

York City, NY will be announced at a later date.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3647, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, DC 20210, Telephone (202) 219-8148, FAX (202) 219-5986.

SUPPLEMENTARY INFORMATION: OSHA proposed a new standard for occupational exposure to tuberculosis on October 17, 1997 (62 FR 54160). The deadline for submitting written comments was December 16, 1997. On November 5, 1997, five organizations representing more than 4 million individuals and 5,300 facilities potentially affected by the proposed standard, collectively requested that OSHA consider extending the public comment period by a minimum of 30 days. Citing the complexity and the far-reaching implications of the proposed standard, these organizations stated that they believed that the current deadline of December 16, 1997, provided insufficient time for a thorough examination and consideration of the important issues. A similar request was made by the American Medical Association, which urged OSHA to extend the deadline to allow sufficient time for a complete and thoughtful analysis of the proposed TB standard.

OSHA considers the testimony to be offered by these organizations to be important and necessary for the development of the final rule. In addition, OSHA recognizes that other parties that will be affected by the rulemaking may need more time to prepare their comments and testimony. In order to accommodate these organizations and others, OSHA has extended the comment period and has rescheduled the informal public hearings in Washington, D.C.

The deadline for written comments and Notices of Intention to Appear at the informal public hearings is being extended from December 16, 1997, to February 13, 1998. The deadline for submission of testimony for parties requesting more than 10 minutes at the public hearings or submitting documentary evidence is being extended from December 31, 1997, to February 27, 1998. The hearing presently scheduled to begin on February 3, 1998 in Washington, D.C., is being rescheduled to begin on April 7, 1998.

In addition to the informal public hearings in Washington D.C., three sites are being added: Chicago, IL, and Los Angeles, CA, and New York City, NY.

Because the proposed standard will impact employees and employers across the nation, the Agency believes that is appropriate to hold public hearings at additional sites in order to give parties who may not be able to attend the hearings in Washington, D.C., an opportunity to participate in the public hearing process. OSHA has found that the hearings provide an important forum for interested parties to submit their comments and concerns on OSHA's proposed rulemakings and that the hearings provide the Agency with valuable information in developing its final standards.

Public Participation

Persons desiring to participate at the hearings must submit four copies of a Notice of Intention to Appear containing the following information:

- (1) The name, address, and telephone number of each person to appear;
- (2) The hearing site that the party is requesting to attend;
- (3) The capacity in which the person will appear;
- (4) The approximate amount of time requested for the presentation;
- (5) The specific issues that will be addressed;
- (6) A detailed statement of the position that will be taken with respect to each issue addressed;
- (7) Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence; and
- (8) Whether the party wishes to testify on the days set aside to focus on homeless shelters.

A tentative schedule of appearances at the hearings will be prepared and distributed to parties who have submitted Notices of Intention to Appear so parties will know when issues that concern them are likely to be raised at the hearing.

Filing of Testimony and Evidence Before Hearings

Any party requesting more than 10 minutes for a presentation at the hearing, or who will present documentary evidence, must submit four copies of the complete text of the testimony, including any documentary evidence to be presented at the hearing to the Docket Officer at the above address.

Each submission will be reviewed in light of the amount of time requested in the Notice of Intention to Appear. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with this requirement may be limited to a 10-minute presentation.

Any party who has not filed a Notice of Intention to Appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge.

OSHA emphasizes that the hearing is open to the public, and that interested persons are welcome to attend. However, only persons who have filed Notices of Intention to Appear will be entitled to ask questions and otherwise participate fully in the proceeding.

Authority

This document has been prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

It is issued under section 6(b) of the Occupational Safety Health Act (29 U.S.C. 655), Secretary of Labor's Order 6-96, (62 FR 111) and 29 CFR Part 1911.

Signed at Washington, D.C. on this 9th day of December, 1997.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 97-32546 Filed 12-9-97; 3:59 pm]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 96-45 and 97-160; DA 97-2372]

Universal Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; guidance for design and submission of proposed models.

