

violation of the Communications Act. Several of the applications Liberty has filed were to replace the hardware connection with an OFS path. Those applications were designated to determine whether the facts and circumstances surrounding Liberty's interconnecting of non-commonly owned buildings without a franchise bears on its qualifications to be a Commission licensee.

Second, Liberty has admitted to commencing operation of several facilities prior to being granted authority to do so. In some instances, Liberty commenced operation prior to applying for such authority. The Commission determined that this raises a substantial and material question of fact regarding Liberty's qualifications to be a licensee. Accordingly, all of the applications for facilities which Liberty commenced operation without prior authority were designated for hearing.

Finally, one Liberty official, who at the time certain statements were made was Liberty's chief of engineering, filed contradictory statement with the Commission and the U.S. District Court for the Southern District of New York. The statements concerned the reasons for the premature operation of the facilities. Because the Commission could not resolve the discrepancy between the two statements, the Commission found that material and substantial questions of fact exist regarding Liberty's truthfulness before the Commission, and an appropriate issue was designated.

Pursuant to Section 309(e) of the Communications Act of 1934, as amended, 15 of Liberty's applications for operational fixed microwave services facilities have been designated for hearing upon the following issues listed below:

(1) (a) To determine the facts and circumstances surrounding Liberty Cable Co., Inc.'s operation of hardwired interconnected, non-commonly owned buildings, without first obtaining a franchise. See 47 U.S.C. 541(b)(1), 47 U.S.C. Title VI and 47 CFR § 76 et seq.

(b) To determine whether Liberty Cable Co., Inc. has violated Section 1.65 of the Commission's Rules, 47 CFR § 1.65, by failing to notify the Commission of its provision of service to interconnected, non-commonly owned buildings.

(c) To determine whether, based on (1)(a) and (b) above, Liberty is qualified to be granted the above-captioned private operational fixed microwave authorizations.

(2) (a) To determine the facts and circumstances surrounding Liberty Cable Co., Inc.'s admitted violations of

Section 301 of the Communications Act and Section 94.23 of the Commission's Rules, 47 U.S.C. 301, 47 CFR § 94.23, by operating certain private operational fixed microwave facilities without first obtaining Commission authorization.

(b) To determine whether Liberty Cable Co., Inc. has violated Section 1.65 of the Commission's Rules, 47 CFR § 1.645, by failing to notify the Commission of its premature operation of service in either its underlying applications or its requests for special temporary authority.

(c) To determine whether, based on (2)(a) and (b) above, Liberty is qualified to be granted the above-captioned private operational fixed microwave authorizations.

(3) (a) To determine whether Liberty Cable Co., Inc., in relation to its interconnection of non-commonly owned buildings and its premature operation of facilities, misrepresented facts to the Commission, lacked candor in its dealings with the Commission, or attempted to mislead the Commission, and in this regard, whether Liberty Cable Co., Inc. has violated Section 1.17 of the Commission's Rules, 47 CFR § 1.17.

(b) To determine whether, based on (3)(a), above, Liberty is qualified to be granted the above-captioned private operational fixed microwave authorizations.

(4) To determine, based on the evidence adduced in issues (1) through (3) above, whether Liberty Cable Co., Inc. possesses the requisite character qualifications to be granted the above-captioned private operational fixed microwave authorizations for which it has applied and, accordingly, whether grant of its applications would serve the public interest, convenience and necessity.

The Commission has further placed Liberty on notice that the presiding administrative law judge may find that Liberty has violated any provision of the Communications Act or any Commission rule and impose a forfeiture up to the statutory maximum.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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BILLING CODE 6712-01-M

Low Power Television and Television Translator Filing Window From April 22, Through April 26, 1996

AGENCY: Federal Communications Commission.

ACTION: Notice of Filing Window.

SUMMARY: This action gives notice of an application filing window for the tendering of applications for major changes in existing facilities for low power television and television translator stations. This notice sets forth the filing procedures, including when and where to file and the applicable application form to be used, and information concerning application filing fees.

DATES: April 22, 1996 through April 26, 1996.

