

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region III</b>				
Virginia:				
Augusta County, Unincorporated Areas	510013	July 24, 1974, Emerg; May 17, 1990, Reg; August 3, 2015, Susp.	August 3, 2015	August 3, 2015.
Dumfries, Town of, Prince William County.	510120	August 15, 1973, Emerg; May 15, 1980, Reg; August 3, 2015, Susp.	.....do .....	Do.
New Kent County, Unincorporated Areas.	510306	August 19, 1975, Emerg; December 5, 1990, Reg; August 3, 2015, Susp.	.....do .....	Do.
Portsmouth, City of, Independent City ..	515529	May 15, 1970, Emerg; July 2, 1971, Reg; August 3, 2015, Susp.	.....do .....	Do.
Prince William County, Unincorporated Areas.	510119	December 15, 1972, Emerg; December 1, 1981, Reg; August 3, 2015, Susp.	.....do .....	Do.
Quantico, Town of, Prince William County.	510232	March 19, 1975, Emerg; August 15, 1978, Reg; August 3, 2015, Susp.	.....do .....	Do.
Suffolk, City of, Independent City .....	510156	January 22, 1975, Emerg; November 16, 1990, Reg; August 3, 2015, Susp.	.....do .....	Do.
Waynesboro, City of, Independent City	515532	June 19, 1970, Emerg; July 2, 1971, Reg; August 3, 2015, Susp.	.....do .....	Do.
<b>Region VII</b>				
Missouri:				
Avondale, City of, Clay County .....	290087	September 29, 1972, Emerg; October 26, 1976, Reg; August 3, 2015, Susp.	.....do .....	Do.
Clay County, Unincorporated Areas .....	290086	September 6, 1974, Emerg; March 18, 1980, Reg; August 3, 2015, Susp.	.....do .....	Do.
Claycomo, Village of, Clay County .....	290089	September 6, 1974, Emerg; August 1, 1977, Reg; August 3, 2015, Susp.	.....do .....	Do.
Excelsior Springs, City of, Clay and Ray Counties.	290090	November 12, 1971, Emerg; March 15, 1977, Reg; August 3, 2015, Susp.	.....do .....	Do.
Gladstone, City of, Clay County .....	290091	February 9, 1973, Emerg; January 5, 1978, Reg; August 3, 2015, Susp.	.....do .....	Do.
Glenaire, City of, Clay County .....	290092	September 12, 1975, Emerg; September 15, 1977, Reg; August 3, 2015, Susp.	.....do .....	Do.
Holt, City of, Clay and Clinton County ..	290093	April 17, 1980, Emerg; April 17, 1980, Reg; August 3, 2015, Susp.	.....do .....	Do.
Lawson, City of, Clay County .....	290705	October 19, 1989, Emerg; December 5, 1996, Reg; August 3, 2015, Susp.	.....do .....	Do.
Liberty, City of, Clay County .....	290096	May 29, 1973, Emerg; March 15, 1978, Reg; August 3, 2015, Susp.	.....do .....	Do.
Missouri City, City of, Clay County .....	290097	January 13, 1976, Emerg; August 15, 1979, Reg; August 3, 2015, Susp.	.....do .....	Do.
North Kansas City, City of, Clay County	290099	October 29, 1971, Emerg; March 5, 1976, Reg; August 3, 2015, Susp.	.....do .....	Do.
Pleasant Valley, City of, Clay County ...	290100	September 9, 1974, Emerg; July 18, 1977, Reg; August 3, 2015, Susp.	.....do .....	Do.
Prathersville, Village of, Clay County ....	290101	June 6, 1978, Emerg; November 15, 1978, Reg; August 3, 2015, Susp.	.....do .....	Do.
Randolph, Village of, Clay County .....	290102	March 17, 1976, Emerg; July 18, 1977, Reg; August 3, 2015, Susp.	.....do .....	Do.
Smithville, City of, Clay County .....	295271	June 5, 1970, Emerg; May 21, 1971, Reg; August 3, 2015, Susp.	.....do .....	Do.

.....do = Ditto.  
Code for reading third column: Emerg. —Emergency; Reg. —Regular; Susp. —Suspension.

