

as it did in its Order denying BellSouth's South Carolina application, that BellSouth has failed to demonstrate by a preponderance of the evidence that it provides nondiscriminatory access to all of the operations support systems (OSS) functions provided to competing carriers, as required by the competitive checklist. BellSouth has deployed the same operations support systems throughout its nine-state region, and, in its application, BellSouth relies on data from its entire region to support its assertion that it is in compliance with the requirements of section 271. The Commission reviewed BellSouth's OSS in when it reviewed BellSouth's South Carolina application and found that its OSS were deficient. The Commission uses the determinations it made about BellSouth's operations support systems in its *BellSouth South Carolina Order*, 63 FR 78 (January 2, 1998), as a starting point. In this Order, the Commission reviews the new information BellSouth has provided and finds that BellSouth has not remedied the deficiencies in its OSS that the Commission identified in its *BellSouth South Carolina Order*.

5. In this Order, the Commission finds that BellSouth fails to offer nondiscriminatory access to its OSS functions for the pre-ordering, ordering, and provisioning of resale services. Based on the evidence in the record, the Commission made the following conclusions. First, the Commission concludes that, as in its South Carolina application, BellSouth has failed to demonstrate that it is offering competing carriers the ability to order services for resale on a nondiscriminatory basis, *i.e.*, within substantially the same time and manner as BellSouth provides the service to itself. Second, the Commission finds that, as in its South Carolina application, BellSouth has failed to demonstrate that a competing carrier is able to provide service to its customers, using BellSouth's resold service, in substantially the same time and manner that BellSouth provides service to its own retail customers. Third, the Commission concludes that, as in its South Carolina application, BellSouth's pre-ordering system does not provide competing carriers with equivalent access to operational support systems for pre-ordering.

6. *Resale of Contract Service Arrangements.* The Commission also addresses the checklist item that requires incumbent LECs to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail, and not to prohibit, or to impose unreasonable or discriminatory conditions or limitations on, the resale of such

telecommunications service. As in its *BellSouth South Carolina Order*, the Commission concludes that BellSouth does not meet this checklist item because it refuses to offer contract service arrangements, which are contractual agreements made between a carrier and a specific, typically high-volume, customer, at a wholesale discount.

7. In this Order, the Commission affirms its conclusion in the *BellSouth South Carolina Order* that neither incumbent LECs nor states may create a general exemption from the requirement that incumbent LECs offer their promotional or discounted offerings, including contract service arrangements, at a wholesale discount. The Commission concludes that BellSouth's argument that contract service arrangements should not be further discounted because they have already been discounted from the tariff rate has been previously considered and rejected by the Commission. Finally, the Commission concludes that BellSouth's refusal to offer contract service arrangements at a wholesale discount is not a local pricing matter within the exclusive jurisdiction of the state commission.

8. *Compliance with Section 271(c)(1)(A).* The Commission also concludes that the Act excludes only cellular providers, not Personal Communications Services (PCS) providers, from being considered "facilities-based competitors" for purposes of satisfying section 271(c)(1)(A). Thus, the Commission finds that section 271 does not preclude the Commission from considering, in future applications, the presence of a PCS provider in a particular state as a "facilities-based competitor." The Commission does not address, however, whether the specific PCS carriers on which BellSouth relies in its Louisiana application satisfy section 271(c)(1)(A).

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Approved by Office of Management and Budget

February 10, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public

information collection(s) pursuant to the Paperwork Reduction Act of 1995, 44 USC 3501-3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Jerry Cowden, Federal Communications Commission, (202) 418-0447.

Federal Communications Commission

OMB Control No.: 3060-0291.

Expiration Date:

Title: 90.477 Interconnected systems.

Form Number: Not applicable.

Estimated annual burden: 1,000 hours; 1 hour per response; 1,000 respondents.

Description: This section allows private land mobile radio licensees to use common point telephone interconnection with telephone service costs distributed on a non-profit cost sharing basis. Records of such arrangements must be placed in the licensee's station records and made available to participants in the sharing arrangement and the Commission upon request.

OMB Control No.: 3060-0224.

Expiration Date:

Title: 90.151 Requests for waiver.

Form Number: Not applicable.

Estimated Annual Burden: 120 hours; 2 hours per respondent; 60 respondents.

Description: The Commission has the responsibility to establish and administer rules for the orderly and efficient use of the radio spectrum. Circumstances do arise, however, where general rules cannot properly address the needs of the public, and waiver of those rules is desirable. In order to enable the Commission to make an informed decision on the desirability of such waivers, applicants are required to submit information justifying why a waiver is needed.

OMB Control No.: 3060-0226.

Expiration Date:

Title: 90.135(d) & (e) Modification of license.

