

effectiveness of each alternative, the feasibility of each alternative and a recommendation to implement or drop from consideration each alternative. The Detailed Analysis Report provided a detailed description of the recommended alternatives; an environmental assessment for each of the recommended alternatives, and, a conceptual design of the recommended combination of alternatives. And finally, the Response Action Implementation Report spelled out the selected remedy, the pump and treat system, and how that remedy would be installed and operated. The MPCA approved the Response Action Implementation Report with the modification of including future monitoring of 1,1-dichloroethylene and trichloroethylene in monitoring well number 10.

As required by the amended RFRA, the Whittaker Corporation installed a groundwater pump and treat system which ran from 1985 until July 11, 1994. The Whittaker Corporation alleged the pump and treat system was pulling contaminated groundwater into the system from off-site areas. Based on this assumption, Whittaker Corporation unilaterally shut the system down. It has not been in operation since July 11, 1994. The RFRA also required annual groundwater monitoring and submission of an annual report documenting work completed during the previous year. Whittaker Corporation has not submitted an annual monitoring report since 1995, in violation of the RFRA. As a result, the MPCA requested the Whittaker Corporation to perform additional soil and groundwater sampling.

The MPCA completed an investigation of two areas immediately adjacent to the Whittaker Site in 1997, one north and one west of the Whittaker Site. MPCA's goal was to evaluate whether either of these two adjacent areas could be causing groundwater to become contaminated and drawn into the Whittaker Site pump and treat system as the Whittaker Corporation alleged. MPCA did not find any evidence to support that theory.

On July 9, 1997, MPCA staff were present during excavations of soil on adjacent land west of the Whittaker Site. The field investigation performed adjacent to the Site was performed by 3K Paper Company, the owner of the property, in response to the MPCA Voluntary Investigation and Cleanup program. MPCA staff did not observe any substantial soil contamination during the time the trenching was being done by the 3K Paper Company consultant.

In 1997, MPCA staff reviewed reports and documentation supplied by Applied Coatings Technology, Inc., the company owning the property bordering to the north of the Whittaker Site. Based upon an evaluation of the data provided in these reports, MPCA determined that the soil or groundwater contamination from the Applied Coatings Technology, Inc. site was not likely to be contributing to the groundwater contamination at the Whittaker Site.

In May 1998, the Whittaker Corporation hired a consultant to investigate the possibility of any remaining soil contamination at the Whittaker Site and to investigate the possibility of any ground water contamination at and downgradient of the Whittaker Site. The field investigation found that soil and groundwater contamination at and down-gradient of the Whittaker Site remains, but are at levels which no longer pose a threat to public health or the environment.

The long-term effectiveness of the final remedy was demonstrated through the soil and groundwater investigation completed in May 1998. The data gathered during this investigation confirmed that the soils and groundwater on-site and downgradient of the Whittaker site do not pose a threat to public health and the environment for the present and future land-use classifications assigned to this site.

Long-term operation and maintenance of the Whittaker Site are also not necessary since the soils and groundwater meet the cleanup standards identified in the state issued RFRA. Two five-year reviews have been completed by MPCA and submitted to the U.S. EPA for approval. The last one was done December 31, 1997. Because it has been determined that no hazardous substances remain at the Site above health-based levels, a five-year review will no longer be conducted at this Site.

U.S. EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Whittaker Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. Therefore, U.S. EPA proposes to delete the Site from the NPL.

Dated: December 1, 1998

Steve Rothblatt,

Acting Regional Administrator, Region V.

[FR Doc. 98-32889 Filed 12-11-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 62

[CC Docket No. 98-185; FCC 98-294]

1998 Biennial Regulatory Review—Repeal of Part 62 of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: As part of its 1998 biennial review of regulations pursuant to section 11 of the Communications Act of 1934, as amended (the Act),¹ the Commission initiated a Notice of Proposed Rule Making (NPRM) seeking comment on whether its rules governing interlocking directorates should be repealed. The Commission tentatively concludes that the rules should be repealed. The Commission also tentatively concludes that it should forbear from applying the provision of the Act that prohibits any person from holding the position of officer or director of more than one carrier subject to the Act without obtaining prior Commission authorization.