FOR FURTHER INFORMATION CONTACT: Hossein Hashemzadeh, Low Power Television Branch, Mass Media Bureau, (202) 418-1650.

SUPPLEMENTARY INFORMATION:

Notice of Low Power Television/Television Translator "Major Change Only" Filing Window From April 22, 1996 Through April 26, 1996

Released: March 18, 1996.

Commencing April 22, 1996, and continuing to and including April 26, 1996, the Commission will permit the filing of applications for MAJOR CHANGES ONLY in existing facilities for low power television and television translator stations (LPTV).

Major Change Limitation

As set forth in Section 73.3572 of the Commission's Rules, a major change in facilities for a LPTV station includes any change in frequency (output channel) assignment, transmitting antenna system, antenna height or authorized operating power. Any change in antenna location exceeding 200 meters also constitutes a major change. Section 73.3572 does not explicitly limit the distance by which a major change applicant may propose to move its station's antenna location. In previous LPTV filing windows, which were open generally to applicants for new station construction permits, as well as major change applicants, we have seen major change applicants that proposed to change antenna locations well beyond 200 meters, resulting in cessation of service in the current viewing area and movement to an entirely new community. In all significant respects, those applications were the equivalent of applications for new station construction permits. In view of our decision to proscribe the filing of new LPTV construction permit applications at this time, some geographic limitation on antenna relocations must be imposed. Accordingly, applications to change antenna locations will not be accepted in this filing window if they propose to move the location of the antenna more

than 64.4 kilometers (40 miles) from the presently authorized location. This limitation should afford applicants ample flexibility to relocate transmitting facilities and improve their existing operations.

New Station Prohibition

The filing of applications for new construction permits for LPTV stations will not be permitted at this time. In previous filing windows, the Commission has allowed the filing of applications for new LPTV stations that specify transmitter site coordinates (geographic latitude and longitude) located more than 161 kilometers (100 miles) from reference coordinates of 36 urban areas. These geographic restrictions were necessitated by the Commission's proceeding on Advanced Television Systems (ATV) and the large number of low power television and television translator stations already authorized in and around these metropolitan areas. Because it is possible that some of these stations would be displaced in channel, if and when the spectrum is needed by full-service stations for ATV use, the geographic restriction against additional new stations in and around these urban areas was intended to minimize the extent to which LPTV service to the public could be disrupted. Limiting this window to the filing of certain major change applications, pending further action in the ATV proceeding, will further minimize possible disruption of low power television and television translator service to the public.

Filing Locations

All LPTV applications that are subject to the payment of a fee must be filed at the Pittsburgh, Pennsylvania locations specified herein. Those LPTV applicants that are fee exempt, as explained later in this Public Notice, must file their applications directly with the Federal Communications Commission at the location specified herein.

Applications Requiring a Fee

Generally, applicants seeking to make a major change in the facilities of an existing low power television or television translator station are required to pay and submit a fee with the filing of the application. The March 1996 edition of FCC Form 346, which is to be used during this window period, contains instructions for providing the fee information called for in Section I, Questions 1 and 2 of the application. Applicants should complete those questions, specifying "MOL" as the Fee Type Code and attaching (but not

stapling) their \$490.00 remittance for the requisite fee.

Payment of the required fee can be made by check, bank draft, money order or credit card. If paying by check, bank draft or money order, your remittance must be denominated in U. S. dollars, drawn upon a U.S. financial institution and made payable to the Federal Communications Commission. No postdated, altered or third-party check will be accepted. DO NOT SEND CASH. Checks dated six months or older will not be accepted for filing.

Applicants who wish to pay their filing fee by money order or credit card must submit FCC Form 159 (Remittance Advice), together with their application. Applicants who wish to pay for more than one major change application with a single payment must also submit FCC Form 159, listing each application as a separate item on FCC Form 159. If additional entries are necessary, FCC Form 159C (Continuation Sheet) is to be used. Those applicants electing to pay in a manner that requires the submission of FCC Form 159 must still complete Section I, Question 1 of FCC Form 346 (March 1996 edition). Question 2 of Section I need not be completed, but FCC Form 159 must be submitted instead. If other than the March 1996 edition of FCC Form 346 is utilized, FCC Form 159 MUST be used regardless of the manner of payment.

