

industry readiness to test DFS capabilities, we note that the criteria for DFS and TPC compliance in U–NII devices have been acknowledged and recognized since the adoption of the *Report and Order* in this proceeding. Therefore, manufacturers were aware of these new rules for U–NII devices well in advance of the July 20, 2006 implementation date.

#### Regulatory Flexibility Certification Analysis

10. The Report and Order<sup>1</sup> included a Final Regulatory Flexibility Certification pursuant to the Regulatory Flexibility Act (RFA).<sup>2</sup> We received no petitions for reconsideration of that Final Regulatory Flexibility Certification.

11. The Commission will send a copy of the Memorandum Opinion and Order, including a copy of this Regulatory Flexibility Certification Analysis, in a report to Congress pursuant to the Congressional Review Act.<sup>3</sup> In addition, the Memorandum Opinion and Order and this final certification will be sent to the Chief Counsel for Advocacy of the SBA.<sup>4</sup>

#### Ordering Clauses

12. The Congressional Review Act (CRA), was addressed in the *Report and Order* released by the Commission on November 18, 2003, in “*In the Matter of Revision of Parts 2 and 15 of the Commission’s rules to permit Unlicensed National Information Infrastructure (U–NII) devices in the 5 GHz band*” in this proceeding. This Memorandum Opinion and Order does not change any rules, it only issues updated measurement procedures for certifying unlicensed U–NII devices in accordance with the rules adopted in the *Report and Order*. Therefore, the CRA requirements have already been fulfilled.

13. Pursuant to sections 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(f), and 303(r), and section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Memorandum Opinion and Order is hereby adopted.

14. The Motion for Clarification filed by The Wi-Fi Alliance is granted in part and dismissed in part, consistent with the terms of the Memorandum Opinion and Order.

15. The Request for Clarification filed by Extreme Networks, Inc. and the Petition for Clarification or Reconsideration filed by Globespan Virata, Inc. are denied.

#### List of Subjects in 47 CFR Part 15

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E6–10794 Filed 7–11–06; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 06–1367]

#### Radio Broadcasting Services; East Liverpool, OH and Moon Township, PA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; denial of petition for reconsideration.

**SUMMARY:** The Audio Division has denied the petition for reconsideration of Keymarket Licenses, LLC (“Keymarket”), seeking reconsideration of the Audio Division’s return of Keymarket’s petition for rulemaking to reallocate Channel 282B from East Liverpool, Ohio, to Moon Township, Pennsylvania. Keymarket filed a petition for rule making proposing change of community for Station WOGF (FM) from East Liverpool, Ohio, to Moon Township, Pennsylvania. Keymarket also proposed to change the transmitter site of Station WOGF (FM). The proposal was returned as unacceptable, because it would exacerbate an existing short-spacing. In this *Memorandum Opinion and Order*, the Audio Division denied Keymarket’s petition for reconsideration of the return of Keymarket’s petition for rulemaking.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Memorandum Opinion and Order*, adopted June 28, 2006, and released June 30, 2006.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference 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>. This document is not subject to the Congressional Review Act. The Commission is, therefore, not required to 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), because the petition for reconsideration was denied.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E6–10934 Filed 7–11–06; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 06–1368]

#### Radio Broadcasting Services; Various Locations

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission’s Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), *Amendment of the Commission’s Rules to permit FM Channel and Class Modifications by Applications*, 8 FCC Rcd 4735 (1993) and *Streamlining of Radio Technical Rules in Part 73 and 74 of the Commission’s Rules*, 15 FCC Rcd 21649 (2000).

**DATES:** Effective July 12, 2006.

**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*, adopted June 28, 2006, and released June 30, 2006. The full text of this Commission decision is available for inspection and copying during

<sup>1</sup> See Appendix A: Final Regulatory Flexibility Analysis of the Report and Order.

<sup>2</sup> See 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, Title II, 110 Stat. 857 (1996).

<sup>3</sup> See 5 U.S.C. 801(a)(1)(A).

<sup>4</sup> See 5 U.S.C. 605(b).