

the Commission declines to increase the working capital allowance.

The 2003–2004 VRS Compensation Rate Does Not Apply to the 2004–2005 Fund Year

The Commission rejects CSD's and NVRSC's argument that, instead of adopting a VRS rate for the 2004–2005 fund year based on the cost and demand data submitted by the providers for that fund year, the Bureau should have continued to apply the modified VRS rate adopted in the 2004 TRS Report and Order (\$8.854 per minute) applicable to the previous fund year (2003–2004), pending resolution of VRS issues raised in the 2004 TRS Report and Order's FNPRM. CSD Application at 16–17; NVRSC Application at 9–10, 18–20. NVRSC asserts that the Bureau should *not* have followed the 2004 TRS Report and Order in adopting the 2004–2005 VRS rate, but rather should have continued the VRS rate from the 2003–2004 fund year. NVRSC Application at 9–10. According to CSD and NVRSC, VRS providers should be compensated at the rate of \$8.854 per minute in 2004–2005, not at the rate of \$7.596 ultimately adopted by the Bureau for the 2004–2005 fund year. CSD Application at 15–16; NVRSC Application at 20.

This argument is inconsistent with the cost recovery mechanism that has been in place for over ten years. As explained above, for each fund year the compensation rates are based on the providers' own projected cost and demand data for the upcoming two-year period. If there is concern that the rates were not calculated correctly, the answer is not to apply rates from a previous fund year based on an entirely different set of cost and demand projections, but to review the calculation of the challenged rates and the data upon which they rely and make any resulting adjustments retroactive to the beginning of the fund year. In this instance, therefore, no basis to apply the VRS rate from the 2003–2004 fund year to the 2004–2005 fund year.

The Emergency Petitions for a Stay of the 2004 Bureau TRS Order

CSD and NVRSC filed a petition for emergency stay, seeking to have the 2003–2004 VRS per-minute compensation rate of \$8.854 apply to the 2004–2005 fund year, instead of the rate of \$7.293 adopted in the 2004 Bureau TRS Order for the 2004–2005 fund year, until such time as the Commission resolved the pending applications for review. The petitions for an emergency stay accompanied the applications for review. Because, as set forth above, the Commission has

affirmed the 2004 Bureau TRS Order (as modified by the Modified 2004 Bureau TRS Order), and have rejected the argument that the 2003–2004 VRS rate should apply in the 2004–2005 fund year, the Commission dismisses the stay requests as moot.

#### Congressional Review Act

The Commission will not send a copy of the Memorandum Opinion and Order pursuant to the Congressional Review Act, *see* 5 U.S.C. 801 (a)(1)(1A), because the adopted rules are rules of particular applicability.

#### Ordering Clauses

Pursuant to the authority contained in sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, and 225, that the Memorandum Opinion and Order is hereby adopted.

The applications for review filed by CSD, Hands On, NVRSC, and Hamilton are hereby *denied*, as provided herein.

The Memorandum Opinion and Order shall become effective August 16, 2006.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 06–1531; MB Docket No. 05–297; RM–11290]

#### Radio Broadcasting Services; Savanna, OK

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** At the request of Charles Crawford, the Audio Division allots Channel 275A at Savanna, Oklahoma, as the community's first local aural transmission service. A later filed minor change application, File No. BPH–20050509AAB, filed by JDC Radio, Inc., licensee of Station KQIB(FM), Channel 275C3, Idabel, Oklahoma, is dismissed. Channel 275A is allotted at Savanna with a site restriction of 7.0 kilometers (4.3 miles) south at coordinates 34–46–00 NL and 95–50–00 WL. A filing window period for Channel 275A at Savanna will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

**DATES:** Effective September 11, 2006.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 05–297, adopted July 26, 2006, and released July 28, 2006. At the request of Charles Crawford, the Audio Division allots Channel 275A at Savanna, Oklahoma, as that community's first local aural transmission service. 70 FR 70775 (November 23, 2005). The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC, 20054, telephone 1–800–378–3160 or <http://www.BCPIWEB.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act *see* 5 U.S.C. 801(a)(1)(A).

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

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

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

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Savanna, Channel 275A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E6–13359 Filed 8–15–06; 8:45 am]

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