FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket Nos. 96–262, 94–1, 91–213, 96–263; FCC 97–158]

Presubscribed Interexchange Carrier Charge for Special Access Lines; Reallocation of General Support Facility Costs

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is concerned that its most recent changes to access charges assessed on multi-line business lines may encourage some multi-line businesses that are currently using switched access to purchase instead special access lines, which would negatively affect the Commission's transition from the per-minute carrier common line (CCL) charge to the flat presubscribed interexchange carrier charge (PICC) as set out in the *Access Charge Reform First Report and Order*. The Commission tentatively concludes, therefore, that it should permit price cap LECs to assess a PICC on special access lines to recover revenues for the common line basket. The Commission seeks comments on this proposal and the related issue of how special access connections should be counted for purposes of assessing a ''per line'' PICC. This rule will help ensure the transition from the per minute CCL charge to the flat PICC. In the second part of this FNPRM, the Commission also addresses the allocation of general support facility costs. Under the current allocation of general support facility costs, incumbent LECs recover through interstate access charges costs associated with the LECs' nonregulated billing and collection functions. In the FNPRM, the Commission tentatively concludes that price cap incumbent LECs' general purpose computer costs attributable to billing and collection should not be recovered through regulated access charges. The Commission seeks comment on two proposed options for reassigning these costs to the billing and collection category. This rule is intended to correct the misallocation of GSF costs.

DATES: Comments for the notice of proposed rulemaking, including comments on the information collection requirements are due on or before June 26, 1997. Replies are due on or before July 11, 1996, except that reply comments on the information collection requirements are due on or before July 28, 1997. Written comments must be submitted to the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before August 5, 1997.

ADDRESSES: Address all comments concerning this Notice of Proposed Rulemaking to Secretary, Federal Communications Commission, Washington, D.C. 20554. Parties should also file two copies of any pleading with the Competitive Pricing Division, Common Carrier Bureau, Room 518, 1919 M Street, N.W. Washington, D.C. 20554. Comments on the information collections also should be filed with the Secretary, Federal Communications Commission. Parties commenting on the information collections should also file a copy of any filing with Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554 and with Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Richard Lerner, Attorney, Common Carrier Bureau, Competitive Pricing Division, (202) 418–1530. For additional information concerning the information collections contained in this Report and Order contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking adopted May 7, 1997, and released May 16, 1997. The full text of this Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., NW., Washington, DC. The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common__Carrier/Orders/fcc.97158.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M St., NW., Suite 140, Washington, DC 20037. This FNPRM 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.

Paperwork Reduction Act

This FNPRM contains either a proposed or modified information collection. As part of its continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this FNPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this FNPRM; OMB comments are due 60 days from date of publication of this FNPRM 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: None.

Title: Access Charge Reform Further Notice of Proposed Rulemaking.

Form No.: N/A.

Type of Review: New collection.

Respondents: Business or other for profit..

Number of Respondents: 13.

Estimated Time Per Response: 720 hours.

Total Annual Burden: 9,360 hours.

Estimated costs per respondent: $22,200.

Total Annual Estimated Costs per respondent: $288,600.

Needs and Uses: Under this proposal, a price cap LEC would study the uses of the general purpose computer assets recorded in Account 2124 to determine the percentage of investment in that account that is used for billing collection activities. We propose that each price cap LEC add to its cost allocation manual (CAM) a new section entitled ''Interstate Billing and Collection.'' That section would describe: (1) The manner in which the price cap LEC provides interstate billing and collection services, and (2) the study it uses to determine the portion of Account 2124 investment that it attributes to the billing and collection category. The special study would then be subject to the same independent audit requirements as other regulated and nonregulated cost allocations.

Synopsis of Further Notice of Proposed Rulemaking

A. Special Access Presuscribed Interexchange Carrier Charge

In this Further Notice of Proposed Rulemaking (FNPRM), we seek comment on our proposal to allow incumbent local exchange carriers to impose a Presuscribed Interexchange Carrier Charge (PICC) on special access lines.

