

receive formal comments on the proposed pretreatment standards, pursuant to CWA section 307(b), and to further discuss the proposed rule with interested parties.

**DATES:** The new date for submission of written comments on the proposed regulations is August 30, 1995. The date for the public hearing is Thursday, July 13, 1995, 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** Written comments should be submitted to Mr. Ed Terry at U.S. Environmental Protection Agency—by mail at U.S. EPA, Engineering and Analysis Division (Mail Code 4303), Office of Science and Technology, 401 M Street SW., Washington, DC 20460.

The public hearing will be held at the U. S. Geological Survey (USGS) National Center Auditorium which is located near Washington Dulles Airport at 12201 Sunrise Valley Drive, Reston, Virginia, telephone number (703) 648-4460.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ed Terry at U.S. Environmental Protection Agency—by mail at U.S. EPA, Engineering and Analysis Division (Mail Code 4303), Office of Science and Technology, 401 M Street SW., Washington, DC 20460; by telephone at (202) 260-7128.

**SUPPLEMENTARY INFORMATION:** If you want to make a presentation at the public hearing, please call Mr. Terry at the number listed above no later than 3:00 pm on July 11, 1995. Please provide Mr. Terry with the name of the speaker, affiliation, and the approximate amount of time requested for your remarks. EPA is suggesting that speakers limit their remarks to 10 minutes. The extended comment period for the proposed rulemaking now ends on August 30, 1995. All written comments submitted in accordance with the instructions in the Notice of Proposed Rulemaking will be incorporated into the Record and considered before promulgation of the final rule. It is not necessary to appear at the public hearing for comments to be considered.

Dated: June 30, 1995.

**Robert Perciasepe,**

*Assistant Administrator, Office of Water.*

[FR Doc. 95-16821 Filed 7-6-95; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket No. 91-281; DA 95-1453]

#### Calling Number Identification Service—Caller ID

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Common Carrier Bureau (Domestic Facilities Division) of the Federal Communication Commission released an order extending the time in which to file comments and replies in response to the Commission's Third Notice of Proposed Rulemaking (60 FR 28775 6/2/95). The Commission received a request by Ad Hoc Telecommunication Users Committee to extend the comment and reply period from June 30, 1995 and July 28, 1995 to July 31, 1995 and August 30, 1995, respectively. The Commission granted the request for an extension of time for filing comments and replies.

**DATES:** Comments must be filed on or before July 31, 1995, and replies must be filed on or before August 30, 1995.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Marian Gordon, Domestic Facilities Division, Common Carrier Bureau, (202) 634-4215.

**SUPPLEMENTARY INFORMATION:** Rules and Policies Regarding Calling Number Identification— Caller ID; Order [CC Docket No. 91-281; DA 95-1453]

Adopted: June 28, 1995

Released: June 29, 1995

By the Deputy Chief, Domestic Facilities Division, Common Carrier Bureau:

1. On May 4, 1995, the Commission adopted a Third Notice of Proposed Rulemaking, FCC 95-187, released May 5, 1995, seeking comment on proposals that Private Branch Exchange Systems (PBXs) and private payphones capable of delivering calling party number to the public switched telephone network also be capable of: (1) Delivering a privacy indicator when the user of a telephone served by the PBX dials \*67, and (2) unblocking the transmission of their calling party number when the user dials \*82.

2. The Commission has received a request by Ad Hoc Telecommunications Users Committee (Ad Hoc) to extend the comment and reply period in this proceeding from June 30, 1995 and July 28, 1995 to July 31, 1995 and August 30,

1995, respectively. In support of its request, Ad Hoc states that the questions addressed by the Notice raise technical and financial issues that require substantial time and resources to analyze and that an extension of time would result in a more useful and accurate record. Tele-Communications Association supports Ad Hoc's request asserting the need to engage in consultations with its PBX vendors to determine the feasibility and potential costs of the Commission's proposal will be time consuming.

3. As set forth in § 1.46 of the Commission's Rules, 47 CFR 1.46, it is Commission policy that extensions of time not be routinely granted. We find, however, that petitioners have shown good cause for the requested extension. The public safety issues raised in this proceeding are obvious and significant: if private payphones and PBXs do not enable callers to indicate their privacy requests to switches in the public network, risks are created to calling parties. The technical complexity, as well as the privacy implications which must be considered in addressing the Notice's proposal, require that we ensure an adequate opportunity to develop a complete record. We agree that the public interest would be served by granting an extension of time in which to file comments and replies to the Notice. Accordingly, we will grant the requested relief.

