

regulations in this Chapter in amounts of more than \$80,000 for commercial radio providers and \$20,000 for private radio providers. Payments for bid withdrawal, default or to prevent unjust enrichment that are imposed pursuant to Section 309(j) of the Communications Act of 1934, as amended, and regulations in this Chapter implementing Section 309(j) governing auction authority, are excluded from this restriction.

(c) *Authority concerning applications for review.* The Chief, Wireless Telecommunications Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Wireless Telecommunications Bureau pursuant to any delegated authority, except that the Chief may dismiss any such application that does not comply with the filing requirements of § 1.115 (d) and (f) of this chapter.

(d) *Authority concerning rulemaking proceedings.* The Chief, Wireless Telecommunications Bureau shall not have authority to act upon notices of proposed rulemaking and inquiry, final orders in rulemaking proceedings and inquiry proceedings, and reports arising from any of the foregoing except such orders involving non-substantive revisions to the rules, or orders making ministerial conforming amendments to rule parts, or orders conforming any of the applicable rules to formally adopted international convention or agreement where novel questions of fact, law or policy are not involved. Also, the addition of new Marine VHF frequency coordinating committee(s) to § 80.514 of this chapter need not be referred to the Commission if they do not involve novel questions of fact, policy or law.

14. Section 0.332 is amended by revising the introductory text, removing paragraph (g) and redesignating paragraph (h) as (g) to read as follows:

**§ 0.332 Actions taken under delegated authority.**

In discharging the authority conferred by § 0.331, the Chief, Wireless Telecommunications Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility:

\* \* \* \* \*

**§ 0.333 [Removed]**

15. Section 0.333 is removed and reserved.

**§ 0.335 [Removed]**

16. Section 0.335 is removed and reserved.

**§ 0.337 [Removed]**

17. Section 0.337 is removed and reserved.

18. Section 0.401 is amended by revising paragraph (a)(3)(i) and the fifth sentence in paragraph (b)(1) and its note to read as follows:

**§ 0.401 Location of Commission offices.**

\* \* \* \* \*

(a) \* \* \*

(3) \* \* \*

(i) The address of the Wireless Telecommunications Bureau's licensing facilities are:

(A) Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245; and

(B) Federal Communications Commission, Wireless Telecommunications Bureau, Washington, DC 20554.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \* In all other cases, applications and filings submitted by mail should be sent to the addresses listed in the appropriate fee rules.

**Note:** Wireless Telecommunications Bureau applications that require frequency coordination by certified coordinators must be submitted to the appropriate certified frequency coordinator before filing with the Commission. After coordination, the applications are filed with the Commission as set forth herein. (See §§ 90.127 and 90.175 of this chapter.)

\* \* \* \* \*

19. Section 0.406 is amended by revising the third and fourth sentences of paragraph (b) introductory text and the eighth sentence of paragraph (b)(2) to read as follows:

**§ 0.406 The rules and regulations.**

\* \* \* \* \*

(b) \* \* \* Parts 20-29 and 80-109 of this chapter have been reserved for provisions pertaining to the wireless telecommunications services. In the rules pertaining to common carriers, parts 20-25 and 80-99 of this chapter pertain to the use of radio; \* \* \*

(2) \* \* \* Part 1, subpart F, of this chapter contain rules applicable to applications for licenses in the Wireless Telecommunications Bureau services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. \* \* \*

\* \* \* \* \*

20. Section 0.453 is amended by removing paragraphs (a)(4), (a)(5), (a)(6) and (a)(7), by revising paragraph (m)(1) and by adding a new paragraph (n) to read as follows:

**§ 0.453 Public reference rooms.**

\* \* \* \* \*

(m) \* \* \*

(1) Satellite and earth station applications files and related materials under parts 25 and 100 of this chapter;

\* \* \* \* \*

(n) *The Cable Services Bureau Reference Center.* The following documents, files and records are available for inspection at this location.

(1) All complaints regarding cable programming rates, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(2) All cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission has assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(3) Special relief petitions and files pertaining to cable television operations.

(4) Cable television system reports filed by operators pursuant to § 76.403 of this chapter.

[FR Doc. 95-16200 Filed 7-7-95; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Parts 2, 63, 80 and 90**

[FR Docket No. 92-257, FCC 95-178]

**Maritime Communications**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has adopted a *First Report and Order* which provides an economically competitive and spectrally efficient maritime regulatory environment. Specifically, the Commission adopts amendments to its rules to reclassify international public coast stations as non-dominant common carriers, and allow certain private land mobile services that meet interference protection criteria to operate on public correspondence channels within the marine VHF band. These amendments were necessary in order to subject international public coast stations to a less burdensome regulatory scheme concerning tariff and closure procedures and to provide relief from private land mobile congestion within the VHF band.

