DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 255

[Docket No. OST–97–2881]

RIN 2105–AC65

Computer Reservations System (CRS) Regulations

AGENCY: Office of the Secretary, (DOT).

ACTION: Notice extending comment period.

SUMMARY: The Department has initiated a rulemaking to determine whether it should continue or modify its existing rules governing airline computer reservations systems (CRSs). On September 10, 1997, the Department published an advance notice of proposed rulemaking asking for comments on that matter. The Department is now extending the due date for comments and reply comments on the advance notice to December 9, 1997, and January 23, 1998, from the original dates of November 10 and December 9, 1997.

DATES: Comments must be submitted on or before December 9, 1997. Reply comments must be submitted on or before January 23, 1998.

ADDRESSES: Comments must be filed in Room PL–401, Docket OST–97–2881, U.S. Department of Transportation, 400 7th St. SW., Washington , DC 20590. Late filed comments will be considered to the extent possible. To facilitate consideration of comments, each commenter should file six copies of its comments.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366–4731.

SUPPLEMENTARY INFORMATION: The Department's rules governing CRS operations—14 CFR Part 255—will expire on December 31, 1997, unless the Department readopts them or changes the rules' termination date to a later date. The Department published an advance notice of proposed rulemaking to begin a proceeding for reexamining the rules and determining whether they should be readopted and, if so, whether they should be changed. 62 FR 47606, September 10, 1997. The advance notice made comments and reply comments due on November 10 and December 9, respectively. Sabre and Worldspan, two of the computer reservations systems, asked us to allow the parties to have an additional thirty to sixty days for preparing both their comments and reply comments. Sabre and Worldspan allege that the preparation of adequate comments on the complex issues presented in this rulemaking requires more time than the comment periods established by the advance notice. In addition, American Airlines has orally requested more time for preparing its responses to the advance notice.

We have determined that it would be reasonable to give commenters more time for preparing their responses to the advance notice. The issues are complex, and some major issues, such as the impact of the Internet on airline distribution and the computer reservations system business, have not been addressed by us before in any formal proceeding. At the same time, we should complete our reexamination of the CRS rules as promptly as possible, given the need to update the rules in light of the changes in airline distribution and the CRS business since our adoption of the current rules in 1992.

We will therefore give commenters an additional thirty days for the commments and fifteen days for reply comments.

These extensions should give them ample time for preparing responses to our advance notice and the issues raised there and to the comments filed by other parties. The longer extensions requested by Sabre and Worldspan seem unnecessary—we did not set such lengthy comment periods when we last reexamined the CRS rules, and all major industry participants have been aware for some time that we would be conducting a proceeding to reexamine the need for the rules.

Since neither Sabre nor Worldspan submitted a copy of its request to the docket for this proceeding, we have placed a copy of each request in the docket.

Issued in Washington, D.C. on October 17, 1997.

Nancy E. McFadden,

General Counsel.

[FR Doc. 97–28947 Filed 10–29–97; 8:45 am]

BILLING CODE 4910–62–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 20, 22, 24, and 90

[WT Docket No. 97–207; FCC 97–341]

Calling Party Pays Service Option in the Commercial Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Request for comments.

SUMMARY: The Commission adopts a *Notice of Inquiry* (NOI) in this proceeding, seeking comment to establish a record Calling Party Pays (CPP), a service currently offered by some Commercial Radio Service (CMRS) providers. The goal of this proceeding is to determine whether the wider availability of CPP would enable CMRS providers to more readily compete with wireline services provided by Local Exchange Carriers (LECs) and to determine whether there are any actions that the Commission could take to promote the wider availability of CPP for CMRS providers. The purpose of this inquiry is to explore means of encouraging and facilitating competition in the local exchange telephone market.

DATES: Comments are due on or before December 1, 1997, and reply comments are due on or before December 16, 1997.

ADDRESSES: Federal Communications Commission, Office of the Secretary, Room 222, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Dr. Pamela Megna or Dr. Joseph Levin, Policy Division, Wireless Telecommunications Bureau (202) 418–1310.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Inquiry* in WB Docket No. 97–207, FCC 97–341, adopted September 25, 1997, and released October 23, 1997. The complete text of this NOI is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857–3800, 1231 20th Street, Washington, DC 20036.

