

duct, conduit, or right-of-way owned or controlled by a utility.

\* \* \* \* \*

(d) The term *complaint* means a filing by a cable television system operator, a cable television system association, a utility, an association of utilities, a telecommunications carrier, or an association of telecommunications carriers alleging that a rate, term, or condition for a pole attachment is not just and reasonable.

(e) The term *complainant* means a cable television system operator, a cable television system association, a utility, an association of utilities, a telecommunications carrier, or an association of telecommunications carriers who files a complaint.

(f) The term *respondent* means a cable television system operator, a utility, or a telecommunications carrier against whom a complaint is filed.

\* \* \* \* \*

(h) For purposes of this subpart, the term *telecommunications carrier* means any provider of telecommunications services, except that the term does not include aggregators of telecommunications services (as defined in 47 U.S.C. 226) or incumbent local exchange carriers (as defined in 47 U.S.C. 251(h)).

4. Section 1.1403 is revised to read as follows:

**§ 1.1403 Notice of removal and petition for temporary stay.**

(a) A utility shall provide a cable television system operator or telecommunications carrier no less than 60 days written notice prior to:

(1) Removal of facilities or termination of any service to those facilities, such removal or termination arising out of a rate, term, or condition of the cable television system operator's or telecommunications carrier's pole attachment agreement; or

(2) Any increase in pole attachment rates.

(b) A cable television system operator or telecommunications carrier may file a "Petition for Temporary Stay" of the action contained in a notice received pursuant to paragraph (a) of this section within 15 days of receipt of such notice. Such submission shall not be considered unless it includes, in concise terms, the relief sought, the reasons for such relief, including a showing of irreparable harm and likely cessation of cable television service or telecommunication service, a copy of the notice, and certification of service as required by § 1.1404(b). The named respondent may file an answer within 7 days of the date the Petition for Temporary Stay was filed. No further

filings under this section will be considered unless requested or authorized by the Commission and no extensions of time will be granted unless justified pursuant to § 1.46.

5. Section 1.1404 is amended by revising paragraphs (a), (d) introductory text and (d) (2) to read as follows:

**§ 1.1404 Complaint.**

(a) The complaint shall contain the name and address of the complainant, name and address of the respondent, and shall contain a verification (in the form in § 1.721(b)), signed by the complainant or officer thereof if complainant is a corporation, showing complainant's direct interest in the matter complained of. Counsel for the complainant may sign the complaint. Complainants may join together to file a joint complaint. Complaints filed by associations shall specifically identify each utility, cable television system operator, or telecommunications carrier who is a party to the complaint and shall be accompanied by a document from each identified member certifying that the complaint is being filed on its behalf.

\* \* \* \* \*

(d) The complaint shall be accompanied by a copy of the pole attachment agreement, if any, between the cable system operator or telecommunications carrier and the utility. If there is no present pole attachment agreement, the complaint shall contain:

\* \* \* \* \*

(2) A statement that the cable television system operator or telecommunications carrier currently has attachments on the poles, ducts, conduits, or rights-of-way.

\* \* \* \* \*

6. Section 1.1409 is amended by adding a new paragraph (e) to read as follows:

**§ 1.1409 Commission consideration of the complaint.**

\* \* \* \* \*

(e) Section 1.1404 shall apply to the rate for any pole attachment used by a cable system operator solely to provide cable service. Until 47 U.S.C. 224(e) is implemented, § 1.1404 shall also apply to the rate for any pole attachment used by a cable system or any telecommunications carrier (to the extent such carrier is not a party to a pole attachment agreement) to provide any telecommunications service.

7. A new Section 1.1416 is added to subpart J to read as follows:

**§ 1.1416 Access provisions for telecommunication carriers and cable systems.**

(a) A utility that engages in the provision of telecommunications services or cable services shall impute to its costs of providing such services (and charge any affiliate, subsidiary, or associate company engaged in the provision of such services) an equal amount to the pole attachment rate for which such company would be liable under this section.

(b) An entity that obtains an attachment to a pole, conduit, or right-of-way shall not be required to bear any of the costs of rearranging or replacing its attachment, if such rearrangement or replacement is required as a result of an additional attachment or the modification of an existing attachment sought by any other entity (including the owner of such pole, duct, conduit, or right-of-way).

[FR Doc. 96-20901 Filed 8-19-96; 8:45 am]

BILLING CODE 6712-01-U

**47 CFR Part 73**

**Radio Broadcasting Services; Various Locations**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications*, 8 FCC Rcd 4735 (1993).

**EFFECTIVE DATE:** August 20, 1996.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, adopted July 19, 1996, and released July 26, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission'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 Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

#### 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 Alabama, is amended by removing Channel 255C and adding Channel 255C2 at Montgomery, and by removing Channel 254C3 and adding Channel 254C2 at Warrior.

3. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 296A and adding Channel 297C2 at Rio Del and by removing Channel 299A and adding Channel 299B1 at Twentynine Palms.

4. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by removing Channel 224A and adding Channel 224B1 at Herrin.

5. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 269C3 and adding Channel 269C2 at Duluth.

6. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 252A and adding Channel 252C3 at Carthage.

7. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 225C3 and adding Channel 225C2 at Espanola, by removing Channel 298C3 and adding Channel 298C1 at Los Almos and by removing Channel 234C and adding Channel 234C1 at Santa Fe.

8. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 237A and adding Channel 237C3 at Lawton.

9. Section 73.202(b), the Table of FM Allotments under Texas is amended by removing Channel 228C3 and adding Channel 228C2 at Breckenridge and by removing Channel 269A and adding Channel 268C2 at Snyder.

10. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 266C2 and adding Channel 2266A at Pinedale.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-20706 Filed 8-19-96; 8:45 am]

**BILLING CODE 6712-01-F**

#### **DEPARTMENT OF TRANSPORTATION**

#### **Research and Special Programs Administration**

#### **49 CFR Part 195**

[Docket No. PS-121; Amdt. 195-51B]

**RIN 2137-AC 83**

#### **Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Final rule; extension of time for compliance.

**SUMMARY:** This final rule extends the time for compliance with the requirements for pressure testing of older hazardous liquid and carbon dioxide pipelines. Plans for testing, which were to be completed by December 7, 1995, would now be required by December 7, 1997. The dates for actual completion of the testing, previously December 7, 1998, and December 7, 2001, are extended by one year. RSPA is extending these compliance dates to allow time to complete rulemaking based on the American Petroleum Institute's (API) petition for a risk-based alternative to the required pressure testing rule. RSPA will issue a proposed rule for a risk-based alternative to the existing pressure testing rule.

**DATES:** Effective Date: This rule is effective August 20, 1996.

**Compliance Dates:** The deadline for complying with § 195.302(c)(1) is extended to December 7, 1997. The deadline for complying with § 195.302(c)(2)(i) is extended to December 7, 1999. The deadline for complying with § 195.302(c)(2)(ii) is extended to December 7, 2002.

**FOR FURTHER INFORMATION CONTACT:** Mike Israni, (202) 366-4571, regarding the subject matter of this document, or the Dockets Unit (202) 366-4453, for copies of this document or other information in the docket.

#### **SUPPLEMENTARY INFORMATION:**

#### **API Proposal**

In a petition dated June 23, 1995, API submitted a risk-based alternative to the pressure testing rule and requested that

RSPA delay implementation of the rule until the API proposal has been given full consideration. A copy of the API proposal is available in the docket (Dockets Unit, Room 8421 at DOT Headquarters will be temporary closed from August 15 to September 15, 1996. During this period pipeline safety dockets will be available in Room 2335 of the DOT Headquarters). API urged that the rule on pressure testing older hazardous liquid and carbon dioxide pipelines presents an opportunity to apply a risk-based approach to pressure testing, and proposed a risk-based alternative to the final rule issued on June 7, 1994 (59 FR 29379).

RSPA has been working with the pipeline industry to develop a risk management framework for pipeline regulation and decided to evaluate the API proposal carefully. Because substantial planning is required before pressure testing older pipelines, an extension of time for compliance was needed to avoid unnecessary costs in planning.

RSPA has now decided to initiate rulemaking on the API proposal. A notice of proposed rulemaking will be published separately to accomplish this.

#### **Notice of Proposed Rulemaking**

RSPA published a Notice of Proposed Rulemaking (NPRM) (Docket PS-121; 60 FR 54328; October 23, 1995) proposing one year extension of the compliance deadline to plan and schedule pressure testing. In addition, RSPA recognized that a final rule on extended compliance dates could not be issued in time to forestall the burden on operators of preparing the plans because of late issuance of the final rule. Thus, RSPA announced that it would not enforce December 7, 1995, compliance date.

RSPA held a meeting with API members on January 31, 1996, to clarify their proposal and held a public meeting on the API proposal on March 25, 1996. On May 8, 1996, RSPA briefed the Technical Hazardous Liquid Pipeline Safety Committee (THLPSSC) on the API proposal.

RSPA received two written comments on the NPRM on the extension of the compliance deadline. Both favored an extension. RSPA also received several comments from the industry during the public meetings that all the compliance deadlines for the current pressure test rule should be extended. Industry argued that they were not sure of what changes RSPA might suggest in the present rulemaking, so they could not plan in advance.

RSPA agrees with the comments about the need for extension of the comment period while rulemaking on