

(c) \* \* \*

## EPA-APPROVED ALABAMA REGULATIONS

| State citation                          | Title/subject                              | State effective date | EPA approval date                           | Explanation |
|---|--|----------------------|---|-------------|
| <b>Chapter No. 335–1–1 Organization</b> |  |                      |   |             |
| Section 335–1–1–.03 .....               | Organization and Duties of the Commission. | 12/8/2017            | 7/6/2018, [Insert citation of publication]. |             |
| Section 335–1–1–.04 .....               | Organization of the Department.            | 12/8/2017            | 7/6/2018, [Insert citation of publication]. |             |
| *                                       | *  | *                    | *   | *           |

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(e) \* \* \*

## EPA-APPROVED ALABAMA NON-REGULATORY PROVISIONS

| Name of nonregulatory SIP provision   | Applicable geographic or nonattainment area | State submittal date/ effective date | EPA approval date                           | Explanation  |
|---|---|--------------------------------------|---|--|
| *   | *   | *                                    | *   | *  |
| 110(a)(1) and (2) Infrastructure Requirements for the 1997 Annual PM <sub>2.5</sub> NAAQS.  | Alabama .....                               | 12/8/2017                            | 7/6/2018, [Insert citation of publication]. | Addressing the state board requirements of sections 128 and 110(a)(2)(E)(ii) only. |
| 110(a)(1) and (2) Infrastructure Requirements for the 2006 24-hour PM <sub>2.5</sub> NAAQS. | Alabama .....                               | 12/8/2017                            | 7/6/2018, [Insert citation of publication]. | Addressing the state board requirements of sections 128 and 110(a)(2)(E)(ii) only. |
| 110(a)(1) and (2) Infrastructure Requirements for the 2012 24-hour PM <sub>2.5</sub> NAAQS. | Alabama .....                               | 12/8/2017                            | 7/6/2018, [Insert citation of publication]. | Addressing the state board requirements of sections 128 and 110(a)(2)(E)(ii) only. |
| 110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead NAAQS.                      | Alabama .....                               | 12/8/2017                            | 7/6/2018, [Insert citation of publication]. | Addressing the state board requirements of sections 128 and 110(a)(2)(E)(ii) only. |
| 110(a)(1) and (2) Infrastructure Requirements for the 2008 8-hour Ozone NAAQS.              | Alabama .....                               | 12/8/2017                            | 7/6/2018, [Insert citation of publication]. | Addressing the state board requirements of sections 128 and 110(a)(2)(E)(ii) only. |
| 110(a)(1) and (2) Infrastructure Requirements for the 2010 NO <sub>2</sub> NAAQS.           | Alabama .....                               | 12/8/2017                            | 7/6/2018, [Insert citation of publication]. | Addressing the state board requirements of sections 128 and 110(a)(2)(E)(ii) only. |
| 110(a)(1) and (2) Infrastructure Requirements for the 2010 SO <sub>2</sub> NAAQS.           | Alabama .....                               | 12/8/2017                            | 7/6/2018, [Insert citation of publication]. | Addressing the state board requirements of sections 128 and 110(a)(2)(E)(ii) only. |

## § 52.53 [Amended]

■ 3. Section 52.53 is amended by removing paragraphs (a) through (e).

[FR Doc. 2018–14525 Filed 7–5–18; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 54

[WC Docket Nos. 10–90; FCC 18–53]

## Connect America Fund

**AGENCY:** Federal Communications Commission.

**ACTION:** Denial of petition for reconsideration.

**SUMMARY:** In this document, the Federal Communications Commission

(Commission) addresses the petition for reconsideration filed by Alaska Communications Systems (ACS) of the October 31, 2016 Commission's ACS Connect America Fund (CAF) Phase II Order. The Commission denies the petition.

**DATES:** The denial of the petition for reconsideration is effective August 6, 2018.

**FOR FURTHER INFORMATION CONTACT:** Alexander Minard, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order on Reconsideration in WC Docket Nos. 10–90; FCC 18–53, adopted on April 25, 2018 and released on April 26, 2018. 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 or at the following internet address: <https://www.fcc.gov/document/fcc-addresses-alaska-communications-systems-high-cost-petition>.

