FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 98–136]

Rules To Reflect the Elimination of the Competition Division

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to reflect: the elimination of the Competition Division within the Office of General Counsel; changes in the functions of the Office of General Counsel and Office of Plans and Policy; and a delegation of authority to the Common Carrier Bureau to act on applications for determinations of exempt telecommunications company status.

EFFECTIVE DATE: February 8, 1999.

FOR FURTHER INFORMATION CONTACT: Rebecca Dorch, Office of Engineering and Technology, (202) 418–1868.

SUPPLEMENTARY INFORMATION:

1. Through this *Order*, FCC 98–136, adopted June 23, 1998, and released June 29, 1998, the Commission eliminates the Competition Division of the Office of General Counsel. We conclude that this action, and reassignment of the personnel involved, will make more effective and efficient use of the Commission's scarce resources.

2. The implementation of this decision requires amendment of part 0 of the Commission's rules and regulations. This *Order* makes the necessary revisions and other minor editorial changes in part 0 of the Commission's rules. To ensure continuity in the dispatch of the duties and functions performed by the Competition Division, certain responsibilities and delegations of authority are being reassigned. In particular, 47 CFR 0.21 and 0.41 are amended by revising the duties and responsibilities of the Office of General Counsel by eliminating paragraph (g) of section 0.41 and by transferring from the Office of General Counsel to the Office of Plans and Policy the responsibility to help ensure that FCC policy encourages and promotes competitive market structures by providing bureaus and offices with the necessary support to identify, evaluate, and effectively and consistently resolve competitiveness issues.

3. The General Counsel currently has delegated authority, pursuant to 47 CFR 0.251(g), to act upon any application for a determination of exempt telecommunications company status filed pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935, as amended by section 103 of the Telecommunications Act of 1996. *See Amendment of Part 0 of the Commission's Rules to Delegate Authority to the General Counsel to Act Upon Applications for Determination of Exempt Telecommunications Company Status,* 11 FCC Rcd 22166 (1996) 61 FR 26464, May 28, 1996. The Commission has concluded that the effective and efficient dispatch of these duties and responsibilities is best ensured by delegating such authority to the Common Carrier Bureau.

4. The amendments adopted herein pertain to agency organization. The notice and comment and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, are therefore inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i), 5(b) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(b) and 155(c).

5. Accordingly, it is ordered, pursuant to authority delegated by Commission Order, FCC 98–136, released June 29, 1998, and effective upon publication in the **Federal Register**, that part 0 of the Commission's rules and regulations is amended as set forth in the rule changes.

List of Subjects in 47 CFR Part 0

Organization and functions (government agencies).

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 0 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.21 is amended by adding a new paragraph (j) to read as follows:

§ 0.21 Functions of the Office.

* * * * *

(j) To help ensure that FCC policy encourages and promotes competitive market structures by providing bureaus and offices with the necessary support to identify, evaluate, and effectively and consistently resolve competitiveness issues.

§ 0.41 [Amended]

3. Section 0.41 is amended by removing paragraph (g) and redesignating paragraphs (h) through (o) as (g) through (n).

§ 0.251 [Amended]

4. Section 0.251 is amended by removing paragraph (g) and redesignating paragraphs (h) and (i) as (g) and (h).

5. Section 0.304 is added to read as follows:

§ 0.304 Authority for determinations of exempt telecommunications company status.

Authority is delegated to the Chief, Common Carrier Bureau to act upon any application for a determination of exempt telecommunications company status filed pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935, as amended by section 103 of the Telecommunications Act of 1996.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 11 and 76

[FO Docket No. 91–171, 91–301; FCC 98–329]

Emergency Alert System

AGENCY: Federal Communications Commission.

ACTION: Termination of rulemaking.

SUMMARY: In this *Third Report and Order* the FCC determined that cable systems should not be required to install channel override equipment in order to prevent EAS messages from appearing on specific channels on a cable system. In the *Second Further Notice and Proposed Rule Making* 63 FR 29660, June 1, 1998, the Commission requested comment regarding the effectiveness of proposed rule amendments that would require cable systems to purchase and install equipment to prevent EAS messages from overriding broadcast stations programming carried on a cable system. Commission rules allow broadcast stations and cable system operators to enter into voluntary written agreements that prevent broadcast program interruption. After review of the record it was determined that the Commission should not mandate rules to require broadcast channel overrides.