

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Vermilion	Potomac, village of	170799B	do	Mar. 22, 1974, Aug. 27, 1976 and Sept. 18, 1985.
Do	Rankin, village of	170668B	do	May 17, 1974, Oct. 31, 1975 and Sept. 18, 1985.
Moultrie	Sullivan, city of	170524B	do	Sept. 20, 1974, Oct. 17, 1975 and Sept. 18, 1985.
Indiana: Newton	Kentland, town of	180182A	do	May 24, 1974, Aug. 13, 1976, Sept. 28, 1985 and Sept. 18, 1985.
Michigan: Monroe	Summerfield, township of	260156B	do	Feb. 15, 1974, July 9, 1976 and Sept. 18, 1985.
Minnesota: Benton	Foley, city of	270020B	do	Mar. 29, 1974, June 4, 1976, April 2, 1982 and Sept. 18, 1985.
Ramsey	White Bear, township of	270688B	do	Mar. 17, 1978 and Sept. 18, 1985.
Wisconsin: Bayfield	Bayfield, city of	550017A	do	July 16, 1976 and Sept. 18, 1985.
Shawano	Bonduel, village of	550414A	do	July 16, 1976 and Sept. 18, 1985.
Columbia	Cambria, village of	550057C	do	April 12, 1974, June 11, 1976, April 6, 1979 and Sept. 18, 1985.
Marathon and Clarke	Colby, city of	550049C	do	May 31, 1974, Mar. 19, 1976, Mar. 23, 1979 and Sept. 18, 1985.
Columbia	Doylestown, village of	550059B	do	May 17, 1974, June 11, 1976 and Sept. 18, 1985.
Shawano	Gresham, village of	550418B	do	Jan. 9, 1974, May 14, 1976 and Sept. 18, 1985.
Oconto	Lenz, village of	550296B	do	June 28, 1974, Feb. 21, 1976 and Sept. 18, 1985.
Columbia	Poynette, village of	550064	do	May 3, 1974, May 23, 1976, Mar. 30, 1979 and Sept. 18, 1985.
Taylor	Rib Lake, village of	550439B	do	May 24, 1974, May 28, 1976 and Sept. 18, 1985.
Jefferson	Sullivan, village of	550197B	do	Apr. 12, 1974, July 2, 1976 and Sept. 18, 1985.
Jefferson	Waterloo, city of	550198B	do	Dec. 28, 1973, July 30, 1976 and Sept. 18, 1985.

Region VII

Iowa: Lyon	Alvord, city of	190197B	Sept. 18, suspension withdrawn	Sept. 13, 1974, Jan. 16, 1976 and Sept. 18, 1985.
Audubon	Extra, city of	190013B	do	May 10, 1974, Mar. 26, 1976 and Sept. 18, 1985.
Dallas	Redfield, city of	190061A	do	Mar. 26, 1976, and Sept. 18, 1985.

¹ The City of Dayton Lakes has adopted Liberty County's FHB dated 5-24-77 for flood insurance and floodplain management purposes. (County's Comm. No. 480438).

² Minimal conversions.

Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Issued: September 27, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance
Administration.

[FR Doc. 85-23974 Filed 10-8-85; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 43

[CC Docket No. 85-117; FCC 85-523]

Elimination of Annual Report of Holding Companies (FCC Form H)

AGENCY: Federal Communications
Commission.

ACTION: Report and Order.

SUMMARY: The Commission hereby eliminates the Form H, which is the annual report filed by holding companies that do not file copies of the Securities and Exchange Commission Form 10-K. This recordkeeping and reporting requirement is no longer needed for the Commission's regulatory

purposes because it largely duplicates information filed by the holding companies' subsidiaries and parent corporations. The elimination of this requirement will reduce common carrier recordkeeping and reporting burdens.

EFFECTIVE DATE: October 9, 1985.

FOR FURTHER INFORMATION CONTACT:
Alan Feldman, Industry Analysis
Division, Common Carrier Bureau (202)
632-0745.

