

| State and county                          | Location                      | Dates and name of newspaper where notice was published         | Chief executive officer of community                                                                                       | Effective date of modification | Community No. |
|-------------------------------------------|-------------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------|
| Lincoln (FEMA Docket No. B-7409).         | City of Newport               | Aug. 25, 2000, Sept. 1, 2000, <i>Newport News-Times</i> .      | The Honorable Mark Jones, Mayor, City of Newport, 1801 North Coast Highway, Newport, Oregon 97365.                         | Aug. 11, 2000 .....            | 410131        |
| Texas:<br>Bexar (FEMA Docket No. B-7409). | City of San Antonio.          | Dec. 7, 2000, Dec. 14, 2000, <i>San Antonio Express-News</i> . | The Honorable Howard W. Peak, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283-3966.                  | Nov. 15, 2000 .....            | 480045        |
| Collin (FEMA Docket No. B-7409).          | City of Plano .....           | Nov. 17, 2000, Nov. 24, 2000, <i>Plano Star Courier</i> .      | The Honorable Jeran Akers, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086-0358.                                 | Nov. 2, 2000 .....             | 480140        |
| Dallas (FEMA Docket No. B-7409).          | City of Carrollton            | Sept. 29, 2000, Oct. 6, 2000, <i>Metrocrest News</i> .         | The Honorable Mark Stokes, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, Texas 75011-0535.                       | Jan. 4, 2001 .....             | 480167        |
| Fort Bend (FEMA Docket No. B-7409).       | City of Katy .....            | Mar. 15, 2000, Mar. 22, 2000, <i>Katy Times</i> .              | The Honorable Hank Schmidt, Jr., Mayor, City of Katy, 910 Avenue C, Katy, Texas 77493.                                     | Jan. 31, 2000 .....            | 480301        |
| Tarrant (FEMA Docket No. B-7409).         | City of Forest Hill.          | Oct. 23, 2000, Oct. 27, 2000, <i>Commercial Recorder</i> .     | The Honorable Malinda Miller, Mayor, City of Forest Hill, 6800 Forest Hill Drive, Forest Hill, Texas 76140.                | Oct. 3, 2000 .....             | 480595        |
| Tarrant (FEMA Docket No. B-7409).         | City of North Richland Hills. | May 25, 2000, June 1, 2000, <i>Star Telegram</i> .             | The Honorable Charles Scoma, Mayor, City of North Richland Hills, P.O. Box 820609, North Richland Hills, Texas 76182-0609. | May 3, 2000 .....              | 480607        |
| Tarrant (FEMA Docket No. B-7409).         | City of North Richland Hills. | June 20, 2000, June 27, 2000, <i>Star Telegram</i> .           | The Honorable Charles Scoma, Mayor, City of North Richland Hills, P.O. Box 820609, North Richland Hills, Texas 76182-0609. | May 24, 2000 .....             | 480607        |

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: April 18, 2001.

**Margaret E. Lawless,**

*Acting Executive Associate Director for Mitigation.*

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BILLING CODE 6718-04-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 65

[Docket No. FEMA-B-7412]

### Changes in Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

**DATES:** These modified base flood elevations are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director for Mitigation reconsider the changes. The modified elevations may be changed during the 90-day period.

**ADDRESSES:** The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-3461, or (e-mail) matt.miller@fema.gov.

**SUPPLEMENTARY INFORMATION:** The modified base flood elevations are not listed for each community in this interim rule. However, the address of

