

Therefore, an additional safety factor is not warranted, and the RfD of 0.25 mg/kg b.w./day, which utilizes a 100-fold safety factor is appropriate to ensure a reasonable certainty of no harm to infants and children.

F. International Tolerances

There are no Codex maximum residue levels established or proposed for residues of imazethapyr on nongrass animal feeds.

[FR Doc. 02-30947 Filed 12-5-02; 8:45 a.m.]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7419-2]

Alaric, Inc. Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative order on consent.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into an administrative order on consent, pursuant to section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, regarding the Alaric, Inc. Superfund Site, located in Tampa, Hillsborough County, Florida, with the following parties: Lee W. Oglesby, Sr. and Carolyn M. Oglesby, as individuals; the Lee W. Oglesby, Sr. Living Trust, dated September 22, 1998, as amended; Lee W. Oglesby, Sr., as trustee and beneficiary of the Lee W. Oglesby, Sr. Living Trust, dated September 22, 1998, as amended; and successor trustees of the Lee W. Oglesby, Sr. Living Trust, dated September 22, 1998, as amended. The settlement is designed to resolve fully each settling party's liability at the Site through a covenant not to sue under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and provide contribution protection. EPA will consider public comments on the proposed settlement within thirty (30) days of publication of this notice. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the

proposed settlement is inappropriate, improper, or inadequate.

Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4 (WMD-CPSB), Sam Nunn Atlanta Federal Center, Waste Management Division, CERCLA Program Services Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-8887.

Written comments may be submitted to Ms. Batchelor within thirty (30) calendar days of the date of this publication.

Dated: November 20, 2002.

Anita L. Davis,

Acting Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 02-30942 Filed 12-5-02; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-02-48-A (Auction No. 48); DA 02-1441]

Auction of Licenses for the Lower and Upper Paging Bands Scheduled for May 13, 2003; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the auction of 8,874 licenses in the lower paging bands (35-36 MHz, 43-44 MHz, 152-159 MHz, 454-460 MHz) and 1,328 licenses in the upper paging bands (929-931 MHz) scheduled to commence on May 13, 2003. This document also seeks comment on reserve prices or minimum opening bids and other auction procedures.

DATES: Comments are due on or before December 13, 2002, and reply comments are due on or before December 18, 2002.

ADDRESSES: Comments and reply comments must be sent by electronic mail to auction48@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For legal questions: Rosemary Cabral at (202) 418-0660. For general auction questions: Roy Knowles at (717) 338-2888 or Barbara Sibert at (717) 338-2888. For service rule questions: Bettye Woodward at (202) 418-1345.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 48 Comment Public Notice* released on November 7, 2002. The complete text of the *Auction No. 48 Comment Public Notice* is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. The *Auction No. 48 Comment Public Notice* may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com. The complete list of licenses available for this auction will be provided in electronic format only, available as "Attachment A" to the *Auction No. 48 Comment Public Notice* at <http://wireless.fcc.gov/auctions/48/>.

1. By the *Auction No. 48 Comment Public Notice*, the Wireless Telecommunications Bureau ("Bureau") announces the auction of 8,874 licenses in the lower paging bands (35-36 MHz, 43-44 MHz, 152-159 MHz, 454-460 MHz) and 1,328 licenses in the upper paging bands (929-931 MHz) scheduled to commence on May 13, 2003 ("Auction No. 48"). This auction will include licenses that remained unsold from a previous auction or were defaulted on by a winning bidder in a previous auction. Due to the large volume of licenses in Auction No. 48, the complete list of licenses available for this auction will be provided in electronic format only, available as "Attachment A" to the *Auction No. 48 Comment Public Notice* at <http://wireless.fcc.gov/auctions/48/>.

2. In the *Paging Reconsideration Order*, 64 FR 33762 (June 24, 1999), the Commission concluded that the lower bands licenses should be awarded in each of the 175 geographic areas known as Economic Areas (EAs), and the upper band licenses should be awarded in each of the 51 geographic areas known as Major Economic Areas (MEAs). These EAs and MEAs both encompass the United States, Guam and Northern Mariana Islands, Puerto Rico and the United States Virgin Islands, and American Samoa.

