

number of small entities." The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

22. In the context of this Regulatory Flexibility Analysis, SBA regulations define small telecommunications entities in SIC code 4813 (Telephone Companies Except Radio Telephone) as entities with fewer than 1,500 employees. This NPRM initiates an inquiry concerning the sunset of the statutory requirements under section 272 that apply to the BOCs when they provide in-region, interLATA services. In particular, this NPRM seeks to develop a full record so that the Commission may properly assess, as contemplated by the statute: (1) Whether the structural safeguards and nondiscrimination requirements applied to the BOCs by section 272 should be extended by the Commission, despite the three-year sunset provision in the statute; and (2) whether any alternative safeguards should be put in place for the BOCs in states where the statutory requirements have sunset.

23. The issues under consideration in this proceeding directly affect only the BOCs and their affiliates, which do not qualify as small entities under the RFA. In particular, none of the BOCs is a small entity because each BOC is an affiliate of a Regional Holding Company (RHC), and all of the BOCs or their RHCs have more than 1,500 employees. Insofar as this proceeding applies to other BOC or RHC affiliates, those affiliates are controlled by the BOCs or by the RHC. Accordingly, they are not "independently owned and operated" entities for purposes of the RFA.

24. Therefore, the proposals in this NPRM, if adopted, will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the NPRM, including a copy of this Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration. This Initial Certification will also be published in the **Federal Register**.

### **Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules**

25. None.

### **Ordering Clauses**

26. Accordingly, pursuant to the authority contained in sections 1, 2, 4(i)–4(j), 201, 202, 205, 251, 271, 272, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)–4(j), 201, 202, 205, 251, 271, 272, and 303(r), this NPRM is adopted.

27. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *Shall send* a copy of this NPRM, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 02–15676 Filed 6–20–02; 8:45 am]

**BILLING CODE 6712–01–P**

### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[DA 02–1372; MM Docket No. 01–131; RM–10148]

#### **Radio Broadcasting Services; Benjamin, TX**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; dismissal.

**SUMMARY:** This document dismisses the petition for rule making that underlies the *Notice of Proposed Rule Making* ("Notice"), 66 FR 35406 (July 5, 2001) in this proceeding because the petition is mutually exclusive with a proposal contained in a counterproposal in a prior-filed rulemaking proceeding, namely, *Quanah, Texas*, MM Docket No. 00–148, and was filed seven months after the deadline for filing counterproposals in the *Quanah, Texas*, proceeding. Therefore, the rulemaking petition is dismissed as untimely and the proceeding is terminated.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01–131, adopted June 5, 2002, and released June 14, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, 445

12th Street, SW., Room CY–A257, Washington, DC, 20554. The document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202 863–2893, facsimile 202 863–2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.*

[FR Doc. 02–15674 Filed 6–20–02; 8:45 am]

**BILLING CODE 6712–01–P**

### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[DA 02–1373; MM Docket No. 02–69; RM–10385]

#### **Radio Broadcasting Services; Jennings and Iowa, LA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; withdrawal

**SUMMARY:** This document dismisses a petition for rule making filed by Apex Broadcasting, Inc. requesting the reallocation of Channel 225C2 from Jennings, Louisiana to Iowa, Louisiana and modification of the authorization for Station KJEF–FM accordingly. See 67 FR 17670, April 11, 2002. Apex Broadcasting, Inc. withdrew its interest in the allotment of Channel 225C2 at Iowa, Louisiana. With this action, this proceeding is terminated.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 02–69, adopted June 5, 2002, and released June 14, 2002. The full text of this Commission decision is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

Federal Communications Commission.  
**John A. Karousos**,  
*Assistant Chief, Audio Division, Office of  
 Broadcast License Policy, Media Bureau.*  
 [FR Doc. 02-15667 Filed 6-20-02; 8:45 am]  
**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02-1413; MB Docket No. 02-143; RM-10392]

### Radio Broadcasting Services; Lebanon, Speedway, IN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comment on a petition for rulemaking filed on behalf of Radio One, licensee of Station WYJZ(FM), Lebanon, Indiana, proposing to reallocate Channel 265A from Lebanon, Indiana, to Speedway, Indiana, and modify the license of Station WYJZ(FM) to reflect the changes. Specific questions raised concern population losses and gains, whether the reallocation will result in a preferential arrangement of allotments and the independence of Speedway as a community within the Indianapolis Urbanized Area. Channel 265A can be allotted at petitioner's requested site 4.9 kilometers (3.0 miles) southeast of the community at coordinates NL 39-46-10 and WL 86-13-45.

**DATES:** Comments must be filed on or before August 5, 2002, and reply comments on or before August 20, 2002.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: J. Richard Carr, 5528 Trent Street, Chevy Chase, MD 20815.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-143, adopted, June 5, 2002, and released June 14, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors,

Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

### PART 73—RADIO BROADCAST SERVICES

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

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by removing Lebanon, Channel 265A, and adding Speedway, Channel 265A.

Federal Communications Commission.

**John A. Karousos**,  
*Assistant Chief, Audio Division, Office of  
 Broadcast License Policy, Media Bureau.*  
 [FR Doc. 02-15673 Filed 6-20-02; 8:45 am]  
**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02-1339; MB Docket No. 02-136; RM-10458]

### Radio Broadcasting Services; Arlington, Moro, and The Dalles, OR; Covington and Trout Lake, WA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Mid-Columbia Broadcasting, Inc., licensee of Station KMCQ(FM) ("KMCQ"), Channel 283C,

The Dalles, Oregon, and First Broadcasting Company, L.P. jointly ("Joint Parties"). First Broadcasting Company, L.P. holds an option to purchase Station KMCQ. The petition proposes to change the community of license of Station KMCQ from The Dalles, Oregon to Covington, Washington, and to downgrade that station's channel from Channel 283C to 283C3, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. The Joint Parties also propose the allotments of Channel 283C1 to Moro, Oregon, Channel 261C2 to Arlington, Oregon, and Channel 226A to Trout Lake, Washington, as first local aural transmission services. The coordinates for requested Channel 283C3 at Covington, Washington, are 47-12-02 NL and 122-00-27 WL. The coordinates for requested Channel 283C1 at Moro, Oregon are 45-29-03 NL and 120-43-48 WL. The coordinates for requested Channel 261C2 at Arlington, Oregon are 45-43-01 NL and 121-11-59 WL. The coordinates for requested Channel 226A at Trout Lake, Washington, are 45-58-38 NL and 121-32-11 WL.

Petitioner's reallocation proposal complies with the provisions of Section 1.420(i) of the Commission's Rules, and therefore, the Commission will not accept competing expressions of interest in the use of Channel 283C3 at Covington, Washington, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before July 29, 2002, and reply comments on or before August 13, 2002.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: J. Dominic Monahan, Esq., Luvaask Cobb Richards & Fraser, PC.; 777 High Street, Suite 300; Eugene, Oregon 97401 (Counsel for Mid-Columbia Broadcasting, Inc.) and Mark N. Lipp, Esq., Shook, Hardy & Bacon, LLP.; 600 14th Street, NW., Suite 800; Washington, DC 20005 (Counsel for First Broadcasting Company, L.P.)

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-136, adopted May 29, 2002, and released June 7, 2002. The full text of this Commission decision is available for inspection and copying during