

(1) Identify physical obstacles in the Commission's facilities that limit the accessibility of its programs or activities to individuals with disabilities;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one (1) year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the official responsible for implementation of the plan.

#### **§ 1.1851 Building accessibility: New construction and alterations.**

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the Commission shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with disabilities. The definitions, requirements and standards of the Architectural Barriers Act, 42 U.S.C. 4151–4157, as established in 41 CFR 101–19.600 to 101–19.607, apply to buildings covered by this section.

#### **§ 1.1870 Compliance procedures.**

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of disability in programs or activities conducted by the Commission.

(b) The Commission shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1614 pursuant to section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791.

(c) Complaints alleging violation of section 504 with respect to the Commission's programs and activities shall be addressed to the Managing Director and filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TWB–204, Washington, DC 20554.

(d) *Acceptance of complaint.* (1) The Commission shall accept and investigate all complete complaints, as defined in § 1.1803 of this part, for which it has jurisdiction. All such complaints must be filed within one-hundred eighty (180) days of the alleged act of discrimination. The Commission may extend this time period for good cause.

(2) If the Commission receives a complaint that is not complete as defined in § 1.1803 of this part, the complainant will be notified within

thirty (30) days of receipt of the incomplete complaint that additional information is needed. If the complainant fails to complete the complaint within thirty (30) days of receipt of this notice, the Commission shall dismiss the complaint without prejudice.

(e) If the Commission receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The Commission shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended, 42 U.S.C. 4151–4157, is not readily accessible to and usable by individuals with disabilities.

(g) Within one-hundred eighty (180) days of the receipt of a complete complaint, as defined in § 1.1803, for which it has jurisdiction, the Commission shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within ninety (90) days of receipt from the Commission of the letter required by § 1.1870(g). The Commission may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TWB–204, Washington, DC 20554.

(j) The Commission shall notify the complainant of the results of the appeal within sixty (60) days of the receipt of the appeal request. If the Commission determines that it needs additional information from the complainant, and requests such information, the Commission shall have sixty (60) days from the date it receives the additional information to make its determination on the appeal.

(k) The time limits cited in (g) and (j) of this section may be extended with the permission of the General Counsel.

(l) The Commission may delegate its authority for conducting complaint investigations to other federal agencies, except that the authority for making the

final determination may not be delegated to another agency.

[FR Doc. 03–10284 Filed 4–25–03; 8:45 am]

BILLING CODE 6712–01–U

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 73**

[DA 03–631; MM Docket No. 01–181, RM–10201; MM Docket No. 01–190, RM–10210; MM Docket No. 01–217, RM–10236; MM Docket No. 01–220, RM–10239; MM Docket No. 01–226, RM–10254; MM Docket No. 01–228, RM–10256; MM Docket No. 01–233, RM–10261; MM Docket No. 01–282, RM–10293; MM Docket No. 01–283, RM–10294; MM Docket No. 01–284, RM–10295, MM Docket No. 01–285, RM–10296]

**Radio Broadcasting Services; Alton, Missouri; Comanche, Texas; Dickens, Texas; Hamlin, Texas; Hollis, Oklahoma; Junction, Texas; McCamey, Texas; Mooreland, Oklahoma; Santa Anna, Texas; Taos, New Mexico; and Wapanucka, Oklahoma**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document grants eleven proposals that allot new FM channels to Alton, Missouri; Comanche, Texas; Dickens, Texas; Hamlin, Texas; Hollis, Oklahoma; Junction, Texas; McCamey, Texas; Mooreland, Oklahoma; Santa Anna, Texas; Taos, New Mexico; and Wapanucka, Oklahoma. The Audio Division, at the request of Katherine Pyeatt, allots Channel 298A at Wapanucka, Oklahoma, as the community's first local FM service. See 66 FR 44586, August 24, 2001. Channel 298A can be allotted to Wapanucka, Oklahoma, in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.9 km (1.8 miles) west of Wapanucka. The coordinates for Channel 298A at Wapanucka, Oklahoma, are 34–21–54 North Latitude and 96–23–47 West Longitude. A filing window for Channel 298A at Wapanucka, Oklahoma, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order. See Supplementary Information *infra*.

