

Philip McClelland, Pennsylvania Office of Consumer Advocate, 1425 Strawberry Square, Harrisburg, PA 17120

Michael A. McRae, D.C. Office of the People's Counsel, 1133 15th Street NW.—Suite 500, Washington, D.C. 20005

Rafi Mohammed, Federal Communications Commission, 2000 L Street NW., Suite 812, Washington, D.C. 20036

Terry Monroe, New York Public Service Commission, Three Empire Plaza, Albany, NY 12223

Andrew Multz, Federal Communications Commission, 2000 L Street NW., Suite 257, Washington, D.C. 20036

Mark Nadel, Federal Communications Commission, 1919 M Street NW., Room 542, Washington, D.C. 20554

Gary Oddi, Federal Communications Commission, 2000 L Street NW., Suite 257, Washington, D.C. 20036

Teresa Pitts, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250

Jeanine Poltronieri, Federal Communications Commission, 2000 L Street NW., Suite 257, Washington, D.C. 20036

James Bradford Ramsay, National Association of Regulatory Utility Commissioners, 1201 Constitution Avenue NW., Washington, D.C. 20423

Jonathan Reel, Federal Communications Commission, 2000 L Street NW., Suite 257, Washington, D.C. 20036

Brian Roberts, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102-3298

Gary Seigel, Federal Communications Commission, 2000 L Street NW., Suite 812, Washington, D.C. 20036

Pamela Szymczak, Federal Communications Commission, 2000 L Street NW., Suite 257, Washington, D.C. 20036

Whiting Thayer, Federal Communications Commission, 2000 L Street NW., Suite 812, Washington, D.C. 20036

Deborah S. Waldbaum, Colorado Office of Consumer Counsel, 1580 Logan Street, Suite 610, Denver, Colorado 80203

Alex Belinfante, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554

Larry Povich, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

[FR Doc. 96-6156 Filed 3-11-96; 4:11 pm]

BILLING CODE 6712-01-P

47 CFR Parts 43, 63, 64, and 65

[CC Docket No. 96-23, FCC 96-64]

Revision of Filing Requirements

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this Notice of Proposed Rulemaking, the Commission proposes to eliminate thirteen reporting requirements and to reduce the frequency of six other reporting requirements. These reporting requirements are variously applicable to interexchange carriers, Bell Operating Companies, other local telephone companies, and record carriers. These proposed actions will improve the quality of information available to the Commission, while at the same time reducing the reporting burdens imposed on carriers.

DATES: Comments must be submitted on or before April 8, 1996. Reply Comments must be filed on or before April 23, 1996. Written comments by the public on the proposed and/or modified information collections are due on or before April 8, 1996. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before May 13, 1996.

ADDRESSES: Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, with a copy to Nasir Khilji of the Common Carrier Bureau, 2033 M Street, N.W., Room 500F, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, DC 20503 or via the Internet to t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: Nasir Khilji (202) 418-0958, Common Carrier Bureau, Industry Analysis

Division. For additional information concerning the information collections contained in this NPRM contact Dorothy Conway at 202-418-0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

Synopsis of Notice of Proposed Rulemaking

This is a synopsis of the Commission's Notice of Proposed Rulemaking in CC Docket No. 96-23, adopted February 20, 1996, and released February 27, 1996. The full text of this Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street, N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 1400, Washington, D.C. 20037 (telephone (202) 857-3800).

Paperwork Reduction Act: This NPRM contains either a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13. Public and agency comments are due at the same time as other comments on this NPRM; OMB comments are due 60 days from date of publication of this NPRM in the Federal Register. Comments should address: (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.

OMB Approval Number: None.

Title: Revision of Filing requirements.

Form No.: FCC Report 43.05, FCC 492.

Type of Review: New Collection.

Respondents: Business or other for profit.

Title	No. of re- spondents	Estimated time per re- sponse	Total annual burden
1. Circuit Report	0	0	0
2. Record Carrier Letter	0	0	0
3. Report on Inside Wiring Services	0	0	0
4. ARMIS Service Quality Report, FCC Report 43-05	27	833	44,982
5. FCC 492, Rate of Return Report	35	8	280
6. New Service Tracking Report	16	20	104
7. Report of Unsecured Credit to Political Candidates	13	8	104

Total Annual Burden: 45,686.

