

classification of these devices into Class I and Class II, as proposed, is significantly less than those associated with the alternative classification into Class III, the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

VII. Request for Comments

Interested persons may, on or before March 3, 1997, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 892

Medical devices, Radiation protection, X-rays.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 892 be amended as follows:

PART 892—RADIOLOGY DEVICES

1. The authority citation for 21 CFR part 892 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 371).

2. New §§ 892.2010, 892.2020, 892.2030, 892.2040, and 892.2050 are added to subpart B to read as follows:

§ 892.2010 Medical image storage device.

(a) *Identification.* A medical image storage device is a device that provides electronic storage and retrieval functions for medical images. Examples include devices employing magnetic and optical discs, magnetic tape, and digital memory.

(b) *Classification.* Class I. The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter only when the device stores images without performing irreversible data compression.

§ 892.2020 Medical image communications device.

(a) *Identification.* A medical image communications device provides electronic transfer of medical image data between medical devices. It may include a physical communications

medium, modems, interfaces, and a communications protocol.

(b) *Classification.* Class I. The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter only when the device transfers images without performing irreversible data compression.

§ 892.2030 Medical image digitizer.

(a) *Identification.* A medical image digitizer is a device intended to convert an analog medical image into a digital format. Examples include systems employing video frame grabbers, and scanners which use lasers or charge-coupled devices.

(b) *Classification.* Class II.

§ 892.2040 Medical image hardcopy device.

(a) *Identification.* A medical image hardcopy device is a device that produces a visible printed record of a medical image and associated identification information. Examples include multifunction cameras and laser printers.

(b) *Classification.* Class II.

§ 892.2050 Picture archiving and communications system.

(a) *Identification.* A picture archiving and communications system is a device that provides one or more capabilities relating to the acceptance, transfer, display, storage, and digital processing of medical images. Its hardware components may include workstations, digitizers, communications devices, computers, video monitors, magnetic, optical disk, or other digital data storage devices, and hardcopy devices. The software components may provide functions for performing operations related to image manipulation, enhancement, compression, or quantification.

(b) *Classification.* Class II.

Dated: November 17, 1996.

D.B. Burlington,

Director, Center for Devices and Radiological Health.

[FR Doc. 96-30650 Filed 11-29-96; 8:45 am]

BILLING CODE 4160-01-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket 96-237; FCC 96-456]

Implementation of Infrastructure Sharing Provisions in the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On November 22, 1996, the Commission adopted a *Notice of Proposed Rulemaking*, as part of the Commission's implementation of the Telecommunications Act of 1996 (the 1996 Act), to initiate a rulemaking proceeding to implement new Section 259 (Infrastructure Sharing) of the Communications Act of 1934 (the Act), as amended. Section 259 generally requires an incumbent local exchange carrier (incumbent LEC) to make available to a defined "qualifying carrier," such as "public switched network infrastructure, technology, information, and telecommunications facilities and functions" as the qualifying carrier may request, in service areas where the qualifying carrier has requested and obtained designation as an eligible carrier under Section 214(e). Section 259(a) directs the Commission to prescribe regulations that implement this requirement within one year after the date of enactment of the 1996 Act, *i.e.*, by February 8, 1997.

DATES: Comments are due on or before December 20, 1996. Reply comments are due on or before January 3, 1997. Written comments by the public on the proposed and/or modified information collections are due on or before December 20, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before January 31, 1997.

ADDRESSES: Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Suite 222, Washington, D.C. 20554, with a copy to Scott Bergmann of the Common Carrier Bureau, Federal Communications Commission, 2033 M Street, N.W., Suite 500, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. In addition to

filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 Seventeenth Street, N.W., Washington, D.C. 20503 or via the Internet to fain_t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Thomas J. Beers, Deputy Chief, Industry Analysis Division, Common Carrier Bureau, at (202) 418-0952. For additional information concerning the information collections proposed in the *Notice of Proposed Rulemaking* contact Dorothy Conway, at (202) 418-0217, or via the Internet to dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking* adopted November 22, 1996 and released November 22, 1996 (FCC 96-456). The full text of this *Notice of Proposed Rulemaking* is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, Washington, D.C. 20554. This *Notice of Proposed Rulemaking* contains proposed and/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 and/or modified information

collections contained in this proceeding. The complete text also may be purchased from the Commission's copy contractor, International Transcription Service, Inc. (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Paperwork Reduction Act

This *Notice of Proposed Rulemaking* contains a proposed information collection subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the information collections in this *Notice of Proposed Rulemaking*. 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 collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments by the public on the proposed and/or modified information collections are due December 20, 1996, and reply comments are due January 3, 1997. Written comments must be submitted by 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. 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.

In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554, or via the Internet to dconway@fcc.gov and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W. Washington, D.C. 20503 or via the Internet to fain_t@al.eop.gov

OMB Approval Number: None.

Title: Policy and Rules Concerning the Implementation of Infrastructure Sharing Provisions in the Telecommunications Act of 1996, CC Docket 96-237.

Form Number: Not Applicable.

Type of Review: New Collection.

Respondents: Business or other for profit, including small businesses.

Burden Estimate:

Section/Title	Respondents	Est. time per resp.	Frequency	Annual burden
(1) Section 259(b)(7) Filing of Tariffs, Contracts or Other Arrangements * * *	75	1 hour	5 per year	375 hours.
(2) Section 259(c) Information Concerning Deployment of New Services and Equipment * * *	75	2 hours	12 per year	1800 hours.

Total Annual Burden: 2175 total hours.

Estimated Costs Per Respondent: \$0.00.

Needs and Uses: The information collections for which approval is sought are contained in new Section 259 ("Infrastructure Sharing") of the Communications Act of 1934 (the Act), as amended. The information collections proposed pursuant to Section 259(c) in this *Notice of Proposed Rulemaking* will provide notice to third parties (qualifying carriers) of changes in the incumbent local exchange carrier's network that might affect the parties' ability to fully benefit from Section 259 agreements. In

addition, the information collected pursuant to Section 259(b)(7) will make available for public inspection any tariffs, contracts or other arrangements showing the conditions under which the incumbent LEC is making available public switched network infrastructure and functions pursuant to Section 259. Failing to collect the information would violate the language and the intent of the 1996 Act to ensure that access to the evolving, advanced telecommunications infrastructure would be made broadly available in all regions of the nation at just, reasonable and affordable rates.

Summary of the Notice of Proposed Rulemaking

1. The Commission adopted the *Notice of Proposed Rulemaking (NPRM)*, as part of its implementation of the Telecommunications Act of 1996 (the 1996 Act), to initiate a rulemaking proceeding to implement new Section 259 ("Infrastructure Sharing") of the Communications Act of 1934 (the Act), as amended. Section 259 generally requires an incumbent local exchange carrier (incumbent LEC) to make available to a defined "qualifying carrier," such as "public switched network infrastructure, technology, information, and telecommunications facilities and

functions" as the qualifying carrier may request, in service areas where the qualifying carrier has requested and obtained designation as an eligible carrier under Section 214(e). Section 259(a) directs the Commission to prescribe regulations that implement this requirement within one year after the date of enactment of the 1996 Act, *i.e.*, by February 8, 1997.

2. The *NPRM* poses questions relating to the scope of required infrastructure sharing (Section 259(a)), and to the specific directives Congress has imposed on the Commission regarding the terms and conditions of implementing regulations (Section 259(b)), network service and equipment information sharing (Section 259(c)), and the definition of qualifying carriers (Section 259(d)). For example, the *NPRM* asks whether Section 259 was intended by Congress to provide opportunities for small carriers that lack an extensive infrastructure in order to promote the pro-competitive and universal service goals of the 1996 Act. The *NPRM* tentatively concludes that Section 259 is complementary to other Commission pro-competitive undertakings implementing Sections 251, 252 and 254 of the Act, and that implementing regulations for Section 259 should, accordingly, reflect and not contradict Commission decisions in the CC Docket 96-45 Universal Service proceeding.

