

for the approval of revisions to the California State Implementation Plan. EPA published the direct final rule on June 12, 1996 (61 FR 29659), approving revisions to rules from the following air pollution control districts: El Dorado County Air Pollution Control District (EDCAPCD), Kern County Air Pollution Control District (KCAPCD), Placer County Air Pollution Control District (PCAPCD), Santa Barbara County Air Pollution Control District (SBCAPCD), and the South Coast Air Quality Management District (SCAQMD). As stated in that Federal Register document, if adverse or critical comments were received by July 12, 1996, the effective date would be delayed and notice would be published in the Federal Register. EPA subsequently received adverse comments on that direct final rule. EPA will address the comments received in a subsequent final action in the near future. EPA will not institute a second comment period on this document.

EFFECTIVE DATE: Withdrawal of the direct final rule is effective on August 27, 1996.

FOR FURTHER INFORMATION CONTACT: Erik Beck, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Internet: beck.erik@epamail.epa.gov Telephone: (415) 744-1202.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule located in the final rules section of the June 12, 1996 Federal Register, and in the Federal Register document located in the proposed rule section of the June 12, 1996 (61 FR 29725) Federal Register.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 8, 1996.
Alexis Strauss,
Acting Regional Administrator.

Subpart F of part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart F—California

§ 52.220 [Amended]

2. Section 52.220 is amended by removing paragraphs (c)(185)(i)(A)(9), (194)(i)(G), (198)(i)(K), (207)(i)(B)(2), and (225)(i)(B)(3).

[FR Doc. 96-21691 Filed 8-26-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 20 and 22

[CC Docket No. 94-54; FCC 96-284]

Provision of Roaming Services by Commercial Mobile Radio Service Providers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission adopts a *Second Report and Order* and *Third Notice of Proposed Rulemaking* regarding the offering of roaming services by commercial mobile radio service providers. The *Third Notice of Proposed Rulemaking* portion of this decision is summarized elsewhere in this edition of the Federal Register. The *Second Report and Order* expands the scope of the Commission's existing "manual" roaming rule. As a result of this action, cellular, broadband personal communications services and certain specialized mobile radio licensees must, as a condition of their licenses, provide service upon request to any individual roamer whose handset is technically capable of accessing their networks. This decision is needed to ensure that customers of all providers competing in the mass market for two-way, real-time, interconnected switched voice service have an equal opportunity to obtain manual roaming service if they are using technically compatible equipment, thus promoting competition.

EFFECTIVE DATE: October 28, 1996.

FOR FURTHER INFORMATION CONTACT: Jeffrey Steinberg, Wireless Telecommunications Bureau, (202) 418-1310.

SUPPLEMENTARY INFORMATION: This is a summary of the *Second Report and Order* (*Second R&O*) portion of the Commission's *Second Report and Order* and *Third Notice of Proposed Rulemaking* in CC Docket No. 94-54, FCC 96-284, adopted June 27, 1996, and released August 13, 1996. The summary of the *Third Notice of Proposed Rulemaking* portion of this decision may be found elsewhere in this edition

of the Federal Register. The complete text of this *Second R&O* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC, 20037.

Synopsis of the Second Report and Order

1. In this *Second R&O*, the Commission extends its existing rule under which cellular licensees are required to provide manual roaming service upon request to subscribers in good standing of any cellular carrier.

2. "Roaming" occurs when the subscriber of one commercial mobile radio service (CMRS) provider utilizes the facilities of another CMRS provider with which the subscriber has no direct pre-existing service or financial relationship to place an outgoing call, to receive an incoming call, or to continue an in-progress call. Typically, although not always, roaming occurs when the subscriber is physically located outside the service area of the provider to which he or she subscribes. Under § 22.901 of the Commission's rules, cellular system licensees "must provide cellular mobile radiotelephone service upon request to all cellular subscribers in good standing, including roamers, while such subscribers are located within any portion of the authorized cellular geographic service area * * * where facilities have been constructed and service to subscribers has commenced."