3. The following tables contain the Block/Frequency Cross-Reference List for the paging bands:

35 MHz LOWER BANDS UNPAIRED PAGING CHANNELS

| Block (license suffix) | Frequency |
|------------------------|-------------|------------------------|-------------|------------------------|-------------|------------------------|-------------|
| CA | 35.19–35.21 | CE | 35.29–35.31 | CI | 35.45–35.47 | CM | 35.57–35.59 |
| CB | 35.21–35.23 | CF | 35.33–35.35 | CJ | 35.49–35.51 | CN | 35.59–35.61 |
| CC | 35.23–35.25 | CG | 35.37–35.39 | CK | 35.53–35.55 | CO | 35.61–35.63 |
| CD | 35.25–35.27 | CH | 35.41–35.43 | CL | 35.55–35.57 | CP | 35.65–35.67 |

43 MHz LOWER BANDS UNPAIRED PAGING CHANNELS

| Block (license suffix) | Frequency |
|------------------------|-------------|------------------------|-------------|------------------------|-------------|------------------------|-------------|
| DA | 43.19–43.21 | DE | 43.29–43.31 | DI | 43.45–43.47 | DM | 43.57–43.59 |
| DB | 43.21–43.23 | DF | 43.33–43.35 | DJ | 43.49–43.51 | DN | 43.59–43.61 |
| DC | 43.23–43.25 | DG | 43.37–43.39 | DK | 43.53–43.55 | DO | 43.61–43.63 |
| DD | 43.25–43.27 | DH | 43.41–43.43 | DL | 43.55–43.57 | DP | 43.65–43.67 |

152 MHz AND 158 MHz LOWER BANDS UNPAIRED PAGING CHANNELS

| Block (license suffix) | Frequency | Block (license suffix) | Frequency |
|------------------------|-----------------|------------------------|-----------------|
| EA | 152.230–152.250 | EC | 158.090–158.110 |
| EB | 152.830–152.850 | ED | 158.690–158.710 |

152 MHz LOWER BANDS PAIRED PAGING CHANNELS

| Block (license suffix) | Frequency | Block (license suffix) | Frequency |
|------------------------|-----------------------------------|------------------------|-----------------------------------|
| FA | 152.015–152.045 / 158.475–158.505 | FJ | 152.555–152.585 / 157.815–157.845 |
| FB | 152.045–152.075 / 158.505–158.535 | FK | 152.585–152.615 / 157.845–157.875 |
| FC | 152.075–152.105 / 158.535–158.565 | FL | 152.615–152.645 / 157.875–157.905 |
| FD | 152.105–152.135 / 158.565–158.595 | FM | 152.645–152.675 / 157.905–157.935 |
| FE | 152.135–152.165 / 158.595–158.625 | FN | 152.675–152.705 / 157.935–157.965 |
| FF | 152.165–152.195 / 158.625–158.655 | FO | 152.705–152.735 / 157.965–157.995 |
| FG | 152.195–152.225 / 158.655–158.685 | FP | 152.735–152.765 / 157.995–158.025 |
| FH | 152.495–152.525 / 157.755–157.785 | FQ | 152.765–152.795 / 158.025–158.055 |
| FI | 152.525–152.555 / 157.785–157.815 | FR | 152.795–152.825 / 158.055–158.085 |

