

614] (Direct Final)

**\*CLOSED SESSION**

**D. Report**

—OGC Litigation Report

**Note:** \* Session Closed—Exempt pursuant to 5 U.S.C. 552b(c) (10).

Dated: December 5, 1997.

**Floyd Fithian,**

Secretary, Farm Credit Administration Board.

[FR Doc. 97-32327 Filed 12-5-97; 12:49 pm]

BILLING CODE 6705-01-M

**FEDERAL COMMUNICATIONS COMMISSION**

[DA-97-2352]

**LMDS Auction No. 17 Postponed**

Released: November 10, 1997.

**Report No. AUC-17-C (Auction No. 17)**

In an effort to provide a greater opportunity for prospective applicants to participate in the upcoming Local Multipoint Distribution Service ("LMDS") auction, the Commission is postponing the LMDS auction, originally scheduled to begin on December 10, 1997, until February 18, 1998. This postponement will further opportunities for businesses to access additional sources of capital to further the advent of new competition in the cable television and local telephony marketplaces.

In addition, applicants will be able to take advantage of the World Trade Organization agreement to pursue additional sources of financing and investment. The Commission has proposed amendments to its rules in response to the WTO agreement. Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, *Order and Notice of Proposed Rule Making*, 12 FCC Rcd 7847, 62 FR 32966, June 17, 1997. Once the Commission has adopted final rules in this proceeding, the Wireless Telecommunications Bureau will release a public notice explaining how these amendments will affect LMDS applicants.

Except for the filing dates and auction schedule, information provided in previous public notices and the LMDS Bidder Information Package remains unchanged. The new schedule is as follows:

*FCC Form 175 filing:* 5:30 p.m., ET Tuesday, January 20, 1998

*Upfront Payments:* 6 p.m. ET, Monday, February 2, 1998

*Mock Auction:* 9 a.m. ET-3 p.m. ET, Friday, February 13, 1998

*Auction Begins:* 9 a.m. ET Wednesday, February 18, 1998

For further information, please contact Louis Sigalos of the Wireless Telecommunications Bureau, Auctions and Industry Analysis Division, at (202) 418-0660.

Federal Communications Commission.

**Magalie Roman Salas,**

Secretary.

[FR Doc. 97-32011 Filed 12-8-97; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS COMMISSION**

[DA-97-2497]

**Spectrum Auction Schedule for 1998;**

Released: November 25, 1997.

**Report No. AUC-17-C (Auction No. 17)**

This Public Notice appraises potential applicants of important dates for several auctions that will be conducted in 1998. The dates listed below may be subject to change. A brief summary of the wireless services to be auctioned is provided below. More detailed information concerning each of these auctions has been provided or will be provided at a later date. The wireless services to be auctioned are:

**Local Multipoint Distribution Service ("LMDS")**

This auction will consist of 986 LMDS licenses in the 28 GHz and 31 GHz bands. Two licenses will be offered in each of 493 Basic Trading Areas ("BTAs") and BTA-like areas in the United States. One license, in frequency block A, will authorize service on 1,150 megahertz of spectrum in both the 28 GHz and 31 GHz bands. Block A of the New York BTA is encumbered by a pre-existing licensee in the New York Metropolitan Statistical Area. The incumbent licensee, CellularVision of New York, is entitled to interference protection. The second license, in frequency block B, will authorize service on 150 megahertz of spectrum in the 31 GHz band. Each frequency block encompasses the following spectrum:

Block A (1,150 megahertz): 28 GHz band: 27,500-28,350 MHz and 29,100-29,250 MHz and 31 GHz band: 31,075-31,225 MHz.  
Block B (150 megahertz): 31 GHz band: 31,000-31,075 and 31,225-31,300 MHz.

Operations to take place in the 29,100-29,250 MHz band are governed by 47 CFR 101.103(g) and (h), 101.113(c), 101.133(d), and 101.147(t), which are new provisions designed to facilitate the sharing of this spectrum by LMDS, GSO/FSS gateways, and MSS feeder

link licenses. These provisions allow only hub-to-subscriber transmissions by LMDS licensees in this band.

**Key Dates**

*Short form (FCC Form 175) Application Deadline:* January 20, 1998.

*Upfront Payment Deadline:* February 2, 1998.

*Electronic Bid Submission Software Order Deadline:* February 2, 1998.

*Mock Auction Date:* February 13, 1998.

*Auction Commencement Date:* February 18, 1998.

