

**Accessibility:** For information on access or services for individuals with disabilities, please contact Dr. Angela Nugent at (202) 343-9981 or [nugent.angela@epa.gov](mailto:nugent.angela@epa.gov). To request accommodation of a disability, please contact Dr. Nugent preferably at least ten days prior to the teleconferences to give EPA as much time as possible to process your request.

Dated: February 2, 2009.

**Anthony Maciorowski,**

*Deputy Director, EPA Science Advisory Board Staff Office.*

[FR Doc. E9-2798 Filed 2-9-09; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

February 4, 2009.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Pursuant to the PRA, no person shall be subject to any penalty for failing to comply with a collection of information that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written PRA comments should be submitted on or before April 13, 2009. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Interested parties may submit all PRA comments by e-mail or

U.S. mail. To submit your comments by e-mail, send them to [PRA@fcc.gov](mailto:PRA@fcc.gov). To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, send an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) or contact Cathy Williams at 202-418-2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0568.

*Title:* Sections 76.970, 76.971 and 76.975, Commercial Leased Access Rates, Terms and Conditions.

*Form Number:* Not applicable.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for-profit; State, Local or Tribal Government.

*Number of Respondents and Responses:* 4,030 respondents; 11,940 responses.

*Estimated Time per Response:* 2 minutes-10 hours.

*Frequency of Response:* Recordkeeping requirement; Third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 154(i) and 612 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 59,671 hours.

*Total Annual Cost:* \$74,000.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Privacy Act Impact Assessment:* No impact(s).

*Needs and Uses:* 47 CFR 76.970(h) requires cable operators to provide the following information within 15 calendar days of a request regarding leased access (for systems subject to small system relief, cable operators are required to provide the following information within 30 days of a request regarding leased access):

(a) A complete schedule of the operator's full-time and part-time leased access rates;

(b) How much of the cable operator's leased access set-aside capacity is available;

(c) Rates associated with technical and studio costs;

(d) If specifically requested, a sample leased access contract; and

(e) Operators must maintain supporting documentation to justify scheduled rates in their files.

47 CFR 76.971 requires cable operators to provide billing and

collection services to leased access programmers unless they can demonstrate the existence of third party billing and collection services which, in terms of cost and accessibility, offer leased access programmers an alternative substantially equivalent to that offered to comparable non-leased access programmers.

47 CFR 76.975(b) requires that persons alleging that a cable operator's leased access rate is unreasonable must receive a determination of the cable operator's maximum permitted rate from an independent accountant prior to filing a petition for relief with the Commission.

47 CFR 76.975(c) requires that petitioners attach a copy of the final accountant's report to their petition where the petition is based on allegations that a cable operator's leased access rates are unreasonable.

*OMB Control Number:* 3060-0716.

*Title:* Sections 73.88, 73.318, 73.685 and 73.1630, Blanketing Interference.

*Form Number:* Not applicable.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities; Not-for-profit institutions.

*Number of Respondents and Responses:* 21,000 respondents/21,000 responses.

*Estimated Time per Response:* 1 to 2 hours.

*Frequency of Response:* Third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this information collection is contained in Section 154(i) of the Communications Act of 1934, as amended.

*Total Annual Burden:* 41,000 hours.

*Total Annual Costs:* None.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Privacy Impact Assessment(s):* No impact(s).

*Needs and Uses:* 47 CFR 73.88(AM) states that the licensee of each broadcast station is required to satisfy all reasonable complaints of blanketing interference within the 1 V/m contour.

47 CFR 73.318(b)(FM) states that after January 1, 1985, permittees or licensees who either (1) commence program tests, (2) replace the antennas, or (3) request facilities modifications and are issued a new construction permit must satisfy all complaints of blanketing interference which are received by the station during a one year period.

47 CFR 73.318(c)(FM) states that a permittee collocating with one or more

existing stations and beginning program tests on or after January 1, 1985, must assume full financial responsibility for remedying new complaints of blanketing interference for a period of one year.

Under 47 CFR 73.88(AM), 73.318(FM), and 73.685(d)(TV), the license is financially responsible for resolving complaints of interference within one year of program test authority when certain conditions are met. After the first year, a license is only required to provide technical assistance to determine the cause of interference.

