

message, "get form." A sample form and directions will be sent in response.

- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Summary of Order

1. On May 20, 2008, the Rural Cellular Association (RCA) filed a Petition for Rulemaking (*Petition*) asking the Commission to "initiate a rulemaking to investigate the widespread use and anticompetitive effects of exclusivity arrangements between commercial wireless carriers and handset manufacturers, and, as necessary, adopt rules that prohibit such arrangements when contrary to the public interest." The Commission issued a *Public Notice* on October 10, 2008, seeking comments on the *Petition*. Comments and reply comments were due on December 2, and December 22, 2008, respectively, 72 FR 63127, October 23, 2008.

2. On November 20, 2008, RCA and CTIA—The Wireless Association filed a

joint request (*Request*) for a 60-day extension of the comment and reply comment deadlines "to enable the Associations and their members to continue industry discussions regarding the issues raised in the RCA Petition with the goal of reaching an agreement among interested parties on the issues raised * * * or, at the very least, narrowing the issues for Commission consideration." No party opposed the *Request*.

3. It is the policy of the Commission that extensions of time are not routinely granted. In the instant case, however, we find that providing a limited extension will serve the public interest by allowing parties to discuss the complex issues at stake and develop consensus approaches where possible. Accordingly, we are granting the *Request* by extending the deadline for all comments and reply comments to February 2, and February 20, 2009, respectively.

4. Pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and 1.46 of the Commission's rules, 47 CFR 1.46, the Rural Cellular Association and CTIA—The Wireless Association Joint Request for Extension of Comment and Reply Comment Deadlines, filed on November 20, 2008, is granted, and the deadline for filing comments in response to the *Public Notice* is extended to February 2, 2009, and until February 20, 2009, to file reply comments.

5. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 CFR 0.131 and 0.331.

Federal Communications Commission.

Joel D. Taubenblatt,

Deputy Chief, Wireless Telecommunications Bureau.

[FR Doc. E8-29533 Filed 12-11-08; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 08-2569; MB Docket No. 08-226; RM-11494].

Radio Broadcasting Services; Mount Enterprise, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document sets forth a proposal to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, 47 CFR 73.202(b).

The Commission requests comment on a petition filed by JER Licenses, LLC. Petitioner proposes the substitution of FM Channel 279A for vacant Channel 231A at Mount Enterprise, Texas. The purpose of the requested channel substitution at Mount Enterprise is to accommodate Petitioner's proposed change of community for Channel 232C3 from Grapeland, Texas, to Bullard, Texas. Channel 279A can be allotted at Mount Enterprise in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.9 km (3.7 miles) north of Mount Enterprise. The proposed coordinates for Channel 279A at Mount Enterprise are 31-58-15 North Latitude and 94-41-01 West Longitude. *See*

SUPPLEMENTARY INFORMATION *infra*.

DATES: Comments must be filed on or before January 21, 2009, and reply comments on or before February 5, 2009.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve petitioner's counsel as follows: A. Wray Fitch, III, Esq., Gammon & Grange, P.C., 8280 Greensboro Drive, 7th Floor, McLean, Virginia 22102-3807.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418-7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 08-226, adopted November 26, 2008, and released November 28, 2008. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy 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 does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed 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).

The 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* contacts.

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, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 231A and by adding Channel 279A at Mount Enterprise.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E8–29499 Filed 12–11–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 08–2590; MB Docket No. 08–228; RM–11481]

Radio Broadcasting Services; Port Angeles, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division requests comment on a petition filed by Jodesha Broadcasting, Inc., licensee of Station KANY(FM), Ocean Shores, Washington, and permittee of Station KSWW(FM), Montesano, Washington, proposing the substitution of FM Channel 271A for vacant Channel 229A at Port Angeles, Washington. The reference coordinates for Channel 271A at Port Angeles, Washington, are 48–06–54 NL and 123–26–36 WL. See **SUPPLEMENTARY INFORMATION**, *infra*.

DATES: Comments must be filed on or before January 21, 2009, and reply comments on or before February 5, 2009.

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, his counsel, or consultant, as follows: David Tillotson, Esq., 4606 Charleston Terrace, NW., Washington, DC 20007 (Counsel for Jodesha Broadcasting, Inc.).

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking, MB Docket No. 08–228, adopted November 26, 2008, and released November 28, 2008. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, 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 20554, telephone 1–800–378–3160 or <http://www.BCPIWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed 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).

The proposed channel substitution at Port Angeles is part of a hybrid application and rulemaking proceeding. In the first application, Jodesha Broadcasting proposes the upgrade of Channel 229C3 to Channel 229C0 at Ocean Shores, the reallocation of Channel 229C0 to Montesano, Washington, and the associated modification of the Station KANY(FM) license. To retain a first local service at Ocean Shores, the second application proposes the downgrade of Channel 271C2 to Channel 271C3 at Montesano, Washington, the reallocation of Channel 271C3 to Ocean Shores, and the modification of the Station KSWW(FM) construction permit. See 73 FR 50015 (August 25, 2008).

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, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing 229A and adding Channel 271A at Port Angeles.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E8–29516 Filed 12–11–08; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

RIN 0648–AW78

Taking and Importing Marine Mammals; U.S. Navy Training in the Virginia Capes Range Complex

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to training activities conducted within the Virginia Capes (VACAPES) Range Complex for the