**EFFECTIVE DATE:** August 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Roger S. Noel of the Wireless Telecommunications Bureau at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *First Report and Order*, adopted April 26, 1995, and released May 26, 1995. The full text of this action is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

### Summary of First Report and Order

1. In this action, the Commission makes two distinct changes to the rules. First, the Commission reclassifies international public coast stations as non-dominant common carriers. Public coast stations provide common carrier telecommunications service to ship stations, including telephony, telegraphy, data and facsimile services. Because there is significant competition in the marine radio public correspondence market and substitutability of service from cellular and satellite-based services, public coast stations do not possess market power. Therefore, the Commission reclassifies public coast stations as non-dominant in order to subject them to a less burdensome regulatory scheme concerning tariff and closure procedures.

2. Second, the Commission amends the maritime and private land mobile service rules to permit certain land mobile licensees, those eligible under the industrial and land transportation radio service rules, to share marine VHF public correspondence frequencies on a primary basis far from navigable waterways and existing public coast stations. Similarly, sharing will be permitted on a secondary, non-interference basis when the land mobile applicant is located near a navigable waterway, but is far from VHF public coast stations. The Commission currently permits sharing between the maritime and private land mobile service on a case-by-case basis. Based on this experience, the Commission adopts inter-service sharing to increase spectrum efficiency without causing harmful interference to VHF public coast stations. The rules below set forth the minimum distance required from

navigable waterways and existing public coast stations.

3. The rules are set forth at the end of this document.

4. The rules contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and found to contain no new or modified form, information collection, and/or recordkeeping, labeling, disclosure, or record retention requirements and will not increase or decrease burden hours imposed on the public.

5. This *First Report and Order* is issued under the authority of sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

### Final Regulatory Flexibility Analysis

#### Reason for Action

The Commission (1) reclassifies VHF public coast stations as non-dominant common carriers, thereby subjecting them to a streamlined regulatory scheme, and (2) authorizes inter-service sharing of certain maritime frequencies in order to reduce private land mobile service frequency congestion in certain geographical areas.

#### Objectives

We seek to increase efficiency in these radio services and within the commission by (1) streamlining the tariff filing and closure reporting requirements for VHF public coast stations, and (2) authorizing sharing of frequencies between the land mobile and marine radio services. Such changes should reduce unnecessary burdens on the public and administrative costs to the Commission.

#### Legal Basis

This action is authorized under sections 4(i) and 303(r) of the Communications Act, 47 U.S.C. 154(i) and 303(r).

#### Reporting, Recordkeeping and Other Compliance Requirements

VHF coast stations will be subject to the streamlined regulatory scheme for non-dominant common carriers.

#### Federal Rules Which Overlap, Duplicate or Conflict With These Rules

None.

#### Description, Potential Impact, and Small Entities Involved

The rule amendments pertaining to the inter-service sharing of land mobile

and marine radio service frequencies will increase spectrum efficiency and reduce congestion in certain areas of the country. Because coast stations are not typically owned by small businesses, the reclassification of such carriers as non-dominant will not have a significant impact on a substantial number of small businesses. The reclassification, however, will eliminate for coast stations the regulatory burden of compliance with the tariff and closure requirements that currently apply to dominant common carriers.

#### Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With the Stated Objectives

None.

### List of Subjects

#### 47 CFR Part 2

Radio.

#### 47 CFR Part 63

Communications common carriers.

#### 47 CFR Part 80

Marine safety, Radio.

#### 47 CFR Part 90

Communications equipment, Radio.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

### Final Rules

Chapter I of Title 47 of the Code of Federal Regulations, parts 2, 63, 80, and 90 are amended as follows:

### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

**Authority:** Secs. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154, 154(i), 302, 303, 303(r), and 307 unless otherwise noted.

