

*Respondents:* Businesses or other for-profit entities.

*Number of Respondents:* 52.

*Estimated Time Per Response:* 5 hrs.

*Frequency of Response:* On occasion reporting requirements.

*Total Annual Burden:* 1,040 hrs.

*Total Annual Costs:* None.

*Needs and Uses:* 47 CFR 63.100 of the FCC Rules requires local exchange or interexchange common carriers that operate transmission or switching facilities and provide access service or interstate or international communications services that experience outages on any facilities that they own or operate to notify the FCC if the service outage continues for 30 or more minutes. Carriers must file an initial and final service outage report. The FCC uses these reports to monitor developments affecting telecommunications reliability; to serve as a source of public information; to encourage and, where appropriate, to assist in dissemination of information to those affected; and to take immediate steps, as needed, and after analyzing the information, to determine what, if any, additional action is required.

*OMB Control Number:* 3060-0856

*Title:* Universal Service—Schools and Libraries Universal Service Program Reimbursement Forms.

*Form Number:* FCC 472, 473, and 474.

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

*Respondents:* Businesses or other for-profit entities; and Not-for-profit institutions.

*Number of Respondents:* 61,800.

*Estimated Time Per Response:* 1.0 to 1.5 hrs.

*Frequency of Response:* On occasion reporting requirements; Third party disclosure.

*Total Annual Burden:* 88,050 hrs.

*Total Annual Costs:* None.

*Needs and Uses:* The Telecommunications Act of 1996 contemplates that discounts on eligible services shall be provided to schools and libraries, and that service providers shall seek reimbursement for the amount of the discounts. Service providers/vendors that participate in the universal service support are assigned a service provider identification number (SPIN). The fund administrator uses FCC Form 472, Billed Entity Applicant Reimbursement Form, to pay universal service support to service providers who give discounted services to eligible schools, libraries, and consortia of those entities. Service provider/vendors use FCC Form 473, Service Provider Annual Certification Form, to confirm that they are in compliance with the FCC's rules

governing the schools and libraries universal service support mechanism. In addition, service providers/vendors use FCC Form 474, Service Provider Invoice Form, to seek reimbursement for the cost of discounts that they give to eligible entities for eligible services.

*OMB Control Number:* 3060-0995.

*Title:* Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures, 47 CFR Section 1.2105(c)(1) of the Commission's Rules (Anti-Collusion).

*Form Number:* N/A.

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

*Respondents:* Business or other for-profit entities; Individuals or households; Not-for-profit institutions; and State, local, or tribal governments.

*Number of Respondents:* 10.

*Estimated Time Per Response:* 5 hours.

*Frequency of Response:* On occasion reporting requirements.

*Total Annual Burden:* 50 hours.

*Total Annual Costs:* None.

*Needs and Uses:* The information requirement will enable the FCC to ensure that no bidder gains an unfair advantage over other bidders in its spectrum auctions, and thus enhance the competitiveness and fairness of its auctions. The Commission will review the information collected will review and, if warranted, refer it to the Commission's Enforcement Bureau for possible investigation and administrative action. The Commission may also refer allegations of anticompetitive auction conduct to the Department of Justice for investigation.

Federal Communication Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 02-5784 Filed 3-8-02; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 02-39; FCC 02-57]

### Review of the Equal Access and Nondiscrimination Obligations Applicable to Local Exchange Carriers

**AGENCY:** Federal Communications Commission

**ACTION:** Notice.

**SUMMARY:** This document initiates an inquiry to examine the continued importance of the equal access and nondiscrimination obligations of section 251(g) of the Communications Act of 1934, as amended (the Act). This document also seeks to develop a

baseline record regarding the current state of equal access and nondiscrimination requirements. As such, it seeks comment on the existing equal access and nondiscrimination obligations of Bell Operating Companies (BOCs), both with and without section 271 authority. The Commission also seeks comment on the equal access and nondiscrimination obligations of incumbent independent local exchange carriers (LECs) and competitive LECs. Then, the Commission asks commenters what the equal access and nondiscrimination requirements of all these carriers should be, considering the many legal and marketplace changes that have transpired since the earlier requirements were adopted.

**DATES:** Comments are due May 10, 2002, and reply comments are due June 10, 2002.

**FOR FURTHER INFORMATION CONTACT:** Julie Veach, Attorney-Advisor, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1558, or via the Internet at [jveach@fcc.gov](mailto:jveach@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Inquiry (NOI) in CC Docket No. 02-39, FCC 02-57, adopted February 19, 2002, and released February 28, 2002. The complete text of this NOI is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com). It is also available on the Commission's Web site at <http://www.fcc.gov>.

### Synopsis of the Notice of Inquiry (NOI)

1. The Commission's goals in conducting this inquiry are: (1) To facilitate an environment that will be conducive to competition, deregulation and innovation; (2) to establish a modern equal access and nondiscrimination regulatory regime that will benefit consumers; (3) to balance regulatory costs against these benefits, and (4) to harmonize the requirements of similarly-situated carriers as much as possible.

