

provide the arbitrator additional flexibility in certain circumstances. The arbitrator shall have discretion to require the parties to submit new final offers, or adopt a result not submitted by any party, in circumstances where a final offer submitted by one or more of the parties fails to comply with the Act or the Commission's rules. There may be some unique circumstances where, even though the parties submit a final offer that complies with the Act and the Commission's rules, the arbitrator will have a basis for concluding that another result is more consistent with the requirements of section 252(c) of the Act, and the Commission's rules, although we do not identify those circumstances here.

3. Because this rule is a rule of agency procedure and practice, it may be adopted without affording prior notice and opportunity for comment. See 5 U.S.C. 553(b)(3)(A). In addition, we find good cause to make this change effective upon publication in the **Federal Register**. See 5 U.S.C. 553(d)(3). In an order released contemporaneously herewith, the Commission has preempted the jurisdiction of the Commonwealth of Virginia State Corporation Commission and therefore may soon need to begin the process of arbitrating complex interconnection agreement issues among carriers in Virginia. This rule change is necessary to facilitate the efficient and expeditious discharge of the Commission's statutory responsibility in the Virginia arbitration proceeding pursuant to section 252 of the Communications Act.

#### Paperwork Reduction Act

4. The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose new or modified reporting and recordkeeping requirements or burdens on the public.

#### Regulatory Flexibility Analysis

5. The action contained herein relates to agency procedure and practice and does not change the Commission's Regulatory Flexibility Analysis in connection with the amended rule.

#### Ordering Clauses

4. This Order is effective February 1, 2001.

5. Pursuant to sections 4(i), 4(j), 201(b), 303(r), 251, and 252 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201(b), 303(r), 251, and 252, that the amendment to § 51.807 is adopted as set

forth in the appendix to this Order, to be effective February 1, 2001.

#### List of Subjects in 47 CFR Part 51

Communications common carriers, Telecommunications, Telephone, Arbitration.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

#### Rule Changes

For the reasons set forth in the preamble, amend Part 51 of 47 CFR as follows:

1. The authority citation for part 51 continues to read:

**Authority:** 47 U.S.C. 154(i), 154(j), 201(b), 303 (r), 251, and 252.

2. Revise § 51.807, paragraph (f)(3) to read as follows:

#### § 51.807 Arbitration and mediation of agreements by the Commission pursuant to section 252(e)(5) of the Act.

\* \* \* \* \*

(f) \* \* \*

(3) Provide a schedule for implementation of the terms and conditions by the parties to the agreement. If a final offer submitted by one or more parties fails to comply with the requirements of this section or if the arbitrator determines in unique circumstances that another result would better implement the Communications Act, the arbitrator has discretion to take steps designed to result in an arbitrated agreement that satisfies the requirements of section 252(c) of the Act, including requiring parties to submit new final offers within a time frame specified by the arbitrator, or adopting a result not submitted by any party that is consistent with the requirements of section 252(c) of the Act, and the rules prescribed by the Commission pursuant to that section.

\* \* \* \* \*

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-136; MM Docket No. 00-101; RM-9885]

#### Radio Broadcasting Services; Sparta and Buckhead, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** As the result of a Petition for Reconsideration filed by Barinoski Investment Company, this document substitutes Channel 274C3 for Channel 274A at Sparta, Georgia, reallocates Channel 274C3 to Buckhead, Georgia, and modifies the Station WPMA license to specify operation on Channel 274C3 at Buckhead, Georgia. See 65 FR 4491, published January 27, 2000. The reference coordinates for the Channel 274C3A allotment at Buckhead, Georgia, are 33-31-40 and 83-18-45. With this action, the proceeding is terminated.

**DATES:** Effective as March 9, 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. 00-101, adopted January 17, 2001, and released January 19, 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. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street NW., Washington DC 20036.

#### 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 Channel 274A at Sparta.

3. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Buckhead, Channel 274C3.

Federal Communications Commission.

**John A. Karousos,**

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

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