DATES: Comments must be received on or before December 14, 1998. Reply comments must be received on or before January 4, 1999.

ADDRESSES: Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554, with a copy to Jennifer Myers Kashatus of the Common Carrier Bureau, 2025 M Street, N.W., Room 6120, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Jennifer Myers Kashatus, Formal Complaints and Investigations Branch, Enforcement Division, Common Carrier Bureau (202) 418-0960.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's NPRM in CC Docket 98-195 [FCC 98-294], adopted on November 3, 1998, and released on November 17, 1998. The full text of the NPRM 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. The complete text of this decision also may be purchased from the Commission's duplicating contractor, International Transcription Services, 1231 20th Street, N.W., Washington, D.C. 20036.

¹ 47 U.S.C. 161.

Background

1. The Commission is initiating this proceeding as part of its 1998 biennial review of regulations pursuant to section 11 of the Act. Section 11 requires the Commission to conduct a biennial review, in every even-numbered year beginning in 1998, of "all regulations . . . that apply to the operations or activities of any provider of telecommunications service" and to "determine whether any such regulation is no longer necessary in the public interest as the result of meaningful economic competition between providers of such service."² Section 11 further requires the Commission to repeal or modify any regulation it determines is no longer necessary in the public interest.³ The Commission tentatively concludes that its rules governing interlocking directorates,⁴ which implement section 212 of the Act,⁵ are no longer necessary to the public interest, and therefore should be repealed.⁶ To the extent interlocking directorates could be used to inhibit competition in communications markets, the Commission believes other laws, particularly antitrust laws, adequately address the potential for harm. Accordingly, the Commission proposes to repeal the requirement that application be made to the Commission "to hold interlocking positions with more than one carrier subject to the Act where any carrier sought to be interlocked" is defined as a dominant carrier or a carrier not yet found to be non-dominant.⁷ The Commission also proposes to repeal the reporting requirements set forth in its rules that require that all persons holding "interlocking positions on more than one carrier subject to the Act" such as those between non-dominant carriers, among others, report such interlocking position to the Commission within 30 days of assuming such position and that carriers report any change in status within 30 days of such change.⁸ The Commission further proposes to repeal the requirement that certain carriers obtain authorization to hold interlocking directorates based on a finding of common ownership.⁹ By these proposals, the Commission seeks to promote competition by eliminating

unnecessary regulations that are no longer in the public interest.

2. Further, in the Telecommunications Act of 1996 ("1996 Act"), Congress sought to establish "a pro-competitive, de-regulatory national policy framework" for the United States telecommunications industry.¹⁰ Integral to achieving this goal, the 1996 Act requires the Commission to forbear from applying any provision of the Act, or any regulations, to a telecommunications carrier or telecommunications service, or class thereof, if the Commission makes certain specified findings with respect to such provisions or regulations.¹¹ In the NPRM, the Commission tentatively concludes that it should forbear from applying section 212 of the Act,¹² which prohibits any person from holding the position of officer or director of more than one carrier subject to the Act without obtaining prior Commission authorization.¹³

3. This is a permit-but-disclose rule making proceeding. *Ex Parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules.¹⁴

Initial Regulatory Flexibility Analysis

4. As required by the Regulatory Flexibility Act (RFA),¹⁵ the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this NPRM. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on this NPRM provided above on the first page. The Commission will send a copy of this NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small

Business Administration.¹⁶ In addition, this NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.¹⁷

5. *Need for, and Objectives of, the Proposed Action:* The Commission undertakes this examination of its rules governing interlocking directorates as part of its 1998 biennial review of regulations as required by the Act.¹⁸ In addition, the Commission is issuing this NPRM to review its regulatory regime for interlocking directorates, and to determine whether in light of section 10 of the 1996 Act, the Commission should forbear from applying such requirements.

6. *Legal Basis:* The NPRM is adopted pursuant to sections 1, 4(i) and (j), and 11 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and 154(j), and 161.

7. *Description, potential impact, and number of small entities affected:* The Commission proposes to repeal its rules governing interlocking directorates. This includes eliminating the post-interlock filing requirement for non-dominant carriers, many of whom may be small entities. The Commission also proposes to forbear from enforcing section 212 of the Act. Forbearance from enforcing these rules will benefit small entities by reducing the regulatory burden to which small businesses would otherwise be subject.

8. To estimate the number of small entities that would benefit from this positive economic impact, we first consider the statutory definition of "small entity" under the RFA. The RFA generally defines "small entity" as having the same meaning as the term "small business," "small organization," and "small governmental jurisdiction."¹⁹ In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate to its activities.²⁰ Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2)

¹⁰ S. Conf. Rep. No. 104-230, 104th Cong. 1 (1996).

¹¹ See section 10, codified at 47 U.S.C. 160, is added to the Act through section 401 of the 1996 Act.

¹² 47 U.S.C. 212.

¹³ *Id.* We note that this notice does not address the remainder of section 212, which makes it "unlawful for any officer or director of any carrier subject to this Act to receive for his own benefit directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of securities issued or to be issued by such carriers, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of such carriers from any funds properly included in the capital account."

¹⁴ 47 CFR 1.1206(a).

¹⁵ 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 *et. seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

¹⁶ See 5 U.S.C. 603(a).

¹⁷ See *id.*

¹⁸ 47 U.S.C. 161.

¹⁹ 5 U.S.C. 601(6).

²⁰ 5 U.S.C. 601(3) (incorporating by reference the definition of "small business concern" in 5 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies "unless an agency after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition in the **Federal Register**."

² 47 U.S.C. 161(a).

³ 47 U.S.C. 161(b).

⁴ 47 CFR 62.

⁵ 47 U.S.C. 212.

⁶ 47 U.S.C. 161.

⁷ 47 CFR 62.1(a).

⁸ 47 CFR 62.26.

⁹ 47 CFR 62.12, 62.25.

is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).²¹ The SBA has defined a small business for Standard Industrial Classification (SIC) categories 4812 (Radiotelephone Communications) and 4813 (Telephone Communications, Except Radiotelephone) to be small entities when they have no more than 1,500 employees.²² We first discuss the number of small telephone companies falling within these SIC categories, then attempt to refine further those estimates to correspond with the categories of telephone companies that are commonly used under our rules.

9. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its *Telecommunications Industry Revenue* report, regarding the Telecommunications Relay Service (TRS).²³ According to data in the most recent report, there are 3,459 interstate carriers.²⁴ These carriers include, *inter alia*, local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone toll service, providers of telephone exchange service, and resellers.

10. Although some affected incumbent local exchange carriers (ILECs) may have 1,500 or fewer employees, we do not believe that such entities should be considered small entities within the meaning of the RFA because they are either dominant in their field of operations or are not independently owned and operated, and therefore by definition not "small entities" or "small business concerns" under the RFA. Accordingly, our use of the terms "small entities" and "small businesses" does not encompass small ILECs. Out of an abundance of caution, however, for regulatory flexibility analysis purposes, we will separately consider small ILECs within this analysis and use the term "small ILECs" to refer to any ILECs that arguably might

be defined by the SBA as "small business concerns."²⁵

11. *Total Number of Telephone Companies Affected.* The United States Bureau of the Census ("the Census Bureau") reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year.²⁶ This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not "independently owned and operated."²⁷ Additionally, we note that the number of small entities affected by this proposed rule change as set forth in this NPRM is less than the total number of telephone companies as stated herein, because as discussed in the NPRM, the Commission already has decided to forbear from applying section 212 of the Act with regard to CMRS providers. It seems reasonable to conclude, therefore, that fewer than 3,497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by this NPRM.

12. *Wireline Carriers and Service Providers.* SBA has developed a definition of small entities for telephone communications companies other than radiotelephone companies. The Census Bureau reports that, there were 2,321 such telephone companies in operation for at least one year at the end of 1992.²⁸ According to SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons.²⁹ All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still

be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent LECs. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 2,295 small entity telephone communications companies other than radiotelephone companies that may be affected by the decisions and rules recommended for adoption in this NPRM.

