

comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, D.C. 20554.

Federal Communications Commission.

**Magalie Roman Salas,**  
Secretary.

[FR Doc. 98-6654 Filed 3-13-98; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Approved by Office of Management and Budget

March 6, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Pub. L. 96-511. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, 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. Questions concerning the OMB control numbers and expiration dates should be directed to Judy Boley, Federal Communications Commission, (202) 418-0214.

#### Federal Communications Commission

*OMB Control No.:* 3060-0767.

*Expiration Date:* 7/31/1998.

*Title:* Auction Forms and License Transfer Disclosures Supplement for the 2nd R&O, Order on Reconsideration, and 5th NPRM in CC.

*Docket No.* 92-297.

*Form No.:* N/A.

*Estimated Annual Burden:* 773,000 annual hour; average .5-20 hours per response; 180,000 responses.

*Description:* The auction rules, among, other things, require small business applicants to submit ownership information and gross revenues calculations, and all applicants to submit terms of joint bidding agreements (if any). Additionally in case a licensee defaults or loses its license, the Commission retains the discretion to reacquire such licenses. This collection was revised to include additional requirements that are a result of the Commission adopting a general rule to determine the amount of unjust enrichment payments to be

assessed upon assignment, transfer, partitioning and disaggregation of licenses. The new rule, applicable to all current and future licensees, is based upon the unjust enrichment rule applicable to broadband PCS licensees. Therefore, transfer disclosure requirements apply in all license transactions. The Commission is also amending its general anti-collusion rules, permitting the holder of a non-controlling attributable interest in an applicant to obtain an ownership interest in or enter into a consortium arrangement with another applicant for a license in the same geographic area provided that the original applicant has withdrawn from the auction, is no longer placing bids, and has no further eligibility. To meet the requirements of the exception, the attributable interest holder will be required to certify to the Commission that it did not communicate with the new applicant prior to the date the original applicant withdrew from the auction, and that it will not convey bidding information.

Federal Communications Commission.

**Magalie Roman Salas,**  
Secretary.

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## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collections Approved by Office of Management and Budget

March 6, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

#### Federal Communications Commission

*OMB Control No.:* 3060-0736.

*Expiration Date:* 09/30/98.

*Title:* Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket No. 96-149.

*Form No.:* N/A.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 5 respondents; 60.6 hours per response (avg.); 303 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* On occasion.

*Description:* Section 272 of the Telecommunications Act of 1996 requires that BOCs make information available to third parties if it makes that information available to its section 272(a) affiliates. In an Order released February 6, 1998, the Commission's Common Carrier Bureau resolved questions regarding the application of sections 10 and 272 of the Communications Act of 1934, as amended, (Act) to the provision of E911 services by the Bell Operating Companies (BOCs). Bell Operating Companies, Petitions for Forbearance from the Application of Section 272 of the Communications Act of 1934, As Amended, to Certain Activities, CC Docket No. 96-149, DA 98-220, Memorandum Opinion and Order (Com. Car. Bur. Feb. 6, 1998) (February 6 Order). E911 services enable emergency service personnel to identify the location of the party calling 911, and are essential to the safety of many Americans. In the February 6 Order, the Bureau determined that the BOCs' E911 services are interLATA information services. One consequence of this determination was that each BOC had an obligation under section 272(a)(2)(C) of the Act to provide E911 services only through a separate affiliate. In the February 6 Order, the Bureau forbore from the application of this separate affiliate requirement pursuant to the forbearance authority in section 10 of the Act, thus permitting the BOCs to provide E911 services on an integrated basis. The Bureau determined that requiring the BOCs to provide E911 services only through separate affiliates would have increased the cost, but not the quality, of those services. In the February 6 Order, the Bureau maintained the substance of the statutory nondiscrimination requirement by requiring each BOC to provide unaffiliated entities with all listing information, including unlisted and unpublished numbers as well as the numbers of other local exchange carriers' customers, that the BOC uses to provide E911 services, even though that Order was permitting the BOCs to provide those services on an integrated basis. The Bureau required that this listing information be provided at the same rates, terms, and conditions, if any, the BOC charges or imposes on its own E911 services. The BOCs are already required to account for their