Dated: June 22, 2015.  
**Roy E. Wright,**  
*Deputy Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.*  
[FR Doc. 2015-16399 Filed 7-1-15; 8:45 pm]  
**BILLING CODE 9110-12-P**

**FEDERAL MARITIME COMMISSION**  
**46 CFR Part 503**  
**[Docket No. 15-05]**  
**[RIN 3072-AC60]**  
**Amendments to Regulations Governing Access to Commission Information and Records; Freedom of Information Act**  
**AGENCY:** Federal Maritime Commission.

**ACTION:** Direct final rule; and request for comments.  
**SUMMARY:** The Federal Maritime Commission amends its regulations governing access to Commission information and records and its regulations implementing the Freedom of Information Act (FOIA). The revisions update and consolidate the provisions identifying records available without the need for a FOIA request, including records available on the Commission’s public Web site; revise

response time procedures for processing FOIA requests; affirmatively indicate that the Commission uses a multitrack system for processing FOIA requests; and modify the criteria for a FOIA request to qualify for expedited processing.

**DATES:** This rule is effective without further action on September 1, 2015, unless significant adverse comment is received by August 3, 2015. If significant adverse comment is received, the Federal Maritime Commission will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** You may submit comments, identified by the docket number in the heading of this document, by any of the following methods:

- **Email:** [secretary@fmc.gov](mailto:secretary@fmc.gov). Include in the subject line: "Docket No. 15-05, Comments on Amendments to Regulations Governing Access to Commission Information and Records; Freedom of Information Act." Comments should be attached to the email as a Microsoft Word or text-searchable PDF document. Comments containing confidential information should not be submitted by email.
- **Mail:** Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573-0001.

- **Docket:** For access to the docket to read background documents or comments received, go to: <http://www.fmc.gov/15-05/>.

**FOR FURTHER INFORMATION CONTACT:** Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573-0001. Phone: (202) 523-5725. Email: [secretary@fmc.gov](mailto:secretary@fmc.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Maritime Commission amends its regulations governing access to Commission information and records and its regulations implementing the Freedom of Information Act, 5 U.S.C. 552, found in part 503 of title 46 of the Code of Federal Regulations. The provisions in part 503 are designed to facilitate public availability of information; thereby furthering the spirit of FOIA in ensuring an informed citizenry. The Commission last revised part 503 in 1998 to reflect requirements of the Electronic Freedom of Information Act Amendments of 1996 (Pub. L. 04-231). On December 31, 2007, the OPEN Government Act of 2007 (Pub. L. 110-175) amended procedural aspects of FOIA and established new agency requirements for processing FOIA requests. On October 28, 2009, the OPEN FOIA Act

of 2009 (Pub. L. 110-175) further amended FOIA.

The amendments to part 503 update the Commission's regulations to reflect its practices and provisions of the OPEN Government Act of 2007 and the OPEN FOIA Act of 2009.

The Commission is making the following revisions to the subparts of part 503: revise Subpart A—*General, Statement of Policy* to repurpose this subpart to state the purpose and scope of the rules contained in part 503; update Subpart B—*Publication in the Federal Register* to recognize that in addition to publishing records in the **Federal Register**, the Commission also posts records listed in this Subpart on its Web site ([www.fmc.gov](http://www.fmc.gov)); revise Subpart C—*Records, Information and Materials Generally Available to the Public Without Resort to Freedom of Information Act Procedures* to describe records available to the public without the need for a FOIA request, including records available on the Commission's public Web site; amend Subpart D—*Requests for Records under the Freedom of Information Act* to include procedures for tolling response times, processing FOIA requests under the multitracking system, and expedited processing of FOIA requests; and revise Subpart H—*Public Observation of Federal Maritime Commission Meetings and Public Access to Information Pertaining to Commission Meetings* to amend a subpart reference.

#### **Subpart A—General**

The Commission revises the heading and language in § 503.1 to use this section to describe the scope and purpose of the provisions contained in part 503. Specifically, the Commission changes the section heading from "Statement of Policy" to "Scope and Purpose." The Commission also amends this section to include a list of the subparts contained in part 503.

#### **Subpart B—Publication in the Federal Register**

To promote greater access to information and records, the Commission amends and updates § 503.11 to inform the public that the Commission posts records listed in this subpart on its Web site ([www.fmc.gov](http://www.fmc.gov)), in addition to publishing these records in the **Federal Register**.

