

Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### *Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

#### *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

#### *List of Subjects in 30 CFR Part 920*

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 9, 1999.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Part 405

[HCFA-1083-N]

#### Medicare Program; Meetings of the Negotiated Rulemaking Committee on Ambulance Fee Schedule

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces the dates and location for the fifth meeting of the Negotiated Rulemaking Committee on the Ambulance Fee Schedule. This meeting is open to the public.

The purpose of this committee is to develop a proposed rule that establishes

a fee schedule for the payment of ambulance services under the Medicare program through negotiated rulemaking, as mandated by section 4531(b) of the Balanced Budget Act (BBA) of 1997.

**DATES:** The fifth meeting is scheduled for August 2, 1999 from 9:00 a.m. until 5 p.m. and August 3, 1999 from 8:30 a.m. until 4 p.m. E.D.T.

**ADDRESSES:** The 2-day August meeting will be held at The Phoenix Park Hotel, 520 North Capitol Street NW, Washington, D.C., (202) 638-6900.

**FOR FURTHER INFORMATION CONTACT:** Inquiries regarding this meeting should be addressed to Bob Niemann ((410) 786-4569) or Margot Blige ((410) 786-4642) for general issues related to ambulance services or to Lynn Sylvester, ((202) 606-9140) or Elayne Tempel, ((207) 780-3408) facilitators.

**SUPPLEMENTARY INFORMATION:** Section 4531(b)(2) of the Balanced Budget Act (BBA), Public Law 105-33, added a new section 1834(l) to the Social Security Act (the Act). Section 1834(l) of the Act mandates implementation, by January 1, 2000, of a national fee schedule for payment of ambulance services furnished under Medicare Part B. The fee schedule is to be established through negotiated rulemaking. Section 4531(b)(2) also provides that in establishing such fee schedule, the Secretary will—

- Establish mechanisms to control increases in expenditures for ambulance services under Part B of the program;
- Establish definitions for ambulance services that link payments to the type of services furnished;
- Consider appropriate regional and operational differences;
- Consider adjustments to payment rates to account for inflation and other relevant factors; and
- Phase in the fee schedule in an efficient and fair manner.

The Negotiated Rulemaking Committee on the Ambulance Fee Schedule has been established to provide advice and make recommendations to the Secretary with respect to the text and content of a proposed rule that establishes a fee schedule for the payment of ambulance services under Part B of the Medicare program.

The Committee held its third meeting on May 24 and 25, 1999. At this meeting, the Committee heard presentations from HCFA staff, including a data presentation. The Committee requested another presentation by HCFA's Office of Actuary to obtain clarification about its calculation of the fee schedule payment

cap. Additionally, a Medical Issues workgroup was formed.

The Committee held its fourth meeting on June 28 and 29, 1999. At this meeting a presentation was made by a HCFA Office of the Actuary staff member. The presentation clarified that budget neutrality will be evaluated by using all ambulance claims for the most current year and comparing the results of the proposed models with those paid claims. HCFA staff presented more historical Medicare hospital and supplier ambulance billing data. Consensus was reached on one possible basic structure for the fee schedule. HCFA indicated that the fee schedule must be effective as soon as operationally possible after January 1, 2000. Subcommittees were formed to produce, by July 19, proposals for:

- (1) A rural/urban adjustment; and
- (2) A fee schedule model based on the structure agreed to at the June meeting combined with relative values. These proposals, along with the results of the medical issues workgroup, will serve as the basis for the Committee's next meeting.

During the August meeting, the Committee will work toward achieving consensus on the criteria to be considered in evaluating options for the fee schedule. Discussions will then begin on the options.

The announced meeting is open to the public without advanced registration. Public attendance at the meeting may be limited to space available. Interested parties can file statements with the Committee. *Mail written statements to the following address: Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, D.C. 20427, Attention: Lynn Sylvester.* Notice of future meetings will be published in the **Federal Register** at a later date. A summary of all proceedings will be available for public inspection in room 443-G of the Department's offices at 200 Independence Avenue, SW, Washington, DC on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Phone: (202) 690-7890), and can be accessed through the HCFA Internet site at <http://www.hcfa.gov/medicare/ambmain.htm>. Additional information related to the Committee will also be available on the web site.

**Authority:** Sec. 1834(l) of the Social Security Act (42 U.S.C. 1395m).

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

Dated: July 11, 1999.

**Michael M. Hash,**

*Deputy Administrator, Health Care Financing Administration.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 20

[WT Docket No. 97-207; FCC 99-137]

#### Calling Party Pays Service Offering in the Commercial Mobile Radio Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document seeks to remove regulatory obstacles to the offering to consumers of Calling Party Pays (CPP) services by Commercial Mobile Radio Services (CMRS) providers. CPP allows a CMRS provider to make available to its subscribers an offering whereby the party placing the call to a CMRS subscriber pays at least some of the charges associated with terminating the call, including most prominently charges for the CMRS airtime. The Commission is issuing this document to help facilitate the wider availability of CPP, and to consider possible actions this Commission could take to address several key issues associated with the offering of CPP service.

