

*Miscellaneous*

The Commission has received a formal complaint alleging that the practice of using "trailer" bids to signal interest in particular markets (e.g. by using the BTA number of a market as the final three digits of the bid amount) is an improper disclosure of bidding strategy, and as such violates the anti-collusion rule, 47 CFR 1.2105(c). The Commission has reached no determination on the merits of this argument. See *In re Application of Mercury PCS II, LLC to Bid in the Broadband PCS Auction for Authorization to Serve BTAs 013 (Amarillo, Texas) and 264 (Lubbock, Texas) on Frequency Blocks D, E and F (Auction No. 11), Emergency Motion for Disqualification* (filed November 26, 1996) and related pleadings.

**\*Please Note:** When the address is followed by .pdf/txt/wp, the document is available in more than one format. In order to review a document in its entirety (including footnotes), it is necessary to access the document in the Word Perfect or Acrobat Reader formats.

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## FEDERAL COMMUNICATIONS COMMISSION

[DA 97-1933]

### Comment Sought on Balanced Budget Provisions Calling for Reserve Prices or Minimum Opening Bids in FCC Auctions

Released September 5, 1997.

#### Report No. AUC-16-E (Auction No. 16)

When FCC licenses are subject to auction (*i.e.*, because they are mutually exclusive) the recently enacted Balanced Budget Act of 1997 calls upon the Commission to prescribe methods by which a reasonable reserve price is required or minimum opening bid established, unless it determines that such an assessment is not in the public interest. The Wireless Telecommunications Bureau recently announced the auction of 525 licenses in the upper 10 MHz of the 800 MHz Specialized Mobile Service (SMR), which is to begin October 28, 1997. In anticipation of that auction, and in light of the recently adopted legislation, it is proposed that a reserve price or minimum opening bid be established.

Specifically, it is proposed that in no event should any of the licenses in the

800 MHz auction be sold for less than the value of the upfront payment amounts specified for the licenses in the Public Notice released August 6, 1997 for that auction. The upfront payments for the 800 MHz SMR auction are based on a \$0.02 per MHz-POP formula, as was used in the 900 MHz SMR auction. The \$0.02 MHz-POP has been discounted for each Economic Area by 75 percent, with a floor of \$2,500, to account for the degree of incumbency for this service. Under this formulation, the minimum amount is \$2,500 and the maximum amount is \$717,571. Comment is sought on this proposal.

Parties should also comment on whether the upfront payment should be considered a reserve price or a minimum opening bid for this auction. Normally, a reserve price is an absolute minimum price below which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum opening bid, on the other hand, is the minimum bid price set at the beginning of the auction below which no bids are accepted. In a minimum opening bid scenario, the auctioneer often has the discretion to lower it later in the auction.

Furthermore, commenters should also address whether the amount of the reserve price or minimum opening bid should be capped to ensure that bidding is not deterred on high valuation markets, in particular. For example, a cap of \$250,000 could be applied.

Finally, if commenters believe that a reserve price or minimum opening bid equal to the upfront payment will result in substantial unsold licenses, or is not a reasonable amount, they should explain why this is so, and comment on the desirability of a reserve price or minimum opening bid greater or less than the upfront payment.

Comments are due on or before September 12, 1997. To file formally, parties must file an original and four copies. Parties may send comments to the Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, Room 5202, 2025 M Street, NW., Washington, DC 20554. Comments will be available for public inspection during regular business hours in the FCC Reference Center of the Federal Communications Commission, Room 239, 1919 M Street, NW., Washington, DC 20554.

For further information concerning this proceeding, contact Alice Elder at the Auctions and Industry Analysis Division, Wireless Telecommunications Bureau at (202) 418-0660.

Federal Communications Commission.

**Shirley S. Suggs,**

*Chief, Publications Branch.*

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## FEDERAL COMMUNICATIONS COMMISSION

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

September 11, 1997.

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.:* 3060-0789.

*Expiration Date:* 03/31/98.

*Title:* Modified Alternative Plan, CC Docket No. 90-571, Order (1997 Suspension Order).

*Form No.:* N/A.

*Respondents:* Business or other for profit.

*Estimated Annual Burden:* 36 respondents; 13 hours per response (avg.); 468 total annual burden hours for all collections.

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

*Frequency of Response:* On occasion; one-time requirement.

*Description:* Title IV of the Americans with Disabilities Act of 1990 ("ADA") requires each common carrier providing voice transmission services to provide Telecommunications Relay Services ("TRS") throughout the area it serves to individuals with hearing and speech disabilities by 1993. The TRS enables customers with hearing or speech disabilities to use the telephone network in ways that are "functionally equivalent" to those used by customers using traditional telephone service. Under the Commission's rules, the TRS must be able to handle all calls normally provided by common carriers, unless those carriers demonstrate the infeasibility of doing so. 47 CFR 64.604(a)(3). The Commission has interpreted "all calls" to include coin sent-paid calls, which are calls made by depositing coins in a standard coin-

operated public payphone. The Bureau has suspended enforcement of the requirement that carriers provide coin sent-paid calls through the TRS centers since 1993 based on common carriers' representations that it has been technically infeasible to provide the coin sent-paid service through the TRS centers ("coin sent-paid rule"). Since 1995, carriers have made payphones accessible to TRS users through an Alternative Plan ("Alternative Plan"). The Alternative Plan enables TRS users to make local relay calls for free and to make toll calls from payphones using calling or prepaid cards at or below the coin call rates. The Alternative Plan also requires carriers to educate TRS users about the alternative payment methods for the TRS users to make relay calls from payphones. In