1. Background

2. As discussed in the Access Charge Reform, First Report and Order, CC Docket 96–262, FCC 97–158 (released May 16, 1997) (*Access Charge Reform Order*), in most cases, the $3.50 suscriber line charge (SLC) ceiling for primary residential and single-line business customers does not allow recovery through the SLC of the average per-line common line revenues permitted under our price cap rules. Similarly, in certain service areas, the $6.00 SLC for multi-line business lines is insufficient to recover the average per-line revenues permitted by price cap regulation. To alleviate this shortfall, we are instituting a number of changes, including raising the ceiling on the SLC for multi-line business and second and additional residential lines. Although this increase in the SLC will recover some of the shortfall, other measures are needed to allow recovery of the common line revenues permitted under our rules.

3. Therefore, we have permitted local exchange carriers (LECs) to recover common line revenues not recovered from the SLC by assessing flat, per-line charges on the end-user's presubscribed interexchange carrier. Specifically, we are permitting LECs to assess a PICC on all lines, subject to ceilings which will be increased each year. To the extent that the revenues from SLCs and PICCs on primary residential lines and single-line business lines are insufficient to recover the full common line revenues permitted by our price cap rules for these lines, or the multi-line SLCs are at their ceilings, incumbent LECs shall recover the difference by assessing an additional PICC on non-primary residential and multi-line business lines. To the extent that these PICCs do not recover an incumbent LEC's remaining permitted CCL revenues, incumbent LECs generally shall recover any such residual common line revenues through per-minute carrier common line (CCL) charges assessed on originating access minutes.

4. As a result of our new rules, certain multi-line businesses will be paying higher SLCs than they do now. Similarly, as the PICCs are phased in, interexchange carriers (IXCs) initially will be required to pay higher PICCs for a multi-line business end user compared to the PICC paid for a primary residential end user or a single-line business end user.

5. In contrast, users of special access do not pay a SLC. Furthermore, under special access, IXCs do not incur the same local access charges that are incurred by end users using switched access. In light of our most recent changes to charges incurred by multi-line businesses, including the higher SLC and the new multi-line business PICC, it may be cost effective for some multi-line businesses that are currently using switched access to purchase instead special access lines.

6. We are concerned that these facts could lead to the migration of certain businesses from the public switched network to special access, which would result in a decrease in projected revenue from multi-line SLCs. As a result PICCs for all remaining switched access lines will necessarily increase to make up for the loss of revenue.

2. Proposal

7. We tentatively conclude that we should permit price cap LECs to assess a PICC on special access lines to recover revenues for the common line basket. The special access PICC would be no higher than the PICC that an incumbent LEC could charge for a multi-line business line. Under our proposal, the special access PICC would not recover transport interconnection charge (TIC) or marketing expense.

8. We acknowledge that our proposal is a departure from established Commission practice that special access will not subsidize other services. Although our proposal is a subsidy, it is temporary in nature and will be phased out as the single-line PICC is phased in. We tentatively conclude that our proposal is necessary for our transition from the per-minute CCL charge to the flat PICC to work.

9. We invite parties to comment on this proposal. We also seek comment on how special access connections should be counted for purposes of assessing a ''per line'' PICC. Parties should also address the extent to which our proposal affects large and small LECs differently and how small business entities, including small incumbent LECs and new entrants, will be affected.

10. Consistent with our approach to reform the interstate access charge regime, however, we tentatively conclude that the scope of this proceeding should be limited to incumbent price cap LECs. As discussed in the *Access Charge Reform Order*, we have limited the scope of access reform, with some limited exceptions, to price cap incumbent LECs. These incumbent LECs are the seven Regional Bell Operating Companies (Ameritech, Bell Atlantic, BellSouth, NYNEX, Pacific Telesis, Southwestern Bell, U S West), Citizens, Frontier, GTE, Aliant (formerly Lincoln), SNET, and United/Central. Similarly, we limit the scope of this FNPRM. To the extent necessary, we will instead address the effect of these issues on rate-of-return carriers in our separate access reform proceeding for rate-of-return carriers in 1997. In that proceeding, we will have the opportunity to conduct a comprehensive review of the circumstances unique to these carriers. We seek comment on this tentative conclusion regarding the scope of this proceeding. We also invite parties to identify any changes that should be made to other access elements as a result of this proposed change.