3. The Commission initiated this proceeding in a *Notice of Proposed Rulemaking and Notice of Inquiry*, 59 FR 35664, July 13, 1994, which requested comment regarding whether the obligation to permit roaming should be extended to all CMRS, what regulatory standards are appropriate to promote roaming, and what technical issues or requirements are implicated. In the *Second Notice of Proposed Rulemaking* (*Second NPRM*), 60 FR 20949, April 28, 1995, the Commission tentatively concluded that roaming service is important to the development of a seamless CMRS "network of networks." The *Second NPRM* also tentatively concluded that uncertainties concerning the technological development of non-cellular CMRS and the likelihood that market forces would adequately promote the availability of roaming counseled regulatory caution. Therefore, the Commission proposed, in lieu of a rule, to monitor the development of roaming service and to intercede as appropriate. In addition,

the Commission requested comment on several other issues related to roaming, including the technical feasibility of cross-service roaming, the necessity of direct physical interconnection to facilitate roaming, the necessity of access to subscriber databases and any privacy or proprietary issues raised, and the technical and contractual arrangements that are currently used to provide roaming in the cellular service.

4. At the outset, the Commission notes that Sections 201(b) and 202(a) of the Communications Act apply to CMRS providers and govern the provision of common carrier communications services.¹ The Commission agrees with those commenters that argue that roaming is a common carrier service because it gives end users access to a foreign network in order to communicate messages of their own choosing. The Commission also notes that it has authority to impose a roaming requirement in the public interest pursuant to its license conditioning authority under sections 303(r) and 309 of the Communications Act.

5. The record submitted in response to the *Second NPRM* demonstrates that roaming capability is widely available to cellular subscribers, is highly valued by those subscribers, and is one of the industry's fastest growing sources of revenue. Thus, roaming capability may be a key competitive consideration in the wireless marketplace, and newer entrants may be at a competitive disadvantage vis-a-vis incumbent wireless carriers if their subscribers have no ability to roam on other networks. Having said that, the Commission recognizes that roaming regulation may impose significant costs and burdens on CMRS providers and that it should narrowly tailor its actions to avoid placing an undue burden on such providers.

6. Based on comments in the record and the experience of the first broadband PCS licensee to begin service, the Commission concludes that the public interest will be served by extending its existing manual roaming rule, which is part of the Commission's cellular service rules,² to obligate all CMRS licensees competing in the mass market for real-time, two-way voice services and to protect the subscribers of all carriers offering such services. That group consists of cellular, broadband PCS and covered SMR providers. These "covered SMR providers" include two classes of SMR licensees. The first

consists of 800 MHz and 900 MHz SMR licensees that hold geographic area licenses. The second covers incumbent wide area SMR licensees, defined as licensees who have obtained extended implementation authorizations in the 800 MHz or 900 MHz SMR service, either by waiver or under § 90.629 of the Commission's rules. Within each of these classes, "covered SMR providers" includes only licensees that offer real-time, two-way switched voice service that is interconnected with the public switched network, either on a stand-alone basis or packaged with other telecommunications services. This is the same group of SMR licensees to which the Commission applied its recently adopted rule governing restrictions on resale.

7. Under the rule adopted in this *Second R&O*, cellular, broadband PCS, and covered SMR licensees are required to provide manual roaming to any subscriber of any of these services who is using a handset that is technically capable of accessing the licensee's system. The rule does not require licensees to modify their systems in order to provide service to any end user. To avoid any uncertainty, this decision clarifies that any subscriber to any covered service with a technically cellular-compatible handset has the same right as a cellular subscriber to manually roam on cellular systems. Furthermore, the existing rule is extended to obligate broadband PCS and covered SMR, as well as cellular, licensees. Because this *Second R&O* furthers the public interest by facilitating the widespread availability of roaming, the Commission makes compliance with this rule a condition of cellular, broadband PCS and covered SMR licenses under sections 303(r) and 309 of the Communications Act.

8. By contrast, the record does not establish that ubiquitous roaming capability is important to the competitive success or utility of mobile services other than those offered by cellular, broadband PCS and covered SMR providers. The Commission therefore concludes that its action shall be limited to such licensees. In particular, because they do not compete substantially with cellular and broadband PCS providers, local SMR licensees offering mainly dispatch services to specialized customers in a non-cellular system configuration, as well as licensees offering only data, one-way, or stored voice services on an interconnected basis, are not covered by the roaming rule. Of course, any SMR provider that is not interconnected to the public switched network does not offer CMRS, and therefore is not subject

to the roaming rule. Allegations that particular practices by non-covered CMRS providers are unjust, unreasonable or otherwise in violation of the Communications Act would be grounds for complaint under section 208 of that Act.

