

and obtain Commission approval for any change in which the location of the transmitting antenna changes, but § 1.929(d)(1)(i) classifies changes in transmitting antenna location that are 5 seconds or less in latitude and/or longitude as minor. The proposal made in the *NPRM* would implement rule changes that treat BAS applicants in a consistent manner with the treatment given other wireless services.

40. We have adopted our proposals to amend the part 74 rules so that BAS applicants and licensees are subject to the same rules as specified for the land mobile and microwave services for determining major and minor application and license changes. This action will align Remote Pickup BAS processing rules with those for similar services under part 90 and align the rules for TV and aural BAS with the rules for part 101. Thus, similar stations will be treated in a consistent manner.

41. We note that changes in emissions, such as a conversion from analog to digital modulation or to composite analog/digital modulation, are already classified as major changes under the rules in §§ 1.929(c)(4)(ii) and (d)(1)(iv), and frequency coordination would be required when a major change is requested. With regard to location changes of less than 5 seconds in latitude and/or longitude, we note that the Commission in the *ULS Reconsideration Order*, 66 FR 53231, October 1, 1999, clarified that such minor changes are not exempt from the coordination requirement. The Commission explained that an applicant requesting a minor change must still coordinate as required by § 101.103(d)(2)(ix) prior to implementing the change and that this process is sufficient to ensure that minor changes are properly coordinated to avoid harmful interference, without imposing an unnecessary filing burden on applicants. We find that this procedure will work equally well for part 74 services.

Emission Designators

42. Section 74.462 of the Commission's rules specifies authorized emissions for Remote Pickup BAS frequencies and frequency bands. In the *NPRM*, the Commission observed that this section contains emission designators that no longer conform to current ITU specifications or to those contained in subpart C of part 2 of the Commission's rules in the *NPRM* the Commission proposed to update § 74.462 to replace all outdated emission designators with emission designators that conform to ITU specifications and part 2 rules. We have

adopted our proposal and updated the emission designators of § 74.462.

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43. Video assist devices produce low resolution images that can be used by a production crew to make decisions with respect to content, lighting, and image framing. Often, these video assist devices are connected via cable. However, cable is not always practical due to the distance from the camera to the video monitor or because the camera needs to be mobile to follow the action. To improve their utility and increase safety, the Commission, based on a petition filed by AMPTP on November 15, 1999, RM-9856, proposed to allow the use of wireless assist video devices (WAVDs) on a secondary, non-interference basis on unused TV channels in the upper VHF and the UHF bands.

Authorization of WAVDs

44. We have adopted our proposal to allow the use of WAVDs on a secondary, non-interference basis on vacant upper VHF-TV and UHF-TV channels. In the *NPRM*, we proposed to authorize WAVDs as low power auxiliary stations under part 74, subpart H. We believe that this is the appropriate subpart in which to place WAVDs due to their similarity to existing low power auxiliary devices, rather than the Remote Pickup BAS rules. If after gaining experience with WAVDs, we determine that communications on television channels needs to be prioritized, we can revisit this issue.

Eligibility, Permitted Use, and Licensing of WAVDs

45. As proposed in the *NPRM*, we have adopted our proposal to permit all entities eligible to hold part 74 licenses to use WAVDs. This includes television and motion picture producers. We have also adopted our proposal to restrict the use of WAVDs from use at live events or for ENG operations. We clarify that WAVDs may be used to produce cable, satellite, and motion picture events for later showing on television (through free over the air TV, cable TV systems, and satellite TV systems) or in theaters, but may not be used in the production of live events. Similarly, we have adopted our proposal that WAVDs be excluded from operating under the short-term operation rule. This will ensure that WAVDs are properly coordinated and television stations, notified, to ensure that the potential of these devices to interfere with television broadcasts is minimized.

46. We have also adopted our proposal to require that WAVD stations

be licensed prior to operating. Such licenses will be obtained through the ULS using FCC Form 601. In addition, consistent with our licensing of other low power auxiliary devices, WAVD licenses will normally be issued for a period of eight years and, for those held by a broadcast station, run concurrently with the license term of that station. For other license holders, the expiration date will be determined by the area of the country in which the station operates.

47. We address the request of AMPTP to allow third party contractors to obtain WAVD licenses. AMPTP states that third party contractors may wish to operate and/or rent WAVDs to studios. We will not expand the eligibility for WAVD licenses to entities beyond those proposed. We stress that this does not preclude the operation of WAVDs by third party contractors. A party under contract to a television or motion picture producer may rent equipment and even operate it for the producer. However, such operation would be under the authority of the producer's license. This arrangement is consistent with rules in other services where entities are able to operate equipment under the authority of another entity's license. Based on our experience, we believe that this arrangement best promotes accountability and compliance with our rules.

Authorized Frequencies

48. In light of the lack of comments on this issue, we have adopted our proposals regarding authorized frequencies as proposed in the *NPRM*. Accordingly, WAVDs may operate on unused television broadcast frequencies in the 180–210 MHz, 470–608 MHz and 614–698 MHz bands. As proposed, we will not allow WAVDs to operate in the 174–180 MHz and 210–216 MHz bands (TV channels 7 and 13), in order to protect the Low Power Radio Service (LPRS), which supports auditory assistance devices and health care aids that operate pursuant to part 95 and other low power devices operating under § 90.265 of our rules. In addition, this channel restriction will protect from interference the Navy's SPASUR radar system, which operates in the 216.88–217.08 MHz band. We find that given the amount of spectrum we are authorizing for WAVDs, these restrictions will have minimal impact on their ability to identify spectrum on which to operate.

49. We adopt the proposal to exclude WAVDs from using land mobile radio channels in the 470–512 MHz band (TV channels 14–20) in areas around the coordinates listed in § 90.303 because