B. Reallocation of General Support Facility Costs

11. As discussed in Section IV. D of the Access Charge Reform Order, the current allocation of General Support Facility (GSF) costs enables incumbent LECs to recover through regulated interstate access charges costs associated with the LECs' nonregulated billing and collection functions. In this section, we seek comment on proposed changes in the allocation of price cap LECs' interstate costs between regulated interstate services and nonregulated billing and collection activities.

1. Background

12. The costs that incumbent LECs recover through interstate access charges are determined by a multi-step process. Incumbent LECs first record their investment costs and booked expenses in the accounts prescribed by the Commission's Part 32 Uniform System of Accounts (USOA). They next divide the recorded investment and expenses between regulated and nonregulated services pursuant to Part 64 of the Commission's rules. Incumbent LECs then divide regulated expenses and investment costs between the state and interstate jurisdictions pursuant to the separations procedures prescribed in Part 36 of the Commission's rules. Finally, in accordance with our Part 69 access charge rules, the LEC apportions its regulated interstate costs among the interstate access and interexchange service categories.

13. Because the Part 69 access charge rules are applied at the end of this

multi-step process, they are written to accommodate the accounts defined by the USOA and the cost categories prescribed by the Separations Manual. In 1987, the Commission revised its access charge rules in response to the Commission's comprehensive revision of both the USOA and the Separations Manual. Amendment of Part 69 of the Commission's Rules and Regulations, Access Charges, To Conform It With Part 36, Jurisdictional Separations Procedures, CC Docket No. 87–113, Report and Order, 52 FR 37368 (October 6, 1987), corrected 54 FR 8196 (February 27, 1989) (*Part 69 Conformance Order*). In its *Part 69 Conformance Order*, the Commission amended Part 69 to reapportion regulated interstate costs, including General Support Facilities (GSF) investment expenses, among the existing access elements.

14. As discussed in Section IV.D of the *Access Charge Reform Order*, the GSF investment category in Part 36 includes assets that support other operations, such as land, buildings, vehicles, as well as general purpose computer investment accounted for in USOA Account 2124. Some incumbent LECs use general purpose computer equipment, which is included in the GSF investment category, to provide nonregulated billing and collection services to IXCs. The costs of providing interstate billing and collection service are not, however, treated as nonregulated in the Part 64 cost allocation process. Instead, nonregulated interstate billing and collection costs are identified through the Part 36 and Part 69 cost allocation process. The separations process allocates these costs to the various separations categories based on the separations of the three largest categories of expenses, i.e., plant specific expenses, plant non-specific expenses, and customer operations expenses. These three largest categories, or the ''Big Three Expenses,'' are the combined expense groups comprising: (1) Plant Specific Operations Expense, Accounts 6110, 6120, 6210, 6220, 6230, 6310, and 6410; (2) Plant Nonspecific Operations Expenses, Accounts 6510, 6530, and 6540; and (3) Customer Operations Expenses, Accounts 6610 and 6620.

15. In its comments in response to the *Access Charge Reform NPRM*, AT&T refers to the allocation of embedded GSF expenses, including general purpose computer expenses, among access categories as a misallocation resulting in an implicit cross-subsidy of incumbent LECs' nonregulated billing and collection services. Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, Usage of the Public Switched Network by Information Service and Internet Access Providers, CC Docket Nos. 96–262, 94–1, 91–213, 96–263, Notice of Proposed Rulemaking, Third Report and Order, and Notice of Inquiry, 62 FR 4670 (January 31, 1997). This allocation, AT&T contends, results in the inappropriate support through regulated access charges of LECs' billing and collection service, which is a nonregulated, interstate service. AT&T estimates that $124 million of expenses recovered in interstate access support the nonregulated billing and collection category. Of the $124 million, AT&T states that $60.1 million is included in interstate switched access, and $20.5 million is in interstate special access, with the remainder recovered by the SLC.

