

number of low-income patients with special needs.

(b) *Report to HCFA.* The State agency must indicate to HCFA that it has in place a public process that meets the requirements of paragraph (a) of this section. This language is to be submitted to HCFA only one time for approval. Once approved, the language will become a part of the State plan.

§ 447.255 [Removed and Reserved]

8. Section 447.255 is removed and reserved.

9. Section 447.256 is revised to read as follows:

§ 447.256 Procedures for HCFA action on State plan amendments.

(a) *Criteria for approval.* (1) HCFA approval action on State plans and State plan amendments is taken in accordance with subpart B of part 430 of this chapter and sections 1116, 1902(b) and 1915(f) of the Act.

(2) In the case of State plan and plan amendment changes in payment methods and standards, HCFA bases its approval on the Medicaid agency's satisfaction of the requirements of § 447.254 as well as the other requirements of this subpart.

(b) *Time limit.* HCFA sends a notice to the agency of its determination as to whether the State plan amendment is acceptable within 90 days of the date HCFA receives the State plan amendment. If HCFA does not send a notice to the agency of its determination within this time limit and the provisions in paragraph (a) of this section are met, the State plan amendment will be deemed accepted and approved.

(c) *Effective date.* A State plan amendment that is approved becomes effective not earlier than the first day of the calendar quarter in which an approvable amendment is submitted in accordance with § 430.20 of this chapter.

10. Section 447.257 is republished to read as follows:

§ 447.257 FFP: Conditions relating to institutional reimbursement.

FFP is not available for a State's expenditures for hospital inpatient or long-term care facility services that are in excess of the amounts allowable under this subpart.

11. Section 447.271 is republished to read as follows:

§ 447.271 Upper limits based on customary charges.

(a) Except as provided in paragraph (b) of this section, the agency may not pay a provider more for inpatient hospital services under Medicaid than

the provider's customary charges to the general public for the services.

(b) The agency may pay a public provider that provides services free or at a nominal charge at the same rate that would be used if the provider's charges were equal to or greater than its costs.

12. In § 447.272, paragraph (c) is revised to read as follows:

§ 447.272 Application of upper payment limits.

* * * * *

(c) *Disproportionate share.* The upper payment limitation established under paragraphs (a) and (b) of this section does not apply to payment adjustments made under a State plan to hospitals found to serve a disproportionate number of low-income patients with special needs as provided in section 1902(a)(13)(A)(iv) of the Act. Disproportionate share hospital payments shall be subject to the following limits:

(1) The aggregate DSH limit using the Federal share of the disproportionate share hospital limits under section 1923(f) of the Act;

(2) The hospital-specific DSH limits in section 1923(g) of the Act; and

(3) The aggregate DSH limit for institutions for mental disease (IMDs) under section 1923(h) of the Act.

13. Section 447.280 is republished to read as follows:

§ 447.280 Hospital providers of NF services (swing-bed hospitals).

(a) *General rule.* If the State plan provides for NF services furnished by a swing-bed hospital, as specified in §§ 440.40(a) and 440.150(f) of this chapter, the methods and standards used to determine payment rates for routine NF services must—

(1) Provide for payment at the average rate per patient day paid to NFs, as applicable for routine services furnished during the previous calendar year; or

(2) Meet the State plan and payment requirements described in this subpart, as applicable.

(b) *Application of the rule.* The payment methodology used by a State to set payment rates for routine NF services must apply to all swing-bed hospitals in the State.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: April 1, 1999.

Nancy Ann Min DeParle,

Administrator, Health Care Financing Administration.

Approved: May 25, 1999.

Donna E. Shalala,

Secretary.

[FR Doc. 99-25788 Filed 10-5-99; 8:45 am]

BILLING CODE 4120-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-2025, MM Docket No. 99-297, RM-9726]

Digital Television Broadcast Service; Oklahoma City, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Ohio/Oklahoma Hearst-Argyle Television, Inc., permittee of station KOCO-TV, NTSC Channel 5, Oklahoma City, Oklahoma, proposing the substitution of DTV Channel 7 for station KOCO-TV's assigned DTV Channel 16. DTV Channel 7 can be substituted and allotted to Oklahoma City, Oklahoma, as proposed, in compliance within the principle community requirements of Section 73.625(a) at coordinates 35-33-45 N. and 97-29-24 W. DTV Channel 7 can be allotted to Oklahoma City with a power of 45.0 (kW) and a height above average terrain (HAAT) of 446 meters.

DATES: Comments must be filed on or before November 26, 1999, and reply comments on or before December 13, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mark J. Prak, Esq., Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., Post Office Box 1800, Raleigh, North Carolina 27602 (Counsel for Ohio/Oklahoma Hearst-Argyle Television, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-297, adopted September 30, 1999, and released October 4, 1999. The full

text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, S.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 99-25973 Filed 10-5-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-2024, MM Docket No. 99-296, RM-9661]

Digital Television Broadcast Service; Klamath Falls, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by California Oregon Broadcasting, Inc., licensee of station KOTI-TV, NTSC Channel 2, Klamath Falls, Oregon, requesting the substitution of DTV Channel 13 for its assigned DTV Channel 40. DTV Channel 13 can be substituted for DTV Channel 40 in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 42-05-48 N. and 121-37-57 W. DTV Channel 13 can be allotted to Klamath Falls with a power of 45.3 (kW) and a height above average terrain (HAAT) of 671 meters.

DATES: Comments must be filed on or before November 26, 1999, and reply comments on or before December 13, 1999.

ADDRESSES: 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, or its counsel or consultant, as follows: Marnie K. Sarver, Kathleen A. Kirby, Attorneys, Wiley, Rein & Fielding, 1776 K Street, NW, Washington, DC 20006 (Counsel for California Oregon Broadcasting, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-296, adopted September 30, 1999, and released October 4, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 99-25972 Filed 10-5-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1973, MM Docket No. 99-293, RM-9720, RM-9721]

Radio Broadcasting Services; Canton and Saranac Lake, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on two petitions concerning

Saranac Lake, NY. Radio Vermont Classics, Inc., requests the substitution of Channel 227A for unoccupied and unapplied-for Channel 269A at Saranac Lake, NY, so as to remove the 1 kilometer short-spacing with its outstanding construction permit (BPH-980806IA). Radio Power, Inc. requests the substitution of Channel 268C2 for Channel 268A at Canton, NY, and the modification of Station WRCD's license to specify operation on the higher powered channel. Radio Power also requests the substitution of Channel 227A for Channel 269A at Saranac Lake to accommodate the Canton upgrade. Channel 227A can be allotted to Saranac Lake without the imposition of a site restriction, at coordinates 44-19-48 North Latitude and 74-08-00 West Longitude. Channel 268C2 can be allotted to Canton with a site restriction of 31.8 kilometers (19.8 miles) east, at coordinates 44-35-56 NL; 74-46-24 WL. Both Canton and Saranac Lake are located within 320 kilometers (200 miles) of the U.S.-Canadian border and require concurrence by the Canadian government as specially negotiated short-spaced allotments.

DATES: Comments must be filed on or before November 15, 1999, and reply comments on or before November 30, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Nathaniel F. Emmons, Wiley, Rein & Fielding, 1776 K Street, NW, Washington, DC 20006 (Counsel to Radio Vermont); David G. O'Neil, Rini, Coran & Lancellotta, P.C., 1350 Connecticut Avenue, NW, Suite 900, Washington, DC 20036-1701 (Counsel to Radio Power).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-293, adopted September 15, 1999, and released September 24, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.