Dated: June 2, 1995.

Carol M. Browner,

Administrator.

40 CFR part 80 is proposed to be amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545, and 7601(a)).

2. Section 80.2 is amended by adding paragraph (vv) to read as follows:

§ 80.2 Definitions.

* * * * *

(vv) *Opt-in area.* An area which becomes a covered area under § 80.70 pursuant to section 211(k)(6) of the Clean Air Act.

3. Section 80.70 is amended by revising the first sentence of paragraph (j) introductory text to read as follows:

§ 80.70 Covered areas.

* * * * *

(j) The ozone nonattainment areas listed in this paragraph (j) of this section are covered areas beginning on January 1, 1995, except that those areas listed in paragraphs (j)(5)(viii) and (ix), (j)(10)(i), (iii) and (v) through (xi) and (j)(11) of this section shall not be covered areas until EPA takes final action on the proposal to remove these areas as covered areas. * * *

* * * * *

§ 80.70 [Amended]

4. Section 80.70 is amended by removing paragraphs (j)(5)(viii) and (ix).

5. Section 80.70 is amended by removing paragraphs (j)(10)(i), (iii) and (v) through (xi), and redesignating paragraphs (j)(10)(ii) and (iv) as (j)(10)(i) and (ii).

6. Section 80.70 is amended by removing paragraph (j)(11) and redesignating paragraphs (j)(12) through (15) as (11) through (14).

7. Section 80.70 is amended by adding paragraph (l) to read as follows:

§ 80.70 Covered areas.

* * * * *

(l) Upon the effective date for removal under § 80.72(a), the geographic area covered by such approval shall no longer be considered a covered area for purposes of subparts D, E and F of this part.

8. Section 80.72 is added to read as follows:

§ 80.72 Procedures for opting out of the covered areas.

(a) In accordance with paragraph (b) of this section, the Administrator may approve a petition from a state asking for removal of any opt-in area, or portion of an opt-in area, from inclusion as a covered area under § 80.70. In approving any such petition, the Administrator shall establish an appropriate effective date for such removal, pursuant to paragraph (c) of this section.

(b) To be approved under paragraph (a) of this section, a petition must be signed by the governor of a state, or his or her authorized representative, and must include the following:

(1) A geographic description of each opt-in area, or portion of each opt-in area, which is covered by the petition;

(2) A description of all ways in which reformulated gasoline is relied upon as a control measure in any approved state or local implementation plan or plan revision, or in any submission to the Agency containing any proposed plan or plan revision (and any associated request for redesignation) that is pending before the Agency when the petition is submitted; and

(3) For any opt-in areas covered by the petition for which reformulated gasoline is relied upon as a control measure as described under paragraph (b)(2) of this section, the petition shall include the following information:

(i) Identify whether the state is withdrawing any such pending plan submission;

(ii)(A) Identify whether the state intends to submit a revision to any such approved plan provision or pending plan submission that does not rely on reformulated gasoline as a control measure, and describe the alternative air quality measures, if any, that the state plans to use to replace reformulated gasoline as a control measure;

(B) A description of the current status of any proposed revision to any such approved plan provision or pending plan submission, as well as a projected schedule for submission of such proposed revision;

(C) If the state is not withdrawing any such pending plan submission and does not intend to submit a revision to any such approved plan provision or pending plan submission, describe why no revision is necessary;

(D) If reformulated gasoline is relied upon in any pending plan submission, other than as a contingency measure consisting of a future opt-in, and the Agency has found such pending plan submission complete or made a protectiveness finding under 40 CFR 51.448 and 93.128, demonstrate whether the removal of the reformulated gasoline program will affect the completeness and/or protectiveness determinations;

(4) Upon request by the Adminstrator, the Governor of a State, or his or her authorized representative, shall submit additional information upon request of the Administrator

(c) (1) Except as provided in paragraph (c)(2) and (3) of this section, the Administrator shall set an effective date for removal of an area under paragraph (a) of this section of 30 days from receipt of a complete petition by EPA.

(2) If reformulated gasoline is contained as an element of any plan or plan revision that has been approved by the Agency, other than as a contingency measure consisting of a future opt-in, then the effective date under paragraph (a) of this section shall be 30 days from the effective date for Agency approval of a revision to the plan that removes reformulated gasoline as a control measure.

(3) Unless the state has withdrawn the submission or indicated its intention to submit a revision, if reformulated gasoline is contained as an element in any plan or plan revision that has been submitted to and is pending approval by the Agency, other than as a contingency measure consisting of a future opt-in, and where such pending plan or plan revision has been found or deemed to be complete and/or the Agency has made a protectiveness finding under 40 CFR 51.448 and 93.128 concerning such submission, then the effective date under paragraph (a) of this section shall be 120 days from the date a complete petition is received by the Agency.

(d) The Administrator shall publish a notice in the **Federal Register** of any petition approved under paragraph (a) of this section, announcing the effective date for removal.

[FR Doc. 95–14573 Filed 6–13–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 95–72; FCC95–212]

End User Common Line Charges

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking seeks comment on the application of End User Common Line Charges, hereinafter referred to as

Subscriber Line Charges (SLCs), to local loops used with Integrated Services Digital Network (ISDN) and other services that permit the provision of multiple voice-grade-equivalent channels to a customer over a single facility. This proceeding was instituted to give the Commission an opportunity to reexamine existing rules and make changes in light of new technologies and services.

DATES: Comments are to be filed on or before June 29, 1995, and replies are to be filed on or before July 14, 1995.

FOR FURTHER INFORMATION CONTACT: Claudia Pabo, (202) 418–1595, Common Carrier Bureau, Policy and Program Planning Division.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking in CC Docket No. 95–72, adopted May 24, 1995 and released May 30, 1995.

The complete text of this Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M St. NW., Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, Inc., at (202) 857–3800, 1919 M Street NW., room 246, Washington, D.C. 20554.

Synopsis of Notice of Proposed Rulemaking

I. Introduction

1. In this Notice of Proposed Rulemaking, we seek comment on the application of End User Common Line Charges, hereinafter referred to as Subscriber Line Charges (SLCs), to local loops used with Integrated Services Digital Network (ISDN) and other services that permit the provision of multiple voice-grade-equivalent channels to a customer over a single facility. We believe that the question of SLCs for ISDN and similar services must be considered in the broader context of competitive developments in the interstate access market, and the resulting pressure to reduce unnecessary support flows in order to ensure fair competition and preserve universal service.

II. Background

A. ISDN and Other Derived Channel Technology and Services

2. ISDN permits digital transmission over ordinary local loops and T–1 facilities through the use of advanced central office equipment and customer premises equipment (CPE). Currently, LECs offer two basic types of ISDN service. Basic Rate Interface (BRI) Service allows a subscriber to obtain two voice-grade-equivalent channels and a signalling/data channel over an ordinary local loop, which is generally provided over a single twisted pair of copper wires. Primary Rate Interface (PRI) Service allows subscribers to obtain 23 voice-grade-equivalent channels and one signalling/data channel over a single T–1 facility with two pairs of twisted copper wires.

3. There are services in addition to ISDN that use derived channel technology to provide multiple channels over a single facility. The LECs also use derived channel technologies within their networks to provide customers with individual local loops, as opposed to BRI or PRI ISDN. In such situations, the end user would not be aware that the LEC was using this technology to provide their local loop.

B. Subscriber Line Charges

4. In the 1983 Access Charge Order, 48 FR 10319, March 11, 1983, the Commission adopted rules prescribing a comprehensive system of tariffed access charges for the recovery of LEC costs associated with the origination and termination of interstate calls. The access charge rules called for recovery of a major portion of the local loop costs assigned to the interstate jurisdiction through SLCs. The remainder of local loop costs are recovered from interexchange carriers (IXCs) through the per minute CCL charge. The CCL charges paid by the IXCs are reflected in the charges paid by interstate toll users.

5. Multiline business SLCs are currently capped at $6.00 per line per month. Residential and single line business SLCs are capped at $3.50 per line per month. The basic interstate toll rate decreased approximately 34% between 1984 and the end of 1992, much of this due to the shift in the recovery of common line costs from CCL rates to SLCs and the resulting stimulation in demand.

C. Recent Decisions on SLCs for ISDN

6. The Commission first addressed the application of SLCs to ISDN and other technologies that permit the provision of multiple voice grade channels over a two- or four-wire facility in 1992 when the Common Carrier Bureau adopted an order concluding the local exchange carriers must apply a SLC to each derived channel even when the channels were provided over a single facility. The Commission subsequently affirmed the Bureau's order. At the same time, the Commission recognized that this question involved policy issues best considered in the context of a rulemaking proceeding.

D. Competition

7. The interstate access market has changed since the Commission adopted the access charge rules at issue here. Alternative service providers such as Teleport, which is owned by a group of large cable companies, and MFS have deployed fiber optic networks in core business areas of many large cities, providing interstate access services, and, in some areas, local exchange service as well. Cable television companies, in addition to those with an ownership interest in Teleport, have also entered the local telephone and/or interstate access market in certain areas, and have expressed an intention to enter the telephone market on a broader basis. Interexchange carriers, such as MCI and AT&T, have also entered the market or announced an intention to do so. In addition, the Commission has required expanded interconnection for the provision of special access service and switched transport. New York State has also required LECs to unbundle their local loops in order to permit the competitive provision of local exchange service, and a number of other states are considering similar measures.