2. Proposal

16. The failure of Part 69 to assign general purpose computer costs to the billing and collection category can be traced to our decision in the *Part 69 Conformance Order* to use an investment-based allocator to apportion general support facilities (GSF) investment. As discussed in Section IV.D of the *Access Charge Reform Order*, § 69.307 of the Commission's rules apportions GSF investment among the billing and collection category, the interexchange category, and the access elements based on the amount of Central Office Equipment (COE), Cable and Wire Facilities (CWF), and Information Origination/Termination Equipment (IO/T) investment allocated to each Part 69 category. This rule appears on its face to provide for an allocation of GSF investment to billing and collection. Because no COE, CWF, or IO/T investment is allocated to the billing and collection category, however, no GSF investment, and thus no portion of general purpose computer investment, is allocated to the billing and collection category. Similarly, because expenses related to GSF investment are allocated in the same manner as GSF investment, no GSF expenses (including expenses related to general purpose computers) are allocated to billing and collection. Price cap LECs' costs allocated to the interstate billing and collection category are estimated to be approximately $480 million.

17. As discussed in Section V of the *Access Charge Reform Order*, we limit the scope of access reform, with some limited exceptions, to price cap incumbent LECs. Consistent with our approach to reform the interstate access charge regime, we tentatively conclude that our proposed changes to the allocation of GSF investment will apply only to price cap LECs. We will address the misallocation of rate-of-return LECs' interstate costs between regulated interstate services and nonregulated billing and collection activities in our separate access reform proceeding for rate-of-return carriers in 1997, which will provide us with the opportunity to conduct a comprehensive review of the circumstances unique to these carriers. We seek comment on this tentative conclusion regarding the scope of this proceeding.

18. To the extent that incumbent LECs' costs are underallocated to the billing and collection category, incumbent LECs' regulated services are recovering through interstate access charges costs associated with unregulated services. We therefore tentatively conclude that price cap incumbent LECs' general purpose computer costs attributable to billing and collection should not be recovered through regulated access charges. We seek comment on two options for reassigning these costs to the billing and collection category.

19. Under the first option, a price cap LEC would study the uses of the general purpose computer assets recorded in Account 2124 to determine the percentage of investment in that account that is used for billing and collection activities. That percentage, multiplied by the ratio of the dollar amount in Account 2124 to the dollar amount in Account 2110, which accumulates the total GSF investment, would be applied to the interstate portion of Account 2110 to determine a dollar amount that represents general purpose computer assets used for interstate billing and collection activities. The dollar amount so identified would be attributed directly to the billing and collection category. The remainder of the interstate portion of Account 2110 shall be apportioned among the access elements and the interexchange category using the current investment allocator. General purpose computer expenses recorded in Account 6124 would be treated in a similar fashion to Account 2124. The interstate portion of Account 6124 would be allocated between: (a) The billing and collection category, and (b) all other elements and categories using the percentage derived for Account 2124. The remainder of Account 6120 (GSF expense) would be apportioned based on current GSF allocators. Appropriate downward exogenous cost adjustments would be made to all price cap baskets.

20. Two objections are commonly raised to the use of special studies to make regulatory cost allocations. First, such studies are said to be costly. We recognize that there are costs attached to a special study approach. We note, however, that price cap LECs may already be required to study the use of computer investment in Account 2124 as part of the process of allocating that investment between regulated and nonregulated activities pursuant to the Part 64 joint cost rules. Second, it may be claimed that permitting price cap LECs to use special studies gives them too much discretion and that regulators are unable to ascertain the validity of the studies. To remedy this concern, we propose that each price cap LEC add to its cost allocation manual (CAM) a new section entitled ''Interstate Billing and Collection.'' That section would describe: (1) The manner in which the price cap LEC provides interstate billing and collection services, and (2) the study it uses to determine the portion of Account 2124 investment that it attributes to the billing and collection category. The special study would then be subject to the same independent audit requirements as other regulated and nonregulated cost allocations. In addition, to obtain an independent certification of the validity of the procedures adopted by the price cap LEC, we would instruct the independent auditors to examine the design and execution of the study during the first independent audit following the addition of the billing and collection section to the CAM and to report their conclusions on the validity of the study.

