

than 11 small TRS providers that may be affected by the proposed rules, if adopted. The FCC seeks comment generally on its analysis identifying TRS providers, and specifically on whether the FCC should conclude, for Regulatory Flexibility Act purposes, that any TRS providers are small entities.

11. *Pay Telephone Operators.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to pay telephone operators. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent Trends in Telephone Service data, 615 carriers reported that they were engaged in the provision of pay telephone services. The FCC does not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of pay telephone operators that would qualify as small business concerns under the SBA's definition. Consequently, the FCC estimates that there are less than 615 small entity pay telephone operators.

12. *Wireline Carriers and Service Providers.* The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small incumbent local exchange carriers (LECs). The FCC does not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, the FCC estimates that fewer than 2,295 small telephone communications companies other than radiotelephone companies are small entities or small incumbent LECs.

13. The FCC has included small incumbent LECs in this present RFA analysis. As noted above, a "small business" under the RFA is one that, inter alia, meets the pertinent small business size standard (e.g., a telephone communications business having 1,500 or fewer employees), and is not dominant in its field of operation. The SBA's Office of Advocacy contends that for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in scope. The FCC has therefore included small incumbent LECs in this RFA analyses, although the FCC emphasizes that this RFA action has no effect on FCC analyses and determination in other, non-RFA contexts.

14. The proposed rules may require carriers to submit status reports on any new technologies that can provide coin sent-paid calls through the TRS centers. Any additional costs incurred as a result of this proceeding should be nominal because the entities affected, including any small businesses, have been in compliance with the *Interim Plan Order*. Thus, the Commission expects that the proposals will have minimal impact on small entities. The FCC tentatively concludes that the proposals in the *Second Further NRPM* would impose minimum burdens on small entities. The FCC seeks comment on the tentative conclusion.

15. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c). The Commission has tentatively concluded that the proposed rules will have minimal impact on small entities.

#### Report to Congress

16. The Commission will send a copy of this *Second Further Notice of Proposed Rulemaking*, including a copy of this IRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the *Second Further Notice of Proposed Rulemaking* and this IRFA will be sent to the Chief Counsel for Advocacy of the Small Business

Administration, and will be published in the **Federal Register**.

#### Ordering Clauses

17. Pursuant to the authority contained in 47 CFR 0.91(a), 0.204, 0.291 and 1.3, enforcement of the requirement that Telecommunications Relay Services must be capable of handling coin sent-paid calls, as required by 47 CFR 64.604(a)(3), IS SUSPENDED pending the publication in the **Federal Register** of final rules adopted in this proceeding.

18. Common carriers providing telephone voice transmission services, and TRS providers, shall continue to make payphones accessible to TRS users pursuant to the terms of the Alternative Plan set forth in the *1997 Suspension Order*.

19. Pursuant to sections 1, 2, 4, 225, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 303(r), the Second Further Notice of Proposed Rulemaking is hereby Adopted.

20. The Commission's Consumer Information Bureau, Reference Information Center, Shall Send a copy of this Second Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of Small Business Administration.

21. The Initial Regulatory Flexibility Analysis for this Second Further Notice of Proposed Rulemaking, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 604, is contained herein.

Federal Communications Commission.

**Magalie Roman Salas,**  
Secretary.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 101

[ET Docket No. 98-206, RM-9147, RM-9245, DA 01-754]

#### Multichannel Video and Data Distribution Service (MVDDS)

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of time period.

**SUMMARY:** On March 23, 2001, the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau released an order extending the *Further Notice of Proposed Rulemaking* reply comment period in ET Docket No. 98-206 from

March 26, 2001 to April 5, 2001. The extension was requested to allow parties filing reply comments in this proceeding more time to evaluate and respond to the voluminous comments filed by other parties.

**DATES:** Reply comments are due on or before April 5, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20054.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Burton, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:**

1. This is a summary of the Commission's *Order Extending Reply Comment Period (Order)*, adopted, March 23, 2001, and released, March 23, 2001. The full text of the *Order* is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20037.