3. Section 259(a) directs the Commission, within one year after the date of enactment of the 1996 Act, to prescribe regulations that require incumbent LECs to make certain "public switched network infrastructure, technology, information, and telecommunications facilities and functions" available to any qualifying carrier in the service area in which the qualifying carrier has requested and obtained designation as an eligible carrier under Section 214(e). Section 259(b) directs the Commission to refrain from requiring actions by incumbent LECs that are economically unreasonable or contrary to the public interest. The Commission may permit, but shall not require, joint ownership or operation of public switched network infrastructure and services, and must ensure that incumbent LECs are not treated as common carriers by virtue of exercising their Section 259 obligations. Section 259(b) further directs the Commission to establish guidelines implementing infrastructure sharing pursuant to just and reasonable terms and conditions that permit the qualifying carrier to "fully benefit" from the economies of scale and scope of the incumbent LEC. The Commission must

establish conditions to promote cooperation between incumbent LECs and qualifying carriers. The Commission may not require incumbent LECs to make available "services or access" that would be provided to consumers by the qualifying carrier in the incumbent LEC's "telephone exchange area." The Commission must also require the incumbent LEC to file with the Commission or state "any tariffs, contracts, or other arrangements that show rates, terms, and conditions" under which the incumbent LEC is making available "public switched network infrastructure and functions" pursuant to Section 259.

4. Section 259(c) requires incumbent local exchange carriers that have entered into infrastructure sharing agreements to "provide to each party to such agreement timely information on the planned deployment of telecommunications services and equipment, including any software or upgrades of software integral to the use or operation of such telecommunications equipment." Section 259(d) defines a "qualifying carrier" as a telecommunications carrier that:

(1) lacks economies of scale or scope, as determined in accordance with regulations prescribed by the Commission pursuant to this section; and (2) offers telephone exchange service, exchange access, and any other service that is included in universal service, to all consumers without preference throughout the service area for which such carrier has been designated as an eligible telecommunications carrier under Section 214(e).

47 U.S.C. 259(d)(1), (d)(2). Section 214(e) provides that a common carrier designated as an eligible telecommunications carrier shall be eligible to receive universal service support and shall, throughout the service area for which designation is received, offer services that are supported by federal universal service support mechanisms promulgated under Section 254(c), either by using its own facilities or a combination of its own facilities and resale of another carrier's services. Section 214(e) also states how eligible telecommunications carriers shall be designated.

5. The *NPRM* contains a detailed set of questions to allow commenters to assist the Commission in interpreting these provisions. In some instances, the draft *NPRM* sets out tentative conclusions. For example, the *NPRM* tentatively concludes that it would be inappropriate to construe that part of the definition of qualifying carrier set out in Section 259(d)(2) because that determination depends upon the

definition of universal service that will be decided by the Commission in the universal service proceeding (*i.e.*, after the Federal-State Joint Board proffers its recommendations in early November 1996). In other instances, however, no tentative conclusions are proffered. For example, in construing Section 259(b)(4) the Commission must determine how to ensure that qualifying carriers benefit from economies of scale and scope enjoyed by incumbent LECs. To achieve this, the *NPRM* asks whether Section 259 conveys to the Commission the power to establish pricing rules or guidelines for infrastructure, technology, information, and telecommunications facilities and functions.

