

PART I—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 *et seq.*, and 47 U.S.C. 151, 154(i), 154(j), and 303(r).

2. A new subpart S, consisting of Sections 1.4000 through 1.4007, is added to part 1 to read as follows:

Subpart S—Exempt Telecommunications Companies

Sec.

- 1.4000 Purpose.
- 1.4001 Definitions.
- 1.4002 Contents of application and procedure for filing.
- 1.4003 Effect of filing.
- 1.4004 Commission action.
- 1.4005 Notification of Commission action to the Securities and Exchange Commission.
- 1.4006 Procedure for notifying Commission of material change in facts.
- 1.4007 Comments.

Subpart S—Exempt Telecommunications Companies**§ 1.4000 Purpose.**

The purpose of part 1, subpart S, is to implement Section 34(a) of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79 *et seq.*, as added by Section 103 of the Telecommunications Act of 1996, Public Law No. 104–104, 110 Stat. 56 (1996).

§ 1.4001 Definitions.

(a) For the purpose of this part, the terms “telecommunications services” and “information services” shall have the same meanings as provided in the Communications Act of 1934, as amended;

(b) Commission shall be defined as the Federal Communications Commission; and

(c) “ETC” shall be defined as an exempt telecommunications company.

§ 1.4002 Contents of application and procedure for filing.

(a) A person seeking status as an exempt telecommunications company (applicant) must file with the Commission with respect to the company or companies which are eligible companies owned or operated by the applicant, and serve on the Securities and Exchange Commission and any affected State commission, the following:

(1) A brief description of the planned activities of the company or companies which are or will be eligible companies owned and/or operated by the applicant;

(2) A sworn statement, by a representative legally authorized to bind the applicant, attesting to any facts or

representations presented to demonstrate eligibility for ETC status, including a representation that the applicant is engaged directly, or indirectly, wherever located, through one or more affiliates (as defined in Section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935), and exclusively in the business of providing:

- (i) Telecommunications services;
- (ii) Information services;
- (iii) Other services or products subject to the jurisdiction of the Commission; or
- (iv) Products or services that are related or incidental to the provision of a product or service described in paragraph (a)(1)(i), (a)(1)(ii), or (a)(1)(iii); and

(3) A sworn statement, by a representative legally authorized to bind the applicant, certifying that the applicant satisfies part 1, subpart P, of the Commission’s regulations, 47 CFR 1.2001 through 1.2003, regarding implementation of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862.

§ 1.4003 Effect of filing.

A person applying in good faith for a Commission determination of exempt telecommunications company status will be deemed to be an exempt telecommunications company from the date of receipt of the application until the date of Commission action pursuant to § 1.4004.

§ 1.4004 Commission action.

If the Commission has not issued an order granting or denying an application within 60 days of receipt of the application, the application will be deemed to have been granted as a matter of law.

§ 1.4005 Notification of Commission action to the Securities and Exchange Commission.

The Secretary of the Commission will notify the Securities and Exchange Commission whenever a person is determined to be an exempt telecommunications company.

§ 1.4006 Procedure for notifying Commission of material change in facts.

If there is any material change in facts that may affect an ETC’s eligibility for ETC status under Section 34(a)(1) of the Public Utility Holding Company Act of 1935, the ETC must, within 30 days of the change in fact, either:

(a) Apply to the Commission for a new determination of ETC status;

(b) File a written explanation with the Commission of why the material change in facts does not affect the ETC’s status; or

(c) Notify the Commission that it no longer seeks to maintain ETC status.

§ 1.4007 Comments.

(a) Any person wishing to be heard concerning an application for ETC status may file comments with the Commission within fifteen (15) days from the release date of a public notice regarding the application, or such other period of time set by the Commission. Any comments must be limited to the adequacy or accuracy of the application.

(b) Any person who files comments with the Commission must also serve copies of all comments on the applicant.

(c) An applicant has seven (7) days to reply to any comments filed regarding the adequacy and accuracy of its application, or such other period of time as set by the Commission. Such reply shall be served on the commenters.

This Attachment will not be published in the Code of Federal Regulations.

Attachment—List of Commenters*Comments*

United States Telephone Association (USTA)
Cinergy Corporation
City of New Orleans
Energy Corporation
Cincinnati Bell Telephone (CBT)
Association for Local Telephone Services (ALTS)
Southwestern Bell Telephone Company
American Communications Services, Inc. (ACSI)
BellSouth Corporation
The Southern Company (Southern)
New Jersey Ratepayer Advocate

Reply Comments

MCI Telecommunications Corporation
BellSouth Corporation
City of New Orleans
The Southern Company
Energy Corporation
American Communications Services, Inc.
Massachusetts Electric Company, *et al.*
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47 CFR Part 73

[MM Docket No. 96–14; RM–8746]

Television Broadcasting Services; Memphis, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Cossitt Library d/b/a Memphis Shelby County Library, allots Channel *56 to Memphis, Tennessee, and reserves the channel for noncommercial educational use. See 61 FR 08230, March 4, 1996. Channel 56* can be allotted to Memphis in compliance with the minimum distance separation requirements of Sections

73.610 and 73.698 of the Commission's Rules without the imposition of a site restriction. The coordinates for Channel 56* at Memphis are 35-08-58 and 90-02-56. With this action, this proceeding is terminated.

DATES: Effective November 12, 1996. The period for filing applications will open on November 12, 1996. If no acceptable application is filed by December 13, 1996, there will be no additional opportunity to file applications for this allotment.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 96-14, adopted September 20, 1996, and released September 27, 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, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television 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.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of TV Allotments under Tennessee, is

amended by adding Channel 56* at Memphis.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-25822 Filed 10-8-96; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 96-31; RM-8761]

Television Broadcasting Services; Wittenberg, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action allots UHF Channel 55 to Wittenberg, Wisconsin, in response to a proposal filed by David R. Magnum d/b/a Shawano County Television Company. See 61 FR 10301, March 13, 1996. Canadian concurrence has been obtained for Channel 55 at coordinates 45-01-56 and 89-18-44. There is a site restriction 25.8 kilometers (16 miles) northwest of the community. With this action, this proceeding is terminated.

DATES: Effective November 12, 1996. The period for filing applications will open on November 12, 1996. If no acceptable applications are filed by December 13, 1996, there will be no additional opportunity to file applications for this channel allotment. If an application for a new station is filed within this time period, we will continue our normal process as provided in the *Sixth Further Notice* of issuing a Public Notice (cutoff list) that establishes an additional time period for the filing of competing mutually-exclusive applications.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, MM Docket No. 96-31, adopted September 20, 1996, and released September 27, 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

Television 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.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of TV Allotments under Wisconsin, is amended by adding Wittenberg, Channel 55.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96-25821 Filed 10-8-96; 8:45 am]

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