

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 52 and 64**

[CC Docket No. 92-237; FCC 97-386]

Administration of the North American Numbering Plan, Carrier Identification Codes (CICs)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On October 22, 1997, the Commission released a Second Further Notice of Proposed Rulemaking (Second FNPRM) addressing carrier identification codes (CICs). The Second FNPRM is intended to obtain comment on issues related to conversion of local exchange carrier (LEC) switches to provide equal access and to accept four-digit CICs. The Commission concurrently released a Order on Reconsideration and an Order on Application for Review in the same docket.

DATES: Comments must be filed on or before December 8, 1997, and reply comments must be filed on or before January 12, 1998.

ADDRESSES: Federal Communications Commission, Secretary, Room 222, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Elizabeth Nightingale, Attorney, Network Services Division, Common Carrier Bureau, (202) 418-2352.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Second Further Notice of Proposed Rulemaking in the matter of Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), CC Docket No. 92-237, adopted October 20, 1997, and released October 22, 1997. The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, Room 239, 1919 M St., N.W., Washington D.C., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, phone (202) 857-3800.

Initial Regulatory Flexibility Act Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected economic impact on small entities by the policies and proposals in this Second FNPRM. The Commission solicited written public comments on the IRFA, which must be filed by the deadlines for the

submission of comments in this proceeding.

Need for and Objectives of Proposed Rules

Inquiries by Commission staff regarding the status of LEC conversion to accept four-digit CICs reveal that some independent incumbent LECs in rural and isolated areas do not provide equal access. The Commission recognizes that a requirement that all LEC end office switches be upgraded to accept four-digit CICs by January 1, 1998, may have the unintended effect of requiring those LECs that have never received a bona fide request for equal access, or that are not subject to a specific timetable for providing equal access, nonetheless to upgrade their end offices to offer equal access by January 1, 1998. The Commission notes that such a requirement would modify the Commission's equal access implementation schedule for non-GTE independent telephone companies. The Commission tentatively concludes that requiring LECs whose end offices are equipped with SPC switches to upgrade their facilities to enable them to offer equal access, even if they have not received a request for equal access, and LECs whose end offices are equipped with non-SPC switches to convert their facilities to provide equal access, is not inconsistent with the Commission's general goal, expressed in the Independent Telephone Company Equal Access Report and Order (50 FR 15547, published April 19, 1985), that equal access occur as soon as practicable, regardless of whether a request has been made for equal access, and regardless of the type of switch with which an end office is equipped.

Legal Basis

Authority for actions proposed in this Second FNPRM may be found in: Sections 1, 4(i) and (j), 201-205, 218 and 251(e)(1) of the Communications Act of 1934 as amended, 47 U.S.C. Sections 151, 154(i), 154(j), 201-205, 218 and 251(e)(1).

Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

The proposal made by the Commission in this Second FNPRM will apply to local exchange carriers. The IRFA seeks comment on whether other entities should be included in our final regulatory flexibility analysis. We estimate that there are fewer than 1,347 small incumbent LECs that may be affected by the proposal in this Second FNPRM.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

The proposal in the Second FNPRM, if adopted, would require that LECs with SPC switches that have not received a bona fide request for equal access should upgrade their facilities to provide equal access and to accept four-digit CICs within three years of the effective date of an *Order* adopted in this proceeding. The proposal also would require that LECs whose end offices are equipped with non-SPC switches should provide equal access and convert their switches to accept four-digit CICs when they next replace their switching facilities.

Steps Taken to Minimize Economic Impact on Small Entities and Significant Alternatives Considered

In the Second FNPRM, the Commission seeks to gather relevant information from all interested parties, including small business entities, about the effect of requiring equal access conversion, even by those LECs that have not received a request for it, or whose end offices are not equipped with SPC switches. The Second FNPRM asks that commenters opposed to our tentative conclusion suggest alternatives. In addition, in the IRFA, the Commission tentatively concludes that the proposals in the Second FNPRM would impose minimum burdens on small entities, especially given that: (1) the Commission, in the Independent Telephone Company Equal Access Report and Order, adopted over twelve years ago, expressed a general desire that equal access occur as soon as practicable, regardless of whether a request has been made for equal access, and regardless of the type of switch with which an end office is equipped, and stated that where generic software is available, the telephone company should endeavor to make the necessary conversions in less than three years; and (2) the responses to inquiries by Commission staff indicate that the four-digit CIC software generally is included in equal access software packages developed since 1995. The IRFA seeks comment on this tentative conclusion.

Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

Analysis of Proceeding

1. The Commission's inquiries regarding the status of LEC conversion to accept four-digit CICs reveal that some independent incumbent LECs in rural and isolated areas do not provide

equal access. Some of those LECs' end offices are equipped with SPC switches, but the LECs have never received a bona fide request to provide equal access. In other instances, the LECs' end offices are not equipped with SPC switches and, therefore, the LECs are not required to convert to equal access according to a specific timetable, even if a LEC received a reasonable request for equal access. The Commission acknowledged, therefore, that a requirement that all LEC end office switches be upgraded to accept four-digit CICs by January 1, 1998, may have the unintended effect of requiring those LECs that have never received a bona fide request for equal access or that are not subject to a specific timetable for providing equal access nonetheless to upgrade their end offices to offer equal access by January 1, 1998. Such a requirement would modify the Commission's equal access implementation schedule for non-GTE independent telephone companies, set by the 1985 Independent Telephone Company Equal Access Report and Order. More than twelve years have passed since the adoption of the Independent Telephone Company Equal Access Report and Order. The Second FNPRM therefore tentatively concludes that all LEC end offices, including those LECs whose end offices are equipped with SPC switches, but have not received a bona fide request for equal access and those LECs whose end offices are equipped with non-SPC switches, should nevertheless be required to provide equal access. This requirement also would apply to LECs who may have received a waiver of the Commission's equal access rules, to the extent those waivers remain in place. The Second FNPRM tentatively concludes that LECs with SPC switches that have not received a bona fide request for equal access should be required to upgrade their facilities to provide equal access and to accept four-digit CICs within three years of the effective date of an Order adopted in this proceeding. The Second FNPRM further tentatively concludes that LECs whose end offices are equipped with non-SPC switches should be required to provide equal access and to convert their switches to accept four-digit CICs when they next replace their switching facilities. The Second FNPRM tentatively concludes that requiring LECs whose end offices are equipped with SPC switches to upgrade their facilities to enable them to offer equal access, even if they have not received a request for equal access, and LECs whose end offices are equipped with non-SPC switches to convert their

facilities to provide equal access, is not inconsistent with the Commission's general goal, expressed in the Independent Telephone Company Equal Access Report and Order, that equal access occur as soon as practicable, regardless of whether a request has been made for equal access, and regardless of the type of switch with which an end office is equipped. Moreover, the Commission stated, in the Independent Telephone Company Equal Access Report and Order, that where generic software is available, the telephone company should endeavor to make the necessary conversions in less than three years. The Second FNPRM notes that the responses to inquiries by Commission staff indicate that the four-digit CIC software generally is included in equal access software packages developed since 1995. The Commission indicated that commenters that oppose the tentative conclusion should discuss why a twelve year period of time in which to convert to provide equal access has been insufficient and should propose specific alternatives to the Commission's proposal.

Ordering Clauses

2. *It is further ordered*, pursuant to Sections 1, 4(i) and (j), 201–205, 218 and 251(e)(1) of the Communications Act as amended, 47 U.S.C. Sections 151, 154(i), 154(j), 201–205, 218 and 251(e)(1), that the Second Further Notice of Proposed Rulemaking is hereby ADOPTED.

3. *It is further ordered* that the Commission's Office of Managing Director *shall send* a copy of the Second Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 52

Local exchange carrier, Numbering, Telecommunications.

47 CFR Part 64

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. RSPA-97-2362; Notice 1]

RIN 2137-AD05

Pipeline Safety: Incorporation by Reference of Industry Standard on Leak Detection

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt as a referenced document an industry publication for pipeline leak detection, API 1130, "Computational Pipeline Monitoring," published by the American Petroleum Institute (API). This proposal would require that an operator of a hazardous liquid pipeline use API 1130 in conjunction with other information, in designing, evaluating, operating, maintaining, and testing its software-based leak detection system. The use of this document will significantly advance the acceptance of leak detection technology on hazardous liquid pipelines. However, RSPA is not proposing to require operators to install such systems.

DATES: Interested persons are invited to submit written comments in duplicate by December 29, 1997. Late-filed comments will be considered to the extent practicable. Interested persons should submit as part of their written comments all the material that is relevant to any statement of fact or argument.

ADDRESSES: Comments should be sent to the Docket Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh Street, SW, Washington, DC 20590-0001. Comments should identify the docket number (RSPA-97-2362) and the RSPA Rulemaking Number (2137-AD05). Commenters should submit an original and one copy. Commenters wishing to receive confirmation of receipt of their comments must include a stamped, self-addressed postcard with their comments. The docket clerk will date stamp the postcard and return it to the commenter. Comments will be available for inspection at the Docket Facility, located on the plaza level of the Nassif Building in Room 401. The Docket Facility is open from 10 a.m. to 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lloyd W. Ulrich, telephone:(202) 366-4556, FAX: (202) 366-4566, e-mail: