

and maintain required written policies and procedures reasonably designed to monitor compliance with the requirements concerning prohibited payments to loan originators and the prohibitions on steering, qualification, and identification;⁹⁰ and (3) failure of a loan originator organization to ensure employees engaged in loan originator activities are properly licensed and registered in accordance with applicable State and Federal requirements.⁹¹

D. Previous Input to the Bureau

The Bureau has received feedback on Regulation Z's Mortgage Loan Originator Rules through a variety of forums since the Rules were adopted. For example, in 2018, the Bureau published a Request for Information (RFI) on whether, consistent with its statutory authority to prescribe rules pursuant to the Federal consumer financial laws, the Bureau should amend the regulations or exercise the rulemaking authorities that it inherited from certain other Federal agencies.⁹² Approximately 29 of the comments submitted in response to the RFI addressed Regulation Z's Mortgage Loan Originator Rules. Commenters included trade, consumer advocacy, industry, and other groups. The Bureau has also received a rulemaking petition seeking certain revisions to the Rules and other Bureau regulations related to mortgage origination practices.⁹³

From these and other sources, stakeholders have provided feedback to the Bureau on many aspects of Regulation Z's Mortgage Loan Originator Rules. Some of the topics mentioned were: (1) whether to permit different loan originator compensation for originating State housing finance authority loans as compared to other loans; (2) whether to permit creditors to decrease a loan originator's

compensation due to the loan originator's error or to match competition; and (3) how the Rule provisions apply to loans originated by mortgage brokers and creditors differently. The Bureau also has received feedback that Regulation Z's Mortgage Loan Originator Rules provide important consumer protections that have provided benefits to consumers and the market.

The Bureau's experience suggests there is little overlap, duplication, or conflict between Regulation Z's Mortgage Loan Originator Rules and Federal, State, or other rules.

II. Request for Comment

Consistent with the section 610 review plan, the Bureau asks the public to comment on the impact of Regulation Z's Mortgage Loan Originator Rules on small entities⁹⁴ by reviewing the following factors:

- (1) The continued need for the Rules based on the stated objectives of applicable statutes and the Rules;
- (2) The complexity of the Rules;
- (3) The extent to which the Rules overlap, duplicate or conflict with other Federal rules, and, to the extent feasible, with State and local governmental rules;
- (4) The degree to which technology, market conditions, or other factors have changed the relevant market since the rule was evaluated, including:
 - a. How the impacts of the Rules as a whole, and of major components or provisions of the Rules, may differ by origination channel, product type, or other market segment;
 - b. The current scale of the economic impacts of the Rules as a whole, and of major components or provisions of the Rules, on small entities; and
- (5) Other current information relevant to the factors that the Bureau considers in completing a section 610 review under the RFA, as described above.

Where possible, please submit detailed comments, data, and other information to support any submitted positions.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2023-05295 Filed 3-15-23; 8:45 am]

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⁹⁴ For purposes of reviewing the questions for comment, consult the following list of regulatory provisions generally comprising Regulation Z's Mortgage Loan Originator Rules: 12 CFR 1026.25(c)(2), 1026.36(a) and (b), (d) through (j) and accompanying sections in Supplement I to part 1026 of the Official Interpretations.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 23-78; RM-11946; DA 23-159; FR ID 130447]

Television Broadcasting Services Elko, Nevada

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by Reno (KENV-TV) Licensee, Inc. (Petitioner), the licensee of KENV-DT, channel 10, Elko, Nevada. The Petitioner requests the substitution of channel 20 for channel 10 at Elko in the Table of Allotments.

DATES: Comments must be filed on or before April 17, 2023 and reply comments on or before May 1, 2023.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: Scott Flick, Esq., Pillsbury Winthrop Shaw Pittman LLP, 1200 17th Street NW, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418-1647; or Joyce Bernstein, Media Bureau, at Joyce.Bernstein@fcc.gov.

SUPPLEMENTARY INFORMATION: In support, the Petitioner states that the Commission has recognized that VHF channels pose challenges for their use in providing digital television service, including propagation characteristics that allow undesired signals and noise to be receivable at relatively far distances and result in large variability in the performance of indoor antennas available to viewers with most antennas performing very poorly on high VHF channels. According to the Petitioner, KENV "has received numerous complaints from local viewers who can receive signals from other local stations but are unable to receive the Station's over-the-air signal on Channel 10." Petitioner asserts that its channel substitution proposal will serve the public interest by "improving the receivability of the Station's signal and, in turn improve over-the-air service to local viewers." An analysis provided by the Petitioner using the Commission's *TVStudy* software tool indicates that no persons within the Station's current noise limited contour will lose service and an additional 1,367 persons are predicted to gain service.