List of Subjects in 47 CFR Parts 1 and 43

Communications common carriers,
Reporting and recordkeeping
requirements.

Report and Order (Proceeding Terminated)

In the matter of elimination of annual
report of holding companies (FCC Form H),
CC Docket No. 85-117.

Adopted: September 24, 1985.

Released: October 3, 1985.

By the Commission:

Introduction

1. Earlier this year the Commission
issued a *Notice of Proposed Rulemaking*

¹ (*Notice*) that proposed to eliminate the requirement that certain holding companies of communications common carriers file Annual Report Form H with this Commission. In that *Notice* we reasoned that Form H duplicated information already provided to the Commission and thus unnecessarily burdened both the companies and the Commission staff. Based upon the comments submitted to that *Notice*,² all of which supported our proposal, the Commission hereby amends its rules to eliminate the filing requirements for the holding company annual FCC Form H.³

¹ FCC 85-195, released April 25, 1985.

² Comments were received from ITT Corp. Affiliates (ITT), Pacom, Inc. and Willamette Development Corporation (Pacom and Willamette), MCI International, Inc. (MCI) and the United States Telephone Association (USTA).

³ Sections 1.785 and 43.21 of the Commission's Rules, which set forth the filing requirements for Form H, are founded upon section 219(a) of the Communications Act, which gives the Commission discretionary authority to require annual reports. No section of the Communications Act requires the Commission to receive annual reports from holding companies or their carriers.

2. Section 43.21 of the Commission's Rules (47 CFR 43.21) currently requires that companies that are not common carriers and that directly or indirectly control common carriers having annual revenues in excess of \$2,500,000, must file with this Commission either two copies of the Form 10-K, a form prescribed by the Securities and Exchange Commission (SEC), or another form prescribed by this Commission. Section 1.785 (47 CFR 1.785) of the Commission's Rules further specifies that holding companies that do not file Form 10-K with the SEC must file Annual Form H with this Commission. Form H is a forty-five page document that requests detailed information on the stock and stockholders; officers and directors; funded debt; property, franchises, and equipment; employees and their salaries; and financial operations of the reporting companies.*

Discussion

3. Information from holding companies of common carriers is only important to the Commission insofar as it assists us in fulfilling our statutory obligations regarding the carriers we regulate. Form H, however, provides the Commission with minimal new or useful information concerning these carriers. The majority of the information provided in Form H duplicates information contained in other reports filed with the Commission. The Commission already receives from every regulated common carrier annual reports that include more detailed information than Form H provides.⁵ In addition, each of the holding companies to which the Form H requirement applies are currently controlled by parent companies that file Forms 10-K with the SEC and with this Commission.

* Three companies filed Form H for 1983. They were American Cable and Radio Corporation (now ITT Communications Services, Inc.), FI Holdings, Inc. (formerly FTC Industries, Inc.), and U.S. Telephone and Telegraph Corporation (not ITT Communications and Information Services, Inc.). Four other companies requested and received waivers of the Form H filing requirement. They were Pacific Telecom, Inc., Willamette Development Corporation, Pacom, Inc., and MCI International Inc. On March 20, 1985, the Commission issued an Order granting waivers of the Form H filing requirement for 1984 to all subject carriers until September 30, 1985. See, Extension of Filing Date for Annual Report of Holding Companies (FCC Form H), Order, Mimeo No. 3268, released March 20, 1985.

On March 29, 1985, ITT Communications Services, Inc., and ITT Communications and Information Services, Inc., each petitioned the Commission for a waiver of the Form H filing requirement for 1984. See, letter from Mr. Peter M. Andersen to Mr. Albert Halprin, Chief, Common Carrier Bureau, dated March 29, 1985. By eliminating the Form H filing requirement completely, this Report and Order moots those petitions.

⁵ Currently, common carriers annually file either Form M, which is 93 pages in length, or Form O/R, which is 117 pages in length.

