

5. Furthermore, The Commission concludes that such a waiver would not serve the public interest. We note that section 254(d) requires that the Commission establish a universal service contribution mechanism that is "specific, predictable and sufficient" to preserve and advance universal service. As discussed, in implementing section 254, the Commission adopted rules setting forth the specific method of computation for universal service contributions. To grant retroactively a waiver or reconsideration of those rules to individual carriers from one year to the next creates the potential for continuing uncertainty and confusion in the administration of the fund. The Commission notes in particular that Federal Transtel has not suggested how its contributions should be calculated if it were granted a waiver of the Commission's rules. The Commission finds that it cannot reconcile granting the waiver with the Act's mandate that the universal service mechanisms be specific and predictable, and that all telecommunications providers of interstate telecommunications service contribute on an equitable and nondiscriminatory basis. This mandate is essential to the preservation and advancement of universal service to ensure that consumers who rely upon universal service funding, including low-income consumers and those residing in rural and high-cost areas, may continue to receive telecommunications at affordable rates.

#### B. Federal Transtel's Petition for Reconsideration

6. To the extent that Federal Transtel seeks reconsideration of the universal service contribution methodology, we dismiss that request as untimely. The Commission's rules require that petitions for reconsideration be filed within 30 days after public notice of the Commission action. Federal Transtel's petition was filed on July 20, 1999, nearly two years after the deadline to file petitions for reconsideration of the *Second Order on Reconsideration*, 62 FR 56120, October 29, 1997, in which the Commission adopted the contribution methodology based on prior year revenues. Accordingly, the Commission dismisses Federal Transtel's petition for reconsideration as untimely filed. Moreover, even if this petition were timely filed, the Commission would not grant such a request. The Commission has recently provided substantive reasoning for denying similar requests. The Commission does note, however, that based on a newly developed industry-wide record, the Commission recently

took action to reduce the interval between the accrual of revenues by carriers and the assessment for universal service contributions. We believe this action alleviates many of the concerns raised in Federal Transtel's petition. In addition, the Commission has recently sought further comment on how to streamline and reform both the manner in which the Commission assesses carrier contributions to the universal service fund and the manner in which carriers may recover those costs from their customers. Although the Commission dismisses Federal Transtel's petition, we will incorporate a copy of its petition into the record relating to the *Contribution Methodology NPRM*, 66 FR 28718, May 24, 2001.

#### III. Ordering Clause

7. It is ordered, pursuant to sections 1, 4(i), 254, and 405 of the Communications Act of 1934, as amended, and §§ 1.3 and 1.429 of the Commission's rules, that the Petition for Waiver or Reconsideration filed July 20, 1999 by Federal Transtel, Inc. is denied.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01-30793 Filed 12-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-2782; MM Docket No. 00-129; RM-9909 & RM-10017]

**Radio Broadcasting Services; Moberly, Malta Bend, Chillicothe, Lee's Summit, La Monte, Warsaw, Nevada, Maryville & Madison, MO, Topeka, Junction City, Humboldt, Marysville & Burlington, KS, & Auburn, NE**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a petition filed by Best Broadcasting, Inc., the Commission issued a Notice of Proposed Rule Making proposing the substitution of Channel 247C2 for Channel 247C3 at Moberly, Missouri, and modification of the license for Station KCSX accordingly, with additional substitutions at Malta Bend, MO and Chillicothe, MO. See 65 FR 45745, July 25, 2000. In response to a counterproposal filed by Best Broadcasting, Inc. and First Broadcasting Company, this document substitutes Channel 247C1 for Channel