Final Regulatory Flexibility Analysis

9. As required by section 603 of the Regulatory Flexibility Act, 5 USC 603 (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Second NPRM* in this proceeding. The Commission sought written public comments on the proposals in the *Second NPRM*, including on the IRFA. The Commission's Final Regulatory Flexibility Analysis (FRFA) in this *Second R&O* conforms to the RFA, as amended by the Contract With America Advancement Act of 1996, Pub. L. 104-121, 110 Stat. 847 (1996) (CWAAA).³

I. Need for and Purpose of this Action

10. In this decision, the Commission extends its existing rule under which cellular licensees are required to provide manual roaming service upon request to subscribers in good standing of any cellular carrier. Under the rule adopted in this decision, cellular, broadband personal communications services (PCS), and certain specialized mobile radio (SMR) licensees must provide manual roaming service upon request to subscribers in good standing of all such carriers, provided the subscriber is using a handset that is technically capable of accessing the licensee's system. This action will ensure that customers of all providers competing in the mass market for two-way, real-time, interconnected switched voice service have an equal opportunity to obtain manual roaming service, if they are using technically compatible equipment. In this way, the rule will promote the development of competition by ensuring that newer entrants to the market, as well as competitors without extensive affiliations, are not competitively disadvantaged by the inability of their subscribers to roam.

II. Summary of Issues Raised by the Public Comments in Response to the Initial Regulatory Flexibility Analysis

11. No comments were filed in direct response to the IRFA. In general comments on the *Second NPRM*, however, several commenters raised issues that might affect small entities. Some of these commenters argued that

¹ See 47 U.S.C. 332(c)(1) (CMRS providers are subject to duties of common carriers, including Sections 201 and 202).

² See 47 CFR 22.901.

³ Subtitle II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), codified at 5 USC 601 *et seq.*

the Commission should adopt a roaming rule in order to protect the ability of carriers without a nationwide footprint or extensive affiliations to compete. Other commenters, however, expressed concern that compliance with a requirement to offer roaming could be technically infeasible or unduly costly under some circumstances. In particular, several commenters urged the Commission not to require carriers to adopt particular technologies or modify their networks in order to facilitate roaming. Some commenters also argued that a roaming requirement could expose carriers to financial losses due to fraud. Two alliances of rural cellular carriers argued that, in drafting any roaming rule, the Commission should consider the technical obstacles faced by providers that do not have SS7 capability, as well as rural cellular licensees' alleged lack of market power.

III. Description and Estimate of the Small Entities Subject to the Rules

12. The rule adopted in this *Second R&O* will apply to cellular, broadband PCS, and geographic area 800 MHz and 900 MHz SMR licensees, including licensees who have obtained extended implementation authorizations in the 800 MHz or 900 MHz SMR services, either by waiver or under § 90.629 of the Commission's rules. However, the rule will apply to SMR licensees only if they offer real-time, two-way voice service that is interconnected with the public switched network.

A. Estimates for Cellular Licensees

13. The Commission has not developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules applicable to radiotelephone companies. This definition provides that a small entity is a radiotelephone company employing fewer than 1,500 persons.⁴ Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission was unable to request information regarding the number of small cellular businesses and is unable at this time to determine the precise number of cellular firms which are small businesses.

14. The size data provided by the SBA does not enable the Commission to make a meaningful estimate of the number of cellular providers which are small entities because it combines all radiotelephone companies with 500 or

more employees.⁵ The Commission therefore used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available. This document shows that only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees.⁶ Therefore, even if all 12 of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. The Commission assumes, for purposes of its evaluations and conclusions in this FRFA, that all of the current cellular licensees are small entities, as that term is defined by the SBA. Although there are 1,758 cellular licenses, the Commission does not know the number of cellular licensees, since a cellular licensee may own several licenses.