Thus, the information submitted by the holding companies on Form H is largely contained in their subsidiary common carriers' annual reports and in their parent companies' Forms 10-K.

4. The Commission uses all of these reports primarily to determine the financial health of the common carrier and occasionally to assist in rate case proceedings. Detailed examination of the intermediary holding companies' financial data is seldom necessary for either of these purposes. Thus, even if the Forms H did not duplicate material found in the other reports, there would be little need to examine the data of the intermediary holding company when information from the subsidiary and the parent are already available. As a result, Form H has seldom been used by the Commission staff in carrying out its duties.

5. The Form H requirement places significant burdens on both the Commission staff and on the companies to whom the regulation applies. As we stated in the Notice, eliminating Form H will "reduce the Commission's costs associated with redesigning, printing, mailing, reviewing and analyzing the reports."⁶ Since Form H has not been updated since it was created in the 1930's, continuing the filing obligation would require the staff to revise the form completely, a project that is not worth the time and cost that would be necessary.

6. Completing Form H also involves a waste of time and resources for the holding companies. While much of the information required by Form H is simply transferred from other reports, the company must retrieve or create a small amount of information specifically for the purposes of this report. It was estimated that it would take ten to fifteen person-days to complete each form.⁷ Especially as the communications arena becomes more competitive, it becomes increasingly important for firms not to be tied down by such unproductive and unnecessary reporting requirements.

7. Finally, we note that the Commission retains the authority to undertake special studies requesting detailed information if necessary.⁸ A special study could be designed so as to acquire the specific information necessary in the least costly manner

⁶ Notice, para. 6.

⁷ See comments of Pacom and Willamette, p. 2.

⁸ Section 219(b) of the Communications Act authorizes the Commission "to require any [holding companies of common] carriers . . . to file periodical and/or special reports concerning any matters with respect to which the Commission is authorized or required by law to act."

possible. Eliminating the Form H filing requirement thus will reduce the burdens on both the industry and the Commission without impairing the Commission's ability to regulate effectively.

Conclusion and Ordering Clauses

8. The requirements of §§ 1.785 and 43.21 that holding companies of common carriers file Form H when they do not file Form 10-K is both unnecessary and burdensome. The information filed in Form H largely duplicates material already submitted on other forms and is not used by the Commission staff for any regulatory purpose. Further, the Form H filing requirement taxes the resources of both the Commission and the holding companies without any substantive benefit. Eliminating Form H will benefit the public by saving time and money, thereby allowing the companies and the Commission to serve the public most efficiently. Eliminating Form H will also be consistent with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), which requires agencies to revoke rules that serve no beneficial function.

9. Accordingly, it is ordered, that, pursuant to the provisions of Sections 4(i), 219, 220, 403 and 404 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 219, 220, 403 and 404, and Section 553 of the Administrative Procedure Act, 5 U.S.C. § 553, the policies discussed herein are adopted, and that §§ 1.785 and 43.21 of the Commission's Rules, 47 CFR 1.785 and 43.21 are amended as set forth in the Appendix.

10. It is further ordered, that the Secretary shall publish this Report and Order in the Federal Register, and that the policies and amendments adopted herein shall become effective upon publication.

11. It is further ordered, that this proceeding is hereby terminated.

Federal Communications Commission
William J. Tricarico,
Secretary.

Appendix

PART 1—[AMENDED]

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

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement. 5 U.S.C. 552, unless otherwise noted.

2. Section 1.785 is amended as follows:

§ 1.785 [Amended]

(a) Section 1.785(a)(1) is removed

(b) Section 1.785(a)(2) through 1.785(a)(4) are renumbered § 1.785(a)(1) through § 1.785(a)(3).

PART 43—[AMENDED]

B. 1. The authority citation for Part 43 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220, unless otherwise noted.

2. Section 43.21(c) is revised to read as follows:

§ 43.21 Annual reports of carriers and certain affiliates.

