

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 32, 43 and 64****[CC Docket No. 96-193; FCC 96-370]****Implementation of the Telecommunications Act of 1996: Reform of Filing Requirements and Carrier Classifications****AGENCY:** Federal Communications Commission.**ACTION:** Notice of Proposed Rulemaking.

SUMMARY: On September 3, 1996, the Commission adopted a Notice of Proposed Rulemaking (NPRM) seeking comment on regulatory proposals affecting carrier classifications and reporting requirements. The intended effect of this proceeding is to establish regulatory reform which is consistent with the goals of the Telecommunications Act of 1996. In particular, we initiate a rulemaking to consider whether we should modify or eliminate the 60-day advance notice requirement for revisions to cost allocation manuals when a LEC enters a new business venture or makes changes to an existing business venture; which inflation measure we should incorporate into our rules pertaining to carrier classifications and reporting requirements; and whether to modify the filing requirements for ARMIS reports and the reports required to be filed in interstate exchange carriers and AT&T.

DATES: Comments on the proposed rulemaking must be submitted on or before October 15, 1996. Reply comments are due on or before November 5, 1996. Written comments by the public on the proposed and/or modified information collections are due on or before October 15, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before November 25, 1996.

ADDRESSES: Federal Communications Commission, 1919 M St., NW., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Valerie Yates, Accounting and Audits Division, Common Carrier Bureau at 202-418-0850. For additional information concerning the information collections contained in this NPRM contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking adopted September 3, 1996 and released September 12, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Public Reference Room (Room 230), 1919 M St., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcript Service (202) 857-3800, 1919 M St., NW., Suite 246, Washington, DC 20554.

Paperwork Reduction Act

This NPRM contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due 60 days from date of publication of this NPRM in the Federal Register. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060-0470.
Title: Computer III Remand Proceeding: Bell Operating Company Safeguards, and Tier 1 Local Exchange Company Safeguards.

Form No.: N/A.
Type of Review: Revision of Existing Collection.

Number of Respondents: 18.
Estimated Time Per Response: 300 hours.

Total Annual Burden: 10,800.
Estimated costs per respondent: \$0.

Needs and Uses: In the attached NPRM the FCC seeks comment on whether or not it should continue to require carriers to file CAM changes relating to the cost apportionment table or changes in time reporting procedures 60 days before implementation. This requirement could cause carriers to file CAM changes more frequently than annually. In addition, the FCC seeks comment on the appropriate index to use to adjust the classification and reporting thresholds for inflation.

Regulatory Flexibility Analysis: Section 603 of the Regulatory Flexibility Act (RFA), as amended, requires an Initial Regulatory Flexibility Analysis in notice and comment rulemaking proceedings, unless we certify that "the rule will not, if promulgated, have a significant economic impact on a significant number of small entities." This proceeding concerns the method for making inflation adjustments to the annual revenue threshold that determines which carriers must file ARMIS reports and cost allocation manuals. In addition, the NPRM seeks comment on whether the Commission should retain the 60-day notice requirement for revisions to cost allocation manuals when a LEC enters into a new business venture or makes changes to an existing business venture. Finally, the NPRM proposes several changes to the filing requirements for ARMIS reports, and the reports required to be filed by interstate exchange carriers (IXCs) under Section 43.22(b) and AT&T under Section 43.21(b) of our rules. We do not believe the rules proposed in the NPRM portion of this proceeding will have a significant economic impact on a significant number of small entities because the businesses affected by our proposed rules are not small entities within the meaning of the RFA and also because our proposals will not have a significant economic impact on these businesses.

2. The RFA defines the term "small entity" as having the same meaning as "small business concern" under the Small Business Act (SBA), which defines small business concern as "one which is independently owned and operated and which is not dominant in its field of operation * * *" Section 121.201 of the Small Business Administration regulations defines small telecommunications entities in SIC Code 4813 (Telephone Communications, Except Radiotelephone) as any entity with fewer than 1,500 employees at the holding company level.