E911 services on the books of account that they maintain in accordance with Part 32 of the Commissions rules. The Commission requires that the BOCs treat their E911 services as nonregulated activities for federal accounting purposes to the extent they involve storage and retrieval functions included within the statutory definition of information service. The BOCs shall record any charges they impute for their E911 services in their revenue accounts. The BOCs shall account for any imputed charges by debiting their nonregulated operating revenue accounts and crediting their regulated revenue accounts by the amounts of the imputed charges. The BOCs shall make any changes to their cost allocation manuals necessary to reflect this account. The BOCs' independent auditors shall include this accounting in their review of the BOCs compliance with their cost allocation manuals. The requirements will be used to ensure that BOCs comply with the nondiscrimination requirements under the 1996 Act. Obligation to comply: mandatory.

*OMB Control No.:* 3060-0785.

*Expiration Date:* 08/31/98.

*Title:* Changes to the Board of Directors of the National Exchange Carrier Association and the Federal-State Joint Board on Universal Service, CC Docket Nos. 97-21 and 96-45.

*Form No.:* FCC Form 457.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 5000 respondents; 11.13 hours per response (avg.); 55,650 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$4,903,000.

*Frequency of Response:* On occasion.

*Description:* The Telecommunications Act of 1996 directed the Commission to initiate a rulemaking to reform our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission released the Report and Order on Universal Service (Universal Service Order) in CC Docket 96-45 that established new federal universal service support mechanisms consistent with the universal service provisions of section 254. In the Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72 (adopted December 30, 1997, released December 30, 1997), the Commission reconsidered certain aspects of the Universal Service Order and exempted additional entities from universal service contribution and reporting

requirements. Broadcasters and schools, colleges, universities, rural health care providers, and systems integrators that derive de minimis amounts of revenue from the resale of telecommunications will not be required to contribute to universal service. Entities whose annual contribution would be less than \$10,000 will not be required to contribute to universal service or comply with universal service reporting requirements. Contributors exempt from filing and contributing because of de minimis revenues must complete and retain the FCC 457 worksheet and make it available to the Commission or to the Universal Service Administrator upon request. Underlying carriers should include revenues derived from providing telecommunications to entities qualifying for the de minimis exemption in line 34-47, where appropriate of their Universal Service Worksheet. The Universal Service Worksheet, FCC Form 457 has been revised to make it consistent with recent actions taken by the Commission in the universal service proceeding. We have revised the Worksheet and instructions to the Worksheet. Specifically, we revised the instructions to clarify that quarterly contributions will be paid in monthly installments and further clarify the method by which the administrator of the universal service support mechanisms calculates the individual quarterly contributions of universal service contributors. We revised the instructions to provide a list of entities that are excluded from federal universal service contribution requirements. The instructions direct entities preparing Worksheets to include on Line 27 amounts associated with waived presubscribed interexchange carrier charges for Lifeline customers who have toll blocking and clarify that revenues derived from the lease of bare transponder capacity should not be included in Lines 32 or 46. In addition, we revised Line 4, "Principal communications business," to include a new category, "SMR (dispatch)" and clarify that, where possible, contributors should list billed revenues that are based on books of account. Finally, we added a new Line 51. Contributors that wish to request Commission nondisclosure of information contained in the Worksheet may check a box in Line 51 to do so. Contributors are required to file the Worksheet by March 31, 1998. The information will be used by the Commission and the Administrator or Temporary Administrator to calculate contributions to the universal service support mechanisms. Copies of the Universal

Service Worksheet may be obtained from USAC by calling (973) 560-4400 or from the Commission's website ([www.fcc.gov/formpage.html](http://www.fcc.gov/formpage.html)) and from the Commission's fax-on-demand line at (202) 418-2830 and selecting document number 6730 system. Respondents obligation to comply: Mandatory.

