the Commission's duplicating contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects of 47 CFR Part 61

Communications common carriers, Report and recordkeeping requirements.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

[FR Doc. 95–13641 Filed 6–2–95; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 64

[CC Docket No. 91–281, FCC 95–187]

Calling Number Identification Service—Caller ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On May 5, 1995, the Commission adopted an Order on Reconsideration (Reconsideration) and a Second Report and Order (Second R&O). Pursuant to the Reconsideration and Second R&O (collectively called Order), this document amends rules regarding the federal model for Caller ID. This action fosters development of new technologies while at the same time protecting privacy expectations of people making and receiving calls.

EFFECTIVE DATE: Sections 64.1600 and 64.1602 are effective April 12, 1995. Sections 64.1601 and 64.1603 are effective December 1, 1995, except Sections 64.1601 and 64.1603 do not apply to public payphones and partylines until January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Marian Gordon (202/634–4215) or Mike Specht (202/634–1816), Domestic Facilities Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Reconsideration and Second R&O in the matter of Rules and Policies Regarding Calling Number Identification Service—Caller ID, (CC Docket 91–281, adopted May 4, 1995, and released May 5, 1995). The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., NW., Washington DC, or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., NW., Suite 140, Washington, DC 20037, phone (202/857–3800).

Analysis of Proceeding

On October 23, 1991, the Commission issued a Notice of Proposed Rulemaking (NPRM), summarized at 59 FR 18318 (April 18, 1994), seeking to develop effective policies to govern interstate calling party number (CPN) based services such as Caller ID. CPN based services are services depending on capabilities that are possible with new, out-of-band signalling techniques, the most recent being Signalling System Seven (SS7). The Commission found that as interexchange and local exchange carriers deploy SS7 and interconnect their signalling networks, interstate CPN-based services become possible. The Commission tentatively concluded that these new interstate services (the most widely known is Caller ID) would serve the public interest, but that federal policies had to be established to resolve uncertainties that appeared to be impeding their development. In particular, it identified billing issues among different carriers involved in passing CPN and varying state policies on the privacy rights of the parties on interstate calls as needing clarification.

On March 29, 1994, the Commission affirmed its tentative conclusion that interstate passage of CPN is in the public interest because, consistent with the statutory intent underlying Sections 1 and 7 of the Communications Act, it makes many new services and efficiencies possible. The Commission adopted a federal model to govern interstate transport and delivery of CPN, based largely on the proposals in the NPRM. The federal model included the following principles: (1) When a carrier uses SS7 to set up a call, it must transmit CPN and its associated privacy indicator for that call to connecting carriers; (2) calling parties should be able to conceal their number on an interstate call by dialing *67, and know that if they do not dial *67 their number may be revealed; (3) carriers in the transmission chain must honor the calling party's privacy election; (4) carriers may not charge connecting carriers for passage of CPN because its incremental costs are *de minimis*; (5) carriers may not charge calling parties for providing them the ability to conceal CPN by using *67, and must educate subscribers how to maintain confidentiality; (6) customers of charge number services such as 800 generally may not reuse charge number information without the permission of the calling party (charge number in SS7 technology is equivalent to Automatic Number Identification (ANI) that identifies a calling number in the older multifrequency signalling technology); and (7) states are preempted from having policies that interfere with the federal policy.

In addition to articulating the principles that govern the federal caller ID model, the Commission sought further comment on whether it should prescribe precise requirements regarding exactly how carriers should educate consumers about maintaining privacy on CPN services and whether and how the policies it adopted should be extended to other identification services, such as calling party name. On March 17, 1995, the Commission stayed the effective date of Sections 1601 (CPN passage and privacy) and 1603 (education) of the rules.

In the order adopted May 4, 1994, the Commission considered petitions for reconsideration of its decision, addressed comments filed in response to the Further Notice of Proposed Rulemaking and issued a Third Notice of Proposed Rulemaking to resolve issues raised by Private Branch Exchange (PBX) telephone services and private payphones in connection with CPN. The order affirms the Commission's fundamental finding that federal policies to govern the passage of Calling Party Number (CPN) over interstate facilities are necessary because uncertainty created by their absence impedes the development of potentially valuable CPN based interstate services. The order also resolves areas of uncertainty identified on reconsideration, including financial issues involving interstate passage of CPN and varying state requirements concerning the privacy rights of calling and called parties on interstate calls. It addresses comments filed in response to the Further Notice concerning application of federal Caller ID rules to other CPN based services and Commission prescribed educational requirements to support consumer use of Caller ID services. Finally, the Third Notice of Proposed Rulemaking seeks comment on a reasonable timeframe for bringing PBX systems and private payphones into compliance with our rules.

Final Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601, *et seq.*, the Commission's final analysis in this Order on Reconsideration and Second Report and Order is as follows:

I. Need and Purpose of This Action

This Order on Reconsideration and Second Report and Order amends the Commission's rules to require that the privacy requests of calling parties are

honored. The rule amendments are intended to ensure that caller ID services are available, to the extent possible and in the most efficient manner, to persons in the United States.