8. The developments tend to bring pressure to bear on support flows in the current access charge structure. LEC rates that significantly exceed cost will tend to attract new entrants who may be able to offer service at lower rates. As a result, it may be necessary to reduce support flows that are not specifically tailored to produce social benefits.

III. Discussion

A. Overview

9. In this proceeding, we seek comment on the proper application of SLCs to BRI and PRI ISDN service provided to residential and business customers as well as to other services that permit the provision of multiple derived channels over a single facility.

B. Analytical Framework

10. We believe that several basic principles should guide our resolution of these issues. While these considerations are sometimes in potential conflict with one another, we believe that they all must be considered to assure a sound, principled resolution of the issues before us in this proceeding.

11. This rulemaking proceeding gives the Commission an opportunity to reexamine existing rules, and make changes in light of new technologies and services. We must be careful to

avoid erecting regulatory barriers to the development of beneficial new technologies. This is particularly important when these services and technologies can facilitate access to the benefits of the National Information Infrastructure. At the same time, we should not amend our rules to favor new technologies and services simply because they are new. Any difference in the regulatory treatment of new technologies and services must have a sound basis in public policy.

12. We also believe that it is desirable to avoid measures that could reduce the level of nontraffic sensitive (NTS) local loop costs now recovered through flat charges. Any reduction in SLC revenues will tend to increase interstate toll rates because lower SLC revenues will cause LECs to seek to recover additional revenues through the per minute CCL charge. We also believe that policies that would appear to reduce dramatically SLC charges to large business customers, but not to residential customers, must be carefully examined.

13. Resolution of the issues in this proceeding should also take into account competitive developments in the interstate access market, and the accompanying need to identify and reduce unnecessary support flows. In light of competitive developments in the interstate access market, rule changes that could result in lower SLC revenues and higher CCL rates, thus potentially increasing support flows, must be carefully examined. Increasingly, IXCs and large business customers have alternatives to use of LEC facilities and can avoid support flows inherent in the current access charge rate structure, including the CCL charge. In the long run, inefficient bypass of the LEC networks by high volume toll customers could threaten to undermine the support flows that foster universal service.

C. Options

1. Overview

14. There are potentially many ways that the number of SLCs for ISDN and similar derived channel services could be computed. At one extreme, we might require customers to pay one SLC for each physical facility serving a given customer, such as a standard local loop or T–1 facility. At the other extreme, we could maintain the current rule under which an SLC is applied to each derived communications channel.

15. There are also intermediate options. For example, the number of SLCs to be applied to ISDN facilities could be based on a ratio of the average LEC cost of providing a derived channel service, such as a BRI or PRI ISDN connection, to the average cost of providing an ordinary local loop or T–1 connection, including the line or trunk card costs in both cases. Under this option, a PRI customer would, for example, pay six SLCs if the average LEC cost of providing an ISDN T–1 connection, including line cards, is six times the average cost of providing an ordinary T–1 facility. It would also be possible to apply one SLC for every two derived channels, an option that would reduce by 50 percent the SLC revenues that would be generated under the current requirement that one SLC be assessed for each derived channel.

16. Another set of options would focus on the increasingly competitive interstate access market in determining how to compute the SLC to be paid by customers of derived channel services. One possibility is to combine a reduction in the currently required level of SLC charges for derived channel services with a small increase in the per-channel SLC for all local loops. Another option involves giving the LECs some flexibility in setting SLC rates for derived channel services, but modifying the price cap rules so that any reduction in SLC flat rate recovery does not increase the CCL rate.

2. The Per-Facility Approach

17. Under this approach, customers pay a single SLC per derived channel service connection. Thus, under this option, both BRI and PRI ISDN customers would pay a single SLC. Under a variation on this option, an ISDN BRI customer with one copper pair would pay a single SLC, and a PRI customer with two copper pairs would pay two SLCs.

3. Intermediate Options

18. An option that may represent a potential middle ground between the per facility and the per derived channel approaches would be to charge SLCs based on a ratio of the average LEC cost of providing a derived channel service, including line or trunk cards, to the average LEC cost of providing an ordinary local loop or T–1 facility. Under this approach, a PRI customer, for example, would pay six SLCs if the LEC cost of providing an ISDN T–1 connection, including line or trunk cards, is six times the cost of providing an ordinary T–1 facility. This approach also includes the cost of the line cards in developing the cost relationship between ISDN connections and non-ISDN connections even though line cards are treated as switching, not local loop facilities for jurisdictional separations and Part 69 cost allocation purposes.