454 MHz LOWER BANDS PAIRED PAGING CHANNELS

| Block (license suffix) | Frequency | Block (license suffix) | Frequency |
|------------------------|---------------------------------------|------------------------|---------------------------------------|
| GA | 454.0125–454.0375 / 459.0125–459.0375 | GN | 454.3375–454.3625 / 459.3375–459.3625 |
| GB | 454.0375–454.0625 / 459.0375–459.0625 | GO | 454.3625–454.3875 / 459.3625–459.3875 |
| GC | 454.0625–454.0875 / 459.0625–459.0875 | GP | 454.3875–454.4125 / 459.3875–459.4125 |
| GD | 454.0875–454.1125 / 459.0875–459.1125 | GQ | 454.4125–454.4375 / 459.4125–459.4375 |
| GE | 454.1125–454.1375 / 459.1125–459.1375 | GR | 454.4375–454.4625 / 459.4375–459.4625 |
| GF | 454.1375–454.1625 / 459.1375–459.1625 | GS | 454.4625–454.4875 / 459.4625–459.4875 |
| GG | 454.1625–454.1875 / 459.1625–459.1875 | GT | 454.4875–454.5125 / 459.4875–459.5125 |
| GH | 454.1875–454.2125 / 459.1875–459.2125 | GU | 454.5125–454.5375 / 459.5125–459.5375 |
| GI | 454.2125–454.2375 / 459.2125–459.2375 | GV | 454.5375–454.5625 / 459.5375–459.5625 |
| GJ | 454.2375–454.2625 / 459.2375–459.2625 | GW | 454.5625–454.5875 / 459.5625–459.5875 |
| GK | 454.2625–454.2875 / 459.2625–459.2875 | GX | 454.5875–454.6125 / 459.5875–459.6125 |
| GL | 454.2875–454.3125 / 459.2875–459.3125 | GY | 454.6125–454.6375 / 459.6125–459.6375 |
| GM | 454.3125–454.3375 / 459.3125–454.3375 | GZ | 454.6375–454.6625 / 459.6375–459.6625 |

929–931 MHz UPPER BANDS PAGING CHANNELS

| Block (license suffix) | Frequency | Block (license suffix) | Frequency | Block (license suffix) | Frequency | Block (license suffix) | Frequency |
|------------------------------|-----------|------------------------------|-----------|------------------------------|-----------|------------------------------|-----------|
| A | 929.0125 | AA | 931.0125 | AN | 931.3375 | BA | 931.6625 |
| B | 929.1125 | AB | 931.0375 | AO | 931.3625 | BB | 931.6875 |
| C | 929.2375 | AC | 931.0625 | AP | 931.3875 | BC | 931.7125 |
| D | 929.3125 | AD | 931.0875 | AQ | 931.4125 | BD | 931.7375 |
| E | 929.3875 | AE | 931.1125 | AR | 931.4375 | BE | 931.7625 |
| F | 929.4375 | AF | 931.1375 | AS | 931.4625 | BF | 931.7875 |
| G | 929.4625 | AG | 931.1625 | AT | 931.4875 | BG | 931.8125 |
| H | 929.6375 | AH | 931.1875 | AU | 931.5125 | BH | 931.8375 |
| I | 929.6875 | AI | 931.2125 | AV | 931.5375 | BI | 931.8625 |
| J | 929.7875 | AJ | 931.2375 | AW | 931.5625 | BJ | 931.9625 |
| K | 929.9125 | AK | 931.2625 | AX | 931.5875 | BK | 931.9875 |
| L | 929.9625 | AL | 931.2875 | AY | 931.6125 | | |
| | 931.3125 | AM | | AZ | 931.6375 | | |

Note: For Auction No. 48, licenses are not available in every block listed in the tables. The complete list of licenses available for Auction No. 48 will be provided in electronic format only, available as "Attachment A" to the *Auction No. 48 Comment Public Notice* at <http://wireless.fcc.gov/auctions/48/>.

4. The Balanced Budget Act of 1997 requires the Commission to "ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed * * * before issuance of bidding rules, to permit notice and comment on proposed auction procedures * * *." Consistent with the provisions of the Balanced Budget Act and to ensure that potential bidders have adequate time to familiarize themselves with the specific rules that will govern the day-to-day conduct of an auction, the Commission directed the Bureau, under its existing delegated authority, to seek comment on a variety of auction-specific procedures prior to the start of each auction. The Bureau seeks comment on the following issues relating to Auction No. 48.

I. Auction Structure

A. Simultaneous Multiple Round (SMR) Auction Design

5. The Bureau proposes to award the licenses included in Auction No. 48 in a simultaneous multiple-round auction. As described further, this methodology offers every license for bid at the same time with successive bidding rounds in which bidders may place bids. The Bureau seeks comment on this proposal.