4. Accordingly, it is ordered that the Request for Extension of Time filed by Ad Hoc is granted.

5. It is therefore ordered that the date for filing comments and replies to the Notice of Proposed Rule Making in this proceeding is extended to July 31, 1995 and August 30, 1995, respectively.

6. This action is taken pursuant to authority found in Sections 4(i) and 5(c) of the Communications Act of 1934, as amended 47 U.S.C. 154(i) and 155(c), and authority delegated thereunder pursuant to §§ 0.91, 0.204 (a)-(b) and 0.291 of the Commission's Rules, 47 CFR 0.91, 0.204 (a)-(b) and 0.291.

7. For further information concerning this proceeding, contact Marian Gordon, Domestic Facilities Division, Common Carrier Bureau, (202) 634-4215.

#### List of Subject in 47 CFR Part 64

Communications common carriers, Telephone.

Federal Communications Commission.

**John S. Morabito,**

*Deputy Chief, Domestic Facilities Division, Common Carrier Bureau.*

[FR Doc. 95-16665 Filed 7-6-95; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 95-92; FCC 95-254]

**Broadcast Services; Network/Affiliate Programming Rules****AGENCY:** Federal Communications Commission.**ACTION:** Notice of proposed rule making.

**SUMMARY:** The Notice of Proposed Rule Making initiates a reevaluation of five of the Commission's rules governing the relationship between broadcast networks and their affiliates with respect to programming. The five rules are the right to reject rule, the time option rule, the exclusive affiliation rule, the dual network rule and the network territorial exclusivity rule. The Commission raises issues about these rules as part of its continuing reevaluation of all its network/affiliate rules in light of changes in the telecommunications marketplace.

**DATES:** Comments are due by August 28, 1995, and reply comments are due by September 27, 1995.

**ADDRESSES:** Federal Communication Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jane Hinckley Halprin ((202) 776-1653) or Robert Kieschnick ((202) 739-0764), Policy and Rules Division, Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's notice of proposed rule making (nprm) in MM Docket No. 95-92, FCC 95-254, adopted and released June 15, 1995.

The complete text of the nprm 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 duplicating contractor, International Transcription Service, 2100 M Street NW., Suite 140, Washington, D.C. 20037, (202) 857-3800.

**SYNOPSIS OF NOTICE OF PROPOSED RULE MAKING****I. Introduction**

1. The Commission initiates this proceeding to continue its reexamination of the rules governing the relationship between broadcast television networks and their affiliates. The five rules at issue are briefly defined as follows. The right to reject rule provides that affiliation arrangements between a broadcast network and a broadcast licensee generally must permit the licensee to reject programming provided by the network. The time option rule prohibits

arrangements whereby a network reserves an option to use specified amounts of an affiliate's broadcast time. The exclusive affiliation rule prohibits arrangements that forbid an affiliate from broadcasting the programming of another network. The dual network rule generally prevents a single entity from owning more than one broadcast television network. The network territorial exclusivity rule proscribes arrangements whereby a network affiliate may prevent other stations in its community from broadcasting programming the affiliate rejects, and arrangements that inhibit the ability of stations outside of the affiliate's community to broadcast network programming.

2. These rules were all initially adopted in 1946. At that time, television was in its infancy and radio was the broadcast medium of mass national appeal. The broadcasting industry has undergone tremendous change in the intervening decades, particularly in recent years with the emergence of cable television and other alternative program distributors as vigorous competitors to broadcast television for viewers and advertisers. Further, the importance of protections for affiliates *vis-a-vis* their networks appears diminished by the availability of an ever-growing supply of alternative programming.

**II. Goals of the Network/Affiliate Rules**

3. The overarching theme of the Commission's analysis is whether the rules continue to serve the purposes for which they were developed, which were themselves rooted in the Commission's primary goals of promoting competition and diversity in the communications industry. In general, each of the five rules under review here was based on either or both of the following specific goals: (1) To remove barriers that would inhibit the development of new networks; and (2) To ensure that licensees retain sufficient control over their stations to fulfill their obligation to operate in the public interest. The Commission questions whether the network rules remain necessary to achieve these goals or, conversely, whether the rules increase the costs of networking without producing any real benefits.

**III. Changes in the Market for Affiliation**

4. All of the rules at issue in this proceeding were promulgated when terrestrial broadcasting was the only video connection to a consumer. This fact no longer holds true as there are several possible ways to reach a consumer, such as cable TV, direct

broadcast satellite service and wireless cable. Such alternative pipelines offer multiple channels of video programming. Consequently, rules regulating the broadcast television network/affiliate relations to promote the flow of programs from producers to viewers may no longer be necessary because of the video programming alternatives available to consumers.

