

numbered as S5.150 and S5.398, respectively. Accordingly, we propose to update the United States table by adopting these international footnotes domestically. We invite comments on these proposals. Finally, we observe that a recent revision to footnote NG147 was inadvertently not published in the Code of Federal Regulations, and we therefore take this opportunity to correct this oversight.

#### Initial Regulatory Flexibility Analysis Certification

12. The Regulatory Flexibility Act ("RFA")<sup>1</sup> requires that a regulatory flexibility analysis be prepared for notice and comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The RFA generally defines "small entity" as having the same meaning as the term "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

13. This *Notice of Proposed Rule Making* ("Notice") proposes to allocate the 5091–5250 MHz and 15.43–15.63 GHz bands to the fixed-satellite (Earth-to-space) service on a primary basis, to allocate the 6700–7075 MHz and 15.43–15.63 GHz bands on a primary basis to the fixed-satellite (space-to-Earth) service, and to limit the use of these FSS allocations to feeder links that would be used in conjunction with the service links of NGSO MSS systems. We take this action on our own initiative in order to adopt domestically the NGSO MSS feeder link allocations adopted at WRC-95. The adoption of this proposal would accommodate the growing demand for Big LEO services and would provide satellite operators with increased flexibility in the design of their systems.

14. The Commission has not developed a definition of small entities specifically applicable to the satellite services licensees here at issue. Therefore, the applicable definition of small entity in the satellite services

industry is the definition under the Small Business Administration ("SBA") rules applicable to Communications Services "Not Elsewhere Classified."<sup>2</sup> This definition provides that a small entity is expressed as one with \$11.0 million or less in annual receipts. According to Census Bureau data, there are 848 firms that fall under the category of Communications Services, Not Elsewhere Classified. Of those, approximately 775 reported annual receipts of \$11 million or less and qualify as small entities.<sup>3</sup> The Census Bureau category is very broad and commercial satellite services constitute only a subset of its total.

15. We estimate that—using current technology—up to four NGSO MSS systems could utilize the feeder uplink spectrum and that up to six NGSO MSS systems could utilize the feeder downlink spectrum being allocated in this proceeding. None of the Big LEO licensees is a small business because they each have revenues in excess of \$11 million annually or have parent companies or investors that have revenues in excess of \$11 million annually.

16. We therefore certify that this *Notice* will not have a significant economic impact on a substantial number of small entities. The Commission's Office of Public Affairs, Reference Operations Division, will send a copy of this *Notice*, including this certification, to the Chief Counsel for Advocacy of the Small Business Administration.

#### List of Subjects

##### 47 CFR Part 2

Communications equipment, Radio, Reporting and recordkeeping requirements.

##### 47 CFR Part 25

Communications common carriers, Communications equipment, Radio, Reporting and recordkeeping requirements, Satellites.

##### 47 CFR Part 97

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 98–22353 Filed 8–19–98; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[CC Docket 96–45, 97–160; DA 98–1576]

### Federal-State Joint Board on Universal Service and Forward-Looking Mechanism for High Cost Support for Non-Rural LECs

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; Supplemental data request.

**SUMMARY:** In conjunction with the Commission's proceeding to select a forward-looking economic cost mechanism for determining the level of federal high cost support that eligible non-rural carriers will receive beginning July 1, 1999, we request certain revenue information from non-rural local exchange carriers and holding companies.

**DATES:** Responses to this data request must be submitted on or before October 6, 1998.

**ADDRESSES:** The full text of data request order and spreadsheets are available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., NW, Washington, DC. In addition, interested parties may obtain the spreadsheet from the Commission's web site at [http://www.fcc.gov/ccb/universal\\_service/highcost.html#determine](http://www.fcc.gov/ccb/universal_service/highcost.html#determine).

**FOR FURTHER INFORMATION CONTACT:** Katie King, Accounting Policy Division, Common Carrier Bureau, (202) 418–7400.

#### SUPPLEMENTARY INFORMATION:

1. In the *Universal Service Order*, CC Docket No. 96–45, FCC 97–157 (released May 8, 1997) 62 FR 32862 (June 17, 1997), the Commission determined that the level of federal high cost support that eligible non-rural carriers will receive would be 25 percent of the difference between the estimated forward-looking economic cost of providing the supported services and a nationwide average revenue benchmark. The Commission also determined that the revenue benchmark should be calculated using revenues derived from local service, access, and other telecommunications services, including discretionary services. The Commission

<sup>1</sup> The RFA, see 5 U.S.C. 601 *et. seq.*, has been amended by the Contract with American Advancement Act of 1996, Pub. L. 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>2</sup> 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4899.