#### **Subpart C—Records, Information and Materials Generally Available to the Public Without Resort to Freedom of Information Act Procedures**

Sections 503.21 to 503.24 describe records available to the public without the need for a FOIA request. The

Commission last revised these sections in 1998 and further revises these sections to reflect the availability of information on the Commission's Web site, eliminate outdated information, and remove duplicative language.

#### **Subpart D—Requests for Records Under the Freedom of Information Act**

Section 503.31 provides information on the process for requesting records. The Commission is adding a new paragraph encouraging requesters to review the records on the Commission's public Web site prior to initiating a FOIA request. In addition, the Commission amends this section to include requirements for submitting FOIA requests electronically.

#### **Tolling**

FOIA, as amended, allows an agency to make one reasonable request for information from the FOIA requester and stop, or toll, the 20-day clock for responding to a FOIA requester while the agency is waiting for the requested information from the FOIA requester. 5 U.S.C. 552(a)(6)(A)(ii)(I). Agencies may also toll the 20-day response clock as many times as necessary in order to clarify any issues with fee assessment. 5 U.S.C. 552(a)(6)(A)(ii)(II).

Section 503.32 sets forth procedures for responding to requests made under FOIA. This section does not currently include a provision for tolling the statutory 20-day FOIA response period should the Commission need to contact the FOIA requestor to clarify or narrow the scope of the FOIA request. The Commission is adding language that would allow for tolling of response times to implement the Commission's authority to stop the 20-day clock should the Commission need information from the requestor or to clarify issues with fee assessment.

The Commission is adding two new paragraphs, (b)(4) and (5) to § 503.32 to reflect Commission processes used to work with a requestor to clarify or narrow the scope of a FOIA request, and to confirm that the requestor understands and authorizes the assessment of fees. The new paragraphs require the Commission to submit its request to clarify the scope of records requested or fee assessments in writing to the requestor.

#### **Multitrack Processing of Requests**

FOIA expressly authorizes agencies to promulgate regulations providing for "multitrack processing" of FOIA requests and allows agencies to process requests on a first-in, first-out basis within each track. 5 U.S.C. 552(a)(6)(D). During FY 2012, the Commission

initiated a multitrack processing system for FOIA requests to better manage and more efficiently respond to FOIA requests. The Commission revises § 503.32(d) to reflect the Commission's current practices regarding multitrack processing of FOIA requests in which the Commission labels requests as either "simple" or "complex". The rephrasing of the section clarifies the Commission's current practices and provides that a request may be considered "simple" if the type of records being requested are routinely requested and readily available. Initiating a simple track process has permitted the Commission to respond to relatively simple requests more quickly than requests involving complex and/or voluminous records.

#### Expedited Processing of Requests

Section 503.32(e) currently provides for expedited processing of a FOIA request when (1) the person requesting the records can demonstrate a compelling need; or (2) in other cases, in the Secretary's discretion. The Commission deletes paragraph (2) from § 503.32(e). This revision simplifies the Commission's criteria for determining which FOIA requests qualify for expedited processing and establish a practice consistent with other Federal agencies that only provide expedited processing when a "compelling need" can be demonstrated.

To ensure timely responses to requests for expedited processing, the Commission revises § 503.32(e)(4) to change "working days" to "calendar days" to coincide with FOIA.

#### Annual Report

The Commission must submit an annual report on its FOIA related activities to the Attorney General. The Commission revises § 502.23 to reference the activities cited in FOIA, 5 U.S.C. 552(e), rather than list out all activities reported upon.

#### Subpart I—Public Observation of Federal Maritime Commission Meetings and Public Access to Information Pertaining to Commission Meetings

A technical revision and update of § 503.87(b) accounts for a recent redesignation of subparts with the addition of new subpart E.

#### Regulatory Analysis and Notices

##### *Regulatory Flexibility Act*

This direct final rule is not a "major rule" under 5 U.S.C. 804(2). No notice of proposed rulemaking is required; therefore, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

The Regulatory Flexibility Act, 5 U.S.C. 601–612, requires an agency to review regulations to assess their impact on small entities and prepare an initial regulatory flexibility analysis (IRFA), unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. This rulemaking will affect only persons who file FOIA requests, and therefore, the Chairman certifies that this rulemaking will not have a significant or negative economic impact on a substantial number of small entities.