5. Nonetheless, cable and other multichannel video programming distributors may not reach enough viewers that they sufficiently address diversity and competition concerns with respect to the video marketplace. The Commission solicits evidence regarding the extent to which those television households that do not subscribe to cable do subscribe to other multichannel providers. The Commission also asks for information regarding the broadcast networks' share of the viewing audience *vis-a-vis* other programming providers. Further, even if a substantial portion of households subscribe to video services other than over-the-air broadcasting, those non-broadcast video programming providers might not provide the kinds of services that would satisfy our traditional public interest objectives. To that end, the Commission asks commenters to address whether multichannel video programming distributors provide sufficient local news and other programming responsive to community needs to satisfy the Commission's longstanding goal that the public receive these types of programming.

**A. Network/Affiliate Bargaining**

6. The relative bargaining positions of broadcast television networks and their affiliates will be determined in part by the specific conditions of each local market served by broadcast television stations. One likely determinant of a broadcast network's bargaining power over an independently owned affiliate is the number of alternative outlets with which the network could choose to affiliate in the same market. If the four largest broadcast networks are considered as currently competing with one another for affiliates and it is assumed for the sake of argument that these networks have preferences for affiliating with VHF stations, then the networks would appear to have a commanding position in bargaining with broadcast television stations in those markets where the number of VHF stations exceeds the number of networks (4% of the DMA markets serving 17% of television households). If one considers UHF and VHF stations to be equally desirable, there are 103 markets with more than four commercial

television stations, including both VHF and UHF (49% of all DMA markets and 84% of all television households). Based on the analysis discussed above, the four major television networks may be in a better bargaining position than broadcast stations in such markets. This is not to say, however, that such a bargaining advantage constitutes undue market power and would have a sufficient effect on programming available to the public to justify governmental intervention. We ask commenters to address whether preferences for VHF stations continue to exert a strong influence on this bargaining. We also ask commenters to address the extent to which new entrants to network programming are affecting the competition between networks for affiliates and should be included in our analysis.

7. For affiliates, a critical issue is the availability of alternatives for obtaining profitable programming. In contrast to the time when the network/affiliate rules were first applied to the broadcast television industry, there is now an array of new network and new non-network sources of programming. We ask for comment and analysis of what effects, if any, alternative programming sources, especially non-network sources, have had and will have on network/affiliate relations.

8. The network/affiliate relationship could also be affected by the trend toward group ownership in television broadcasting, particularly if the Commission were to relax its national ownership limits for commercial broadcast television group ownership. In addition, technological advances, such as the possibility of a station multiplexing digital signals and thereby broadcasting more than one channel of programming, could influence the relationships between broadcast networks and their affiliates. The Commission asks commenters to address how changes in ownership patterns and technology are likely to affect network/affiliate bargaining.

#### *B. Effects of Network/Affiliate Bargaining on Other Parties*

9. Existing networks may have an incentive to block entry by new networks in order to maintain their existing market positions. One way they might do so is to pay their affiliates sufficient compensation to accept long-term contracts that include contractual terms that limit entry. The Commission therefore solicits comment on the effect of the length of the affiliation contract on the effectiveness of contractual devices in blocking entry by new networks. It also asks whether it might

be appropriate to limit the length of affiliation contracts to mitigate these problems.

### **IV. Analysis of Specific Rules**

#### *A. The Right to Reject Rule*

10. Section 73.658(e) of the Commission's Rules, 47 C.F.R. 73.658(e), prohibits a broadcast station from entering into a contract with a network that does not permit the station to (1) reject network programs that the station "reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest," or (2) substitute a program that the station believes to be of greater local or national importance.

11. The Notice proposes to retain the right to reject rule based on the view that the rule is inextricably linked to a licensee's obligation to retain control over its station and to program in the public interest. Noting that the rule is unclear, the Notice proposes to clarify that the rule does not give stations the right to reject programming based solely on financial considerations. The Notice suggests that this represents the most appropriate balance between the competing public interest and economic efficiency concerns inherent in the right to reject rule. The Notice seeks comment on this proposal.

#### *B. The Time Option Rule*

12. Section 73.658(d) of the Commission's Rules, 47 C.F.R. 73.658(d), prohibits arrangements between a station and a network whereby the network retains an "option" on certain hours of the station's time, which it may or may not decide to exercise. If the network chooses not to act on its option, the station is able to air other programming during the optioned time.

