

adopted in the *Computer III* proceeding (Docket No. 85-229), would result in increased public interest benefits such as efficiencies that could be passed on to the public in the form of lower rates and/or additional services. The Commission solicited comments on its conclusions, and seeks recommendations for appropriate safeguards against anticompetitive conduct by telephone companies, for the purpose of developing the fullest possible record on which to base legislative proposals to the Congress, if warranted. Also sought are comments on whether statutory changes to remove state regulatory impediments to cable systems which provide services other than video programming would serve the public interest. The Commission further identified standards that it might use in applying waiver for "good cause" under § 63.56 of its rules and section 613(b)(4) of the Cable Act. Specifically, the Commission tentatively concluded that construction of advanced, integrated systems for the provision of cable television service and other services could constitute good cause for waiver of the cross-ownership prohibitions.

The NPRM portion of the proceeding proposes liberalization of the permissible limits of affiliation between telephone companies and cable television providers. The proposed revised standards of affiliation are essentially similar the broadcast/cable cross-ownership affiliation rules in Rule § 76.501. The Commission proposed to continue to generally prohibit direct or indirect ownership, operation, or control of cable television systems by telephone companies within their operating territories, while defining and barring only cognizable interests. Cognizable interests are proposed to include partnerships and direct ownership interests but not voting stock interests of less than 5 percent. Other non-cognizable interests are proposed to include minority voting stock interests where there is a single holder of more than 50 percent of the outstanding voting stock of a telephone company or cable operator; holdings by investment companies, insurance companies, or bank trust departments of less than 10% of the outstanding voting stock of telephone or cable companies; non-

voting stock; and debt and instruments such as warrants or options, in some cases. Non-managing limited partnership interests would also be non-cognizable.

Comments on the foregoing interpretations and conclusions, as well as others set forth in the item, are sought.

List of Subjects in 47 CFR Part 63

Telephone common carriers, Video programming, Cross-ownership.

Legal Basis

This further NOI seeking additional supportive facts, and NPRM to amend Part 63 of the Commission's rules, is issued pursuant to authority contained in sections 1, 4, 201-205, 215, 218, 220, 313, 309(e)-(h), 405 and 412 of the Communications Act of 1934, as amended and section 553 of the Administrative Procedure Act.

H. Walker Feaster, III,

Acting Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

Snapper-Grouper Fishery of the South Atlantic.

AGENCY: National Marine Fisheries Service (National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the South Atlantic Fishery Management Council (Council) has submitted Amendment 1 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region for Secretarial review and is requesting comments from the public. Copies of the amendment may be obtained from the address below.

DATE: Comments on the amendment should be submitted on or before November 23, 1988.

ADDRESSES: All comments should be sent to Rodney C. Dalton, NMFS, Southeast Region, 9450 Koger Boulevard, St. Petersburg, FL 33702. Clearly mark "Comments on Amendment 1 to the Snapper-Grouper FMP" on the envelope.

Copies of the amendment are available upon request from the South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407-4699.

FOR FURTHER INFORMATION CONTACT: Rodney C. Dalton (Regional Plan Coordinator), 813-893-3722.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended (16 U.S.C. 1801 *et seq.*) requires that each regional fishery management council submit any fishery management plan or amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. The Magnuson Act also requires that the Secretary, upon receiving the amendment, must immediately publish a notice that the amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the amendment.

This amendment proposes to prohibit the use of trawl nets in the snapper-grouper fishery in the exclusive economic zone between Cape Hatteras, North Carolina, and Cape Canaveral, Florida. The intended effect of this action is to prevent habitat damage and prevent the harvest of undersized fish, thereby ensuring the continued productivity of this snapper-grouper resource, and to clarify existing regulations.

Regulations proposed by the Council and based on this amendment are scheduled to be published within 15 days.

(16 U.S.C. 1801 *et seq.*)

Dated: September 26, 1988.

Joe P. Clem,

Acting Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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