Synopsis of Notice of Inquiry

1. The Commission initiates this *Notice of Inquiry* (NOI) to seek information regarding Calling Party Pays (CPP), a service option currently offered by some Commercial Mobile Radio Service (CMRS) providers. The purpose of this inquiry is to explore means of encouraging and facilitating competition in the local exchange telephone market. The NOI is intended to explore the subject of CPP to develop a record for determining whether the wider availability of CPP would enable CMRS providers to more readily compete with wireline services provided by Local Exchange Carriers (LECs) and to determine whether there are actions that the Commission could take to promote the wider availability of CPP for CMRS providers.

2. CPP is a service option that some CMRS providers offer whereby the party placing the call or page pays the airtime charge, and any applicable charges for calls transported within the LECs' Local Access and Transport Areas. In order for a CMRS provider to offer this service option, the LEC must be willing and able to provide the CMRS carrier with this billing service or sufficient information for the CMRS carrier to bill the calling party directly.

3. In this proceeding, the Commission seeks information regarding, among other issues, the current availability of the CPP service option, how the calling party is informed of charges that will be incurred, the magnitude of these charges, what technical and contractual requirements are needed to implement this service option, whether there are technical, regulatory, or other barriers impeding the availability of this service option, and whether there are pro-competitive reasons for the Commission to initiate any actions to encourage the availability of this service option.

Current Availability of CPP

4. Although some LECs currently offer a CPP service option to CMRS carriers, it is unclear how many mobile carriers offer the CPP service option to their subscribers. Moreover, outside the United States, CPP seems to be the prevalent billing system for mobile telephony. Thus, the Commission seeks information on which carriers offer the CPP service option, in which geographic markets consumers have the service option, details of the arrangements between LECs and CMRS carriers and between CMRS carriers and subscribers, any regulatory requirements imposed by the various States and consumer reaction to the service option. The Commission seeks comments addressing any additional issues that may be associated with applying CPP to a calling party originating a call to a wireless phone from a wireless phone. The Commission also seeks comment as to the reasons CPP is not offered more broadly.

5. The Commission seeks comment on the level of consumer demand for CPP. Commenters are requested to address whether the market has failed to accommodate consumer demand for this or other service options and is likely to in the future. Commenters should provide detailed information on the specific technical, regulatory, or economic barriers that exist, and what actions, if any, the Commission should take to remove these barriers, in the event that the Commission decides that enhancing access to CPP is an appropriate pro-competitive goal.

6. Parties should also comment as to whether recent developments, including increased competition in the CMRS market, the related decrease in CMRS rates, and the implementation of reciprocal compensation for LEC–CMRS interconnection arrangements, will create sufficient market incentives for CMRS carriers to refrain from charging their own subscribers for incoming calls. To the extent that CPP is offered in a manner that requires the incumbent LEC to pay carrier to carrier airtime charges to complete a call, CPP and reciprocal compensation may address a similar issue (*i.e.* how the CMRS provider recovers the cost of completing a call that did not originate on the CMRS network). Parties are asked to comment on whether reciprocal compensation may obviate or reduce the need for CMRS providers to implement CPP.

Demand Stimulating Effects

7. The Commission seeks comment on current traffic patterns in the United States, and in countries in which CPP is the norm, and on whether CPP promotes more balanced traffic flows and increased demand for CMRS services.

8. It is uncertain, however, whether the balance in incoming and outgoing traffic reported in other countries is due to CPP service or due to other factors. Wireless service may be more desirable in these countries because the wireline network may be inferior in quality or less accessible. Alternatively, the increase in traffic terminating on a wireless network in these countries could be the result of an increase in subscribers' willingness to keep their wireless phones turned on due to the wider use of digital phones with their longer battery lives. The Commission seeks comment on these issues and requests any empirical studies that attempt to isolate the effect of CPP from other variables. In particular, the Commission seeks information on the pricing of wireless and wireline service in those countries in which CPP is the norm, and requests parties to submit any empirical studies or information addressing these issues.

9. In addition some industry sources believe CPP can increase the demand for CMRS services by increasing the minutes of usage or by increasing the number of subscribers. The Commission requests any empirical studies that have documented the effects of CPP on subscribership, traffic patterns (including traffic between wireless and wireline networks), and minutes of use in the markets in which CPP has been implemented. The Commission also seeks information regarding the possibility that CPP could in some way alter the peak usage periods of the wireline telephone network, thus requiring network modifications.

