

or acquisitions involving networks, studios, cable systems and other program providers since the Commission's 1993 fin/syn decision took effect; (13) the growth of additional networks, including the development of Fox and its position *vis-a-vis* the major three networks; and (14) the growth in the number and types of alternative outlets for sale of programming (e.g., the development of the Direct Broadcast Satellite service; cable penetration; wireless cable development). In addition to examining information submitted regarding the above factors, the Commission states that it will also take notice of the record developed in its pending proceeding regarding the Prime Time Access Rule to the extent it is relevant to its review of the fin/syn rules.

4. The NPRM provides that the burden in this proceeding will be on fin/syn proponents to demonstrate, as stated by the Seventh Circuit, "an excellent, a compelling reason" why the restrictions should be continued. *Capital Cities/ABC, Inc.*, 29 F.3d at 316. As the Commission stated in the Second R&O, it is prepared to presume that complete removal of all remaining restrictions will be appropriate, and is therefore placing the burden of proof on those that urge retaining fin/syn restrictions. If proponents of retaining the rules fail to demonstrate to the Commission that the rules should be left in place, or if the Commission does not take affirmative action to the contrary, the rules will automatically expire.

5. The Commission also seeks comment on whether, in the event parties arguing for the continuation of the fin/syn rules fail to carry their burden of proof, it should amend its rules to allow the remaining rules to expire before the presently scheduled expiration date of November 10, 1995. The Commission further seeks comment on whether doing so would unduly disrupt any business arrangements or practices that have been established in reliance on the presently scheduled expiration date.

Administrative Matters

6. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before May 30, 1995, and reply comments on or before June 14, 1995. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, parties must file an original and four copies of all comments, reply comments and supporting comments. If parties want

each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M Street NW., Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

7. This is a non-restricted notice and comment rulemaking proceeding. Accordingly, *ex parte* presentations will be permitted, except during the Sunshine Agenda period, provided they are disclosed as set forth in the Commission's Rules. See 47 CFR 1.1202, 1.1203, 1.1206(a).

Initial Regulatory Flexibility Act Statement

8. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA")—set forth in Appendix A attached to the full text of the NPRM and set forth in paragraphs 10–15 below—of the expected impact on small entities of the proposal suggested in the NPRM. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the NPRM, but they must have a separate and distinct heading designating them as responses to the Regulatory Flexibility Analysis. The Secretary shall send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

9. Reason for Action and Objectives: This NPRM is initiated to conduct a review of the Commission's financial interest and syndication ("fin/syn") rules as part of the timetable the Commission has previously established in scheduling the elimination of the rules. It also seeks comment on whether to accelerate the scheduled expiration date of the fin/syn rules in the event parties opposed to their elimination fail to persuade the Commission that the rules should be continued.

10. Legal Basis: Authority for the action proposed in this proceeding is contained in Section 4(i), 4(j), 301, 303(i), 303(r), 313, and 314 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 301, 303(i), 303(r), 313, and 314.

11. Reporting, Record Keeping, and Other Compliance Requirements: None.

12. Federal Rules which Overlap, Duplicate, or Conflict with the Proposed Rule: None.

13. Description, Potential Impact and Number of Small Entities Affected: The entities that could potentially be affected by this proceeding include television program producers and syndicators, television networks and their affiliate stations, and non-network television stations. It is anticipated that any rule changes arising out of this proceeding would have a minimal impact on the small entities that could be affected.

14. Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives: None.

List of Subjects in 47 CFR Part 73

Television broadcasting.
Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 95–9632 Filed 4–18–95; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket Nos. 94–150, 92–51, 87–154; FCC 95–139]

Broadcast Services; Television and Radio Broadcasting

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial of motion to accelerate comment period.

SUMMARY: The Commission denies a Motion to Establish an Accelerated Procedural Schedule for the Limited Liability Companies Issue, filed by the Association of Black Owned Television Stations in this proceeding. The action is taken to respond to this motion that the deadlines for comments and reply comments with respect to the issue of Limited Liability Companies be accelerated. The intended effect of the action is to permit commenters the full period specified in the Notice of Proposed Rule Making in which to file comments in the proceeding.

DATES: Comments (as extended in a separate decision printed elsewhere in this **Federal Register**) are due May 17, 1995, and reply comments are due June 19, 1995.

