

Act, see 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability.

#### Background

In the Wisconsin Order, the Commission affirmed a Common Carrier Bureau order holding that section 276 of the Act grants this Commission jurisdiction to require BOCs to set their intrastate payphone line rates in compliance with the Commission's cost-based, forward-looking "new services" test. The Commission also found, however, that it lacks authority to impose this requirement on non-BOC LECs. The order also provided guidance to the states regarding application of the new services test.

#### Discussion

The Act defines "Bell operating company" to include 20 companies specifically named in the statute, as well as "any successor or assign of such company that provides wireline exchange service," but it expressly excludes "an affiliate of such company" other than one of the named companies or their successors or assigns. As a result of a merger between GTE and Verizon, GTE North was renamed Verizon North and became an affiliate of Verizon, but it is not one of the companies defined as a BOC, nor is it a successor or assign of Verizon. Accordingly, the Commission concluded that Verizon North is not a BOC, and it is not within this Commission's jurisdiction to mandate application of the new services test to its intrastate payphone line rates.

The Wisconsin Commission has concluded that it has jurisdiction to determine whether payphone line rates comply with the new services test. It has also undertaken investigations and issued a Notice of Proceeding and Investigation and Assessment of Costs to Wisconsin Bell d/b/a SBC Wisconsin. This action is consistent with the Commission's previously stated view that payphone line rates should, to the extent possible, be reviewed by the appropriate state commission. In light of the decision of the Wisconsin Commission to review intrastate payphone line rates, and the actions of the Wisconsin Commission in undertaking investigations, the Commission denied the WPTA's request to evaluate Ameritech's and Verizon's payphone line rates.

#### Conclusion

This order grants Verizon's petition for correction by clarifying that the Commission's jurisdiction to mandate application of the new services test to

intrastate payphone line rates does not extend to Verizon North, previously known as GTE North. Verizon North is not a BOC under the Act.

The order also denies the WPTA's petition for reconsideration, which asks the Commission to review cost support materials submitted by Verizon and Ameritech, and defers to the Wisconsin Commission to determine whether Ameritech's payphone line rates comply with the new services test established by the Commission and whether the new services test should apply to the payphone line rates of other Wisconsin LECs.

#### Ordering Clauses

Accordingly, *it is ordered*, pursuant to sections 4(i), 4(j), and 276 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 276, and § 1.106 of the Commission's rules, 47 CFR 1.106, that the petition for correction filed by Verizon is granted as discussed herein.

*It is also ordered* that, for the reasons stated above, the WPTA petition for reconsideration *is denied*.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CG Docket Nos. 02-278 and 05-338; FCC 06-42]

### Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Junk Fax Prevention Act of 2005

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved for three years the information collections contained in the *Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991, Report and Order and Third Order on Reconsideration (Report and Order)*. The *Report and Order* states that the Commission will publish a document in the **Federal Register** announcing the effective date of this rule.

**DATES:** 47 CFR 64.1200(a)(3)(i), (ii), (iii), (iv) and (vi) published at 71 FR 25967

(May 3, 2006) are effective August 1, 2006.

#### FOR FURTHER INFORMATION CONTACT:

Erica H. McMahon, Consumer Policy Division, Consumer & Governmental Affairs Bureau at (202) 418-0346.

**SUPPLEMENTARY INFORMATION:** This document announces that, on July 19, 2006, OMB approved for three years the information collections contained in 47 CFR 64.1200(a)(3)(i), (ii), (iii), (iv) and (vi), published at 71 FR 25967 (May 3, 2006). The OMB Control Number is 3060-1088. The Commission publishes this notice of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please write to Leslie F. Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554. Please include the OMB Control Number, 3060-1088, in your correspondence. The Commission will also accept your comments via the Internet if you send them to [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov), or you may call (202) 418-0217.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

#### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received approval from OMB on July 19, 2006, for the collections of information contained in 47 CFR 64.1200(a)(3)(i), (ii), (iii), (iv) and (vi). The total annual reporting burden associated with this collection of information, including the time for gathering and maintaining the collections of information, is estimated to be: 5,000,000 respondents, a total annual hourly burden of 13,180,000 hours, and \$60,000,000 in total annual costs. Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB 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 that does not display a valid OMB Control Number.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, 44 U.S.C. 3507.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E6-12024 Filed 7-25-06; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-A180

#### **Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Northern Aplomado Falcons in New Mexico and Arizona**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), plan to reintroduce northern aplomado falcons (*Falco femoralis septentrionalis*) (falcon) into their historical habitat in southern New Mexico for the purpose of establishing a viable resident population in New Mexico and Arizona. The falcon is being re-established under section 10(j) of the Endangered Species Act of 1973, as amended (Act), and would be classified as a nonessential experimental population (NEP). The geographic boundary of the NEP includes all of New Mexico and Arizona.