## I. Introduction

1. In this Order, the Commission addresses the petition for reconsideration filed by ACS of the October 31, 2016 Commission ACS CAF Phase II Order. The *ACS CAF II Order*, 81 FR 83706, November 22, 2016, established the CAF Phase II voice and broadband service obligations for ACS. In its petition, ACS seeks reconsideration of the Commission's definition of "high-cost," which the Commission adopted to provide ACS flexibility to meet its service commitment by deploying to certain locations within census blocks that otherwise have been identified as "low cost." The Commission required ACS to certify, in order to take advantage of that flexibility, that its minimum capital expenditure (capex) for each location in the "low cost" census block was at least \$5,000, whereas ACS asks that the threshold be lowered to \$2,577.79.

2. The Commission hereby denies the ACS petition. In denying the petition, the Commission determines that it struck an appropriate balance in providing ACS some flexibility in meeting its service commitment, while ensuring that high-cost support is targeted to areas that need it most.

## II. Discussion

3. The Commission denies ACS' petition to reconsider the conditions the Commission placed on the flexibility it granted ACS. In structuring support, the Commission adopted a tailored approach that reflects the unique challenges of serving Alaska, while preserving and adhering to its fundamental universal service principles and policies—including targeting support to locations that are truly in need of support. In its petition, ACS states that it "objects to none of [the] conditions [of substituting high-cost locations in low-cost census blocks], but seeks reconsideration only of the meaning of 'high-cost' in [that] context."

4. As a matter of policy, the Commission decided that the minimum

capex for permitting ACS to substitute a location in a low-cost census block for a location in a high-cost census block would be \$5,000 as a way of prioritizing support going to higher-cost unserved locations even when allowing ACS to forego deploying to locations in model-identified eligible census blocks. Setting the threshold at or near the lower bound of what ACS estimates is the capex required to serve a location in a high-cost census block would counter the Commission's objective in the *ACS CAF II Order*, because it would allow funding to be re-directed to relatively lower cost locations while leaving higher cost locations unserved. These relatively lower cost locations that would be eligible under the revised threshold are precisely the locations that are more likely to be served even in the absence of universal service support. Particularly given that ACS does not propose that their support levels be adjusted to account for the fact that they would be serving relatively lower cost locations, granting the ACS request would work against the Commission's efforts to efficiently serve the higher cost locations which are least likely to be served apart from universal service support. Therefore, the Commission chose to set the minimum threshold at the average capex for locations in high-cost areas otherwise available to ACS, instead of at the lower bound otherwise used for determining funded locations. This decision thus made sure such flexibility was available to ACS only in instances where the location is among the more costly to serve.

5. As the steward of the limited Universal Service Fund (USF), the Commission has discretion to tailor high-cost support to areas that are the most costly to serve. It is reasonable and entirely within the Commission's authority to limit the flexibility by prioritizing deployment to locations with a greater need for funding, based on the amount of capex ACS actually spends. ACS seems to concede this is a lawful and proper exercise of the Commission's discretion as it seeks even greater flexibility. The \$5,000 minimum threshold ensures that ACS is meeting its obligation to serve the locations in model-determined high-cost areas, while allowing ACS some flexibility to exchange some unserved locations in adjacent census blocks for which the cost model did not calculate support, but which nevertheless ultimately are among the costliest for ACS to serve. As the flexibility to swap locations is an exception based on the unique circumstance of ACS in Alaska, the Commission finds that establishing this

limit is reasonable and consistent with its overarching universal service principal and policies. The Commission is not persuaded by ACS's arguments that there is no reasonable basis for the \$5,000 minimum capex certification requirement or that this obligation is contrary to the public interest.

6. ACS is also misguided in arguing that the \$5,000 minimum threshold will leave certain locations unserved and deny support to locations that are otherwise entitled to it. ACS is not required to substitute any locations, and regardless of whether it does, must still deploy to 31,571 locations by the end of the term of support. The Commission made a limited exception in the *ACS CAF II Order* that allows ACS to use high-cost support in model-determined low-cost census blocks where the population is lacking service and where it is very costly. Although the level of the threshold will affect which specific locations are served and counted toward the requirement, the public interest is served because the number of locations ACS is required to serve remains the same.

7. ACS has long argued that the CAM does not appropriately account for the significantly higher costs required to build and operate in Alaska. It is due, in part, to this advocacy that the Commission adopted an ACS-specific order. However, accepting ACS's premise that the CAM underestimates locations' costs would counsel *against* establishing a threshold at the lower end of what ACS's own analysis of the CAM would define as a high-cost location. To use a threshold at such a level would imply that the Commission should allow ACS the flexibility to substitute locations that may not even require support while abandoning locations that are clearly in need of high-cost support. This is because accepting the premise that the CAM underestimates costs would suggest the lower bound threshold ACS proposes is likely too low. By setting the threshold at \$5,000 per location, the Commission was able to allow for some flexibility while also reducing subsidization of lower cost locations. Based on ACS' representations regarding capex costs in Alaska and the costs to build to these unserved locations, meeting this threshold should not be problematic. Therefore, the Commission finds its decision was reasoned and serves the public interest. ACS provided nothing in its Petition that persuades us to alter this requirement.