*OMB Control No.:* 3060-0818.

*Expiration Date:* 09/30/98.

*Title:* Geocode Data Request.

*Form No.:* N/A.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 19 respondents; 37 hours per response (avg.); 703 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* One-time requirement.

*Description:* Pursuant to Congress's directive in the Telecommunications Act of 1996 that the Commission establish support mechanisms to ensure the delivery of affordable telecommunications service to all Americans, the Commission determined on May 8, 1997 that universal service support for rural, insular, and high cost areas (collectively referred to as high cost areas) should be based on forward-looking economic costs. The Commission stated that it would select a federal mechanism for high cost support to non-rural carriers by August 1998. That federal mechanism will determine high cost support for non-rural carriers beginning on January 1, 1999. Nineteen non-rural telecommunications common carriers were requested to voluntarily submit data relating to extent of their use of geocoded data to locate customers. The Commission will use the information collected in the data request in its determination of whether geocode data should be used as inputs to a federal mechanism that will estimate the forward-looking economic costs that non-rural carriers will incur to provide universal service in rural, insular, and high cost areas. Obligation to comply: voluntary.

*OMB Control No.:* 3060-0536.

*Expiration Date:* 08/31/98.

*Title:* Rules and Requirements for Telecommunications Relay Services (TRS) Interstate Cost Recovery.

*Form No.:* FCC Form 431.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 5000 respondents; 3.11 hours per response (avg.); 15,593 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* On occasion.

*Description:* Title IV of the Americans with Disabilities Act, Pub. L. No. 101-336, Section 401, 104 Stat. 327, 366-69 (codified at 47 U.S.C. Section 225) requires the Federal Communications Commission to ensure that telecommunications relay services are available to persons with hearing and speech disabilities in the United States. Among other things, the Commission is required by 47 U.S.C. Section 225(d)(3) to enact and oversee a shared-funding mechanism (TRS Fund) for recovering the costs of providing interstate TRS. The Commission's regulations concerning the TRS Fund are codified at 47 CFR Section 64.604(c)(4). Pursuant to these regulations, the National Exchange Carrier Association (NECA) has been appointed Administrator of the TRS Fund. The Commission's rules require all carriers providing interstate telecommunications services to contribute to the TRS Fund on an annual basis. Contributions are the product of the carrier's gross interstate revenues for the previous year and a contribution factor determined annually by the Commission. The collected contributions are used to compensate TRS providers for the costs of providing interstate TRS service. The Commission releases an order each year approving the contribution factor, payment rate and TRS Fund Worksheet for the following year. Accordingly, on December 22, 1997, the Commission's Common Carrier Bureau, acting under delegated authority, released an order approving the contribution factor for the April 1998 through March 1999 contribution period and the 1998 TRS Fund Worksheet (FCC Form 431) and also making several revisions to the form. The data in the report will be used to ensure that carriers properly fund interstate TRS. All carriers providing interstate telecommunications service must file this worksheet. Other telecommunications carriers may voluntarily file this worksheet. The requested information is used to administer the TRS Fund. Information is used to calculate a national average to recover the total interstate TRS revenue requirements and to determine the appropriate payment due to the TRS providers participating in the shared-funding plan. Obligation to comply: required to obtain benefit. A public notice will be issued to announce the availability of the revised FCC Form 431.

*OMB Control No:* 3060-0816.

*Expiration Date:* 08/31/98.

*Title:* Local Competition in the Local Exchange Telecommunications Services Report.

*Form No.:* N/A.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 9 respondents; 18 responses; 310 hours per response (avg.); 5580 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* Quarterly.