10. The Commission also seeks comment on the availability of the service option whereby Wireless subscribers do not pay for the first minute of calls they receive. The Commission seeks any empirical studies and information on whether this service option encourages consumers to subscribe to mobile telephony services, to subscribe to a digital system, to disclose their mobile telephone number, and to keep their mobile telephone in an active operational mode. Further, the Commission seeks comment regarding whether use of the ''first incoming minute free'' option more evenly balances traffic to and from wireless networks and whether it would have an effect on the demand for CPP.

Pricing Issues

11. The Commission also seeks information on the pricing structure of CMRS and wireline services across the United States and in other countries. The pricing structure implicit in a CPP service is significantly different than the typical pricing structure for CMRS and local wireline service in the United States. The differences in pricing between local telephone service and the CPP service option could deter some calls from wireline to mobile subscribers and may hinder efforts to minimize distinctions between telephony service provided on wireline and wireless networks. Widespread use of CPP could decrease the extent to which some consumers view CMRS and wireline telephony as close substitutes because the wireline consumer's incremental cost to place a local call to a CMRS phone could significantly

increase while there would be no similar change in the consumer's incremental cost to place a local wireline call. The Commission also seeks information on the proportion of wireline subscribers electing measured local service, and estimates of the potential demand for this option among wireline subscribers, as well as price information for measured local calls and CPP calls, and whether they vary based on time of day or some other factors. In addition, the Commission seeks comments concerning the extent to which differences in prevailing rate levels between wireline and wireless service offerings may affect the relative demand for these services, as well as traffic balances between wireline and wireless networks.

12. Finally, the Commission seeks comment on whether there are fees associated with reprogramming CMRS phones and whether there are monthly charges for CPP. The Commission also requests information regarding the amount of these fees or monthly charges, and whether the rate the calling party is charged varies across markets and the time of day.

Consumer Protection Issues

13. Many State regulatory agencies and consumer groups have raised consumer protection issues related to informing callers that they will be charged a fee for placing a call to a CMRS phone, and informing callers of the magnitude of the charge. Therefore, the Commission seeks information regarding how the calling party can best be informed of charges for calls to CMRS phones, including the magnitude of these charges. The Commission also seeks comment on what technical and contractual capabilities are needed to inform the caller regarding his or her responsibility to pay for the call and regarding the amount of the charge for the call.

14. Finally, the Commission seeks comment on whether it would be in the public interest for the Commission to assist the telecommunications industry and the States to develop a uniform national method to inform the calling party of the magnitude of the charge, and of the calling party's responsibility to pay for the call. Commenters are also requested to suggest any alternatives to a uniform national approach that would be in the public interest.

Technical Issues

15. It appears that the CPP service option requires various infrastructure, contractual, and billing collection modifications that may limit its implementation in the United States. While the mobile carrier must have access to billing collection information for the calling party to be able to charge incoming calls to the calling party, this information may be unavailable in some circumstances and may result in uncollectible revenues for the CMRS carrier. The Commission seeks comment on these assumptions and issues, and on any steps that could be taken to address these concerns and impediments to the operation of CPP.

16. In addition, not all LEC networks currently appear to have the technical capability to exchange the billing information required for CPP. Moreover, the use of call branding [1] as part of a CPP service option may not always be possible. The Commission seeks comment on these technical issues, and on what the Commission, the States, or the industry could do to resolve them.

17. Finally, there are means available to give the called CMRS subscriber using CPP the option to pay for incoming calls in some circumstances. The Commission seeks comment on the technical requirements for this option to be deployed, where this option is currently available, and how the calling party and called party are informed of this additional option.

Legal Issues

18. The Commission also seeks comment regarding any legal issues that may be posed by any actions the Commission may take regarding imposition or implementation of CPP.

