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List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.
Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 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, 336.

§ 73.202 [Amended]

■ 2. Amend § 73.202(b) Table of FM Allotments as follows:

- a. Add Port Lions, under Alaska, Channel 221C0.
- b. Add Dermott, under Arkansas, Channel 289A; Lake Village, Channel 278C3; and Pine Bluff, Channel 257A and Channel 267C3.
- c. Add Willows, under California, Channel 292A.
- d. Add Sanborn, under Iowa, Channel 264A.
- e. Add Culver, under Indiana, Channel 252A.
- f. Add Phillipsburg, under Kansas, Channel 237A.
- g. Add Bunker, under Missouri, Channel 292C3 and Deerfield, Channel 264C3.
- h. Add Cleveland, under Mississippi, Channel 225C2; Drew, Channel 237A; Mound Bayou, Channel 270A; and Vardaman, Channel 258A.

- i. Add Alberton, under Montana, Channel 288C3.
- j. Add Cloudcroft, under New Mexico, Channel 250C1 and Tularosa, Channel 274C3.
- k. Add Medina, under North Dakota, Channel 222C and Sarles, Channel 290C1.
- l. Add Alva, under Oklahoma, Channel 289C2.
- m. Add Altamont, under Oregon, Channel 249C1 and Malin, Channel 263A.
- n. Add Mission, under South Dakota, Channel 264A and Murdo, Channel 283A.
- o. Add Byrdstown, under Tennessee, Channel 255A.
- p. Add Cisco, under Texas, Channel 261C3; Giddings, Channel 240A; Santa Anna, Channel 288C3; Seymour, Channel 222C2; Shamrock, Channel 225C2.
- q. Add Byron, under Wyoming, Channel 221C.

[FR Doc. 2011-27451 Filed 10-31-11; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[CG Docket No. 06-181; FCC 11-159]

Anglers for Christ Ministries, Inc., New Beginning Ministries; Petitioners; Interpretation of Economically Burdensome Standard

AGENCY: Federal Communications Commission.

ACTION: Interim rule.

SUMMARY: In this document, the Commission provides guidance on how it will construe, on an interim basis, the term "economically burdensome" for purposes of evaluating requests for individual exemptions. The intended effect of these actions is to ensure that the Commission evaluates petitions for exemption from the captioning rules in the way intended by the Communications Act (Act).

DATES: Effective November 1, 2011.

FOR FURTHER INFORMATION CONTACT: Traci Randolph, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418-0569 or email Traci.Randolph@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order (*Order*), document FCC 11-159, adopted October 20, 2011, and released October 20, 2011, in CG Docket No. 06-181. Simultaneously with the Order, the Commission also issued a Memorandum

Opinion and Order in CG Docket No. 06-81, and Notice of Proposed Rulemaking in CG Docket No. 11-175. The full text of document FCC 11-159 and copies of any subsequently filed documents in this matter will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, *telephone:* (800) 378-3160, *fax:* (202) 488-5563, or *Internet:* <http://www.bcpweb.com>. Document FCC 11-159 can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/caption>.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Paperwork Reduction Act of 1995 Analysis

Document FCC 11-159 does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4).

Synopsis

1. As originally enacted, section 713(d)(3) of the Act authorized the Commission to grant an individual exemption upon a showing that providing closed captioning "would result in an undue burden." Congress provided guidance to the Commission on how it should evaluate these captioning exemptions by setting forth, in section 713(e) of the Act, the following "four factors to be considered" in determining whether providing closed captioning "would result in an undue economic burden": (1) The nature and cost of the closed captions for the programming; (2) the impact on the operation of the provider or program owner; (3) the financial resources of the provider or program owner; and (4) the type of operations of the provider or program owner.

2. In the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Congress amended section 713(d)(3) of the Act by replacing the term “undue burden” with the term “economically burdensome.” Specifically, amended section 713(d)(3) of the Act states: “A provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such petition upon a showing that the requirements contained in this section would be economically burdensome.”

3. In document FCC 11–159, the Commission provides guidance on how it will construe, on an interim basis, the term “economically burdensome” for purposes of evaluating requests for individual exemptions under section 713(d)(3) of the Act, as amended by the CVAA. The Commission concludes that Congress, when it enacted the CVAA, intended for the Commission to continue using the undue burden factors contained in 713(e) of the Act, as interpreted by the Commission and reflected in Commission rules and precedent, for individual exemption petitions, rather than to make a substantive change to this standard.

4. The Commission also directs CGB, with respect to all petitions filed or re-filed subsequent to October 8, 2010, the date on which the CVAA became law, to use the original factors set forth in section 713(e) of the Act, as codified in §§ 79.1(f)(2) and (3) of the Commission’s rules, in accordance with the guidance provided in the instant order, when making determinations as to whether an individual petitioner has made a documented showing that requiring closed captioning would be “economically burdensome.”

Congressional Review Act

The Commission will send a copy of document FCC 11–159 in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

Ordering Clauses

5. Pursuant to the authority contained in sections 4, 5, 303, and 713 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 155, 303, and 613, and §§ 1.115 and 1.411 of the Commission’s rules, 47 CFR 1.115, 1.411, document FCC 11–159 Is Adopted.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2011–28170 Filed 10–31–11; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[CG Docket No. 06–181; FCC 11–159]

Anglers for Christ Ministries, Inc., New Beginning Ministries; Petitioners; Interpretation of Economically Burdensome Standard

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission grants an Application for Review challenging the *Anglers Order*, and reverses the two exemptions granted in the *Anglers Order* and the 296 exemptions subsequently granted in reliance on the *Anglers Order*. The intended effect of this action is to ensure that the Commission evaluates petitions for exemption from the captioning rules in the way intended by the Communications Act (Act).

DATES: Effective November 1, 2011.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Traci Randolph, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418–0569 or email Traci.Randolph@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s Memorandum Opinion and Order (MO&O), document FCC 11–159, adopted October 20, 2011, and released October 20, 2011, in CG Docket No. 06–181. Simultaneously with the MO&O, the Commission also issued an Order (Order) in CG Docket No. 06–181, and a Notice of Proposed Rulemaking (NPRM) in CG Docket No. 11–175. The Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, shall send copies of FCC 11–159 via certified mail, return receipt requested to counsel for or the last known address for each of the petitioners named in this matter by November 3, 2011. Each of the petitions noted in document FCC 11–159 Appendix A that were the subject of the Application for Review shall be dismissed by January 18, 2012. Affected petitioners may file new petitions in accordance with the statute and

Commission rules by January 18, 2012. Any such petitioner who does not file a new petition in accordance with the statute and Commission rules by January 18, 2012 must begin providing closed captioning of its programming beginning on January 19, 2012. The full text of document FCC 11–159 and copies of any subsequently filed documents in this matter will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. They may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone: (800) 378–3160, fax: (202) 488–5563, or Internet: <http://www.bcpweb.com>. Document FCC 11–159 can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/caption>. Appendix A associated with FCC 11–159 listing the Bureau Letter Orders is available at <http://www.fcc.gov/cgb/dro/caption>.

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Paperwork Reduction Act of 1995 Analysis

Document FCC 11–159 does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

Synopsis

1. Section 713 of the Act allows the Commission to grant individual exemptions, which are to be considered on a case-by-case basis upon submission of a petition to the Commission. Section 713(d)(3) of the Act, as originally enacted, permitted the Commission to grant such individual closed captioning exemptions to a provider, owner, or producer of video programming that petitioned the Commission, upon a showing that the closed caption requirements would “result in an undue burden.” Section 713(e) of the Act