The March 1996 edition of FCC Form 346, as well as FCC Forms 159 and 159C, can be obtained by calling the FCC's Forms Distribution Center at Telephone Number (202) 418-3676 or 1-800-418-3676 and leaving your request on the answering machine provided for this purpose. These forms are also available by using the FCC's Fax-On-Demand system. Copies may be ordered via fax 24-hours a day by calling Telephone Number (202) 418-0177 from the handset of any fax machine. For the March 1996 edition of FCC Form 346, the document retrieval number is 000346, whereas the document retrieval number for FCC Form 159 and 159C is 000159. Callers should follow the system voice prompts and enter the document retrieval numbers when requested. Due to the limited number of telephone lines into the FCC's Fax-On-Demand system, callers may wish to call during non-business hours. If callers have any difficulty with transmission of their fax, they should contact Dorothy Conway at Telephone Number (202) 418-0217.

For applications requiring a fee, the Commission will utilize the facilities of a Treasury Department lockbox bank. These filings can be made, either by

mail or by person, at the following locations ONLY:

If mailed—Federal Communications Commission, Low Power Television Window Filing, P.O. Box 358992, Pittsburgh, PA 15251-5992

If hand-delivered—Federal Communications Commission, Low Power Television Window Filing, Three Mellon Bank Center, 525 William Penn Way, Pittsburgh, PA 15259, Attn: Wholesale Lockbox Shift Supervisor.

Mailed applications must be *actually received* no later than Friday, April 26, 1996. Hand-carried or couriered applications can be delivered at the Three Mellon Bank Center location at any time during the window period up through 11:59 p.m. on Friday, April 26, 1996. Submissions tendered after 11:59 p.m. on Friday, April 26, 1996, will not be accepted. Detailed instructions to get to this location are included in this Public Notice as Attachment I.

An original and two copies of the application and all required exhibits must be filed. To facilitate the initial processing of these applications, all applicants are requested to enclose in a single envelope the original and duplicate copies of the application, with each duplicate copy clearly denoted by the applicant. Where more than one major change application is being filed, separate envelopes enclosing the individual application (*i.e.*, an original and two copies) can be mailed in a single package. Receipts will not be provided by the lockbox bank facility. However, a "stamp receipted copy" will be furnished by the lockbox bank facility *provided* the applicant clearly identifies the copy to be stamped, and the filing is submitted with the "stamp receipted copy" on top of the original application package. Requests for "stamp receipted copies" must include a stamped, self-addressed envelope of sufficient size to accommodate the stamp receipted copy to be returned. If the "stamp receipted copy" is submitted in any other format or the envelope is not of sufficient size, it will not be stamped and returned. For hand-carried or couriered applications delivered to the Three Mellon Bank Center location, bank personnel, if requested in person, will date stamp as received a proffered copy of the application and return it to the requester. Only one piece of paper per individual application will be stamped for receipt purposes.

Applications submitted without a FCC Form 159, if required, with insufficient or inappropriate payments, or without any payments will be dismissed and returned to the applicant

without processing. See Section 1.1107 of the Commission's Rules. Following the fee review process, applications that are found to be patently defective or not "substantially complete," will be rejected and returned to the applicant. See Section 73.3564 of the Commission's Rules.

Applications Not Requiring a Fee

Governmental entities are exempt from the \$490.00 fee. As defined by the Commission's rules, governmental entities include "any possession, state, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs." Also exempted from this fee are noncommercial educational FM and full-service television broadcast station licensees seeking to make major changes in the facilities of their existing low power television or television translator stations, *provided* those stations operate or will be operated on a noncommercial educational basis. A licensee or permittee of a low power television or television translator station, which is filing a major change application and which earlier obtained either a fee refund because of a NTIA facilities grant for that station or a fee waiver because of demonstrated compliance with the eligibility and service requirements of Section 73.621 of the Commission's Rules, is similarly exempt from payment of the \$490.00 fee. See Section 1.1112 of the Commission's Rules. To avail itself of any fee exemption an applicant must indicate its eligibility by checking the most appropriate box in Question 2, Section I of FCC Form 346 (March 1996 edition). Again, the March 1996 edition of FCC Form 346 can be obtained by calling the FCC Forms Distribution Center or the FCC's Fax-On-Demand system.

