

Federal Communications Commission.
John A. Karousos,
*Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.*
[FR Doc. 96-5434 Filed 3-7-96; 8:45 am]
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47 CFR Part 73

[MM Docket No. 89-455; RM-6915, RM-7259]

Radio Broadcasting services; Murdock and Avon Park, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 255A to Murdock, Florida. In addition, this document substitutes Channel 256C3 for Channel 292A at Avon Park, Florida, and modifies the license of Station WWOJ, Avon Park, to specify operation on Channel 256C3. See 54 FR 43087, October 20, 1989. The reference coordinates for Channel 255A at Murdock, Florida, are 26-58-00 and 82-16-00. The reference coordinates for Channel 256C3 at Avon Park, Florida, are 27-29-5 and 81-29-23. With this action, the proceeding is terminated. **DATES:** Effective April 18, 1996. The window period for filing applications will open on April 18, 1996, and close on May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 89-455, adopted February 23, 1996, and released March 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 47 U.S.S. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Murdock, Channel 255A.

3. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 292A and adding Channel 256C3 at Avon Park.

Federal Communications Commission.
John A. Karousos,
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[FR Doc. 96-5435 Filed 3-7-96; 8:45 am]

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47 CFR Part 73

[MM Docket No. 94-101; RM-8510]

Radio Broadcasting Services; Kerman, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 237A to Kerman, California, in lieu of previously proposed Channel 252A, as that community's second local FM transmission service, in response to a petition for rule making filed by Valley Center Broadcasting. See 59 FR 48846, September 23, 1994. EBE Limited Partnership, licensee of Station KNAX(FM), Channel 250B, Fresno, California, proposed the allotment of Channel 237A to Kerman to avoid a conflict with its modification application pursuant to the Commission's policy of attempting to resolve conflicts between rulemaking petitions and later-filed FM applications. See *Conflicts Between Applications and Petitions for Rulemaking to Amend the FM Table of Allotments*, 8 FCC Rcd 4743, 4745, n.12. Coordinates used for Channel 237A at Kerman are 36-41-00 and 120-10-48. With this action, the proceeding is terminated.

DATES: Effective April 18, 1996. The window period for filing applications will open on April 18, 1996, and close on May 20, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 237A at Kerman, California, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-101, adopted February 12, 1996, and released March 4, 1996. The full text of this

Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 237A at Kerman.

Federal Communications Commission.
John A. Karousos,
*Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.*
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47 CFR Part 73

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to Permit FM Channel and Class Modifications [Updates] by Applications*, 8 FCC Rcd 4735 (1993).

EFFECTIVE DATE: March 8, 1996.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, adopted February 20, 1996, and released March 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by removing Channel 299A and adding Channel 299C2 at Georgiana.

3. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 229A and adding Channel 231A at Wickenburg.

4. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 296A and adding Channel 296C3 at Aspen.

5. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 230A and adding Channel 230C3 at Greenwood.

6. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 277A and adding Channel 277C3 at Commerce; removing Channel 256A and adding Channel 256C3 at Fairfield; removing Channel 283C3 and adding Channel 284C2 at Ganado; removing Channel 278A and adding Channel 278C2 at New Boston; removing Channel 252C3 at Odem and adding Channel 252C2.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-5437 Filed 3-7-96; 8:45 am]

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47 CFR Part 76

[MM Docket No. 93-215; FCC 95-502]

Cable Television Rate Regulation; Cost of Service Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted the Second Report and Order and First Order on Reconsideration in MM Docket 93-215 to refine existing cost of service rules and to create final rules governing standard cost of service showings filed by cable operators seeking to justify rates for regulated cable services. By refining these rules, the Commission brings greater practicality to cost of service filing procedures and allows operators and regulatory officials increased flexibility in defining the actual costs of providing regulated cable services.

EFFECTIVE DATE: This final rule contains information collection requirements and will not become effective until approval by the Office of Management and Budget, but no sooner than 30 days after publication in the Federal Register. The Commission will publish a document specifying the effective date.

FOR FURTHER INFORMATION CONTACT: Tom Power, Cable Services Bureau, (202) 416-0800.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Second Report and Order, First Order on Reconsideration and Further Notice of Proposed Rulemaking in MM Docket No. 93-215, FCC 95-502, adopted December 15, 1995 and released January 26, 1996.

This Second Report and Order and First Order on Reconsideration contains modified information collections subject to the Paperwork Reduction Act of 1995 ("PRA"), Pub. L. No. 104-13. It has been submitted to the Office of Management and Budget ("OMB") for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the modified information collections contained in this proceeding.

The complete text of this Second Report and Order, First Order on Reconsideration and Further Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc. ("ITS Inc.") at (202) 587-3800, 2100 M Street, NW., Suite 140, Washington, DC 20017.

I. Second Report and Order and First Order on Reconsideration

A. Ratebase—Used and Useful Plant and Excess Capacity

1. In general, except as described below, we make permanent our interim rules regarding ratebase issues. We clarify that used and useful plant is plant that is actually used to send signals to customers. Plant which is not currently used and useful, however, is excess capacity, and operators may include this excess capacity in the ratebase only if it is fully constructed plant that will be used to provide regulated service within 12 months. The Commission clarifies that there are two types of excess capacity. First, where plant is being used but not to its full capacity, the portion of the plant allocated to the unused channels is excess capacity. For example, where a system provides programming over 36 channels but is capable of transmitting 48 channels of programming, the plant associated with the 12 channels not currently being used is excess capacity. In other words, in this example, the operator may only include 75% of the cost of the plant in the ratebase as used and useful plant, and may include the other 25% as excess capacity only if the 12 channels will be activated within one year. Second, excess capacity is fully constructed plant that is not being used at all, such as where the cable operator has extended its distribution line into an unserved portion of the franchise area, is ready and able to provide service to that area, but is not yet providing such service. The operator may include such plant in its ratebase to the extent it intends to place the plant into service within 12 months. However, the operator must make a corresponding adjustment to its subscriber count to include a reasonable estimate of the number of subscribers it expects to serve with that plant by the end of the 12 month period.

2. The Commission also clarifies that plant in service must be allocated between regulated and unregulated services based on a reasonable measure of the current usage of that plant. Section 76.922(g)(6)(i) of our rules currently uses the phrase "used and useful in the provision of cable services," but does not specify that such cable services must be regulated cable services. Since our authority to determine cable rates extends only to regulated services as defined by the Communications Act, only plant used and useful in the provision of regulated services should be included in the ratebase. Accordingly, for our final rules, we will make this point explicit