##### *Paperwork Reduction Act*

The Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521, requires an agency to seek and receive approval from the Office of Management and Budget (OMB) before making most requests for information if the agency is requesting information from more than ten persons. 44 U.S.C. 3507. The agency must submit collections of information in rules to OMB in conjunction with the publication of the rulemaking. 5 CFR 1320.11. The Commission is not proposing any collections of information, as defined by 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), as part of this rule.

##### *Regulation Identifier Number*

The Commission assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda, available at: <http://www.reginfo.gov/public/do/eAgendaMain>.

##### *Direct Final Rule Justification*

The Commission expects the amendments to be noncontroversial. Therefore, pursuant to 5 U.S.C. 553, notice and comment are not required and this rule may become effective after publication in the **Federal Register** unless the Commission receives significant adverse comments within the specified period. The Commission recognizes that parties may have information that could impact the Commission's views and intentions with respect to the revised regulations, and the Commission intends to consider any comments filed. The Commission will withdraw the rule if it receives significant adverse comments. Filed comments that are not adverse may be

considered for modifications to part 503 at a future date. If no significant adverse comment is received, the rule will become effective without additional action.

#### List of Subjects in 46 CFR Part 503

Administrative practices and procedures, Archives and records, Classified information, Confidential business information, Freedom of information, Information, Privacy, Records, Reporting and recordkeeping requirements, Sunshine Act.

For the reasons set forth in the preamble, the Federal Maritime Commission amends 46 CFR part 503 as follows:

#### PART 503—PUBLIC INFORMATION

- 1. The authority citation for part 503 is revised to read:

**Authority:** 5 U.S.C. 552, 552a, 552b, 553; 31 U.S.C. 9701; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298.

##### Subpart A—General

- 2. Revise § 503.1 to read as follows:

##### § 503.1 Scope and purpose.

This part implements the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, the Privacy Act of 1974, 5 U.S.C. 552a, and the Government in the Sunshine Act (1976), 5 U.S.C. 552b; and sets forth the Commission's regulations governing:

(a) Public availability of Commission information and records at its Office of the Secretary, published in the **Federal Register**, or posted on the Commission's public Web site ([www.fmc.gov](http://www.fmc.gov));

(b) Procedures for requests for testimony by current or former FMC employees relating to official information and production of official Commission records in litigation;

(c) The type of services and amount of fees charged for certain Commission services; and

(d) The Commission's Information Security Program.

##### Subpart B—Publication in the Federal Register

- 3. Amend § 503.11 by revising the introductory text to read as follows:

##### § 503.11 Materials to be published.

The Commission shall separately state and concurrently publish the following materials in the **Federal Register** or on its public Web site ([www.fmc.gov](http://www.fmc.gov)) for the guidance of the public:

\* \* \* \* \*

**Subpart C—Records, Information and Materials Generally Available to the Public Without Resort to Freedom of Information Act Procedures**

■ 4. Amend § 503.21 by revising paragraphs (a) introductory text and (c) to read as follows:

**§ 503.21 Mandatory public records.**

(a) The Commission, as required by the Freedom of Information Act, 5 U.S.C. 552, makes the following materials available for public inspection and copying in its Office of the Secretary, or on its Web site at *www.fmc.gov*:

\* \* \* \* \*

(c) The Commission maintains and makes available for public inspection at the Office of the Secretary, Federal Maritime Commission, Washington, DC 20573, or on its public Web site at *www.fmc.gov*, a current log or index providing identifying information for the public as to any matter which is issued, adopted, or promulgated, and which is required by paragraph (a) of this section to be made available or published.

(1) No final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any member of the public will be relied upon, used, or cited as precedent by the Commission against any private party unless:

(i) It has been logged or indexed and either made available or published on its public Web site as provided by this subpart; or

(ii) That private party shall have actual and timely notice of the terms thereof.

(2) [Reserved]

\* \* \* \* \*

■ 5. Revise § 503.22 to read as follows:

**§ 503.22 Records available through the Commission’s Web site or at the Office of the Secretary.**

The following records are also available without the requirement of a FOIA request on the Commission’s Web site or by contacting the Office of the Secretary, Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573, *secretary@fmc.gov*. Access to requested records may be delayed if they have been sent to archives. Certain fees may be assessed for duplication of records made available by this section as prescribed in subpart F of this part.

(a) Proposed and final rules and regulations of the Commission including general substantive rules, statements of policy and interpretations, and rules of practice and procedure.

(b) Federal Maritime Commission reports.