Needs and Uses: The Commission proposes to eliminate thirteen reporting requirements and to reduce the frequency of six reporting requirements variously applicable to Regional Bell Operating Companies, other local telephone companies, record carriers, AT&T, and Sprint. The requirements identified above are subject to the Paperwork Reduction Act of 1995. The information received will be used to assist the Federal Communications Commission in performing its public oversight duties.

I. Summary and Background

1. As part of the President's Regulatory Reform Initiative, each federal agency was asked to lessen the regulatory burden on the public by reducing the amount of information the public must provide each agency.

2. The Commission conducted a review of all reports filed with the Common Carrier Bureau, including reports not subject to the Paperwork Reduction Act. As a result of that review, the Commission identified reporting requirements that can be eliminated or be reduced in frequency. The Commission proposed to eliminate or reduce in frequency the following reports:

II. Elimination of Reports

3. Divestiture Reports: On June 14, 1995, the Bureau issued a Public Notice ("Common Carrier Bureau Solicits Comments on Elimination of Divestiture Reports," Public Notice CC 95-34, June 14, 1995) soliciting comments on the need to continue several reports established at the time of the AT&T divestiture [96 FCC 2d 18 (1983), modified, 98 FCC 2d 141 (1984)], that the Bureau determined no longer met the intended monitoring requirements. As a result of the Bureau's review of regulations and reporting requirements and the favorable comments filed pursuant to the Public Notice, the Commission proposed to eliminate the following reports:

A. Equal Access Progress Report: This report is submitted semi-annually by AT&T and Regional Holding Companies

under Condition 3, AT&T Divestiture Order.

B. Construction Budget Summary: Condition 10 of the AT&T Divestiture Order required AT&T and Regional Holding Companies to submit an annual financial summary of telecommunications facility construction activity.

C. National Security and Emergency Preparedness Effectiveness: This report is submitted annually by AT&T and Bellcore under Condition 12, AT&T Divestiture Order. It lists activities by the carriers to support national security.

4. AT&T Customer Premises Equipment (CPE) Installation and Maintenance Report: This report is submitted quarterly by AT&T pursuant to *Furnishing of Customer Premises Equipment and Enhanced Services by American Telephone and Telegraph Co.* [102 FCC 2d 655, (1985), also 104 FCC 2d 739, (1986)]. The report contains the percentage of lines/circuits not installed by the relevant due date for telephone company reasons, as well as the percentage of lines/circuits ordered by unaffiliated vendors. The original purpose of the report was to protect competitors by monitoring AT&T's installation and maintenance of lines/circuits to ensure that it is not discriminating against unaffiliated CPE vendors. In 1991, the Commission eliminated nondiscrimination reporting for those AT&T network services subject to maximum streamlined regulation. In 1993, the Commission added AT&T's 800 services to the list of services subject to streamlined treatment. Since December 1993, AT&T has only provided installation and maintenance nondiscrimination reports regarding CPE and enhanced services for analog private line services. Because customer use of such services has diminished with the increasing introduction of digital applications, there has been very little reporting activity since 1993. Therefore, the Commission proposed to eliminate nondiscrimination reporting requirements regarding both CPE and enhanced services with respect to the few AT&T services still subject to them.

5. AT&T Service Quality: Equipment Blockage and Failure Report: This semi-annual report is submitted by AT&T pursuant to Policies and Rules Regarding Rates for Dominant Carriers [6 FCC Rcd. 2974, (1991)]. The report's objective was to provide the Commission the means to monitor and ensure that service quality at equal access exchanges is comparable to service quality at non-equal access exchanges. Because at the end of 1994, approximately 98% of the nation's lines had been converted to equal access (in contrast to 86% in 1989), this report is no longer relevant for the purposes originally intended. Therefore the Commission proposed to eliminate it.