Filing of LPTV window applications not requiring the payment of a fee can be made either by mail or by person, at the following locations ONLY:

If mailed—Federal Communications Commission, Low Power Television Window Filing, Room 222, 1919 M Street NW., Washington, D.C. 20554

If hand-delivered—Federal Communications Commission, Secretary's Office, Room 222, 1919 M Street NW., Washington, D.C. 20554.

Mailed applications must be *actually received* no later than April 26, 1996. Hand-carried or couriered applications can be delivered daily during the filing

window at the Secretary's Office from 8:00 a.m. to 5:30 p.m. Applications tendered after 5:30 p.m. on Friday, April 26, 1996, will not be accepted.

For further information concerning the filing window, contact Hossein Hashemzadeh, Low Power Television Branch, Mass Media Bureau at Telephone Number (202) 418-1650.

Federal Communications Commission.
William F. Caton,
Acting Secretary.

Attachment—Directions to Three Mellon Bank Center

From Greater Pittsburgh International Airport and Interstate 79

Proceed east on Parkway (Interstate 279) towards downtown Pittsburgh. Go through the Fort Pitt tunnels and across the Fort Pitt Bridge. Follow signs to Parkway East (Monroeville). Travel approximately 1/4 of a mile to the Grant Street Exit (Exit 3). Proceed on Grant Street to 6th Street. Make a left on 6th Street, go one block, make another left onto William Penn Way. The street address is 525 William Penn Way. Enter building at designated entrance and follow signs.

From Pennsylvania Turnpike

Take Exit 6 (Monroeville) to Parkway (Interstate 376). Go west on Parkway to the Grant Street Exit (Exit 3). Proceed on Grant Street to 6th Street. Make a left on 6th Street, go one block, make another left onto William Penn Way. The street address is 525 William Penn Way. Enter building at designated entrance and follow signs.

Parking

Parking is available in several parking garages which are within two blocks of Three Mellon Bank Center. Kaufman Department Store garage is located on Smithfield Street; and Mellon Square Garage is on 6th Avenue (across from the Alcoa Building). There is also a loading area located behind One Mellon Bank Center on Ross Street.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its

continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed new, revised, or continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the proposed extension to an existing information collection previously approved and assigned OMB Control Number 3067-0248. The current approval expires April 30, 1996.

Title: Emergency Management Exercise Report System (EMERS).

Type of Review: Extension of a currently approved information collection.

Form Numbers: FEMA Form 95-44. An automated reporting system that mirrors the form is also being used.

Abstract: EMERS is an annual exercise/training reporting system that identifies emergency functions that are major components of an effective emergency management preparedness, response and recovery program. The functions are: alert notification; communications; coordination and control; emergency public information (effectiveness); damage assessment; health and medical; individual/family assistance; public safety; public works; resource management; warning; and effectiveness of warning. The completed EMERS form is submitted by States to FEMA Headquarters, through the appropriate Regional Office. Headquarters staff uses the information to evaluate the effectiveness of program elements and sub-elements as demonstrated in an actual disaster response. The data be useful in determining annual program emphasis, budgetary levels, or changes in or initiation of new policies and guidance; determining necessary changes, improvements or initiatives in training programs required to support State and local emergency managers; identifying potential problem areas that could be expected to arise in State and local jurisdictions, and improving Federal, State, and local disaster relief and assistance relationships; and supporting FEMA's annual budget request.

The process of completing an EMERS form is useful to the State and local jurisdictions affected by disaster. It provides a format for reviewing actual response capability and noting those areas where some remedial actions may be required, serving as the basis for a post-disaster critique. States and local governments may also request exercise credit for actual response operations in