Further details on this spectrum may be found in the *LMDS First Report and Order*, CC Docket No. 92-297, 11 FCC Rcd 19005, 61 FR 44177, August 28, 1996; *LMDS Second Report and Order*, CC Docket No. 92-297, FCC 97-82, 62 FR 16514, April 7, 1997 (recon. pending); *LMDS Order on Reconsideration*, CC Docket No. 92-297, FCC 97-166, 62 FR 28373, May 23, 1997; *LMDS Second Order on Reconsideration*, CC Docket No. 92-297, FCC 97-323, 62 FR 48787, September 17, 1997; *Public Notice*, "Auction of Local Multipoint Distribution Service," DA 97-2081, 62 FR 53629, October 15, 1997; *Public Notice*, "Comment Sought on Reserve Prices or Minimum Opening Bids for LMDS Auction," DA 97-2224, 62 FR 55642, October 27, 1997; *Public Notice*, "LMDS Auction Postponed Until February 18, 1998," DA 97-2352 (released November 10, 1997); *Public Notice*, "Opportunity for Reply Comment on Reserve Prices or Minimum Opening Bids for LMDS Auction Extended," DA 97-2420 (released November 18, 1997); and the LMDS auction Bidder Information Package.

**220 MHz Service**

This auction will consist of 908 licenses in the Phase II 220 MHz service, with three nationwide, 30 Regional Economic Area Groupings ("220 MHz REAGs") and 875 Economic Area ("EA") licenses. The licenses encompass the following channels:

|                                 | Channels |
|---------------------------------|----------|
| Nationwide Block:               |          |
| Channels 51-60 .....            | 10       |
| Channels 81-90 .....            | 10       |
| Channels 141-150 .....          | 10       |
| EA Block:                       |          |
| A: Channel Groups 2, 13 .....   | 10       |
| B: Channel Groups 3, 16 .....   | 10       |
| C: Channel Groups 5, 18 .....   | 10       |
| D: Channel Groups 8, 19 .....   | 10       |
| E: Channel Groups 171-180 ..... | 10       |

The Channel Groups indicated in the allocation plan are the 5-channel, non-contiguous assignments identified as "Group Nos. 1, 2, 3" etc., in Section

90.721 of the Commission's Rules, 47 CFR 90.721.

|                               | Channels |
|-------------------------------|----------|
| 220 MHz REAG Block:           |          |
| F: Channel Groups 1, 6, 11 .. | 15       |
| G: Channel Groups 4, 9, 14 .. | 15       |
| H: Channel Groups 7, 12, 17   | 15       |
| I: Channel Groups 10, 15, 20  | 15       |
| J: Channel Groups 186-200     | 15       |

#### Key Dates

Short form (FCC Form 175) Application  
Deadline: April 20, 1998.

Upfront Payment Deadline: May 4, 1998.

Auction Commencement Date: May 19, 1998.

Further details on this spectrum may be found in the *220 MHz Second Report and Order*, PR Docket No. 89-552, GN Docket No. 93-252, FCC 96-27, 11 FCC Rcd 3668, 61 FR 3841, February 2, 1997 (recon. pending); and *220 MHz Third Report and Order and Fifth Notice of Proposed Rulemaking*, PR Docket No. 89-552, RM-8506, GN Docket No. 93-252, PP Docket No. 93-253, FCC 97-57, 62 FR 16004, April 3, 1997 (recon. pending). Public notices and a bidder information package will provide upfront payment information and specific terms and conditions concerning the auction.

The FCC services also tentatively plans to conduct spectrum auctions for the following services:

*Broadband Personal Communications Services ("PCS") C Block Re-auction*—3rd Quarter, 1998

*39 GHz*—3rd Quarter, 1998

*Paging (929—31 MHz band)*—3rd Quarter, 1998

*800 MHz Specialized Mobile Radio ("SMR") (Lower 80 and General Category Channels)*—3rd Quarter, 1998

*Location Monitoring Services ("LMS")*—3rd Quarter, 1998

*Public Coast Stations*—4th Quarter, 1998

*Pending Analog Broadcast Licenses for Commercial Radio and Television Stations*—4th Quarter, 1998

#### FCC Auctions Telephone Number and Internet Site

All interested parties should contact the FCC National Call Center at 888-CALL-FCC (888-225-5322), Option #2, to request to be put on the mailing list for bidder information packages for the auction or auctions in which they are interested in participating. By doing so, potential applicants ensure that they will receive a bidder information package detailing the specific terms and conditions of the auction. This is the only telephone number to contact to be

placed on a mailing list for upcoming auctions.