2. On March 21, 2001, DIRECTV, Inc. and EchoStar Satellite Corporation jointly filed a motion, pursuant to § 1.46 of the Commission's Rules, to extend the period for filing reply comments to the *Further Notice of Proposed Rule Making*, 66 FR 7607, in the above-captioned proceeding from March 26, 2001 to April 26, 2001. In response, Northpoint Technology, Ltd. and Broadwave USA, Inc. filed an Opposition to Motion for Extension of Time on March 23, 2001. For the reasons discussed below, we extend the reply comment period from March 26, 2001 to Thursday, April 5, 2001.

3. The Motion requests an extension of time to address the "voluminous comments" filed by a number of parties. It argues that no prejudice will result from the grant of the extension because there are other matters that need to be performed by third parties before the Commission can resolve the outstanding issues in this proceeding. The Opposition, on the other hand, contends that it is in the public interest to resolve this matter on a more expedited basis and that a thirty-day extension is simply not appropriate under such circumstances.

4. The Commission's general policy is that extensions of time are not routinely granted. Moreover, the Commission specifically disfavors requests for extensions of time filed on such short notice. Nevertheless, we still consider

and, in certain instances, grant limited requests for extensions of time where we find that the public interest would be best served by a more complete discussion of the matters pending before the Commission. We believe that it is in the public interest to decide this matter with the most complete and well-developed record possible. After weighing the parties' arguments, we find that a moderate extension of time is appropriate under the circumstances presented. We believe that a moderate extension of time appropriately balances the interests of commenting parties without unreasonably delaying the resolution of the proceeding. Therefore, we will grant a ten-day extension of time for the filing of reply comments. As a result, reply comments must be filed on or before April 5, 2001.

5. It is hereby ordered that pursuant to Section 1.46 of the Commission's Rules, 47 CFR 1.46, the request of DIRECTV, Inc. and EchoStar Satellite Corporation to extend the deadline for filing reply comments in this proceeding, filed March 21, 2001, is granted in part and denied in part to the extent indicated.

6. This action is taken under delegated authority pursuant to §§ 0.131 and 0.331 of the Commission's Rules, 47 CFR 0.131, 0.331.

**List of Subjects in 47 CFR Part 101**

Communications equipment, Radio.  
Federal Communications Commission.

**Kathleen O'Brien Ham,**  
*Deputy Chief, Wireless Telecommunications Bureau.*

[FR Doc. 01-8393 Filed 4-4-01; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AH32**

**Endangered and Threatened Wildlife and Plants; Determination of Whether Designation of Critical Habitat Is Prudent for the Rock Gnome Lichen**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of proposed finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have reconsidered our findings concerning whether designating critical habitat for the rock gnome lichen (*Gymnoderma lineare*) would be prudent. The rock gnome lichen was listed as an

endangered species under the Endangered Species Act of 1973, as amended (Act), on January 18, 1995. At the time the plant was listed, we determined that designation of critical habitat was not prudent because designation would increase the degree of threat to the species and/or would not benefit the species.

We repropose that the designation of critical habitat is not prudent for the rock gnome lichen, because it would likely increase the threat from collection, vandalism, or habitat degradation and destruction, both direct and inadvertent.

We solicit data and comments from the public on all aspects of this proposed finding. We may revise this proposed finding to incorporate or address comments and new information received during the comment period.

**DATES:** We will consider comments received by June 4, 2001.

**ADDRESSES:** If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and information to the State Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801.

2. You may hand-deliver written comments to our Asheville Field Office, at the above address or fax your comments to 828/258-5330.

3. You may send comments by electronic mail (e-mail) to nora\_murdock@fws.gov. For directions on how to submit electronic filing of comments, see the "Public Comments Solicited" section.

Comments and materials received, as well as supporting documentation used in preparation of this proposed finding, will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Nora A. Murdock, Fish and Wildlife Biologist, (828)258-3939.

**SUPPLEMENTARY INFORMATION:**

**Background**

*Taxonomy and Description*

*Gymnoderma lineare*, first described by Evans (1947) as *Cladonia linearis* from material collected in Tennessee, is a squamulose lichen in the reindeer moss family. This species is the only member of its genus occurring in North America (Yoshimura and Sharp 1968). *Gymnoderma* was considered a monotypic genus for over a century, until its revision by Yoshimura and Sharp (1968). These authors reclassified Evans' (1947) *Cladonia linearis* as