**DATES:** Effective May 26, 2003.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket Nos. 01–181,

01-190, 01-217, 01-220, 01-226, 01-228, 01-233, 01-282, 01-283, 01-284, and 01-285, adopted March 12, 2003, and released March 14, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, (202) 863-2893, facsimile (202) 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

The Audio Division further allots, at the request of Jeraldine Anderson, Channel 280A at Comanche, Texas, as the community's second local FM service. *See* 66 FR 44588, August 24, 2001. Channel 280A can be allotted to Comanche, Texas, in compliance with the Commission's minimum distance separation requirements without site restriction at center city coordinates. The coordinates for Channel 280A at Comanche, Texas, are 31-53-50 North Latitude and 98-36-12 West Longitude. A filing window for Channel 280A at Comanche, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

The Audio Division further allots, at the request of Jeraldine Anderson, Channel 274C2 at Hollis, Oklahoma, as the community's second local FM service. *See* 66 FR 47432, September 12, 2001. Channel 274C2 can be allotted to Hollis, Oklahoma, in compliance with the Commission's minimum distance separation requirements with a site restriction of 15.7 km (9.7 miles) south of Hollis. The coordinates for Channel 274C2 at Hollis, Oklahoma, are 34-32-55 North Latitude and 99-56-12 West Longitude. A filing window for Channel 274C2 at Hollis, Oklahoma, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

The Audio Division further allots, at the request of Jeraldine Anderson, Channel 282A at Santa Anna, Texas, as the community's second local FM service. *See* 66 FR 47432, September 12, 2001. Channel 282A can be allotted to Santa Anna, Texas, in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.3 km (2.7 miles) south of Santa Anna. The coordinates for Channel 282A at Santa Anna, Texas, are 31-42-15 North Latitude and 99-20-23

West Longitude. Because the reference coordinates are within 320 kilometers (199 miles) of the U.S.-Mexico border, this change to the FM Table of Allotments is contingent upon concurrence of the Mexican Government in the allotment. A filing window for Channel 282A at Santa Anna, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

The Audio Division further allots, at the request of Katherine Pyeatt, Channel 300C2 at Mooreland, Oklahoma, as the community's second local FM service. *See* 66 FR 48108, September 18, 2001. Channel 300C2 can be allotted to Mooreland, Oklahoma, in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.4 km (2.8 miles) northwest of Mooreland. The coordinates for Channel 300C2 at Mooreland, Oklahoma, are 36-27-59 North Latitude and 99-14-27 West Longitude. A filing window for Channel 300C2 at Mooreland, Oklahoma, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

The Audio Division further allots, at the request of Jeraldine Anderson, Channel 284A at Junction, Texas, as the community's fourth local FM service. *See* 66 FR 48108, September 18, 2001. Channel 284A can be allotted to Junction, Texas, in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.1 km (1.3 miles) southeast of Junction. The coordinates for Channel 284A at Junction, Texas, are 30-28-19 North Latitude and 99-45-47 West Longitude. A filing window for Channel 284A at Junction, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

The Audio Division further allots, at the request of Charles Crawford, Channel 290A at Alton, Missouri, as the community's first local FM service. *See* 66 FR 48108, September 18, 2001. Channel 290A can be allotted to Alton, Missouri, in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.6 km (3.5 miles) north of Alton. The coordinates for Channel 290A at Alton, Missouri, are 36-44-39 North Latitude and 91-24-28 West Longitude. A filing window for Channel 290A at Alton, Missouri, will not be opened at this time. Instead, the issue of opening this allotment for auction will

be addressed by the Commission in a subsequent Order.

The Audio Division further allots, at the request of Linda Crawford, Channel 228A at Taos, New Mexico, as the community's fifth local FM service. *See* 66 FR 52735, October 17, 2001. Channel 228A can be allotted to Taos, New Mexico, in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.5 km (7.1 miles) northeast of Taos. The coordinates for Channel 228A at Taos, New Mexico, are 36-28-20 North Latitude and 105-28-22 West Longitude. A filing window for Channel 228A at Taos, New Mexico, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

The Audio Division further allots, at the request of Linda Crawford, Channel 233C3 at McCamey, Texas, as the community's second local FM service. *See* 66 FR 52735, October 17, 2001. Channel 233C3 can be allotted to Taos, New Mexico, in compliance with the Commission's minimum distance separation requirements with a site restriction of 19.9 km (12.4 miles) east of McCamey. The coordinates for Channel 233C3 at McCamey, Texas, are 31-11-56 North Latitude and 102-01-42 West Longitude. The Mexican government has concurred in this allotment. A filing window for Channel 233C3 at McCamey, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