B. Upfront Payments and Initial Maximum Eligibility

6. The Bureau has been delegated authority and discretion to determine an appropriate upfront payment for each license being auctioned, taking into account such factors as the population in each geographic license area, and the

value of similar spectrum. As described further, the upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on licenses. Upfront payments related to the specific spectrum subject to auction protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the auction.

7. The Bureau proposes to make the upfront payments equal to the minimum opening bids, which are established based on similar facts as described in section II.B. The specific upfront payments for each license are set forth in the list of licenses available for Auction No. 48 ("Attachment A"), available with the *Auction No. 48 Comment Public Notice* at <http://wireless.fcc.gov/auctions/48/>. The Bureau seeks comment on this proposal.

8. The Bureau further propose that the amount of the upfront payment submitted by a bidder will determine the number of bidding units on which a bidder may place bids. This limit is a bidder's "maximum initial eligibility." Each license is assigned a specific number of bidding units equal to the upfront payment, listed in the license inventory available for Auction No. 48 ("Attachment A"), available with the *Auction No. 48 Comment Public Notice* at <http://wireless.fcc.gov/auctions/48/>, on a bidding unit per dollar basis. This number does not change as prices rise during the auction. A bidder's upfront payment is not attributed to specific licenses. Rather, a bidder may place bids on any combination of licenses as long as the total number of bidding units associated with those licenses does not exceed its maximum initial eligibility. Eligibility cannot be increased during the auction. Thus, in calculating its upfront payment amount, an applicant must determine the

maximum number of bidding units it may wish to bid on (or hold high bids on) in any single round, and submit an upfront payment covering that number of bidding units. The Bureau seeks comment on this proposal.

C. Activity Rules

9. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively on a percentage of their maximum bidding eligibility during each round of the auction rather than wait until the end to participate. A bidder that does not satisfy the activity rule will either lose bidding eligibility in the next round or must use an activity rule waiver (if any remain).

10. The Bureau proposes to divide the auction into three stages, each characterized by an increased activity requirement. The auction will start in Stage One. The Bureau proposes that the auction generally will advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is approximately twenty percent or below for three consecutive rounds of bidding. However, the Bureau further proposes that it the discretion to change stages unilaterally by announcement during the auction. In exercising this discretion, the Bureau will consider a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. The Bureau seeks comment on these proposals.

11. For Auction No. 48, the Bureau proposes the following activity requirements:

Stage One: In each round of the first stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on licenses representing at least 80 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths (5/4).

Stage Two: In each round of the second stage, a bidder desiring to maintain its current eligibility is required to be active on 90 percent of its current bidding eligibility. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the current round activity by ten-ninths (10/9).

Stage Three: In each round of the third stage, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. In this final stage, reduced eligibility for the next round will be calculated by multiplying the current round activity by fifty/forty-ninths ($\frac{50}{49}$).

12. The Bureau seeks comment on these proposals. Commenters that believe these activity rules should be modified should explain their reasoning and comment on the desirability of an alternative approach. Commenters are advised to support their claims with analyses and suggested alternative activity rules.

D. Activity Rule Waivers and Reducing Eligibility

13. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license. Activity waivers can be either proactive or automatic and are principally a mechanism for auction participants to avoid the loss of auction eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

Note: Once a proactive waiver is placed during a round, that waiver cannot be unsubmitted.

14. The FCC Automated Auction System assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an "automatic

waiver") at the end of any bidding period where a bidder's activity level is below the minimum required unless: (1) there are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

Note: If a bidder has no waivers remaining and does not satisfy the required activity level, its current eligibility will be permanently reduced, possibly eliminating the bidder from the auction.

15. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding period by using the reduce eligibility function in the bidding system. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

16. A bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding system) during a bidding period in which no bids or withdrawals are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids or withdrawals will not keep the auction open.

17. The Bureau proposes that each bidder in Auction No. 48 be provided with five activity rule waivers that may be used at the bidder's discretion during the course of the auction as set forth. The Bureau seeks comment on this proposal.

E. Information Relating to Auction Delay, Suspension, or Cancellation

18. The Bureau proposes that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and efficient conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction.