21. Under the second option, we would modify § 69.307 of our rules to require use of a general expense allocator to allocate the interstate portion of Account 2110 between: (1) The billing and collection category, and (2) all other elements and categories. We propose to use the ''Big Three Expense'' allocator used elsewhere in Part 69, excluding, however, any account or portion of an account that is itself apportioned based on the apportionment of GSF to avoid circularity. The GSF investment not allocated to the billing and collection category would then be apportioned among the access elements and the interexchange category using the current investment allocator. This would ensure that GSF costs are allocated among all access categories, including the billing and collection category. The interstate portion of Account 6120 would be apportioned among all elements and categories based on the overall apportionment of GSF investment. This option covers only price cap incumbent LECs that provide interstate billing and collection using regulated assets. Carriers that acquire billing and collection services from unregulated affiliates through affiliate transactions or from third parties would continue recording their expenses for acquiring such services in Account 6623, which is already apportioned to the billing and collection category.

22. We invite parties to comment on the feasibility of these two options and propose alternative methods for reassigning general purpose computer costs to the billing and collection category. Parties should also address the extent to which either option affects large and small LECs differently and how small business entities, including small incumbent LECs and new entrants, will be affected. We invite parties to identify any changes that should be made to other access elements as a result of any changes we may make to the GSF allocation procedures.

C. Procedural Issues

1. Ex Parte Presentations

23. This is a non-restricted notice-and-comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules. *See generally* 47 CFR 1.1202, 1.1203, 1.1206.

2. Initial Regulatory Flexibility Act Analysis

24. Pursuant to the Regulatory Flexibility Act (RFA), the Commission has prepared the following initial regulatory flexibility analysis (IRFA) of the expected impact on small entities of the policies and rules proposed in the Further Notice of Proposed Rulemaking (FNPRM). Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the FNPRM, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of the FNPRM, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the RFA.

25. *Reason for action.* The Commission has revised its interstate access charge rules to make them consistent with the Telecommunications Act of 1996. As discussed in the FNPRM, multi-line business customers will pay a higher subscriber line charge as a result of access charge reform, while special access customers do not pay such a charge. In addition, as the PICCs are phased in IXCs will be required to pay a substantially higher PICC for a multi-line business end user compared to the PICC paid for a primary residential end user or single-line business end user. An IXC serving multi-line business customers through special access can avoid paying the PICCs. As discussed in the FNPRM, the current allocation of general support facilities expenses enables incumbent LECs to recover through regulated interstate access charges costs caused by the LECs' nonregulated billing and collection functions.

26. *Objectives.* By proposing to allow LECs to impose a subscriber line charge on special access customers, we seek to prevent a decrease in projected revenue from multi-line subscriber line charges and PICCs caused by the migration of certain multi-line business customers from the public switched network to special access. We seek to revise the Commission's current allocation of price cap LECs' interstate costs between regulated interstate access services and nonregulated billing and collection activities to move interstate access rates closer to cost, consistent with the 1996 Act's new competitive paradigm.

27. *Legal Basis.* The proposed action is supported by Sections 4(i), 4(j), 201–205, 208, 251, 252, 253, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201–205, 208, 251, 252, 253, 403.

28. *Description, potential impact and number of small entities affected.* For purposes of this FNPRM, the Regulatory Flexibility Act defines a ''small business'' to be the same as a ''small business concern'' under the Small Business Act (SBA), 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities. *See* 5 U.S.C. sec. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. sec. 632). Under the SBA, a ''small business concern'' is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the SBA. 15 U.S.C. 632. *See, e.g., Brown Transport Truckload, Inc.,* v. *Southern Wipers, Inc.,* 176 B.R. 82 (N.D. Ga. 1994). The Small Business Administration has defined a small business for Standard Industrial Classification (SIC) category 4813 (Telephone Communications, Except Radiotelephone) to be a small entity that

has no more than 1500 employees. 13 CFR 121.201.

29. *Total Number of Telephone Companies Affected.* The proposals in the FNPRM, if adopted, would affect all LECs that are regulated by the Commission's price cap rules. Currently, 13 incumbent LECs are subject to price cap regulation. We tentatively conclude that all price cap carriers have more than 1500 employees and, therefore, are not small entities.

30. *Reporting, record keeping and other compliance requirements.* It is not clear whether, on balance, all proposals in this FNPRM would increase or decrease incumbent LECs' administrative burdens.

