

that reply comments are due on or before July 8, 1997.

DATES: Comments are due on or before June 23, 1997. Reply comments are due on or before July 8, 1997.

ADDRESSES: Comments should be filed with the Secretary at 1919 M Street, N.W., Room 222, Washington, D.C. 20554, and a copy should be delivered to: Auctions Division, Wireless Telecommunications Bureau, Room 5322, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Sande Taxali or Josh Roland, Wireless Telecommunications Bureau, (202) 418-0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Public Notice released on June 2, 1997. The complete Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., 20554, and also may be purchased from the Commission's copy contractor, International transcription Services, (202) 857-3800, 2100 M Street, N.W., Washington, D.C. 20037. The complete Public Notice is also available on the Commission's Internet home page (<http://www.fcc.gov>).

Summary of the Public Notice

Comment Requested on 7 Percent Interest Rate; Imposed on C Block Installment Payment Plan Notes

Comment Due Date: June 23, 1997.

Reply Comment Due Date: July 8, 1997.

The Wireless Telecommunications Bureau ("Bureau") has received several requests for waiver of the Federal Communications Commission's ("Commission") rules imposing a 7 percent interest rate on eligible broadband PCS C block licensees whose licenses were conditionally granted on September 17, 1996, and who elected to utilize the Commission's installment payment plan. See *Omnipoint Corporation, Broadband PCS Block C Installment Plan Interest Rate for Small Business Licensees—Request for Rule Waiver* (December 16, 1996). In addition, the Bureau has received informal requests for waiver of § 24.711(b)(3) filed by the following parties: Alpine PCS, Communications Venture PCS Limited Partnership, Eldorado Communications, L.L.C., Horizon Infotech, Inc., KMTel, L.L.C., Mercury PCS, L.L.C., Miccom Associates, Northern Michigan PCS Consortium, L.L.C., PCSouth, Inc., Savannah Independent PCS Corp.,

SouthEast Telephone, Ltd., Southern Wireless, L.P., Wireless 2000, Inc.

Section 24.711(b)(3) of the Commission's Rules provides that, for small businesses, interest on installment payments "shall be imposed based on the rate for ten-year U.S. Treasury obligations applicable on the date the license is granted." 47 CFR 24.711(b)(3). For licenses conditionally granted on September 17, 1996, the applicable interest rate is 7 percent. However, due to varying factors used to establish Treasury note obligations, licenses granted after the September 17 date are subject to a 6.5 percent interest rate. Those parties seeking a waiver of § 24.711(b)(3) request a reduction in the interest rate on their installment payment plan notes from 7 percent to 6.5 percent.

Comment is solicited on all aspects of the requests for waiver discussed above. We also seek comment on whether, if the Bureau determines that a waiver of § 24.711(b)(3) is appropriate, such relief should be granted to all similarly situated parties, whether or not they have filed a request for waiver.

Comments should specifically reference this Public Notice (DA 97-1152) and must be filed on or before June 23, 1997. Reply comments may be filed on or before July 8, 1997. Comments should be filed with the Secretary at 1919 M Street, N.W., Room 222, Washington, D.C. 20554, and a copy should be delivered to: Auctions Division, Wireless Telecommunications Bureau, Room 5322, Federal Communications Commission, Washington, D.C. 20554. Copies of waiver requests, comments, oppositions and replies may be obtained from the Commission's duplicating contractor, International Transcription Services, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800. Copies are also available for public inspection during regular business hours in Room 5608, 2025 M Street, N.W., Washington, D.C. 20554. When requesting copies, please refer to DA 97-1152.

Pursuant to the Commission's *ex parte* rules, waiver requests become restricted proceedings upon the filing of formal oppositions. See 47 CFR 1.1202(e)(1) and 1.1208(c)(1)(i)(B). *Ex parte* presentations are prohibited in restricted proceedings until the Commission's final disposition is no longer subject to reconsideration or judicial review.