SUMMARY: The Common Carrier Bureau (Bureau) provided guidance to proponents of forward-looking cost models in the universal service proceeding on issues related to customer location and outside plant design. The Bureau provided this guidance to improve the models that the Commission will consider to select a mechanism for determining non-rural carriers' forward-looking cost to provide the supported services. This guidance is intended to encourage model proponents to alter their models to conform them to the guidance provided in this Public Notice. Models conforming to the guidance provided in this Public Notice are more likely to be considered favorably in this proceeding.

DATES: Proponents of a model should file their submission on or before December 12, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20052. See

SUPPLEMENTARY INFORMATION for further instructions.

FOR FURTHER INFORMATION CONTACT:

Chuck Keller, Common Carrier Bureau, Accounting and Audits Division, Universal Service Branch, (202) 418-7400, or via E-mail to "ckeller@fcc.gov".

SUPPLEMENTARY INFORMATION:

Released: November 13, 1997.

In the Universal Service Order released May 8, 1997, the Commission, acting on the recommendation of the Federal-State Joint Board, concluded that non-rural carriers providing supported services to rural, insular, and high cost areas (collectively referred to as high cost areas) should receive universal service support based on the forward-looking cost of providing the supported services. (See Federal-State Joint Board on Universal Service (Joint Board), CC Docket No. 96-45, *Report and Order*, FCC 97-157 (62 FR 32862, June 1997) (*Order*)). The Commission determined that it could not select a mechanism for computing forward-looking costs because none of the mechanisms that had been submitted for consideration was sufficiently developed at that time. The Commission stated that it would continue to review two cost models, the Hatfield Model and the Benchmark Cost Proxy Model (the BCPM). The Commission stated that it would select a forward-looking economic cost mechanism with platform design features and input values by August 1998.

In a Further Notice of Proposed Rulemaking in this proceeding (*FNPRM*), the Commission established a multi-step approach to refining and selecting a mechanism for determining a non-rural carrier's forward-looking economic cost of providing supported services to high cost areas. (See Federal-State Joint Board on Universal Service, *Forward-Looking Mechanism for High Cost Support for Non-Rural LECLs*, CC Docket Nos. 96-45 and 97-160, *Further Notice of Proposed Rulemaking*, FCC 97-256 (62 FR 42457, August 1997) (*FNPRM*)). The Commission specified that the Common Carrier Bureau (Bureau) would "issue orders and public notices on a regular basis explaining its analysis of the model submissions and industry comments and to select particular design features." The Commission further stated its expectation that "such guidance from

the Bureau will provide the proponents with necessary direction to refine their models."

In meetings with proponents of the BCPM and the Hatfield model and other interested parties, the Bureau staff has encouraged the continued evolution and refinement of the models. This Public Notice offers guidance to proponents of models regarding the customer location and outside plant platform design issues raised in the *FNPRM*. In the *Order*, the Commission stated its "anticipat[ion] that by the end of the year [it] will choose a specific model" as the platform for a federal mechanism. In order to choose a "specific model," however, the Commission must evaluate and compare completed versions of the models. The Bureau therefore requests that parties seeking consideration of their model as the platform for a federal mechanism submit their models within four weeks after the release of this Public Notice. Models that conform to the guidance in this Public Notice are likely to be considered more favorably in this proceeding.

The Commission stated in the *FNPRM* that it may select a model submitted to the Commission by a proponent, or it may select a hybrid model incorporating the best features of proposed models and design components developed by the Commission staff or other parties. On October 31, 1997, staff members of the Common Carrier Bureau proposed an alternate approach to customer location and outside plant design issues in the form of a Hybrid Cost Proxy Model (HCPM). The HCPM is in many respects a hybrid of the BCPM and the Hatfield model, although it also contains features that differ from both the BCPM and the Hatfield model. The Bureau anticipates that the Commission will consider the HCPM as an alternative to the customer location and outside plant design modules in the BCPM and the Hatfield model. The Bureau observes, however, that the *FNPRM* leaves open the possibility that the Commission may consider other models or other components of models in selecting the best mechanism for determining non-rural carriers' forward looking cost for providing the supported services.

