

Form No.: FCC Form 1220.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit; state, local or tribal government.

Number of Respondents: 30 (20 cable operators + 10 LFAs.)

Estimated Time Per Response: 4–80 hours (avg.).

Frequency of Response: On occasion reporting requirement.

Cost to Respondents: \$120,000.

Total Annual Burden: 1,640 hours.

Needs and Uses: FCC Form 1220 is used by cable operators to demonstrate their costs of providing cable service in order to justify rates above levels determined under the Commission's benchmark methodology. Operators file FCC Form 1220 with local franchise authorities (LFAs) or the Commission where the Commission has assumed jurisdiction when justifying rates based on cost of service. FCC Form 1220 may also be filed as part of an operator's response to a complaint filed with the Commission about programming service rates and associated equipment when justifying rates based on cost of service.

OMB Control No.: 3060–0601.

Title: Setting Maximum Initial Permitted Rates for Regulated Cable Services.

Form No.: FCC Form 1200.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, state, local, or tribal government.

Number of Respondents: 150 (100 cable operators + 50 LFAs).

Estimated Time Per Response: 2–10 hours (avg.).

Frequency of Response: One time reporting requirement.

Cost to Respondents: \$75,500.

Total Annual Burden: 1,100 hours.

Needs and Uses: FCC Form 1200 is used by cable operators to justify the reasonableness of rates in effect on or after May 15, 1994. Cable operators submit this form to local franchising authorities (LFAs) or the Commission in situations where the Commission has assumed jurisdiction. Cable operators also file FCC Form 1200 with the Commission when responding to a complaint filed with the Commission about cable programming services rates and associated equipment.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–6659 Filed 3–13–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

March 9, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0411.

Expiration Date: 02/28/2001.

Title: Procedures for Formal Complaints Filed Against Common Carriers.

Form No.: FCC Form 485.

Respondents: Business or other for-profit, states, individuals or households, not-for-profit institutions, federal government.

Estimated Annual Burden: 5345 respondents; 2.06 hours per response (avg.); 11,026 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$57,000.

Frequency of Response: On occasion; One-time requirement.

Description: Sections 206 to 209 of the Communications Act of 1934, as amended, provide the statutory framework for our current rules for resolving formal complaints filed against common carriers. Section 208(a) authorizes complaints by any person “complaining of anything done or omitted to be done by any common carrier” subject to the provisions of the Act. Section 208(a) specifically states that “it shall be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall deem proper.” In 1988, Congress added subsection 208(b) to require that any complaint filed with the Commission concerning the lawfulness of a common carrier's charges, practices, classifications or regulations must be resolved by the Commission in a final, appealable order within 12 months from the date filed, or 15 months from the date filed if “the investigation raises questions of fact of * * * extraordinary complexity.” Except in very rare circumstances, formal complaints are decided on the

basis of a paper record. The Telecommunications Act of 1996 added and, in some cases, amended key complaint provisions that, because of their resolution deadlines, necessitate substantial modification of our current rules and policies for processing formal complaints filed against common carriers pursuant to Section 208 of the Act.

a. *Service.* Pursuant to amended rule 47 CFR 1.735, the complainant must personally serve the complaint on the defendant, as well as serve copies of the complaint with the Mellon Bank, the Secretary of the Commission, and the responsible Bureau or Bureaus. Parties must serve all pleadings subsequent to the complaint by (1) hand delivery; (2) overnight delivery; or (3) facsimile transmission followed by mail delivery. (No. of respondents: 760; hours per response: 1 hour; total annual burden: 760 hours).

b. *Pleading Content Requirements.* See 47 CFR 1.734 for specifications for pleadings, briefs and other documents. Pursuant to amended rules 47 CFR 1.721, 1.724, 1.726, documents on which a party intends to rely must be attached to the complaint, answer, and reply, including an inventory of all such documents, with an explanation of how the party decided that each particular document was relevant to the issues in dispute. Parties are required to attach copies of documents rather than identify them, and to explain why and how each document is relevant to the matters in dispute. Pursuant to amended rules 47 CFR 1.721, 1.724, 1.726, and 1.727, the complaint, answer, reply and any motions seeking dispositive orders must contain proposed findings of fact, conclusions of law, and supporting legal analysis. See 47 CFR 1.720 for general pleading requirements. See also 47 CFR 1.736 for complaints filed pursuant to Section 276 of the Telecommunications Act. Pursuant to amended rule 47 CFR 1.721, the complaint must contain a verification of payment of the filing fee, a certificate of service, a certification that the complainant has discussed the possibility of settlement with the defendant, including a statement that the complainant mailed a certified letter outlining the allegations that form the basis of the complaint it anticipated filing with the Commission to the defendant carrier that invited a response within a reasonable period of time and a brief summary of all additional steps taken to resolve the dispute prior to the filing of the formal complaint, and, if damages are claimed, either a computation of damages or an explanation why a computation of damages cannot be submitted. Pursuant

