

**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 Arkansas, is amended by adding Strong, Channel 296C3.

■ 3. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by adding Silver Springs, Channel 273C.

■ 4. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Covington, Channel 290A.

■ 5. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 260C3 at Spur.

■ 6. Section 73.202(b), the Table of FM Allotments under Vermont, is amended by adding Poultney, Channel 223A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 05–13571 Filed 7–12–05; 8:45 am]

**BILLING CODE 6712–01–P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 05–1736; MB Docket No. 04–429, RM–11120]

**Radio Broadcasting Services; Burlington and Cary, NC**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Capstar TX Limited Partnership, licensee of Station WRSN–FM, Channel 230C, Burlington, North Carolina, deletes Channel 230C at Burlington, North Carolina, from the FM Table of Allotments, allots Channel 230C at Cary, North Carolina, as the community's first local FM service, and modifies the license of Station WRSN–FM to specify operation on Channel 230C at Cary. Channel 230C can be allotted to Cary, North Carolina, in compliance with the Commission's minimum distance separation requirements with a site restriction of 35.4 km (22.0 miles) west of Cary. The coordinates for Channel 230C at Cary, North Carolina, are 35–52–15 North Latitude and 79–09–40 West Longitude.

**DATES:** Effective August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Deborah Dupont, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 04–429, adopted June 22, 2005, and released June 24, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, (800) 378–3160, or via the company's Web site, <http://www.bcpweb.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see U.S.C. 801(a)(1)(A).

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

Radio, 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 North Carolina, is amended by removing Channel 230C at Burlington and by adding Cary, Channel 230C.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 05–13572 Filed 7–12–05; 8:45 am]

**BILLING CODE 6712–01–P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 05–1732, MB Docket No. 04–300, RM–11022, RM–11105]

**Radio Broadcasting Services; Fruita and Hotchkiss, CO**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document grants a petition filed by Dana Puopolo proposing the allotment of Channel 255C3 at Fruita, Colorado, as that community's second local service. See 69 FR 51034, published August 17, 2004. This document also grants a counterproposal filed by Hotchkiss Communications by allotting Channel 258C3 at Hotchkiss, Colorado, as its first local service. Channel 255C3 can be allotted to Fruita, Colorado with a site restriction of 14 kilometers (8.7 miles) northeast at coordinates 39–15–05 NL and 108–50–16 WL. This site restriction is necessary to avoid short-spacing to the New FM station, Channel 253C3 at Palisade, Colorado. Channel 258C3 can be allotted to Hotchkiss, Colorado with a site restriction of 3.8 kilometers (2.4 miles) south at coordinates 38–46–03 NL and 107–42–17 WL. This site restriction is necessary to avoid short-spacing to FM Station KEKB, Channel 260C, Fruita, Colorado.

**DATES:** Effective August 8, 2005.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, MB Docket No. 04–300, adopted June 22, 2005, and released June 24, 2005. 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, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC, 20054, telephone 1–800–378–3160 or <http://www.BCPIWEB.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

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

Radio, Radio broadcasting.

**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 Colorado, is amended by adding Channel 255C3 at Fruita and by adding Hotchkiss, Channel 258C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-13565 Filed 7-12-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 76

[MB Docket No. 05-89; FCC 05-119]

#### Implementation of Section 207 of the Satellite Home Viewer Extension and Reauthorization Act of 2004; Reciprocal Bargaining Obligation

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this item, the Commission adopts final rules implementing Section 207 of the Satellite Home Viewer Extension and Reauthorization Act of 2004. Because the Commission has in place existing rules governing good faith retransmission consent negotiations, we conclude that the most faithful and expeditious implementation of the amendments contemplated in the SHVERA is to extend to MVPDs the existing good faith bargaining obligation imposed on broadcasters under our rules. The item accordingly amends the Commission's rules to apply equally to broadcasters and MVPDs. We also conclude that the reciprocal bargaining obligation applies to retransmission consent negotiations between all broadcasters and MVPDs regardless of the designated market area in which they are located. Because the text of the statute applies without qualification to "television broadcast stations," "multichannel video programming distributors" and "retransmission consent agreements," the item concludes that the reciprocal bargaining obligation applies to all retransmission consent agreements.

**DATES:** Effective August 12, 2005.

**FOR FURTHER INFORMATION CONTACT:** For additional information on this proceeding, contact Steven Broeckerkaert, *Steven.Broeckerkaert@fcc.gov* of the Media Bureau, Policy Division, (202) 418-2120.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal

Communications Commission's Report and Order, FCC 05-119, adopted on June 6, 2005 and released on June 7, 2005. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY-A257, Washington, DC, 20554. These documents will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

#### Paperwork Reduction Act

This document does not contain proposed information collection(s) 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).

#### Summary of the Report and Order

1. In this Report and Order ("Order"), we adopt rules implementing Section 207 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA"). The Satellite Home Viewer Extension and Reauthorization Act of 2004, Public Law 108-447, 207, 118 Stat. 2809, 3393 (2004) (to be codified at 47 U.S.C. 325). The SHVERA was enacted on December 8, 2004 as title IX of the "Consolidated Appropriations Act, 2005." The SHVERA requires that the Commission prescribe regulations implementing Section 207 within 180 days after the date of the enactment thereof. Section 207 extends section 325(b)(3)(C) of the Communications Act until 2010 and amends that section to impose a reciprocal good faith retransmission consent bargaining obligation on multichannel video programming distributors ("MVPDs"). This section alters the bargaining obligations created by the Satellite Home Viewer Improvement Act of 1999 ("SHVIA") which imposed a good faith bargaining

obligation only on broadcasters. SHVIA was enacted as title I of the Intellectual Property and Communications Omnibus Reform Act of 1999 (relating to copyright licensing and carriage of broadcast signals by satellite carriers, codified in scattered Sections of 17 and 47 U.S.C.), Public Law 106-113, 113 Stat. 1501, Appendix I (1999). As discussed below, because the Commission has in place existing rules governing good faith retransmission consent negotiations and because Congress did not instruct us through the SHVERA to modify those rules in any substantive way, we conclude that the most faithful and expeditious implementation of the amendments contemplated in Section 207 of the SHVERA is to extend to MVPDs the existing good faith bargaining obligation imposed on broadcasters under our rules. We also conclude that the reciprocal bargaining obligation applies to retransmission consent negotiations between all broadcasters and MVPDs regardless of the designated market area in which they are located.

#### II. Background

2. Section 325(b)(3)(C) of the Communications Act, as enacted by the SHVIA, instructed the Commission to commence a rulemaking proceeding to revise the regulations by which television broadcast stations exercise their right to grant retransmission consent; *see* 47 U.S.C. 325(b)(3)(C). Specifically, that section required that the Commission, until January 1, 2006:

Prohibit a television broadcast station that provides retransmission consent from engaging in exclusive contracts for carriage or failing to negotiate in good faith, and it shall not be a failure to negotiate in good faith if the television broadcast station enters into retransmission consent agreements containing different terms and conditions, including price terms, with different multichannel video programming distributors if such different terms and conditions are based on competitive marketplace considerations; *see* 47 U.S.C. 325(b)(3)(C)(ii).

The Commission issued a Notice of Proposed Rulemaking seeking comment on how best to implement the good faith and exclusivity provisions of the SHVIA; *see Implementation of the Satellite Home Viewer Improvement Act of 1999: Retransmission Consent Issues*, 14 FCC Rcd 21736 (1999) ("Good Faith Notice"). After considering the comments received in response to the notice, the Commission adopted rules implementing the SHVIA good faith provisions and complaint procedures for alleged rule violations; *see Implementation of the Satellite Home*