2. Section 2.106 is amended by adding land mobile allocations to the United States table, non-government section (column 5) and FCC use designators section (column 6), in the 157.1875–157.45 MHz and 161.775–162.0125 MHz bands and adding one nongovernment footnote, to read as follows:

**§ 2.106 Table of frequency allocations.**

| International table     |                         |                           | United States table       |                               |                                   | FCC use designators     |
|-------------------------|-------------------------|---------------------------|---------------------------|-------------------------------|-----------------------------------|-------------------------|
| Region 1-allocation MHz | Region 2-allocation MHz | Region 3-allocation MHz   | Government Allocation MHz | Non-Government Allocation MHz | Rule Part(s)                      | Special-use frequencies |
| (1)                     | (2)                     | (3)                       | (4)                       | (5)                           | (6)                               | (7)                     |
| ***                     | *                       | *                         | *                         | *                             | *                                 | *                       |
|                         | ***                     | ***                       | ***                       | 157.1875–157.45               | MARITIME (80)                     | ***                     |
|                         | MARITIME MOBILE         | PRIVATE LAND MOBILE (90). |                           |                               |                                   |                         |
|                         | LAND MOBILE             |                           |                           |                               |                                   |                         |
| 613                     |                         |                           |                           |                               |                                   |                         |
|                         | US223<br>US266          |                           |                           |                               |                                   |                         |
|                         | NG111<br>NG154          |                           |                           |                               |                                   |                         |
| ***                     | *                       | *                         | *                         | *                             | *                                 | *                       |
|                         | ***                     | ***                       | ***                       | 161.775–162.0125              | DOMESTIC PUBLIC LAND MOBILE (22). |                         |
|                         | MARITIME MOBILE         | MARITIME (80)             |                           |                               |                                   |                         |
|                         | 613 US266               | PRIVATE LAND MOBILE (90). |                           |                               |                                   |                         |
|                         | NG6 NG154               |                           |                           |                               |                                   |                         |
|                         | *                       | *                         | *                         | *                             | *                                 | *                       |

NON-GOVERNMENT (NG)  
FOOTNOTES

\* \* \* \* \*

NG154 The 157.1875–157.45 MHz and 161.775–162.0125 MHz bands are also allocated to the land mobile service for assignment to stations as described in Part 90 of this chapter.

\* \* \* \* \*

**PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY**

1. The authority citation for part 63 continues to read as follows:

**Authority:** Sec. 4, 48, Stat. 1066, as amended 47 U.S.C. 154. Interpret or apply

sec. 214, 48 Stat. 1075, as amended; 47 U.S.C. 214.

2. Section 63.62 is amended by revising the introductory paragraph, removing paragraph (e) and redesignating paragraphs (f) and (g) as (e) and (f) respectively to read as follows:

**§ 63.62 Type of discontinuance, reduction, or impairment of telephone or telegraph service requiring formal application.**

Authority for the following types of discontinuance, reduction, or impairment of service shall be requested by formal application containing the information required by the Commission in the appropriate sections to this part, except as provided in paragraph (c) of this section, or in emergency cases (as defined in § 63.60(b)) as provided in § 63.63:

**§§ 63.64, 63.69 and 63.70 [Removed]**

3. Sections 63.64, 63.69 and 63.70 are removed.

4. Section 63.90 is amended by revising paragraph (a) introductory text to read as follows:

**§ 63.90 Publication and posting of notices.**

(a) Immediately upon the filing of an application or informal request (except a request under § 63.71) for authority to close or otherwise discontinue the operation, or reduce the hours of service at a telephone exchange (except an exchange located at a military establishment), the applicant shall post a public notice at least 51 cm by 61 cm

(20 inches by 24 inches), with letter of commensurate size, in a conspicuous place in the exchange affected, and also in the window of any such exchange having window space fronting on a public street at street level. Such notice shall be posted at least 14 days and shall contain the following information, as may be applicable:

**PART 80—STATIONS IN THE MARITIME SERVICES**

1. The authority citation for part 80 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.5 is amended by adding the definition of “navigable waters” in alphabetical order to read as follows:

**§ 80.5 Definitions.**

*Navigable waters.* This term, as used in reference to waters of the United States, its territories and possessions, means the waters shoreward of the

baseline of its territorial sea and internal waters as contained in 33 CFR 2.05–25.

3. Section 80.371 (c) is amended by adding Footnote 4 to the table heading to read as follows:

**§ 80.371 Public correspondence frequencies.**

(c) \* \* \*

Working Carrier Frequency Pairs in the 156–162 MHz Band <sup>1,4</sup>

<sup>4</sup> Except for the frequency pair 157.425/162.025 MHz, these frequencies may be shared with stations in the private land mobile radio service, within the 48 contiguous states, under the terms of operation described in § 90.283 of this chapter.