The FCC has an outstanding Notice of Proposed Rulemaking (NPRM) in MM Docket No. 96–62, In the Matter of Amendment of Part 73 of the Commission's Rules to More Effectively Resolve Broadcast Blanketing Interference, Including Interference to Consumer Electronics and Other Communications Devices. The NPRM has proposed to provide detailed clarification of the AM, FM, and TV licensee's responsibilities in resolving/eliminating blanketing interference caused by their individual stations. The NPRM has also proposed to consolidate all blanketing interference rules under a new section 47 CFR 73.1630, "Blanketing Interference." This new rule has been designed to facilitate the resolution of broadcast interference problems and set forth all responsibilities of the licensee/permittee of a broadcast station. To date, final rules have not been adopted.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. E9–2804 Filed 2–9–09; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 08–214; FCC 09–4]

**Herring Broadcasting, Inc. v. Time Warner Cable Inc., et al.; MB Docket No. 08–214**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document rescinds three previous Media Bureau Orders regarding six program carriage complaints, reinstates the presiding Administrative Law Judge's delegated authority over these complaints, and directs the presiding Administrative Law Judge to issue a Further Revised Procedural and Hearing Order and to proceed expeditiously to issue

recommended decisions and recommended remedies, if necessary.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** For additional information on this proceeding, contact Steven Broecker, [Steven.Broeckaert@fcc.gov](mailto:Steven.Broeckaert@fcc.gov), or David Konczal, [David.Konczal@fcc.gov](mailto:David.Konczal@fcc.gov), of the Media Bureau, Policy Division, (202) 418–2120.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Order, FCC 09–4, adopted and released on January 27, 2009. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY–A257, Washington, DC 20554. This document will also be available via ECFs (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

### Synopsis of the Order

1. On October 10, 2008, the Media Bureau issued a *Memorandum Opinion and Hearing Designation Order* ("HDO") referring the above-captioned matters to an Administrative Law Judge for recommended decisions. 73 FR 65312, November 3, 2008. The Media Bureau has since issued *Orders* stating that the Administrative Law Judge's delegated authority over these hearing matters expired under the terms of the HDO, providing that the Media Bureau will proceed to resolve these disputes without the benefit of recommended decisions from the Administrative Law Judge, and providing an abbreviated schedule for the parties to file additional and/or updated arguments and evidence responsive to certain questions and requests. *In the Matter of Herring Broadcasting Inc., d/b/a WealthTV, et al.*, 74 FR 3037, January 16, 2009 ("December 24th Order"); *In the Matter of NFL Enterprises LLC*, 74 FR 4035, January 22, 2009 ("December 31st Order"); *In the Matter of Herring Broadcasting Inc., d/b/a WealthTV, et al.*, Order, DA 09–55, MB Docket 08–

214 (rel. Jan. 16, 2009) ("January 16th Order").

2. On our own motion, we conclude that the factual determinations required to fairly adjudicate these matters are best resolved through hearings before an Administrative Law Judge, rather than solely through pleadings and exhibits as contemplated by the Media Bureau. Accordingly, we rescind in full the *December 24th Order*, the *December 31st Order* and the *January 16th Order*. As discussed above, we believe that these proceedings are best resolved by hearings before an Administrative Law Judge. Therefore, notwithstanding the Media Bureau's previous determination that the presiding Administrative Law Judge's delegated authority over these matters has expired, we hereby reinstate the presiding Administrative Law Judge's delegated authority and direct him to proceed pursuant to the HDO. We instruct the presiding Administrative Law Judge to issue a Further Revised Procedural and Hearing Order that updates the schedule announced in the *December 15th ALJ Order* to account for any delays caused by the Bureau's recent actions. *Herring Broadcasting, Inc. v. Time Warner Cable Inc. et al.*, Order, MB Docket No. 08–214, FCC 08M–50 (rel. Dec. 2, 2008); *Herring Broadcasting, Inc. v. Time Warner Cable Inc. et al.*, Revised Procedural and Hearing Order, MB Docket No. 08–214, FCC 08M–53 (rel. Dec. 15, 2008) ("December 15th ALJ Order"). Further, as instructed in the HDO, the presiding Administrative Law Judge shall issue recommended decisions and remedies, if any, to the Commission as expeditiously as possible, consistent with the mandates of fairness and due process. In light of our decision, the Emergency Application for Review and Emergency Motion for Stay, and related pleadings, regarding the *December 24th Order* and the *December 31st Order* are dismissed as moot. *See* Comcast Corporation, Emergency Application for Review, MB Docket No. 08–214 (Dec. 30, 2008); Comcast Corporation, Emergency Motion for Stay, MB Docket No. 08–214 (Dec. 30, 2008); Joinder of Time Warner Cable et al., MB Docket No. 08–214 (Dec. 31, 2008); Comcast Corporation, Supplement to Emergency Application for Review, MB Docket No. 08–214 (Jan. 2, 2009); Comcast Corporation, Supplement to Emergency Motion for Stay, MB Docket No. 08–214 (Jan. 2, 2009).

3. Accordingly, *It is ordered*, pursuant to Section 1.117 of the Commission's rules, 47 CFR 1.117, that the *December 24th Order*, the *December 31st Order*