*Description:* The Telecommunications Act of 1996 (1996 Act), Pub. Law No. 104-104, 110 Stat 56, codified 47 U.S.C. §§ 151 *et seq.*, imposes obligations and responsibilities on telecommunications carriers, particularly incumbent local exchange carriers (LECs), that are primarily designed to open telecommunications markets to competitive entry, to promote universal service, and to lessen the need for government regulation of telecommunications. Pursuant to these overall goals, the statute directed the Commission to adopt regulations to implement specific statutory requirements, including regulations governing the provision of interconnection of incumbent LEC facilities with new local exchange service competitors, and the competitive entry of Bell Operating Companies (BOCs) into previously prohibited interexchange and other services markets. As part of its responsibilities toward achieving the intent of the statute, the Commission must have adequate data at hand to evaluate the success of these efforts. The Commission has asked certain carriers to complete a two page survey questionnaire. The questions are limited to technical queries about the nature and extent of carrier-provided access facilities; switch ports and non-switched service lines; number of customers purchasing specific services; state operations data; total carrier-handled switched local, intrastate toll, and interstate toll minutes; and number of local telephone numbers ported as of end-of-year 1997. The data request is necessary to evaluate the status of developing competition in local exchange telecommunications markets. This information will be used by Commission economists and carrier analysts to advise the Commission about the efficacy of Commission rules and policies adopted to implement the Telecommunications Act of 1996. Obligation to respond: voluntary.

*OMB Control No.:* 3060-0814.

*Expiration Date:* 06/30/98.

*Title:* Section 54.301 Local Switching Support and Local Switching Support Data Collection Form and Instructions. Form No: N/A.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 192 respondents; 21.55 hours per response (avg.); 4138 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* On occasion; annually.

*Description:* The Telecommunications Act of 1996 directed the Commission to initiate a rulemaking to reform our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission released the Report and Order on Universal Service (Universal Service Order) in CC Docket 96-45 that established new federal universal service support mechanisms consistent with the universal service provisions of section 254. In the Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72 (adopted December 30, 1997, released December 30, 1997), the Commission reconsiders certain aspects of the Universal Service Order. Among other things, the Fourth Order on Reconsideration adopts a precise methodology for the universal service administrator to use in calculating the average unseparated local switching revenue requirement. Although this rule generally requires carriers to submit data on October 1 of each year, the universal service administrator must collect data from carriers that do not participate in the NECA common line pool immediately to prepare for the 1998 year. Each incumbent local exchange carrier that is not a member of the NECA Common Line tariff, that has been designated an eligible telecommunications carrier, and that serves a study area with 50,000 or fewer access lines shall, for each study area, provide the Administrator with the projected total unseparated dollar amount assigned to each account in Section 54.301(b) for 1998. Of the carriers that do not participate in the NECA common line pool, 20 of these carriers are "average schedule" companies as defined in Part 69.605(c) of the Commission's rules. Each incumbent local exchange carrier that is not a member of the NECA Common Line tariff, that is an average schedule company, that has been designated an eligible telecommunications carrier, and that serves a study area with 50,000 or

fewer access lines shall, for each study area, provide the Administrator with their total number of access lines, total number of central offices, and projected access minutes for 1998. These companies receive local switching support calculated pursuant to section 54.301(f), whereas the remaining companies receive support calculated pursuant to section 54.301(b). This data request is necessary to calculate the average unseparated local switching revenue requirement. This revenue requirement calculation is necessary to calculate the amount of local switching support that carriers will receive. This data request is necessary to calculate the average unseparated local switching revenue requirement. Obligation to comply: mandatory.

*OMB Control No.:* 3060-0809.

*Expiration Date:* 02/28/2001.

*Title:* Communications Assistance for Law Enforcement Act—CC Docket No. 97-213 (Proposed rule).

*Form No:* N/A.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 14,000 respondents; 3.3 hours per response (avg.); 46,725 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* On occasion.

