

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions.

Number of Respondents: 168.

Estimated Time Per Response: 15 hours.

Total Annual Burden: 2,520 hours.

Cost to Respondents: N/A.

Needs and Uses: In the Second Report and Order and Further Notice of Proposed Rulemaking, CC Docket 95-155, FCC 97-123, a rule is promulgated requiring RespOrgs who wish to make a specific toll free number unavailable to submit written requests to DSMI, the toll-free database administrator. The requests shall include the appropriate documentation of the reason for the request.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-17527 Filed 7-3-95; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection Submitted to OMB for Review and Approval

June 30, 1997.

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, as required by the Paperwork Reduction Act of 1995, Public Law 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 estimates; (c) ways to enhance the quality, utility, and 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 collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 6, 1997.

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 Judy Boley, Federal Communications, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judy Boley at 202-418-0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: On December 31, 1996, the Commission released a Memorandum Opinion and Order ("MO&O"), FCC 96-491, MM Docket No. 92-266, in response to the decision of the court in *Time Warner Co. v. FCC*, 56 F.3d 151 (D.C. Cir. 1995). Among other things, the MO&O revised Commission rulesection 47 CFR 76.913 Assumption of jurisdiction by the Commission. Section 76.913 permits local franchising authorities ("LFAs") that are unable to meet certification standards to petition the Commission to regulate the rates for basic cable service and associated equipment of its franchisee. If the franchising authority lacks the resources to administer rate regulation, its petition no longer must be accompanied by a demonstration that franchise fees are insufficient to fund any additional activities required to administer basic service rate regulation. Elimination of this requirement constitutes a modified information collection requirement. All other information collection requirements contained in Section 76.913 remain intact. The MO&O also amended Commission rulesection 47 CFR 76.922 Rates for Basic Service Tiers and Cable Programming Tiers. Section 76.922(f)(4) was amended to permit cable operators to adjust their current permissible rates to reflect the rates the operators would currently be charging if they had been permitted to include increases in external costs occurring between September 30, 1992 and their initial date of regulation (this period of time is also referred to as the "gap period") reduced by inflation increases already received with respect to those costs. The increase in rates due to external cost changes that occurred during the gap period shall be reflected in the cable operator's next rate adjustment filing in accordance with the Commission's current rules. Section 76.922(f)(4) is the only portion of Section 76.922 to be amended by the MO&O, therefore, the other information collection requirements contained in Section

76.922 remain intact. The information collection control number 3060-0607 reports on some, but not all, of the information collection requirements contained in Section 76.922. Specifically, 3060-0607 reports on the Section 76.922(f)(4) gap period adjustment process, as well as the Section 76.922(b)(5) streamlined rate reduction process and the Section 76.922(e)(7) headend upgrade certification process. Although the MO&O only amended the gap period process, pursuant to the provisions of the Paperwork Reduction Act, we are required to initiate OMB review and public comment on the entire OMB control number 3060-0607. We therefore invite the public to take this opportunity to also comment on the streamlined rate reduction process and the headend upgrade certification process. Section 76.922(b)(5) provides that an eligible small system that elects to use the streamlined rate reduction process must implement the required rate reductions and provide written notice of such reductions to local subscribers, the local franchising authority ("LFA"), and the Commission.

Section 76.922(e)(7) permits qualified small systems and small systems owned by small multiple system operators to increase rates to recover the actual cost of the headend equipment required to add up to seven channels to Cable Programming Service Tiers ("CPSTs") and single-tier systems, not to exceed \$5,000 per additional channel. These rate increases may occur between January 1, 1995 and December 31, 1997, as a result of additional channels offered on those tiers after May 14, 1994. In order to recover costs for headend equipment pursuant to this paragraph, systems must certify to the Commission their eligibility to use this paragraph, and the level of costs they have actually incurred for adding the headend equipment and the depreciation schedule for the equipment.

OMB Approval Number: 3060-0561.

Title: Section 76.913 Assumption of jurisdiction by the Commission.

Type of Review: Revision of an existing collection.

Respondents: Business and for profit entities; state, local and tribal governments.

Number of Respondents: 50.

Estimated Time Per Response: 8 hours.

Total Annual Burden to Respondents: We estimate that 50 petitions are filed annually. The average burden on petitioners is estimated at an average of 8 hours per petition. 50 petitions × 8 hours per petition = 400 hours.

Total Annual Cost to Respondents:

Postage and stationery costs are estimated at an average of \$10 per petition. 50 petitions \times \$10 = \$500.

Needs and Uses: The information collection requirements reported under this control number are used by Commission staff to identify situations where it should exercise jurisdiction over basic service and equipment rates in place of a local franchising authority. If the information were not collected, the basic cable rates of some franchise areas not subject to effective competition would remain unregulated in contravention of the goals of the 1992 Cable Act.

