

business interconnections, should be considered to be attributable. Comment is requested regarding the potential for debt or other nonattributable interest, in conjunction with a series of cooperative or contractual arrangements, to provide their holders the ability to influence the day-to-day operations of a licensee, thus implicating our competition and diversity concerns.

50. Any regulation of such interrelationships among broadcasters, given their varying forms, would require case-by-case review in the context of applications for new stations of transfer or assignment applications. The Commission seeks comment as to whether the burdens and uncertainty created by such review would be outweighed by the perceived benefits of addressing the concerns in this area, and whether these concerns are best addressed in the context of our real-party-in-interest rules and *de facto* transfer of control challenges. The Commission also seeks comment as to whether any review of such close business interrelationships should be limited to those markets where the lack of competition and diversity is a particular concern, and how such markets should be defined. In addition, should the Commission focus on combinations of business interrelationships among stations in the same market only, or do inter-market relationships among stations also warrant review? The Commission wishes to emphasize that in considering these issues we are sensitive to the need not to inhibit capital flow into the broadcast industry or unduly disrupt existing financial arrangements.

#### Administrative Matters

51. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before April 17, 1995, and reply comments on or before May 17, 1995. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, you must file an original plus four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference

Center (Room 239), 1919 M Street, N.W., Washington D.C. 20554.

52. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission Rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

#### Initial Regulatory Flexibility Analysis

53. *Reason for the Action:* This proceeding was initiated to obtain comment on whether the Commission's broadcast attribution rules continue to be effective in serving their intended goals, and on whether they should be revised in certain areas to more effectively achieve those goals.

54. *Objective of this Action:* The actions proposed in the *Notice* are intended to assure that the Commission's broadcast attribution rules effectively implement the Commission's broadcast multiple ownership rules by identifying those interest that have the potential to influence the licensee in core operating areas, such as programming.

55. *Legal Basis:* Authority for the actions proposed in this *Notice* may be found in Sections 4,303, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154,303,310.

56. *Reporting, Recordkeeping and Other Compliance Requirements Inherent in the Proposed Rule:* If the attribution rules are changed, the Commission would have to change the reporting requirements in the Commission's annual ownership report form, accordingly, as the attribution rules determine which broadcast interests must be reported to the Commission and are counted for multiple ownership purposes.

57. *Federal Rules Which Overlap, Duplicate or Conflict with the Proposed Rule:* None.

58. *Description, Potential Impact and Number of Small Entities Involved:* Approximately 11,000 existing television and radio broadcasters of all sizes may be affected by the proposals contained in this decision. After evaluating the comments in this proceeding, the Commission will further examine the impact of any rule changes on small entities and set forth our findings in the Final Regulatory Flexibility Analysis.

59. *Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives:* The Notice solicits comments on a variety of alternatives.

60. As required by Section 603 of the Regulatory Flexibility Act, the

Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Regulatory Flexibility Analysis. The Secretary shall send a copy of the Notice of Proposed Rule Making, including the IRFA to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et. seq.* (1981)).

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

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

**LaVera F. Marshall,**

*Acting Secretary.*

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#### 47 CFR Part 73

[MM Docket Nos. 87-8 and 91-221; FCC 94-322]

#### Broadcast Services; Television Stations

**AGENCY:** Federal Communications Commission.

**ACTION:** Further notice of proposed rulemaking.

**SUMMARY:** The Commission proposes a new analytical framework in which to evaluate its television ownership rules. This framework provides a more structured approach to a comprehensive economic and diversity analysis of the rules. This Further Notice of Proposed Rule Making (FNPRM) is issued in order to allow compilation of a comprehensive record, using this new framework, which would enable the Commission to make a fully informed decision in this important area.

**DATES:** Comments are due by April 17, 1995, and reply comments are due by May 17, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Roger Holberg, Mass Media Bureau, Policy and Rules Division, (202) 418-2130 or Robert Kieschnick, Mass Media Bureau, Policy and Rules Division, (202) 418-2170.