For further information, contact Sande Taxali or Josh Roland, Wireless Telecommunications Bureau at (202) 418-0660.

Dated: June 2, 1997.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-14954 Filed 6-5-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 92-135, FCC 97-41]

Regulatory Reform for Small and Mid-Size Local Exchange Carriers Subject to Rate-of-Return Regulation

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: In this Order, the Commission considers petitions for reconsideration and clarification concerning regulatory reform for local exchange carriers subject to rate of return regulations (*Small Telco Reform Order*). In particular, the Order eliminates the two year notice period that local exchange carriers must provide before exiting the incentive plan, clarifies the rules consistent with the *Small Telco Reform Order*, and amends the rules and clarifies several matters raised by the petitioners. The Commission's action is intended to eliminate any ambiguities and inconsistencies in the Commission's rules and the *Small Telco Reform Order*.

EFFECTIVE DATE: July 7, 1997.

FOR FURTHER INFORMATION CONTACT: Dan Abeyta, (202) 418-1538.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order On Reconsideration in CC Docket No. 92-135 (FCC 97-41) adopted on February 10, 1997 and released on February 18, 1997. The full text of this Order on Reconsideration is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20037.

The complete text may also be obtained through the World Wide Web, at <http://www.fcc.gov/Bureau/Common/Carrier/Order/fcc9741.wp> or may be purchased from the Commission's copy contractor, International Transcription Services, Inc. (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Regulatory Flexibility Analysis

No significant impact.

Paperwork Reduction Act

No significant impact.

Synopsis of Report and Order

On February 18, 1997, after reviewing petitions for reconsideration and clarification filed by American Telephone and Telegraph Company, the National Exchange Carriers Association, and the United States Telephone Association (hereinafter, Petitioners), the Commission released an Order on Reconsideration in CC Docket No. 92-135. Petitioners sought reconsideration and clarification of several issues addressed in the *Small Telco Reform Order*. Petitioners (1) request that the Commission reconsider reducing the two year notice period that LECs must provide before exiting the incentive plan; (2) argue that the prohibition against reentry into the pools violates pool neutrality and the voluntary nature of pools; (3) seek reconsideration of the provision in the incentive plan that allows LECs rate adjustments of 10% within each service category over each two-year tariff period because Petitioners believe the rule could be interpreted to allow LECs using the incentive plan to recover 110% of their costs; (4) request that the incentive plan's streamlined filing requirements for new services be extended to apply to new services in territories where the "geographically closest" (but not bordering) price cap LEC offers the same service; and (5) request that the Commission delete the infrastructure reporting requirements for the incentive plan, arguing that such reports are not required for voluntary price cap LECs and should not be required for incentive plan LECs. In response to these requests for revisions, the Commission eliminated the two-year exit notice requirement, but otherwise declined to make the requested revisions to the *Small Telco Reform Order*.

The Petitioners also sought clarification of several issues addressed in the *Small Telco Reform Order*. Petitioners argued that the rules embodying the common line rate structures for the incentive plan and small company rules are inconsistent with the text of the *Small Telco Reform Order*, and should be clarified. In response, the Commission believes the rules are consistent with the *Small Telco Reform Order*, but nonetheless has redrafted the rules as formulae to eliminate any inconsistencies in the *Small Telco Reform Order's* application. Petitioners requested that we add a clarifying statement concerning the relative burden on incentive plan participants that seek to increase their

rates by making mid-term corrections to their tariffs. The Commission believes the *Small Telco Reform Order* is clear and therefore denies this request for clarification. Petitioners requested that the Commission codify the incentive plan's mechanism for exogenous cost adjustment. The Commission agrees, and amends its rules to codify the *Small Telco Reform Order's* provisions that incentive plan LECs may adjust their rates (either in the biennial tariff filing or during the two-year tariff period) to reflect exogenous cost changes for costs deemed exogenous for price cap LECs. Finally, Petitioners requested that to remove potential ambiguities, the Commission should make certain minor, non-substantive revisions to the sections of the *Small Telco Reform Order* concerning voluntary biennial filings, the base period for end user common line calculations, and rate change indexes. This *Order on Reconsideration* amends the *Small Telco Reform Order* to clarify those matters.

List of Subjects in 47 CFR Part 61

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Shirley S. Suggs,

Chief, Publications Branch.

Rule Changes

Accordingly part 61 of title 47 is amended as follows:

PART 61—TARIFFS

1. The authority citation for part 61 continues to read as follows:

Authority: Secs. 1, 4(i), 4(j), 201-205, and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 210-205, and 403, unless otherwise noted.

2. Section 61.39 is amended by revising paragraphs (b)(3)(i), (b)(3)(ii), (b)(4)(i) and (b)(4)(ii) to read as follows:

§ 61.39 Optional supporting information to be submitted with letters of transmittal for Access Tariff filings effective on or after April 1, 1989, by local exchange carriers serving 50,000 or fewer access lines in a given study area that are described as subset 3 carriers in § 69.602.

* * * * *

(b) * * *

(3) * * *

(i) For the first biennial filing, the common line revenue requirement shall be determined by a cost of service study for the most recent 12-month period. Subscriber line charges shall be based on cost and demand data for the same period. Carrier common line rates shall be determined by the following formula:

$$\frac{\text{CCL Rev Req}}{\text{CCL MOU}_b * (1 + h/2)^2}$$

where:

$$h = \frac{\text{CCL MOU}_1}{\text{CCL MOU}_0} - 1$$

And where:

CCL Rev Req = carrier common line revenue requirement for the most recent 12-month period;

CCL MOU_b = carrier common line minutes of use for the most recent 12-month period;

CCL MOU₁ = *CCL MOU_b*; and

CCL MOU₀ = carrier common line minutes of use for the 12-month period preceding the most recent 12-month period.

(ii) For subsequent biennial filings, the common line revenue requirement shall be determined by a cost of service study for the most recent 24-month period. Subscriber line charges shall be based on cost and demand data for the same period. Carrier common line rates shall be determined by the following formula:

$$\frac{\text{CCL Rev Req}}{\text{CCL MOU}_b * (1 + h/2)^{5/2}}$$

Where:

$$h = \frac{\text{CCL MOU}_1}{\text{CCL MOU}_0} - 1$$

And where:

CCL Rev Req = carrier common line revenue requirement for the most recent 24-month period;

CCL MOU_b = carrier common line minutes of use for the most recent 24-month period;

CCL MOU₁ = carrier common line minutes of use for the 12-month period; and

CCL MOU₀ = carrier common line minutes of use for the 12-month period preceding the most recent 12-month period.

(4) * * *

(i) For the first biennial filings, the common line revenue requirement shall be determined by the local exchange carrier's most recent annual Common Line settlement from the National Exchange Carrier Association. Subscriber line charges shall be based on cost and demand data for the same period. Carrier common line rates shall be determined by the following formula:

$$\frac{\text{CCL Rev Req}}{\text{CCL MOU}_b * (1 + h/2)^2}$$

Where:

$$h = \frac{CCL\ MOU_1}{CCL\ MOU_0} - 1$$

And where:

CCL Rev Req = carrier common line settlement for the most recent 12-month period;

CCL MOU_b = carrier common line minutes of use for the most recent 12-month period;

CCL MOU_l = *CCL MOU_b*; and

CCL MOU_o = carrier common line minutes of use for the 12-month period preceding the most recent 12-month period.

