and set at the new base period level. Due to changes in base period demand and inclusion of new services for that Annual Tariff filing, the absolute level of a Tariff Entity's Average Traffic Sensitive Charge may change. The resulting new Average Traffic Sensitive Charge level will be what that Tariff Entity will measured against during that base period.

4. Other Changes to Interstate Access Charge Rate Levels.

4.1. Changes to the Interstate X-factor. No company will advocate changes to the interstate X-factor other than as outlined in paragraph 3.

4.2. Prospective Interstate Adjustments. The companies agree that Paragraphs 2–3 are a just, reasonable and fair means of moving usage sensitive interstate access rates to a point achieved by the above mechanisms. Therefore, other adjustments, such as changes in the interstate X-factor, changes in interstate access rates for price cap ILECs based on results of present or future Continuing Property Records audits, changes in interstate access rates for price cap ILECs based on changes in the Prescribed Rate of Return, and changes in the rate structure for Common Line, Traffic Sensitive (Local Switching, Local Switching Trunk Ports, Signaling Transfer Point Port Termination, switched Direct Trunk Transport, signaling for switched Direct Trunk Transport, entrance facilities for switched access traffic, Tandem Switched Transport, the residual and service-related Transport Interconnection Charges, Information Surcharge, and Signaling for Tandem Switching) and Other (all other interstate access charges not included in Common Line or Traffic Sensitive, as defined here) charges by price cap ILECs, are unnecessary.

4.3. Retrospective Interstate Adjustments. The companies also agree not to initiate legal or regulatory action to adjust price cap determined rates for interstate access charges billed for access minutes prior to January 1, 2000, although a payee would not be precluded from accepting any refund the FCC ordered to be made and a payor will not object to or resist such a refund on the basis of this paragraph.

4.4. Lower Formula Adjustments. The Lower Formula Adjustment to interstate access rates is eliminated until January 1, 2005.

4.5. Term of Agreements. These agreements in paragraph 4 will run until January 1, 2005.

5. Pricing Flexibility/Non-Dominant Classification/Price Cap Forbearance With Respect To Specific Services/UNE Remand. Except as specifically addressed, the companies are not agreeing as to current or future proposals for pricing flexibility, non-dominant classification of specific services, or price cap forbearance with respect to specific services. The companies agree that the Commission should establish guidelines no later than October 1, 1999, for granting appropriate incumbent LEC pricing flexibility for interstate access services. Nothing in this proposal supercedes, prejudices or otherwise implies a result of the UNE Remand proceeding. Parties will continue to argue for their respective positions in these other proceedings.

6. Long Distance Rates and SLC Changes. This interstate access and universal service plan is in the public interest because the interstate access reductions the plan produces will result in lower long distance bills while the SLC and universal service revenues the plan produces will help to protect and enhance universal service and the local exchange infrastructure. The IXC signatories commit to meet with the FCC to review the effects of the interstate access reductions under the plan on long distance customers, and the incumbent LEC signatories commit to meet with the FCC to review effects of the SLC increases and SLC deaveraging under the plan on local customers.

7. Non-Signatory Price Cap LECs. The signatories agree that this proposal, without modification, is a fair and reasonable compromise plan to resolve issues relating to access and universal service for price cap LECs. Accordingly, signatories agree on behalf of themselves and their current affiliates as of August 1, 1999 to participate in the proposal if it is approved by the FCC.

The signatories agree that non-signatory price cap LECs are not bound by the terms of this plan and that the access rules that will apply solely to non-signatory price cap LECs will be determined by the FCC. All companies, whether signatories or not, would remain free to advocate for whatever changes, if any, are appropriate to the current price cap rules that would apply only to non-signatory price cap LECs.

At their option, price cap LECs that are non-signatories to the proposal at the time of its submission may chose to become signatories to the proposal prior to its implementation following an FCC Order. Additionally, if a non-signatory price cap LEC experiences a change of control during the first six months of the year 2000, that LEC may become a signatory to the proposal before the July 1, 2000 annual filing becomes effective, provided that such a LEC incorporates all provisions of the proposal scheduled to be implemented during the first six months of 2000 no later than the July 1, 2000 annual filing effective date.

[FR Doc. 99–25703 Filed 10–1–99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–191, RM–8088; FCC 99–162]

Radio Broadcasting Services; Pueblo, Colorado

ACTION: Affirmation of denial of petition for rulemaking.

SUMMARY: This document affirms the Federal Communications Commission's earlier decisions denying a petition for rulemaking in this proceeding, *Report and Order,* 60 FR 37041 (July 19, 1995) and *Memorandum Opinion and Order,* 62 FR 84 (January 2, 1997). This action is taken in response to the order of the United States Court of Appeals for the District of Columbia Circuit remanding for further consideration our prior decision denying the exchange of channels, *Sangre de Cristo Communications, Inc.* v. *FCC,* 139 F.3d 953 (D.C. Cir. 1998).

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Mass Media Bureau, 202–418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Memorandum Opinion and Order on Remand* in MM Docket No. 93–191, adopted July 2, 1999, and released July 7, 1999, wherein the Commission affirmed the prior denial of a petition for rulemaking proposing a channel exchange between television licensees in the Pueblo, Colorado, television market. The Commission found that the public interest benefits to be derived from the channel exchange proposal were too small to outweigh the greater loss of service that would result. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–25544 Filed 10–1–99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period for 90-day Finding on a Petition To List the Black-Tailed Prairie Dog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of comment period.

SUMMARY: We, the Fish and Wildlife Service (Service), provide notice that we are reopening the comment period on the 90-day finding on a petition to list the black-tailed prairie dog to receive additional information on the status of this species. All interested parties are