

and small incumbent LECs from (1) the amount of compensation paid to PSPs, and (2) the administration of per-call compensation.

149. In this Order, we adjust the per-call default compensation amount from \$0.284 to \$.24. This downward adjustment means that PSPs, many of whom may be small business entities, will receive less call revenue from coinless calls than they might have received under the Second Report and Order. However, by this action, we ensure that PSPs are more likely receive "fair compensation" for subscriber 800 and access code calls. This measure also helps PSPs receive fair compensation for each and every completed call made from a payphone, as required by the Act.

150. The downward adjustment also means that IXC's, some of which may be small businesses, will have lower per-call payphone expenses than they would have under the Second Report and Order. Since many IXC's pass on this expense directly to their 800 subscribers, many of which are small businesses, the downward adjustment means that these entities will experience lower 800 subscriber expenses.

151. Like the comments to the Second Report and Order, several parties commented on alternatives to a market-based default rate, and on alternatives to the approach selected by the Commission in which IXC's are obligated to compensate PSPs for dial-around calls. The Commission has responded to these comments.

152. Some of these commenters also charge that the Commission's approach is significantly increasing the cost of the many small businesses and public interest "hot lines" that depend on affordable 800 call rates. Our rules do not require IXC's to pass on the expense of payphone dial-around call compensation, but neither do our rules prohibit this. The Commission rejected proposals that IXC's be restricted from passing on the per-call costs to at least some 800 subscribers. We reiterate that IXC's should be given maximum flexibility to determine what, if any, per-call costs are passed on to their 800 subscribers.

153. Report to Congress. The Commission will send a copy of this Order, including this SFRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). A copy of this Order and SFRFA, or summary thereof, will be published in the **Federal Register**, see 5 U.S.C. 604(b), and will be sent to the

Chief Counsel for Advocacy of the Small Business Administration.

## VI. Conclusion

154. We conclude that the default price for coinless calls should be adjusted from \$.284 to \$.24. In addition, we note that PSPs will not be compensated for 911 and TRS calls.

155. In setting the default compensation amount, we shift to a cost-based method from the market-based method used in the Second Report and Order because of technological impediments that currently inhibit the market as well as the present unreliability of certain assumptions underlying the market-based method. In setting the cost-based default amount, we incorporated our reconsideration of our prior treatment of certain payphone costs as well as our examination of new estimates of payphone costs submitted as part of this proceeding.

156. The \$.24 default price will be the price that, beginning thirty days after this order is published in the **Federal Register**, IXC's must compensate PSPs for all coinless payphone calls not otherwise compensated pursuant to contract, or advance consumer payment, including subscriber 800 and access code calls, certain 0+ and certain inmate calls. The \$.24 price will serve as the default per-call compensation price for coinless payphone calls through January 31, 2002. At the conclusion of the three year period, if parties have not invested the time, capital, and effort necessary to move these issues to a market-based resolution, parties may petition the Commission regarding the default amount, related issues pursuant to technological advances, and the expected resultant market changes.

157. We conclude that the default price, adjusted for certain items, should be effective retroactive to October 7, 1997, and that IXC's will recover their overpayments to PSPs by deducting the amount of their overpayments, along with interest, from the payments the IXC's will make to PSPs for calls made during the November 7, 1996 to October 6, 1997 period.

## VII. Ordering Clauses

158. Accordingly, pursuant to authority contained in Sections 1, 4, 201–205, 226, and 276 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201–205, 215, 218, 219, 220, 226, and 276, *it is ordered* that the policies, rules, and requirements set forth herein *are adopted*.

159. *It is further ordered* that this order is effective April 21, 1999.

160. *It is further Ordered*, that 47 CFR Part 64 is amended as set forth in Appendix A, effective April 21, 1999.

161. *It is further Ordered* that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this *Third Report and Order* and *Order on Reconsideration of the Second Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

162. *It is further Ordered* that the July 14, 1998 Motion of Telecommunications Resellers Association to accept late-filed pleading is *granted*.