4. In § 80.373(f), the table is amended by redesignating Footnotes 14 and 15 as Footnotes 15 and 16 respectively in the entries for channels 09 and 70, to read as follows:

**§ 80.373 Private communications frequencies.**

(f) \* \* \*

Frequencies in the 156–162 MHz Band

| Channel designator     | Carrier frequency (MHz)   |                | Points of communication (between coast and ship unless otherwise indicated) |
|------------------------|---------------------------|----------------|---|
|                        | Ship transmit             | Coast transmit |   |
| * * * * *              |                           |                |   |
|                        | Digital Selective Calling |                |   |
| 70 <sup>15</sup> ..... | 156.525                   | 156.525        |   |
|                        | Noncommercial             |                |   |
| 09 <sup>16</sup> ..... | 156.450                   | 156.450        |   |
| * * * * *              |                           |                |   |

**PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

1. The authority citation for part 90 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303 and 332, unless otherwise noted.

2. Section 90.7 is amended by adding the definition for “navigable waters” in alphabetical order to read as follows:

**§ 90.7 Definitions.**

*Navigable waters.* This term, as used in reference to waters of the United States, its territories and possessions, means the waters shoreward of the baseline of its territorial sea and internal waters as contained in 33 CFR 2.05–25.

3. A new § 90.283 is added to subpart K to read as follows:

**§ 90.283 Inter-service sharing of maritime frequencies in the 156–162 MHz band.**

(a) The following frequency pairs may be assigned to any station eligible for

licensing in the Industrial and Land Transportation Radio Services (subparts D and E of this part excluding § 90.75) for duplex operation within the 48 contiguous states in accordance with the rules of their individual services, the conditions set forth in this section, and the CANADA/U.S.A. channeling agreement for VHF maritime public correspondence found in § 80.57 of this chapter.

| Frequency (MHz)         |                       |
|-------------------------|-----------------------|
| Mobile station transmit | Base station transmit |
| 157.200                 | 161.800               |
| 157.225                 | 161.825               |
| 157.250                 | 161.850               |
| 157.275                 | 161.875               |
| 157.300                 | 161.900               |
| 157.325                 | 161.925               |
| 157.350                 | 161.950               |
| 157.375                 | 161.975               |
| 157.400                 | 162.000               |

(b) Assignment will be made only when VHF frequencies available for

assignment under this Part are unavailable due to congestion, as determined by a certified private land mobile frequency coordinator. Applicants must provide evidence of frequency coordination in accordance with § 90.175.

(c) Station power, as measured at the output terminals of the transmitter, must not exceed 50 watts for base stations and 20 watts for mobile stations. Antenna height (HAAT) must not exceed 122 meters (400 feet) for base stations and 4.5 meters (15 feet) for mobile stations. Such base and mobile stations must not be operated on board aircraft in flight.

(d) The following table, along with the antenna height (HAAT) and power (ERP), must be used to determine the minimum separation required between proposed base stations and each of the following:

(1) Co-channel public coast stations licensed under part 80 of this chapter,

(2) The coastline of any navigable waterway,

(3) Grandfathered public safety licensees operating on 157.35 MHz or 161.85 MHz. Applicants whose exact ERP or HAAT are not reflected in the table must use the next highest figure shown.

REQUIRED SEPARATION IN KILOMETERS (MILES) OF BASE STATION FROM COASTLINES/PUBLIC COAST STATIONS

|           | Base Station Characteristics |             |           |           |          |    |
|-----------|------------------------------|-------------|-----------|-----------|----------|----|
|           | HAAT<br>Meters (feet)        | ERP (watts) |           |           |          |    |
|           |                              | 400         | 300       | 200       | 100      | 50 |
| 15 (50)   | 138 (86)                     | 135 (84)    | 129 (80)  | 121 (75)  | 116 (72) |    |
| 30 (100)  | 154 (96)                     | 151 (94)    | 145 (90)  | 137 (85)  | 130 (81) |    |
| 61 (200)  | 166 (103)                    | 167 (104)   | 161 (100) | 153 (95)  | 145 (90) |    |
| 122 (400) | 187 (116)                    | 177 (110)   | 183 (114) | 169 (105) | 159 (99) |    |

(e) In the event of interference, the Commission may require, without a hearing, licensees of base stations authorized under this section that are located within 241 kilometers (150 miles) of an existing, co-channel public coast station, grandfathered co-channel public safety station or an international border to reduce radiated power, decrease antenna height, and/or install directional antennas. Mobile stations must operate only within radio range of their associated base station.

