

presentations, as defined in the rules, and would therefore not be subject to permit-but-disclose requirements. Once another party appeared, both the applicant or filer and the other party would have to comply with the permit-but-disclose rules, because their presentations would be "ex parte."

8. In rulemaking proceedings, the public would, in effect, be treated as parties. Thus, the rules would expressly provide that permit-but-disclose requirements would be triggered by the filing of a petition for rulemaking, or the issuance of a notice of proposed rulemaking (or a rulemaking order done without notice and comment) and would apply to all persons.

9. The Commission also solicits comments as to whether the sunshine period prohibition should be modified. Under the current rules, once a proceeding has been placed on a sunshine notice, no presentations, whether ex parte or not, are permitted until the Commission has released the full text of the order in the proceeding noticed in the sunshine notice, deleted the item from the sunshine agenda, or returned the item for further staff consideration. The prohibition is intended to give the Commission "a period of repose" in which to make decisions.

10. The Commission asks for comments on whether there should be a "sunshine period" once items are adopted on circulation. The Commission also proposes to exempt from the prohibition the discussion of recent Commission actions at public meetings or symposia.

11. Additionally, the Commission proposes certain specific provisions of the ex parte rules. First, the Commission proposes to give additional authority to the Office of General Counsel to evaluate alleged ex parte violations. Second, the Commission proposes that notices of oral ex parte presentations should be more informative by requiring that a full summary of the contents of the presentation be filed with respect to all oral presentations, whether or not the arguments or data presented are "new." Third, the Commission proposes to require that persons with reason to believe that a situation raises an ex parte question must alert the Office of General Counsel of this circumstance.

### Initial Regulatory Flexibility Analysis

#### Reason for Action

The Commission has determined that the rules governing ex parte communications in Commission proceedings should be made simpler, clearer, and less restrictive. The

Commission finds it appropriate to reexamine the public interest basis for the limitations on ex parte communications.

#### Objective

The Commission seeks to simplify and clarify the rules governing ex parte communications in Commission proceedings and to make the rules more consistent with the needs of administrative practice.

#### Legal Basis

Action is being taken pursuant to 47 U.S.C. §§ 154(i) and (j), 303(r), 403.

#### Reporting, Record Keeping and Other Compliance Requirements

This proposal would modify the requirement to report ex parte presentations in order to increase the usefulness and value of the reports and to eliminate unnecessary restrictions on ex parte presentations.

#### Federal Rules which Overlap, Duplicate or Conflict with the Proposed Rules

None.

#### Description, Potential Impact, and Number of Small Entities Affected

Small entities participating in Commission proceedings would be subject to limitations on ex parte presentations.

#### Any Significant Alternative Minimizing Impact on Small Entities and Consistent with the Stated Objections

None.

#### List of Subjects for 47 CFR Part 1

Administrative practice and procedure, Radio, Telecommunications, Television.

Federal Communications Commission.

**William F. Caton,**  
Secretary.

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### 47 CFR Part 63

[CC Docket No. 87-266; FCC 95-20]

#### Telephone Company-Cable Television Cross-Ownership Rules

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Commission adopted a Fourth Further Notice of Proposed Rulemaking in Common Carrier Docket 87-266, with the intent of soliciting information and comment on the extent to which Title II of the Communications

Act, Title VI, or both, apply to a telephone company's provision of video programming directly to subscribers within its telephone service area. The Commission also requested comment on what changes, if any, need to be made to the video dialtone regulatory framework if a telephone company decides to become a video programmer on its own video dialtone platform in its telephone service area, and in particular, whether telephone company provision of video programming raises new concerns about anticompetitive behavior or cross-subsidy that the Commission's existing regulatory framework may not sufficiently address.

**DATES:** Comments must be submitted on or before March 6, 1995. Reply comments are due on March 27, 1995.

**ADDRESSES:** Comments and Reply Comments may be mailed to the Office of the Secretary, Federal Communications Commission, 1919 M Street NW., Washington, DC 20554. A copy of each filing should also be filed with Peggy Reitzel of the Common Carrier Bureau, and James Yancey of the Cable Services Bureau.

**FOR FURTHER INFORMATION CONTACT:** Jane Jackson (202) 418-1593, Common Carrier Bureau, Policy and Program Planning Division, and Larry Walke (202) 416-0847, Cable Services Bureau.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Fourth Further Notice of Proposed Rulemaking in Common Carrier Docket 87-266: Telephone Company-Cable Television Cross-Ownership Rules, Sections 63.54-63.58, adopted January 12, 1995, and released January 20, 1995. The complete text of this Fourth Further Notice of Proposed Rulemaking is available for inspection and copying, Monday through Friday, 9:00 a.m.-4:30 p.m., in the FCC Reference Room (Room 239), 1919 M Street, NW., Washington, DC 20554. The complete text of the Fourth Further Notice of Proposed Rulemaking may also be purchased from the Commission's copy contractor, International Transcription Services, 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

#### Synopsis of Fourth Further Notice of Proposed Rulemaking

##### A. Governing Statutory Provisions.

1. Local exchange carrier (LEC) provision of video programming raises questions about whether Title II of the Communications Act, Title VI of the Communications Act, or both, would govern particular LEC video offerings, and how these provisions might apply to a LEC's provision of video