

*Title:* Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 (CC Doc. No. 92-90).

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business and other for-profit entities.

*Number of Respondents:* 30,000.

*Estimated Time Per Response:* 31.2 hours (avg.).

*Frequency of Response:*

Recordkeeping; On occasion reporting requirements.

*Total Annual Burden:* 936,000 hours.

*Cost to Respondents:* None.

*Needs and Uses:* In CC Docket No. 92-90, the FCC implemented final rules pursuant to the requirements of the Telephone Consumer Protection Act of 1991, Public Law 102-243, Dec. 20, 1991 (TCPA) which added Section 227 to the Communications Act of 1934, as amended, to restrict the use of automatic telephone dialing systems, artificial or prerecorded messages, facsimile machines or other devices to send unsolicited advertisements. The rules require that telephone solicitors maintain and use company-specific lists of residential subscribers who request not to receive further telephone calls (company-specific do-not-call lists), thereby affording consumers the choice of which solicitors if any, they will hear from by telephone. Telephone solicitors also are required to have a written policy for maintaining do-not-call lists, and are responsible for informing and training their personnel in the existence and use of such lists. The rules require that those making telephone solicitations identify themselves to called parties, and that basic identifying information also be included in telephone facsimile transactions. The Commission believes that these rules are the best means of preventing unwanted telephone solicitations.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 98-28315 Filed 10-21-98; 8:45 am]

BILLING CODE 6712-10-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

October 16, 1998.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden

invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. 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. Comments are requested concerning: (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 estimate; (c) ways to enhance the quality, utility, 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 information techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before November 23, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at 202-418-0217 or via internet at lesmith@fcc.gov.

**SUPPLEMENTARY INFORMATION:**

*OMB Approval Number:* 3060-0168.

*Title:* Section 43.43, Reports of Proposed Changes in Depreciation Rates.

*Form Number:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business and other for-profit entities.

*Number of Respondents:* 11.

*Estimated Time Per Response:* 6,000 hours.

*Frequency of Response:*

Recordkeeping; On occasion reporting requirements.

*Total Annual Burden:* 66,000 hours.

*Cost to Respondents:* None.

*Needs and Uses:* Section 220(b) of the Communications Act of 1934 (the Act), as amended (47 U.S.C. Section 220(b)), states that the FCC may prescribe

depreciation charges for the subject carriers. Section 219 of the Act requires annual and other reports from the carriers. Section 43.43 of the Commission's Rules (47 C.F.R. Section 43.43) establishes the reporting requirements for depreciation prescription purposes. Communication common carriers with annual operating revenues of \$112 million or more that the Commission has found to be dominant must file information specified in § 43.43 before making any change in the depreciation rates applicable to their operating plant. Section 220 also allows the Commission, in its discretion, to prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the Act, including the accounts, records, and memoranda of the movement of traffic, as well as receipts and expenditures of monies.

The Communication Act, as amended, seeks to develop efficient competition by opening all telecommunications markets through a pro-competitive, deregulatory national policy framework. To that end, Section 11 of the Act requires the Commission, in every even-numbered year beginning in 1998, to review its regulations applicable to providers of telecommunications service to determine whether the regulations are no longer necessary in the public interest as a result of meaningful economic competition between providers of such service and whether such regulations should be repealed or modified.

In the attached NPRM, the Commission proposes to reduce or streamline further our depreciation prescription process by permitting summary filings and eliminating the prescription of depreciation rates for incumbent LECs, provided that the carrier uses depreciation factors that are within the ranges adopted by the Commission, expanding the prescribed range for the digital switching plant account, and eliminating salvage from the depreciation process. We also seek comment on whether we should permit carriers to set their own depreciation rates if they are willing to waive the automatic low-end adjustment. These proposed modifications are designed to minimize the reporting burden on carriers and to provide incumbent LECs with a greater flexibility to adjust their depreciation rates while allowing the commission to maintain adequate oversight.

If we remove net salvage from the depreciation process, we should create a new account 6566, Net cost of removal, to record both salvage receipts

and removal costs incurred. We also tentatively conclude that we revise §§ 32.3100, Accumulated depreciation, and 32.2000, Instructions for telecommunications plant accounts, to eliminate the provisions that salvage and cost removal be recorded in the depreciation reserve account. We also request comment on whether we should require carriers to keep subsidiary record categories in Account 6566 for salvage and cost of removal. If adopted, these proposals may have an impact on OMB control number 3060-0370. However, at this time we do not believe that the impact will be significant.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 98-28316 Filed 10-21-98; 8:45 am]

BILLING CODE 6712-10-P

## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 98-121; FCC 98-271]

### Application by BellSouth Corporation, et al. to Provide In-Region, InterLATA Services in Louisiana

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Memorandum Opinion and Order (Order) in CC Docket No. 98-121 concludes that BellSouth Corporation, et al. (BellSouth) has not satisfied the requirements of section 271(c)(1) of the Communications Act of 1934, as amended (Act). The Commission therefore denies BellSouth's application to provide in-region interLATA services in Louisiana. The Order declines to grant BellSouth authority to provide in-region, interLATA services in Louisiana.