The Bureau emphasizes that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers. The Bureau seeks comment on this proposal.

F. Information Available to Bidders During the Course of the Auction

19. In the *Paging Second Report and Order*, 62 FR 11616 (March 12, 1997), the Commission concluded that, due to the large number of licenses to be auctioned, limiting the disclosure of information to bidders during the course of paging auctions (*e.g.*, revealing only high bids and total number of bids on each license and withholding bidder identities) might help to speed the pace of the auctions. In the *Paging Reconsideration Order*, the Commission directed the Bureau to seek further comment on this issue. Based on its experience in Auctions No. 26 and No. 40, in which the information was disclosed, the Bureau tentatively concludes that it is unnecessary to withhold bidder identities in Auction No. 48. The Bureau seeks comment on this tentative conclusion. In addition, as in Auctions No. 26 and No. 40, the Bureau proposes to disclose all information relating to the bids during Auction No. 48 after each round of bidding closes, including all bids and withdrawals placed in each round, the identity of the bidder placing each bid or withdrawal, and the net and gross amounts of each bid or withdrawal. The Bureau seeks comment on this proposal.

II. Bidding Procedures

A. Round Structure

20. The Commission will conduct Auction No. 48 over the Internet. Telephonic Bidding will also be available. As a contingency, the FCC Wide Area Network, will be available as well. The telephone number through which the backup FCC Wide Area Network may be accessed will be announced in a later public notice. Full information regarding how to establish such a connection, and related charges, will be provided in the public notice announcing details of auction procedures.

21. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction, and will be included in the registration mailings. The simultaneous multiple round format will consist of sequential bidding rounds, each followed by the release of round results. Details regarding the

location and format of round results will be included in the same public notice.

22. The Bureau has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureau may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors. The Bureau seeks comment on this proposal.

B. Reserve Price or Minimum Opening Bid

23. The Balanced Budget Act calls upon the Commission to prescribe methods for establishing a reasonable reserve price or a minimum opening bid when FCC licenses are subject to auction, unless the Commission determines that a reserve price or minimum opening bid is not in the public interest. Consistent with this mandate, the Commission has directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.

24. Normally, a reserve price is an absolute minimum price below which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum opening bid, on the other hand, is the minimum bid price set at the beginning of the auction below which no bids are accepted. It is generally used to accelerate the competitive bidding process. Also, the auctioneer often has the discretion to lower the minimum opening bid amount later in the auction. It is also possible for the minimum opening bid and the reserve price to be the same amount.

25. In light of the Balanced Budget Act's requirements, the Bureau proposes to establish minimum opening bids for Auction No. 48. The Bureau believes a minimum opening bid, which has been utilized in other auctions, is an effective auction tool.

26. Because multiple licenses in the same geographic area are being auctioned at the same time, under the same general conditions, the Commission believes that it is appropriate to use a common baseline to establish the minimum opening bid formula for all the licenses in the auction. The gross high bids from the prior Lower and Upper Paging Bands Auction (Auction No. 40) provide the most comprehensive paging baseline. Therefore, the Bureau proposes to base the minimum opening bid for each license available in Auction No. 48 on

the average of the corresponding gross high bids received in Auction No. 40, as follows:

- For a license being auctioned by MEA, the minimum opening bid will be 20% of the average gross high bid received in Auction No. 40 in the same MEA.

- For a license being auctioned by EA, the minimum opening bid will be 20% of the average gross high bid received in Auction No. 40 in the same EA.

The Commission will set a "floor" for minimum opening bids at \$500 for licenses in both the upper paging bands (929–931 MHz) and the lower paging bands (35–36 MHz, 43–44 MHz, 152–159 MHz, and 454–460 MHz).

27. This formula is intended to apply to all geographic paging licenses in Auction No. 48, and takes into account considerations discussed. The specific proposed minimum opening bid for each license available in Auction No. 48 is set forth in the list of licenses provided in electronic format as "Attachment A" of the *Auction No. 48 Comment Public Notice* at <http://wireless.fcc.gov/auctions/48/>. Comment is sought on this proposal.

