

for customers of discontinued services.” There has never been a 180-day customer notice period for discontinuance applications. As Verizon notes, Petitioner’s arguments regarding customer notification seem to conflate copper retirement with service discontinuance. The *Second Report and Order* provided for a streamlined 10-day comment period for applications to grandfather legacy voice services, which had previously been subject to the default of 15 days for non-dominant providers and 30 days for dominant providers. The Commission had previously adopted streamlined comment and automatic grant periods for applications to grandfather or to discontinue previously grandfathered low-speed legacy voice and data services. In the *Second Report and Order*, the Commission extended this streamlined treatment to all legacy voice services. The Commission explained in the *Second Report and Order*, “as existing customers will be entitled to maintain their legacy voice services, they will not be harmed by grandfathering applications.” It did not, however, shorten the comment period applicable to non-grandfathering technology transition discontinuance applications. Such applications are still subject to the default comment period. And, while the *First Report and Order* revised the Commission’s copper retirement rules to “eliminate the requirement of direct notice to retail customers” and reduced the copper retirement waiting period from 180 to 90 days, these changes did not affect the requirement or timing within which consumers receive notice of service discontinuance applications under section 214.

17. Finally, the Wireline Competition Bureau dismisses the Petition’s argument that the Commission “must reconsider its belief that market-based incentives are sufficient to ensure that carriers provide adequate replacement services to consumers in the event of a service discontinuance.” The Commission has previously considered and rejected Petitioner’s claims in this regard. Nevertheless, judgments concerning the nature and impact of market incentives as they relate to public policy are well within the Commission’s discretion. The rules adopted in the *Second Report and Order* were based on an extensive record, and in the absence of any new data or facts, the Wireline Competition Bureau rejects Petitioner’s request to reconsider those rules based solely on the fact that it disagrees with the Commission’s

assessment of competition in the market for telecommunications services.

#### B. The Motion To Hold in Abeyance Is Moot

18. The Wireline Competition Bureau dismisses as moot Public Knowledge’s accompanying Motion to hold the *Second Report and Order* “in abeyance until pending litigation is resolved.” The Motion refers to a challenge in the United States Court of Appeals for the Ninth Circuit of the Commission’s 2017 *Wireline Infrastructure First Report and Order*, which was then pending but has since been dismissed for lack of standing. We note that some commenters argue that Public Knowledge’s Motion was an improper motion for a stay, or is procedurally defective in other ways. We need not reach determination of these issues, however, as we instead merely dismiss this accompaniment to the Public Knowledge Petition as moot.

19. This action is taken pursuant to the authority delegated by §§ 0.91 and 0.291 of the Commission’s rules, 47 CFR 0.91 and 0.291.

#### IV. Procedural Matters

20. This document does not contain new or modified 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 modified 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).

21. *Contact Person.* For further information about this proceeding, please contact Michele Levy Berlove, Competition Policy Division, Wireline Competition Bureau, at (202) 418–1477.

#### V. Ordering Clauses

22. Accordingly, *it is ordered* that, pursuant to sections 1–4 and 214 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154 and 214, this Order on Reconsideration is adopted.

23. *It is further ordered* that the Petition for Reconsideration filed by Public Knowledge is denied.

24. *It is further ordered* that this Order on Reconsideration shall be effective 30 days after publication in the **Federal Register**.

Federal Communications Commission

**Daniel Kahn,**

Associate Chief, Wireline Competition Bureau.

**Editorial note:** This document was received for publication by the Office of the Federal Register on January 6, 2021.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 120404257–3325–02]

RTID 0648–XA849

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2021 Commercial Longline Closure for South Atlantic Golden Tilefish

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements an accountability measure for the commercial longline component for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial longline landings for golden tilefish are projected to reach the longline component’s commercial quota by February 10, 2021. Therefore, NMFS closes the commercial longline component of golden tilefish in the South Atlantic EEZ on February 10, 2021, at 12:01 a.m. local time. This closure is necessary to protect the golden tilefish resource.

**DATES:** This temporary rule is effective from 12:01 a.m. local time on February 10, 2021, until 12:01 a.m. local time on January 1, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: [mary.vara@noaa.gov](mailto:mary.vara@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial golden tilefish sector has two components, each with its own quota: The longline and hook-and-line components (50 CFR 622.190(a)(2)). The commercial golden tilefish annual catch limit (ACL) is allocated 75 percent to the longline component and 25 percent to the hook-and-line component. The total commercial ACL (equivalent to the commercial quota) is 331,740 lb (150,475 kg) gutted weight, and the longline component quota is 248,805 lb (112,856 kg) gutted weight.

Under 50 CFR 622.193(a)(1)(ii), NMFS is required to close the commercial longline component for golden tilefish when the longline component's commercial quota has been reached or is projected to be reached by filing a notification to that effect with the Office of the Federal Register. After this closure, golden tilefish may not be commercially fished or possessed by a vessel with a golden tilefish longline endorsement. NMFS has determined that the commercial quota for the golden tilefish longline component in the South Atlantic will be reached by February 10, 2021. Accordingly, the commercial longline component of South Atlantic golden tilefish is closed effective at 12:01 a.m. local time on February 10, 2021, and will remain closed until the start of the next fishing year on January 1, 2022.

During the commercial longline closure, golden tilefish may still be commercially harvested using hook-and-line gear. However, a vessel with a golden tilefish longline endorsement is not eligible to fish for or possess golden tilefish using hook-and-line gear under the hook-and-line commercial trip limit, as specified in 50 CFR 622.191(a)(2)(ii).

During the commercial longline closure, the recreational bag and possession limits specified in 50 CFR 622.187(b)(2)(iii) and (c)(1), respectively, apply to all harvest or possession of golden tilefish in or from the South Atlantic EEZ by a vessel with a golden tilefish longline endorsement.

The sale or purchase of longline-caught golden tilefish taken from the South Atlantic EEZ is prohibited during the commercial longline closure. The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper and a valid commercial longline endorsement for golden tilefish with golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish prior to 12:01 a.m. local time on February 10, 2021. The prohibition on sale or purchase does not apply to the sale or purchase of longline-caught golden tilefish that were harvested, landed ashore, and sold prior to 12:01 a.m. local time on February 10, 2021, and were held in cold storage by a dealer or processor. Additionally, the recreational bag and possession limits and the sale and purchase prohibitions under the commercial closure apply to a person on board a vessel with a golden tilefish longline endorsement, regardless of whether the golden tilefish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1).

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(a)(1)(ii), issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the commercial closure of the golden tilefish longline component have already been subject to notice and public comment, and all that remains is to notify the public of the commercial component closure. Prior notice and opportunity for public comment on this action is contrary to the public interest because of the need to immediately implement the commercial component closure to protect the South Atlantic golden tilefish resource. The capacity of the longline fishing fleet allows for rapid harvest of the commercial longline component quota, and any delay in the commercial closure could result in the commercial longline component quota being exceeded. Prior notice and opportunity for public comment would require time and would potentially result in a harvest that exceeds the commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: February 5, 2021.

**Jennifer M. Wallace,**

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

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