Initial Regulatory Flexibility Act Analysis

6. As required by Section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, the Commission has prepared the following Initial Regulatory Flexibility Analysis (IRFA) of the expected significant economic impact on small entities of the policies and rules proposed in the Notice of Proposed Rulemaking, Implementation of Infrastructure Sharing Provisions in the Telecommunications Act of 1996 (*NPRM* or *Infrastructure Sharing NPRM*). Written public comments are requested on this IRFA. These comments must be filed in accordance with the same filing deadlines set for comments on the other issues in the *NPRM* but they must have a separate and distinct heading designating them as responses to this IRFA. The Secretary shall send a copy of this *Infrastructure Sharing NPRM* including the IRFA, set out below, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act.

7. Need for and Objectives of the Proposed Rules: The Commission is issuing this *NPRM* to implement the infrastructure sharing provisions in Section 259 of the 1996 Act, as added by the Telecommunications Act of 1996. Section 259 directs the Commission, within one year after the date of enactment of the 1996 Act, to prescribe regulations that require incumbent LECs to make certain "public switched network infrastructure, technology, information, and telecommunications facilities and functions" available to any qualifying carrier in the service area in which the qualifying carrier has requested and obtained designation as an eligible carrier under Section 214(e).

8. *Legal Basis for the Proposed Rules:* The legal basis for action as proposed in

the *NPRM* is Sections 1–5, 201–205, 218, and 259 of the Communications Act of 1934 as amended, 47 U.S.C. 151–155, 201–205, 218, and 259.

9. *Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply:* For the purposes of this analysis, we examined the relevant definition of “small entity” or “small business” and applied this definition to identify those entities that may be affected by the rules proposed in this *NPRM*. The RFA defines a “small business” to be the same as a “small business concern” under the Small Business Act, 15 U.S.C. § 632, unless the Commission has developed one or more definitions that are appropriate to its activities. Under the Small Business Act, 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 Small Business Administration (SBA). Moreover, the SBA has defined a small business for Standard Industrial Classification (SIC) categories 4812 (Radiotelephone Communications) and 4813 (Telephone Communications, Except Radiotelephone) to be small entities when they have fewer than 1,500 employees.

10. Section 259 of the 1934 Act, as added by the 1996 Act, establishes a variety of infrastructure sharing obligations. Many of the obligations proposed in the *Infrastructure Sharing NPRM* would apply solely to providing incumbent LECs. Also potentially affected by these proposed rules are the class of carriers designated as “qualifying carriers” under Section 259. Qualifying carriers will likely include small local exchange carriers and many of these carriers are likely to be small business concerns for the purposes of RFA analysis.

11. Consistent with our prior practice, we shall continue to exclude small incumbent LECs from the definition of “small entity” and “small business concerns” for the purpose of this IRFA. We believe that incumbent LECs do not qualify as small businesses because they are dominant in their field of operation. However, out of an abundance of caution and prudence, in this IRFA we shall include a discussion of the number of small incumbent LECs affected by these proposed rules to remove any possible issue of RFA compliance. Therefore, we shall use the distinct term “small incumbent LECs” to refer to any incumbent LECs that conceivably might be defined by the SBA at a subsequent date as “small business concerns” despite our conclusions that they are dominant in their fields of operation.

We seek comment on the conclusions above.

12. We are first required to estimate the number of small incumbent LECs that may be affected by the proposed decisions and rules. Although neither the Commission nor the SBA has developed a definition of small providers of local exchange services, we have two methodologies available to us for making these estimates. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies (SIC 4813) (Telephone Communications, Except Radiotelephone). The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA’s definition, a non-radiotelephone company qualifies as a “small entity” when it employs fewer than 1,500 persons. Of the 2,321 non-radiotelephone companies listed by the Census Bureau, 2,295 companies (or, all but 26) were reported to have fewer than 1,000 employees. Thus, at least 2,295 non-radiotelephone companies might qualify as small incumbent LECs or small entities based on these employment statistics. However, because it seems certain that some of these carriers are not independently owned and operated, this figure necessarily overstates the actual number of non-radiotelephone companies that would qualify as “small business concerns” under the SBA’s definition. Consequently, we estimate using this methodology that there are fewer than 2,295 small entity telephone communications companies (other than radiotelephone companies) that may be affected by the proposed decisions and rules and we seek comment on this conclusion.

