

create incentives for health care providers to enhance health care quality and lower costs. One important delivery system reform is the Medicare Shared Savings Program under section 3022 of the Affordable Care Act, which promotes the formation and operation of accountable care organizations (ACOs). Under this provision, “groups of providers \* \* \* meeting the criteria specified by the Secretary may work together to manage and coordinate care for Medicare \* \* \* beneficiaries through an [ACO].” An ACO may receive payments for shared savings if the ACO meets certain quality performance standards and cost savings requirements established by the Secretary. We are developing rulemaking for the establishment of the Shared Savings Program under section 3022 of the Affordable Care Act. In addition, section 3021 of the Affordable Care Act establishes a Center for Medicare and Medicaid Innovation (CMMI) within CMS, which is authorized to test innovative payment and service delivery models to reduce program expenditures while preserving or enhancing the quality of care. We are considering testing innovative payment and delivery system models that complement the Shared Savings Program in the CMMI. In both of these efforts, we are seeking to advance ACO structures that are organized in ways that are patient-centered and foster participation of physicians and other clinicians who are in solo or small practices.

We have already conducted substantial outreach and had discussions with and received feedback from a wide array of physician groups, as well as groups representing other clinicians, hospitals, employers, consumers, and other interested parties, about how ACO programs can best be structured. In particular, CMS, along with the Office of the Inspector General (OIG) of the Department of Health and Human Services (DHHS) and the Federal Trade Commission hosted a public workshop on October 5, 2010, to discuss the application and enforcement of the antitrust laws, physician self-referral prohibition, Federal anti-kickback statute, and civil monetary penalty law to the variety of possible ACO structures under the Shared Savings Program and other innovative payment models that CMMI is authorized to test under section 3021 of the Affordable Care Act. Prior to the public workshop, the three agencies solicited written comments and statements from industry stakeholders regarding a variety of issues, including

the planned legal structures and business models of ACOs.

## II. Solicitation of Comments

As we develop our initial rulemaking for the Shared Savings Program and begin the development of potential models in the CMMI, we are seeking additional information, particularly from the physician community, on the following questions:

- What policies or standards should we consider adopting to ensure that groups of solo and small practice providers have the opportunity to actively participate in the Medicare Shared Savings Program and the ACO models tested by CMMI?

- Many small practices may have limited access to capital or other resources to fund efforts from which “shared savings” could be generated. What payment models, financing mechanisms or other systems might we consider, either for the Shared Savings Program or as models under CMMI to address this issue? In addition to payment models, what other mechanisms could be created to provide access to capital?

- The process of attributing beneficiaries to an ACO is important to ensure that expenditures, as well as any savings achieved by the ACO, are appropriately calculated and that quality performance is accurately measured. Having a seamless attribution process will also help ACOs focus their efforts to deliver better care and promote better health. Some argue it is necessary to attribute beneficiaries before the start of a performance period, so the ACO can target care coordination strategies to those beneficiaries whose cost and quality information will be used to assess the ACO’s performance; others argue the attribution should occur at the end of the performance period to ensure the ACO is held accountable for care provided to beneficiaries who are aligned to it based upon services they receive from the ACO during the performance period. How should we balance these two points of view in developing the patient attribution models for the Medicare Shared Savings Program and ACO models tested by CMMI?

- How should we assess beneficiary and caregiver experience of care as part of our assessment of ACO performance?

- The Affordable Care Act requires us to develop patient-centeredness criteria for assessment of ACOs participating in the Medicare Shared Savings Program. What aspects of patient-centeredness are particularly important for us to consider and how should we evaluate them?

- In order for an ACO to share in savings under the Medicare Shared Savings Program, it must meet a quality performance standard determined by the Secretary. What quality measures should the Secretary use to determine performance in the Shared Savings Program?

- What additional payment models should CMS consider in addition to the model laid out in Section 1899(d), either under the authority provided in 1899(i) or the authority under the CMMI? What are the relative advantages and disadvantages of any such alternative payment models?

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 10, 2010.

**Donald M. Berwick,**

*Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 2010–28996 Filed 11–12–10; 4:15 pm]

**BILLING CODE 4120–01–P**

---

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1 and 17

[WT Docket No. 08–61; WT Docket No. 03–187; DA 10–2178]

### Federal Communications Commission Announces Public Meetings and Invites Comment on the Environmental Effects of Its Antenna Structure Registration Program

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Federal Communications Commission announces public meetings regarding the pending Programmatic Environmental Assessment (PEA) of its Antenna Structure Registration (ASR) program and invites comment on the environmental effects of its antenna structure registration program.