13. *Local Exchange Carriers.* Neither the Commission nor SBA has developed a definition of small providers of local exchange services (LECs). The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of LECs nationwide of which we are aware appears to be the data that we collect annually in connection with the Telecommunications Relay Service (TRS).³⁰ According to our most recent data, 1,371 companies reported that they were engaged in the provision of local exchange services.³¹ Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 1,371 small entity LECs or small incumbent LECs that may be affected by the decisions and rules recommended for adoption in this NPRM.

14. *Interexchange Carriers.* Neither the Commission nor SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone companies.³² The most reliable source of information regarding the number of IXCs nationwide of which we are aware appears to be the data that we collect annually in connection with TRS. According to our most recent data, 143 companies reported that they were engaged in the provision of

²¹ 15 U.S.C. 632. See, e.g., *Brown Transport Truckload, Inc. v. Southern Wipex, Inc.*, 176 B.R. 82 (N.D. Ga. 1994).

²² 13 CFR 121.201.

²³ FCC, Telecommunications Industry Revenue: TRS Fund Worksheet Data, Figure 2 (Number of Carriers Paying Into the TRS Fund by Type of Carrier) (Nov. 1997) ("Telecommunications Industry Revenue").

²⁴ *Id.*

²⁵ See 13 CFR 121.201, SIC code 4813. Since the time of the Commission's 1996 decision, *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order*, 11 FCC Rcd 15499, 16144-45 (1996), 61 FR 45476 (Aug. 29, 1996), the Commission has consistently addressed in its regulatory flexibility analyses the impact of its rules on such ILECs.

²⁶ United States Department of Commerce, Bureau of the Census, "1992 Census of Transportation", Communications, and Utilities: Establishment and Firm Size, at Firm Size 1-123 (1995) ("1992 Census").

²⁷ 15 U.S.C. 632(a)(1).

²⁸ 1992 Census, *supra*, at Firm Size 1-123.

²⁹ 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4813.

³⁰ See 47 CFR 64.601 *et seq.*

³¹ Telecommunications Industry Revenue at Fig. 2.

³² 13 CFR 121.210, SIC Code 4813.

interexchange services.³³ Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of IXC's that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 143 small entity IXC's that may be affected by the decisions and rules recommended for adoption in this NPRM.

15. Competitive Access Providers. Neither the Commission nor SBA has developed a definition of small entities specifically applicable to providers of competitive access services (CAPs). The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone companies. The most reliable source of information regarding the number of CAPs nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 109 companies reported that they were engaged in the provision of competitive access services.³⁴ Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 109 small entity CAPs that may be affected by the decisions and rules recommended for adoption in this NPRM.

16. Pay Telephone Operators. Neither the Commission nor SBA has developed a definition of small entities specifically applicable to pay telephone operators. The closest applicable definition under SBA rules is for telephone communications companies except radiotelephone (wireless) companies.³⁵ The most reliable source of information regarding the number of pay telephone operators nationwide is the data that we collect annually in connection with the TRS Worksheet. According to our most recent data, 271 companies reported that they were engaged in the provision of pay telephone services.³⁶ We do not have information on the number of carriers that are not independently owned and operated, nor have more than 1,500 employees, and thus are unable at this time to estimate with

greater precision the number of pay telephone operators that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 271 small pay telephone operators.

17. Operator Service Providers. Neither the Commission nor SBA has developed a definition of small entities specifically applicable to providers of operator services. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone companies. The most reliable source of information regarding the number of operator service providers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 27 companies reported that they were engaged in the provision of operator services.³⁷ Although it seems certain that some of these companies are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of operator service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 27 small entity operator service providers that may be affected by the decisions and rules recommended for adoption in this NPRM.

18. Resellers. Neither the Commission nor SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable definition under SBA rules is for all telephone communications companies.³⁸ The most reliable source of information regarding the number of resellers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 339 companies reported that they were engaged in the resale of telephone services.³⁹ Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 339 small entity resellers that may be affected by the decisions

and rules recommended for adoption in this NPRM.

