

criteria established by the State for determining the need for such assistance.

"In kind assistance" means assistance furnished in any form except direct cash payments to an applicant or recipient or direct payments to an applicant or recipient through other financial instruments which are convertible to cash.

"Private, nonprofit organization" means a religious, charitable, educational, or other organization such as described in section 501(c) of the Internal Revenue Code of 1954. (Actual tax exempt certification by IRS is not necessary).

"Rate-of-return entity" means an entity whose revenues are primarily received from the entity's charges to the public for goods or services, and such charges are based on rates regulated by a State or Federal governmental body.

"Support and maintenance assistance" means any assistance designed to meet the expenses of day to day living. Support and maintenance assistance includes home energy assistance. Home energy assistance means any assistance related to meeting the cost of heating or cooling a home. Home energy assistance includes such items as payments for utility service or bulk fuels; assistance in kind such as portable heaters, fans, blankets, storm doors, or other items which help reduce the costs of heating and cooling such as conservation or weatherization materials and services; etc.

(c) *Requirements for State Plans.* If a State elects to exclude from income and resources support and maintenance assistance, the State plan for AFDC must as specified below:

(1) Provide that an appropriate State agency will certify that support and maintenance assistance is based on need (as defined in paragraph (b) of this section), and that such certification will be accepted for purposes of determining eligibility for and the amount of payments under the AFDC program.

(2) Provide that in joint AFDC/SSI households, support and maintenance assistance furnished to the household which is not excluded under this paragraph will be prorated on a reasonable basis to determine the amount provided to the AFDC assistance unit. The State plan must describe the method that will be used to prorate the assistance in these circumstances.

(3) Provide that the types and amount of support and maintenance assistance that are excluded when received by an AFDC applicant or recipient will also be excluded in determining the income and resources of a parent, stepparent,

spouse or alien sponsor whose income is considered available to an AFDC applicant or recipient.

(4) *From October 1, 1984 through September 30, 1987*, provide that the State may exclude from income and resources, support and maintenance assistance (as defined in paragraph (b) of this section) which the appropriate State agency certifies is based on need, if the assistance is furnished by:

(i) A supplier of home heating gas or oil, regardless of whether the assistance is in cash or in kind; or

(ii) A municipal utility providing home energy, regardless of whether the assistance is in cash or in kind; or

(iii) A rate-of-return entity which provides home energy, regardless of whether the assistance is in cash or in kind; or

(iv) A private nonprofit organization, but only if such assistance is in kind.

(5) Provide that, if the State elects to exclude from income and resources any support and maintenance assistance, the State plan must:

(i) Describe the criteria that will be used to determine the need for the assistance;

(ii) Identify the types and amounts of assistance which will be excluded; and

(iii) Provide that any limitations will be made on a reasonable basis.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[FCC 86-369]

Identification Requirements for Equipment Covered Under the Equipment Authorization Program

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission eliminates the filing requirements for grantees of equipment authorizations desiring to add additional model and type number of electrically identical equipment to their original grant. The Commission also amends its Rules to give additional information to the public on its equipment authorization program. This is a Commission initiated action to clarify the equipment authorization rules and remove a filing requirement it finds unnecessary and burdensome.

EFFECTIVE DATE: November 28, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Charles Cobbs, Office of Engineering and Technology, tel: (301) 725-1585.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted August 7, 1986, and released September 11, 1986.

The full text of Commission decisions is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 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, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Order

The Commission discontinues the filing requirement for grantees equipment authorizations desiring to add additional model and type numbers to their original grant for electrically identical equipment, as specified under § 2.933 of the Rules. Commission experience has shown this requirement to be unnecessary. Requests for additional model or type numbers are usually made because of changes in cabinet color or style or other insignificant modifications that do not affect the capability of the equipment to comply with the relevant technical standards.

The subject Order also gives additional information on the equipment authorization program by amending §§ 2.936, 2.939, and 2.967 of the Rules.

Ordering Clauses

Accordingly, it is ordered, That, under the authority contained in sections 4(i), 302, 303(r) of the Communications Act of 1934, as amended, Parts 2 and 15 of the Rules are amended as shown below.

List of Subjects

47 CFR Part 2

Communications equipment, Equipment, Identification.

47 CFR Part 15

Communications equipment, Reporting requirements.

PART 2—[AMENDED]

A. Part 2 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 4, 302, 303, 307, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 302, 303, 307, unless otherwise noted.

2. In § 2.933, paragraph (a) is revised to read as follows:

§ 2.933 Change in identification of equipment.

