

**§ 51-5.5 Prices.**

(a) The prices for items on the Procurement List are fair market prices established by the Committee under authority of the Javits-Wagner-O'Day Act (41 U.S.C. 47(b)).

\* \* \* \* \*

(d) \* \* \*

(2) Provide a copy of the new wage determination rate or the Department of Labor document stating that the wage determination rate is unchanged to the central nonprofit agency at least 60 days before the beginning of the new service period.

\* \* \* \* \*

(e) If a contracting activity desires packing, packaging, or marking of products other than the standard pack or as provided in the Procurement List, any difference in cost shall be negotiated with the nonprofit agency.

4. Section 51-5.6 is revised to read as follows:

**§ 51-5.6 Shipping.**

(a) Except as provided in paragraph (b) of this section, commodities are sold to the Government on an "F.O.B. destination" basis, with delivery being accomplished when the shipment reaches the facility designated by the contracting activity. Time of delivery is when the shipment is released by the carrier and accepted by the contracting activity or its agent. In this delivery method, the nonprofit agency will normally use commercial bills of lading and will be responsible for any loss or damage to the goods occurring before the commodities reach the designated delivery point. The nonprofit agency will prepare and distribute commercial bills of lading, furnish delivery schedules, designate the carriers, and pay all shipping charges to specified delivery points.

(b) The Committee may determine that certain commodities are to be sold to the Government on an "F.O.B. origin" basis, with delivery being accomplished when a shipment is placed aboard the vehicle of the initial carrier. Time of delivery is when the shipment is released to and accepted by the initial carrier. In this delivery method, the nonprofit agency will normally use Government bills of lading, and responsibility for loss or damage to the goods while in transit passes to the Government at the time the initial carrier accepts a shipment. If the contracting activity fails to furnish a Government bill of lading promptly, such failure shall be considered an excusable delay in delivery.

Dated: July 20, 1999.

**Beverly L. Milkman,**  
Executive Director.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Chapter 1

[WT Docket No. 99-217; FCC 99-141]

### Promotion of Competitive Networks in Local Telecommunications Markets

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of inquiry.

**SUMMARY:** In this *Notice of Inquiry*, the Commission initiates a proceeding intended to facilitate the development of competitive telecommunications networks that will provide consumers with alternatives to services provided by the incumbent wireline local exchange carriers (LECs). In particular, the Commission seeks comment on the following issues: reasonable and nondiscriminatory access to public rights-of-way and competitively neutral state and local taxation. A companion *Notice of Proposed Rulemaking* and a *Third Further Notice of Proposed Rulemaking* are summarized elsewhere in this issue of the **Federal Register**.

**DATES:** Comments are due August 13, 1999; Reply comments are due September 3, 1999.

**ADDRESSES:** Parties who choose to file comments by paper should send comments to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W.; TW-A325; Washington, D.C. 20554. Comments filed through the Commission's Electronic Comment Filing System (ECFS) can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. See **SUPPLEMENTARY INFORMATION** for additional information about paper and electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Jeff Steinberg at (202) 418-0896 or Joel Taubenblatt at (202) 418-1513 (Wireless Telecommunications Bureau).

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Notice of Inquiry in WT Docket No. 99-217* (the "Notice"), FCC 99-141, adopted June 10, 1999 and released July 7, 1999. The complete text of the Notice is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Washington, D.C. and

also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 445 12th Street, S.W., CY-B400, Washington, D.C. 20554. The document is also available via the Internet at <<http://www.fcc.gov/Bureaus/Wireless/Orders/1999/index.html>>.

### Introduction

1. This Notice is part of a larger item that seeks comments and initiates an inquiry in order to further the Commission's ongoing efforts to promote facilities-based competition in the local telephone market. The larger item addresses several issues that are not squarely before the Commission in pending proceedings. In particular, this Notice initiates an inquiry regarding reasonable and nondiscriminatory access to public rights-of-way and competitively neutral State and local taxation.

### Background

2. In the Telecommunications Act of 1996, *codified at* 47 U.S.C. 151 *et seq.*, Congress included provisions intended to facilitate competition with the incumbent LECs through three entry strategies: resale of the incumbent LEC's services, leasing of unbundled network elements, and use of a new entrant's own facilities. To date, the Commission's efforts to facilitate local competition pursuant to these provisions of the Act have generally encompassed all three of these means of entry. Carriers who provide service by any of the three means of competitive entry have the potential to bring many of the benefits of competition to local exchange markets, and the Commission recognizes it should continue to facilitate competitive entry by all means. However, in the long term, the most substantial benefits to consumers will be achieved through facilities-based competition. Only facilities-based competitors can break down the incumbent LECs' bottleneck control over local networks and provide services without having to rely on their rivals for critical components of their offerings. Moreover, only facilities-based competition can fully unleash competing providers' abilities and incentives to innovate, both technologically and in service development, packaging, and pricing.