(c) Official docket files in all formal proceedings including, but not limited to, orders, final decisions, notices, pertinent correspondence, transcripts, exhibits, and briefs, except for materials which are the subject of a protective order.

(d) News releases, consumer alerts, Commissioner statements, and speeches.

(e) Approved summary minutes of Commission actions showing final votes, except for minutes of closed Commission meetings which are not available until the Commission publicly announces the results of such deliberations.

(f) Annual reports of the Commission.

(g) Agreements filed or in effect pursuant to section 5 (46 U.S.C. 40301(d)–(e), 40302–40303, 40305) and section 6 (46 U.S.C. 40304, 40306, 41307(b)–(d)) of the Shipping Act of 1984.

(h) List of FMC-licensed and bonded ocean transportation intermediaries.

(i) Notification of ocean transportation intermediaries license applications, revocations, and suspensions.

(j) General descriptions of the functions, bureaus, and offices of the Commission, phone numbers and email addresses, as well as locations of Area Representatives.

(k) Information about how to file a complaint alleging violations of the Shipping Act, and how to seek mediation or alternative dispute resolution services.

(l) Commonly used forms.

(m) Final and pending proposed rules.

(n) Access to statements of policy and interpretations as published in part 545 of this chapter.

(o) Lists of the location of all common carrier and conference tariffs and publically available terminal schedules of marine terminal operators.

**§§ 503.23 and 503.24 [Removed and Reserved]**

■ 6. Remove and reserve §§ 503.23 and 503.24.

■ 7. Revise subpart D heading to read as follows:

**Subpart D—Requests for Records Under the Freedom of Information Act**

\* \* \* \* \*

■ 8. Amend § 503.31 by revising paragraphs (a) and (d) to read as follows:

**§ 503.31 Records available upon written request under the Freedom of Information Act.**

(a) *Generally*. Many documents are available on the Commission’s public

Web site and the Commission encourages requesters visit the Web site before making a request for records under FOIA.

(1) *Electronic or written requests*. A member of the public may request permission to inspect, copy or be provided with any Commission record not described in subpart C of this part or posted on the Commission’s Web site at *www.fmc.gov*. Such a request must:

(i) Reasonably describe the record or records sought;

(ii) Be submitted electronically to *FOIA@fmc.gov* or in writing to the Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573.

(iii) Be clearly marked on the subject line of an email or on the exterior of the envelope with the term “FOIA.”

(2) [Reserved]

\* \* \* \* \*

(d) Certain fees may be assessed for processing requests under this subpart as prescribed in subpart F of this part.

■ 9. Amend § 503.32 by revising paragraphs (a)(1), (a)(3)(i)(B), (a)(3)(ii), (d), and (e)(1) and (4) and adding paragraphs (b)(4) and (5) to read as follows:

**§ 503.32 Procedures for responding to requests made under the Freedom of Information Act.**

(a) \* \* \*

(1) Such determination shall be made by the Secretary within twenty (20) business days after receipt of such request, except as provided in paragraphs (b) and (e)(4) of this section.

\* \* \* \* \*

(3)(i) \* \* \*

(B) Be filed not later than ten (10) business days following receipt of notification of full or partial denial of records requested.

(ii) The Chairman or the Chairman’s specific delegate, in his or her absence, shall make a determination with respect to that appeal within twenty (20) business days after receipt of such appeal, except as provided in paragraph (b) of this section.

\* \* \* \* \*

(b) \* \* \*

(4) The Secretary may make an initial written request to the requestor for information to clarify the request which will toll the 20-day processing period until such information has been received. The 20-day processing period will recommence after receipt of the requested information.

(5) The Secretary may also make written requests to clarify issues regarding fee assessments. Such written requests will toll the 20-day processing

period until such information has been received from the requestor. The 20-day processing period will recommence after receipt of the requested information.

\* \* \* \* \*

(d) *Multitrack processing of requests.* The Secretary uses multitrack processing of FOIA requests. Requests which seek and are granted expedited processing are put on the expedited track. All other requests are designated either simple or complex requests based on the amount of time and/or complexity needed to process the request. A request may be considered simple if it involves records that are routinely requested and readily available.

(e) *Expedited processing of requests.* (1) The Secretary will provide for expedited processing of requests for records when the person requesting the records can demonstrate a compelling need.