**DATES:** Interested parties may file comments on or before January 14, 2011.

**ADDRESSES:** You may submit comments, identified by DA 10–2178, WT Docket No. 08–61 and WT Docket No. 03–187, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Federal Communications Commission’s Web site:* <http://www.fcc.gov/cgb/ecfs/> or through a link

on the PEA Web site, [http://wireless.fcc.gov/antenna/index.htm?job=programmantic\\_environmental\\_assessment](http://wireless.fcc.gov/antenna/index.htm?job=programmantic_environmental_assessment). Follow the instructions for submitting comments.

■ **Mail:** Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

■ **People With Disabilities:** Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:**

Aaron Goldschmidt, Wireless Telecommunications Bureau, (202) 418-7146, e-mail [aaron.goldschmidt@fcc.gov](mailto:aaron.goldschmidt@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal Communications Commission's public notice released on November 12, 2010. The full text of the public notice is available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. It may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554; the contractor's Web site, <http://www.bcpweb.com>; or by calling (800) 378-3160, facsimile (202) 488-5563, or e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com). Copies of the public notice also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT Docket No. 07-250. Additionally, the complete public notice is available on the Federal Communications Commission's Web site at <http://www.fcc.gov>.

To comply with its obligations under the National Environmental Policy Act (NEPA), the Federal Communications Commission is conducting a Programmatic Environmental Assessment (PEA) of its Antenna Structure Registration (ASR) program. The purpose of the PEA is to evaluate the potential environmental effects of the Commission's ASR program. The

Commission is undertaking the PEA in response to the determination of the Court of Appeals for the District of Columbia Circuit in *American Bird Conservancy v. FCC*, (516 F.3d 1027 (D.C. Cir. 2008) that registered towers may have a significant environmental effect on migratory birds. In the course of the PEA, the Commission will consider alternatives to address potential environmental effects, and will determine whether a more extensive analysis, in the form of a programmatic Environmental Impact Statement, may be required under NEPA.

Under the ASR program, owners of antenna structures that are taller than 200 feet above ground level or that may interfere with the flight path of a nearby airport must register those structures with the FCC. The antenna structure owner must obtain painting and lighting specifications from the Federal Aviation Administration and include those specifications in its registration prior to construction. The ASR program allows the FCC to fulfill its statutory responsibility to require painting and lighting of antenna structures that may pose a hazard to air navigation.

The FCC has established a Web site, [http://wireless.fcc.gov/antenna/index.htm?job=programmantic\\_environmental\\_assessment](http://wireless.fcc.gov/antenna/index.htm?job=programmantic_environmental_assessment), which contains information and downloadable documents. The Web site also allows individuals to contact the Commission, and will be updated at key milestones throughout the study.

The FCC will hold three scoping meetings for the public to provide input to the PEA process. The meetings will be open to the public; however, admittance will be limited to the seating available. Each scoping meeting will be comprised of an Information Session, a Presentation and a Formal Comment Period. Comment forms will be available, and may either be completed at the meeting, submitted through the PEA Web site, or mailed. Formal verbal comments will also be transcribed for public record by a stenographer at the meetings. PEA informational materials will be available at the meetings. Information gathered at the meetings will be used to prepare the PEA. The meetings are scheduled as follows:

- On December 6, 2010, from 1:30 p.m. until 4:30 p.m. Eastern Time, at the Federal Communications Commission's Meeting Room, 445 12th Street, SW., Washington, DC. Audio/video coverage of this meeting will be broadcast live with open captioning over the Internet from the FCC's Web page at <http://www.fcc.gov/live>. The FCC's webcast is free to the public. Those who watch the

live video stream of the event may email event-related questions to [livequestions@fcc.gov](mailto:livequestions@fcc.gov). Depending on the volume of questions and time constraints, FCC representatives will respond to as many questions as possible during the workshop.

- On December 13, 2010, from 6 p.m. until 8:30 p.m. Pacific Time, at the Council Chambers, City of Chula Vista Civic Center, 276 Fourth Avenue, Chula Vista, California.

