

(g)(1) Local exchange carriers subject to price cap regulation as that term is defined in § 61.3(x) of this chapter may establish one or more switched access rate elements for a new service within the meaning of § 61.42(g) of this chapter, upon approval of a petition demonstrating that:

(i) The establishment of the new rate element or elements would be in the public interest; or

(ii) Another local exchange carrier has previously obtained permission to establish one or more rate elements identical to those proposed in the petition to offer the identical service; and the original petition did not rely upon a competitive showing as part of the public interest justification.

(2) The Chief, Common Carrier Bureau shall issue a Public Notice of the filing of a petition under paragraph (g)(1)(ii) of this section. Parties may file comments in response to such a petition within seven days of the Public Notice. The local exchange carrier shall have authority to introduce new rate elements under paragraph (g)(1)(ii) of this section, after the expiration of ten days from issuance of the Public Notice, unless the Chief, Common Carrier Bureau informs the LEC that the LEC has not demonstrated that its new service meets the standards of paragraph (g)(1)(ii) of this section. The incumbent LEC may then file one subsequent petition for authorization of that service under paragraph (g)(1)(ii) of this section.

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#### 47 CFR Part 73

[MM Docket No. 96-10; RM-8738, RM-8799, RM-8800, RM-8801]

**Radio Broadcasting Services; Ada, Ardmore, and Comanche, OK, and Blue Ridge, Bridgeport, Eastland, Farmersville, Flower Mound, Greenville, Henderson, Jacksboro, Mineola, Mt. Enterprise, Sherman and Tatum, TX**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Hunt Broadcasting, Inc., substitutes Channel 244C for Channel 244A at Sherman, Texas, reallots Channel 244C to Flower Mound, and modifies the license of Station KIKM to specify operation on Channel 244C at Flower Mound. At the request of Dean Broadcasting, Inc., the Commission substitutes Channel 262A for Channel 260C3 at Henderson, Texas, reallots

Channel 262A to Tatum, Texas, and modifies the license of Station KGRI to specify operation on Channel 262A at Tatum. See 61 FR 6335, February 20, 1996. To accommodate these reallotments, we are substituting channels and modifying authorizations at seven communities. Specifically, we are substituting Channel 236A for Channel 244A at Eastland, Texas, and modifying the Station KVMX license to specify operation on Channel 236A. We are substituting Channel 299A for Channel 252A at Jacksboro, Texas, and modifying the Station KAIH construction permit to specify operation on Channel 299A. We are substituting Channel 252A for Channel 244A at Bridgeport, Texas, and modifying the Station KBOC license to specify operation on Channel 252A. We are substituting 246A for Channel 245C2 at Comanche, Oklahoma, and modifying the Station KDDQ license to specify operation on Channel 246A. We are substituting Channel 253A for Channel 243A at Ardmore, Oklahoma, and modifying the Station KRXZ license to specify operation on Channel 253A. We are substituting Channel 257A for Channel 244A at Ada, Oklahoma, and modifying the Station KADA license to specify operation on Channel 257A. We are substituting Channel 260A for Channel 244A at Mineola, Texas, and modifying the Station KMOO license to specify operation on Channel 260A. We are allotting Channel 221A to Farmersville, Texas, and Channel 260A to Mt. Enterprise, Texas. Finally, we are dismissing a request by Thomas S. Desmond for a Channel 260A allotment at Blue Ridge, Texas, a request by Greenville Broadcasting for a Channel 260C3 allotment at Greenville, Texas, and a request by Galen O. Gilbert for a Channel 260C3 allotment at Farmersville, Texas. The reference coordinates for the Channel 236A allotment at Eastland, Texas, are 32-28-34 and 98-50-20. The reference coordinates for the Channel 299A allotment at Jacksboro, Texas, are 33-14-14 and 98-09-43. The reference coordinates for the Channel 252A allotment at Bridgeport, Texas, are 33-13-28 and 97-47-51. The reference coordinates for the Channel 246A allotment at Comanche, Oklahoma, are 34-27-24 and 97-55-07. The reference coordinates for the Channel 253A allotment at Ardmore, Oklahoma, are 34-14-15 and 97-06-45. The reference coordinates for the Channel 257A allotment at Ada, Oklahoma, are 34-42-31 and 96-44-24. The reference coordinates for the Channel 244C allotment at Flower Mound, Texas, are

33-23-12 and 97-33-57. The reference coordinates for the Channel 221A allotment at Farmersville, Texas, are 33-16-21 and 96-21-14. The reference coordinates for the Channel 260A allotment at Mineola, Texas, are 32-45-04 and 95-33-18. The reference coordinates for the Channel 262A allotment at Tatum, Texas, are 32-13-35 and 94-33-11. The reference coordinates for the Channel 260A allotment at Mt. Enterprise, Texas, are 31-55-06 and 94-40-54. With this action, the proceeding is terminated.

**DATES:** Effective March 3, 1997. The window period for filing application for the Channel 221A allotment at Farmersville, Texas, and the Channel 260A allotment at Mt. Enterprise, Texas, will open on March 3, 1997, and close on April 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau (202) 418-2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order in MM Docket No. 96-10, adopted December 13, 1996, and released January 17, 1997. The full text of this 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, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC. 20037.

List of Subjects in 47 CFR Part 73

Radio 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: Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 244A and adding Channel 257A at Ada.

3. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Channel 253A at Ardmore.

4. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 244A, removing Channel 245C2, and adding Channel 246A at Comanche.

5. Section 73.202(b), the Table of FM Allotments under Texas, is amended by

removing Channel 244A and adding Channel 252A at Bridgeport.

6. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 244A and adding Channel 236A at Eastland.

7. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Farmersville, Channel 221A.

8. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Flower Mound, Channel 244C.

9. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Henderson, Channel 260C3.

10. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 229A, removing Channel 252A, and adding Channel 299A at Jacksboro.

11. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 244A and adding Channel 260A at Mineola.

12. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Mt. Enterprise, Channel 260A.

13. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Sherman, Channel 244A.

14. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Tatum, Channel 262A.

Federal Communications Commission.

John A. Karousos,

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

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