

notifies both the CDS subscriber who owns the seed and the mailer who submitted the list, the parties may not be able to reach a resolution.

The second comment expressed the concern that a mailer who acquires another business that does not sell its lists may not have records on how the business created its lists, particularly if the lists were developed over a period of many years. Thus, the mailer may not be able to furnish information requested on the PAF. Also, some mailers may not have maintained records on how they created address lists.

After considering the concerns, the Postal Service determined not to change the text of its proposed changes based on the following:

(1) The Postal Service does not share with the public information concerning the methodology and source information provided on the PAF.

(2) A mailer who submits an address list containing a CDS subscriber's seed has many avenues available to it to resolve the differences concerning the use of the address list. The PAF requires the intermediary who "rents" a list to a mailer on behalf of a seed owner to provide the mailer with documentation establishing the mailer's right to use an address list. The Postal Service anticipates that this measure will reduce the occurrence of innocent mis-use of seed addresses, and will assist CDS subscribers in tracking use of their address lists.

(3) An increase in the number of seed addresses provided to CDS customers should prevent the innocent appearance of a seed address disqualifying a mailer. For example, if a list contains only one seed address when the CDS subscriber owns several seed addresses for a ZIP Code™, the appearance of just one of several seed addresses could be used to support the mailer's argument that the use of the seed address was innocent.

(4) The Postal Service believes that it is reasonable to ask mailers submitting lists for CDS qualification to maintain records of where it obtained addresses when building address lists. The Postal Service understands that this is a new requirement, and will consider a mailer's inability to set forth how it created an address list on a case-by-case basis.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the *Mailing Standards of the United States Postal Service, Domestic Mail Manual*, which is incorporated by reference in the Code of Federal Regulations.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

**PART 111—[AMENDED]**

■ 1. The authority citation for 39 CFR Part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

■ 2. Amend the following sections of the *Mailing Standards of the United States Postal Service, Domestic Mail Manual* as set forth below:

**Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)**

\* \* \* \* \*

**500 Additional Services**

\* \* \* \* \*

**507 Mailer Services**

\* \* \* \* \*

**7.0 ADDRESS SEQUENCING SERVICES**

\* \* \* \* \*

**7.2 Service Levels**

\* \* \* \* \*

[Revise 7.2d and 7.2e to read as follows:]

d. Mailers who have obtained address sequencing services described in 7.2.c. above and in 7.5.1 for address lists, and who have a current Computerized Delivery Sequence (CDS) subscription, may apply to USPS to obtain seed addresses to include in their address lists. Qualified CDS subscribers may elect to include a seed address in an address file for identifying the list and detecting the use of the address list by another mailer.

e. If the mailer has obtained an address list from another party, and USPS locates a seed address when processing that address list for Level 3 Service, USPS will notify both the mailer who submitted the address list as well as the CDS subscriber to whom USPS has assigned the seed address. USPS will provide the CDS subscriber with the identity of the mailer, and will provide the mailer with the identity of the CDS subscriber. USPS will not release to the mailer those portions of the address list for the ZIP Codes containing the seed address, unless USPS receives written authorization to do so from the CDS subscriber if the mailer has obtained the address list from the CDS subscriber or a party acting on behalf of the CDS subscriber. USPS will only release those portions of the address list for ZIP Codes not

containing seed addresses if the mailer meets the address sequencing requirements.

**7.3 Card Preparation and Submission**

\* \* \* \* \*

[Revise 7.3.2 to read as follows:]

**7.3.2 Limitations**

The mailer is required to remit all fees to USPS for address sequencing service performed by USPS, including service for which USPS does not release to the mailer a ZIP Code containing a seed address. (See 507.7.6 below.) The following apply:

a. In order to obtain Level 3 Service, the mailer must submit address cards or an address file (address list) that contains at least ninety percent (90%), but not more than one hundred ten percent (110%) of all possible delivery addresses for a specific 5-digit ZIP Code delivery area.

b. If a mailer requests Level 3 Service for an address list and fails to meet any USPS address sequencing requirements for a ZIP Code within that address list, the mailer may resubmit the address list for Level 3 Service for the 5-digit ZIP Code that fails to meet USPS requirements. In the event the mailer fails to meet all USPS address sequencing requirements for the 5-digit ZIP Code on the third time it submits the address list to USPS, USPS will not accept the address list for that 5-digit ZIP Code for a period of 1 year from the date the mailer submits the list to USPS for the third time.

An appropriate amendment to 39 CFR Part 111 will be published to reflect these changes.