the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that

the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

#### National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

#### Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the

Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

#### Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

#### Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

#### Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

#### List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

#### PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

#### § 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

| State and county | Location              | Dates and name of newspaper where notice was published           | Chief executive officer of community                                                                                                                        | Effective date of modification | Community No. |
|------------------|-----------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------|
| Arizona:         |                       |                                                                  |                                                                                                                                                             |                                |               |
| Maricopa .....   | City of Glendale ..   | Mar. 16, 2001, Mar. 23, 2001, <i>Arizona Republic</i> .          | The Honorable Elaine Scruggs, Mayor, City of Glendale, 5850 West Glendale, Glendale, Arizona 85301.                                                         | June 21, 2001 .....            | 040045        |
| Maricopa .....   | City of Peoria .....  | Mar. 15, 2001, Mar. 22, 2001, <i>Arizona Republic</i> .          | The Honorable John Keegan, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, Arizona 85345.                                                           | June 21, 2001 .....            | 040050        |
| Maricopa .....   | City of Peoria .....  | Mar. 16, 2001, Mar. 23, 2001, <i>Arizona Republic</i> .          | The Honorable John Keegan, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, Arizona 85345.                                                           | June 21, 2001 .....            | 040050        |
| Maricopa .....   | Unincorporated Areas. | Mar. 15, 2001, Mar. 22, 2001, <i>Arizona Republic</i> .          | The Honorable Janice K. Brewer, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, Arizona 85003.                     | June 21, 2001 .....            | 040037        |
| California:      |                       |                                                                  |                                                                                                                                                             |                                |               |
| Contra Costa     | Unincorporated Areas. | Feb. 7, 2001, Feb. 14, 2001, <i>Contra Costa Times</i> .         | The Honorable Gayle B. Uilkema, Chairperson, Contra Costa County Board of Supervisors, c/o Clerk of the Board, 651 Pine Street, Martinez, California 94553. | May 15, 2001 .....             | 060025        |
| Contra Costa     | City of Walnut Creek. | Feb. 7, 2001, Feb. 14, 2001, <i>Contra Costa Times</i> .         | The Honorable Kathy Hicks, Mayor, City of Walnut Creek, c/o City Manager, P.O. Box 8039, Walnut Creek, California 94596-8039.                               | May 15, 2001 .....             | 065070        |
| Sacramento ..    | Unincorporated Areas. | Feb. 23, 2001, Mar. 2, 2001, <i>Sacramento Bee</i> .             | The Honorable Roger Neillo, Chairman, Sacramento County, Board of Supervisors, 700 H Street, Room 2450, Sacramento, California 95814.                       | Jan. 30, 2001 .....            | 060262        |
| Ventura .....    | City of Simi Valley.  | Mar. 9, 2001, Mar. 16, 2001, <i>Ventura County Star</i> .        | The Honorable Bill Davis, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, California 93063.                                                 | Feb. 20, 2001 .....            | 060421        |
| Colorado:        |                       |                                                                  |                                                                                                                                                             |                                |               |
| Boulder .....    | City of Longmont      | Jan. 18, 2001, Jan. 25, 2001, <i>Longmont Daily Times Call</i> . | The Honorable Leona Stoecker, Mayor, City of Longmont, 350 Kimbark Street, Longmont, Colorado 80501.                                                        | Apr. 25, 2001 .....            | 080027        |