2. *Background.* By adopting the Telecommunications Act of 1996 (1996 Act), Congress sought to lay the foundation for pro-competitive, deregulatory telecommunications policies that facilitate investment in and deployment of advanced services to all

Americans. Mindful that competition would not develop in all markets immediately, Congress left in place certain safeguards, such as section 251(g). That statutory provision preserves the equal access and nondiscrimination requirements that were established for LECs "under any court order, consent decree, or regulation, order, or policy of the Commission" prior to passage of the 1996 Act. Notably, section 251(g) imports the obligations of the Modification of Final Judgment (MFJ), the consent decree that settled the Department of Justice's antitrust suit against AT&T and required divestiture of the BOCs, as well as Commission equal access requirements. Section 251(g) grants the Commission authority to prescribe regulations superseding pre-existing equal access and nondiscrimination obligations.

3. First, the Commission seeks comment on how it should go about changing or eliminating any existing equal access and nondiscrimination requirements, should it decide to do so. Specifically, section 251(g) states that all pre-1996 Act requirements continue to apply "until such restrictions and obligations are explicitly superseded by regulations prescribed by the Commission." Congress expected that "[w]hen the Commission promulgates its new regulations, \* \* \* the Commission will explicitly identify those parts of the interim restrictions and obligations that it is superseding so that there is no confusion as to what restrictions and obligations remain in effect." The Commission asks whether it should adopt new rules to replace the existing section 251(g) requirements, or is it enough for the Commission to state in an order that such requirements are no longer necessary in the wake of the 1996 Act? Alternatively, it asks whether the Commission should forbear from such requirements to the extent they meet the standards of 47 U.S.C. 160?

4. *Changing Market Conditions.* The Commission seeks comment on what equal access and nondiscrimination requirements were carried through from the MFJ, to which carriers these requirements apply, and the extent to which these requirements are relevant today. The Commission further seeks comment on whether the goals underlying section 251(g) can be achieved through any other means, including reliance on other provisions of section 251 and the requirements that the Commission has imposed pursuant to those provisions. It further asks how sections 201 and 202, and the Commission's orders interpreting those sections, affect the need for separate

equal access and nondiscrimination requirements in light of current marketplace conditions, including the state of competition in the local market and BOC entry into the long distance market.

5. *Bell Operating Companies.* The Commission seeks comment on the existing equal access and nondiscrimination requirements of BOCs, which include the line of cases stemming from the MFJ. It also seeks comment on what the BOCs' equal access and nondiscrimination obligation should be, whether changes in equal access and nondiscrimination requirements are now needed for BOCs and what changes are appropriate. Should BOCs be required to provide information regarding all available interexchange carriers? What kind of marketing arrangements between BOCs and other carriers are permissible? What is the relationship between sections 251(g) and 272?

6. *Incumbent Independent Local Exchange Carriers.* Section 251(g) also imports equal access and nondiscrimination requirements that existed for incumbent independent LECs prior to the 1996 Act. The Commission seeks comment on what, if any, "order, consent decree, or regulation, order, or policy of the Commission" applies to incumbent independent LECs. It also asks what the regulatory costs to these carriers are under the current equal access and nondiscrimination requirements and whether those requirements should continue to apply to incumbent independent LECs in view of the new competitive paradigm contemplated by the 1996 Act. The Commission also asks for comment on the extent to which it can harmonize the obligations of incumbent independent LECs that provide interLATA services through a separate affiliate with the obligations of other LECs that provide interLATA services through a separate affiliate, and the extent to which it can harmonize the obligations of incumbent independent LECs that provide interLATA services on an integrated basis with the obligations of other LECs that provide interLATA services on an integrated basis.

7. *Competitive Local Exchange Carriers.* The Commission also seeks comment on the existing equal access and nondiscrimination obligations that apply to competitive LECs. What Commission orders or other law impose equal access and nondiscrimination requirements on non-incumbent LECs today, and what are the regulatory costs to these carriers of those requirements? What, if any, should the equal access

and nondiscrimination obligations of competitive LECs be? Can the Commission harmonize the obligations of competitive LECs with the obligations of other LECs that provide interLATA services on an integrated basis?

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 02-5673 Filed 3-8-02; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### Technological Advisory Council Meeting Postponed

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of cancellation of public meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, Public Law 92-463, as amended, this notice advises interested persons that the meeting of the Technological Advisory Council scheduled for March 20, 2002 has been cancelled and will be rescheduled at a later date.

**FOR FURTHER INFORMATION CONTACT:** Jeffery Goldthorp, [jgoldtho@fcc.gov](mailto:jgoldtho@fcc.gov), or 202-418-1096.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 02-5674 Filed 3-8-02; 8:45 am]

BILLING CODE 6712-01-P

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## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2534]

### Petition for Clarification and Waiver of Action in Rulemaking Proceeding

March 4, 2002.

Petition for Clarification and Waiver has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY-A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Qualex International (202) 863-2893. Oppositions to this petition must be filed by March 26, 2002. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.