FOR FURTHER INFORMATION CONTACT: Mania Baghdadi, Mass Media Bureau (202) 776–1653.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Order* in

MM Docket Nos. 94-150, 92-51, and 87-154; FCC 95-139, adopted April 3, 1995, and released April 7, 1995. The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Synopsis of the Order

1. The Commission denies the Motion to Establish an Accelerated Procedural Schedule for the LLC Issue ("Motion"), which the Association of Black Owned Television Stations ("ABOTS") filed in this proceeding on January 25, 1995. The Commission, in a Notice of Proposed Rule Making (60 FR 6483, February 2, 1995) established a comment deadline of April 17, 1995, and of May 17, 1995 for reply comments. ABOTS asked that the Commission accelerate the comment schedule with respect to Section VII (Limited Liability Companies and Other New Business Forms) of the Notice of Proposed Rule Making with comments due by February 10, 1995, and reply comments due by February 17, 1995. ABOTS also asked the Commission to expedite our disposition in the rule making regarding the issue of LLCs and to reach a decision by March 3, 1995, if possible. The Commission finds the concerns expressed by ABOTS in its Motion to be unfounded, and believes that an acceleration of the comment period and decisionmaking process would not be in the public interest. Thus, the Commission denies ABOTS' requests. In a separate decision adopted April 7, 1995, and printed elsewhere in this **Federal Register**, the Commission extends the time for filing comments in this proceeding to May 17, 1995, and the time for filing reply comments to June 19, 1995.

2. Accordingly, pursuant to Section 4(j) of the Communications Act, 47 U.S.C. 154(j) It Is Hereby Ordered that the Motion to Establish an Accelerated Procedural Schedule for the LLC Issue filed by the Association of Black Owned Television Stations is denied.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-9570 Filed 4-18-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 95-40; FCC 95-145]

Broadcast Services; Network/Affiliate rule

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rule Making proposes to eliminate or modify the Commission's requirement that broadcast television stations file their network affiliation agreements with the Commission and that these filings be publicly available. This action is needed to determine if the costs of this rule exceed its benefits.

DATES: Comments are due by June 12, 1995, and reply comments are due by July 12, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert Kieschnick (202-739-0770) or Paul Gordon (202-776-1653), Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making in MM Docket No. 95-40, FCC 95-145, adopted April 5, 1995 and released April 5, 1995. The complete text of this NPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Synopsis of Notice of Proposed Rule Making

1. With this Notice of Proposed Rule Making (NPRM), the Commission continues its examination of rules regulating broadcast television network/affiliate relations in light of changes in the video marketplace. This NPRM proposes repeal or modification of 47 C.F.R. § 73.3613(a) (the "filing of affiliation contracts" rule). This rule requires television broadcast licensees to file copies of network affiliation contracts, agreements, and understandings with the Commission. The contract must be reduced to one written document, including the substance of any oral agreements, without reference to any other document. However, the rule does allow subsequent renewals, changes, or amendments to the contract to be set forth in separate filings that refer to the original contract. Notification of

cancellation or termination of the filed contracts is also required. This rule applies only to agreements with broadcast television networks that offer 15 or more hours of programming per week to 25 or more affiliates in 10 or more states. Thus, while ABC, CBS, NBC, and Fox are subject to the rule, the United Paramount Network and the Warner Brothers Network are not.

2. The primary purpose of requiring broadcast television stations to file their affiliation agreements with the Commission has been to give the Commission the ability to monitor these contractual relationships and ensure that the Commission's restrictions on these relationships are not violated in affiliation agreements. Also, by requiring affiliates to file their affiliation agreements with the Commission, the rule may chill any desire to engage in misbehavior, thereby reducing the likelihood that these agreements will contain provisions that violate the Commission's underlying network/affiliate rules.

3. Since 1985, when we last examined this rule, the video marketplace has changed dramatically. As pointed out in our recent Further Notice of Proposed Rule Making in MM Docket No. 91-221 (60 FR 6490, February 2, 1995) addressing broadcast television ownership, there has been an increase in the number of broadcast stations available for affiliation with a broadcast network in nearly every market. Moreover, new, aspiring networks have emerged.¹ As a result of these changes, the bargaining positions of broadcast television networks and commercial broadcast television stations have changed and differ market by market. The recent affiliate switches demonstrate the increased competition between broadcast networks for affiliation with broadcast television stations in different markets, and thus suggest that broadcast networks' market power over their affiliates has diminished to some extent.

4. Given the recent increased competition between broadcast networks for affiliates in different markets, we solicit comment on whether or not there is a continuing need for the Commission to monitor network/affiliate relationships through mandatory filings of their affiliation agreements. We also seek comment on the extent to which filing these contracts with the Commission is necessary to deter violations of the

¹ Fox now competes with ABC, CBS, and NBC. Further, United Paramount Network and Warner Brothers Network are beginning to develop as competitors to these networks.