

Dated: March 24, 1999.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Dated: June 8, 1999.

Donna E. Shalala,

Secretary.

[FR Doc. 99-24995 Filed 9-24-99; 8:45 am]

BILLING CODE 4120-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 96-98; FCC 99-227]

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule; reconsideration and clarification.

SUMMARY: This document resolves and clarifies specific issues regarding the nondiscriminatory access obligations of local exchange carriers (LECs). The intended effect is to further Congress' goal of preventing unfair local exchange carrier practices and encouraging the development of competition in directory assistance.

DATES: Effective October 27, 1999, except for § 51.217(c)(3) which contains information collection requirements that are contingent on approval by the Office of Management and Budget. The Commission will publish a document in

the **Federal Register** announcing the effective date.

ADDRESSES: 445 12th Street, S.W., Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT:

Gregory Cooke, Senior Attorney, Common Carrier Bureau, Network Services Division, (202) 418-2351 or via the Internet at gcooke@fcc.gov. Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202-418-0484. For additional information concerning the information collections contained in this Order contact Judy Boley at (202) 418-0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's *Second Order on Reconsideration* adopted August 23, 1999, and released September 9, 1999. The *Second Order on Reconsideration* clarifies rules adopted in the *Local Competition Second Report and Order* and resolves issues relating to nondiscriminatory access. The full text of this *Second Order on Reconsideration* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. The complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/CommonCarrier/Orders/fcc99227.wp>, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th St., N.W., Washington, D.C. 20036. This Order contains 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. The general public and other federal agencies are invited to comment on the information collections contained in this proceeding.

Paperwork Reduction Act

This Order contains modified information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collections contained in this Order, as required by the Paperwork Reduction Act of 1995, Public Law 104-12. Persons wishing to comment on the information collections should submit comments on or before October 27, 1999. Comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has 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: 3060-0741.

Title: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996—CC Docket No. 96-98.

Form No.: N/A.

Type of Review: Revised collection

Information collection	Number of respondents (approx.)	Estimated time per response	Total annual burden
Sharing of Directory Listings	500	36 hours (per respondent per year)	18,000
Notification Regarding Format	50	1 hour (per respondent per year)	50

Total Annual Burden: 18,050 hours.

Respondents: Businesses or other for-profit.

Estimated costs per respondent: \$0.

Needs and Uses: The Commission, in compliance with section 251(b)(3) of the 1996 Act, clarifies and affirms rules in this Order to further Congress' goals of preventing unfair LEC practices in relation to nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listings. Our clarification and particularization of the obligations imposed on carriers by section 251(b)(3) is necessary to achieve Congress' goals in relation to nondiscriminatory access. This approach should reduce confusion

and potential controversy with minimal burdens on carriers and new entrants, many of whom are small businesses.

Synopsis

The Commission promulgated rules pursuant to section 251(b)(3) of the Act in the *Local Competition Second Report and Order*. In the *Second Order on Reconsideration*, first, the Commission affirms its requirements that LECs offer access to telephone numbers, operator services, directory assistance, and directory listings that is equal to the access that the LEC provides to itself and that the providing LEC shall continue to bear the burden of proof that

it is offering nondiscriminatory access. Second, the Commission affirms its requirement that each LEC provide access to adjunct features related to the provision of operator services and directory assistance services, and precludes LECs from negotiating exclusive contracts with third party vendors of such adjunct features that would prevent competing providers from negotiating licensing agreements with the vendors for access to their services. Third, the Commission declines to change its branding requirements concerning LECs' obligations to rebrand the traffic of

interconnecting carriers and resellers, and, further, reaffirms that the benefits of this obligation are to be extended to all "competing providers of telephone exchange service and telephone toll service," including resellers. The Commission concludes that any failure to rebrand the competitor's traffic is presumptively discriminatory and that the burden will be on the providing LEC to demonstrate that it is technically infeasible for it to arrange its network architecture to allow it to brand competitor's traffic. Fourth, the Commission clarifies that, upon request, a LEC shall provide access to its directory assistance services, including directory assistance databases, and to its directory listings in any format the competing provider specifies, if the LEC's internal systems can accommodate that format. In addition, LECs must supply updates to the requesting LEC in the same manner as the original transfer and at the same time that it provides updates to itself. Finally, the Commission deletes as redundant its definition of "directory listings," and concludes that names and addresses of subscribers with unlisted information must be shared among LECs.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act, the Order contains a Supplemental Final Regulatory Flexibility Analysis which is set forth in an Appendix to the Order. A brief description of the analysis follows. Pursuant to section 604 of the Regulatory Flexibility Act, the Commission performed a comprehensive analysis of the Order with regard to small entities. This analysis includes: (1) A succinct statement of the need for, and objectives of, the Commission's decisions in the Order; (2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the Commission's assessment of these issues, and a statement of any changes made in the Order as a result of the comments; (3) a description of and an estimate of the number of small entities to which the Order will apply; (4) a description of the projected reporting, recordkeeping and other compliance requirements of the Order, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for compliance with the requirement; (5) a description of the steps the Commission has taken to minimize the significant economic impact on small entities consistent with

the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the Order and why each one of the other significant alternatives to each of the Commission's decisions which affect small entities was rejected.

List of Subjects in 47 CFR Part 51

Local exchange carriers,
Nondiscriminatory access,
Telecommunications.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends Part 51 of the Code of Federal Regulations to read as follows:

PART 51—INTERCONNECTION

1. The authority citation for Part 51 continues to read as follows:

Authority: Sections 1–5, 7, 201–05, 207–09, 218, 225–27, 251–54, 271, 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151–155, 154, 157, 201–05, 207–09, 218, 225–27, 251–54, 271, 332, unless otherwise noted.

2. Revise § 51.217(c)(3) to read as follows:

§ 51.217 Nondiscriminatory access: telephone numbers, operator services, directory assistance services, and directory listings.

* * * * *

(c) * * *
(3) *Directory assistance services and directory listings*—(i) *Access to directory assistance.* A LEC shall permit competing providers to have access to its directory assistance services, including directory assistance databases, so that any customer of a competing provider can obtain directory listings, except as provided in paragraph (c)(3)(iv) of this section, on a nondiscriminatory basis, notwithstanding the identity of the customer's local service provider, or the identity of the provider for the customer whose listing is requested. A LEC must supply access to directory assistance in the manner specified by the competing provider, including transfer of the LECs' directory assistance databases in readily accessible magnetic tape, electronic or other convenient format, as provided in paragraph (c)(3)(iii) of this section. Updates to the directory assistance database shall be made in the same format as the initial transfer (unless the requesting LEC requests otherwise), and shall be performed in a timely manner,

taking no longer than those made to the providing LEC's own database. A LEC shall accept the listings of those customers served by competing providers for inclusion in its directory assistance/operator services databases.

(ii) *Access to directory listings.* A LEC that compiles directory listings shall share directory listings with competing providers in the manner specified by the competing provider, including readily accessible tape or electronic formats, as provided in paragraph (c)(3)(iii) of this section. Such data shall be provided in a timely fashion.

(iii) *Format.* A LEC shall provide access to its directory assistance services, including directory assistance databases, and to its directory listings in any format the competing provider specifies, if the LEC's internal systems can accommodate that format.

(A) If a LEC's internal systems do not permit it provide directory assistance or directory listings in the format the specified by the competing provider, the LEC shall:

(1) Within thirty days of receiving the request, inform the competing provider that the requested format cannot be accommodated and tell the requesting provider which formats can be accommodated; and

(2) Provide the requested directory assistance or directory listings in the format the competing provider chooses from among the available formats.

(B) [Reserved]

(iv) *Unlisted numbers.* A LEC shall not provide access to unlisted telephone numbers, or other information that its customer has asked the LEC not to make available, with the exception of customer name and address. The LEC shall ensure that access is permitted to the same directory information, including customer name and address, that is available to its own directory assistance customers.

(v) *Adjuncts to services.* Operator services and directory assistance services must be made available to competing providers in their entirety, including access to any adjunct features (e.g., rating tables or customer information databases) necessary to allow competing providers full use of these services.

* * * * *

[FR Doc. 99–25013 Filed 9–24–99; 8:45 am]

BILLING CODE 6712–01–P