

**DATES:** Persons wishing to comment on this information collection should submit comments by October 26, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commission, Room 234, 1919 M St., NW, Washington, DC 20554 or via internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at 202-418-0217 or via internet at lesmith@fcc.gov.

**SUPPLEMENTARY INFORMATION:**

*OMB Approval Number:* 3060-0656.  
*Title:* Application to Participate in an FCC MDS Auction.

*Form Number:* FCC 175-M.  
*Type of Review:* Extension of

currently approved collection.  
*Respondents:* Businesses, or other-for-profit entities.

*Number of Respondents:* 50.  
*Estimated Time Per Response:* 40 minutes (10 minutes/respondent + 30 minutes/contracting attorney).

*Frequency of Response:* On occasion reporting requirements.

*Total Annual Burden:* 2 hours.  
*Cost to Respondents:* \$5,000.  
*Needs and Uses:* On 6/15/95, the Commission adopted a Report and Order in MM Docket No. 94-131 and PP Docket No. 93-253, Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act—Competitive Bidding. The purpose of this Report and Order was to streamline the procedures for filing MDS applications and facilitate the development and rapid deployment of wireless cable services. Among other things, this Report and Order establishes competitive bidding rules and procedures for the Multipoint Distribution Service (MDS). The Commission determined that simultaneous multiple round bidding would be used in the MDS auctions.

For the MDS auctions, the Commission determined that designated entities would only include small businesses. Due to the differing criteria for establishing designated entity status, the Commission created FCC 175M. This form essentially has the same data elements as the current FCC 175 (3060-0600). The form FCC 175-M is tailored for use only by MDS applicants.

The information will be used by FCC staff to determine whether the applicant is legally, technically and otherwise qualified to participate in the auction. The rules and requirements were designed to ensure that the competitive bidding process is limited to serious, qualified applicants and to deter possible abuses of the bidding and licensing processes.

*OMB Approval Number:* 3060-0658.

*Title:* Section 21.960, Designated entity provisions of MDS.

*Form Number:* N/A.

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

*Respondents:* Businesses or other for-profit.

*Number of Respondents:* 75.

*Estimated Hours Per Response:* 1-2 hours (1 hour for records maintenance; 2 hours for designated entity exhibits: 1 hour/respondent + 1 hour/contract attorney).

*Frequency of Response:* Recordkeeping; On occasion reporting requirements.

*Total Annual Burden:* 75 hours.

*Cost to Respondents:* \$4,000.

*Needs and Uses:* Section 21.960(e) requires winning bidders who are designated entities (small businesses) to file with its long-form application or statement of intention an exhibit which includes eligibility requirements as listed in Section 21.960(e). This exhibit should also list and summarize all agreements that affect designated entity status.

Section 21.960(f) requires all holders of BTA authorizations acquired by auction that claim designated entity status to maintain, at their principal place of business or with their designated agent, an updated documentary file of ownership and revenue information necessary to establish their status. All BTA authorization holders claiming eligibility under designated entity provisions are subject to audits under Section 21.960(g). Selection for an audit may be random, on information from any source, or on the basis of other factors. These audits may include inspection of the BTA holders' books, documents and other materials sufficient to confirm that such holders' representations are, and remain, accurate.

The exhibit submitted under Section 21.960(e) is necessary for the Commission to determine whether the applicant is qualified as a designated entity (small business) and therefore eligible for special measures including installment payments, reduced up-front payments and bidding credits. The records maintenance and audit

provisions of Sections 21.960(f) and (g) are necessary to prevent abuse of the special measures offered to those MDS auction winners claiming designated entity status. These provisions requiring the retention of records should not prove overly burdensome, and they will help to ensure that only entities eligible under the auction rules will be able to take advantage of the designated entity measures.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 98-23019 Filed 8-26-98; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

August 20, 1998.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid 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 (PRA) that does not display a valid control number. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated information techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before September 28, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications, Room

234, 1919 M St., NW, Washington, DC 20554 or via internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at 202-418-0217 or via internet at lesmith@fcc.gov.

**SUPPLEMENTARY INFORMATION:**

*OMB Approval Number:* 3060-0214.

*Title:* Section 73.3526, Local Public Inspection File of Commercial Stations.

*Form Number:* N/A.

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

*Respondents:* Business and other for-profit entities; Individuals or households.

*Number of Respondents:* 11,518 (10,321 commercial radio stations + 1,197 commercial television stations).

*Estimated Time Per Response:* 1.0-2.5 hours (1.0 hour/commercial television stations for "must-carry/retransmission" consent; 2.0 hours/radio stations and 2.5 hours/television stations for public inspections).

*Frequency of Response:*

Recordkeeping; Third party disclosure.  
*Total Annual Burden:* 1,288,844 hours.

*Cost to Respondents:* \$0.

*Needs and Uses:* Section 73.3526 requires each licensee/permittee of a commercial AM, FM or TV broadcast station to maintain a file for public inspection. The contents of the file vary according to the type of service and status. The data are used by the public and the FCC staff to evaluate information about the station's performance.