This action is part of a series of reintroductions and other recovery actions that the Service, Federal and State agencies, and other partners are conducting throughout the species' historical range. This final rule provides a plan for establishing the NEP and provides for limited allowable legal taking of the northern aplomado falcon within the defined NEP area. Birds can only be released when they are a few weeks old, and this condition only occurs in the spring and summer of each year. In order to accomplish a release in 2006, we must expedite on-the-ground implementation.

**DATES:** The effective date of this rule is July 26, 2006.

**ADDRESSES:** Comments and materials received, as well as supporting documentation used in preparation of this final rule, are available for public inspection, by appointment, during normal business hours at the New Mexico Ecological Services Field Office, 2105 Osuna Road, NE., Albuquerque, New Mexico 87113.

You may obtain copies of the final rule, environmental analysis, and monitoring plan from the field office address above, by calling (505) 346-2525, or from our Web site at <http://www.fws.gov/ifw2es/NewMexico/>.

#### **FOR FURTHER INFORMATION CONTACT:**

Adam Zerrenner, Acting Field Supervisor, New Mexico Ecological Services Field Office at the above address (telephone 505-346-2525, facsimile 505-346-2542).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Background information that was previously provided in our February 9, 2005, proposed rule (70 FR 6819) has been condensed in this rule.

##### *Biological*

The northern aplomado falcon (hereafter referred to as falcon) is one of three subspecies of the aplomado falcon and the only subspecies recorded in the United States. This subspecies was listed as an endangered species on February 25, 1986 (51 FR 6686). The falcon is classified in the Order Falconiformes, Family Falconidae. Historically, falcons occurred throughout coastal prairie habitat along the southern Gulf coast of Texas, and in savanna and grassland habitat along both sides of the Texas-Mexico border, southern New Mexico, and southeastern Arizona. Falcons were also present in the Mexican States of Tamaulipas, Veracruz, Chiapas, Campeche, Tabasco, Chihuahua, Coahuila, Sinaloa, Jalisco, Guerrero, Yucatan, and San Luis Potosi, and on the Pacific coast of Guatemala and El Salvador (Keddy-Hector 2000). Falcons were fairly common in suitable habitat throughout these areas until the 1940s, but subsequently declined rapidly. From 1940 to the present in Arizona (Corman 1992), and from 1952 to 2000 in New Mexico (Meyer and Williams 2005), there were no documented nesting attempts by wild falcons. In 2001 and 2002, one pair of falcons nested in Luna County, New Mexico. This pair was unsuccessful in producing fledglings in 2001, but produced three fledglings in 2002. To date, the 2002 nest has been the only known successful falcon nest in either Arizona or New Mexico since 1952.

The causes for decline of this subspecies have included widespread shrub encroachment resulting from control of range fires and intense overgrazing (Service 1986; Burnham *et al.* 2002) and agricultural development in grassland habitats used by the falcon (Hector 1987; Keddy-Hector 2000). Pesticide exposure was likely a

significant cause of the subspecies' extirpation from the United States with the initiation of widespread DDT (dichloro-diphenyl-trichloroethane) use after World War II, which coincided with the falcon's disappearance (51 FR 6686, February 25, 1986). Falcons in Mexico in the 1950s were heavily contaminated with DDT residue, and these levels caused a 25 percent decrease in eggshell thickness (Kiff *et al.* 1980). Such high residue levels can often result in reproductive failure from egg breakage (Service 1990).

Collecting falcons and eggs may have also been detrimental to the subspecies in some localities. However, populations of birds of prey are generally resilient to localized collection pressure (Service 1990). Currently, long-term drought, shrub encroachment in areas of Chihuahuan grasslands, and the increased presence of the great-horned owl (*Bubo virginianus*), which preys upon the falcon, may be limiting recovery of this subspecies. On the other hand, falcons appear to be relatively tolerant of human presence. They have been observed to tolerate approach to within 100 meters (m) (328 feet (ft)) of their nests by researchers and have nested within 100 m (328 ft) of highways in eastern Mexico (Keddy-Hector 2000), and are frequently found nesting in association with well-managed livestock grazing operations in Mexico and Texas (Burnham *et al.* 2002). Burnham *et al.* (2002) concluded that falcons would be able to coexist with current land-use practices in New Mexico on the broad scale.

Over the past decade, widespread formal surveys have been conducted in southern New Mexico habitats capable of supporting individual or breeding falcons (suitable habitat). Standardized falcon surveys have been conducted annually in suitable falcon habitats on White Sands Missile Range and Fort Bliss by the Department of Defense throughout the past decade (Burkett and Black 2003; Griffin 2005a; Locke 2005). White Sands Missile Range in central New Mexico contains one million hectares (ha) (2.5 million acres (ac)). The northwest corner (81,000 ha (200,000 ac)) is highly suitable yucca/grassland preferred by falcons. There is presently no livestock grazing and no public access to this area. The 145,139-ha (358,643-ac) Armendaris Ranch, located in south central New Mexico, contains undeveloped Chihuahuan desert grassland managed by Turner Properties in cooperation with the Turner Endangered Species Fund. Armendaris Ranch managers have volunteered to provide falcon