⁹⁰ 12 CFR 1026.36(f); CFPB, *Supervisory Highlights, Issue 8, Summer 2015* (June 2015), https://files.consumerfinance.gov/f/201506_cfpb_supervisory-highlights.pdf.

⁹¹ 12 CFR 1026.36(f); CFPB, *Supervisory Highlights, Issue 9, Fall 2015* (Oct. 2015), https://files.consumerfinance.gov/f/201510_cfpb_supervisory-highlights.pdf; CFPB, *Supervisory Highlights, Issue 13, Fall 2016* (Oct. 2016), https://files.consumerfinance.gov/f/documents/Supervisory_Highlights_Issue_13_Final_10.31.16.pdf; Press Release, CFPB, *Consumer Financial Protection Bureau Sues 1st Alliance Lending, LLC and Its Principals for Alleged Unlawful Mortgage Lending Practices* (Jan. 15, 2021), <https://www.consumerfinance.gov/about-us/newsroom/consumer-financial-protection-bureau-sues-1st-alliance-lending-llc-and-its-principals-for-alleged-unlawful-mortgage-lending-practices/>.

⁹² 83 FR 12881 (Mar. 26, 2018).

⁹³ CFPB, *Petition for Rulemaking—William Kidwell Amend Existing Mortgage Regulation*, Docket ID CFPB-2022-0027-0001, <https://www.regulations.gov/document/CFPB-2022-0027-0001>.

This is a synopsis of the Commission’s *Notice of Proposed Rulemaking*, MB Docket No. 23–78; RM–11946; DA 23–159, adopted March 1, 2023, and released March 1, 2023. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to FCC504@fcc.gov or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a Notice of Proposed Rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in Section 1.1204(a) of the Commission’s rules, 47 CFR 1.1204(a).

See Sections 1.415 and 1.420 of the Commission’s rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73 Television.

Federal Communications Commission.
Thomas Horan,
Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

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

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622, in the table in paragraph (j), under Nevada, revise the entry for Elko to read as follows:

§ 73.622 Digital television table of allotments.

| * * * * * | | | | |
|------------|---|---|---|-------------|
| (j) * * * | | | | |
| Community | | | | Channel No. |
| * | * | * | * | * |
| Nevada | | | | |
| * | * | * | * | * |
| Elko | | | | 20 |
| * | * | * | * | * |

[FR Doc. 2023–05227 Filed 3–15–23; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 23–186; MB Docket No. 23–45; RM–11945; FR ID 130686]

Radio Broadcasting Services; Peach Springs, Arizona

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by ITM, LLC, proposing to amend the FM Table of Allotments, by substituting Channel 287A for vacant Channel 280A at Peach Springs, Arizona to accommodate the hybrid modification application for Station KIDD(FM) that proposes to upgrade from Channel 280A to Channel 280C2 at Fort Mohave, Arizona. A staff engineering analysis indicates that Channel 287A can be allotted to Peach Springs, Arizona, consistent with the minimum distance separation requirements of the Commission’s rules, with a site restriction of 12.6 km (7.8 miles) northeast of the community. The reference coordinates are 35–33–18 NL and 113–18–02 WL.

DATES: Comments must be filed on or before May 1, 2023, and reply comments on or before May 16, 2023.

ADDRESSES: Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the counsel to petitioner as follows: Mark B. Denbo, c/o ITM, LLC, SMITHWICK & BELENDIUK, P.C., 5028 Wisconsin Avenue NW, Suite 301, Washington, DC 20016.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2054.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Federal Communications Commission’s (Commission) Notice of Proposed Rule Making, MB Docket No. 23–45, adopted March 7, 2023, and released March 8, 2023. The full text of this Commission decision is available online at <https://apps.fcc.gov/ecfs>. The full text of this document can also be downloaded in Word or Portable Document Format (PDF) at <https://www.fcc.gov/edocs>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.
Federal Communications Commission.
Nazifa Sawez,
Assistant Chief, Audio Division, Media Bureau.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 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, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.202, in paragraph (b), amend the Table of FM Allotments under Arizona by revising an entry for “Peach Springs” to read as follows: