

ANNEX V
Schedule of United States

SECTOR: Communications

SUB-SECTOR: Telecommunications (Radio Communications)

INDUSTRY CLASSIFICATION: CPC 752 Telecommunications Services

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: Communications Act of 1934, as amended, Sections 1, 2, 4,
and Title III, 47 U.S.C. §§151 et. seq. (1988)

DESCRIPTION: The Communications Act of 1934 (the Act) requires anyone wishing to engage in communications by radio within the United States and between the United States and points outside the United States to obtain a license from the Federal Communications Commission (FCC) for the use, but not the ownership, of all channels of radio communications; and no such license shall be construed to create any right beyond the terms, conditions and periods of the license.

The Act 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 Act also empowers the FCC to deny applications for radio licenses where it is unable to find that such grant would serve the public interest, convenience and necessity.

ANNEX V
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SECTOR: Communications

SUB-SECTOR: Cable Television Services

INDUSTRY CLASSIFICATION: CPC 753 Radio and Television Cable Services

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: Communications Act of 1934, as amended,
47 U.S.C. §§151 et. seq. (1988)
Federal Communications Commission
Rules, Sections 76.501, 74.931(e)(5),
63.54, and 21.912

47 C.F.R. §§76.501, 74.931(e)(5),
63.54, and 21.912

DESCRIPTION: 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))

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 (i) 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 (ii) 50 percent of homes passed within any one ADI (Arbitron Area of Dominant Influence), except that a cable television system facing a competing system will not be counted toward this 50 percent limit. (§76.501(b))

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

A telephone common carrier may not engage in the provision (e.g., ownership, control, or production) of video programming 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))

A telephone common carrier may not provide channels of communications or pole line conduit space, or other rental arrangements to any entity which 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))

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)

ANNEX V

Schedule of the United States

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

LEGAL CITATION: 15 U.S.C. section 717(f)
18 C.F.R. part 157

DESCRIPTION: Section 7(c) of the Natural Gas Act of 1938, as amended, requires a natural gas company, or a person which will be a natural gas company upon completion of proposed construction or extension of transportation facilities, 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.

The Act requires the FERC to hold hearings on applications for permanent certificates and to give interested persons notice of such hearings and notices of applications are published in the Federal Register.

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.

Natural gas services for drilling oil wells, or for testing or purging new natural gas pipeline facilities are exempt from the certificate requirement.

Certain "emergency" sales, transportation, or exchanges are exempt from the certificate requirement. When 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.

ANNEX V

Schedule of the United States

SECTOR: Postal Services

SUB-SECTOR: Postal Services

INDUSTRY CLASSIFICATION: SIC 4311 United States Postal Service

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: 39 U.S.C. §§ 401 et seq.
18 U.S.C. § 1693
39 C.F.R. Parts 310 and 320

DESCRIPTION: The United States 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.

ANNEX V

Schedule of United States

SECTOR: Recreation

SUB-SECTOR: National Parks Concessions

INDUSTRY CLASSIFICATION: SIC 7999 Amusement and Recreation
Services, Not Elsewhere Classified

LEVEL OF GOVERNMENT: Federal

LEGAL CITATION: 16 U.S.C. §§ 20 and 20a

DESCRIPTION: A concession is required to operate hotels, restaurants, gift shops, snack bars, equipment rentals, horseback riding services, guide services, fishing guides, mountain climbing, bus transportation, and other services facilities 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.

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.