Telecommunications Relay Services, and the Americans with Disabilities Act of 1990, Order, (released 8/21/97), (1997 Suspension Order), the Common Carrier Bureau ("Bureau") suspended the enforcement of the requirement that the TRS be capable of handling coin sent-paid calls for one year until August 26, 1998 because the only technological solution that can provide the coin sent-paid calls through the TRS centers, coin signalling interface ("CSI"), has serious deficiencies and no new technological solution appears imminent. In the 1997 Suspension Order, the Bureau recommends that during the one year suspension, the Commission conduct a rulemaking on coin sent-paid issues to gather information sufficient to ensure that the Commission's final decision on whether the TRS must be capable of handling coin sent-paid calls is based on a complete and fresh record. In addition, the Bureau directed the industry to continue to make payphones accessible to TRS users under the terms of the Alternative Plan, as set forth in Telecommunications Relay Services, and the Americans with Disabilities Act of 1990, Memorandum Opinion and Order, 10 FCC Rcd 10927 (1995) ("1995 Suspension Order"), and as modified by the 1997 Suspension Order. The 1997 Suspension Order modifies the Alternative Plan by requiring industry to: (1) Send a consumer education letter to TRS centers (no. of respondents: 1; hour burden per respondent: 4 hours; total annual hour burden: 4); (2) inform organizations representing the hearing and speech disability community before attending their regional and national meetings who will be present at the meeting, where the industry booth will be located, and at what times the booth will be in operation (no. of respondents: 1; hour burden per respondent: 15 mins;

total annual burden: 1.5 hours); (3) publish an article in Consumer Action Network ("CAN's") respective organizations magazines or newsletters (no. of respondents: 1; hour burden per respondent: 8 hrs; total annual hour burden: 8 hours); (4) send a letter directly to all CAN's members (no. of respondents: 1; hour burden per respondent: 4 hours; total annual burden 4 hours); (5) create laminated cards with visual characters that will provide a pictorial explanation to accompany the text describing access to TRS centers from payphones to be distributed to TRS users (no. of respondents: 30; hour burden per respondent: 15 hours; total annual hour burden: 450 hours); and (6) work jointly with affected communities to draft and submit a report within two months of the publications of a summary of the 1997 Suspension Order in the **Federal Register** (no. of respondents: 1; hour burden per respondent: 7 hours; total annual hour burden: 7 hours). The Commission has imposed these third party disclosure requirements to educate TRS users about their ability to make relay calls from payphones, the payment methods available and the rates for the payphone calls. The report will help the Commission assess the effectiveness of the current consumer education programs and determine whether further requirements to educate TRS users about their ability to make relay calls from payphones are warranted. You are required to respond.

*OMB Control No.:* 3060-0681.

*Expiration Date:* 09/30/2000.

*Title:* Toll-Free Service Access

Codes—CC Docket No. 95-155, 47 CFR part 52, subpart D, Sections 52.101-52.111.

*Form No.:* N/A.

*Respondents:* Business or other for profit.

*Estimated Annual Burden:* 168 respondents; 15 hours per response (avg.); 2,520 total annual burden hours for all collections.

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

*Frequency of Response:* On occasion.

*Description:* In Toll Free Service Access Codes, CC Docket No. 95-155, Second Report and Order, (released 4/11/97), the Commission requires written requests for toll free numbers to be placed in unavailable status. RespOrgs requesting that specific toll free numbers be placed in unavailable status will be required to submit written requests, with appropriate documentation, to the toll free database administrator, Database Services Management, Inc. (DSMI). See 47 CFR 52.103(f). This requirement will hold

those RespOrgs more accountable and will decrease abuses of the lag time process. It will prevent numbers from being held in unavailable status without demonstrated reasons, and will make more numbers available for subscribers who need and want them. The Order states that, if DSMI is uncertain whether a number should be placed in unavailable status, it should seek guidance from the Commission's Common Carrier Bureau. Current industry guidelines already require that RespOrgs requesting that a toll free number be made unavailable submit written requests to DSMI with appropriate documentation. The Second Report and Order simply codifies the existing industry guidelines. DSMI (and, if necessary, the Common Carrier Bureau) will continue to use the information collected to determine if a particular toll free number appropriately can be placed in "unavailable" status. This will prevent the fraudulent use of toll free numbers.

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.

**Shirley Suggs,**

*Chief, Publications Branch.*

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## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting; Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, September 23, 1997, to consider the following matters:

*Summary Agenda:* No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Reports of actions taken pursuant to authority delegated by the Board of Directors.

*Discussion Agenda:* Memorandum and resolution re: **Part 303**—