to amended rule 47 CFR 1.724, the answer must contain certification that the defendant discussed the possibility of settlement with the complainant prior to the filing of the formal complaint. Pursuant to amended rule 47 CFR 1.727, motions to compel must contain certification that attempts to settle the discovery dispute were made prior to filing the motion. Pursuant to amended rule 47 CFR 1.725, parties are prohibited from filing cross-complaints or counterclaims. A defendant to a formal complaint may, however, file claims arising out of the same set of facts as such complaint as a separate formal complaint. See 47 CFR 1.723 for requirements for joinder of complaints and causes of action. Any document purporting to be a formal complaint which does not state cause of action will be dismissed. Any other pleading filed in a formal complaint proceeding not in conformity with the requirements of the applicable Commission rules will be deemed defective. See 47 CFR 1.728. (*No. of respondents: 760; hours per response: 3.0 hours; total annual burden: 2,280 hours*).

c. *Discovery*. Pursuant to rule 47 CFR 1.729 complainants must file and serve any requests for interrogatories, up to a limit of 10, concurrently with their complaints, defendants must file and serve any requests for interrogatories, up to a limit of 10, prior to or concurrently with their answer, and complainants must file and serve any requests for interrogatories that are directed solely at facts underlying affirmative defenses asserted by the defendant in its answer, up to a limit of 5, within 3 calendar days of service of the defendant's answer. Individuals who are provided access to proprietary information shall sign a notarized statement affirmatively stating that the individual has personally reviewed the Commission's rules and understands the limitations they impose on the signing party. Parties must maintain a log recording the number of copies made of all proprietary materials and the persons to whom the copies have been provided. Upon termination of a formal complaint proceeding, all originals and reproduction of any proprietary materials disclosed in that proceeding, along with the log recording persons who received copies of such materials, shall be provided to the producing party. See 47 CFR 1.731. (*No. of respondents: 760; hours per response: 2.25 hours; total annual burden: 1,425 hours*).

d. *Scanning*. Pursuant to amended rule 47 CFR 1.729, the Commission may impose a scanning or other electronic formatting requirement for submission

of large numbers of documents in certain cases. (*No. of respondents: 38; hours per response: 5 hours; total annual burden: 190 hours*).

e. *Damages*. Damages must be specifically requested. See 47 CFR 1.722. Pursuant to amended rule 47 CFR 1.722, where the Commission has ordered parties to attempt to negotiate a damages amount according to an approved damages formula, the parties must submit to the Commission, within thirty days, the written results of such negotiations. The written statement shall contain one of the following: (1) The parties' agreement as to the amount of damages; (2) a statement that the parties are continuing to negotiate in good faith and a request for an extension of time to continue such negotiations; or (3) the bases for the continuing dispute and the reasons why no agreement can be reached. (*No. of respondents: 380; hours per response: 1 hour per filing; total annual burden: 380 hours*).

f. *Briefs*. Pursuant to amended rule 47 CFR 1.732, briefs may be prohibited or limited. Where permitted, briefs must contain all claims and defenses that the party wants the Commission to address. Each brief must attach all documents on which it relies and explain how each attachment is relevant to the issues. Brief length has been shortened to 25 pages for initial briefs and 10 pages for reply briefs. See also 47 CFR 1.734 for specifications for briefs and other documents. (*No. of respondents: 760; hours per response: 3 hours; total annual burden: 2280 hours*).

g. *Designation of Agent for Service*. Pursuant to amended rule 47 CFR 1.47(h), the Commission will maintain a directory of agents designated by carriers to receive service of process. The directory will list, for both the carrier and its agent(s), names, addresses, telephone or voice-mail numbers, facsimile numbers, and Internet e-mail addresses if available. In addition, the carrier shall list any other names by which it is known or under which it does business. If the carrier is an affiliated company, the carrier must also list its parent, holding, or management company. Parties are required to notify the Commission within one week of any changes in their designated agents. Parties will be required to designate their service agent(s) to the Commission by filing the required information with the Formal Complaints and Investigations Branch of the Common Carrier Bureau. (*No. of respondents: 4965; hours per response: .25 hours; total annual burden: 1,241.25 hours*).

h. *Joint Statement of Stipulated Facts and Status Conferences*. Pursuant to

amended rule 47 CFR 1.732(h), parties must file a joint statement of stipulated facts, disputed facts and key legal issues at least two business days prior to the initial status conference. Pursuant to amended rule 47 CFR 1.733(b), parties must file a joint statement of proposals agreed to and disputes remaining as the result of a meet and confer conference at least two business days prior to the scheduled initial status conference. Pursuant to amended rule 47 CFR 1.733(f), following every status conference, parties must file a joint proposed order, including alternative proposed orders where the parties are unable to agree, memorializing the oral rulings made during the status conference or file a transcript of either the audio recording or stenographic transcription of the oral rulings made during the status conference. (*No. of respondents: 760; hours per response: 2 hours; total annual burden: 1520 hours*).

i. *Filing of Copies of Proposed Orders on Disks*. Pursuant to amended rule 1.734(d) all proposed orders must be submitted both as hard copies and on computer disk formatted to be compatible with the Commission's computer system and using the Commission's current wordprocessing software. Each disk should be clearly labelled with the submitting party's name, proceeding, type of pleading, and date of submission. Each disk should be accompanied by a cover letter. This requirement may be waived upon a showing of good cause. (*No. of respondents: 760; hours per response: .5 hours; total annual burden: 380 hours*).

j. *FCC 485—Intake Form*. Pursuant to 47 CFR 1.721(a)(12), the complainant must submit a completed intake form with any formal complaint to indicate that the complaint satisfies the procedural and substantive requirements under the Act and our rules. The completed intake form must also identify all relevant statutory provisions, any relevant procedural history of the case, and, in the case of a Section 271(d)(6)(B) complaint, whether the complainant desires to waive the 90-day resolution deadline. (*No. of respondents: 380; hours per response: .5 hours per filing; total annual burden: 190 hours*). A public notice will be issued to announce the availability of FCC Form 485. The information has been and is currently being used by the Commission to determine the sufficiency of the complaint and to resolve the merits of the dispute between the parties. Obligation to respond: Required to obtain or retain benefits. Public reporting burden for the collections of information is as noted above. Send

comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, D.C. 20554.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 98-6654 Filed 3-13-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

March 6, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Pub. L. 96-511. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, 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. Questions concerning the OMB control numbers and expiration dates should be directed to Judy Boley, Federal Communications Commission, (202) 418-0214.

Federal Communications Commission

OMB Control No.: 3060-0767.

Expiration Date: 7/31/1998.

Title: Auction Forms and License Transfer Disclosures Supplement for the 2nd R&O, Order on Reconsideration, and 5th NPRM in CC.

Docket No. 92-297.

Form No.: N/A.

Estimated Annual Burden: 773,000 annual hour; average .5-20 hours per response; 180,000 responses.

Description: The auction rules, among, other things, require small business applicants to submit ownership information and gross revenues calculations, and all applicants to submit terms of joint bidding agreements (if any). Additionally in case a licensee defaults or loses its license, the Commission retains the discretion to reacquire such licenses. This collection was revised to include additional requirements that are a result of the Commission adopting a general rule to determine the amount of unjust enrichment payments to be

assessed upon assignment, transfer, partitioning and disaggregation of licenses. The new rule, applicable to all current and future licensees, is based upon the unjust enrichment rule applicable to broadband PCS licensees. Therefore, transfer disclosure requirements apply in all license transactions. The Commission is also amending its general anti-collusion rules, permitting the holder of a non-controlling attributable interest in an applicant to obtain an ownership interest in or enter into a consortium arrangement with another applicant for a license in the same geographic area provided that the original applicant has withdrawn from the auction, is no longer placing bids, and has no further eligibility. To meet the requirements of the exception, the attributable interest holder will be required to certify to the Commission that it did not communicate with the new applicant prior to the date the original applicant withdrew from the auction, and that it will not convey bidding information.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

March 6, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

Federal Communications Commission

OMB Control No.: 3060-0736.

Expiration Date: 09/30/98.

Title: Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket No. 96-149.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 5 respondents; 60.6 hours per response (avg.); 303 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: On occasion.

Description: Section 272 of the Telecommunications Act of 1996 requires that BOCs make information available to third parties if it makes that information available to its section 272(a) affiliates. In an Order released February 6, 1998, the Commission's Common Carrier Bureau resolved questions regarding the application of sections 10 and 272 of the Communications Act of 1934, as amended, (Act) to the provision of E911 services by the Bell Operating Companies (BOCs). Bell Operating Companies, Petitions for Forbearance from the Application of Section 272 of the Communications Act of 1934, As Amended, to Certain Activities, CC Docket No. 96-149, DA 98-220, Memorandum Opinion and Order (Com. Car. Bur. Feb. 6, 1998) (February 6 Order). E911 services enable emergency service personnel to identify the location of the party calling 911, and are essential to the safety of many Americans. In the February 6 Order, the Bureau determined that the BOCs' E911 services are interLATA information services. One consequence of this determination was that each BOC had an obligation under section 272(a)(2)(C) of the Act to provide E911 services only through a separate affiliate. In the February 6 Order, the Bureau forbore from the application of this separate affiliate requirement pursuant to the forbearance authority in section 10 of the Act, thus permitting the BOCs to provide E911 services on an integrated basis. The Bureau determined that requiring the BOCs to provide E911 services only through separate affiliates would have increased the cost, but not the quality, of those services. In the February 6 Order, the Bureau maintained the substance of the statutory nondiscrimination requirement by requiring each BOC to provide unaffiliated entities with all listing information, including unlisted and unpublished numbers as well as the numbers of other local exchange carriers' customers, that the BOC uses to provide E911 services, even though that Order was permitting the BOCs to provide those services on an integrated basis. The Bureau required that this listing information be provided at the same rates, terms, and conditions, if any, the BOC charges or imposes on its own E911 services. The BOCs are already required to account for their