19. As a threshold matter, the Commission recognizes that we have stated in the *Arizona Decision*, in the context of ruling on whether a State had made a sufficient showing within the meaning of section 332(c)(3)(B) of the Communications Act [2] that it should be permitted to regulate the rates of CMRS providers, that regulation of CPP was a billing practice that may be regulated by a State as a term or condition under which service is provided. [3]

20. In the wake of the *Arizona Decision,* the Commission has made clear, in the *Local Competition First Report and Order*,[4] that incumbent LECs have an obligation to provide access to unbundled network elements, and that such network elements include information sufficient to enable recipients of the unbundled network elements to provide billing services. In addition, the Eighth Circuit Court of Appeals, in its *Iowa Utilities Board* decision, concluded that the Commission has authority to order LECs to interconnect with CMRS carriers and has the authority to issue rules of special concern to CMRS providers.[5]

21. In light of the *Local Competition First Report and Order* and the *Iowa Utilities Board* decision, the Commission seeks comment regarding the scope of our authority to require LECs to provide billing information and services which will enable CMRS providers to offer CPP services. Specifically, the Commission seeks comment on whether we have authority under section 332 to establish requirements regarding CPP arrangements between LECs and CMRS carriers. The Commission requests any commenters suggesting that the Commission lacks authority under section 332 to identify any other provision of the Communications Act that gives the Commission authority over CPP arrangements. Commenters should also address whether that provision would give us the authority to preempt State regulation in order to establish nationwide rules for CPP.

Procedural Matters

22. The Commission adopts this Notice of Inquiry under the authority contained in sections 4(i), 4(j), and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 403. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before December 1, 1997, and may file reply comments on or before December 16, 1997.

23. To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you should file an original and ten copies. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, 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) of the Federal

[1] Branding, in this context, is the ability to inform the caller to a CMRS phone (by use of a recorded intercept message) of additional charges applicable to the call.

[2] 47 U.S.C. 332(c)(3)(B).

[3] Petition of Arizona Corporation Commission To Extend State Authority Over Rate and Entry Regulation of All Commercial Mobile Radio Services and Implementation of Sections 3(n) and 332 of the Communications Act, PR Docket No. 94–104 and GN Docket No. 93–252, Report and Order and Order on Reconsideration, 10 FCC Rcd 7824, 7837 (1996) (*Arizona Decision*).

[4] 61 FR 45476, August 29, 1996.

[5] *Iowa Utilities Board*, 1997 WL 403401 (8th Cir., July 18, 1997), at n.21.

Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

24. There are no *ex parte* or disclosure requirements applicable to this proceeding pursuant to § 1.1204(a)(4) of the Commission's Rules, 47 CFR 1.1204(a)(4).

List of Subjects 47 CFR Parts 20, 22, 24, and 90

Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–28762 Filed 10–29–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 102197D]

RIN 0648–AG27

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 8

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the South Atlantic Fishery Management Council (Council) has submitted Amendment 8 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region for review, approval, and implementation by NMFS. Written comments are requested from the public.

DATES: Written comments must be received on or before December 29, 1997.

ADDRESSES: Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 8, which includes a final supplemental environmental impact statement, an initial regulatory flexibility analysis, a regulatory impact review, and a social impact assessment, should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; phone: 803–571–4366; fax: 803–769–4520.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813–570–5305.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any fishery management plan or amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a document in the **Federal Register** stating that the amendment is available for public review and comment.

Amendment 8 would: Limit access to the commercial snapper-grouper fishery; allow the retention of snapper-grouper in excess of the bag limits on a permitted vessel that has a single bait net or cast nets on board; subject to specific conditions, exempt snapper-grouper lawfully harvested in Bahamian waters from the requirement that they be maintained with head and fins intact in the exclusive economic zone of the South Atlantic; redefine ''optimum yield,'' ''overfished,'' and ''overfishing'' for snapper-grouper; and establish a ''threshold level'' for snapper-grouper, i.e., the level of spawning potential ratio at which the Council will take appropriate action including, but not limited to, eliminating directed fishing mortality and evaluating measures to eliminate any bycatch mortality.

A proposed rule to implement Amendment 8 has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with Amendment 8, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish it in the **Federal Register** for public review and comment.

Comments received by December 29, 1997, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve Amendment 8. Comments received after that date will not be considered by NMFS in this decision. All comments on Amendment 8 or on the proposed rule during their respective comment periods will be addressed in the final rule.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 23, 1997.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–28713 Filed 10-29-97; 8:45 am]

BILLING CODE 3510–22–F