



PUBLIC NOTICE

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INTERNATIONAL BUREAU ANNOUNCES FINAL OPPORTUNITY FOR PARTIES TO REFRESH THE RECORD REGARDING RECONSIDERATIONS OF RULES ADOPTED IN THE PREEMPTION OF LOCAL ZONING REGULATION OF SATELLITE EARTH STATIONS

IB Docket No. 95-59

Comment Date: 30 days after publication in Federal Register

In October 2001, the International Bureau (“Bureau”) released a public notice¹ asking parties to refresh the record regarding petitions for reconsideration of the *1996 Antenna Order*.² The Bureau noted that, since the release of the *1996 Antenna Order*, many of the issues raised in the petitions for reconsideration may have become moot or irrelevant in light of intervening events, including Commission amendment of Section 1.4000,³ that applies to antennas used to transmit as well as receive both video and nonvideo services.⁴ For these reasons, the Bureau requested that parties that had petitions for reconsideration for the *1996 Antenna Order* file a supplemental notice indicating the issues in such petitions, if any, they still wished to have reconsidered. The Bureau stated that, to the extent that parties did not indicate an intent to pursue their respective petitions for reconsideration, the Commission would deem such petitions withdrawn and would dismiss such petitions.⁵ The public notice was published in the

¹ See *Parties Asked to Refresh Record Regarding Reconsideration of Rules Adopted in Preemption of Local Zoning Regulation of Satellite Earth Stations*, Public Notice, IB Docket No. 95-59, DA 01-2323 (rel. October 5, 2001) (“*Preemption Public Notice*”)

² See *In the Matter of Local Zoning Regulation of Satellite Earth Stations*, Report and Order and Further Notice of Proposed Rulemaking, IB Docket No. 95-59, 11 FCC Rcd 5809, (1996) (“*1996 Antenna Order*”), consolidated in part with *Preemption of Local Zoning Regulation of Satellite Earth Stations and Implementation of Section 207 of the Telecommunications Act of 1996, Restrictions on Over the Air Reception Devices*, Report and Order, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, IB Docket No. 95-59 and CS Docket No. 96-83, 11 FCC Rcd 19276 (1996).

³ 47 C.F.R. §1.4000.

⁴ *Promotion of Competitive Networks in Local Telecommunications Markets*, Report and Order, 15 FCC Rcd 22983 (2000).

⁵ See *Preemption Public Notice* at 2.

Federal Register.⁶ No party filed in response to this public notice.

In this Public Notice, the Bureau announces the list of the petitioners that did not respond to the October 2001 public notice, as set forth in the attached appendix. These parties may file a supplemental notice of their intent to pursue their respective petitions for reconsideration **within 30 days after publication of this Public Notice in the Federal Register**. The Commission intends to dismiss those petitions for reconsideration from parties that do not indicate an intent to pursue their respective petitions for reconsideration. To ensure that each party who filed a petition for reconsideration to the *1996 Antenna Order* has actual notice and an opportunity to respond, in addition to publishing this Public Notice in the Federal Register, the Bureau will also mail a copy of this Public Notice to these parties.

All filings relating to the *1996 Antenna Order* are to reference IB Docket No. 95-59. Comments may be filed using the Commission's Electronic Comment Filing System ("ECFS") or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail (Publication page references are not available for this document.) address." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, William F. Caton, Acting Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554. Parties also must send copies of their *1996 Antenna Order* filings to Selina Khan, Satellite and Radiocommunication Division, International Bureau, FCC, 445 12th Street, S.W., Room 6-B459, Washington, D.C. 20554. In addition, interested parties must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554. The original petitions for reconsideration that parties filed in 1996 are available for inspection and copying during normal business hours in the FCC's Reference Center, Room CY-A257, 445 12th Street, SW, Washington, DC 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding is conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Selina Khan, Satellite and Radiocommunication Division, International Bureau at (202) 418-7282.

⁶ See 66 Fed. Reg. 53417 (2001).

APPENDIX A

PETITIONS FOR RECONSIDERATION OF THE 1996 ANTENNA ORDER

AlphaStar Television Network, Inc.
County of Boulder, State of Colorado
DIRECTV, Inc.
Florida League of Cities
Hughes Network Systems, Inc.
Local Communities (the "Cities of Dallas")⁷
Local Communities ("National League of Cities")⁸
Satellite Broadcasting And Communications Association of America ("SBCA")
United States Satellite Broadcasting Company, Inc. ("USSB")

⁷ The Local Communities is composed of local governments nationally and local governments in Cities of Dallas, Texas; Arlington, Texas; Austin, Texas; Fort Worth Texas; Knoxville, Tennessee; the National Association of Counties and the United States Conference of Mayors (hereinafter "The City of Dallas").

⁸ The National League of Cities is composed of the following: the National Association of Telecommunications Officers and Advisors; the National Trust for Historic Preservation; League of Arizona Cities and Towns; League of California Cities; Colorado Municipal League; Connecticut Conference of Municipalities; Delaware League of Local Governments; Florida League of Cities; Georgia Municipal Association; Association of Idaho Cities; Illinois Municipal League; Indiana Association of Cities and Towns; Iowa League of Cities; League of Kansas Municipalities; Kentucky League of Cities; Maine Municipal Association; Michigan Municipal Association; Michigan Municipal League; League of Minnesota Cities; Mississippi Municipal Association; League of Nebraska Municipalities; New Hampshire Municipal Association; New Jersey State League of Municipalities; New Mexico Municipal League; New York State Conference of Mayors and Municipal Officials; North Carolina League of Municipalities; North Dakota League of Cities; Ohio Municipal League; Oklahoma Municipal League; League of Oregon Cities; Pennsylvania League of Cities and Municipalities; Municipal Association of South Carolina; Texas Municipal League; Vermont League of Cities and Towns; Virginia Municipal; League; Association of Washington Cities; and Wyoming Association of Municipalities (hereinafter the "National League of Cities").