I. Customer Location

A. Geocode Data

The *FNPRM* requested comment on the use of data that associate the location of each customer with latitudinal and longitudinal coordinates (geocode data) in a forward-looking economic cost mechanism. Many commenters agree that geocode data,

which provide the actual geographic location of customers, are preferable to algorithms intended to estimate customer locations based on Census data or other information regarding the number of customers in a given geographic area. Because assumptions about the location of customers have a large impact on loop length calculations, the use of more accurate customer location data is consistent with the criterion specified in the *Order* that "a model's average loop length should reflect the incumbent carrier's actual average loop length." Some commenters, however, question the feasibility of using geocode data in the federal mechanism because of the lack of reliable data in rural areas and the burden of developing such data. The Bureau recommends that models be capable of accepting and using geocode data to the extent that such data are available and reliable.

B. Wire Center Boundaries

In their evaluation of previous versions of cost models submitted to the Commission, State members of the Joint Board have noted that inaccurately mapping customers to a wire center may result in inaccurate line counts and impede the determination of the most efficient engineering practices for serving that wire center. Through the model development process, the BCPM and the Hatfield model have been refined so that both models determine wire center boundaries based, at least in part, on a database provided by Business Location Research (BLR). The BCPM has improved the accuracy of the BLR data it uses by using wire center boundary data based on Census Blocks (CBs), rather than the larger Census Block Groups (CBGs). The Hatfield model also uses BLR data at the Census Block-level, although its proponents have stated that they intend to use the Census Block Group data in isolated instances where those data appear to be more accurate. This refinement decreases the discrepancies between the two industry-proposed models. Consistent with the criterion specified in the *Order* that "[w]ire center line counts should equal actual ILEC wire center line counts" however, the Bureau recommends that models be capable of accepting wire center boundary data in standard Geographic Information System (GIS) format from any source that the Commission finds may estimate those boundaries more accurately.

II. Outside Plant Design

A. Documentation of Assumptions

The *Order* requires that cost models employ the "least-cost, most-efficient and reasonable technology for providing the supported services that is currently being deployed," and that all engineering assumptions be reasonable. Furthermore, the *Order* also requires the models' algorithms, data, and assumptions to be open and verifiable. These criteria suggest that outside plant design should be considered both from an engineering perspective, to ensure that the network provides the type and quality of service specified in the *Order*, and from an economic perspective, to ensure that the network design minimizes cost and maximizes efficiency. Moreover, the requirement that assumptions be open and verifiable ensures that the Commission can confirm that the other criteria have been met. To the extent that models' algorithms do not explicitly explore different loop architectures in varying situations and select the least-cost alternative for that particular situation, the Bureau recommends that model proponents provide detailed documentation that explains and justifies any assumptions and engineering rules of thumb that their models employ. This documentation should demonstrate how these assumptions and rules of thumb meet the *Order's* requirement that a model employ the least-cost, most-efficient, and reasonable technology.

One assumption for which model proponents should provide documentation is a model's algorithm for deploying digital loop carrier (DLC) devices. For example, the basic outside plant design structures presently employed in the BCPM and the Hatfield model involve running optical fiber feeder cables from the central office to a point within designated serving areas and serving the customers within each serving area with copper distribution cables from a DLC device within the serving area. Because DLC devices are expensive, costs per customer can be minimized by connecting larger numbers of customers to each device, subject to the DLC's capacity limitations and the limits on the length of the copper cable between the DLC and the customer premises. The BCPM and the Hatfield model currently determine which customers are located in a given serving area using either grids (BCPM) or clusters (Hatfield). Both approaches must account for the fact that, particularly in rural areas, some customers are located relatively far from other customers, and therefore are

difficult to associate with any single serving area. Presently, the Hatfield model serves geographically isolated customers with the nearest DLC, while the BCPM will place a separate DLC in grids with only a small number of customers. The Bureau recommends that proponents of a model demonstrate how their approaches to deploying DLC devices employ the least-cost, most-efficient, and reasonable technology, as required by the Commission's *Order*.

Another algorithm that is relevant to whether a model has employed the least-cost, most-efficient, and reasonable technology is a model's algorithm for feeder routes. Earlier versions of the BCPM and the Hatfield model extended four fiber feeder cables, at 90 degree angles from each other, from each central office in all cases. More recent iterations of these models have eliminated feeder cables to quadrants with no population and adjusted feeder route angles directing feeder cables to areas of population concentration. Although these approaches seem to represent improvements in the designs of these industry-proposed models, the Bureau recommends that each proponent of a model demonstrate how their feeder routing algorithms meet the criterion of being the least-cost, most-efficient, and reasonable technology currently being deployed.

In addition to the examples of DLC placement and feeder routing, the Bureau recommends that model proponents demonstrate how every aspect of their outside plant design approach is consistent with the least-cost criterion, while maintaining the network standards established in the *Order*.

B. Advanced Services

The Commission specified in the *Order* that the loop design in a forward-looking mechanism "should not impede the provision of advanced services." For example, the Commission determined that loading coils may impede advanced services such as high-speed data transmission and therefore disallowed their use in a model. The Bureau recommends that model proponents explain their assumptions about network configurations and capacity, and explain why such assumptions are reasonable and consistent with common configurations and capabilities of networks of non-rural carriers. For example, model proponents should demonstrate how their models permit standard customer premises equipment (CPE) available to consumers today, such as 28.8 kbps or 56 kbps modems, to perform at speeds at least as fast as

the same CPE can perform on the typical existing network of a non-rural carrier.

The Commission also concluded that the definition of supported services should "advance with technology" and will be re-examined in light of "changes in technology, network capacity, consumer demand, and service deployment." The Bureau therefore recommends that models incorporate sufficient flexibility in their loop design algorithms so that the platform of the selected model does not have to be rebuilt in the event that the Commission revises the definition of universal service.

C. Wireless Threshold

In the *FNPRM*, the Commission sought comment on whether a model should assume that, if the loop investment for a single customer exceeds a certain threshold, an efficient carrier would substitute wireless service for wireline service. The Commission's directive that a cost model use the "least-cost, most-efficient, and reasonable technology" suggests that a model should be able to use information about the costs of wireless service if the Commission concludes that such data are available and reliable. Because the Commission also determined that support calculations should be based on a geographic area that is the size of a wire center or smaller, and the geographic area for estimating costs may not be larger than the support area, the Bureau recommends that models be capable of accommodating as inputs wireless cost thresholds at the level of the wire center or a smaller geographic unit.

D. Fiber-Copper Cross-Over Point

The fiber-copper cross-over point determines where the network will employ optical fiber cable rather than copper cable in its feeder plant. The Commission specified in the *Order* that a model "must include the capability to examine and modify the critical assumptions and engineering principles * * * includ[ing] * * * fiber-copper cross-over points." While the BCPM assumes that the maximum copper loop length may be 12,000 feet and the Hatfield model assumes that the maximum copper loop length may be 18,000 feet, the Commission noted in the *FNPRM* that neither proponent has documented that its assumption is the least-cost alternative. In order for the Commission to better understand the cost differences associated with each of these assumptions, the Bureau recommends that proponents of models provide comparative outputs for each of the following five states, using both the

12,000 foot standard and the 18,000 foot standard: Florida, Georgia, Maryland, Missouri, and Montana.

E. Proprietary or Confidential Information

In light of the Commission's requirement in the *Order* that "all underlying data, formulae, computations, and software associated with the model must be available to interested parties for review and comment," the Bureau recommends that each model proponent submit detailed descriptions of all information or software alleged to be confidential, proprietary, or otherwise unavailable to the public that is used either in the model or in a preprocessing module. The descriptions should include estimates of the costs and procedures that may be associated with making the information or software available to the Commission and to the administrator of the universal service support mechanisms.

