



PUBLIC NOTICE

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MASS MEDIA BUREAU ANNOUNCES MULTIPLE DOCKET FM ALLOTMENT RULEMAKING PROCEEDINGS

During 1997, the Allocations Branch of the Mass Media Bureau took over 448 actions in processing FM allotment requests. Nearly 400 of these actions consisted of Notices of Proposed Rule Making and Reports and Orders. Of the documents, the majority involved a single channel at a single community. The processing of these actions represented a significant expenditure of Commission resources.

In reviewing the allocation procedures, the Mass Media Bureau has determined that it can significantly improve its existing procedure. To this end, the Allocations Branch will be instituting a procedure to streamline this process whereby separate FM allotment proposals will be combined into a single Notice of Proposed Rule Making. Each proposal will have its own docket and rule making number. The Notice of Proposed Rule Making will consist of a series of separate dockets. The subsequent Report and Order will contain the appropriate resolution of each docket. The Commission's Reference Center will maintain a separate file for each docket.

This procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative actions. Under our current procedure, each docket is reflected in its own separate Notice of Proposed Rule Making with an attached Appendix advising interested parties of the Commission's procedural requirements with respect to the rulemaking proceeding. The Notice of Proposed Rule Making also necessitates a Federal Register summary. Subsequently, a separate Report and Order resolves each docket. In addition to requiring another Federal Register summary, if the Report and Order allots even a single channel, the Allocations Branch is required to comply with the Contract With America Advancement Act of 1996. This entails writing an abstract of the action taken and three separate letters.

The Appendix, the Federal Register summary and compliance with the Contract With America Advancement Act are functions that need not be repeated for each docket. Furthermore, many Notices of Proposed Rule Making and Reports and Orders contain identical "boilerplate" language. We see no public interest benefit in expending administrative resources to undertake these processing steps for each docket.

The initial implementation of the multiple docket procedure will be limited to Petitions for Rule Making proposing a single FM channel to a new community. Initially, a multiple docket proceeding will not include upgrades, a modification of an existing license or construction permit requiring a separate Order to Show Cause, change of community of license, or a single proposal involving multiple allotments. Similarly, the Report and Order will consist of a series of separate actions each involving a single channel in a new community. In the event a counterproposal and/or opposition comments are filed in response to a particular docket, that docket will be resolved in a separate Report and Order. Eventually, the use of multiple docket proceedings will be expanded to include all types of FM allotment proposals. In the event a Petition for Reconsideration is directed to an action in a particular docket, a separate

Memorandum Opinion and Order will resolve that Petition for Reconsideration.

The Administrative Procedure Act exempts rules of procedure and practice from its notice and comment rule making requirements. 5 U.S.C. §553(b)(A). Because the use of a multiple docket proceeding is procedural in nature, and because we believe that no useful purpose would be achieved by public comment, we will not elicit comments on this matter.