13. Our alternative method for estimation utilizes the data that we collect annually in connection with the Telecommunications Relay Service (TRS). This data provides us with the most reliable source of information of which we are aware regarding the number of LECs nationwide. According to our most recent data, 1,347 companies reported that they were engaged in the provision of local exchange services. Although it seems certain that some of these carriers are not independently owned and operated (prong 1 of the SBA definition of small business concerns as set out *supra*), or have more than 1,500 employees (prong 3), we are unable at this time to estimate with greater precision the number of incumbent LECs that would qualify as small business concerns under SBA’s definition. Consequently, we estimate

that there are fewer than 1,347 small LECs (including small incumbent LECs) that may be affected by the actions proposed in this *NPRM*.

14. The proposals in this *NPRM* apply not only to the providing incumbent LECs that are required to enter into infrastructure sharing agreements pursuant to Section 259, but also to qualifying carriers. Qualifying carriers are telecommunications carriers that meet the two requirements set out in Section 259(d). Because Section 259(d)(1) limits qualifying carriers to those carriers that “lack economies of scale or scope,” it is likely that there will be small business concerns affected by the rules proposed in this *NPRM*. We note, however, that the definition of “qualifying carriers” is dependent on the Commission’s decisions in the universal service proceeding. Until the Commission issues an order pursuant to the *Universal Service NPRM* that addresses Section 214(e) eligibility issues, it is not feasible to define the number of “qualifying carriers” that may be “small business concerns.”

15. *Description of Projected Reporting, Recordkeeping and Other Compliance Requirements:* As discussed in Part III. A. of the *NPRM*, incumbent LECs may be required to make available to defined qualifying carriers “such public switched network infrastructure, technology, information, and telecommunications facilities and functions as may be requested by such qualifying carrier[s].” We believe that compliance with such requests may require the use of legal, engineering, technical, operational, and administrative skills. In addition, incumbent LECs are required to file with the Commission or state for public inspection any tariffs, contracts or other arrangements showing the conditions under which an incumbent LEC is making available public switched infrastructure and functions. Should a small incumbent LEC be subject to this requirement, we anticipate that it will require use of legal and administrative skills. The statute also requires incumbent LECs to provide “timely information on the planned deployment of telecommunications services and equipment” to any parties to infrastructure sharing agreements. Should a small incumbent LEC be subject to this requirement, we anticipate that it will require use of engineering, technical, operational, and administrative skills. We seek comment on the impact of these proposals on small entities. We seek comment on whether the entities subject to Section 259 will otherwise have the personnel or other resources to meet Section 259

requirements as a result of their efforts to comply with other provisions of the 1996 Act, *i.e.*, Section 251.

16. *Significant Alternatives to Proposed Rules Which Minimize Significant Economic Impact on Small Entities and Accomplish Stated Objectives:* We anticipate that the impact of this proceeding should be beneficial to small businesses since they may be able to share infrastructure with larger incumbent LECs, in certain circumstances, enabling small carriers to provide telecommunication services or information services that they otherwise might not be able to provide without building or buying their own facilities. The *Infrastructure Sharing NPRM* contains a detailed set of questions to allow commenters to assist the Commission in interpreting Section 259, including the following significant provisions of Section 259 that may impact small entities.

17. Section 259(a) requires the Commission to adopt regulations to ensure that incumbent LECs make available, to defined qualifying carriers, "public switched network infrastructure, technology, information, and telecommunications facilities and functions." Qualifying carriers are defined in Section 259(d) as carriers that lack economies of scale or scope and that request and obtain designation to receive universal service support pursuant to Section 214(e). As a result of this limitation on the carriers that qualify for Section 259 sharing arrangements, we ask whether, in fact, the purpose of Section 259 is to benefit small carriers. In addition, we ask whether there is a relationship between carrier size, however defined, and a determination that the carrier either has or lacks economies of scale or scope. Additionally, we ask whether certain incumbent LECs could lack economies of scale or scope, and, thus, meet the Section 259(d)(1) definition of qualifying carrier and, nevertheless, also be required to *provide* "public switched network infrastructure, technology, information, and telecommunications facilities and functions" to other qualifying carriers.