III. Follow-Up Requirements

The Commission established criteria for its forward-looking economic cost mechanism in the *Order*. The Bureau recommends that model proponents ensure that their modules for determining the location of customers and estimating outside plant investment comply with all of the criteria set out in the *Order*, in addition to the recommendations in this Public Notice.

The Bureau recognizes that proponents of models may need to make certain changes to their models to bring them into conformity with the guidance provided in this public notice. Within four weeks from the release date of this public notice, any proponents of models should submit their models for consideration by the Commission. To facilitate that process and the Commission's review, models should be accompanied by a cover letter providing: (1) A list of the items discussed above with which their model already is in conformity and a description of how their model is in conformity with those items, and; (2) a listing of the items with which their model is not yet in conformity. The Bureau anticipates that the models submitted at that time will be evaluated by the Commission in selecting the platform for the federal mechanism.

IV. Procedural Matters

Within four weeks of the release date of this Public Notice, proponents of a model should file an original and three (3) copies of their submission, referencing CC Dockets Nos. 96-45 and 97-160, with the Office of the Secretary,

Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, DC 20554. Proponents should also provide four (4) copies of their submission to Chuck Keller of the Universal Service Branch, 2100 M Street, N.W., Room 8918, Washington, D.C. 20554.

Federal Communications Commission.

Timothy A. Peterson,

Deputy Division Chief, Common Carrier Bureau.

[FR Doc. 97-31117 Filed 12-11-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MM Docket No. 97-234; GC Docket No. 92-52; GEN Docket No. 90-264, FCC 97-397]

Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses; Comparative Broadcast Hearings

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission (FCC) seeks comment on proposed competitive bidding procedures that will apply to mutually exclusive applications for licenses to provide commercial AM radio, FM radio, analog television, low power television, and FM or TV translator service. The proposed auction procedures implement the Balanced Budget Act of 1997, which expanded the FCC's auction authority to require that it use auctions to award virtually all licenses. The FCC also proposes to use auctions to resolve certain pending commercial broadcast applications filed before July 1, 1997, which under the statute may be resolved by either auction or comparative hearings. Auctions allow the FCC to award licenses more efficiently than comparative hearings, and using auctions to decide the pre-July 1, 1997 applications for new commercial radio or television broadcast stations allows the FCC to end the stay in effect since 1994 on comparative broadcast initial licensing cases. But the FCC seeks comment on whether there are special equitable considerations that warrant using comparative hearings to decide some of the pre-July 1 applications. Comment is also sought on whether the FCC must or should use auctions to award licenses in the Instructional Television Fixed Service, and on how to

resolve pending comparative renewal cases, which are beyond the FCC's auction authority.

DATES: Comments are due January 26, 1998; Reply Comments are due February 17, 1998. Written comments by the public on the proposed and/or modified information collections are due January 26, 1998. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before February 10, 1998.

ADDRESSES: Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554. Copies of these pleadings should also be sent to the Mass Media Bureau, Video Services Division (Room 702) and Audio Services Division (Room 302), 1919 M St., N.W., Washington, D.C. 20554, and the Office of General Counsel, Room 610, 1919 M St., N.W., Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, DC 20503 or via the Internet to fain_t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: John Riffer and S. Lee Martin, Office of General Counsel, (202) 418-1720, Jerianne Timmerman, Video Services Division, Mass Media Bureau, (202) 418-1643, and Lisa Scanlan, Audio Services Division, Mass Media Bureau, (202) 418-2720. For additional information concerning the information collections contained in this Notice contact Judy Boley at 202-418-0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, in MM Docket No. 97-234, GC Docket No. 92-52, and GEN Docket No. 90-264, adopted November 25, 1997 and released November 26, 1997. The complete text of this Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., N.W., Washington, D.C. 20554, and may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800 (phone), (202) 857-3805 (facsimile), 1231 20th Street, N.W., Washington, D.C. 20036.