(c) Each company, not of itself a communication common carrier, that directly or indirectly controls any communication common carrier having annual revenues in excess of \$2,500,000 shall file annually with the Commission, not later than the date prescribed by the Securities and Exchange Commission for its purposes, two complete copies of any annual report Forms 10-K (or any superseding form) filed with that Commission.

[FR Doc. 85-24070 Filed 10-8-85; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Parts 1 and 43

[CC Docket No. 85-118; FCC 85-522]

Elimination of Monthly Consolidated System Report 901

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: The Commission hereby eliminates the Consolidated System Report 901, which is the monthly report filed by companies controlling a system of two or more telephone communications common carrier subsidiaries, all of which are subject to the Commission's Rules. This recordkeeping and reporting requirement is no longer needed for the Commission's regulatory purposes, because it largely summarizes information in other reports submitted by the subsidiary carriers. The elimination of this requirement will reduce common carrier recordkeeping and reporting burdens.

EFFECTIVE DATE: October 9, 1985.

FOR FURTHER INFORMATION CONTACT: Alan Feldman, Industry Analysis Division, Common Carrier Bureau, (202) 632-0745.

List of Subjects in 47 CFR Parts 1 and 43

Communications common carriers, Reporting and recordkeeping requirements.

Report and Order (Proceeding Terminated)

In the matter of elimination of monthly Consolidated System Report 901, CC Docket No. 85-118.

Adopted: September 24, 1985.

Released: October 3, 1985.

By the Commission.

Introduction

1. Earlier this year the Commission issued a *Notice of Proposed Rulemaking (Notice)*¹ that proposed to eliminate monthly consolidated system FCC Report 901. The Commission reasoned that the report largely summarized information contained in other reports submitted to the Commission and was thus unnecessary and burdensome. After reviewing the comments submitted to that *Notice*,² we confirm our tentative findings in the *Notice* and hereby amend our rules to eliminate the filing requirements for consolidated Form 901.³

2. Section 43.31(b) of the Commission's Rules (47 CFR 43.31(b)) requires that companies that control two or more common carriers, all of which are subject to the Commission's Rules, must file two copies of a consolidated system report each month. Section 1.786 (47 CFR 1.786) of the Commission's Rules specifies that this consolidated system report should be filed on FCC Form 901. Form 901 contains summary information on operating revenues, expenses, taxes, other operating and income items, messages and selected balance sheet items. Currently, the

¹FCC 85-194, released April 25, 1985.

²Comments were submitted by American Information Technologies Corporation (Ameritech), BellSouth Corporation (BellSouth), New York Telephone Company and New England Telephone and Telegraph Company (NYNEX Companies), Pacific Telesis Group (Pacific Telesis), and United States Telephone Association (USTA). The North American Telecommunications Association (NATA) filed its comments one day late. If filed a motion to accept its late-filed comments together with its comments. In light of our desire to address all relevant issues, and especially since NATA was the only commenter to oppose our proposal, NATA's motion is granted. Reply comments were filed by Ameritech, the Bell Atlantic telephone companies (Bell Atlantic), BellSouth, NYNEX, Pacific Telesis, US West, Inc., and NATA.

³Sections 1.799 and 43.31 of the Commission's Rules, which set forth the filing requirements for the consolidated system report Form 901, are founded upon section 219(b) of the Communications Act, which gives the Commission discretionary authority to require monthly reports. No section of the Communications Act requires the Commission to receive monthly reports from holding companies or their carriers.

twenty-two Bell Operating Companies each submit individual Forms 901 every month (as prescribed by § 43.31(a) of the Commission's Rules, 47 CFR 43.31(a)). The Commission also receives monthly consolidated system report Forms 901 from six of the seven regional holding companies (RHCs).⁴ A completed consolidated report Form 901 essentially summarizes the financial operations of the individual operating companies that each holding company owns. The consolidated system report Form 901 does not contain any information from the holding companies pertaining to their non-regulated operations or pertaining to their intracorporate transactions.