- On December 15, 2010, from 6 p.m. until 8:30 p.m. Eastern Time, at the John F. Germany Public Library, 900 North Ashley Drive, Tampa, Florida.

Individuals requiring special assistance during a meeting should submit a request through the PEA Web site no later than two business days prior to the applicable meeting.

In addition to the scoping meetings, the Commission seeks written comments to assist it in preparing the PEA. Interested parties may file comments on or before January 14, 2011. Comments may be filed: (1) Electronically, (2) in person at one of the scoping meetings, or (3) through the use of paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System ("ECFS"): <http://www.fcc.gov/cgb/ecfs/>, through a link on the PEA Web site, [http://wireless.fcc.gov/antenna/index.htm?job=programmantic\\_environmental\\_assessment](http://wireless.fcc.gov/antenna/index.htm?job=programmantic_environmental_assessment), or via the Federal eRulemaking Portal: <http://www.regulations.gov>.

- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8 a.m. to 7 p.m.

○ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

○ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington, DC 20554.

Comments and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY-A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

To request information in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document can also be downloaded in Word and Portable Document Format (PDF) at: <http://www.fcc.gov>.

For more news and information about the Federal Communications Commission please visit: <http://www.fcc.gov>.

Federal Communications Commission.

**Jane E. Jackson,**

*Associate Chief, Wireless Telecommunications Bureau.*

[FR Doc. 2010-29005 Filed 11-16-10; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 79

[CG Docket 05-231, ET Docket No. 99-254; DA 10-2050]

#### Consumer and Governmental Affairs Bureau Seeks To Refresh the Record on Notices of Proposed Rulemaking Regarding Closed Captioning Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Commission, via the Consumer and Governmental Affairs Bureau (Bureau), seeks to refresh the record on issues pertaining to closed captioning that were raised in Notices of Proposed Rulemaking (NPRMs) released by the Commission in 2005 and 2008. Given the time that has elapsed and various technological developments that have occurred in the field of closed captioning since these NPRMs were

released, the Bureau believes that a refreshed record will better educate the Commission regarding the issues raised for comment in the pending proceedings.

**DATES:** Comments are due on or before November 24, 2010. Reply comments are due on or before December 9, 2010.

**ADDRESSES:** Interested parties may submit comments identified by [CG Docket No. 05-231 and ET Docket No. 99-254], and by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): <http://www.fcc.gov/cgb/ecfs>, or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments, and transmit one electronic copy of the filing to each docket number referenced in the caption, which in this case is CG Docket No. 05-231 and ET Docket No. 99-254. For ECFS Filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number.

- *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. Because two docket numbers appear in the caption of this Notice, filers must submit two additional copies for the additional docket number. In addition, parties must send one copy to the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Washington, DC 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8 a.m. to 7 p.m.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be

addressed to 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**

Amelia Brown, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418-2799 (voice), (202) 418-7804 (TTY), or e-mail: [Amelia.Brown@fcc.gov](mailto:Amelia.Brown@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document DA 10-2050, released October 25, 2010 in CG Docket No. 05-231 and ET Docket No. 99-254. The full text of DA 10-2050 and any subsequently filed documents in this matter will be available for public inspection and copying via ECFS (insert [CG Docket No. 05-231 or ET Docket No. 99-254] into the Proceeding block) and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554; telephone (800) 378-3160, or via its Web site, <http://www.bcpweb.com>. DA 10-2050 can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/caption.html>.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). Pursuant to 47 CFR 1.1206, these proceedings will be conducted as permit-but-disclose proceedings in which *ex parte* communications are subject to disclosure.

#### Synopsis

In DA 10-2050, the Bureau seeks to refresh the record on issues pertaining to closed captioning that were raised in NPRMs released by the Commission on July 21, 2005, and November 7, 2008. See *Closed Captioning of Video Programming, Telecommunications for the Deaf, Inc., Petition for Rulemaking*, CG Docket No. 05-231, Notice of Proposed Rulemaking, published at 70 FR 56150, September 26, 2005; and *Closed Captioning of Video Programming, Closed Captioning Requirements for Digital Television Receivers*, CG Docket No. 05-231, ET Docket No. 99-254, Declaratory Ruling, Order and Notice of Proposed Rulemaking, published at 74 FR 1594, January 13, 2009 and 74 FR 1654, January 13, 2009 (2008 *Closed Captioning Declaratory Ruling, Order*