**EFFECTIVE DATE:** October 13, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Claudia Pabo or William Bailey, Attorneys, Policy and Program Planning Division, Common Carrier Bureau, (202) 418-1580 or via the Internet at cpabo@fcc.gov or wbailey@fcc.gov, respectively. Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202-418-0484.

**SUPPLEMENTARY INFORMATION:** This is a brief description of the Commission's Memorandum Opinion and Order adopted and released October 13, 1998. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., NW., Room 239, Washington, DC. The

complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/CommonCarrier/Orders/fcc98271.wp>, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th St., NW., Washington, D.C. 20036.

### Synopsis of Order

1. *Department of Justice's Evaluation.* The Department of Justice recommends that BellSouth's application for entry into the long distance market in Louisiana be denied. The Department of Justice concluded that, despite a number of encouraging improvements since its earlier applications in South Carolina and Louisiana, the Louisiana market is not fully and irreversibly open to competition, and that BellSouth has failed to demonstrate that it is offering access and interconnection that satisfy the requirements of the competitive checklist.

2. *State Verification of Compliance with Section 271(c).* The Louisiana Commission voted to approve and support BellSouth's second application to enter the long distance market in Louisiana. Unlike the process it followed when BellSouth filed its first application, the Louisiana Commission did not compile an evidentiary record or conduct a formal proceeding to determine whether BellSouth's revised application complies with section 271 of the Act. Thus, there is no record evidence submitted by the state commission to show whether BellSouth has implemented changes in response to our previous Louisiana order.

3. *Track A: Broadband PCS and Wireline.* We conclude that the broadband PCS services at issue here satisfy the statutory definition of "telephone exchange service" for purposes of Track A, and therefore, may serve as the basis for a qualifying application under Track A. Based on the facts presented in this application, however, BellSouth has not shown that broadband PCS is a *substitute* for the wireline telephone service offered by BellSouth in Louisiana. We also discuss whether BellSouth demonstrates that it satisfies the requirements of Track A based on its implemented agreements with wireline competitive LECs.

4. *Checklist—General.* We conclude that, in any future application for section 271 approval in Louisiana, BellSouth may incorporate by reference its prior showing on checklist items we deem satisfied in this Order. BellSouth must also certify that its actions and performance at the time of any future application are consistent with the showing it incorporates by reference.

We hope this new certification option will enable BOCs to focus their energies on quickly satisfying the remaining statutory requirements and thereby expedite the local market-opening process by which BOCs may obtain approval to provide in-region long distance service.

5. *Checklist Item 1—Interconnection.* BellSouth does not satisfy the requirements of checklist item (i). Pursuant to this checklist item, BellSouth must allow other carriers to link their networks to its network for the mutual exchange of traffic. To do so, BellSouth must permit carriers to use any available method of interconnection at any available point in BellSouth's network. For the reasons stated in the *BellSouth South Carolina Order*, 63 FR 78, January 2, 1998, we find BellSouth's collocation offering insufficient. Furthermore, interconnection between networks must be equal in quality whether the interconnection is between BellSouth and an affiliate, or between BellSouth and another carrier. BellSouth also does not show that it provides interconnection that meets this standard.

6. *Checklist Item 2—Access to Unbundled Network Elements.* BellSouth does not satisfy the requirements of checklist item (ii). The telephone network is comprised of individual network elements. In order to provide "access" to an unbundled network element, for purposes of the checklist, BellSouth must provide a connection to the network element at any technically feasible point under rates, terms, and conditions that are just, reasonable, and nondiscriminatory. To fulfill the nondiscrimination obligation under checklist item (ii), BellSouth must provide access to its operations support systems, meaning the information, systems, and personnel necessary to support the elements and services. This is important because access to BellSouth's operations support systems provides new entrants with the ability to order service for their customers and allows new entrants to communicate effectively with BellSouth regarding such basic activities as placing orders and providing repair and maintenance service for customers. BellSouth does not demonstrate that its operation support systems enable other carriers to connect electronically to its pre-ordering and ordering functions, thus placing those carriers at a competitive disadvantage relative to BellSouth's own retail operation. Although BellSouth has made some progress in addressing deficiencies in its operations support systems, it has failed to address successfully other problems