Form Number: Not applicable.

Estimated Annual Burden: 276 hours; 0.167 hour per respondent; 1,656 respondents.

Description: These rule paragraphs require licensees who have changed their name, address, number and location of station control points,

number of mobile units, interconnection status, and/or sharing status to notify the Commission. This information collection applies only to licensees who elect to inform the Commission by letter of these changes. Licensees may also use forms to notify us of these changes. Notification is necessary to maintain an accurate database that is used by both the Commission, frequency coordinators and the public in corresponding with licensees regarding interference resolution and licensing matters.

OMB Control No.: 3060-0281.

Expiration Date:

Title: 90.651 Supplemental reports required of licensees authorized under this subpart.

Form Number: Not applicable.

Estimated Annual Burden: 2,724 hours; 0.166 hour per respondent; 16,408 respondents.

Description: The radio facilities addressed in this subpart of the rules are allocated on and governed by regulations designed to award facilities on a need basis determined by the number of mobile units served by each base station. This is necessary to avoid frequency hoarding by applicants. This rule section requires licensees to report the actual number of mobile units served. The various subparagraphs of this rule apply to different categories of licensees and define exactly what reports are required of each category. Federal Communications Commission.

Magalie Roman Salas,

Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

February 10, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104-13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

Federal Communications Commission

OMB Control No.: 3060-0810.

Expiration Date: 05/31/98.

Title: Procedures for Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 35 respondents; 47.14 hours per response (avg.); 1650 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: On occasion.

Description: The Communications Act of 1934, as amended (the Act), mandates that, after the date the Commission's rules implementing section 254 of the Act, only eligible telecommunications carriers may receive universal service support. The Commission's rules implementing section 254 of the Act take effect on January 1, 1998. Under the Act, state commissions must designate telecommunications carriers as eligible. On December 1, 1997 Public Law 105-125 added subsection (e)(6) to section 214(e) of the Act. New section 214(e)(6) states that a telecommunications carriers that is not subject to the jurisdiction of a state may request that the Commission determine whether it is eligible. Specifically, section 214(e)(6) states that "[i]n the case of a common carrier * * * that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission. * * *" The Commission must evaluate whether such telecommunications carriers, almost all of which are expected to be companies owned by Native American tribes, meet the eligibility criteria set forth in the Act. a. *Petition for Designation as Eligible Telecommunications Carriers Pursuant to Section 214(e)(6).* Carriers seeking designation from the Commission pursuant to section 214(e)(6) must demonstrate that they fulfill the requirements of section 214(e)(1). Carriers seeking designation from the Commission early in 1998 are instructed to provide specific information. See Public Notice, FCC 97-219, released 12/29/97. (No. of respondents: 25; hours per response: 58; total annual hours: 1450 hours). b. *Submission of Written Comments by Interested Third Parties.* Oppositions or comments on petitions are due 10 days after a Public Notice announcing receipt of a petition is released. Reply comments are due 7 days after comments are due. (No. of

respondents: 10; hours per response: 20 hours; total annual burden: 200 hours). The Commission will use the information collected to determine whether the telecommunications carriers providing the data are eligible to receive universal service support. Obligation to respond: Mandatory.

OMB Control No.: 3060-0815.

Expiration Date: 07/31/98.

Title: North American Numbering Plan Funding Worksheet.

Form No.: FCC Form 496.

Respondents: Business or other for-profit.

Estimated Annual Burden: 3700 respondents; .50 hours per response (avg.); 1850 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: On occasion.

Description: Pursuant to Congress' directive in the Telecommunications Act of 1996 that the Commission establish an independent entity to administer telecommunications numbering, the Commission determined on July 13, 1995, that the costs associated with administering numbering duties should be based on each telecommunications carrier's gross revenues less payments made to other carriers. We authorize the North American Numbering Plan Administrator's (NANPA) billing and collections agent to send FCC Form 496 requesting that telecommunications carriers provide information regarding their yearly gross revenues less payments made to other telecommunications carriers. The Worksheet, FCC Form 496, seeks financial data, and payment from telecommunications carriers to fund NANPA. All common carriers providing telecommunications service between U.S. and foreign points must file this worksheet. The Commission and the NANPA will use the information collected in the worksheet to determine the total revenue received from telecommunications carriers in order to arrive at an amount that each carrier must pay to fund the NANPA.

OMB Control No.: 3060-0760.

Expiration Date: 07/31/98.

Title: Access Charge Reform, CC Docket No. 96-262 (First Report and Order); Second Order on Reconsideration and Memorandum Opinion and Order, and Third Report and Order.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 16 respondents; 112,945 hours per response (avg.); 1,807,120 total annual burden hours for all collections.