OMB Approval Number: 3060-0607.

Title: Section 76.922 Rates for Basic Service Tiers and Cable Programming Tiers.

Type of Review: Revision of a currently approved collection.

Respondents: Business and for profit entries; state, local and tribal governments.

Number of Respondents: 4,475 (2,200 operators filing gap period rate adjustments + 2,200 LFAs reviewing such adjustments + 25 small systems opting for the streamlined rate reduction process + 50 headend upgrade certifications).

Estimated Time Per Response: 1-12 hours.

Total Annual Burden to Respondents: 9,150 hours calculated as follows:

- Section 76.922(f)(4) contains a one-time only information collection requirement. We estimate that the average burden for operators to supply gap period data with their next rate adjustment filing will be 2 hours per filing and that there will be approximately 2,200 such filings made in the next year. The burden to operators to file = 2,200 filings \times 2 hours = 4,400 hours. The burden to LFAs to review this information is also estimated to be an average of 2 hours per filing, therefore 2,200 filings reviewed by LFAs \times 2 hours = 4,400 hours.
- Section 76.922(b)(5) streamlined rate reduction process. We estimate that 25 systems per year use this process. The average burden for undergoing all aspects of each streamlined rate reduction process (all rate calculation, notice and reporting requirements) is estimated to be 12 hours per respondent. 25 systems \times 12 hours = 300 hours.
- Section 76.922(e)(7) headend upgrade certification process. Qualifying cable systems owned by small cable companies may certify their eligibility to use the Commission's headend

upgrade incentive. The average burden to complete the certification process is estimated to be 1 hour. We estimate 50 certifications are currently filed per year. 50 certifications \times 1 hour = 50 hours.

Total Annual Cost to Respondents:

\$500 calculated as follows: There are no unique costs incurred for gap period rate adjustments because they are made as part of regular rate adjustment filings. Costs incurred for regular rate adjustment filings have been appropriately reported under their respective OMB control numbers. Postage and stationery costs are estimated at an average of \$10 per each complete streamlined rate reduction process. 25 \times \$10 = \$250. Postage and stationery costs are estimated at an average of \$5 per each headend upgrade certification. 50 \times \$5 = \$250.

Needs and Uses: Section 76.922(f)(4) has been amended to permit cable operators to adjust their current permissible rates to reflect the rates the operators would currently be charging if they had been permitted to include increases in external costs occurring between September 30, 1992 and their initial date of regulation reduced by inflation increases already received with respect to those costs. The remainder of the information collections requirements reported under this OMB control number are used by Commission staff to ensure that small systems have alternatives under the Commission's system of cable rate regulation and to ensure that small systems are able to recover costs for headend upgrades.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-17531 Filed 7-3-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 97-121; FCC 97-228]

Application for Authorization Under Section 271 of the Communications Act to Provide In-Region InterLATA Service in the State of Oklahoma

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Memorandum Opinion and Order (Order) in CC Docket No. 97-121 concludes that SBC Communications Inc. (SBC) has not satisfied the requirements of section 271(c)(1) of the Communications Act of 1934, as amended (Act). The

Commission therefore denies, pursuant to section 271(d)(3), SBC's application to provide in-region interLATA services in Oklahoma. The Order declines to grant SBC authority to provide in-region interLATA services in Oklahoma.

EFFECTIVE DATE: June 26, 1997.

FOR FURTHER INFORMATION CONTACT:

Craig Brown, Attorney, Policy and Program Planning Division, Common Carrier Bureau, (202) 418-1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted June 25, 1997, and released June 26, 1997. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., N.W., Room 239, Washington, D.C. The complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/CommonCarrier/Orders/fcc97-228.wp>, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M St., N.W., Suite 140, Washington, D.C. 20037.

Synopsis of Order

1. On April 11, 1997, SBC Communications Inc. and its subsidiaries, Southwestern Bell Telephone Company and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance, (collectively, SBC) filed an application for authorization under section 271 of the Act, to provide in-region interLATA services in the State of Oklahoma. For the reasons set forth below, the Commission concludes that SBC has not satisfied the requirements of section 271(c)(1). The Commission therefore denies, pursuant to section 271(d)(3), SBC's application to provide in-region interLATA services in Oklahoma.

2. Section 271 requires the Commission to make several findings before approving a BOC's application for in-region interLATA authority. As a preliminary matter, a BOC must show that it satisfies the requirements of either section 271(c)(1)(A) or 271(c)(1)(B). In order to satisfy section 271(c)(1)(A), a Bell Operating Company (BOC) must demonstrate that it "is providing access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange service . . . to residential and business subscribers." The Commission concludes that the use of the term "competing provider[]" in section 271(c)(1)(A) suggests that there must be a viable commercial alternative to the