6. AT&T Nondiscrimination Report for Enhanced Services Providers: AT&T submits this report on a quarterly basis pursuant to Amendment of Section 64.702 of the Commission's Rules and Regulations, ("Third Computer Inquiry") [52 FR 20714, June 3, 1987]. In these reports, AT&T must compare the level of service provided to enhanced service affiliates with that provided to enhanced service competitors. As discussed above, following the Commission's orders streamlining the regulation of AT&T's services, very few AT&T services remain subject to enhanced services nondiscrimination reporting, and those few are so rarely used that this reporting requirement was proposed to be eliminated.

7. BOC Customer Premises Equipment (CPE) Installation and Maintenance Report; BOC Customer Premises Equipment Affidavits for Non-Discriminatory Provision of Network Maintenance: The BOC CPE installation and maintenance report is a quarterly report required by *Furnishing of Customer Premises Equipment by the Bell Operating Telephone Companies and the Independent Telephone Companies* [52 FR 2226, January 21, 1987]. The Report compares the number and/or percentage of lines/circuits not installed by the BOC by the requested date for affiliated and unaffiliated CPE vendors, so that the FCC may monitor whether the BOCs are discriminating

against unaffiliated CPE vendors with respect to installation and maintenance. As an alternative to submitting a quarterly CPE maintenance report described above, a BOC may instead submit an annual affidavit certifying that it has not discriminated in the provision of network installation and maintenance. The Commission originally adopted this alternative maintenance certification scheme in the belief that it was unlikely that BOCs could or would discriminate based on the identity of the CPE vendor in providing network maintenance services.

8. In the eight years since the Commission established the foregoing nondiscrimination reporting and alternative affidavit requirements, the Commission received no formal complaints from any party alleging unlawful discrimination by a BOC in the provision of installation and maintenance services. The Commission proposed the elimination of these requirements in light of regulatory alternatives and burdens imposed on carriers and solicited comment on the costs and benefits of eliminating the foregoing requirements.

9. BOC Sales Agency Program and Vendor Support Program Report: This report is submitted annually by each BOC pursuant to the *BOC CPE Relief Order* [2 FCC Rcd 156]. The report contains information on the Bell Operating Companies' sales agency programs and vendor sales activity. The original purpose of the report was to ensure that the BOCs provide independent CPE vendors with meaningful opportunities to market their CPE jointly with BOC network services. At the present time, these sales agency reports are not generally used by independent CPE vendors, and that, therefore, they may not as a practical matter serve the purposes for which they were intended. Accordingly, the Commission proposed to eliminate the requirement to file these reports.

10. Billing and Collection Contracts: This report is submitted by local exchange carriers (LECs) on an as-needed basis pursuant to the Common Carrier Bureau's Public Notice released in CC Docket No. 85-88 [2 FCC Rcd 809 (Com. Car. Bur. 1987)]. Each LEC provides a list of all billing and collection contracts under which it provides such services. From time to time as necessary, the LEC updates the list on file with the Commission. As LECs previously enjoyed a virtual monopoly on certain information necessary for the billing and collection of end-users, this service was in the past subject to tariff. However, as non-LECs

gained access to such information and the service became more competitive, the Commission relaxed the tariff requirement and simply required these LECs to file lists of those contracts. Because such lists are seldom used by the staff or the public the Commission proposed to eliminate this reporting requirement entirely.

11. Circuit Report: Section 63.07(b) of the rules requires non-dominant carriers that construct or acquire initial or additional circuits to file a report concerning these circuits semi-annually on February 1 and August 1 of each year. These reports provide information on interstate communications facilities constructed and operated by nondominant carriers. This information permits the Commission to perform a public interest assessment of the facilities investments of these carriers, as envisioned in its Competitive Carrier Proceeding [45 FR 76148, November 18, 1980]. As a practical matter, it is no longer necessary to require these reports on a routine basis from all nondominant carriers. Instead, the Commission can obtain this information in individual instances when a direct regulatory need for it arises. Accordingly, the Commission proposed the elimination of the present requirement that nondominant carriers file semi-annual circuit reports.