(ii) For subsequent biennial filings, the common line revenue requirement shall be an amount calculated to reflect the average schedule pool settlements the carrier would have received if the carrier had continued to participate in the carrier common line pool, based upon the average schedule Common Line formulas developed by the National Exchange Carrier Association for the most recent 24-month period. Subscriber line charges shall be based on cost and demand data for the same period. Carrier common line rates shall be determined by the following formula:

$$\frac{CCL\ Rev\ Req}{CCL\ MOU_b * (1 + h/2)^{5.2}}$$

Where:

$$h = \frac{CCL\ MOU_1}{CCL\ MOU_0} - 1$$

And where:

CCL Rev Req = carrier common line settlement for the most recent 24-month period;

CCL MOU_b = carrier common line minutes of use for the most recent 24-month period;

CCL MOU_l = carrier common line minutes of use for the most recent 12-month period; and

CCL MOU_o = carrier common line minutes of use for the 12-month period preceding the most recent 12-month period.

* * * * *

3. Section 61.50 is amended by revising paragraphs (h)(1) and (k) and adding new paragraphs (h)(3) and (i)(3) to read as follows:

§ 61.50 Scope: Optional incentive regulation for rate of return local exchange carriers.

* * * * *

(h)(1) In connection with any optional incentive plan tariff filing proposing rate changes, the carrier must calculate an index for each affected basket as

determined by the Common Carrier Bureau.

* * * * *

(3) Local exchange carriers subject to this section shall file tariff revisions that reflect rate changes due to exogenous costs, as defined in § 61.45(d)(1), either in the biennial tariff filing or at the time the event causing the exogenous costs occurs during the two-year period.

(i) * * *

(3) All filings for new services other than those described in paragraph (i) shall be supported using prospective data, as required by § 61.38 of these rules.

* * * * *

(k) For a tariff change, a local exchange carrier that is a cost schedule carrier must propose Common Line rates based on the following:

(1) For the first biennial filing, the common line revenue requirement shall be determined by a cost of service study for the most recent 12-month period. Subscriber line charges shall be based on cost and demand data for the same period. Carrier common line rates shall be determined by the following formula:

$$\frac{CCL\ Rev\ Req}{CCL\ MOU_b * (1 + h/2)^{5.2}}$$

Where:

$$h = \frac{CCL\ MOU_1}{CCL\ MOU_0} - 1$$

And where:

CCL Rev Req = carrier common line settlement for the most recent 12-month period;

CCL MOU_b = carrier common line minutes of use for the most recent 12-month period;

CCL MOU_l = *CCL MOU_b*; and

CCL MOU_o = carrier common line minutes of use for the 12-month period preceding the most recent 12-month period.

(2) For the subsequent biennial filings, the common line revenue requirement shall be determined by a cost of service study for the most recent 24-month period. Subscriber line charges shall be based on cost and demand data for the same period. Carrier common line rates shall be determined by the following formula:

$$\frac{CCL\ Rev\ Req}{CCL\ MOU_b * (1 + h/2)^{5.2}}$$

where:

$$h = \frac{CCL\ MOU_1}{CCL\ MOU_0} - 1$$

and where:

CCL Rev Req = carrier common line revenue requirement for the most recent 24-month period;

CCL MOU_b = carrier common line minutes of use for the most recent 24-month period;

CCL MOU_l = carrier common line minutes of use for the most recent 12-month period; and

CCL MOU_o = carrier common line minutes of use for the 12-month period preceding the most recent 12-month period.

(3) For End User Common Line charges included in a tariff pursuant to this section, the local exchange carrier must provide supporting information for the two-year historical period with its letter of transmittal in accordance with § 61.38.

[FR Doc. 97-14649 Filed 6-5-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-13; RM-8915]

Radio Broadcasting Services; Franklin, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 249A to Franklin, Idaho, as that community's first local aural transmission service in response to a petition filed by Mountain Tower Broadcasting. See 62 FR 3854, January 27, 1997. Coordinates used for Channel 249A at Franklin are 42-06-39 and 111-46-40. With this action, the proceeding is terminated.

DATES: Effective July 14, 1997. The window period for filing applications for Channel 249A at Franklin, Idaho, will open on July 14, 1997, and close on August 14, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 249A at Franklin, Idaho, should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-13, adopted May 21, 1997, and released May 30, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference