

6. Finally, we amend Section 1.4(h) to treat service by facsimile machine the same as hand service. See 47 CFR 1.773(a)(4) (treating delivery by facsimile machine like hand service in the tariff context). See also *SEC v. Stratton Oakmont, Inc.*, 1995 WL 46559 (D.D.C. 1995). Because service by facsimile, like hand delivery, is essentially instantaneous, we believe that this treatment is warranted generally.

7. Because the rule amendments involve rules of agency organization, procedure, or practice, the notice and comment and effective date provisions of the Administrative Procedure Act are inapplicable. 5 U.S.C. 553(b)(A), (d).

8. Accordingly, it is ordered, That pursuant to Sections 4(i), 4(j), and 303(r) of the Communications Act, 47 U.S.C. 154(i), 154(j), and 303(r), 47 CFR part 1 is amended as set forth below, effective March 22, 1996.

9. The text of this order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington D.C. The text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., Suite 140, 2100 M Street NW., Washington, D.C. 20037.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Radio, Telecommunications, Television.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Rule Changes

Part 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 1.4 is amended in paragraph (h), by revising the text preceding Example 11, in paragraphs (i) and (j) by redesignating Examples 12 and 13 as Examples 13 and 14, respectively, and by adding new Example 12 in paragraph (h) to read as follows:

§ 1.4 Computation of time.

* * * * *

(h) If a document is required to be served upon other parties by statute or Commission regulation and the

document is in fact served by mail (see § 1.47(f)), and the filing period for a response is 10 days or less, an additional 3 days (excluding holidays) will be allowed to all parties in the proceeding for filing a response. This paragraph (§ 1.4(h)) shall not apply to documents filed pursuant to § 1.89, § 1.120(d), § 1.315(b) or § 1.316. For purposes of this paragraph service by facsimile shall be deemed equivalent to hand delivery.

* * * * *

Example 12: Assume that oppositions to a petition in a particular proceeding are due 10 days after the petition is filed and must be served on the parties to the proceeding. If the petition is filed on October 28, 1993, the last day of the filing period for oppositions is Sunday, November 7. If service is made by mail, the opposition is due three days after November 7, or Wednesday, November 10.

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[FR Doc. 96-6658 Filed 3-21-96; 8:45 am]

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47 CFR Part 76

[MM Docket No. 93-215; FCC 95-502]

Cable Television Rate Regulation; Cost of Service Rules; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final cost rules and regulations, which were published Friday, March 8, 1996, (61 FR 9361). The regulations govern the standard cost of service showings filed by cable operators seeking to justify rates for regulated cable services.

EFFECTIVE DATE: April 18, 1996, except for new information collection requirements adopted herein, which will become effective on the date of approval by the Office of Management and Budget or on April 18, 1996, whichever date occurs later.

FOR FURTHER INFORMATION CONTACT: Tom Power, Cable Services Bureau, (202) 416-0800.

SUPPLEMENTARY INFORMATION:

Background

The Second Report and Order and First Order on Reconsideration in MM Docket 93-215 refines existing cost of service rules and creates final rules governing standard cost of service showings filed by capable operators seeking to justify rates for regulated cable services.

Need for Correction

As published, statements indicating the effective date for the requirements and regulations established in the Second Report and Order and First Order on Reconsideration in MM Docket 93-215 contained errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on March 8, 1996 of the final regulations, which were the subject of FR Doc. 96-5427, is corrected as follows:

Effective Date [Corrected]

On page 9361, in the second column, the statement of the effective date should be revised to read **EFFECTIVE DATE:** This final rule contains information collection requirements that will not become effective until approval by the Office of Management and Budget, but no sooner than April 18, 1996. The Commission will publish a document specifying the effective date of such requirements. All other requirements and regulations contained in this final rule shall become effective on April 18, 1996."

* * * * *

IV. Ordering Clauses [Corrected]

Paragraph 60. On page 9367, in the second column, the paragraph should be revised to read "It is further ordered that the requirements and regulations established in this decision shall become effective on April 18, 1996, except for the new information collection requirements adopted herein, which shall become effective upon the date of approval by the Office of Management and Budget or on April 18, 1996, whichever date occurs later."

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Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 96-6939 Filed 3-21-96; 8:45 am]

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