

and (iii)Is not entered into for the purpose of avoiding regulation under the Act;

(5) *Controlled primarily* means the issuer has control over the company within the meaning of section 2(a)(9) of the Act (15 U.S.C. 80a-2(a)(9)) and the degree of the issuer's control is greater than that of any other person;

(6) *Investments in securities* means all securities other than securities issued by majority-owned subsidiaries and companies controlled primarily by the issuer that conduct similar types of businesses, through which the issuer is engaged primarily in a business other than that of investing, reinvesting, owning, holding, or trading in securities;

(7) *Other investments* means investments in securities that are not capital preservation investments; and

(8) *Research and development expenses* means research and development expenses as defined in the Statement of Financial Accounting Standards No. 2, as currently in effect or as it may be subsequently revised.

By the Commission.

Dated: November 26, 2002.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-30663 Filed 12-2-02; 8:45 am]

BILLING CODE 8010-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA No. 02-2721, MB Docket No. 02-335, RM-10545]

#### Radio Broadcasting Services; Coopersville, Hart & Pentwater, MI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Waters Broadcasting Corporation and Synergy Media, Inc. requesting the substitution of Channel 287B for Channel 287C2 at Hart, Michigan, and reallocation of Channel 287B from Hart, Michigan, to Coopersville, Michigan, and modification of the license for Station WCXT to specify operation on Channel 287B at Coopersville. The coordinates for Channel 287B at Coopersville are 43-20-36 and 85-52-16. To accommodate the proposal for Coopersville, we shall also propose the reallocation of Channel 231C3 from Pentwater to Hart, Michigan, and modification of the license for Station

WWKR accordingly. The coordinates for Channel 231C3 at Hart are 43-51-33 and 86-18-27. In accordance with Section 1.420(i) of the Commission's Rules, we shall not accept competing expressions of interest in the use of Channel 287B at Coopersville or Channel 231C3 at Hart. Canadian concurrence will be requested for both allotments.

**DATES:** Comments must be filed on or before December 30, 2002, and reply comments on or before January 15, 2003.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Matthew H. McCormick, Reddy, Begley & McCormick, LLP, 2175 K Street, NW., Suite 350, Washington, DC 20037-1845 and Robert L. Olender, Koerner & Olender, P.C., 5809 Nicholson Lane, Suite 124, North Bethesda, Maryland 20852-5706.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 02-335, adopted October 23, 2002, and released November 8, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating 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).

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* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

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

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 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 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 287C2 at Hart, by adding Coopersville, Channel 287B, and by removing Channel 231C3 at Pentwater and adding Channel 231C3 at Hart.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 02-30508 Filed 12-2-02; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02-2927; MB Docket No. 02-314 RM-10594]

#### Radio Broadcasting Services; Encino, Texas

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document seeks comment on a petition for rulemaking filed by Charles Crawford proposing the allotment of Channel 283A at Encino, Texas, as the community's first local transmission service. Channel 283A can be allotted at Encino, Texas, with a site restriction of 6.4 kilometers (4.0 miles) west of the community. Coordinates for Channel 283A at Encino, Texas are 26-55-42 NL and 98-11-56 WL. Since this proposal is within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government to the proposed allotment has been requested.

**DATES:** Comments must be filed on or before December 30, 2002, and reply comments must be filed on or before January 14, 2003.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Media Bureau, (202) 418-2180.

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