Discussion

3. The consolidated system report that AT&T submitted before the divestiture (the only consolidated report received by the Commission at that time) provided a useful summary of the operations of the Bell System because it eliminated intercompany duplications. Since the divestiture, however, the consolidated system reports submitted by the regional holding companies provide virtually no new information that is not already filed in the independent operating company monthly reports. For the most part, the holding companies obtain the figures that they enter on their consolidated Form 901 simply by totaling the figures entered on their operating companies' individual Forms 901. The Commission can readily perform this calculation on its own.

4. The consolidated 901 filing requirement is thus a waste of resources, consuming the time and expenses of both the Commission and the holding companies for no useful purpose.⁵ By eliminating the consolidated Form 901 filing requirement the Commission will save the costs of receiving, processing and reviewing the Form 901 data, and will save the costs of mailing the reports back to the companies.

5. The holding companies will also reduce their costs. As one commenter explained,⁶ in order to satisfy this filing

⁴Southwestern Bell does not file a consolidated report because it controls only one common carrier. Other holding companies, such as GTE, do not file consolidated reports because not all of their subsidiaries are subject to FCC Rules.

⁵While the Commission totals and publishes the individual 901 reports on a quarterly basis, the consolidated 901 is neither published nor used internally by Commission staff.

⁶See Comments of Ameritech, pp. 2-3.

requirement, the holding company must receive the data from each of its operating companies, enter the data in its own computer system, review the data for accuracy, compile the summary, send the report to the Commission, receive a printout back from the Commission confirming receipt of the report, and review the printout for accuracy. The costs of this process to the companies far outweigh the costs to the Commission of simply totaling the operating companies' figures that were already entered into the Commission's computer system. Several commenters pointed out that the holding companies would not prepare this consolidated report if not for the Commission's filing requirement. Thus, eliminating the consolidated 901 filing requirement would directly relieve the firms of the cost of preparing this report.

6. Only one commenter, NATA, objected to our proposal to eliminate the report. NATA argues that during this period of uncertainty engendered by the divestiture, it is especially important for the Commission to monitor the monopoly activities of the BOCs closely and to gather as much information as possible to carry out this function. NATA claims that the Commission's monitoring ability has already suffered due to the decline in the number of monthly reports (MRs) filed by the carriers. NATA fears that eliminating the consolidated Form 901 filing requirement will further erode the Commission's supervisory powers. We agree that the communications arena is changing rapidly and we intend to monitor the actions of all the regulated carriers closely. For this reason the Commission, contrary to NATA's claim, continues to require and to receive monthly reports from all the regulated carriers. The consolidated Form 901, however, does not help us to monitor the carriers since it provides little information that the Commission does not already receive.

7. NATA also argues that even if the consolidated Form 901 only summarizes the individual 901 reports, the figures on the two forms do not always add up as they should. NATA cites a consolidated Form 901 submitted by NYNEX on which three of eight figures did not equal the total of the figures on the separate New York Telephone and New England Telephone individual Forms 901. NATA argues that requiring the RHCs to fill out the consolidated form and to submit it for public review provides an incentive for the RHCs to conduct their bookkeeping honestly and

accurately. As the majority of the commenters point out, however, the RHCs subject themselves to numerous internal and external audits, some of which are made available to the public and to the Securities and Exchange Commission. Although errors may occur, it is likely that the companies themselves would locate them well before the Commission would.⁷ Retaining the consolidated Form 901 simply in order to check on the accounting accuracy of the holding companies would constitute an unnecessary and wasteful use of the Commission's resources, as well as a burden on the RHCs.

Conclusion and Ordering Clauses

8. The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et. seq.*) ordered agencies to review their rules and regulations to determine which of them serve a practical purpose and which simply impose unnecessary burdens. The consolidated system report filing requirement is a prime example of the type of unnecessary and burdensome government regulation that should be eliminated. Removing this filing requirement will save time and money for both the Commission and the holding companies without producing any net information loss.