15. Two alliances of rural cellular licensees filed comments in which they argued that a roaming rule may have an especially large impact on rural licensees. In its comments, the Rural Cellular Coalition states that it has 12 members which serve licensed cellular areas encompassing approximately 3 million people; the Rural Cellular Association states that its members serve areas with a cumulative population of more than 6 million. The Commission does not have information, however, sufficient to support a meaningful estimate regarding the total number of rural licensees, nor does it have specific information regarding how many rural cellular licensees are small entities. For purposes of this FRFA, the Commission assumes that all rural cellular licensees are small entities, as that term is defined by the SBA.

B. Estimates for Broadband PCS Licensees

16. The broadband PCS spectrum is divided into six frequency blocks designated A through F. Pursuant to 47 CFR 24.720(b), the Commission has defined "small entity" in the auctions for Blocks C and F as a firm that had average gross revenues of not more than \$40 million in the three previous calendar years. This regulation defining "small entity" in the context of

broadband PCS auctions has been approved by the SBA.⁷

17. The Commission has auctioned broadband PCS licenses in Blocks A, B, and C. The Commission does not have sufficient data to determine how many small businesses bid successfully for licenses in Blocks A and B. As of now, there are 90 non-defaulting winning bidders that qualify as small entities in the Block C auctions. Based on this information, the Commission concludes that the number of broadband PCS licensees affected by the rule adopted in this *Second R&O* includes the 90 winning bidders that qualify as small entities in the Block C broadband PCS auctions.

18. At present, no licenses have been awarded for Blocks D, E, and F of broadband PCS spectrum. Therefore, there are no small businesses currently providing these services. However, a total of 1,479 licenses will be awarded in the D, E, and F Block broadband PCS auctions, which are scheduled to begin on August 26, 1996. Eligibility for the 493 F Block licenses is limited to entrepreneurs with average gross revenues of not more than \$125 million. However, the Commission cannot estimate how many of these licenses will be won by small entities, nor how many small entities will win D and E Block licenses. Given the facts that nearly all radiotelephone companies have fewer than 1,000 employees and that no reliable estimate of the number of prospective D, E, and F Block licensees can be made, the Commission assumes, for purposes of its evaluations and conclusions in this FRFA, that all of the licenses will be awarded to small entities, as that term is defined by the SBA.

C. Estimates for SMR Licensees

19. Pursuant to 47 CFR 90.814(b)(1), the Commission has defined "small entity" in auctions for geographic area 800 MHz and 900 MHz SMR licenses as a firm that had average gross revenues of not more than \$15 million in the three previous calendar years. This regulation defining "small entity" in the context of 800 MHz and 900 MHz SMR has been approved by the SBA.⁸

⁴ U.S. Small Business Administration 1992 Economic Census Employment Report, Bureau of the Census, U.S. Department of Commerce, SIC Code 4812 (radiotelephone communications industry data adopted by the SBA Office of Advocacy).

⁵ U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92-S-1, Subject Series, Establishment and Firm Size, Table 5, Employment Size of Firms: 1992, SIC Code 4812 (issued May 1995).

⁷ See Implementation of section 309(j) of the Communications Act—Competitive Bidding, PP Docket No. 93-253, Fifth Report and Order, 59 FR 37566 (July 22, 1994).

⁸ See Amendment of parts 2 and 90 of the Commission's rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896-901 MHz and the 935-940 MHz Bands Allotted to the Specialized Mobile Radio Pool, PR Docket No. 89-583, Second Order on Reconsideration and Seventh Report and Order, 60

⁴ 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4812.

20. The rule adopted in this *Second R&O* applies to SMR providers in the 800 MHz and 900 MHz bands that either hold geographic area licenses or have obtained extended implementation authorizations. The Commission does not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of less than \$15 million. Since the Regulatory Flexibility Act amendments were not in effect until the record in this proceeding was closed, the Commission was unable to request information regarding the number of small businesses in this category. The Commission does know that one of these firms has over \$15 million in revenues. The Commission assumes, for purposes of its evaluations and conclusions in this FRFA, that all of the remaining existing extended implementation authorizations are held by small entities, as that term is defined by the SBA.

21. The Commission recently held auctions for geographic area licenses in the 900 MHz SMR band. There were 60 winning bidders who qualified as small entities in the 900 MHz auction. Based on this information, the Commission concludes that the number of geographic area SMR licensees affected by the rule adopted in this *Second R&O* includes these 60 small entities.