(f) Individual waiver requests to operate on a secondary, non-interference, basis will be considered in cases where the applicant's base station satisfies the requirements of paragraphs (d) (1) and (3) of this section but does not satisfy the requirements of paragraph (d)(2) of this section. All waiver requests must be submitted in accordance with § 1.931 of the chapter. Such secondary operations must cease immediately upon notification by the Commission that the station is causing interference to maritime operations.

4. Section 90.555 is amended by revising two of the service titles in paragraph (a) and by adding eighteen new frequencies entries in numerical order in paragraph (b) to read as follows:

§ 90.555 Combined frequency listing.

(a) \* \* \*

Industrial Services (I)

\* \* \* \* \*

Land Transportation Services (LT)

\* \* \* \* \*

(b) \* \* \*

| Frequency | Services  | Special Limitations |
|-----------|-----------|---------------------|
| 157.200   | I,LT      | See § 90.283        |
| 157.225   | .....do   | Do.                 |
| 157.250   | .....do   | Do.                 |
| 157.275   | .....do   | Do.                 |
| 157.300   | .....do   | Do.                 |
| 157.325   | .....do   | Do.                 |
| 157.350   | .....do   | Do.                 |
| 157.375   | .....do   | Do.                 |
| 157.400   | .....do   | Do.                 |
|           | * * * * * |                     |
| 161.800   | I,LT      | See § 90.283        |
| 161.825   | .....do   | Do.                 |
| 161.850   | .....do   | Do.                 |
| 161.875   | .....do   | Do.                 |
| 161.900   | .....do   | Do.                 |
| 161.925   | .....do   | Do.                 |
| 161.950   | .....do   | Do.                 |
| 161.975   | .....do   | Do.                 |
| 162.000   | .....do   | Do.                 |
|           | * * * * * |                     |

[FR Doc. 95-16639 Filed 7-7-95; 8:45 am]  
BILLING CODE 6712-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 92-194; RM-8052; RM-8121]

#### Radio Broadcasting Services; Essex and Needles, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 280B to Essex, California, as that community's second local FM service, in response to a petition for rule making filed on behalf of Dunes Broadcasting (RM-8052). See 57 FR 42536, September 15, 1992. Additionally, Channel 296B is allotted to Needles, California, as that community's second local FM service, in response to a counterproposal filed on behalf of David A. Petrick (RM-8121). Coordinates used for Channel 280B at Essex are 34-44-12 and 115-14-48. Coordinates used for Channel 296B at Needles, California, are 34-50-36 and 114-36-54. As Essex and Needles are located within 320 kilometers (199 miles) of the United States-Mexico border, concurrence of the Mexican government in the respective allotments was obtained. With this action, the proceeding is terminated.

**DATES:** Effective August 21, 1995. The window period for filing applications will open on August 21, 1995, and close on September 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 280B at Essex, California, and for Channel 296B at Needles, California, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 92-194, adopted June 23, 1995, and released July 5, 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, located at

1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 280B at Essex, and by adding Channel 296B at Needles.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 95-16840 Filed 7-7-95; 8:45 am]

BILLING CODE 6712-01-F

#### 47 CFR Part 73

[MM Docket No. 95-30; RM-8599]

#### Radio Broadcasting Services; Harwood, ND

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Conway Broadcasting, allots Channel 264C3 to Harwood, North Dakota, as the community's first local aural service. See 60 FR 12724, March 8, 1995. Channel 264C3 can be allotted to Harwood in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.7 kilometers (9.1 miles) southwest, at coordinates 47-05-00 North Latitude; 97-00-00 West Longitude, to avoid a short-spacing to Station KIKV-FM, Channel 264C1, Alexandria, MN. Canadian concurrence has been received since Harwood is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

**DATES:** Effective August 21, 1995. The window period for filing applications will open on August 21, 1995, and close on September 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-30, adopted June 26, 1995, and released July 5, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Dakota, is amended by adding Harwood, Channel 264C3.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 95-16841 Filed 7-7-95; 8:45 am]

BILLING CODE 6712-01-F

#### 47 CFR Part 73

[MM Docket No. 91-58]

#### Radio Broadcasting Services; Caldwell, College Station and Gause, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 236C2 for Channel 297C3 at College Station, Texas, and modifies the license of Station KTSR, College Station, Texas, to specify operation on Channel 237C2. In order to accommodate this upgrade, this document also modifies the construction permit of Station KHEN, Caldwell, Texas, to specify operation on Channel 297A. In doing so, it denies a competing request for a Channel 236C2 upgrade at Caldwell, Texas. See 59 FR 44120, published August 26, 1994. The reference coordinates for Channel 236C2 at College Station, Texas, are 30-49-00