28. If commenters believe that these minimum opening bids will result in substantial numbers of unsold licenses, or are not reasonable amounts, or should instead operate as reserve prices, they should explain why this is so, and comment on the desirability of an alternative approach. Commenters are advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid levels or formulas. In establishing the minimum opening bids, the Bureau particularly seeks comment on such factors as the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, issues of interference with other spectrum bands and any other relevant factors that could reasonably have an impact on valuation of the paging bands. Alternatively, comment is sought on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.

C. Minimum Acceptable Bids and Bid Increments

29. In each round, eligible bidders will be able to place bids on a given license in any of nine different amounts. The Automated Auction System interface will list the nine acceptable bid amounts for each license. Until a bid has been placed on a license, the minimum acceptable bid for that license

will be equal to its minimum opening bid. In the rounds after an acceptable bid is placed on a license, the minimum acceptable bid for that license will be equal to the standing high bid plus the defined increment.

30. For Auction No. 48, the Bureau proposes to set the defined increment for each license based on a percentage of the standing high bid on the license or, if no bid has been placed on the license, a percentage of the minimum opening bid for the license. The defined increment will be calculated as follows. Presuming, for example, that the percentage being used is 20 percent, we will multiply the standing high bid (or, if no standing high bid exists for the particular license, the minimum opening bid) by 1.2. (If the percentage being used is 30 percent, we would multiply by 1.3, etc.) The product will be rounded as follows: amounts below \$1,000 will be rounded to the nearest \$10; amounts above \$1,000 but below \$10,000 will be rounded to the nearest \$100; and amounts above \$10,000 will be rounded to the nearest \$1,000. The defined increment then will be determined by subtracting the standing high bid (or, if applicable, the minimum opening bid) from the rounded result. At the start of the auction, the Bureau proposes to use 20 percent to calculate the defined increment. The Bureau also proposes to retain discretion to change the percentage used to calculate the defined increment if we determine that circumstances so dictate. Further, the Bureau proposes to retain discretion to set a floor for the increment used to calculate the minimum acceptable bid at an absolute dollar amount.

31. In addition, the Bureau proposes that it have discretion to use a smaller defined increment to calculate acceptable bids higher than the minimum acceptable bid. The smaller defined increment would be calculated using a smaller percentage than the percentage used to calculate the defined increment that sets the minimum acceptable bid. For example, 20 percent might be used to calculate the defined increment for the minimum acceptable bid and 10 percent might be used to calculate the smaller defined increment used to calculate higher acceptable bids. In all other respects, the smaller defined increment would be calculated in exactly the manner described for the initial defined increment, including rounding.

32. For example, the Bureau could calculate bids using 20 percent to calculate the defined increment for the minimum acceptable bid and 10 percent to calculate the smaller defined increment. Assuming that the standing

high bid on a given license is \$50,000, in the next round,

Defined Increment=Rounded (Standing High Bid * 1.2)—Standing High Bid
 =Rounded (\$50,000 * 1.2)—\$50,000
 =Rounded (\$60,000)—\$50,000
 =\$60,000—\$50,000
 =\$10,000

Minimum Acceptable Bid=Standing High Bid + Defined Increment
 =\$50,000 + \$10,000
 =\$60,000

Smaller Defined Increment=Rounded (Standing High Bid * 1.1)—
 Standing High Bid
 =Rounded (\$50,000 * 1.1)—\$50,000
 =Rounded (\$55,000)—\$50,000
 =\$55,000—\$50,000
 =\$5,000

One Increment Higher Than Minimum Acceptable Bid=Minimum Acceptable Bid + (Smaller Defined Increment * 1)
 =\$60,000 + (\$5,000 * 1)
 =\$60,000 + \$5,000
 =\$65,000

Two Increments Higher Than Minimum Acceptable Bid=Minimum Acceptable Bid + (Smaller Defined Increment * 2)
 =\$60,000 + (\$5,000 * 2)
 =\$60,000 + \$10,000
 =\$70,000

33. This procedure would enable bidders unwilling to raise the standing high bid by twice the defined increment to place bids higher than the minimum acceptable bid. Thus, in the example, a bidder wanting to bid above the minimum acceptable bid but unwilling to raise the standing high bid of \$50,000 by twice the defined increment of \$10,000 (\$20,000 or 40 percent) would have the flexibility to bid \$65,000, raising the standing high bid by \$15,000.