19. Private Paging. At present, there are approximately 24,000 Private Paging licenses. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of paging carriers that would qualify as small business concerns under the SBA's definition. We estimate that the majority of private paging providers would qualify as small entities under the SBA definition. We note that private paging does not include common carrier paging, for which the Commission has adopted auction rules and has proposed to SBA a special small business size standard definition.

20. Wireless (Radiotelephone) Carriers. SBA has developed a definition of small entities for radiotelephone (wireless) companies. The Census Bureau reports that there were 1,176 such companies in operation for at least one year at the end of 1992.⁴⁰ According to SBA's definition, a small business radiotelephone company is one employing no more than 1,500 persons.⁴¹ The Census Bureau also reported that 1,164 of those radiotelephone companies had fewer than 1,000 employees. Thus, even if all of the remaining 12 companies had more than 1,500 employees, there would still be 1,164 radiotelephone companies that might qualify as small entities if they are independently owned and operated. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of radiotelephone carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 1,164 small entity radiotelephone companies that may be affected by the decisions and rules recommended for adoption in this NPRM.

21. Recording, record keeping, and other compliance requirements: No additional paperwork will be required by the proposals set forth in this proceeding. This proceeding proposes to eliminate filing requirements set forth for interlocking directorates in the Commission's rules.

22. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered: The impact of this

³³ Telecommunications Industry Revenue at Fig. 2.

³⁴ *Id.*

³⁵ 13 CFR 121.201, SIC Code 4813.

³⁶ TRS Worksheet.

³⁷ Telecommunications Industry Revenue at Fig. 2.

³⁸ 13 CFR 121.210, SIC Code 4813.

³⁹ Telecommunications Industry Revenue at Fig. 2.

⁴⁰ 1992 Census at Firm Size 1-123.

⁴¹ 13 CFR 121.201, SIC Code 4812.

proceeding should be beneficial to small businesses because the proposals set out in this NPRM would reduce the reporting or recordkeeping requirements on all communications common carriers. In this NPRM, the Commission seeks comment on whether any level of regulation currently within its interlocking directorates rules should be retained. The Commission also seeks comment on whether we should forbear from section 212 of the Act. The Commission expects that this revision will benefit all entities subject to the rule, including small entities.

23. *Federal Rules that overlap, duplicate, or conflict with this rule:* No federal rules overlap, duplicate, or conflict with this rule directly. As described above, however, we expect that the Clayton Act will protect against certain types of conduct that would tend to decrease competition.

Comment Filing Procedures

24. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before December 14, 1998, and reply comments on or before January 4, 1999. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

25. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

26. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554, with a copy to Jennifer Myers Kashatus of the Common Carrier Bureau, 2025 M Street, N.W., Room 6120, Washington, D.C. 20554.

27. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: Jennifer Myers Kashatus, Common Carrier Bureau, 2025 M Street, N.W., Room 6120, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the commenter's name, proceeding (Docket No. 98-195), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label also should include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

28. Accordingly, *it is ordered* that pursuant to sections 1, 4, 10, 11, and 212 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 160, 161, and 212, a *Notice of Proposed Rule Making* is hereby adopted.

29. *It is further ordered* that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this *Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for the Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 62

Antitrust, Communications Common carriers, radio, reporting and recordkeeping requirements, telegraph, and telephone.

Federal Communications Commission.

Shirley S. Suggs,

Chief, Publications Branch.

[FR Doc. 98-33115 Filed 12-11-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-219; RM-9390]

Radio Broadcasting Services; Sibley, IA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by 21st Century Radio Ventures, Inc., proposing the allotment of Channel 282A at Sibley, Iowa, as the community's second local FM transmission service. Channel 282A can be allotted to Sibley in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.3 kilometers (.8 miles) west to avoid a short-spacing to the licensed site of Station KUOO(FM), Channel 280C2, Spirit Lake, Iowa. The coordinates for Channel 282A at Sibley are North Latitude 43-24-14 and West Longitude 95-45-45.

DATES: Comments must be filed on or before January 25, 1999, and reply comments on or before February 9, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: James L. Primm, President, 21st Century Radio Ventures, Inc., 530 Wilshire Blvd, Suite 301, Santa Monica, California 90401 (Petitioner).

FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-219, adopted November 25, 1998, and released December 4, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.