19. Reducing SLCs for derived channel connections to 50 percent of the level required by the current rules is another intermediate option between the per-facility and per-derived channel approaches. Under this approach, the LECs would charge one SLC for every two derived channels.

4. The Per-Derived Channel Approach

20. The existing rules require that the LECs charge a SLC for each derived channel in the case of ISDN and other similar services.

5. Additional Options

21. There are also several other options that combine reductions in the number of SLCs that our current rules impose on derived channel services with measures to ensure that this does not increase per minute CCL charges, putting upward pressure on interstate toll rates. One such option would be to permit the LECs to impose a reduced number of SLCs for derived channel services, accompanied by a small increase in SLC rates. For example, the current caps on SLCs could be increased by $.25 per month for all subscribers. A second approach would be to permit, but not require, the LECs to apply fewer SLCs for derived channel services than the current rules require, but to adjust the price cap rule to prevent a reduction in SLC revenues from causing an increase in CCL rates.

6. Request for Comments

22. We ask interested parties to comment on the analytical framework and options for defining the SLCs that subscribers to ISDN and other derived channel services must pay. We also seek comment on our analysis of the various options described in this Notice. Commenting parties are urged to suggest additional or different policy goals as part of the analytical framework for evaluating options as well as to present additional options for the Commission's consideration. We also seek comment on whether any new rules for the application of SLCs for ISDN and similar derived channel services should apply to all local loops provisioned by the telephone company through the use of derived channel technology, regardless of whether the use of derived channel technology in the provisioning of the loop is apparent to the subscriber or not.

23. In addition, we note that it would be helpful if interested parties provide us with specific information concerning the perceived elasticity of demand for ISDN services, the various ISDN service

options available in the marketplace, the total intrastate charges for each of these service options, as well as the advantages and disadvantages of alternative service and equipment configurations that offer communications capabilities comparable to those of ISDN. Moreover, certain of the options for applying SLCs under our part 69 access charge rules described above would use a definition of the term ''line'' that differs from the current separations definition in Part 36.[1] We seek comment on whether we should initiate the process of considering conforming separations changes through a referral to a Joint Board in the event that we adopt such an approach. In light of competitive developments in the interstate access market, interested parties may also wish to take this opportunity to comment more generally on the need for additional changes to the way carriers can recover the interstate assignment of local loop costs and local switching or other costs that the parties view as NTS.

IV. Ex Parte Presentations

24. This proceeding is a non-restricted notice and comment rulemaking. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules.

V. Regulatory Flexibility Analysis

25. We certify that the Regulatory Flexibility Act is not applicable to the rule changes we are proposing in this proceeding. The Secretary shall send a copy of the Notice to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

VI. Comment Filing Dates

26. Interested parties may file comments with the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554 on or before June 29, 1995, and reply comments on or before July 14, 1995. Parties are to provide a copy of any filings in this proceeding to Peggy Reitzel of the Policy and Program Planning Division, Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington, D.C. 20554. Parties are also to file one copy of any documents in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

[1] See para. 11 *supra.*

VII. Ordering Clauses

27. Accordingly, *it is ordered* That, pursuant to the authority contained in Sections 1, 4, and 201–205 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, & 201–205, a *Notice of Proposed Rulemaking is Hereby Adopted.*

List of Subjects in 47 CFR Part 69

Communications common carriers, Reporting and record keeping requirements, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–14509 Filed 6–13–95; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 95–78, RM–8619]

Radio Broadcasting Services; Stonewall, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mary C. Glass proposing the allotment of Channel 295A to Stonewall, Mississippi, as the community's first local aural transmission service. Channel 295A can be allotted to Stonewall in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.l kilometers (8.7 miles) northeast in order to avoid a short-spacing conflict with the licensed site of Station WSTZ(FM), Channel 294C, Vicksburg, Mississippi. The coordinates for Channel 295A at Stonewall are 32–11–37 and 88–39–48.

DATES: Comments must be filed on or before July 31, 1995, and reply comments on or before August 15, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mary C. Glass, P.O. Box 848, Stonewall, Mississippi 39363 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–78, adopted June 2, 1995, and released June 9, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's 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, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–14514 Filed 6–13–95; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 95–79, RM–8620]

Radio Broadcasting Services; De Kalb, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Choctaw Broadcasting, proposing the allotment of Channel 289C2 to De Kalb, Mississippi, as the community's first local FM service. Channel 289C2 can be allotted to De Kalb in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 289C2 at De Kalb are 32–46–03 and 88–39–03.

DATES: Comments must be filed on or before July 31, 1995, and reply comments on or before August 15, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Thomas L. Goldman, Choctaw Broadcasting, P.O. Box 3160,