34. In the case of a license for which the standing high bid has been withdrawn, the minimum acceptable bid will equal the second highest bid received for the license. The additional bid amounts are calculated using the defined increment, as stated.

35. In summary, the Bureau proposes it have discretion at any time during the auction to change the initial 20 percent used to calculate the defined increment and/or to set an absolute dollar amount floor for the increment used to calculate the minimum acceptable bid. The Bureau also proposes that it have additional discretion to calculate the minimum acceptable bid using one percentage and to calculate higher acceptable bids using another percentage, as described. The Bureau's decision to exercise its discretion with regard to minimum acceptable bids and

bid increments would be announced via the Automated Auction System. The Bureau seeks comment on these proposals.

D. High Bids

36. At the end of a bidding round, the high bids will be determined based on the highest gross bid amount received for each license. In the event of identical high bids on a license in a given round (*i.e.*, tied bids), the Bureau proposes to use a random number generator to select a high bid from among the tied bids. The remaining bidders, as well as the high bidder, will be able to submit a higher bid in a subsequent round. If no bidder submits a higher bid in a subsequent round, the high bid from the previous round will win the license. If any bids are received on the license in a subsequent round, the high bid will again be determined on the highest gross bid amount received for the license. The Bureau seeks comment on this proposal.

37. A high bid will remain the high bid until there is a higher bid on the same license at the close of a subsequent round. A high bid from a previous round is sometimes referred to as a "standing high bid." Bidders are reminded that standing high bids confer activity credit.

E. Information Regarding Bid Withdrawal and Bid Removal

38. For Auction No. 48, the Bureau proposes the following bid removal and bid withdrawal procedures. Before the close of a bidding period, a bidder has the option of removing any bid placed in that round. By using the remove selected bids function in the bidding system, a bidder may effectively "unsubmit" any bid placed within that round. A bidder removing a bid placed in the same round is not subject to a withdrawal payment. Once a round closes, a bidder may no longer remove a bid.

39. A high bidder may withdraw its standing high bids from previous rounds using the withdrawal function in the bidding system. A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payment provisions of the Commission rules. The Bureau seeks comment on these bid removal and bid withdrawal procedures.

40. In the *Part 1 Third Report and Order*, 63 FR 770 (January 7, 1998), the Commission explained that allowing bid withdrawals facilitates efficient aggregation of licenses and the pursuit of efficient backup strategies as information becomes available during the course of an auction. The

Commission noted, however, that, in some instances, bidders may seek to withdraw bids for improper reasons. The Bureau, therefore, has discretion, in managing the auction, to limit the number of withdrawals to prevent any bidding abuses. The Commission stated that the Bureau should assertively exercise its discretion, consider limiting the number of rounds in which bidders may withdraw bids, and prevent bidders from bidding on a particular market if the Bureau finds that a bidder is abusing the Commission's bid withdrawal procedures.

41. Applying this reasoning, the Bureau proposes to limit each bidder in Auction No. 48 to withdrawing standing high bids in no more than two rounds during the course of the auction. To permit a bidder to withdraw bids in more than two rounds would likely encourage insincere bidding or the use of withdrawals for anti-competitive purposes. The two rounds in which withdrawals are utilized will be at the bidder's discretion; withdrawals otherwise must be in accordance with the Commission's rules. There is no limit on the number of standing high bids that may be withdrawn in either of the rounds in which withdrawals are utilized. Withdrawals will remain subject to the bid withdrawal payment provisions specified in the Commission's rules. The Bureau seeks comment on this proposal.

F. Stopping Rule

42. The Bureau has discretion "to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time." For Auction No. 48, the Bureau proposes to employ a simultaneous stopping rule approach. A simultaneous stopping rule means that all licenses remain open until bidding closes simultaneously on all licenses.

