channels in a process commonly known as "narrowbanding." Because the National Telecommunications and Information Administration has adopted a more rapid narrowbanding schedule for Federal Government users in these bands than the Commission has required for its licensees, the Commission adopted specific narrowband requirements that will apply to the PLMR channels in these bands. *News Media Contact: Bruce Romano at (202) 418-2124, [Bruce.Romano@fcc.gov](mailto:Bruce.Romano@fcc.gov)*

**11. Amendment of Parts 2, 25, and 73 of the Commission's Rules to Implement Decisions from the World Radiocommunication Conference (Geneva, 2003) (WRC-03) Concerning Frequency Bands Between 5900 kHz and 27.5 GHz and to Otherwise Update the Rules in this Frequency Range, Report and Order.** The Commission modified, updated, and adopted new Rules in response to allocation decisions adopted at the World Radiocommunication Conference in 2003 (WRC-03). This action implemented changes to the high frequency broadcast service, amateur radio service, and other operations that have been anticipated as a result of WRC-03, and served to finalize in a timely and efficient manner the domestic implementation of the allocation decisions made at WRC-03. *News Media Contact: Bruce Romano at (202) 418-2124, [Bruce.Romano@fcc.gov](mailto:Bruce.Romano@fcc.gov)*

#### WIRELINE COMPETITION BUREAU ITEMS

**12. Request to Update Default Compensation Rate for Dial-Around Calls from Payphones.** The Commission adopted a Further Notice of Proposed Rulemaking soliciting data to enable the Commission to determine a current and accurate monthly average of compensable dial-around calls per payphone for the purposes of establishing a monthly per-payphone default rate. The proceeding will only affect dial-around rates for about 5 percent of the nation's pay telephones. The affected pay phones lack automated systems that enable long-distance companies to identify payphone-originated calls for per-call compensation purposes. *News Media Contact: Mark Wigfield at (202) 418-0253, [Mark.Wigfield@fcc.gov](mailto:Mark.Wigfield@fcc.gov)*

**13. Application for Review of the Decision of the Wireline Competition Bureau by Mescalero Apache School, Schools and Libraries Universal Support Mechanism.** The Commission adopted an Order denying Mescalero's application for review of a decision by the Wireline Competition Bureau's Telecommunications Access Policy Division involving the E-rate. The Commission confirmed the Bureau's decision that Mescalero did not present sufficient reason for a waiver of the program's deadlines for filing an appeal, which are in place to assure timely review of program decisions on an equal basis for all applicants. *News Media Contact: Mark Wigfield at (202) 418-0253, [Mark.Wigfield@fcc.gov](mailto:Mark.Wigfield@fcc.gov)*

**14. Bell Atlantic/Pacific Bell Refund Order on Review.** The Commission adopted an Order denying applications for review originally filed by Bell Atlantic and Pacific Bell seeking review of a 1992 Bureau order clarifying methodologies to be used by incumbent local exchange carriers to allocate refund and sharing amounts among price cap baskets. The Commission determined that the companies could not increase price cap indices for other baskets to account for previous misallocation of sharing obligations among baskets. *News Media Contact: Mark Wigfield at (202) 418-0253, [Mark.Wigfield@fcc.gov](mailto:Mark.Wigfield@fcc.gov)*

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