| State and county    | Location               | Dates and name of newspaper where notice was published               | Chief executive officer of community                                                                                                                         | Effective date of modification | Community No. |
|---------------------|------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------|
| El Paso .....       | Unincorporated Areas.  | Feb. 16, 2001, Feb. 23, 2001, <i>The Gazette</i> .                   | The Honorable Charles C. Brown, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Third Floor, Colorado Springs, Colorado 80903-2208. | May 24, 2001 .....             | 080059        |
| Jefferson .....     | City of Golden .....   | Jan. 31, 2001, Feb. 7, 2001, <i>Golden Transcript</i> .              | The Honorable Jan C. Schenck, Mayor, City of Golden, 911 10th Street, Golden, Colorado 80401.                                                                | May 3, 2001 .....              | 080090        |
| Jefferson .....     | Unincorporated Areas.  | Feb. 1, 2001, Feb. 8, 2001, <i>High Timber Times</i> .               | The Honorable Michelle Lawrence, Chairperson, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, Colorado 80419.     | May 3, 2001 .....              | 080087        |
| Jefferson .....     | Unincorporated Areas.  | Feb. 22, 2001, Mar. 1, 2001, <i>High Timber Times</i> .              | The Honorable Michelle Lawrence, Chairperson, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, Colorado 80419.     | Jan. 30, 2001 .....            | 080087        |
| Jefferson .....     | Unincorporated Areas.  | Mar. 1, 2001, Mar. 8, 2001, <i>High Timber Times</i> .               | The Honorable Michelle Lawrence, Chairperson, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, Colorado 80419.     | June 6, 2001 .....             | 080087        |
| La Plata .....      | Unincorporated Areas.  | Feb. 10, 2001, Feb. 16, 2001, <i>Durango Herald</i> .                | The Honorable Bob Lieb, La Plata County Commissioner, District 2, 1060 East Second Avenue, Durango, Colorado 81301.                                          | May 19, 2001 .....             | 080097        |
| Idaho: Twin Falls   | City of Twin Falls     | Mar. 8, 2001, Mar. 15, 2001, <i>Twin Falls Times News</i> .          | The Honorable Elaine Steel, Mayor, City of Twin Falls, P.O. Box 1907, Twin Falls, Idaho 83303-1907.                                                          | June 13, 2001 .....            | 160120        |
| Oregon: Jackson     | City of Central Point. | Feb. 22, 2001, Mar. 1, 2001, <i>Medford Mail Tribune</i> .           | The Honorable Bill Walton, Mayor, City of Central Point, 155 South Second Street, Central Point, Oregon 97502.                                               | July 24, 2001 .....            | 410092        |
| Oklahoma: Oklahoma. | City of Oklahoma City. | Feb. 16, 2001, Feb. 23, 2001, <i>Daily Oklahoman</i> .               | The Honorable Kirk Humphreys, Mayor, City of Oklahoma City, 200 North Walker, Suite 302, Oklahoma City, Oklahoma 73102.                                      | May 24, 2001 .....             | 405378        |
| Texas:              |                        |                                                                      |                                                                                                                                                              |                                |               |
| Collin .....        | City of Allen .....    | Feb. 21, 2001, Feb. 28, 2001, <i>Allen American</i> .                | The Honorable Steve Terrell, Mayor, City of Allen, One Butler Circle, Allen, Texas 75013.                                                                    | Jan. 25, 2001 .....            | 480131        |
| Collin .....        | City of Celina .....   | Feb. 7, 2001, Feb. 14, 2001, <i>Celina Record</i> .                  | The Honorable Mark Peterman, Mayor, City of Celina, 302 West Walnut, Celina, Texas 75009.                                                                    | May 16, 2001 .....             | 480133        |
| Collin .....        | City of Plano .....    | Feb. 14, 2001, Feb. 21, 2001, <i>Plano Star Courier</i> .            | The Honorable Jeran Akers, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086-0358.                                                                   | Jan. 25, 2001 .....            | 480140        |
| Collin .....        | Unincorporated Areas.  | Feb. 8, 2001, Feb. 15, 2001, <i>McKinney Daily Courier-Gazette</i> . | The Honorable Ron Harris, Collin County Judge, 210 South McDonald Street, McKinney, Texas 75069.                                                             | May 16, 2001 .....             | 480130        |
| Dallas .....        | City of Coppell ....   | Feb. 16, 2001, Feb. 23, 2001, <i>Coppell Gazette</i> .               | The Honorable Candy Sheehan, Mayor, City of Coppell, 255 Parkway Boulevard, Coppell, Texas 75019.                                                            | May 23, 2001 .....             | 480170        |
| Travis .....        | City of Austin .....   | Mar. 2, 2001, Mar. 9, 2001, <i>Austin American Statesman</i> .       | The Honorable Kirk P. Watson, Mayor, City of Austin, 124 West Eighth Street, Austin, Texas 78701.                                                            | Feb. 12, 2001 .....            | 480624        |
| Williamson ....     | City of Leander ...    | Feb. 21, 2001, Feb. 28, 2001, <i>Hill Country News</i> .             | The Honorable Larry Barnett, Mayor, City of Leander, P.O. Box 319, Leander, Texas 78646.                                                                     | Jan. 24, 2001 .....            | 481536        |

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: April 18, 2001.

**Margaret E. Lawless,**

*Acting Executive Associate Director for Mitigation.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CC Docket No. 96-128; FCC 01-109]

#### The Pay Telephone Reclassification and Compensation Provisions of The Telecommunications Act of 1996, RBOC/GTE/SNET Payphone Coalition Petition for Clarification

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (FCC or Commission) modified the Commission's rules regarding per-call compensation for payphone calls to better ensure that payphone service providers (PSPs) are fairly compensated for all completed, coinless calls made from payphones. The Commission revised its rules to address the difficulty that PSPs face in obtaining compensation for coinless calls placed from payphones that involve a switch-based telecommunications reseller in the call path. Given the difficulty of determining which entity is responsible for compensating the PSP for such calls (i.e., the switch-based reseller or the interexchange carrier that routes calls to the switch-based reseller), the Commission modified its rules to require the first underlying facilities-based interexchange carrier (IXC) to whom the local exchange carrier (LEC) directly delivers such calls to compensate the PSP for the completed coinless calls.

