

accordance with the requirements of paragraph (f)(1) of this section. Plan M requires Employer G to make a nonelective contribution on behalf of each eligible employee equal to 2 percent of the compensation of the employee for the plan year.

(B) Based on these facts, long-term, part-time employees are excluded for purposes of determining whether Plan M satisfies every provision under paragraph (f)(1)(i) of this section for the plan year (to the extent the provision would otherwise apply to Plan M), including the nondiscrimination requirements of section 401(a)(4). Accordingly, any nonelective contribution made on behalf of a long-term, part-time employee for the plan year is disregarded for purposes of determining whether nonelective contributions made for the plan year satisfy the nondiscrimination requirements of section 401(a)(4).

(ii) *Example 2.* (A) Employer H maintains Plan N. Plan N provides that all long-term, part-time employees are excluded from the application of the vesting and benefit requirements of section 416(b) and (c). Plan N requires Employer H to make a nonelective contribution on behalf of each eligible employee who is credited with at least 1,000 hours of service during the plan year equal to 3 percent of the compensation of the employee for the plan year. Plan N provides that each employee has a 100-percent nonforfeitable right to any nonelective contribution Employer H makes on behalf of the employee. Plan N is a top-heavy plan with respect to the plan year.

(B) Based on these facts, long-term, part-time employees are excluded from the application of the vesting and benefit requirements of section 416(b) and (c) for the plan year. Accordingly, although Plan N is a top-heavy plan with respect to the plan year, Plan N is not required to satisfy the top-heavy benefit provisions of section 416(c) for the plan year with respect to any non-key employee who is a long-term, part-time employee.

(g) *Applicability date.* This section applies to plan years that begin on or after January 1, 2024.

**Douglas W. O'Donnell,**

*Deputy Commissioner for Services and Enforcement.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[WC Docket Nos. 10–90, 14–58, 09–197, and 16–271; RM–11868; Report No. 3203; FR ID 183017]

### Petitions for Reconsideration of Action in Rulemaking Proceeding

**AGENCY:** Federal Communications Commission.

**ACTION:** Petition for Reconsideration.

**SUMMARY:** Petitions for Reconsideration (Petitions) have been filed in the Commission's proceeding Connect America Fund: A National Broadband Plan for Our Future High-Cost Universal Service Support, ETC Annual Reports and Certifications, Telecommunications Carriers Eligible to Receive Universal Service Support, Connect America Fund—Alaska Plan, and Expanding Broadband Service Through the ACAM Program.

**DATES:** Oppositions to the Petitions must be filed on or before December 12, 2023. Replies to oppositions must be filed on or before December 22, 2023.

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** For additional information on this proceeding, contact Stephen Wang of the Wireline Competition Bureau, Telecommunications Access Policy Division, at (202) 418-7400 or [Stephen.Wang@fcc.gov](mailto:Stephen.Wang@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document, Report No. 3203, released October 31, 2023. The full text of the Petitions can be accessed online via the Commission's Electronic Comment Filing System at: <http://apps.fcc.gov/ecfs/>. The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

**Subject:** Connect America Fund: A National Broadband Plan for Our Future High-Cost Universal Service Support (WC Docket Nos. 10–90, 14–58, 09–197, and 16–271; RM–11868).

*Number of Petitions Filed:* 5.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 17

[Docket No. FWS–R2–ES–2023–0023; FF09E21000 FXES1111090FEDR 245]

RIN 1018–BH13

### Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Sacramento Mountains Checkerspot Butterfly

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period and announcement of public hearing.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are reopening the public comment period on our August 10, 2023, proposed rule to designate critical habitat for the Sacramento Mountains checkerspot butterfly (*Euphydryas anicia cloudcrofti*), a butterfly from New Mexico, under the Endangered Species Act of 1973, as amended (Act). We are taking this action to conduct a public hearing and to allow all interested parties additional time to comment on the proposal to designate critical habitat for the Sacramento Mountains checkerspot butterfly. Comments previously submitted need not be resubmitted and will be fully considered in preparation of the final rule.

#### DATES:

**Comment submission:** The comment period on the proposed rule that published August 10, 2023 (88 FR 54263), is reopened. We will accept comments received or postmarked on or before December 27, 2023. Please note that comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date to ensure consideration.

**Public hearing:** On December 12, 2023, we will hold a public hearing on the proposed critical habitat designation for the Sacramento Mountains checkerspot butterfly from 5 to 8 p.m., Mountain time, using the Zoom online platform (for more information, see Public Hearing, below).

#### ADDRESSES:

**Availability of documents:** You may obtain copies of the August 10, 2023, proposed rule and associated documents on the internet at <https://www.regulations.gov> under Docket No. FWS–R2–ES–2023–0023.