In order to keep apprised of the FCC's auction schedule (which is subject to change), reports and orders, public notices, and all other relevant auction-related documents, the FCC strongly advises that all interested parties regularly visit its Internet web site. The World Wide Web ("www") URL address for the Auctions Home Page is: <http://www.fcc.gov/wtb/auctions.html>.

#### Bidder Alerts

- The Commission does not approve any individual investment proposal, nor does it provide a warranty with respect to any license being auctioned. Potential applicants and investors are reminded that winning a license in an FCC spectrum auction is not a guarantee of success in the marketplace.

- The FCC makes no representations or warranties about the use of spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC licensee, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular services, technologies, or products, nor does an FCC license constitute a guarantee of business success. Applicants should perform their individual due diligence before proceeding, as they would with any new business venture.

- The Federal Trade Commission (FTC) has found that some unscrupulous individuals have designed investment schemes around licenses auctioned or to be auctioned by the FCC. Investors or potential investors with inquiries or complaints about specific investment offerings may call the National Fraud Information Center, 1-800-876-7060, or visit that organization's Internet web site at [www.fraud.org](http://www.fraud.org). They also may contact their state attorney general or state corporations office. The FTC and the Securities and Exchange Commission (SEC) receive complaints on investment fraud and offer consumer education materials. Investors or potential investors may contact the FTC at (202) 326-3128 or visit its Internet web site at [www.ftc.gov](http://www.ftc.gov), and may contact the SEC at (202) 942-7040 or visit its Internet web site at [www.sec.gov](http://www.sec.gov).

- Potential applicants should also be aware that several pending rulemaking proceedings are considering changes to many of the Commission's auctions rules, including whether to continue to permit small businesses to pay for licenses won in installment payments and with respect to attribution of gross

revenues of investors in and affiliates of small businesses. Amendment of Part 1 of the Commission's Rules—

Competitive Bidding Proceeding, WT Docket No. 97-82, *Order, Memorandum Opinion and Order and Notice of Proposed Rule Making*, FCC 97-60, 12 FCC Rcd 5686, 62 FR 13540, March 21, 1997; Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band By the Private Land Mobile Radio Service, PR Docket No. 89-552, *Third Report and Order and Fifth Notice of Proposed Rulemaking*, FCC 97-57, 62 FR 16004, April 3, 1997 (recon. pending); Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, WT Docket No. 96-18, *Second Report and Order and Further Notice of Proposed Rulemaking*, FCC 97-59, 12 FCC Rcd 2732, 62 FR 11616, March 12, 1997 (recon. pending); and 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, *Memorandum Opinion and Order*, FCC 97-224, 62 FR 41225, July 31, 1997).

Changes have been adopted with respect to foreign ownership of U.S.

telecommunications facilities. Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, IB Docket No. 97-142, *Market Entry and Regulation of Foreign-Affiliated Entities*, IB Docket No. 95-22, *Report and Order and Order on Reconsideration*, FCC 97-398 (adopted November 25, 1997).

Finally, potential applicants should be aware that 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 will be required or a minimum opening bid established, unless the Commission determines that a reserve price or minimum bid is not in the public interest. Section 3002(a), Balanced Budget Act of 1997, Public Law 105-33, 111 Stat. 251 (1997); 47 U.S.C.

309(j)(4)(F). The Commission's authority to establish a reserve price or minimum opening bid is set forth in 47 CFR 1.2104(c) and (d). The Commission is presently considering the use of minimum opening bids in the LMDS auction, and will comply with the requirements of the Balanced Budget Act with respect to the other auctions listed herein. *Public Notice*, "Comment Sought on Reserve Prices or Minimum Opening Bids for LMDS Auction," DA 97-2224, 62 FR 55642, October 27, 1997; and *Public Notice*, "Opportunity

for Reply Comment on Reserve Prices or Minimum Opening Bids for LMDS Auction Extended," DA 97-2420 (released November 18, 1997).

For further information contact LaVonnia Connelly, Ruby Hough, or Lisa Hartigan, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

Federal Communications Commission.

**Magalie Roman Salas,**  
Secretary.

[FR Doc. 97-32012 Filed 12-8-97; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL MARITIME COMMISSION

### Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 203-009857-006.

*Title:* Florida-Caribbean Cruise Association.