18. In addition, the statute directs the Commission to refrain from requiring actions by incumbent LECs that are economically unreasonable or contrary to the public interest. The Commission may permit, but may not require, joint ownership of infrastructure, and must provide that incumbent LECs are not treated as common carriers by virtue of their Section 259 obligations. In this *NPRM*, we seek comment on how to implement the above provisions. Section 259(b)(4) further directs the

Commission to establish guidelines implementing infrastructure sharing on just and reasonable terms where qualifying carriers "fully benefit" from the economies of scale and scope enjoyed by incumbents, and to act so as to promote cooperation between LECs. In construing Section 259(b)(4), we ask whether Section 259 conveys to the Commission the power to establish pricing rules or guidelines for public switched network infrastructure, technology, information, and telecommunications facilities and functions. We also ask questions about how such pricing authority could be implemented.

19. Section 259(c) requires local exchange carriers that have entered into infrastructure sharing agreements to provide "timely information on the planned deployment of telecommunications services and equipment" In the *NPRM*, we seek comment on how the Commission both can implement Section 259(c) and promote the goal shared by Congress and the Commission of reducing duplicative administrative requirements.

20. *Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules:* The *NPRM* tentatively concludes that the implementation of Section 259 should be complementary to the implementation of other sections of the 1996 Act and asks questions designed to explore that complementary relationship. The *NPRM*, for example, addresses the relationship between the infrastructure sharing requirements in Section 259 and the competitive access requirements in Sections 251 and 252.

Ordering Clauses

Accordingly, *It is ordered* that pursuant to Sections 1–5, 201–205, 218 and 259 of the Communications Act of 1934 as amended, 47 U.S.C. §§ 151–155, 201–205, 218 and 259, a Notice of Proposed Rulemaking is hereby adopted.

It is further ordered that the Secretary shall send a copy of this Notice of Proposed Rulemaking, including the regulatory flexibility certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, 5 U.S.C. §§ 601 *et seq.* (1981).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–30661 Filed 11–29–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Chapter I

[CC Docket No. 96–45; FCC 96J–3]

Universal Service

AGENCY: Federal Communications Commission.

ACTION: Recommended decision.

SUMMARY: On November 7, 1996, the Federal-State Joint Board adopted a Recommended Decision, as required by section 254 of the Telecommunications Act of 1996 ("1996 Act"), regarding universal service. In the decision, the Joint Board made numerous recommendations on universal service issues including, for example, issues relating to: universal service principles; services eligible for support; support mechanisms for rural, insular, and high cost areas; support for low income consumers; affordability; support for schools, libraries, and health care providers; administration of support mechanisms; and common line cost recovery. The Commission seeks comment on the Recommended Decision.

DATES: Comments should be filed on or before December 16, 1996 and Reply Comments on or before January 10, 1997.

ADDRESSES: Interested parties must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554. Comments should reference CC Docket No. 96–45. Parties should send one copy of their comments to the Commission's copy contractor, International Transcription Service, Room 140, 2100 M Street, N.W., Washington, D.C. 20037. Parties must also serve copies of their comments on the individuals identified in the attached service list. After filing, 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.

Parties are also asked to submit comments on diskette. Diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Sheryl Todd, Common Carrier Bureau, 2100 M Street, N.W., Room 8611, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette in an IBM compatible format using WordPerfect 5.1 for Windows software in a "read only" mode. The diskette should be clearly labelled with the party's name, proceeding, and date