

**ACTION:** Final rule; application for review denied.

**SUMMARY:** In this proceeding involving mutually exclusive proposals to amend the FM Table of Allotments, the Commission affirmed the staff's dismissal of a counterproposal filed by Twenty-One Sound Communications to upgrade its Station KNSX(FM), Steelville, Missouri, from Channel 227C2 to Channel 227C1 for failure to comply with the verification requirements of Section 1.52 of the Commission's Rules. The Commission also affirmed the grant of a mutually exclusive proposal to upgrade Station KYLC(FM), Osage Beach, Missouri, from Channel 228A to Channel 228C3. *See* 62 FR 25557 (May 9, 1997) and 61 FR 29311 (June 10, 1996). *See also* Supplemental Information.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Memorandum Opinion and Order, MM Docket 90-66, adopted February 8, 2002, and released March 25, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Information Center (room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may be also purchased from the Commission's copy contractor, Qualex International Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554.

Section 1.52 of the Commission's Rules requires that the original of any document filed with the Commission by a party not represented by counsel be signed and verified by the party and his or her address stated. Since Twenty-One Sound had failed to include an affidavit verifying that the statements contained in its counterproposal were true to the best of its knowledge, the counterproposal was dismissed. Twenty-One Sound had contended that the rule was unfairly applied to its counterproposal because it was filed before the Commission had announced that it would strictly apply the verification rule in allotment proceedings. The Commission disagreed, finding that in situations where the Commission waived the verification rule, it had done so if there would not be prejudice to another mutually exclusive proposal that had complied with the Commission's Rules. Since waiver of the verification rule in this case would prejudice a party that had filed a proposal compliant with the Commission's technical rules, Twenty-

One Sound's counterproposal was properly dismissed.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 76

[CS Docket No. 98-120, CS Docket No. 00-96; CS Docket No. 00-2, FCC 01-22]

#### Carriage of Digital Television Broadcast Signals

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document makes a number of minor corrections to the Commission rules pertaining to retransmission consent which were published in the **Federal Register** of Monday March 26, 2001 (66 FR 16533) regarding carriage of digital television broadcast signals.

**DATES:** Effective April 9, 2002.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Lewis, Media Bureau, (202) 418-2622.

**SUPPLEMENTARY INFORMATION:** The First Report and Order, FCC 01-22, adopted January 18, 2001; released January 23, 2001, approved a final rule for carriage of digital television broadcast signals. In this document we make non-substantive rules changes to correct errors in the publication of § 76.64 of the Commission's rules.

#### Need for Correction

As published, the final regulations contain errors which may prove to be misleading and need to be clarified.

#### List of Subjects in 47 CFR Part 76

Retransmission consent.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

Accordingly, 47 CFR part 76 is corrected by making the following correcting amendments:

#### PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

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

**Authority:** 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 336, 338, 339, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

2.Revise paragraphs (j), (k) and (l) of § 76.64 to read as follows:

#### § 76.64 Retransmission consent.

\* \* \* \* \*

(j) Retransmission consent agreements between a broadcast station and a multichannel video programming distributor shall be in writing and shall specify the extent of the consent being granted, whether for the entire signal or any portion of the signal. This rule applies for either the analog or the digital signal of a television station.

(k) A cable system commencing new operation is required to notify all local commercial and noncommercial broadcast stations of its intent to commence service. The cable operator must send such notification, by certified mail, at least 60 days prior to commencing cable service. Commercial broadcast stations must notify the cable system within 30 days of the receipt of such notice of their election for either must-carry or retransmission consent with respect to such new cable system. If the commercial broadcast station elects must-carry, it must also indicate its channel position in its election statement to the cable system. Such election shall remain valid for the remainder of any three-year election interval, as established in § 76.64(f)(2). Noncommercial educational broadcast stations should notify the cable operator of their request for carriage and their channel position. The new cable system must notify each station if its signal quality does not meet the standards for carriage and if any copyright liability would be incurred for the carriage of such signal. Pursuant to § 76.57(e), a commercial broadcast station which fails to respond to such a notice shall be deemed to be a must-carry station for the remainder of the current three-year election period.

(l) Exclusive retransmission consent agreements are prohibited. No television broadcast station shall make or negotiate any agreement with one multichannel video programming distributor for carriage to the exclusion of other multichannel video programming distributors. This paragraph shall terminate at midnight on December 31, 2005.

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