

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154, 303 and 309(j) unless otherwise noted.

2. Section 1.227 is amended by revising paragraph (b)(6) to read as follows:

§ 1.227 Consolidations.

* * * * *

(b) * * *

(6) An application which is mutually exclusive with an application for renewal of license of a broadcast station filed on or before May 1, 1995 will be designated for comparative hearing with such license renewal application if it is substantially complete and tendered for filing no later than the date prescribed in § 73.3516(e).

PART 73—RADIO BROADCAST SERVICES

3. The authority citation for part 73 continues to read as follows:

Authority: 46 U.S.C. 154, 303, 304.

4. Section 73.561 is amended by revising the last sentence of the introductory text of paragraph (b) to read as follows:

§ 73.561 Operating schedule; time sharing.

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(b) * * * In order to be considered for this purpose, such an application to share time must be filed no later than the deadline for filing petitions to deny the renewal application of the existing licensee, or, in the case of renewal applications filed by the existing licensee on or before May 1, 1995, no later than the deadline for filing applications in conflict with the such renewal applications.

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5. Section 73.1020 is amended by revising paragraph (b) to read as follows:

§ 73.1020 Station license period.

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(b) For the cutoff date for the filing of applications mutually exclusive with renewal applications that are filed on or before May 1, 1995 and for the deadline for filing petitions to deny renewal applications, see § 73.3516(e).

6. Section 73.3516 is amended by revising the introductory text of paragraph (e) and paragraph (e)(1) to read as follows:

§ 73.3516 Specification of facilities.

* * * * *

(e) An application for construction permit for a new broadcast station or for

modification of construction permit or license of a previously authorized broadcast station will not be accepted for filing if it is mutually exclusive with an application for renewal of license of an existing broadcast station unless the application for renewal of license is filed on or before May 1, 1995 and unless the mutually exclusive construction permit application is tendered for filing by the end of the first day of the last full calendar month of the expiring license term. A petition to deny an application for renewal of license of an existing broadcast station will be considered as timely filed if it is tendered for filing by the end of the first day of the last full calendar month of the expiring license term.

(1) If the license renewal application is not timely filed as prescribed in § 73.3539, the deadline for filing petitions to deny thereto is the 90th day after the FCC gives public notice that it has accepted the late-filed renewal application for filing. In the case of a renewal application filed on or before May 1, 1995, if the license renewal application is not timely filed as prescribed in § 73.3539, the deadline for filing applications mutually exclusive therewith is the 90th day after the FCC gives public notice that it has accepted the late-filed renewal application for filing.

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7. Section 73.3523 is amended by revising paragraph (a) to read as follows:

§ 73.3523 Dismissal of applications in renewal proceedings.

(a) An applicant for construction permit, that has filed an application that is mutually exclusive with an application for renewal of a license of an AM, FM or television station (hereinafter competing applicant") filed on or before May 1, 1995, and seeks to dismiss or withdraw its application and thereby remove a conflict between applications pending before the Commission, must obtain the approval of the Commission.

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8. Section 73.3584 is amended by revising the third sentence of paragraph (a) to read as follows:

§ 73.3584 Procedure for filing petitions to deny.

(a) * * * In the case of applications for renewal of license, Petitions to Deny may be filed at any time up to the deadline established in § 73.3516(e).

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9. Section 73.3591 is amended by revising the introductory text of

paragraph (a), paragraph (c), and adding new paragraph (d) to read as follows.

§ 73.3591 Grants without hearing.

(a) Except for renewal applications filed after May 1, 1995 which will be subject to paragraph (d) of this section, in the case of any application for an instrument of authorization, other than a license pursuant to a construction permit, the FCC will make the grant if it finds (on the basis of the application, the pleadings filed or other matters which it may officially notice) that the application presents no substantial and material question of fact and meets the following requirements:

* * * * *

(c) If a petition to deny the application has been filed in accordance with § 73.3584 and the FCC makes the grant in accordance with paragraph (a) of this section, the FCC will deny the petition and issue a concise statement setting forth the reasons for denial and disposing of all substantial issues raised by the petition.

(d) Renewal applications filed after May 1, 1995 will be governed by the criteria established in 47 U.S.C. § 309(k).

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47 CFR Part 76

[CS Docket No. 95-139; DA 96-574]

Cable Television Service; List of Major Television Markets

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, through this action, amends its rules regarding the listing of major television markets, to change the designation of the Raleigh-Durham-Goldsboro television market to include the community of Fayetteville, North Carolina. This action, taken at the request of Capital Cities/ABC, Inc., licensee of television station WTVD(TV), channel 11, Durham, North Carolina; Capitol Broadcasting Company, Inc., licensee of television station WRAL(TV), channel 5, Raleigh, North Carolina; Delta Broadcasting, Inc., licensee of television station WKFT(TV), channel 40, Fayetteville, North Carolina; FSF TV, Inc., licensee of television station WRDC(TV), channel 28, Durham, North Carolina; and Paramount Stations Group of Raleigh Durham Inc., licensee of television station WLFL(TV), channel 22, Raleigh, North Carolina and after evaluation of the comments filed in this proceeding, amends the rules to

designate the subject market as the Raleigh-Durham-Goldsboro-Fayetteville, North Carolina television market. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 28, 1996.

FOR FURTHER INFORMATION CONTACT: Vanessa Stallings, Cable Services Bureau, (202) 416-0800.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, Docket 95-139, adopted April 9, 1996 and released April 15, 1996. 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, D.C. 20554, and may be purchased from the Commission's copy contractor,

International Transcription Service, (202) 857-3800, 1919 M Street NW., Washington, D.C. 20554.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.
William H. Johnson,
Deputy Chief, Cable Services Bureau.

Rule Changes

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 76—CABLE TELEVISION SERVICE

1. The authority citation for Part 76 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 324A, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1101; 47 U.S.C. Secs. 152, 153, 154, 301, 303, 307, 308, 309, 532, 533, 535, 542, 543, 544A, 552 as amended, 106 Stat. 1460.

2. Section 76.51 is amended by revising paragraph (b)(73) to read as follows:

§ 76.51 Major television markets.

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(b) * * *

(73) Raleigh-Durham-Goldsboro-Fayetteville, North Carolina.

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