The Audio Division further allots, at the request of Linda Crawford, Channel 240A at Dickens, Texas, as the community's second local FM service. *See* 66 FR 52735, October 17, 2001. Channel 240A can be allotted to Dickens, Texas, in compliance with the Commission's minimum distance separation requirements without site restriction at center city coordinates. The coordinates for Channel 240A at Dickens, Texas, are 33-37-18 North Latitude and 100-50-10 West Longitude. A filing window for Channel 240A at Dickens, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

The Audio Division further allots, at the request of Linda Crawford, Channel 283C2 at Hamlin, Texas, as the community's second local FM service. *See* 66 FR 52735, October 17, 2001. Channel 283C2 can be allotted to Hamlin, Texas, in compliance with the Commission's minimum distance

separation requirements with a site restriction of 8.7 km (5.4 miles) west of Hamlin. The coordinates for Channel 283C2 at Hamlin, Texas, are 32-51-53 North Latitude and 100-13-01 West Longitude. A filing window for Channel 283C2 at Hamlin, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

#### List of Subjects in 47 CFR part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended 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 Missouri, is amended by adding Alton, Channel 290A.

■ 3. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Channel 228A at Taos.

■ 4. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Channel 274C2 at Hollis, Channel 300C2 at Mooreland, and Wapanucka, Channel 298A.

■ 5. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 280A at Comanche, Channel 240A at Dickens, Channel 283C2 at Hamlin, Channel 284A at Junction, Channel 233C3 at McCamey, and Channel 282A at Santa Anna.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 03-10326 Filed 4-25-03; 8:45 am]

BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 03-1117; MB Docket No. 02-374; RM-10598]

#### Radio Broadcasting Services; Douglas, AZ, Santa Clara, NM and Tombstone, AZ

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a proposal filed on behalf of Cochise Broadcasting LLC, licensee of Station KCDQ, Channel 237A, Douglas, Arizona, this document substitutes Channel 237C for Channel 237A at Douglas, reallocates Channel 237C to Tombstone, Arizona, as that community's first local aural transmission service, and modifies the license for Station KCDQ, as requested. Additionally, to accommodate the allotment of Channel 237C at Tombstone, an *Order to Show Cause* was issued to the licensee of Station KNUW(FM), Channel 237C1, Santa Clara, New Mexico, to specify operation on Channel 236C1 at its current transmitter site. Based on an affirmative response, the licensee of Station KNUW(FM) is modified accordingly. See 67 FR 78401 (published December 24, 2002). Coordinates used for Channel 237C at Tombstone, Arizona, are 31-49-00 NL and 110-05-30 WL, representing a site located 11.8 kilometers (7.3 miles) north of the community. Coordinates used for Channel 236C1 at Santa Clara, are those at the licensed site of Station KNUW(FM) at 32-51-47 NL and 108-14-28 WL.

Tombstone, Arizona, and Santa Clara, New Mexico, are each located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government is required. No response has been received. Therefore, Channel 237C has been allotted to Tombstone with the following interim condition: "Operation with the facilities specified herein is subject to modification, suspension or termination without right to a hearing if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement" ("Agreement"). Once an official response from the Mexican government has been obtained, the interim condition may be removed. Channel 236C1 at Santa Clara, New Mexico, occurs at the licensed site of Station KNUW(FM). As there is no change in site or class of channel at Santa Clara, we will notify the Mexican government of the channel substitution once the licensee of Station KNUW(FM) has filed an acceptable application to implement the change.

**DATES:** Effective May 27, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Media Bureau, (202) 418-2180.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket 02-374, adopted April 9, 2003, and released April 11,

2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualtex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended 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, 336.

##### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 237A at Douglas, and by adding Tombstone, Channel 237C.

■ 3. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 237C1 and adding Channel 236C1 at Santa Clara.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 03-10327 Filed 4-25-03; 8:45 am]

BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 03-1016; MB Docket No. 02-186; RM-10494]

#### Radio Broadcasting Services; Los Banos and Planada, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Buckley Communications, Inc., deletes Channel 284B at Los Banos, California, allots Channel 284B at Planada, California, as the community's first local FM service, and modifies the license of FM Station KHTN, Channel 284B, accordingly. Channel 284B can be allotted to Planada, California, in compliance with the Commission's