12. Record Carrier Letter: Each record carrier with operating revenues over \$75 million for a calendar year is required, under Section 43.21(d) of the Commission's Rules, to file a letter showing selected balance sheet and income items for that year with the Common Carrier Bureau Chief. The financial statement summary provides an indication of record carrier business. In the 1950s, 80 percent of international traffic was handled by record carriers. In 1994 this report was filed by two carriers representing 2 percent of the market. For 1995 it is anticipated that only one carrier will file. The Commission tentatively concluded that this report was no longer needed and proposed to eliminate it.

13. Report on Inside Wiring Services: This report is submitted by each local exchange carrier with annual operating revenues of \$100 million or more under Section 43.41 of the Commission's Rules. This rule applies only to the local exchange carrier serving the greatest number of access lines within the portions of the state that are, or would be, subject to the state regulation.

14. The report contains copies of any state or local statute, order, rule, law or other documents that regulate or propose to regulate local exchange carrier prices for inside wiring services.

This reporting requirement was established to gain information about regulations at the state level and their potential impact on federal wiring policy. The Commission sought comment on eliminating this report.

III. Reduction of Reporting Frequency

15. Armis Service Quality Report 43-05: These reports are submitted quarterly by every local exchange carrier for which price cap regulation is mandatory and for every local exchange carrier that elects to be covered by the price cap rules. This report was established to enable the Commission to observe the success of incentive regulation and to become aware of any reduction of service quality or infrastructure investment. The states have been increasingly active in monitoring the quality of service. The Commission concluded that there was no need to require this report on a quarterly basis and proposed requiring the report to be submitted semi-annually.

16. Form 492: Rate of Return Report: This report is submitted quarterly by non price cap companies (Non Price Cap LECS) and NECA. The report is one page in length and contains total revenues, total expenses and taxes, operating income and the rate base for each company. While the Commission felt that the data was still needed to ensure that non price cap companies do not exceed the authorized rate of return, it determined that this purpose could also be accomplished by reducing the report's frequency. The Commission proposed requiring this report annually.

17. Joint Board Monitoring Program—Pooling: This report is submitted by NECA on a monthly (summary of pool results), and an annual (long term support) basis under Sections 69.605 and 69.612 of the Commission's Rules. The report contains NECA pooling data and long-term support data. It was established to keep track of subsidy flows and administrative costs of administering the subsidies. These purposes can still be accomplished by quarterly submissions. The Commission therefore proposed to reduce the frequency of this report to a quarterly submission.

18. New Service Tracking Report: This report is submitted quarterly by LECs subject to price cap regulation, under requirements imposed by the Commission. These reports are employed to conduct studies to determine reliability of price cap carrier new service projections. The Commission determined that while the data was still needed, this purpose could be accomplished by reducing the

reporting frequency. Therefore, it proposed reducing the frequency of this submission to an annual report.

19. Payphone Compensation: This report is required to be submitted quarterly by AT&T and Sprint under a waiver granted in connection with CC Docket No. 91-35 [CC Docket No. 91-35, 10 FCC Rcd 1590 (1994); 10 FCC Rcd 5490 (1995)]. The report consists of a brief paragraph delineating the names and amounts of compensation paid to private payphone operators for interstate traffic that originated from those payphones. This requirement was established to monitor pay-phone compensation paid on a different basis than that provided for in the Docket. This report will only be needed until the conclusion of the payphone compensation rulemaking within the next two years and the burden is minimal. The Commission determined that the frequency of this report could be reduced and proposed a semi-annual submission.

20. Report of Unsecured Credit to Political Candidates: This report is submitted semi-annually by all carriers having operating revenues in excess of \$1 million for the preceding year. It shows, by account, any amount due and unpaid as of the end of the month prior to the reporting date for interstate and for communications services rendered by or on behalf of candidates for Federal office, when such amount results from the extension of unsecured credit. The reporting requirement was established pursuant to Section 401 of the Federal Election Campaign Act of 1971. This report serves as a check on the implied contributions by carriers to candidates for Federal office. The Commission solicited comment on whether a reduced frequency could accomplish the same objective. It proposed to reduce the frequency of this report and instead require that it be submitted annually if there was a reasonable basis in the record for concluding that this would sufficiently meet the purposes of the Federal Election Campaign Act of 1971.