9. Accordingly, it is ordered, that, pursuant to the provisions of Sections 4(i), 219, 220, 403 and 404 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 219, 220, 403 and 404, and section 553 of the Administrative Procedure Act, 5 U.S.C. 553, the policies discussed herein are adopted, and that §§ 1.786 and 43.31 of the Commission's Rules, 47 CFR 1.786, 43.31, are amended as set forth in the Appendix.

10. It is further ordered, that the Secretary shall publish this Report and Order in the Federal Register, and that the policies and amendments adopted herein shall become effective upon publication.

11. It is further ordered, That this proceeding is hereby terminated.

Federal Communications Commission,
William J. Tricarico,
Secretary.

PART 1—[AMENDED]

Appendix

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

⁷In fact, in the example cited by NATA regarding the discrepancy in NYNEX's consolidated Form 901, NYNEX itself was the first to notice the error and to correct it.

Authority: Secs 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement. 5 U.S.C. 552, unless otherwise noted.

§ 1.786 [Amended]

2. Section 1.786 is amended by removing paragraph (b) and the "[a]" designator.

PART 43—[AMENDED]

B. 1. The authority citation for Part 43 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220 unless otherwise noted.

§ 43.31 [Amended]

a. Section 43.31(b) is removed.
b. Section 43.31(c) is redesignated § 43.31(b).

FR Doc. 85-24069 Filed 10-8-85; 8:45 am
BILLING CODE 6712-01-M

47 CFR Part 21

[General Docket No. 82-334]

Establishment of a Spectrum Utilization Policy for the Fixed and Mobile Services' use of Certain Bands Between 947 MHz and 40 GHz

AGENCY: Federal Communications Commission.

ACTION: Final rules; correction.

SUMMARY: This document corrects several errors contained in the Final Rule (2nd R & O), in the proceeding concerning the establishment of a spectrum utilization policy, published on February 22, 1985, 50 FR 7338.

FOR FURTHER INFORMATION CONTACT: Donald Campbell, Office of Science and Technology, (202) 653-8171.

Erratum

In the matter of establishment of a spectrum utilization policy for the fixed and mobile services' use of certain bands between 947 MHz and 40 GHz; Gen. Doc. 82-334.

Released: October 3, 1985.

1. On February 8, 1985, the Commission issued a *Second Report and Order* in Gen. Doc. 82-334, 50 FR 7338 (February 22, 1985). Several inadvertent typographical errors have been detected in this Order. Those errors are addressed in the following paragraphs

by rule section affected.

2. Section 21.107 is corrected by replacing the phrase "above 10,000 . . . 10 [2, 3]" in the Table in paragraph (b) as follows:

§ 21.107 Transmitter power.

(b) * * *	
10,000 to 31,000	10 [2, 3]
31,000 to 31,300	0.05
Above 31,300	10 [2]

3. Section 21.701 is corrected to indicate that Note [16] and paragraph (f) are added in lieu of Note [15] and paragraph (e) as follows:

§ 21.701 Frequencies

(a) * * *
31,000-31,300 MHz [16]

[16] Frequencies in this band are co-equally shared with stations in the Auxiliary Broadcasting (Part 74), Cable Television Relay (Part 78), Private Operational-Fixed Microwave (Part 94) and General Mobile Radio (Part 95) Services.

4. Section 21.801 is corrected to indicate that Note [7] is added in lieu of Note [6] as follows:

§ 21.801 Frequencies.

(a) * * *
31,000 to 31,300 MHz [7]

[7] Frequencies in this band are co-equally shared with stations in the Auxiliary Broadcasting (Part 74), Cable Television Relay (Part 78), and Private Operational-Fixed Microwave (Part 94) and General Mobile Radio (Part 95) Services.

Federal Communications Commission
William J. Tricarico,
Secretary.