#### *Parties:*

Cape Canaveral Cruise Line  
Carnival Cruise Lines  
Celebrity Cruises  
Costa Cruise Lines  
Cunard Line Ltd.  
Disney Cruise Line  
Holland America Line  
Norwegian Cruise Line  
Premier Cruises  
Princess Cruises  
Regal Cruises  
Royal Caribbean International

*Synopsis:* The proposed amendment restates the Agreement. In addition, it makes changes to the composition of the Agreement's executive committee and to the Agreement's membership eligibility provisions.

*Agreement No.:* 202-011375-035.

*Title:* Trans-Atlantic Conference Agreement.

#### *Parties:*

Atlantic Container Line AB  
Cho Yang Shipping Co., Ltd.  
Sea-Land Service, Inc.  
A.P. Moller-Maersk Line  
P&O Nedlloyd B.V.  
Hapag-Lloyd Container Linie GmbH  
Mediterranean Shipping Co., S.A.

DSR-Senator Lines  
Pol-Atlantic  
Orient Overseas Container Line (UK) Ltd.

Transportacion Maritima Mexicana, S.A. de C.V.

Neptune Orient Lines Ltd.

Hyundai Merchant Marine Co., Ltd.

P&O Nedlloyd Limited

Nippon Yusen Kaisha

Tecomar S.A. de C.V.

Hanjin Shipping Co., Ltd.

*Synopsis:* The proposed modification establishes guidelines concerning the application of the inland portions of through rates, currency adjustment factor options, and other assessorial charges in successive years of multi-year service contracts.

*Agreement No.:* 232-011566-001.

*Title:* NSCSA/Wallenius Line Space Charter Agreement.

*Parties:* National Shipping Company of Saudi Arabia, Wallenius Rederierna AB.

*Synopsis:* The proposed modification extends the duration of the Agreement until December 31, 2000. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: December 3, 1997.

**Ronald D. Murphy,**

Assistant Secretary.

[FR Doc. 97-32115 Filed 12-8-97; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL MARITIME COMMISSION

### Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

*Pathfinder Logistics*, 10406 8th Avenue So, Seattle, WA 98168-1503, Arthur L. Griffin, Sole Proprietor  
*J-L International*, 63-25B Bourton Street, #2B, Rego Park, NY 11374, James Lee, Sole Proprietor.

*Apparel Transportation, Inc.*, 3101 Northwest 74th Avenue, Miami, FL 33122, *Officers:* Leo Del Calvo, Jr., President; Antonio Yunta, Vice President.

Dated: December 3, 1997.

**Ronald D. Murphy,**

Assistant Secretary.

[FR Doc. 97-32085 Filed 12-8-97; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL MARITIME COMMISSION

### Cancellation of Tariffs of Common Carriers by Water in the Foreign Commerce of the United States and Suspension of Ocean Freight Forwarder Licenses for Failure To File Anti-Rebate Certifications

The Federal Maritime Commission's regulations at 46 CFR 582.1(a) and 582.3(a) require every common carrier by water and licensed ocean freight forwarder in the foreign commerce of the United States to file an Anti-Rebate Certification ("ARC") with the Commission no later than December 31 of each even-numbered year.

By certified letter dated August 1, 1997, the Commission wrote to certain common carriers and/or licensed ocean freight forwarders who had failed to file the ARC due in December 1996. In that letter, and in a notice published in the **Federal Register** on August 22, 1997 ("Notice"), the Commission advised that, if within 45 days of the certified letter's date, they had not either filed an ARC or established that it had been filed, the tariffs of the common carriers would be cancelled in accordance with 46 CFR 514.1(c)(1)(iii)(C) and/or the licenses of the ocean freight forwarders would be suspended in accordance with 46 CFR 510.16(a)(6).

There were 656 common carriers and/or licensed ocean freight forwarders listed in the Notice. Five hundred four (504) of these carriers/forwarders filed the required ARC. Accordingly, these parties have satisfied the filing requirement, thus their tariffs will not be cancelled nor will their licenses be suspended. (These parties are listed in Attachment C.) The remaining parties either did not respond by filing an ARC or if they did respond indicated that they are no longer operating as common carriers in the foreign commerce of the United States or as ocean freight forwarders.

Accordingly, notice is hereby given that the foreign tariffs for the common carriers listed in Attachment A are cancelled effective the date of publication of this notice in the **Federal Register**. Notice is further given that the ocean freight forwarder licenses for the firms listed in Attachment B are suspended effective the date of publication of this notice in the **Federal Register**. This suspension shall remain