

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[CC Docket 96-45; FCC 02-41]

#### Federal-State Joint Board on Universal Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission asks the Joint Board to begin a comprehensive review of the non-rural high-cost support mechanism. In light of the need to act expeditiously on the issues, the Commission will delay initiation of a proceeding to consider future action on the rural high-cost support mechanism.

**DATES:** Comments are due April 10, 2002. Reply comments are due April 25, 2002.

**FOR FURTHER INFORMATION CONTACT:** Katie King at (202) 418-7491 or Jennifer Schneider at (202) 418-0425 in the Accounting Policy Division, Common Carrier Bureau.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order* in CC Docket No. 96-45 released on February 15, 2002. The *Order* is related to a *Notice of a Proposed Rulemaking* (NPRM) that is published elsewhere in this issue. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554.

#### I. Introduction

1. In this *Order*, the Commission refers the record collected in the NPRM to the Joint Board for a recommended decision. In the NPRM, the Commission seeks comment on issues from the *Ninth Report and Order*, 66 FR 67416, December 1, 1999, remanded by the United States Court of Appeals for the Tenth Circuit. As part of the referral, the Commission also asks the Joint Board to begin a comprehensive review of the non-rural high-cost support mechanism. In light of the need to act expeditiously on the issues on remand, the Commission will delay initiation of a proceeding to consider future action on the rural high-cost support mechanism.

#### II. The Commission's Plan for Universal Service and Joint Board Referral

2. The Joint Board has previously considered and given recommendations on many of the issues in this docket. The Commission concludes that further

Joint Board input will be beneficial for consideration of the issues on remand. Accordingly, the Commission refers the issues described in the NPRM, and the record developed herein, to the Joint Board for a recommended decision. Specifically, the Commission asks the Joint Board to provide a recommended decision on (1) how the Commission should define the key statutory terms "reasonably comparable" and "sufficient"; (2) whether, in light of the interpretation of those key statutory terms, the Commission can and should maintain the previously established benchmark or, in the alternative, should adopt a new benchmark or benchmarks; and (3) how the Commission should induce states to implement state universal service policies. The Commission intends these referral issues to encompass the review of the non-rural mechanism that the Commission previously stated would occur by January 1, 2003. At their core, the issues on remand require an examination of the non-rural mechanism. The Commission directs the Joint Board to base its recommended decision on the record developed from the NPRM and present its recommended decision to the Commission no later than August 15, 2002. The Commission will then expeditiously consider the Joint Board's recommendations and issue an order in response to the court's remand.

3. Finally, although the Commission has determined that all carriers will eventually receive universal service support based upon their forward-looking costs, it has allowed rural carriers to continue to calculate support under a modified version of the embedded cost mechanism for five years. The Commission previously stated that it intended to refer the complex issues surrounding rural high-cost support to the Joint Board, "no later than January 1, 2002" in order to begin the process of determining what regime should be in place upon the expiration of the Rural Task Force plan. The Commission further stated that, "in the context of the Joint Board's consideration of an appropriate high-cost mechanism for rural telephone companies, [it anticipates] conducting a comprehensive review of the high-cost support mechanisms for rural and non-rural carriers as a whole to ensure that both mechanisms function efficiently and in a coordinated fashion."

4. In light of the need to expeditiously address the issues remanded by the court, the Commission now believes it appropriate to delay briefly the initiation of a comprehensive examination of how the rural and non-

rural mechanisms function together. The Commission will refer issues concerning the rural high-cost support mechanism and how that mechanism functions with the non-rural mechanism to the Joint Board at a later date.

#### III. Ordering Clauses

5. Pursuant to sections 1, 4(i) and (j), 254, and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 254, and 410, that the issues specified in the *Order* are referred to the Federal-State Joint Board on Universal Service for a recommendation to be received by the Commission no later than August 15, 2002.

#### List of Subjects in 47 CFR Part 54

Communications common carriers, Telecommunications, Telephone.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 02-5675 Filed 3-8-02; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02-499, MM Docket No. 01-335, RM-10338]

#### Digital Television Broadcast Service; Charleston, SC

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Media General Communications, Inc., licensee of station WCBD-TV, NTSC channel 2, Charleston, South Carolina, substitutes DTV channel 50 for DTV channel 59. See 66 FR 66383, December 26, 2001. DTV channel 50 can be allotted to Charleston, South Carolina, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 32-56-24 N. and 79-41-45 W. with a power of 1000, HAAT of 561 meters and with a DTV service population of 846 thousand.

With this action, this proceeding is terminated.

**DATES:** Effective April 22, 2002.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01-335, adopted March 1, 2002, and released

March 6, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### §73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under South Carolina, is amended by removing DTV channel 59 and adding DTV channel 50 at Charleston.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 02-5708 Filed 3-8-02; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 011218304-1304-01; I.D. 030102B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in Statistical Area

630 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the pollock total allowable catch (TAC) for Statistical Area 630.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 11, 2002 until 1200 hrs, A.l.t., August 25, 2002.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

Within any fishing year, underage or overage of a seasonal allowance may be added to or subtracted from subsequent seasonal allowances in a manner to be determined by the Administrator, Alaska Region, NMFS (Regional Administrator), provided that the sum of the revised seasonal allowances does not exceed 30 percent of the annual TAC apportionment for the Central and Western Regulatory Areas in the GOA (§ 679.20 (a)(5)(ii)(C)). For 2002, 30 percent of the annual TAC for the Central and Western Regulatory Areas is 15,187 mt. For 2002, the Regional Administrator has determined that within each area for which a seasonal allowance is established, any underage or overage of harvest at the beginning of the next season(s) shall be subtracted from or added to the following season provided that the resulting sum of seasonal allowances in the Central and Western Regulatory Areas does not exceed 15,187 mt in any single season. The B season allowance of the pollock TAC in Statistical Area 630 is 1,122 metric tons (mt) as established by an emergency rule implementing 2002 harvest specifications and associated management measures for the groundfish fisheries off Alaska (67 FR 956, January 8, 2002). The Regional Administrator hereby increases the B season pollock TAC by 381 mt. This amount is the A season pollock under harvest in Statistical Area 630 and provides for an aggregate B season allowance in the Central and Western Regulatory Areas that does not exceed

15,187 mt. In accordance with § 679.20 (a)(5)(ii)(C), the B season allowance of pollock TAC in Statistical Area 630 is 1,503 mt.

In accordance with § 679.20 (d)(1)(i), the Regional Administrator has determined that the B season allowance of the pollock TAC in Statistical Area 630 will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,203 mt, and is setting aside the remaining 300 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20 (d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the amount of the 2002 A season pollock TAC specified for Statistical Area 630 of the GOA constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553 (b)(3)(B) and 50 CFR 679.20 (b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the 2002 B season pollock TAC specified for Statistical Area 630 of the GOA constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 5, 2002.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 02-5770 Filed 3-11-02; 8:45 am]

**BILLING CODE 3510-22-S**