22. No auctions have been held for 800 MHz geographic area SMR licenses. Therefore, no small entities currently hold these licenses. A total of 525 licenses will be awarded for the upper 200 channels in the 800 MHz geographic area SMR auction. However, the Commission has not yet determined how many licenses will be awarded for the lower 230 channels in the 800 MHz geographic area SMR auction. There is no basis to estimate, moreover, how many small entities within the SBA's definition will win these licenses. Given the facts that nearly all radiotelephone companies have fewer than 1,000 employees and that no reliable estimate of the number of prospective 800 MHz licensees can be made, the Commission assumes, for purposes of its evaluations and conclusions in this FRFA, that all of the licenses will be awarded to small entities, as that term is defined by the SBA.

IV. Summary of Projected Reporting, Recordkeeping and Other Compliance Requirements

23. The rule adopted in this *Second R&O* imposes no reporting or recordkeeping requirements. The only compliance requirement is that licensees subject to the rule (*i.e.*, cellular licensees, broadband PCS licensees, and geographic area 800 MHz and 900 MHz SMR licensees that offer real-time, two-way, interconnected switched voice service) must provide manual roaming service upon request to subscribers in good standing of covered services who are using technically compatible equipment.

V. Steps Taken to Minimize the Economic Impact on Small Entities

24. The rule adopted in this *Second R&O* only requires certain CMRS licensees to provide manual roaming service to eligible subscribers upon request. The Commission determines on the present record not to promulgate any rule governing roaming agreements between carriers, but instead to request further comment regarding the need for any such rule and the costs that it would impose. Thus, the Commission in this *Second R&O* avoids potential burdens that a rule governing intercarrier roaming agreements might impose on small entities, including questions regarding the feasibility and cost of offering automatic roaming under certain circumstances, the administrative costs of entering into roaming agreements, and possible exposure to fraud. Furthermore, the rule requires covered licensees to provide service only to subscribers who are using equipment that is technically capable of accessing their systems. The rule therefore does not require carriers to adopt particular technologies or to modify their networks to accommodate roamers using different technologies. Because the rule neither requires carriers to enter into roaming agreements nor impacts their technological choices, it does not implicate the concerns raised by rural carriers.

25. The Commission also determines not to apply its roaming rule to CMRS providers other than cellular, broadband PCS and certain SMR licensees. Many of the providers that are thereby excluded from the rule are small entities, including paging, narrowband PCS, air-ground, public coast service, and non-covered SMR providers. In addition, the Commission requests comment on whether it should sunset the rule adopted herein five years after it awards

the last group of initial licenses for currently allotted broadband PCS spectrum.

26. Finally, the Commission believes that the rule adopted in this *Second R&O* will benefit certain small entities by ensuring that subscribers of providers that do not have a nationwide presence or affiliations will have the same right to obtain roaming service as subscribers to competing larger carriers, provided they are using technically compatible equipment.

VI. Significant Alternatives Considered and Rejected

27. The Commission considered and rejected the alternative of not extending its existing manual roaming rule beyond cellular licensees and cellular subscribers. Instead, the Commission concluded that the rule should extend to broadband PCS and covered SMR services in order to protect smaller and newer providers of these services from likely competitive disadvantage. At the same time, the Commission rejected the alternative of extending the rule to other CMRS services because the record did not establish that ubiquitous roaming capability is important to the competitive success or utility of these services. The Commission also rejected the alternative of promulgating a rule governing intercarrier roaming agreements in this *Second R&O* because the record did not sufficiently illuminate the costs and benefits of any such rule. Finally, the Commission rejected any alternative that would require carriers to adopt particular technologies or modify their physical networks.

VII. Report to Congress

28. The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with this *Second Report and Order*, in a report to Congress pursuant to SBREFA, 5 U.S.C. 801(a)(1)(A).

Ordering Clause

29. Accordingly, it is ordered that the rule amendments appearing below are adopted and shall be effective October 28, 1996.

List of Subjects

47 CFR Part 20

Communications common carriers

47 CFR Part 22

Communications common carriers

FR 48913 (September 21, 1995); Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rulemaking, 61 FR 6212 (February 16, 1996).