*Description:* On October 25, 1994, Congress passed and the President signed the Communications Assistance for Law Enforcement Act (CALEA), Pub. L. No. 103-414, 108 Stat. 4279 (1994). The Act was designed to respond to rapid advances in telecommunications technology and eliminate obstacles faced by law enforcement personnel in conducting electronic surveillance. Section 301 of CALEA also requires the Commission to prescribe and enforce the procedures and record keeping that entities subject to CALEA must follow after receiving lawful electronic surveillance requests from law enforcement entities. To accomplish this statutory objective, the NPRM issued in CC Docket No. 97-213 proposed the creation of a subpart to Part 64 of the Commission's rules, that would require each telecommunications carrier: file a CALEA compliance statement with the Commission (47 CFR § 64.1705(a) (no. of respondents: 3500; hours per response: 1 hour; total annual burden: 3500 hours)); have responsible employees sign affidavits that the electronic surveillance was conducted lawfully (47 CFR § 64.1704(c) no. of respondents: 3500; hours per response: 2.45; total annual hours: 8575)); and maintain records of

electronic surveillance activity (47 CFR § 64.1704(a) (no. of respondents: 3500; hours per response: 4.9; total annual hours: 17,510)). The Commission also proposed to waive the compliance statement filing requirement for telecommunications carriers with annual revenues below an indexed threshold (currently \$109 million), in order to reduce the paperwork burden on small and rural telecommunications carriers (47 CFR § 1705(b)). We also proposed a requirement for carriers to maintain a list of all persons authorized to process lawful requests for electronic surveillance from law enforcement officials (no. of respondents: 3500; hours per response: 5 hours; total annual hours: 17,500 hours). If adopted, the information submitted to the Commission by telecommunications carriers will be used to determine whether or not the telecommunications carriers are in conformance with CALEA's requirements and the Commission's rules. The information maintained by telecommunications carriers will be used by law enforcement officials to determine the accountability and accuracy of telecommunications carriers' compliance with lawful electronic surveillance orders. Obligation to respond: mandatory, if adopted.

*OMB Control No:* 3060-0819.

*Expiration Date:* 09/30/98.

*Title:* Lifeline Assistance (Lifeline), Lifeline Connection Assistance (Link Up) Reporting Worksheet and Instructions (47 CFR Sections 54.400-54.417).

*Form No:* FCC Form 497.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 1500 respondents; 18,000 responses; 3 hours per response (avg.); 42,000 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* On occasion; monthly; quarterly; semi-annually.

*Description:* The Telecommunications Act of 1996 directed the Commission to initiate a rulemaking to reform our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission released a Report and Order on Universal Service (Universal Service Order) in CC Docket 96-45 that established new federal universal service support mechanisms consistent with section 254. In the Universal Service Order, the Commission expanded and made competitively neutral its programs for low-income

consumers, Lifeline and Link Up. On December 30, 1997, the Commission released a Fourth Order on Reconsideration that amended some of the Lifeline and Link Up rules. The following describes the universal service support reimbursement available to eligible telecommunications carriers for providing Lifeline and Link Up programs to qualifying low-income customers: Eligible telecommunications carriers are permitted to receive universal service support reimbursement for offering Lifeline service to qualifying low-income customers; eligible telecommunications carriers may receive universal service support reimbursement for the revenue they forego in reducing their customary charge for commencing telecommunications service and for providing a deferred schedule for payment of the charges assessed for commencing service for which the consumer does not pay interest, in conformity with 47 CFR Section 54.411; eligible telecommunications carriers providing toll-limitation services (TLS) for qualifying low-income subscribers will be compensated from universal service mechanisms for the incremental cost of providing either toll blocking or toll control; and eligible telecommunications carriers that serve qualifying low-income consumers who have toll blocking shall receive universal service support reimbursement for waiving the Presubscribed Interexchange Carriers Charge (PICC) for Lifeline customers. FCC Form 497 implements the Lifeline and Link Up reimbursement programs. Obligation to respond: required to obtain benefits. This information is necessary in order for eligible telecommunications carriers to receive universal service support reimbursement for providing Lifeline and Link Up. Copies of the form may be obtained by calling USAC at (973) 884-8027.

Public reporting burden for the collections of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, D.C. 20554.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

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