**Neva R. Watson,**  
*Attorney, Legislative.*

[FR Doc. 05–10386 Filed 5–24–05; 8:45 am]

**BILLING CODE 7710–12–U**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 2 and 90**

[ET Docket No. 04–243; FCC 05–69]

**Narrowbanding for Private Land Mobile Radio Service**

**AGENCY:** Federal Communications Commission

**ACTION:** Final rule; correction.

**SUMMARY:** On April 27, 2005 (70 FR 21652), the Commission published final rules in the Report and Order, which specified the procedures by which forty Private Land Mobile Radio (PLMR) channels, which are located in

frequency bands that are allocated primarily for Federal use, are to transition to narrower, more spectrally efficient channels in a process commonly known as "narrowbanding." This document contains a correction to the effective date in footnote US312 and § 90.20 (e)(6), which was incorrectly stated.

**DATES:** Effective May 27, 2005.

**FOR FURTHER INFORMATION CONTACT:** Tom Mooring, Office of Engineering and Technology, (202) 418-2450, email: [Tom.Mooring@fcc.gov](mailto:Tom.Mooring@fcc.gov).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 05-8338, appearing on pages 21659 and 21660 in the **Federal Register** of Wednesday, April 27, 2005, the following corrections are made:

1. On page 21659, in the third column, third sentence in footnote US312 the date "April 27, 2019" is corrected to read as "May 27, 2019".

2. On page 21660, in paragraph (e)(6), in the third column, first sentence the date "April 27, 2019" is corrected to read "May 27, 2019".

Federal Communications Commission.

**Marlene Dortch,**  
*Secretary.*

[FR Doc. 05-10336 Filed 5-24-05; 8:45 am]

**BILLING CODE 6712-01-U**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[CC Docket No. 96-45; FCC 05-46]

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

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission addresses the minimum requirements for a telecommunications carrier to be designated as an "eligible telecommunications carrier" or "ETC," and thus eligible to receive federal universal service support. Specifically, consistent with the recommendations of the Federal-State Joint Board on Universal Service (Joint Board), we adopt additional mandatory requirements for ETC designation proceedings.

**DATES:** Effective June 24, 2005 except for §§ 54.202 and 54.209 which contain information collection requirements that have not been approved by the Office of Management Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the

effective date of those sections. Written comments by the public on the new and/or modified information collection requirements are due July 25, 2005.

**ADDRESSES:** All filings must be sent to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the Office of the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov). Parties should also send three paper copies of their filings to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW., Room 5-B540, Washington, DC 20554. See Supplemental Information for further filing instructions.

**FOR FURTHER INFORMATION CONTACT:** Mark Seifert, Assistant Chief, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400, TTY (202) 418-0484. For additional information concerning the information collection(s) contained in this document, contact Judith B. Herman at (202) 418-0214, or via the Internet at [Judith-B.Herman@fcc.gov](mailto:Judith-B.Herman@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, in CC Docket No. 96-45, FCC 05-46, released March 17, 2005. 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. This *Report and Order* addresses the minimum requirements for a telecommunications carrier to be designated as an "eligible telecommunications carrier" or "ETC," and thus eligible to receive federal universal service support. Specifically, consistent with the recommendations of the Federal-State Joint Board on Universal Service (Joint Board), we adopt additional mandatory requirements for ETC designation proceedings in which the Commission acts pursuant to section 214(e)(6) of the Communications Act of 1934, as amended (the Act). In addition, as recommended by the Joint Board, we

encourage states that exercise jurisdiction over ETC designations pursuant to section 214(e)(2) of the Act, to adopt these requirements when deciding whether a common carrier should be designated as an ETC. We believe that application of these additional requirements by the Commission and state commissions will allow for a more predictable ETC designation process.

2. We also believe that because these requirements create a more rigorous ETC designation process, their application by the Commission and state commissions will improve the long-term sustainability of the universal service fund. Specifically, in considering whether a common carrier has satisfied its burden of proof necessary to obtain ETC designation, we require that the applicant: (1) Provide a five-year plan demonstrating how high-cost universal service support will be used to improve its coverage, service quality or capacity in every wire center for which it seeks designation and expects to receive universal service support; (2) demonstrate its ability to remain functional in emergency situations; (3) demonstrate that it will satisfy consumer protection and service quality standards; (4) offer local usage plans comparable to those offered by the incumbent local exchange carrier (LEC) in the areas for which it seeks designation; and (5) acknowledge that it may be required to provide equal access if all other ETCs in the designated service area relinquish their designations pursuant to section 214(e)(4) of the Act. In addition, we make these additional requirements applicable on a prospective basis to all ETCs previously designated by the Commission, and we require these ETCs to submit evidence demonstrating how they comply with this new ETC designation framework by October 1, 2006, at the same time they submit their annual certification filing. As explained in greater detail below, however, we do not adopt the Joint Board's recommendation to evaluate separately whether ETC applicants have the financial resources and ability to provide quality services throughout the designated service area because we conclude the objective of such criterion will be achieved through the other requirements adopted in this *Report and Order*.

3. In this *Report and Order*, we also set forth the analytical framework the Commission will use to determine whether the public interest would be served by an applicant's designation as an ETC. We find that, under the statute, an applicant should be designated as an