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Rule Changes

Parts 20 and 22 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 20—COMMERCIAL MOBILE RADIO SERVICES

1. The authority citation for part 20 continues to read as follows:

Authority: Sec. 4, 303, and 332, 48 Stat. 1066, 1092, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. Section 20.12 is amended by revising the section heading and adding new paragraph (c) to read as follows:

§ 20.12 Resale and roaming.

* * * * *

(c) *Roaming.* Each licensee subject to this section must provide mobile radio service upon request to all subscribers in good standing to the services of any carrier subject to this Section, including roamers, while such subscribers are located within any portion of the licensee's licensed service area where facilities have been constructed and service to subscribers has commenced, if such subscribers are using mobile equipment that is technically compatible with the licensee's base stations.

PART 22—PUBLIC MOBILE SERVICES

1. The authority citation for part 22 continues to read as follows:

Authority: Sec. 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. Section 22.901 is amended by revising the introductory paragraph to read as follows:

§ 22.901 Cellular service requirements and limitations.

Cellular system licensees must provide cellular mobile radiotelephone service upon request to subscribers in good standing, including roamers, as provided in § 20.12 of this chapter. A cellular system licensee may refuse or terminate service, however, subject to any applicable requirements for timely notification, to anyone who operates a cellular telephone in an airborne aircraft in violation of § 22.925 or otherwise fails to cooperate with the licensee in exercising operational control over mobile stations pursuant to § 22.927.

* * * * *

[FR Doc. 96-21797 Filed 8-26-96; 8:45 am]

BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 93-48; FCC 96-335]

Broadcast Services; Children's Television

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This *Report and Order* amends the children's television educational and informational programming requirements to strengthen our enforcement of the Children's Television Act of 1990 ("CTA"). First, we adopt requirements designed to provide better information to the public about the shows broadcasters air to fulfill their obligation under the CTA to air educational and informational programming for children. Such information will assist parents to guide their children's television viewing, may ultimately increase the amount of educational programming available in the market, and will help parents and others to work with broadcasters in their community to improve educational programming without government intervention. Second, we adopt a definition of programming "specifically designed" to educate or inform children (or "core" programming) that provides better guidance to broadcasters concerning their specific obligation under the CTA to air such programming. Third, we adopt a processing guideline that will provide certainty for broadcasters about how to comply with the CTA, counteract market disincentives to air children's educational and informational programming, and facilitate staff processing of the children's educational programming portion of renewal applications. The purpose of these new rules is to improve public access to information about "core" programs, provide better clarity to broadcasters about their obligation to air such programs, and facilitate our application processing efforts. This proceeding was initiated by a *Notice of Inquiry* and a *Notice of Proposed Rule Making*.

DATES: *Effective date:* The rule changes to §§ 73.673, 73.3526(a)(8)(iii), and 73.3500, will become effective on January 2, 1997, subject to OMB approval under the Paperwork Reduction Act. Notice in the Federal Register will be given upon OMB's action to confirm this effective date. The rule changes to §§ 73.671 and 73.672, 47 CFR §§ 73.671, 73.672, will become effective on September 1, 1997. Written comments by the public on the new

and/or modified information collections are due October 28, 1996.

ADDRESSES: Comments on the information collections contained herein should be submitted to Secretary, Federal Communications Commission, Room 222, 1919 M Street, NW., Washington, DC 20554, and a copy submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Charles Logan, Kim Matthews, or Jane Gross, Mass Media Bureau, Policy and Rules Division, (202) 418-2130. For additional information concerning the information collections contained in this *Report and Order* contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 93-48, adopted August 8, 1996, and released August 8, 1996. The complete text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's duplicating contractor, ITS, at (202) 857-3800, 1919 M Street, NW., Room 246, Washington, DC 20554. This *Report & Order* contains new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law No. 104-13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collections contained in this proceeding.

Synopsis of Report and Order

I. Introduction

In this *Report and Order*, the Commission takes action to strengthen its enforcement of the Children's Television Act of 1990 ("CTA"). The CTA requires the Commission, in its review of each television broadcast license renewal application, to "consider the extent to which the licensee * * * has served the educational and informational needs of children through the licensee's overall programming, including programming specifically designed to serve such needs." Our initial regulations implementing the CTA have not been fully effective in prompting broadcasters to increase the amount of educational and informational broadcast television