\* \* \* \* \*

(4) The Secretary shall determine whether to provide expedited processing, and provide notice of the determination to the person making the request, within ten (10) calendar days after the receipt date of the request.

\* \* \* \* \*

■ 10. Amend § 503.34 by revising paragraph (a) to read as follows:

**§ 503.34 Annual report of public information request activity.**

(a) On or before February 1 of each year, the Commission must submit to the Attorney General of the United States, in the format required by the Attorney General, a report on FOIA activities which shall cover the preceding fiscal year pursuant to 5 U.S.C. 552(e).

\* \* \* \* \*

**Subpart I—Public Observation of Federal Maritime Commission Meetings and Public Access to Information Pertaining to Commission Meetings**

■ 11. Amend § 503.87 by revising paragraph (b) to read as follows:

**§ 503.87 Effect of provisions of this subpart on other subparts.**

\* \* \* \* \*

(b) Nothing in this subpart shall permit the withholding from any individual to whom a record pertains any record required by this subpart to be maintained by the agency which record is otherwise available to such an individual under the provisions of subpart H of this part.

By the Commission.

**Karen V. Gregory,**  
*Secretary.*

[FR Doc. 2015–16101 Filed 7–1–15; 8:45 am]

**BILLING CODE 6731-AA-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 76**

[MB Docket No. 15–53; FCC 15–62]

**Concerning Effective Competition; Implementation of Section 111 of the STELA Reauthorization Act**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission improves and expedites the Effective Competition process by adopting a rebuttable presumption that cable operators are subject to Competing Provider Effective Competition. This action implements section 111 of the STELA Reauthorization Act of 2014, which directs the Commission to adopt a streamlined Effective Competition process for small cable operators.

**DATES:** The FCC will publish a document in the **Federal Register** announcing the effective date of this final rule after OMB approval.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Effective Competition Order, FCC 15–62, adopted on June 2, 2015 and released on June 3, 2015. 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., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at <http://fjallfoss.fcc.gov/ecfs/>. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. Copies of the materials can be obtained from the FCC's Reference Information Center at (202) 418–0270. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

**Summary of the Order**

**I. Introduction**

1. In this Report and Order (“Order”), we improve and expedite the effective competition process by adopting a rebuttable presumption that cable operators are subject to “Effective Competition.”<sup>1</sup> Specifically, we presume that cable operators are subject to what is commonly referred to as “Competing Provider Effective Competition.” As a result, each franchising authority<sup>2</sup> will be prohibited from regulating basic cable rates unless it successfully demonstrates that the cable system is not subject to Competing Provider Effective Competition. This change is justified by the fact that Direct Broadcast Satellite (“DBS”) service is ubiquitous today and that DBS providers have captured almost 34 percent of multichannel video programming distributor (“MVPD”) subscribers. This Order also implements section 111 of the STELA Reauthorization Act of 2014 (“STELAR”), which directs the Commission to adopt a streamlined Effective Competition process for small cable operators.<sup>3</sup> By adopting a rebuttable presumption of Competing Provider Effective Competition, we update our Effective Competition rules, for the first time in over 20 years, to reflect the current MVPD marketplace, reduce the regulatory burdens on all cable operators, especially small operators,<sup>4</sup> and more efficiently allocate the Commission's resources.

**II. Background**

2. In the Cable Television Consumer Protection and Competition Act of 1992 (“1992 Cable Act”), Congress adopted a “preference for competition,” pursuant to which a franchising authority may regulate basic cable service tier rates

<sup>1</sup> Effective Competition is a term of art that the statute defines by application of specific tests.

<sup>2</sup> A “franchising authority” is “any governmental entity empowered by Federal, State, or local law to grant a franchise.” See 47 U.S.C. 522(10).

<sup>3</sup> See Public Law 113–200, section 111, 128 Stat. 2059 (2014); 47 U.S.C. 543(o)(1) (“Not later than 180 days after December 4, 2014, the Commission shall complete a rulemaking to establish a streamlined process for filing of an effective competition petition pursuant to this section for small cable operators, particularly those who serve primarily rural areas.”). Accordingly, this rulemaking must be completed by June 2, 2015.

<sup>4</sup> Congress applied the definition of “small cable operator” as set forth in section 623(m)(2) of the Communications Act of 1934, as amended (the “Act”), which is “a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000.” See 47 U.S.C. 543(m)(2), (o)(3).