

unless the Commission has developed one or more definitions that are appropriate to its activities.³ Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).⁴

5. The SBA has defined a small business for Standard Industrial Classification (SIC) categories 4812 (Radiotelephone Communications) and 4813 (Telephone Communications, Except Radiotelephone) to be small entities having fewer than 1,500 employees.⁵ Small incumbent LECs subject to the universal service rules are either dominant in their field of operation or are not independently owned and operated, and consistent with our prior practice they are excluded from the definition of "small entity" and small business concerns. Accordingly, our use of the terms "small entities" and "small business" does not encompass small incumbent LECs. Out of an abundance of caution, however, for regulatory flexibility analysis purposes, we will consider small incumbent LECs within this analysis and use the term "small incumbent LECs" to refer to any incumbent LECs that arguably might be defined by the SBA as "small business concerns."

6. In the final regulatory flexibility analysis (FRFA) in the Universal Service Order, the Commission described and estimated in detail the number of small entities that would be affected by the new universal service rules.⁶ These entities included various types of telecommunications carriers and service providers, as well as schools, libraries, rural health care providers and other beneficiaries of the universal service mechanisms. The proposal in this notice would apply to the same entities described in the FRFA. Therefore we incorporate by reference the description and estimate of the number of small entities affected included in the FRFA to the Order.⁷

7. *Description of Projected Reporting, Recordkeeping and Other Compliance Requirements.* The notice does not propose any new reporting or recordkeeping requirements. It proposes to change the existing compliance requirements for universal service by adjusting the amount of support

available to schools, libraries, and rural health care providers in the first year of the new universal service support mechanisms and to ensure that the most economically disadvantaged schools and libraries receive adequate support.

8. *Description of Significant Alternatives which could Minimize Any Significant Economic Impact on Small Entities.* The requirements proposed could have a significant economic impact on small telecommunications carriers and providers, including small LECs by reducing the amount of their universal service contributions in the first year of the support mechanisms for schools and libraries, and rural health care providers. In addition the proposed requirements could have a significant economic impact on small schools, libraries, rural health care providers, and small government jurisdictions by reducing the amount of support available during that year. The notice seeks comments on alternative ways of ensuring adequate support for the most economically disadvantaged schools and libraries. We invite specific comment on the impact of the proposed requirements on small entities.

9. *Federal Rules that May Duplicate, Overlap, or Conflict With the Notice.* None.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 98-13336 Filed 5-15-98; 11:24 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-63, RM-9209]

Radio Broadcasting Services; Pottsboro, TX; Durant and Madill, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Grayson Broadcasting Company requesting the allotment of Channel 273C3 to Pottsboro, Texas; the substitution of Channel 292A for Channel 296A at Durant, Oklahoma, and the modification of Station KLBC's license; the substitution of Channel 296A for Channel 273A at Madill, Oklahoma, and the modification of Station KMAD-FM's license. Channel 273C3, Channel 292A, Channel 296A can be allotted to Pottsboro, Texas, Durant and Madill, Oklahoma, respectively, in compliance

with the Commission's minimum distance separation requirements. Channel 273C3 can be allotted to Pottsboro, Texas, without the imposition of a site restriction at coordinates 33-46-20 and 96-40-18. Channel 292A can be allotted to Durant and Channel 296A can be allotted to Madill at the existing transmitter sites of Station KLBC and Station KMAD-FM. The coordinates for Channel 292A at Durant are 34-00-07 and 96-25-19. The coordinates for Channel 296A at Madill are 34-06-24 and 96-46-30.

DATES: Comments must be filed on or before June 29, 1998, and reply comments on or before July 14, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Andrew S. Kersting, Fletcher, Heald & Hildreth, P.L.C., 11th Floor, 1300 North 17th Street, Rosslyn, Virginia 22209-3801 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-63, adopted April 29, 1998, and released May 8, 1998. 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 contractor, ITS, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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 broadcasting.

³ 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. § 632).

⁴ Small Business Act, 15 U.S.C. § 632 (1996).

⁵ 13 C.F.R. § 121.201.

⁶ Order, 12 FCC Rcd at 9227-9243.

⁷ 12 FCC Rcd at 9227-9243.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98-13166 Filed 5-18-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 98-61; FCC 98-79]

1998 Biennial Regulatory Review; Form 325—Annual Report of Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this Notice of Proposed Rulemaking ("NPRM"), the Commission seeks comment on a proposal to eliminate or modify the process of collecting Form 325, "Annual Report of Cable Television Systems." This proceeding is initiated in conjunction with the Commission's 1998 biennial regulatory review. The intended effect of this proceeding is to reduce the regulatory burden on the Commission, as well as cable operators.

DATES: Comments are due on or before June 30, 1998. Reply comments are due on or before July 15, 1998. Written comments by the public on the proposed information collections are due June 9, 1998.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Sunil Daluvoy, Consumer Protection and Competition Division, Cable Services Bureau, at (202) 418-1032. For additional information concerning the information collection contained in this NPRM, contact Judy Boley at 202-418-0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the NPRM in CS Docket No. 98-61, FCC 98-79 which was adopted on April 27, 1998 and released on April 30, 1998. A copy of the complete item is available for inspection and copying during normal business hours in the

FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857-3800. The complete Notice of Proposed Rulemaking also is available on the Commission's Internet home page (<http://www.fcc.gov>). The requirements proposed in this Notice have been analyzed with respect to the Paperwork Reduction Act of 1995 (the "1995 Act") and could potentially impose modified information collection requirements on the public. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the proposed modifications to the information collection requirements contained in this NPRM, as required by the Paperwork Reduction Act of 1995. Public comments are due June 9, 1998. Written comments must be submitted by OMB on or before July 20, 1998. Comments should address: (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 estimates; (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.

OMB Approval Number: 3060-0061.

Title: Annual Report of Cable Television Systems—Form 325.

Total Estimated Annual Burden to Respondents: 28,000 hours. The average burden to respondents is estimated to be 2 hours per Form 325 filing. 14,000 filings \times 2 hours = 28,000 hours.

Total Estimated Annual Cost of Respondents: \$14,000. Postage, stationery and photocopying costs pertaining to this filing requirement are estimated to be \$1 per form. 14,000 \times \$1 = \$14,000.

Needs and Uses: The Form 325 is a preprinted form that has been used by the Commission to annually collect ownership, community unit, statistical, technical and services information from cable television systems on a physical system basis. Operators of every operational cable television system complete the form to verify, correct and/or furnish the Commission with the most current information on their respective cable systems. Here, we have

reported burden estimates to respondents as they are currently accounted for in the Commission's Information Collection Budget for Collection Number OMB 3060-0061. Depending on public comment generated in this proceeding, the Commission will either amend the content of Form 325, eliminate the Form 325 filing requirement or will reduce the scope or frequency of the filing requirement.

SUMMARY OF ACTION:

I. Background

1. On April 27, 1998, the Federal Communications Commission ("Commission") adopted a Notice of Proposed Rulemaking which sought comment on our proposal to eliminate or modify Form 325, "Annual Report of Cable Television Systems", which is provided for in 47 CFR § 76.403. The Notice of Proposed Rulemaking is summarized below.

A. Introduction

2. Section 11 of the 1996 Telecommunications Act, instructs the Commission "to conduct a biennial review of regulations that apply to operations and activities of any provider of telecommunications service and to repeal or modify any regulation it determines to be no longer in the public interest." Although Section 11 does not refer to the cable television rules generally, the Commission has determined that the first biennial review presents an opportunity for a thorough examination of all of the Commission's regulations. We believe that consideration of the continuing need for the Form 325 information collection process is consistent with the Section 11 mandate.

B. Discussion

3. Form 325 constitutes the Commission's basic annual reporting requirement for the cable television industry. The form was developed for use on a one time basis in 1966 and was subsequently adopted as an annual filing requirement in 1971. The form was intended to provide the Commission with information that would be of value in the development of rules and policies applicable to the cable television industry. In addition, information as to both individual franchise areas and physical system operations was to be collected for use in connection with individual waiver or enforcement proceedings. The current Form 325 has also been used for two additional purposes: (1) to obtain subscribership data from which to calculate or review cable operator's