Attachment B

B.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 73 of the Commission's Rules and Regulations (Radio Broadcast Services) to provide for Subscription Television Service.	)	Docket No. 11279

SECOND FURTHER NOTICE OF PROPOSED RULE MAKING

Adopted: ; Released:

By the Commission:

1. Further notice of rule making is hereby given in the above-entitled matter.

2. The Commission on this date has adopted a Fourth Report and Order in this proceeding which establishes a nation-wide, over-the-air subscription television (STV) service and promulgates rules governing that service (FCC 67-). Those rules which the Commission has adopted do not include any that govern the performance capability of STV systems except for Section 73.644, which states that STV systems must be type accepted in advance by the Commission pursuant to the type acceptance procedures established by Part 2, Subpart F, of the Commission's Rules--Equipment Type Approval and Type Acceptance. The standards to be used in type accepting STV systems, however, have not been established. Instead, a NOTE to Section 73.644 states that additional rules concerning system performance capability will be adopted after a further rule making proceeding in this docket.

3. Accordingly, the Commission is adopting the instant document inviting comments on proposed rules governing STV system performance capability. It is the hope of the Commission that such rules can be adopted without undue delay since, as a NOTE to Section 73.642(b) of the Rules states, no applications for STV authorizations will be accepted for filing until such time as they have been adopted. Having found that an over-the-air STV service is in the public interest, it should be given a chance to provide benefits to the public as soon as possible.

4. In the Fourth Report and Order (paras. 174-185), the Commission decided that it would not limit STV operations to the use of a single technical system. Instead, it chose to permit the use of any system so long as it could meet the system performance capability standards established by the Commission. The Commission has studied detailed specifications of present or proposed STV systems submitted by parties to this proceeding. This has helped it in the formulation of the proposed rules contained in the Appendix attached hereto, on which comments are invited. These rules would require