(a) A new application for equipment authorization shall be filed whenever there is a change in the identification of the equipment with or without a change in design, circuitry or construction. However, for electrically identical equipment, a change in type or model number will not be considered to be a change in identification, and will not require a new application for equipment authorization.

3. In § 2.936, paragraphs (b) and (c) are revised to read as follows:

§ 2.936 FCC Inspection.

(b) The record of design drawings and specifications required by § 2.938(a).

(c) The record of the procedures used for production inspection and testing required by § 2.938(a)(2).

4. In § 2.939 paragraph (a)(1) is revised to read as follows:

§ 2.939 Revocation or withdrawal of equipment authorization.

(a) * * *
(1) For false statements or representations made either in the application or in materials or response submitted in connection therewith or in records required to be kept by § 2.938.

5. In § 2.967, paragraph (c) is revised as follows:

§ 2.967 Changes in type approved equipment.

(c) If the Commission authorizes the change(s) requested, it may require the assignment of new identification pursuant to §§ 2.925 and 2.926 of this Chapter.

6. The authority citation for § 2.1001 is removed.

7. In § 2.1001, paragraph (d) is revised as follows:

§ 2.1001 Changes in type accepted equipment.

(d) If the Commission authorizes the changes requested, it may require the assignment of a new FCC Identifier.

8. In § 2.1035, paragraph (a) and paragraph (c)(1) are revised as follows:

§ 2.1035 Abbreviated procedure for identical or private label equipment.

(a) Application for certification of a private label equipment which is

essentially identical to previously certificated equipment shall be filed on FCC Form 731. Items that do not apply shall be so noted.

(c) * * *
(1) The name and FCC Identifier of the previously certificated receiver. If the original grant of authorization was made before May 1, 1981, name and model number shall be submitted.

PART 15—[AMENDED]

B. Part 15 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 15 is revised to read as follows:

Authority: Secs. 4, 302, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 302, 303; Interpret or apply Sec. 301, 48 Stat. 1081; 47 U.S.C. 301, unless otherwise noted.

2. The authority citation for § 15.46 is removed.

3. In § 15.46, paragraphs (a) and (b) are revised as follows:

§ 15.46 Photographs required.

(a) For a receiver attach a photograph showing the general appearance of the receiver and the controls available to the user. If this photograph does not show the required identification in sufficient detail so that the name and FCC Identifier can be read, attach a second photograph giving this detail. If the device is a TV receiver and the channel readout provision is not clear on these photographs attach an additional photograph clearly showing the channel readout provision.

(b) For a device other than a receiver, attach a sufficient number of photographs to clearly show the exterior appearance, the construction, the component placement on the chassis and the chassis assembly. The exterior views shall show the overall appearance, the antenna used with the device, the controls available to the user, and the required identification label in sufficient detail so that the name and FCC Identifier can be read.

4. In § 15.48, paragraphs (a), (b), (c) introductory text and paragraph (c)(1) are revised as follows:

§ 15.48 Private label device—Multiple listing of a device.

(a) When the same or essentially the same device will be marketed under more than one trade name (as in the case of private label equipment), certification or type approval must be requested separately for each such additional trade name.

(b) If certification for additional trade name is requested in the initial application, a statement shall be included describing how these additional devices differ from the basic device that was measured and stating that the report of measurements submitted for the basic device, applies also to the additional devices.

(c) If certification for additional trade name(s) is requested after the basic device has been certificated, the application may, in lieu of the report of measurement, be accompanied by a statement including:

(1) The name of FCC Identifier of the device for which measurements are on file with the Commission. If the original grant of authorization was made before May 1, 1981, name and model number of the device shall be submitted.

5. In § 15.143, paragraph (a) is revised to read as follows:

§ 15.143 Report of measurements.

(a) Specific identification of the device that was measured including name and address of manufacturer, the name of the applicant for certification, FCC Identifier, if different, the trade name if any, the model number, and serial number, if any.

William J. Tricarico,
Secretary.

[FR Doc. 86-24397 Filed 10-28-86; 8:45 am]
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47 CFR Part 42

[CC Docket No. 84-283]

**Common Carrier Services;
Preservation of Records of
Communication Common Carriers;
Correction**

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On September 15, 1986, the Commission published a Report and Order in this proceeding concerning amendment of Part 42, "Preservation of Records of Communication Common Carriers", 51 FR 32651. An error was detected in § 42.6 and is corrected by amendment herein.

EFFECTIVE DATE: October 29, 1986.

FOR FURTHER INFORMATION CONTACT: Debra Weber or John T. Curry (202) 634-1861.

List of Subjects in 47 CFR Part 42

Reporting and recordkeeping requirements.

