§ 1302.12 [Removed]

2. Section 1302.12 is removed.

[FR Doc. 99–32420 Filed 12–14–99; 8:45 am]
BILLING CODE 4184–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CS Docket No. 96–83; FCC 99–360]

Preemption of Local Zoning Regulation of Satellite Earth Stations and Restrictions on Over-the-Air Reception Devices: Television Broadcast Service, Direct Broadcast Satellite and Multichannel Multipoint Distribution Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition on reconsideration.

SUMMARY: This document denies three petitions seeking reconsideration of the *Second Report and Order* in which the Over-the-Air Reception Devices rule was expanded to apply to antenna restrictions on rental property where the viewer has exclusive use or control. The Commission also concluded in the *Second Report and Order* that antenna restrictions on common or restricted access areas were beyond the scope of statutory authority for the rule. This document concludes that the findings in the *Second Report and Order* are reaffirmed, as no new facts or arguments are raised in these petitions for reconsideration.

EFFECTIVE DATE: December 15, 1999.

FOR FURTHER INFORMATION CONTACT: Eloise Gore at (202) 418-7200 or via internet at *egore@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Order on Reconsideration,* CS Docket No. 96–83, FCC 99–360, adopted November 19, 1999 and released November 24, 1999. The complete text of this *Order on Reconsideration* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW., Washington, DC 20554, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036, or may be reviewed via internet at http://www.fcc.gov/csb/

Synopsis of Order on Reconsideration of the Second Report and Order

1. Three petitions were filed by: (1) Community Associations Institute (''CAI Petition''); (2) Personal Communications Industry Association (PCIA), Teligent, Inc., Association for Local Telecommunications Services, WinStar Communications, Inc., and Nextlink Communications, Inc. (collectively, ''PCIA Petition); and (3) Association for Maximum Service Television and the National Association of Broadcasters (''NAB) (collectively, ''NAB Petition''), requesting reconsideration of certain decisions in the *Second Report and Order,* which amended 47 CFR 1.4000, to prohibit restrictions on over-the-air reception devices on rental property.

2. CAI asks the Commission to reconsider the decision to permit tenants, who live in community associations, to install individual antennas without the permission of the home or unit owner from whom they rent. It argues that the only way for homeowners to prevent damage to their own property is through prior approval of tenants' antenna installations. While prematurely filed, the Commission addresses the merits of CAI's petition and concludes that there is not sufficient justification presented for allowing homeowners who rent out their property to require prior approval of antenna installations. Moreover, the threat of property damage in connection with antenna installation, as well as prior approval by a property owner, were issues which were already amply discussed and decided in the *Second Report and Order* and *Order on Reconsideration* of the *First Report and Order* (63 FR 67422), respectively.

3. The PCIA Petition seeks reconsideration of the Commission's conclusion in the *Second Report and Order* that prohibiting antenna restrictions in common or restricted access areas is beyond the authority granted to the Commission by Section 207 of the Telecommunications Act. Section 207 authorizes neither the imposition of affirmative duties on property owners nor the compensation mechanism necessary to avoid a potentially unconstitutional taking of private property. While PCIA Petitioners disagree with the Commission analysis in the *Second Report and Order,* they do not offer evidence or arguments that were not already thoroughly considered and discussed in the *Second Report and Order.*

4. Similarly, the NAB Petition disagrees with the Commission's analysis and interpretation of Section 207, but it too fails to offer new arguments or evidence to justify reconsideration of the Commission's conclusions in the *Second Report and Order.*

5. The parties have presented no new arguments or facts in the pleadings filed and the Commission is not required to reconsider arguments that have already been considered. Consequently, the Commission denies the petitions for reconsideration and affirms the *Second Report and Order.*

6. Accordingly, *it is ordered* that pursuant to Section 1, 4(i), 5(c) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 155(c) and 405, the petitions for reconsideration filed by the Community Associations Institute; by the Personal Communications Industry Association, Teligent, Inc., the Association for Local Telecommunications Services, WinStar Communications, Inc., and Nextlink Communications, Inc.; and by the Association for Maximum Service Television and the National Association of Broadcasters *are denied.*

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–32409 Filed 12–14–99; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2 and 95

[WT Docket No. 99–66, RM–9157, FCC 99–363]

Establishment of a Medical Implant Communications Service in the 402–405 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document establishes a Medical Implant Communications Service (MICS) operating in the 402–405 MHz band. MICS operations will consist of high-speed, ultra-low power, non-voice transmissions to and from implanted medical devices such as cardiac pacemakers and defibrillators. The rules will allow use of newly-developed, life-saving medical technology without harming other users of the frequency band.

DATES: Effective January 14, 2000.

FOR FURTHER INFORMATION CONTACT: Gene Thomson, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418–0634. TTY (202) 418–7233.