**DATES:** Effective April 27, 2001.

**ADDRESSES:** Federal Communications Commission, Secretary, 445 12th Street, SW., Room TW-B204F, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Marty Schwimmer (202) 418-2320, fax (202) 418-2345, TTY (202) 418-0484, or [mschwimm@fcc.gov](mailto:mschwimm@fcc.gov). The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, The Portals, 445 12th Street, SW., Suite 6-A320, Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Second Order on Reconsideration in CC Docket No. 96-128, FCC 01-109, in the matter of The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, RBOC/GTE/SNET Payphone Coalition Petition for Clarification, adopted March 28, 2001, and released April 5, 2001. The full text of the item 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 CY-A257, 445 12th Street, SW., Washington, DC 20554, or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 445 12th Street, SW., Suite CY-B400, Washington, DC 20554, phone (202) 857-3800. This Order contains no new or modified information collections subject to the Paperwork Reduction Act of 1995, Public Law 104-13.

#### Synopsis of the Second Order on Reconsideration

In implementing Section 276 of the Act—which requires the Commission to prescribe regulations ensuring that all PSPs are fairly compensated for every completed intrastate and interstate call, including coinless "access code" or "subscriber 800" calls dialed from their payphones—the Commission adopted several payphone compensation rules in its *First Payphone Order*, 61 FR 52309, October 7, 1996. In the *Payphone Order On Reconsideration*, 61 FR 65341, December 12, 1996, the Commission revised the payphone compensation responsibilities for calls involving switch-based resellers. In 1998, the Common Carrier Bureau released the *Coding Digit Waiver Order*, 63 FR 26497, May 13, 1998, further clarifying the *Payphone Order on Reconsideration*. In that Order, the Common Carrier Bureau clarified switch-based reseller responsibilities for paying per-call compensation in order to clarify IXC obligations to disclose information about their switch-based resellers. The purpose of that order was to help ensure that PSPs knew from whom to expect compensation for coinless calls, to avoid the problem of entities disclaiming responsibility for such calls. Finally, in a recent order, the Commission concluded that the *Payphone Order on Reconsideration* and the Common Carrier Bureau's *Coding Digit Waiver Order* placed the tracking and compensation obligations squarely on facilities-based carriers, including facilities-based resellers. We found that, despite of our efforts to ensure that PSPs are compensated for coinless calls in instances in which

switch-based resellers are involved in routing coinless calls from payphones to end-users, there remained uncertainty in the market, and PSPs have been frustrated in their efforts to receive compensation for certain coinless calls.

In this Second Order on Reconsideration, we require the first facilities-based interexchange carrier to which a LEC routes a compensable coinless payphone call to: (1) Compensate the PSP for completed calls at a mutually agreeable rate; (2) track or arrange for tracking of the call to determine whether it is completed and therefore compensable; and (3) provide to the PSP a statement of the number of coinless calls it receives from each of that PSP's payphones. We also require each reseller or debit card customer whose number is dialed on a coinless basis to reimburse the first facilities-based carrier for the amount paid by that carrier to the PSP and for that carrier's cost of tracking the call and providing such information to the PSP. We also encourage PSPs and switch-based resellers to enter into private contractual arrangements with each other for direct payment of compensation to PSPs.

We decline to initiate a further rulemaking proceeding, at this time, which would propose that the carrier responsible for compensation is the entity identified by the Carrier Identification Code (CIC) used to route the call. Most commenters generally opposed the proposal. For the purpose of determining payphone compensation responsibilities, the proposal would not likely be an improvement over the existing rules as clarified in this Second Order on Reconsideration. Even if all carriers had CICs, they would still need to look to subsequent carriers in the routing sequence for payphone call completion information to fulfill their compensation responsibilities. By ensuring that PSPs are consistently able to obtain per call compensation from a readily identifiable, responsible carrier, the first facilities-based interexchange carrier, we resolve the issues before us without a further rulemaking on CICs at this time.

#### Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), there will not be a significant economic impact on a substantial number of small business entities resulting from this Second Order on Reconsideration. Although the revised rules provide that the first underlying facilities-based interexchange carrier is initially responsible for payment and tracking of all compensable payphone calls, the