*OMB Approval Number:* 3060-0215.

*Title:* Section 73.3527, Local Public Inspection File of Noncommercial Educational Stations.

*Form Number:* N/A.

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

*Respondents:* Not-for-profit institutions.

*Number of Respondents:* 2,272 (2,272 noncommercial educational radio and television stations + 15 noncommercial television stations with "must carry" status).

*Estimated Time Per Response:* 1-2 hours (1 hour/noncommercial educational television stations for "must-carry" status; 2 hours/noneducational radio and television stations).

*Frequency of Response:*

Recordkeeping; Third party disclosure.

*Total Annual Burden:* 236,303 hours.

*Cost to Respondents:* \$0.

*Needs and Uses:* Section 73.3527 requires each noncommercial educational broadcast station licensee/

permittee to maintain a file for public inspection. The contents of the file vary according to the type of service and status. The data are used by the public and the FCC staff in field investigations to evaluate information about the station's performance.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 98-23020 Filed 8-26-98; 8:45 am]

BILLING CODE 6712-10-P

## FEDERAL COMMUNICATIONS COMMISSION

[DA 98-1656]

### Temporary Waiver of Rules Granted to Goodman/Chan Receivership Licensees and Similarly Situated Non-Goodman/Chan General Category SMR Licensees

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this Notice, the Wireless Telecommunications Bureau (Bureau) describes the temporary waiver of rules granted to Goodman/Chan Receivership licensees and similarly situated non-Goodman/Chan General Category (similarly situated licensees) SMR licensees in the *Goodman/Chan Recon Order*. Specifically, the Bureau explains that the *Goodman/Chan Recon Order* grants the Goodman/Chan Receivership licensees and similarly situated licensees who have not yet constructed, ninety days, beginning on the day the Goodman/Chan Order is published in the **Federal Register**, to apply to transfer or assign unconstructed licenses that have received construction extensions pursuant to the *Goodman/Chan Order* and the *Goodman/Chan Recon Order*. The Bureau explains that only Goodman/Chan Receivership licensees and similarly situated licensees are eligible for this temporary waiver.

**FOR FURTHER INFORMATION CONTACT:** Terry Fishel at (717) 338-2602, or Ramona Melson or David Judelson at (202) 418-7240.

**SUPPLEMENTARY INFORMATION:** On May 22, 1995, the Commission adopted the *Goodman/Chan Order*, which provides General Category Specialized Mobile Radio (SMR) licensees who received licenses through one of four fraudulent application preparation companies (Receivership Companies) an additional four months to construct and commence operations of their licenses. Daniel R. Goodman, Receiver, Dr. Robert Chan, Petition for Waiver of §§ 90.633(c) and

1.1102 of the Commission's Rules, *Memorandum Opinion and Order*, 10 FCC Rcd. 8537 (1995) (*Goodman/Chan Order*). Although the Commission stated that the four-month period would commence upon publication of the *Goodman/Chan Order* in the **Federal Register**, *Goodman/Chan Order*, 10 FCC Rcd. at 8551, ¶ 31, publication of the *Goodman/Chan Order* in the **Federal Register** has not yet occurred.

On July 16, 1998, the Commission adopted Daniel R. Goodman, Receiver, Dr. Robert Chan, Petition for Waiver of §§ 90.633(c) and 1.1102 of the Commission's Rules, *Memorandum Opinion and Order and Order on Reconsideration*, FCC 98-167 (released July 31, 1998) (*Goodman/Chan Recon Order*) which, *inter alia*, removes the impediments to implementing the relief granted by the *Goodman/Chan Order*. Earlier, in Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, *Second Report and Order*, 12 FCC Rcd. 19079, 19096-19098, ¶¶ 40-44 (1997) (*800 MHz SMR Second Report and Order*), the Commission temporarily waived its prohibition of the assignment or transfer of unconstructed licenses, 47 CFR 90.609(b), for all holders of unconstructed spectrum on the lower 80 and General Category channels in order to encourage rapid migration of incumbents from the upper 200 channels to the lower band 800 MHz channels, and facilitate geographic licensing. The temporary waiver was granted for the six month period following the conclusion of the 800 MHz upper band auction, *i.e.*, until June 8, 1998. For the same reasons, the *Goodman/Chan Recon Order* granted the Goodman/Chan Receivership licensees and similarly situated non-Goodman/Chan General Category SMR licensees (similarly situated licensees) who have not yet constructed, ninety days, beginning on the day the *Goodman/Chan Order* is published in the **Federal Register**, to apply, if they so choose, to transfer or assign unconstructed licenses that have received construction extensions pursuant to the *Goodman/Chan Order* and the *Goodman/Chan Recon Order*. *Goodman/Chan Recon Order*, ¶ 56. Similarly situated licensees are non-Goodman/Chan licensees who purchased and received application preparation services and were granted an 800 MHz SMR General Category license with an eight month construction period. In most instances, the similarly situated licensees are