PART 73—[AMENDED]

Part 42 of Title 47 of the CFR is amended as follows:

Part 42 Preservation of Records of Communication Common Carriers.

1. The authority citation for Part 42 continues to read as follows:

Authority: Section 4(i), 48 Stat. 1066, as amended, 47 U.S.C. 154(i).

2. Section 42.6 is revised to read as follows:

§ 42.6 Retention of telephone toll records.

Each carrier that offers or bills toll telephone service shall retain for a period of 18 months such records as are necessary to provide the following billing information about telephone toll calls: the name, address, and telephone number of the caller, telephone number called, date, time and length of the call. Each carrier shall retain this information for toll calls that it bills whether it is billing its own toll service customers for toll calls or billing customers for another carrier.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-24398 Filed 10-28-86; 8:45 am]

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47 CFR Part 74

[MM Docket No. 83-523; FCC 86-409]

Amendment of the Commission's Rules and Regulations in Regard to the Instructional Television Fixed Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action disposes of petitions for partial reconsideration of the decisions made in *Memorandum Opinion and Order* in MM Docket 83-523 (*ITFS Reconsideration Order*), FCC 86-66, released March 14, 1986, [51 FR 9796; March 21, 1986] which confirmed most of the rule modifications adopted for the ITFS service in *Second Report and Order* in MM Docket 83-523 (*ITFS Order*), 101 FCC 2d 49 (1985). The petitions requested that further rule modifications adopted in the *ITFS Reconsideration Order* be reconsidered and repealed. One subject modification permits nonlocal ITFS applicants to amend their applications *pro forma* to

substitute local parties, thereby preventing dismissal during the local priority period. The other modification awards two preference points to any ITFS applicant which is mutually exclusive with another and is seeking its first ITFS facilities in the area where it has applied.

EFFECTIVE DATE: November 12, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Bruce Romano, tele: 202-632-9356.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order* in MM Docket 83-523, FCC 86-409, and released October 3, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 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, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Memorandum Opinion and Order

1. This *Memorandum Opinion and Order* considers petitions for reconsideration filed by several parties regarding the *ITFS Reconsideration Order*. Petitioners insist that the Commission should not have permitted nonlocal ITFS applicants the opportunity to amend their applications by substituting local parties as applicants without losing their cut-off status. They argue that this procedure violates the Commission's cut-off rules and the cut-off local applicants' rights, violates the commissions' rule regarding major and minor amendments, and does not accomplish the desired results. Other petitioners contend that the new rule adopted to favor applicants with no ITFS facilities over those with one or more ITFS channels in the area, where the two are mutually exclusive, unfairly and unwisely prejudices those parties which were pioneers in the field and have already demonstrated their ability to provide ITFS service.

2. The Commission rejects petitioners arguments regarding the amendment provision for nonlocal applicants. It states that it has justified the limited exception to its normal procedures that the rule provides.

3. The Commission agrees with petitioners regarding the two point preference for new facilities. To eliminate the unfairness that would

penalize a party with one channel, and award three channels to a new party, it eliminates the new rule. To maintain the desired preference for applications for new channels over other modifications of facilities, existing rule § 74.913(b)(3)(i) is clarified by a note which states that the two-point preference awarded under that section (for applications that would result in the total acquisition of four or fewer channels by the applicant) is not available to applicants seeking modifications of their facilities, other than the addition of new channels.

Ordering Clauses

4. Accordingly, It Is Ordered, That the petitions to deny filed on behalf of the first two groups of parties listed in footnote one, above, Are Denied.

5. It Is Further Ordered, That the petitions to deny filed by C, D, E Are Granted In Part, to the extent indicated herein.

6. It Is Further Ordered, That Part 74 of the Commission's Rules and Regulations Are Amended, effective November 12, 1986, as set forth in Appendix A, under authority contained in 47 U.S.C. 2, 4(i), and 303.

List of Subjects in 47 CFR Part 74

Experimental, auxiliary, and special broadcast and other program distribution services, Television broadcasting.

Rule Changes**PART 74—[AMENDED]**

7. Part 74 of Title 47 of the Code of Federal Regulations is amended as follows:

1. the authority citation for Part 74 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 74.913 is amended by removing paragraph (b)(3)(ii); redesignating paragraph (b)(3)(i) as (b)(3); and adding new Note 3, to read as follows:

§ 74.913 Selection procedure for mutually exclusive ITFS applications.

* * * * *

Note 3: Subparagraph (b)(3) above does not apply to applications for modification of facilities other than the addition of channels. Federal Communications Commission. William J. Tricarico, Secretary.

[FR Doc. 86-24400 Filed 10-28-86; 8:45 am]

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