43. Bidding will close simultaneously on all licenses after the first round in which no new acceptable bids, proactive waivers, or withdrawals are received. Thus, unless circumstances dictate otherwise, bidding will remain open on all licenses until bidding stops on every license.

44. However, the Bureau proposes to retain the discretion to exercise any of the following options during Auction No. 48:

i. Utilize a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder submits a proactive waiver, withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any

other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule. The Bureau further seeks comment on whether this modified stopping rule should be used at any time or only in stage three of the auction.

ii. Keep the auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. The activity rule, therefore, will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

iii. Declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the specified final round(s) only for licenses on which the high bid increased in at least one of a specified preceding number of rounds.

45. The Bureau proposes to exercise these options only in certain circumstances, such as, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising these options, the Bureau is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. The Bureau seeks comment on these proposals.

III. Conclusion

46. Comments are due on or before December 13, 2002, and reply comments are due on or before December 18, 2002. Because of the disruption of regular mail and other deliveries in Washington, DC, the Bureau requires that all comments and reply comments be filed electronically. Comments and reply comments must be sent by electronic mail to the following address: auction48@fcc.gov. The electronic mail containing the comments or reply comments must include a subject or caption referring to Auction No. 48 Comments. The Bureau requests that parties format any attachments to electronic mail as Adobe® Acrobat® (pdf) or Microsoft® Word documents. Copies of comments and reply comments will be available for public

inspection during regular business hours in the FCC Public Reference Room, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. In addition, the Bureau requests that commenters fax a courtesy copy of their comments and reply comments to the attention of Kathryn Garland at (717) 338-2850. Parties that have previously filed comments or reply comments for Auction No. 48 need not refile them.

47. This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules.

Federal Communications Commission.
Margaret Wiener,
Chief, Auctions & Industry Analysis Division.
[FR Doc. 02-30500 Filed 12-5-02; 8:45 am]
BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92-237; DA 02-3285]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On December 3, 2002, the Commission released a public notice announcing the December 11, 2002 conference call meeting and agenda of the North American Numbering Council (NANC). The conference bridge number for domestic participants is (800) 377-4273 (toll free). The call in number for international participants is (816) 650-0771 (caller pays). The Chairperson to ask for is Robert Atkinson. Due to limited port space, NANC members and Commission staff will have first priority on the call. Members of the public may join the call as remaining port space permits or may attend in person at the Federal Communications Commission, Portals II, 445 Twelfth Street, SW., Room 6-B516, Washington, DC 20554. The intended effect of this action is to make the public aware of the NANC's conference call meeting and agenda

scheduled for December 11, 2002. This notice of the December 11, 2002, NANC conference call meeting is being published in the **Federal Register** less than 15 calendar days prior to the meeting due to the NANC's need to discuss a time sensitive issue before the next scheduled meeting.

This statement complies with the General Services Administration Management regulations implementing the Federal Advisory Committee Act. See 41 CFR section 101-6.1015(b)(2).

FOR FURTHER INFORMATION CONTACT: Deborah Blue, Special Assistant to the Designated Federal Officer (DFO) at (202) 418-1466 or dblue@fcc.gov. The address is: Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, The Portals II, 445 12th Street, SW., Suite 5A420, Washington, DC 20554. The fax number is: (202) 418-2345. The TTY number is: (202) 418-0484.

SUPPLEMENTARY INFORMATION: This meeting is open to members of the general public. The FCC will attempt to accommodate as many participants as possible. Participation on the conference call is limited. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting. Requests to make an oral statement or provide written comments to the NANC should be sent to Deborah Blue at the address under **FOR FURTHER INFORMATION CONTACT**, stated above.

Proposed Agenda—Wednesday, December 11, 2002 1 PM

To discuss NANC recommendation to the Federal Communications Commission regarding the Petition of the California Public Utilities Commission and the People of the State of California for Waiver of the Federal Communications Commission's Contamination Threshold Rule.

Federal Communications Commission

Cheryl L. Callahan,

Assistant Chief, Telecommunications Access Policy Division, Wireline Competition Bureau.
[FR Doc. 02-30952 Filed 12-5-02; 8:45 am]

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