<sup>3</sup> U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92–S–1, Subject Series, Establishment and Firm Size, Table 2D, Employment Size of Firms: 1992, SIC Code 4899 (issued May 1995).

did not adopt a precise calculation of the revenue benchmark in the *Universal Service Order*, but stated that, based on 1994 data received in response to an earlier data request, "it appears that the benchmark for residential services should be approximately \$31 and for single-line businesses should be approximately \$51."

2. In a Public Notice released May 4, 1998, 63 FR 28339 (May 22, 1998), the Common Carrier Bureau sought to augment the record on certain issues relating to the creation of the federal forward-looking economic cost mechanism. With respect to the revenue benchmark, we sought comment generally on the amount of access revenues that should be included in the benchmark. In addition, the Bureau sought comment on the appropriate amount of intraLATA toll revenue that should be included in the revenue benchmark. We also encouraged parties to provide further information about the revenues that are derived from services provided over the network that the universal service mechanism is designed to support.

3. We find that, in addition to comments that we received in response to the May 4th Public Notice, specific information from non-rural local exchange carriers and holding companies is necessary to allow the Commission to calculate accurately the revenue benchmark that may be used to determine the level of federal high cost support. The Commission's suggested residential and business benchmarks of \$31 and \$51, respectively, were based on data that are four years old. In addition, the earlier data request did not ask local exchange carriers to differentiate among various revenue sources that would allow the Commission to deduct specific portions of access or toll revenue from the benchmark.

4. *Purpose of Data Request.* This data request is being issued to assist the Commission in implementing the forward-looking economic cost mechanism used to estimate the amount of universal service support that will be provided to eligible non-rural carriers beginning July 1, 1999.

5. *Carriers Subject to Data Request.* The following non-rural local exchange carriers and holding companies must respond to this data request: Aliant Communications Company, ALLTEL, Ameritech, Anchorage Telephone Utility, Bell Atlantic, BellSouth, Cincinnati Bell, Frontier Corporation, GTE, North State Telephone Company, Puerto Rico Telephone Company, Roseville Telephone Company,

Southern New England, Southwestern Bell, U S West, and United Telephone System.

6. *OMB Approval.* Approved by OMB, 3060-0842, Expires 2/28/1999, Burden hour per respondent: 250 average. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the agency displays a currently valid control number.

7. Accordingly, pursuant to sections 5(c), 201-205, 220(c), 254 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 155(c), 201-205, 220(c), 254, and 403, and sections 0.91 and 0.291 of the Commission's rules, 47 CFR 0.91 and 0.291, it is *Hereby Ordered* that Aliant Communications Company, ALLTEL, Ameritech, Anchorage Telephone Utility, Bell Atlantic, BellSouth, Cincinnati Bell, Frontier Corporation, GTE, North State Telephone Company, Puerto Rico Telephone Company, Roseville Telephone Company, Southern New England, Southwestern Bell, U S West, and United Telephone System shall complete the attached Revenue Benchmark Data Request in the prescribed formats, and file their responses to the data request with the Commission by October 6, 1998.

Federal Communications Commission.

**James D. Schlichting,**

*Deputy Chief, Common Carrier Bureau.*

[FR Doc. 98-22341 Filed 8-19-98; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 98-149, RM-9331]

#### Radio Broadcasting Services; Long Beach and Shallotte, NC

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Morfield, L.L.C. seeking the reallocation of Channel 252C3 from Shallotte to Long Beach, NC, as the community's first local aural service, and the modification of its construction permit for Station WAZO(FM) to specify Long Beach as its community of license. Channel 252C3 can be allotted to Long Beach in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.6 kilometers (7.2 miles)

east, at coordinates 33-56-49 North Latitude; 78-00-04 West Longitude, to accommodate petitioner's desired transmitter site.

**DATES:** Comments must be filed on or before October 5, 1998, and reply comments on or before October 20, 1998.

**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: Ellen S. Mandell, Pepper & Corazzini, L.L.P., 1776 K Street, NW., Washington, DC 20006 (Counsel to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-149, adopted August 5, 1998, and released August 14, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

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. 98-22351 Filed 8-19-98; 8:45 am]

BILLING CODE 6712-01-P