

Executive Order 12778, Civil Justice Reform.

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is amended to read as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
OKLAHOMA	
Stillwater (city), Payne County (FEMA Docket No. 7122)	
<i>Stillwater Creek:</i>	
Approximately 400 feet upstream of South Main Street (U.S. Highway 177)	*863
Approximately 300 feet downstream of South Western Road	*870
Approximately 300 feet downstream of East Bound Lane State Highway 51	*875
Approximately 600 feet downstream of North Stillwater Road	*881
Maps are available for inspection at the City Engineer's Office, City of Stillwater, 723 South Lewis, Stillwater, Oklahoma.	
Stillwater (city), Payne County (FEMA Docket No. 7153)	
<i>Boomer Creek:</i>	
At confluence with Stillwater Creek	*858
Just upstream of East 19th Avenue (corporate limits)	*859
Approximately 500 feet upstream of East 12th Avenue	*863
Approximately 950 feet downstream of South Perkins Road	*865
At confluence of East and West Boomer Creeks	*866
<i>East Boomer Creek:</i>	

Source of flooding and location

At confluence with Boomer Creek	*866
Approximately 100 feet upstream of Virginia Avenue ...	*872
Approximately 100 feet upstream of Hall of Fame Avenue	*877
Approximately 300 feet downstream of East McElroy Road	*880
<i>West Boomer Creek:</i>	
At confluence with Boomer Creek	*866
Approximately 100 feet upstream of Virginia Avenue ...	*876
Approximately 200 feet upstream of South Husband Street	*885
Approximately 200 feet downstream of Knoblock Street ...	*892
Just downstream of Moore Avenue	*904
Approximately 700 feet upstream of Washington Street	*906
Approximately 50 feet upstream of Lakeview Road	*915
Maps are available for inspection at the Public Works Department, City of Stillwater, 723 South Lewis Street, Stillwater, Oklahoma.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: March 7, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96-6082 Filed 3-13-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CS Docket No. 96-46; FCC 96-99]

Open Video Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Report and Order eliminates the Commission's video dialtone, cross-ownership, and section 214 authorization rules. This order eliminates or modifies our rules in accordance with the Telecommunications Act of 1996. This order fulfills the mandate of the Telecommunications Act of 1996.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION, CONTACT: Rick Chessen or Larry Walke, Cable Services Bureau, (202) 416-0800.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in CS Docket No. 96-46, FCC No. 96-99, adopted March 11, 1996 and released March 11, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW, Washington, D.C. 20554.

Report and Order—Repeal of Video Dialtone Rules, Cross Ownership Rules, and Section 214 Requirements

1. Statutory Provisions

1. Subsection 302(b)(1) of the 1996 Act provides: "Subsection (b) of section 613 (47 U.S.C. 533(b)) [i.e., the telephone company-cable cross-ownership restriction] is repealed." In addition, subsection 302(a) of the 1996 Act adds new subsection 651(c) of the Communications Act, which provides that a common carrier shall no longer be required to obtain a certificate under Section 214 to establish or operate a system for the delivery of video programming. Finally, subsection 302(b)(3) of the 1996 Act states: "The Commission's regulations and policies with respect to video dialtone requirements issued in CC Docket No. 87-266 shall cease to be effective on the date of enactment of this Act." This provision also states: "This paragraph shall not be construed to require the termination of any video-dialtone system that the Commission has approved before the date of enactment of this Act." The conference report further provides that "[r]epeal of the Commission's video dialtone regulations is not intended to alter the status of any video dialtone service offered before the regulations required by this section become effective."

2. Discussion

2. In this order we modify our rules to conform to sections 302(b)(1) and 302(b)(3) of the 1996 Act, which repealed the telephone-cable cross-ownership restriction and eliminated our video dialtone rules and policies upon enactment. We also hereby terminate the docket in which our video dialtone rules and policies were promulgated (CC Docket No. 87-266). Further, we hereby revoke: (1) The Common Carrier Bureau's Memorandum Opinion and Order adopting subsidiary

accounting and reporting requirements for video dialtone; and (2) Responsible Accounting Officer Letter 25 ("RAO Letter 25"), which sets forth specific guidelines for accounting classifications, subsidiary records, and amendments to cost allocation manuals for video dialtone. Finally, consistent with subsection 302(b)(3) of the 1996 Act, we do not require currently approved video dialtone systems to cease operations.

3. In addition, in order to conform our rules to new section 651(c) of the Communications Act, we modify our rules to the extent they relate to any requirement that a common carrier obtain a certificate under Section 214 to establish or operate a video programming delivery system. Pursuant to subsection 651(c), we will no longer require that a common carrier obtain Section 214 authorization to establish or operate a video programming delivery system, even a video programming delivery system provided on a common carrier basis pursuant to Title II of the Communications Act.

Final Regulatory Flexibility Analysis

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, the Commission's Flexibility Analysis with respect to the Report and Order is as follows:

5. *Need and purpose of this action:* The Commission issues this Report and Order to enact or revise rules governing telephone companies' provision of video programming in response to the 1996 Act.

6. *Significant Alternatives considered:* Not applicable.

7. *Federal rules that overlap, duplicate or conflict with these rules:* None.

Paperwork Reduction Act

8. Paperwork Reduction Act Statement: The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995. None of the modifications made to the rules in this proceeding should increase the information collection requirements on the public.

Effective Date

9. The elimination of the rules concerning video dialtone, cross-ownership and Section 214 authorization for the delivery of video adopted in the Report and Order were effective upon enactment of the 1996 Act, and we amend these rules to conform to those statutory changes.

Ordering Clauses

10. It is ordered that the Commission's regulations and policies with respect to video dialtone requirements issued in CC Docket No. 87–266 are hereby removed.

11. It is further ordered that CC Docket No. 87–266 is hereby terminated.

12. It is further ordered that the Commission's regulations are hereby amended as set forth below.

13. It is further ordered that the Common Carrier Bureau's Memorandum Opinion and Order adopting subsidiary accounting and reporting requirements for video dialtone, and RAO Letter 25 (except with respect to the ATM equipment issue, as noted above) are hereby revoked.

14. It is further ordered that in light of the 1996 Act's termination of the Commission's rules and policies concerning video dialtone, we find for good cause that notice and comment on the actions taken herein would be impracticable, unnecessary and contrary to the public interest. See 5 U.S.C. 553(b)(B).

15. It is further ordered that the Secretary shall send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law No. 96–354, 94 Stat. 1164, 5 U.S.C. 601, et seq. (1981)

16. For additional information regarding this proceeding, contact Rick Chesson or Larry Walke, Policy & Rules Division, Cable Services Bureau (202) 416–0800.

List of Subjects in 47 CFR Part 63

Cable television, Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 63 of title 47 of the Code of Federal Regulations is amended as follows:

PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

1. The authority citation for part 63 continues to read as follows:

Authority: Sections 1, 4(i), 4(j), 201–205, 218 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i),

154(j), 201–205, 218 and 403, unless otherwise noted.

2. Section 63.08 is amended by adding a colon after "are" before paragraph (a)(i), removing paragraph (a)(i), redesignating (a)(ii) and (a)(iii) as paragraphs (a)(1) and (a)(2), respectively, removing the second sentence of newly redesignated paragraph (a)(2), revising the second sentence of paragraph (b), revising paragraph (c), and adding paragraph (e) to read as follows:

§ 63.08 Lines outside of a carrier's exchange telephone service area.

* * * * *

(b) * * * "Nondominant" is defined as in § 61.15(a) of this chapter.

(c) A common carrier or its affiliate is not required to file for authority pursuant to 47 U.S.C. 214 and § 63.01 to discontinue, reduce, or impair other non-common carrier service.

* * * * *

(e) As used above, the term "affiliate" bars any financial or business relationship whatsoever by contract or otherwise, directly or indirectly between the carrier and the customer, except only the carrier-user relationship.

Note to Paragraph (e): Examples of situations in which a carrier and its customer will be deemed to be controlled or having a relationship include the following, among others: Where one is the debtor or creditor of the other (except with respect to charges for communication services); where they have a common officer, director, or other employee at the management level; where there is any element of ownership or other financial interest by one in the other; and where any part has a financial interest in both.

§ 63.09 [Removed]

3. Section 63.09 is removed.

§ 63.16 [Removed]

4. Section 63.16 is removed.

§ 63.52 [Amended]

5. Section 63.52(b) is amended by removing the reference to "63.54,".

§§ 63.54–63.58 [Removed]

6. Sections 63.54 through 63.58 and the undesignated center heading preceding them are removed.

[FR Doc. 96–6145 Filed 3–11–96; 3:40 pm]

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