31. We believe that the reforms proposed in the first section of the FNPRM would require price cap LECs (not small entities) to make at least one tariff filing, and possibly several additional filings, but otherwise should not affect their administrative burdens. The reforms proposed in the second section of the FNPRM may require price cap LECs (not small entities) to study the uses of the general purpose computer assets recorded in Account 2124 to determine the percentage of investment in that account that is used for billing and collection activities, but otherwise should not affect their administrative burdens.

32. *Federal rules which overlap, duplicate or conflict with this proposal.* None.

33. *Any significant alternatives minimizing impact on small entities and consistent with stated objectives.* In the FNPRM, we limit the scope of our proposals to incumbent price cap LECs, thereby not affecting small entities. We seek comment on these proposals and urge that parties support their comments with specific evidence and analysis.

3. Further Notice of Proposed Rulemaking Comment Filing Dates

34. Pursuant to applicable procedures set forth in § 1.399 and 1.411 *et seq.* of the Commission's Rules, 47 CFR 1.399, 1.411 *et seq.*, interested parties may file comments, including comments on the information collection requirements, no later than June 26, 1997, with the Secretary, Federal Communications Commission, Washington D.C. 20554. Interested parties must file replies no later than July 11, 1997, except that reply comments on the information collection requirements are due no later that July 28, 1997. To file formally in this proceeding, participants must file an original and twelve copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus 16 copies must be filed. In addition, parties should file two copies of any such pleading with the Competitive Pricing Division, Common Carrier Bureau, Room 518, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington D.C. 20554.

35. Parties submitting diskettes should submit them along with their formal filings to the Office of the Secretary. Submissions should be on a 3.5 inch diskette formatted in a DOS PC compatible form. The document should be saved in WordPerfect 5.1 for Windows format. The diskette should be submitted in ''read only'' mode. The diskette should be clearly labelled with the party's name, proceeding, type of pleading (comment or reply comment), docket number, and date of submission.

36. You may also file informal comments electronically via e-mail <access@fcc.gov>. Only one copy of electronically-filed comments must be submitted. You must put the docket number of this proceeding in the subject line (see the caption at the beginning of this FNPRM, or in the body of the text if by Internet). You must note whether an electronic submission is an exact copy of formal comments on the subject line. You also must include your full name and Postal Service mailing address in your submission.

37. Comments and replies must comply with Section 1.49 and all other applicable sections of the Commission's rules. We also direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and replies. Comments and replies must also clearly identify the specific portion of this FNPRM to which a particular comment or set of comments is responsive. If a portion of a party's comments does not fall under a particular topic listed in the Table of Contents of this FNPRM, such comments must be included in a clearly labelled section at the beginning or end of the filing.

38. Written comments by the public on the proposed and/or modified information collections are due July 28, 1997. Written comments must be submitted to the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before 60 days after date of publication in the **Federal Register**. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to jboley@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.

D. Ordering Clauses

Accordingly, *it is ordered*, pursuant to Sections 1–4, 10, 201–205, 251, 254, 303(r), and 410(a) of the Communications Act of 1934, as amended, and Section 601 of the Telecommunications Act of 1996, 47 U.S.C. secs. 10, 151–154, 201–205, 224, 251, 254, 303(r) 410(a), and 601, that notice is hereby given of the rulemaking described above and that comment is sought on these issues.

List of Subjects in 47 CFR Part 69

Access charges, Communications common carriers.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–14629 Filed 6–5–97; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

RIN 1018–AD98

Humane and Healthful Transport of Wild Mammals, Birds, Reptiles and Amphibians to the United States

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish & Wildlife Service proposes to make an amendment to regulations published in 50 CFR part 14, pertaining to the humane and healthful transport of wild mammals and birds to the United States. This proposed rule extends the regulations pertaining to the humane and healthful transport of wild mammals and birds to the United States to include reptiles and amphibians. These regulations enable the Secretary of the Interior to meet responsibilities designated by the Lacey Act Amendments of 1981 (Pub. L. 87–79, 95 Stat. 1073), enacted on November 16, 1981. The purpose of this rule is to ensure the Lacey Act Amendments' consistency and enforceability extend across all species, as described by Congress.