**DATES:** Comments are due on or before August 18, 1999, and reply comments are due on or before September 8, 1999.

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Legal Information: David Siehl, 202-418-1310; Economic Information: Joseph Levin, 202-418-1310; [TTY: 202-418-7233].

**SUPPLEMENTARY INFORMATION:** The following synopsis concerns only the Notice of Proposed Rulemaking (NPRM) of the Commission's Declaratory Ruling and Notice of Proposed Rulemaking in WT Docket No. 97-207, FCC 99-137, adopted June 10, 1999, and released July 7, 1999. The synopsis of the section of the document containing the Declaratory Ruling is being published separately in the **Federal Register**. The complete text of the entire released document is available for inspection and copying during normal business hours in the FCC Reference Information Center (Courtyard level), 445 12th

Street, S.W., Washington, D.C. 20554, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), (202) 857-3800, 445 12th Street, S.W., CY-B400, Washington, D.C. 20054.

#### Synopsis of Notice of Proposed Rulemaking

1. The Commission is initiating this NPRM for two fundamental reasons. First, the availability of CPP as a service offering for wireless telephone subscribers has the potential to expand wireless market penetration and minutes of use and, in so doing, offers an opportunity to provide a near-term competitive alternative to incumbent local exchange carriers (ILECs) for residential customers. Second, the Commission believes that there may be obstacles to the widespread introduction of CPP, and that market forces alone may not eliminate these obstacles.

2. The Commission finds that CPP could provide several important tangible benefits to telecommunications consumers in the United States. One major benefit envisioned is the possibility that CPP could ultimately lead to wireless services becoming a true competitive alternative to the local exchange services offered by ILECs, particularly for residential customers. Another potential benefit is that CPP could spur competition within the CMRS market by offering consumers a different and less expensive wireless service option.

3. Many carrier commenters have argued that subscribership to wireless services would be expected to increase substantially because, in no longer paying for incoming calls, consumers would have a much more, valuable service, even at current prices. Independent market analysts have indicated that CPP would make prepaid wireless services, a critically important and growing segment of the CMRS market, more attractive to consumers by eliminating airtime charges for incoming calls. Because prepaid wireless telephone service is attracting many new wireless customers from socioeconomic groups that have not previously subscribed to wireless service, the broad availability of a prepaid option, in which the subscriber pays only to make calls, would reinforce the trend to much greater wireless penetration.

4. Many industry analysts and commentators anticipate that CPP is the catalyst needed to create a significant increase in wireless usage by U.S. subscribers. First, CMRS subscribers

who select CPP would be much more likely to leave their wireless phones in an activated mode in order to receive calls because they would not be responsible for paying the associated charges. Also, because CPP customers would be expected to be more willing to give out their wireless phone numbers if they did not have to pay for incoming calls, they would be much more likely to receive incoming calls. As a result, it is likely that more calling parties will place calls to wireless subscribers and take advantage of the opportunity to reach someone who is not tied to one location. The calling party will have an increased likelihood of being able to complete a call to a CPP subscriber, as compared to calling a wireless subscriber with called party pays service. Second, according to these analysts, to the extent that subscribers are comfortable with paying a set amount per month for wireless service, CPP will encourage them to increase the number of calls they make, up to the amount of their monthly CMRS budget, since they no longer will need to pay for, or budget for, incoming calls.

5. The Commission would like to update its record on the experience with CPP and the impacts of it on the use of mobile services in other countries. The NPRM seeks comment on any recent international developments, and in addition, on domestic competitive trends that may be relevant to a CPP service offering in the U.S.

6. In its Notice of Inquiry regarding CPP,<sup>1</sup> the Commission asked about possible obstacles to greater availability of this service option. In summary, the responses indicate three areas that need to be addressed: (1) technical standards to control leakage; (2) calling party notification to protect consumers; and (3) arrangements for reasonably priced billing and collection services. The technical standards to collect and pass information needed to bill the calling party for calls to a wireless phone are being developed by an industry group, based on a working paper developed through Cellular Telecommunications Industry Association (CTIA) and released in January 1998. There has been no indication in the comments that the Commission needs to intervene in this process.

7. The NPRM notes based on the record to this point, that it appears the lack of a nationwide notification has hindered successful CPP offerings in this country. The record strongly

<sup>1</sup> Calling Party Pays Service Option in the Commercial Mobile Radio Services, WT Docket No. 97-207, Notice of Inquiry, 62 FR 58700 (Oct. 30, 1997), 12 FCC Rcd 17693 (1997) (Notice of Inquiry).