[FR Doc. 85-24182 Filed 10-8-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-718; RM-4662; RM-4966]

FM Broadcast Station in Rutland, West Rutland, VT, and Plattsburgh, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allocates Channel 233A to Rutland, Vermont, as that community's third local FM service, at the request of Howard M. Ginsberg and John O. Kimel, and Channel 298A to West Rutland, Vermont, as that community's first local service, at the request of Brian Dodge.

EFFECTIVE DATE: November 7, 1985.

DATES: Comments must be filed on or before November 8, 1985, and reply comments on or before December 9, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083 as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Rutland and West Rutland,¹ Vermont, and Plattsburgh, New York); MM Docket No. 84-718, RM-4662, RM-4866.

Adopted: September 19, 1985.

Released: October 1, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making and Order to Show Cause*, 49 FR 31305, published August 6, 1984, proposing the allocation of Channel 261A to Rutland, Vermont, as that community's third local FM service, at the request of Howard M. Ginsberg and John O. Kimel ("G&K"). In order to comply with the Commission's mileage separation requirements, it was also proposed to modify the license of Station WGFB, Plattsburgh, New York to specify Channel 260C2 in lieu of its present Channel 260. Comments and reply comments were filed by G&K and by Plattsburgh Broadcasting Corporation, licensee of Station WGFB ("WGFB"), Rumford Communications, Inc. ("RCI"), licensee of FM Station WJYY, Concord, New Hampshire, filed comments and a motion to consolidate this proceeding with Docket 83-357 concerning FM allotments at Killington, Vermont, Lake George, New York, and Kittery, Maine, to which WGFB responded.²

¹This community has been added to the caption.

²Rumford's request to upgrade its Class A Station WJYY, Concord, New Hampshire, operation to a B1 and its Motion to Consolidate have been resolved in the Docket 83-357 proceeding. Therefore, it will not be discussed herein. See, *Report and Order*, 50 FR 34700, published August 27, 1985.

2. Brian Dodge ("Dodge") filed a counterproposal requesting the allocation of Channel 261A to West Rutland and Channel 298A to Rutland, Vermont (RM-4866). West Rutland (population 2,169),³ in Rutland County (population 58,347), is located approximately 3 miles west of Rutland. The Community has no local aural service. Dodge states that allocating an FM channel to West Rutland would help it to grow.

3. Timothy Allen ("Allen") also filed a counterproposal requesting the allocation of Channel 282A to North Clarendon, Vermont, Channel 298A or Channel 298B1 to Rutland, and Channel 283A to West Rutland (RM-5039). An alternate channel has been found for North Clarendon which does not conflict with either the Rutland or West Rutland proposals. Therefore, Allen's request will be the subject of a separate Notice of Proposed Rule Making.

4. WGFB filed comments objecting to the reclassification of its operation to specify Channel 260C2 stating that it desires to upgrade its operation to full Class C facilities. It also argues that Station WGFB, as a Class C, is entitled to the three year period granted in Docket 80-90⁴ in which to decide whether to increase its facilities before being downgraded. However, WGFB states that because of the proposals herein, it has already examined its situation and believes that it can indeed upgrade to full Class C facilities, complying with both the minimum spacings required to all domestic allocations as well as with its limitations toward Canadian stations. To this end, it has submitted an application proposing facilities of 100 kW power and 300 meters above average terrain antenna height (BPH-840927AL).

5. G&K reiterate their intention to apply for either Channel 261A or any other channel which is allocated to Rutland. They argue that the Commission should not consider Dodge's counterproposal in that he neglected to provide any technical data in support of his claim that the channels could be allocated to Rutland and West Rutland, as required by the Commission's rules, coupled with the fact that at the time the proposal was submitted, the Commission was not yet

³Public Notice of the counterproposal was given on October 15, 1984, Report No. 1482.

⁴All population figures are taken from the 1980 U.S. Census, unless otherwise indicated.

⁵Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, 94 F.C.C. 2d 152 (1983).