### Discussion

3. This Notice initiates an inquiry that will develop a record on the effect of state and local rights-of-way and tax policies on facilities-based competition. The Notice states that the Commission

intends to work with the State and Local Government Advisory Committees and with representatives of the industry to consider these issues.

#### Filing Procedures

4. Pursuant to 47 CFR 1.415, 1.419, 1.430, interested parties may file comments on or before August 13, 1999, and reply comments on or before September 3, 1999. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24,121 (1998).

5. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

6. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.

7. Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 445 12th Street, S.W., CY-B400, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 445 12th Street, S.W., Washington, D.C. 20554.

8. Comments and reply comments must include a short and concise summary of the substantive arguments

raised in the pleading. Comments and reply comments must also comply with 47 CFR 1.49, and all other applicable sections of the Commission's rules. The Commission also directs all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments. All parties are encouraged to utilize a table of contents, regardless of the length of their submission.

Federal Communications Commission.

**William F. Caton,**

*Deputy, Secretary.*

[FR Doc. 99-19633 Filed 7-30-99; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 1

[CC Docket No. 96-98; FCC 99-141]

#### Promotion of Competitive Networks in Local Telecommunications Markets

**AGENCY:** Federal Communications Commission.

**ACTION:** Third Further Notice of Proposed Rulemaking.

**SUMMARY:** In this *Third Further Notice of Proposed Rulemaking*, the Commission seeks comment on a proposed interpretation of Section 224 of the Communications Act in order to facilitate the development of competitive telecommunications networks that will provide consumers with alternatives to services provided by the incumbent wireline local exchange carriers (LECs). In particular, the Commission seeks comment on the provision of reasonable and nondiscriminatory access to rights-of-way and riser conduit on private premises that are under the ownership or control of LECs or other utilities. A companion *Notice of Proposed Rulemaking* and a *Notice of Inquiry* are summarized elsewhere in this issue of the **Federal Register**.

**DATES:** Comments are due August 13, 1999; Reply comments are due September 3, 1999.

**ADDRESSES:** Parties who choose to file comments by paper should send comments to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W.; TW-A325; Washington, DC 20554. Comments filed through the Commission's Electronic Comment Filing System (ECFS) can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/>

[ecfs.html](http://www.fcc.gov/e-file/)>. See **SUPPLEMENTARY INFORMATION** for additional information about paper and electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Jeff Steinberg at (202) 418-0896 or Joel Taubenblatt at (202) 418-1513 (Wireless Telecommunications Bureau).

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Third Further Notice of Proposed Rulemaking in CC Docket No. 96-98* (the "Notice"), FCC 99-141, adopted June 10, 1999 and released July 7, 1999. The complete text of the document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Washington, DC and also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 445 12th Street, S.W., CY-B400, Washington, DC 20554. The document is also available via the Internet at <<http://www.fcc.gov/Bureaus/Wireless/Orders/1999/index.html>>.

#### Introduction

1. This Notice is part of a larger item that seeks comments and initiates an inquiry in order to further the Commission's ongoing efforts to promote facilities-based competition in the local telephone market. The larger item addresses several issues that are not squarely before the Commission in pending proceedings. In particular, this Notice addresses access by telecommunications and cable service providers to rights-of-way and riser conduit on private premises that are owned or controlled by LECs or other utilities.

#### Background

2. In the Telecommunications Act of 1996, *codified at* 47 U.S.C. 151 *et seq.*, Congress included provisions intended to facilitate competition with the incumbent LECs through three entry strategies: resale of the incumbent LEC's services, leasing of unbundled network elements, and use of a new entrant's own facilities. To date, the Commission's efforts to facilitate local competition pursuant to these provisions of the Act have generally encompassed all three of these means of entry. Carriers who provide service by any of the three means of competitive entry have the potential to bring many of the benefits of competition to local exchange markets, and the Commission recognizes it should continue to facilitate competitive entry by all means. However, in the long term, the most substantial benefits to consumers will be achieved through facilities-based