IV. Procedural Rules

21. The Commission believed that it would facilitate resolution of the issues raised in this proceeding to provide that the Chief, Common Carrier Bureau, acting pursuant to delegated authority, would determine whether to adopt the proposals set forth in this Notice of Proposed Rulemaking. It delegated to the Chief of the Common Carrier Bureau the authority to issue any necessary reports or orders arising from this rulemaking proceeding. Therefore, in that regard, it waived, for this

proceeding only, Section 0.291(h) of the Commission's Rules, 47 CFR 0.291(h), which prohibits the Chief of the Common Carrier Bureau from issuing reports or orders arising from a proposed rulemaking.

22. Initial Regulatory Flexibility Analysis. This was not required as there were no small entities affected by the proposals described in this document.

23. *Ex Parte* Rules Non-Restricted Proceeding. This is a non-restricted notice and comment rulemaking. See 47 CFR 1.399 *et seq.* *Ex Parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

24. Comment Filing Dates. Pursuant to applicable procedures set forth in Sections 1.399 and 1.411 *et seq.* of the Commission's rules, 47 CFR 1.399 and 1.411 *et seq.*, interested parties may file comments with the Secretary, Federal Communications Commission, Washington, D.C. 20554 on or before April 8, 1996, and reply comments on or before April 23, 1996. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Room 140, 2100 M Street N.W., Washington, D.C. 20037. Parties should also submit one copy of any documents filed in this docket with Nasir Khilji, Industry Analysis Division, Common Carrier Bureau, Room 500F, 2033 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

V. Ordering Clauses

25. Accordingly, *it is ordered*, pursuant to Sections 1, 4(i), 4(j), 201-205, 218, 226, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201-205, 218, 226, 303(r), that a Notice of Proposed Rule Making is issued, proposing the amendment of various Commission's rules as set forth below.

26. *It is further ordered*, that the Chief of the Common Carrier Bureau is delegated authority to issue any necessary reports or orders arising from

this rulemaking proceeding. *It is further ordered*, that for this proceeding and for the purposes described above, Section 0.291(h) of the Commission's Rules, 47 CFR 0.291(h), *waived*.

27. *It is further ordered*, That the Secretary shall mail a copy of this Notice of Proposed Rule Making 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. 603(a). The Secretary shall also cause a summary of this Notice to appear in the Federal Register.

List of Subjects

47 CFR Part 43

Communications common carriers, Reporting and recordkeeping requirements, Telegraph, Telephone.

47 CFR Part 63

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone, Credit, Political candidate.

47 CFR Part 65

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

Federal Communications Commission,
William F. Caton,
Acting Secretary.

Rule Changes

Parts 43, 63, 64, and 65 of title 47 of the code of federal regulations are proposed to be amended as follows:

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

1. The authority citation for Part 43 continues to read as follows:

Authority: Sections 4(i), 4(j), 201-205, 303(r) and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 201-205, 303(r), 403, unless otherwise noted.

2. Paragraph (d) of § 43.21 is revised to read as follows:

§ 43.21 Annual reports of carriers and certain affiliates.

* * * * *

(d) Each miscellaneous common carrier (as defined by § 21.1 of this chapter) with operating revenues over \$100 million for a calendar year shall file with the Common Carrier Bureau Chief a letter showing its operating revenues for that year and the value of

its total communications plant at the end of that year. This letter must be filed by March 31 of the following year.

* * * * *

3. Section 43.41 is removed and reserved.

PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIER; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

4. The authority citation for Part 63 continues to read as follows:

Authority: Sections 4(i), 4(j), 201–205, 303(r) and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 201–205, 303(r), 403, unless otherwise noted.

5. Section 63.07 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

6. The authority citation for Part 64 continues to read as follows:

Authority: Sections 4(i), 4(j), 201–205, 303(r) and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 201–205, 303(r), 403, unless otherwise noted.

7. Section 64.804 is amended by revising the first sentence of introductory paragraph (g) to read as follows:

§ 64.804 Rules governing the extension of unsecured credit to candidates or persons on behalf of such candidates for Federal office for interstate and foreign common carrier communication services.