247C3 at Moberly, Missouri, reallots Channel 247C1 from Moberly to Lee's Summit, MO and modifies the authorization for Station KCSX to specify operation at Lee's Summit on Channel 247C1. The coordinates for Channel 247C1 at Lee's Summit are 39-04-20 and 94-35-45. To accommodate the allotment at Lee's Summit, we shall make the following changes: substitute Channel 233C for Channel 247C, Topeka, Kansas (39-00-19 & 96-02-58), substitute Channel 248C1 for Channel 233C1 at Junction City, Kansas (39-00-53 & 96-52-15), substitute Channel 237C3 for Channel 232C3 at Humboldt, Kansas (37-43-21 & 95-33-41), substitute Channel 249A for Channel 237A at Burlington, Kansas (39-10-08 & 95-39-07), substitute Channel 276C3 for Channel 234C3 at Auburn, Nebraska (40-27-57 & 95-45-38),<sup>1</sup> substitute Channel 238C3 for Channel 276C3 at Marysville, Kansas (39-56-06 & 94-47-33), substitute Channel 280C3 for Channel 243C3 at Malta Bend, Missouri (39-21-59 & 93-24-12), substitute Channel 253A for Channel 280C3 at Chillicothe, Missouri (39-43-40 & 93-35-43), substitute Channel 249C2 for Channel 246C3 at La Monte, Missouri (38-48-23 & 93-09-08), substitute Channel 246A for Channel 249A at Warsaw, Missouri (38-20-41 & 93-23-10), substitute Channel 248A for Channel 249A at Nevada, Missouri (37-52-06 & 94-20-01). We shall also allot Channel 247C3 at Madison, Missouri, as a first local service at coordinates 39-24-37 and 92-10-58. The issue of opening the allotment at Madison for auction will be addressed by the Commission in a subsequent order.

**DATES:** Effective January 14, 2002.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 00-129, adopted November 21, 2001, and released November 30, 2001. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, (202) 863-2893,

<sup>1</sup> The authorization for Station KNCY-FM was amended to specify operation on Channel 234C3 in lieu of Channel 288A in a one-step application (BPH-199908161E). We will take this opportunity to correct the FM Table of Allotments.

facsimile (202) 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### 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—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 247C3 at Moberly and adding Lee's Summit, Channel 247C1; by removing Channel 248C3 and adding Channel 280C3 at Malta Bend; by removing Channel 280C3 and adding Channel 253A at Chillicothe; by removing Channel 246C3 and adding Channel 249C2 at La Monte; by removing Channel 249A and adding Channel 246A at Warsaw; by removing Channel 249A and adding Channel 248A at Nevada; and by adding Madison, Channel 247C3.

3. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 247C and adding Channel 233C at Topeka; by removing Channel 233C1 and adding Channel 248C1 at Junction City; by removing Channel 232C3 and adding Channel 237C3 at Humboldt; by removing Channel 237A and adding Channel 249A at Burlington; and by removing Channel 276C3 and adding Channel 238C3 at Marysville.

4. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended

by removing Channel 288A and adding Channel 276C3 at Auburn.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-30870 Filed 12-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-2784; MM Docket No. 98-162; RM-9263]

#### Radio Broadcasting Services; Sugar Hill and Toccoa, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document grants a Petition for Reconsideration filed by Southern Broadcasting of Pensacola, Inc. to the extent of setting aside a previous action substituting Channel 291C1 for Channel 291C at Toccoa, Georgia, reallocating Channel 291C1 to Sugar Hill, Georgia, and modifying the license of Station WNGC to specify operation on Channel 291C1 at Sugar Hill. *See* 66 FR 39456, published July 20, 2001. As a result, Station WNGC will continue to be licensed on Channel 291C at Toccoa, Georgia. The reference coordinates for Channel 291C at Toccoa, Georgia, are 34-22-41 and 83-39-30.

**DATES:** Effective December 14, 2001.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's

*Memorandum Opinion and Order* in MM Docket No. 98-162, adopted November 28, 2001, and released November 30, 2001. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### 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—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Sugar Hill, Channel 291C1.

3. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Toccoa, Channel 291C.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-30866 Filed 12-13-01; 8:45 am]

**BILLING CODE 6712-01-P**