3. Our proposed rules concerning the filing requirements for cost allocation manuals and for adjusting for inflation references to carrier revenues apply to the Bell Operating Companies and other incumbent LECs, which, because they are dominant in their field of operations, are by definition not small entities under the RFA. These proposed rules would also affect filing requirements for new LECs entering the local exchange market under the competitive provisions of the 1996 Act to the extent that such carriers' revenues exceed the annual indexed revenue threshold of \$100 million in operating revenue as adjusted upward by the rules adopted and proposed herein. While these companies may have fewer than 1,500 employees and thus fall within the SBA's definition of small telecommunications entity, we do not believe that such entities should be considered small entities within the meaning of the RFA.

4. Similarly, our proposal to change the IXC report required by Section 43.22(b) of the Commission's rules affects only designated IXCs with annual operating revenues above \$100 million dollars. In addition, we propose to eliminate the report required by Section 43.21(b) of our rules that presently is filed only by AT&T. While IXCs may have fewer than 1,500 employees and thus fall within the SBA's definition of small telecommunications entity, we do not believe that such entities should be considered small entities within the meaning of the RFA.

5. Moreover, none of the proposed requirements contained in our NPRM will have a significant economic impact on the LECs or IXCs who are required to file these reports or manuals. The number of filings required would be reduced by our proposed rules, and raising revenue thresholds may allow certain carriers to avoid filing the reports or manuals. This should have a beneficial impact on carriers affected by the proposed rules.

6. We therefore certify, pursuant to Section 605(b) of the RFA, that the rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. We seek comment on this tentative conclusion. The Secretary shall send a copy of this Notice, including this certification and statement, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this

certification will also be published in the Federal Register.

Ordering Clauses

Accordingly, *it is ordered* that, pursuant to Sections 402(b)(2)(B) and 402(c) of the Telecommunications Act of 1996, Public Law No. 104-104, sec. 402(b)(2)(B) and 402(c), and Sections 1, 4, 201-205, 215, 218, 220 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151(a), 154, 201-205, 215, 218 and 220, and Section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. § 553(b)(B), *notice is hereby given* of proposed amendments to Parts 32, 43 and 64 in accordance with the proposals, discussions, and statement of issues in this Notice of Proposed Rulemaking and that *comment is sought* regarding such proposals, discussion and statement of issues.

Accordingly, *it is ordered* that a rulemaking proceeding *is instituted* to determine whether proposals made herein concerning regulatory reform for carrier classifications and filing requirements would be in the public interest.

List of Subjects in 47 CFR Parts 32, 43 and 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.
Shirley S. Suggs,
Chief, Publications Branch.
[FR Doc. 96-24474 Filed 9-24-96; 8:45 am]
BILLING CODE 6712-01-P

47 CFR Part 73

[MM Docket No. 96-80; RM-8758, RM-8833]

Radio Broadcasting Services; Alva, Bartlesville and Ponca City, OK, and Deerfield, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; order to show cause.

SUMMARY: This document directs Mur-Thom Broadcasting, Inc., Ponca City, Oklahoma, to show cause why its license for Station KIXR should not be modified to specify operation on Channel 284A in lieu of Channel 261A. This action would allow Station KYFM, Bartlesville, Oklahoma, to upgrade its facility from Channel 260C3 to Channel

261C1. KYFM Radio, Inc., licensee of Station KYFM, Bartlesville, Oklahoma, filed a counterproposal in this proceeding requesting the substitution at Ponca City to accommodate its upgrade at Bartlesville. This *Order* does not afford additional opportunity either to comment on the merits of the conflicting proposal or for the acceptance of additional counterproposals because an opportunity has already been provided for the filing of such proposals.

DATES: Comments must be filed on or before November 4, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order to Show Cause*, MM Docket No. 96-80, adopted September 6, 1996, and released September 13, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

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 broadcasting.

Federal Communications Commission.
John A. Karousos,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.
[FR Doc. 96-24472 Filed 9-24-96; 8:45 am]
BILLING CODE 6712-01-F