

only the future obligation to report results by the smallest non-cable MVPDs which are changing here. Our signal leakage monitoring and enforcement program, conducted pursuant to CFR 76.613, which includes a vigorous program of field inspections and the impositions of forfeitures, remains unaffected. The Commission's field operations staff conducts routine monitoring for signal leakage and, of course, will continue to respond to aeronautical complaints to ensure the safe operation of aeronautical frequencies.

#### *Simultaneous Use of Cable Home Run Wiring*

In the Second Further Notice, we solicited comments on whether we should adopt a proposal from DirecTV to give MDU owners the right to require that incumbent MVPDs allow competitors to share their home run wiring. Most of the comments we received on this issue agree that there are significant unresolved technical problems with the proposal, notwithstanding its merits from a public policy perspective. Most of the technical objections to the DirecTV proposal relate to the possibility of interference when amplified signals are transmitted on a single wire and the possible lack of bandwidth capacity in existing cable plant. We are unable to resolve this issue based on the record before us. Accordingly we decline to adopt DirecTV's line sharing proposal at this time.

#### *Ordering Clauses*

26. Pursuant to the authority granted in sections 1, 4(i), 201–205, 214–215, 220, 303, 623, 624 and 632 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201–205, 220, 303, 544 and 552, the petitions for reconsideration filed in response to the *R&O* are *granted in part* and *denied in part*, as provided herein.

27. Pursuant to the authority granted in sections 1, 4(i), 201–205, 214–215, 220, 303, 623, 624, and 632 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201–205, 214–215, 220, 303, 543, 544 and 552, the modifications to the Commission's rules are *hereby adopted*. These modifications shall become effective May 20, 2003.

#### **List of Subjects in 47 CFR Parts 76**

Cable television.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

#### **Rule Changes**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

#### **PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE**

1. The authority citation for part 76 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

2. Section 76.5 is amended by revising the note to paragraph (mm)(4) to read as follows:

#### **§ 76.5 Definitions.**

\* \* \* \* \*

(mm) \* \* \*

(4) \* \* \*

**Note to § 76.5 Paragraph (mm)(4):** For example, wiring embedded in brick, metal conduit, cinder blocks, or sheet rock with limited or without access openings would likely be physically inaccessible; wiring enclosed within hallway molding would not.

3. Section 76.620 is amended by revising paragraph (a) to read as follows:

#### **§ 76.620 Non-cable multichannel video programming distributors (MVPDs).**

(a) Sections 76.605(a)(12), 76.610, 76.611, 76.612, 76.614, 76.1804(a) through (f), 76.616, and 76.617 shall apply to all non-cable MVPDs. However, non-cable MVPD systems that are substantially built as of January 1, 1998 shall not be subject to these sections until January 1, 2003. "Substantially built" shall be defined as having 75 percent of the distribution plant completed. As of January 1, 2003, § 76.1804(g) shall apply to all non-cable MVPDs serving 1000 or more subscribers or 1000 or more units.

\* \* \* \* \*

4. Section 76.802 is amended by revising paragraph (l) to read as follows:

#### **§ 76.802 Disposition of cable home wiring.**

\* \* \* \* \*

(l) The provisions of § 76.802 shall apply to all MVPDs in the same manner that they apply to cable operators.

5. Section 76.804 is amended by revising paragraph (b)(3) to read as follows:

#### **§ 76.804 Disposition of home run wiring.**

\* \* \* \* \*

(b) \* \* \*

(3) When an MVPD that is currently providing service to a subscriber is notified either orally or in writing that that subscriber wishes to terminate service and that another service provider intends to use the existing home run wire to provide service to that particular subscriber, a provider that has elected to remove its home run wiring pursuant to paragraph (b)(1) or (b)(2) of this section will have seven days to remove its home run wiring and restore the building consistent with state law. If the subscriber has requested service termination more than seven days in the future, the seven-day removal period shall begin on the date of actual service termination (and, in any event, shall end no later than seven days after the requested date of termination). If the provider has elected to abandon or sell the wiring pursuant to paragraph (b)(1) or (b)(2) of this section, the abandonment or sale will become effective upon actual service termination or upon the requested date of termination, whichever occurs first. For purposes of abandonment, passive devices, including splitters, shall be considered part of the home run wiring. The incumbent provider may remove its amplifiers or other active devices used in the wiring if an equivalent replacement can easily be reattached. In addition, an incumbent provider removing any active elements shall comply with the notice requirements and other rules regarding the removal of home run wiring. If the incumbent provider intends to terminate service prior to the end of the seven-day period, the incumbent shall inform the party requesting service termination, at the time of such request, of the date on which service will be terminated. The incumbent provider shall make the home run wiring accessible to the alternative provider within the 24-hour period prior to actual service termination.

\* \* \* \* \*

6. Section 76.806 is amended by adding a paragraph (d) to read as follows:

#### **Section 76.806 Pre-termination access to cable home wiring.**

\* \* \* \* \*

(d) Section 76.806 shall apply to all MVPDs.

[FR Doc. 03–6782 Filed 3–20–03; 8:45 am]

BILLING CODE 6712–10–P