### III. Procedural Matters

#### A. Paperwork Reduction Act

8. This document does not contain new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

#### B. Congressional Review Act

9. The Commission will send a copy of this Report and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

### IV. Ordering Clauses

10. Accordingly, *it is ordered*, pursuant to the authority contained in sections 1, 4(j), 214, 254, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(j), 214, 254, and 405 and § 1.429 of the Commission's rules, 47 CFR 1.429, that this Order *is adopted*.

11. *It is further ordered* that, pursuant to the authority contained in sections 1, 4(j), 214, 254, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(j), 214, 254, and 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, the Petition for Reconsideration of the Commission's Order, filed by Alaska Communications, *is denied* as discussed herein.

12. *It is further ordered* that, pursuant to the authority contained in § 1.103 of the Commission's rules, 47 CFR 1.103, this Order *shall be effective* August 6, 2018.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2018–14148 Filed 7–5–18; 8:45 am]

**BILLING CODE 6712–01–P**

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 170714670–8561–02]

RIN 0648–BH05

#### Fisheries of the Exclusive Economic Zone Off Alaska; Reclassifying Squid Species in the BSAI and GOA

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues regulations to implement Amendment 117 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP), implement Amendment 106 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP), and update the species code tables for octopus. This final rule prohibits directed fishing for the squid species complex (squids) by Federally permitted groundfish fishermen, specifies a squid retention limit in the Gulf of Alaska (GOA) groundfish fisheries consistent with the existing Bering Sea and Aleutian Islands Management Area (BSAI) squid retention limit, and makes minor corrections to the octopus species code tables. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable laws.

**DATES:** Effective August 6, 2018.

**ADDRESSES:** Electronic copies of Amendment 117 to the BSAI FMP, Amendment 106 to the GOA FMP, and the Environmental Assessment/Regulatory Impact Review (collectively the “Analysis”) prepared for this action may be obtained from [www.regulations.gov](http://www.regulations.gov).

Electronic copies of the Initial Regulatory Flexibility Analyses for the BSAI and GOA Groundfish Harvest Specifications for 2018 and 2019 may be obtained from [www.regulations.gov](http://www.regulations.gov).

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted by mail to NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99082–1668, Attn: Ellen Sebastian, Records Officer; in person at NMFS, Alaska Region, 709 West 9th Street, Room 420A, Juneau, AK; by email to

[OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov); or by fax to (202) 395–5806.

**FOR FURTHER INFORMATION CONTACT:** Megan Mackey, (907) 586–7228.

#### SUPPLEMENTARY INFORMATION:

#### Authority for Action

NMFS manages the groundfish fisheries in the exclusive economic zones of the BSAI and GOA under the BSAI FMP and GOA FMP (collectively the FMPs). The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations implementing the FMPs appear at 50 CFR part 679. General regulations governing U.S. fisheries appear at 50 CFR part 600.

This final rule implements Amendments 117/106 and updates the species code for octopus in several tables to 50 CFR part 679. The Council submitted Amendments 117/106 for review by the Secretary of Commerce, and the notice of availability of these amendments was published in the **Federal Register** on March 27, 2018, with comments invited through May 29, 2018 (83 FR 13117). NMFS published the proposed rule for this action on April 11, 2018 (83 FR 15538), with comments invited through May 11, 2018. NMFS received three comment letters from three members of the public. The comments are summarized and responded to under the heading “Comments and Responses” below.

A detailed review of the provisions and rationale for this action is provided in the preamble to the proposed rule and is briefly summarized in this final rule.

#### Background

In June 2017, the Council voted unanimously to recommend FMP Amendments 117/106 to reclassify squids as non-target ecosystem component species, not in need of conservation and management. Squids are currently classified as target species in the FMPs, though as discussed below, squids are currently only caught incidental to other target fisheries. To implement FMP Amendments 117/106, NMFS implements regulations to prohibit directed fishing for squids by Federally permitted groundfish fishermen and to specify a squid retention limit in the GOA groundfish fisheries consistent with the existing BSAI squid retention limit. The following sections of this preamble describe (1) groundfish stock classification in FMPs and a brief