13. The Notice proposes to modify the rule by eliminating the outright prohibition on time optioning but requiring that networks give affiliates a particular amount of advance notice if they are going to use an optioned time slot. The Notice points out that time optioning may be valuable to a new network; a new network may want to book a time slot with enough stations so that it can raise funding to develop a programming concept, but may want to retain the ability to opt out of those time slots if the program does not work out as expected. Nonetheless, because unrestricted time optioning may interfere with an affiliate's long-range planning, the Notice proposes to adopt a notification requirement and asks commenters to propose an appropriate notification period. In the alternative, the Notice asks whether the rule should

be repealed and notification issues left to the parties.

#### *C. The Exclusive Affiliation Rule*

14. Section 73.658(a) of the Commission's Rules, 47 C.F.R. 73.658(a), prohibits arrangements between a station and a network that prevent the station from broadcasting the programming of another network. The prohibition was based on the Commission's concern that permitting stations to become exclusive affiliates of existing networks could foreclose the development of new networks. The Notice points out that there are now many more stations available to take the programming of new networks, and that exclusive affiliation may be valuable to networks and affiliates. The Notice proposes to eliminate the rule, at least in large markets. The Notice also questions, however, whether lifting the restriction in small markets might inhibit the development of new television networks in those markets. The Notice seeks comment on these issues and, if the rule is retained for small markets, on the manner in which large/small markets should be defined.

#### *D. Dual Network Rule*

15. Section 73.658(g) of the Commission's Rules, 47 C.F.R. 73.658(g), provides that a station may not enter into an agreement with a network that operates more than one broadcast TV network, except if the networks are not operated simultaneously or if there is no substantial overlap in the territories served by each network. The rule was adopted based on the Commission's concern that dual networking might impede the development of new networks and might confer undue market power on one entity.

16. The Notice observes that the increase in the number of stations since the rule was adopted has provided greater opportunity for new networks to develop, and notes that dual networking could provide networks with economies of scale and scope. The Notice also expresses concern, however, that permitting merger of the existing major networks could lead to excessive concentration of market power. The Notice seeks comment on these issues. It also seeks comments on the effects of technological advances that will facilitate digitization of the broadcast industry, and how the use of multiple channels by broadcasters would implicate the dual network rule.

#### *E. Network Territorial Exclusivity Rule*

17. Section 73.658(b) of the Commission's Rules, 47 C.F.R.

73.658(b), prohibits a station from entering into an agreement with a network that prevents (1) another station located in the same community of license from broadcasting those network programs not taken by the network affiliate; and (2) another station located in a different community of license from broadcasting any of the network's programs. The rule provides that it is permissible for a network affiliate to have the "first call" within its community on programming offered by the network. Similar rules for radio are included in § 73.132 of the Commission's Rules, 47 C.F.R. 73.132.

18. The Notice proposes to eliminate the first prong of the rule but to retain and possibly modify the second prong. Elimination of the first prong could be valuable to networks and affiliates and would appear to have few, if any, negative effects. With respect to the second prong, however, elimination would appear to have no efficiency benefits and could deprive an entire local population of a network's programming. The Commission seeks comment on these proposals. While the Commission proposes to retain prong two, it asks commenters to address the relative costs and benefits of expanding the permissible area for territorial exclusivity from a station's community of license to its DMA, Grade B contour, or some other measure.

#### V. Cumulative Effects

19. The Commission asks commenters to address the cumulative effects of the rule changes proposed in the Notice. The Commission notes that changes to the right to reject rule, the time option rule and the exclusive affiliation rule must be carefully coordinated, because these rules have a common focus and are closely interrelated in that they all regulate the restraints a network may impose on its affiliates' program choices. For example, the Commission notes that in proposing to retain the right to reject rule it proposes to preserve the most explicit protection of an affiliate's control over program choice. In seeking comment on the cumulative effects of the proposals, then, one of the primary questions is whether modification of the time option rule and elimination of the exclusive affiliation rule would undercut the explicit protections left by the right to reject rule.

20. The Commission also questions whether its proposals for the first three rules would have any significant cumulative effects on the dynamics of the network/affiliate relationship. By comparing the current programming practices of network owned stations and

those of independently owned affiliates, the Commission may be able to discern whether the safeguards now embodied by the right to reject, time option and exclusive affiliation rules have produced a measurable degree of programming autonomy on the part of the independently owned affiliates. The Notice asks commenters to submit studies setting forth such a comparison. Once the Commission has information on the type and degree of autonomous affiliate behavior, it will be in a better position to assess the relative value of each of these rules, how they act in concert and whether its proposals as a whole would yield results that would best serve the public interest.