* * * * *

(g) On or before January 31, 1997, and the corresponding date of each year thereafter, each carrier which had operating revenues in the preceding year in excess of \$1 million shall file with the Commission a report by account of any amount due and unpaid, as of the end of the month prior to the reporting date, for interstate and foreign communication services rendered to a candidate or person on behalf of such candidate when such amount results from the extension of unsecured credit.* * *

* * * * *

PART 65—INTERSTATE RATE OF RETURN PRESCRIPTION PROCEDURES AND METHODOLOGIES

8. The authority citation for Part 65 continues to read as follows:

Authority: Sections 4(i), 4(j), 201–205, 303(r) and 403 of the Communications Act of

1934, 47 U.S.C. 154(i), 154(j), 201–205, 303(r), 403, unless otherwise noted.

9. Section 65.600 is amended by revising paragraph (b) to read as follows:

§ 65.600 Rate of return reports.

* * * * *

(b) Each local exchange carrier or group of affiliated carriers which is not subject to §§ 61.41 through 61.49 of this chapter and which has filed individual access tariffs during the preceding enforcement period shall file with the Commission within three (3) months after the end of each calendar year, an annual rate of return monitoring report. Each report shall contain two parts. The first part shall contain rate of return information on a cumulative basis from the start of the enforcement period through the end of the year being reported. The second part shall contain similar information for the most recent year. The final annual monitoring report for the entire enforcement period shall be considered the enforcement period report. Reports shall be filed on the appropriate report form prescribed by the Commission (see § 1.795 of this chapter) and shall provide full and specific answers to all questions propounded and information requested in the currently effective report form. The number of copies to be filed shall be specified in the applicable report form. At least one copy of the report shall be signed on the signature page by the responsible officer. A copy of each report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection. Final adjustments to the enforcement period report shall be made within fifteen (15) months following the enforcement period to ensure that any refunds can be properly reflected in an annual access filing.

* * * * *

[FR Doc. 96–6199 Filed 3–13–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Chapter X

[STB Ex Parte No. 538]

Disclosure and Notice of Change of Rates and Other Service Terms for Pipeline Common Carriage

AGENCY: Surface Transportation Board, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The ICC Termination Act of 1995 (ICCTA) eliminated the tariff and tariff filing requirements formerly applicable to pipeline carriers, but imposed in lieu thereof certain obligations to disclose common carriage rates and service terms as well as a requirement for advance notice of an increase in such rates or change in service terms. ICCTA requires the Board to promulgate regulations to administer these new obligations by June 29, 1996. The Board seeks public comment on appropriate regulations for that purpose, and encourages the affected interests groups to discuss and seek mutually agreeable regulations to propose.

DATES: Comments are due on April 15, 1996.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 538 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (ICCTA), enacted on December 29, 1995, abolished the Interstate Commerce Commission (ICC) and transferred the responsibility for the economic regulation of pipeline transportation (of commodities other than water, gas, or oil) to a new Surface Transportation Board (the Board). See ICCTA Section 101 (abolition of the ICC). See also new 49 U.S.C. 701(a) (establishment of the Board), as enacted by ICCTA Section 201(a). The transfer took effect on January 1, 1996. See ICCTA Section 2 (effective date).¹

The substantive provisions of the new law differ in several important respects from the former law. As pertinent here, the former law required that pipeline carriers (of commodities other than water, gas, or oil) file with the ICC tariffs containing the specific rates and charges (or the basis for calculating them) for their common carriage transportation services. Pipeline carriers had to adhere to the rates and terms contained in their tariffs. See former 49 U.S.C. 10761 and 10762. See also 49 CFR Part 1312 (1995).

The ICCTA eliminated the pipeline tariff requirements, effective January 1, 1996. Accordingly, no new pipeline

¹ ICCTA also made several changes to the pipeline regulatory authority that had been exercised by the ICC. In this notice, when referring to the provisions of the United States Code affected by ICCTA we use the word former to refer to the law in effect prior to January 1, 1996, and the word new to refer to the law in effect on and after January 1, 1996.