

requiring cellular providers not to prohibit resale should be extended to apply to most CMRS providers.

5. Additionally, the Notice tentatively concludes that, as in the case of cellular carriers, a time limitation on the obligation to require resale of the services of one facilities-based CMRS provider to another facilities-based CMRS provider is appropriate. The Notice tentatively concludes that, as in the case of cellular service, once the newer entrant in a market is fully operational the rationale for prohibiting resale restrictions between facilities-based carriers, i.e., to offset any competitive advantage gained as a result of a service provider's "headstart", ceases to exist. The Notice seeks comment on whether, as in the case of cellular, the resale requirement should remain in effect until the termination of the fill-in period of the particular service, which the Commission previously established in its Rules, or whether some other period is appropriate.

6. Finally, the Notice tentatively concludes that the Commission should not impose a general obligation requiring CMRS providers to interconnect with resellers seeking to install their own switching equipment between the CMRS provider's network facilities and the facilities of the local exchange carrier and the interexchange carrier.

Ex Parte Rules

7. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's Rules.¹

Regulatory Flexibility Act

8. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.* (1981), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact of the policies and rules proposed in this Notice on small entities. The IRFA is contained in Appendix B to the Notice. The Secretary shall cause a copy of this Notice, including the IRFA, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act.

¹ See generally, Section 1.1206(a) of the Commission's Rules, 47 CFR § 1.1206(a).

Authority

9. This action is taken pursuant to Sections 1, 4(i), 4(j), 201, 202, 208, 332, and 403 Communications Act as amended; 47 U.S.C. 154(i), 201, 202, 208, 332, and 403.

10. Accordingly, it is ordered that notice is hereby given of the proposed regulatory changes described above, and that comment is sought on these proposals.

11. It is further ordered that pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, comments shall be filed with William F. Caton, Acting Secretary, Federal Communications Commission, Washington, DC 20554 on or before June 14, 1995, and reply comments shall be filed with the Secretary on or before July 14, 1995. To file formally in this proceeding, parties must file an original and five copies of all comments, reply comments, and supporting comments. Parties wishing each Commissioner to receive a personal copy of their comments must file an original plus nine copies.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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47 CFR Part 73

[MM Docket No. 95-48, RM-8590]

Television Broadcasting Services; Weaverville, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Mark C. Allen, requesting the allotment of UHF television Channel 32 to Weaverville, California, as that community's first local television service. Weaverville is located within the prohibited co-channel minimum distance (174.5 miles) to the Sacramento-Stockton television market, one of the designated markets affected by the Commission's current freeze on allotments and applications pending the outcome of an inquiry into the use of advanced television systems in broadcasting. (*See Order, Advanced*

Television Systems and Their Impact on Existing Television Broadcast Service, 52 Fed. Reg. 28346, July 29, 1987). However, Channel 32 can be allotted to Weaverville in compliance with the terms of the freeze *Order* at a restricted site. Coordinates used for Channel 32 at Weaverville are 40-54-45 and 122-52-15.

DATES: Comments must be filed on or before June 15, 1995, and reply comments on or before June 30, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Mark C. Allen, 3745 McHale Way, Redding, CA 96001.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-48, adopted April 14, 1995, and released April 24, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

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.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

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

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