21. The fourth rule, which restricts dual networking, can operate in concert with the exclusive affiliation rule to prevent market foreclosure by established networks to new networks. Consequently, the Notice seeks comment on the joint effects of changing these two rules on entry by new networks.

22. The Commission welcomes any additional comment regarding the cumulative effect of its proposals on consumer welfare generally, and on the historical foci of the rules at issue here—*i.e.*, the development of new broadcast networks and licensee control over station operations. With respect to consumer welfare, the Commission notes that there has been some discussion in the academic literature that identifies a correlation between the types of restraints on exclusivity and their cumulative effects on consumer welfare. For example, one publication asserts that, in certain settings, the ability to enter into exclusive dealing arrangements with multiple parties in the same market, coupled with the opportunity to reach territorial exclusivity agreements, may reduce consumer welfare. See T. Gabrielsen and L. Sorgard, Vertical Restraints and Interbrand Competition (Center for Economic Studies, University of Munich, Working Paper No. 77). The Notice asks commenters to address these theories, as applied to the broadcasting industry.

#### VI. Administrative Matters

23. *Ex parte Rules—Non-Restricted Proceeding.* This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's Rules. See 47 C.F.R. 1.1202, 1.1203, 1.1206.

24. *Comment Information.* Pursuant to applicable procedures set forth in

Sections 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before August 28, 1995, and reply comments on or before September 27, 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, participants must file an original and four copies of all comments, reply comments and supporting comments. If participants 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, 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.

#### VII. Initial Regulatory Flexibility Analysis

25. *Reason for the Action:* This proceeding was initiated to review and update the Commission's rules regarding network/affiliate relationships with respect to programming.

26. *Objective of this Action:* The actions proposed in the Notice are intended to eliminate or modify the network/affiliate rules regarding programming to enable broadcast television networks and affiliates to better serve the public by enabling them to adjust to the changing communications marketplace.

27. *Legal Basis:* Authority for the actions proposed in this Notice may be found in Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 303.

28. *Reporting, Recordkeeping and Other Compliance Requirements Inherent in the Proposed Rule:* None.

29. *Federal Rules Which Overlap, Duplicate or Conflict with the Proposed Rule:* None.

30. *Description, Potential Impact and Number of Small Entities Involved:* Approximately 1,500 existing television broadcasters of all sizes may be affected by the proposals contained in this Notice.

31. *Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives:* The proposals contained in this Notice are meant to simplify and ease the regulatory burden currently placed on broadcast television stations of all sizes.

32. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared the foregoing Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. 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 *notice*, 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 notice of proposed rule making, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq.* (1981)).

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

**William F. Caton,**  
*Acting Secretary.*

[FR Doc. 95-16640 Filed 7-6-95; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 95-101, RM-8646]

#### Radio Broadcasting Services; Viola, AR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Fulton County Broadcasters, requesting the allotment of FM Channel 232C3 to Viola, Arkansas, as that community's first local aural transmission service. Coordinates used for this proposal are 36-19-00 and 91-57-00.

**DATES:** Comments must be filed on or before August 21, 1995, and reply comments on or before September 5, 1995.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: William J. Pennington, III, Esq., 5519 Rockingham Road-East, Greensboro, NC 27407.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-101, adopted June 14, 1995, and released June 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos**  
*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-16644 Filed 7-6-95; 8:45 am]

BILLING CODE 6712-01-F

#### 47 CFR Part 73

[MM Docket No. 95-96, RM-8645]

#### Radio Broadcasting Services; Lakeview, AR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Dale Hendrix, requesting the allotment of FM Channel 228C3 to Lakeview, Arkansas, as that community's first local aural transmission service. Coordinates used for this proposal are 36-25-27 and 92-34-25.

**DATES:** Comments must be filed on or before August 21, 1995, and reply comments on or before September 5, 1995.

**ADDRESSES:** Secretary, Federal Communications Commission,

Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: William J. Pennington, III, Esq., 5519 Rockingham Road-East, Greensboro, NC 27407.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-96, adopted June 12, 1995, and released June 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**  
*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-16647 Filed 7-6-95; 8:45 am]

BILLING CODE 6712-01-F

#### 47 CFR Part 73

[MM Docket No. 95-97, RM-8651]

#### Television Broadcasting Services; Tazewell, TN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by James F. Stair, II, proposing the allotment of UHF TV Channel 48 to Tazewell, Tennessee. Channel 48 can be allotted to Tazewell