

Annex V
Schedule of United States

Sector:	Communications
Sub-Sector:	Telecommunications (Radiocommunications)
Industry Classification:	CPC 752 Telecommunications Services
Level of Government:	Federal
Measures:	<i>Communications Act of 1934</i> , 47 U.S.C. §§ 151 <u>et seq.</u>
Description:	<p>Any person wishing to engage in communications by radio within the United States and between the United States and points outside the United States must obtain a license from the Federal Communications Commission (FCC) for the use, but not the ownership, of all channels of radiocommunications.</p> <p>Such a license shall not be construed to create any right beyond the terms, conditions and periods of the license.</p> <p>The <i>Communications Act of 1934</i> requires the FCC, in granting radio station licenses, to determine if such a license would serve the public interest, convenience and necessity and empowers the FCC to impose conditions pursuant to this determination. The FCC must deny applications for radio licenses where it is unable to find that such grant would serve the public interest, convenience and necessity.</p>

Sector:	Communications
Sub-Sector:	Cable Television Services
Industry Classification:	CPC 753 Radio and Television Cable Services
Level of Government:	Federal
Measures:	<p><i>Communications Act of 1934</i>, 47 U.S.C. §§ 151 <u>et seq.</u></p> <p><i>Federal Communications Commission Rules</i>, §§ 76.501, 74.931(e)(5), 63.54 and 21.912</p> <p><i>The Cable Television Consumer Protection and Competition Act of 1992</i>, Pub. L. No. 102-385, 106 Stat. 1460 (1992)</p> <p>47 C.F.R. §§ 76.501, 74.931(e)(5), 63.54 and 21.912</p>
Description:	<p>A cable television system is not allowed to carry any television broadcast signal if the cable system owns, operates, controls or has an interest in a television broadcast station whose Grade B contour overlaps the service area of such cable system (§ 76.501(a)).</p> <p>A cable television system may directly or indirectly own, operate, control or have an interest in a national television network, such as ABC, CBS or NBC, only if such system does not pass more than:</p> <ul style="list-style-type: none">(a) 10 percent of homes passed on a nationwide basis when aggregated with all other cable systems in which the network holds such a cognizable interest; and(b) 50 percent of homes passed within any one Arbitron Area of Dominant Influence (ADI), except that a cable television system facing a competing system will not be counted toward this 50 percent limit (§ 76.501(b)). <p>A cable television company may not lease excess transmission time or capacity from a licensee of an Instructional Television Fixed Service (ITFS) station (television services intended for use in educational institutions) if the ITFS station is located within 20 miles of that cable</p>

television company's franchise area (§ 74.931(e)(5)).

A telephone common carrier may not engage in the provision (for example, ownership, control or production) of video programming directly to the viewing public in its telephone service area, but may distribute such programming on a common carrier basis and may only have up to a five percent non-controlling financial interest in video programmers (§ 63.54(a) and (e)).

A telephone common carrier may not provide channels of communications or pole line conduit space, or other rental arrangements to any entity that is directly or indirectly owned, operated or controlled by, or under common control with, such telephone common carrier, where such facilities or arrangements are to be used for, or in connection with, the provision of video programming to the viewing public in the telephone service area of the telephone common carrier (§ 63.54(b)).

A telephone common carrier may not acquire cable facilities in its service area and use those facilities to provide video dialtone services or to engage in activities related to the provision of video programming directly to subscribers (§ 63.54(d)(3)).

In cable television franchise areas served by a single cable operator, that operator may not be authorized to use frequencies assigned to the Multichannel Multipoint Distribution Service (MMDS) (the 2150-2165 MHz and 2596-2644 MHz bands), if a portion of an MMDS station's protected service area lies within that cable television operator's franchise area (§ 21.912).

A cable operator may not hold a license for multichannel multipoint distribution or satellite master antenna television service, apart from the franchised service, in the same area in which it holds a cable system franchise (*The Cable Television Consumer Protection and Competition Act of 1992* ("1992 Cable Act"), section 11).

A cable operator may not sell or otherwise transfer its ownership in a cable system within three years following the acquisition or initial construction of such system (1992 Cable Act, section 13).

Sector:	Energy
Sub-Sector:	Natural Gas Transportation
Industry Classification:	SIC 4922 Natural Gas Transmission SIC 4923 Natural Gas Transmission and Distribution SIC 4924 Natural Gas Distribution
Level of Government:	Federal
Measures:	15 U.S.C. § 717f 18 C.F.R. § 157
Description:	<p>A natural gas company, or a person that will be a natural gas company upon completion of proposed construction or extension of transportation facilities, is required to obtain a certificate of public convenience and necessity to construct, extend, acquire or operate such facilities. In addition, a certificate is required to transport or sell for resale natural gas in interstate commerce.</p> <p>The Federal Energy Regulatory Commission (FERC) is required to hold hearings on applications for permanent certificates and to give interested persons notice of such hearings. Notices of applications are published in the <i>Federal Register</i>.</p> <p>The FERC does not require a certificate of public convenience and necessity for certain replacement construction, maintenance, emergency facilities, auxiliary installations and certain types of taps.</p> <p>Natural gas services for drilling oil wells or for testing or purging new natural gas pipeline facilities are exempt from the certificate requirement.</p> <p>Certain "emergency" sales, transportation or exchanges are exempt from the certificate requirement. Where a certificate is required, the FERC may grant a temporary certificate for sale or transportation in emergency circumstances, pending the determination on a permanent certificate.</p>
Sector:	Postal Services
Sub-Sector:	

Industry Classification: SIC 4311 United States Postal Service

Level of Government: Federal

Measures: 39 U.S.C. §§ 401 et seq.

18 U.S.C. § 1693

39 C.F.R. §§ 310 and 320

Description: The U.S. Postal Service is generally authorized to "receive, transmit, and deliver throughout the United States, its territories and possessions . . . written and printed matter, parcels and like materials." The Postal Service also has the exclusive authority to "provide and sell postage stamps."

A carrier other than the U.S. Postal Service may carry letters if, among other things, each letter is enclosed in an envelope, proper postage has been paid in stamps, the stamp is canceled by the sender and the carrier endorses the envelope.

The postal regulations define "letters" to exclude telegrams, books and magazines, and other materials. The regulations also permit letters to be carried accompanying cargo, by the sender, by others without compensation and by special messengers. The Postal Service has suspended its regulations with respect to private "express mail" services.

Sector:	Recreation
Sub-Sector:	National Parks Concessions
Industry Classification:	SIC 7999 Amusement and Recreation Services, Not Elsewhere Classified
Level of Government:	Federal
Measures:	16 U.S.C. §§ 20 and 20a
Description:	<p>A concession is required to operate hotels, restaurants, gift shops, snack bars, equipment rentals, horseback riding services, guide services, fishing guide services, mountain climbing services, bus transportation and other services in U.S. national parks. The National Park Service regulates all aspects of these services, including building specifications, rates for the services, and hours of operation.</p> <p>The National Park Service awards concessions only where they are determined to be "necessary and appropriate". In developing its plans for the operation of a national park, the Park Service determines what operations, including concessions, are "necessary and appropriate". As a result of this determination, the Park Service may determine that a given concession is not needed.</p>