## List of Subjects in 47 CFR Part 64

Communications common carriers, Operator service access, Payphone compensation, Telephone.

Federal Communications Commission.

**Magalie Roman Salas**,  
*Secretary*.

## Rule Changes

Part 64 of Title 47 of the Code of Federal Regulations is amended as follows:

## PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for Part 64 continues to read as follows:

**Authority:** Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 226, 228, 276, 48 Stat. 1070, as amended; 47 U.S.C. 201, 218, 226, 228, 276 unless otherwise noted.

2. Amend § 64.1300 by removing paragraph (d) and by revising paragraph (c) to read as follows:

### § 64.1300 Payphone compensation obligation.

\* \* \* \* \*

(c) In the absence of an agreement as required by paragraph (a) of this section, the carrier is obligated to compensate the payphone service provider at a per-call rate of \$.24.

[FR Doc. 99–6944 Filed 3–19–99; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 98–234; RM–9324]

### Radio Broadcasting Services; Augusta, WI

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 268C3 to Augusta, Wisconsin, in response to a petition filed by L. Topaz Enterprises, Inc. See 63 FR 71412, December 28, 1998. The coordinates for Channel 268C3 at Augusta, Wisconsin, are 44-40-11 NL and 90-57-55 WL. There is a site restriction 12.3 kilometers (7.7 miles) east of the community. With this action, this proceeding is terminated. A filing window for Channel 268C3 at Augusta, Wisconsin, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**EFFECTIVE DATE:** April 26, 1999.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 98-234, adopted March 3, 1999, and released March 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### 47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

##### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Augusta, Channel 268C3.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 99-6869 Filed 3-19-99; 8:45 am]

BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Docket No. 98-50, MM Docket No. 98-75; RM-9247, RM-9264]

#### Radio Broadcasting Services; Healdton and Pauls Valley, OK and Krum, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, in a consolidated proceeding, substitutes Channel 229C3 for Channel 229C2 at Healdton, OK, reallocates Channel 229C3 from Healdton to Krum, TX, as the community's first local aural transmission service, and modifies the license of Station KICM accordingly, at the request of AM & PM Broadcasters, LLC. See 63 FR 19699, April 21, 1998. At the request of AM & PM Communications, LLC, the Commission reallocates Channel 249C3 from Pauls Valley, OK to Healdton, OK, as the community's first local aural transmission service. See 63 FR 34622, June 25, 1998. Channel 229C3 can be allotted to Krum with a site restriction of 22.3 kilometers (13.9 miles) northeast, at coordinates 33-26-34 NL; 97-08-08 WL, to accommodate petitioner's desired transmitter site. Channel 249C3 can be allotted to Healdton with a site restriction of 6.6 kilometers (4.1 miles) north, at coordinates 34-17-28 NL; 97-29-23 WL, to accommodate petitioner's desired transmitter site. With this action, this proceeding is terminated.

**DATES:** Effective April 26, 1999.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket Nos. 98-50, 98-75, adopted March 3, 1999, and released March 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### 47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

##### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 229C2 and adding Channel 249C3 at Healdton and removing Channel 249C3 at Pauls Valley.

3. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Krum, Channel 229C3.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 99-6870 Filed 3-19-99; 8:45 am]

BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Docket No. 98-236; RM-9344]

#### Radio Broadcasting Services; Knox City, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 297A to Knox City, Texas, in response to a petition filed by Alalatex Broadcasters. See 63 FR 71412, December 28, 1998. The coordinates for Channel 297A at Knox City, Texas, are 33-25-03 NL and 99-40-16 WL. With this action, this proceeding is terminated. A filing window for Channel 297A at Knox City, Texas, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**EFFECTIVE DATE:** April 26, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 98-236, adopted March 3, 1999, and released March 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th