II. Summary of Issues Raised by the Public Comments in Response to the Initial Regulatory Flexibility Analysis

No comments were submitted in direct response to the Regulatory Flexibility Analysis in the Report and Order and Request for Comments.

III. Significant Alternatives Considered

The Report and Order and Request for Comments in this proceeding offered several proposals and requested comments as well as the views of commenters on other possibilities. The Commission has considered all comments and has adopted most of its proposals in addition to some alternatives recommended by commenters. The Commission considers its Order on Reconsideration and Second Report and Order that define a federal caller ID model to be the most reasonable course of action.

Ordering Clauses

1. Accordingly, It is Ordered, That, pursuant to authority contained in Sections 1, 4(i), 4(j), 201–205 and 218 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 151, 154(i), 154(j), 201–205, and 218, Part 64 of the Commission's Rules and Regulations is amended as set forth below, effective December 1, 1995.

2. The petitions for reconsideration and clarification of caller ID rules are granted in part and denied in part.

List of Subjects in 47 CFR Part 64

Calling party telephone number and privacy, Communications common carriers.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

Rule Changes

Part 64 of chapter I of Title 47 of the Code of Federal Regulations, is amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: Section 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 225, 226, 227, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201–4, 218, 225, 226, 227, unless otherwise noted.

2. Section 64.1600 is revised to read as follows:

§ 64.1600 Definitions.

(a) *Aggregate information.* The term ''aggregate information'' means collective data that relate to a group or category of services or customers, from which individual customer identities or characteristics have been removed.

(b) *ANI.* The term ''ANI'' (automatic number identification) refers to the delivery of the calling party's billing number by a local exchange carrier to any interconnecting carrier for billing or routing purposes, and to the subsequent delivery of such number to end users.

(c) *Calling party number.* The term Calling Party Number refers to the subscriber line number or the directory number contained in the calling party number parameter of the call set-up message associated with an interstate call on a Signaling System 7 network.

(d) *Charge number.* The term ''charge number'' refers to the delivery of the calling party's billing number in a Signaling System 7 environment by a local exchange carrier to any interconnecting carrier for billing or routing purposes, and to the subsequent delivery of such number to end users.

(e) *Privacy indicator.* The term Privacy Indicator refers to information, contained in the calling party number parameter of the call set-up message associated with an interstate call on an Signaling System 7 network, that indicates whether the calling party authorizes presentation of the calling party number to the called party.

(f) *Signaling System 7.* The term Signaling System 7 (SS7) refers to a carrier to carrier out-of-band signaling network used for call routing, billing and management.

3. Section 64.1601 is revised to read as follows:

§ 64.1601 Delivery requirements and privacy restrictions.

(a) *Delivery.* Common carriers using Signaling System 7 and offering or subscribing to any service based on Signaling System 7 call set functionality are required to transmit the calling party number associated with an interstate call to interconnecting carriers.

(b) *Privacy.* Originating carriers suing Signaling System 7 and offering or subscribing to any service based on Signaling System 7 call set up functionality will recognize *67 dialed as the first three digits of a call (or 1167 for rotary or pulse-dialing phones) as a caller's request for privacy on an interstate call. Such carriers providing line blocking services will recognize *82 as a caller's request that privacy not be provided on an interstate call. No common carrier subscribing to or offering any service that delivers calling party number may override the privacy indicator associated with an interstate call. Carriers must arrange their CPN-based services in such a manner that when a caller requests privacy, a carrier may not reveal that caller's number or name, nor may the carrier use the number or name to allow the called party to contact the calling party. The terminating carrier must act in accordance with the privacy indicator unless the call is made to a called party that subscribes to an ANI or charge number based service and the call is paid for by the called party.

(c) *Charges.* No common carrier subscribing to or offering any service that delivers calling party number may

(1) Impose on the calling party charges associated with per call blocking of the calling party's telephone number, or

(2) Impose charges upon connecting carriers for the delivery of the calling party number parameter or its associated privacy indicator.

(d) *Exemptions.* § 64.1601 shall not apply to calling party number delivery services

(1) Used solely in connection with calls within the same limited system, including (but not limited to) a Centrex, virtual private network, or private branch exchange system;

(2) Used on a public agency's emergency telephone line or in conjunction with 911 emergency services, or on any entity's emergency assistance poison control telephone line;

(3) Provided in connection with legally authorized call tracing or trapping procedures specifically requested by a law enforcement agency.

4. Section 64.1602 is revised to read as follows:

§ 64.1602 Restrictions on use and sale of telephone subscriber information provided pursuant to automatic number identification or charge number services.

(a) Any common carrier providing Automatic Number Identification or charge number services on interstate calls to any person shall provide such services under a contract or tariff containing telephone subscriber information requirements that comply with this subpart. Such requirements shall:

(1) Permit such person to use the telephone number and billing information for billing and collection, routing, screening, and completion of the originating telephone subscriber's call or transaction, or for services

directly related to the originating telephone subscriber's call or transaction;

(2) Prohibit such person from reusing or selling the telephone number or billing information without first

(i) Notifying the originating telephone subscriber and,

(ii) Obtaining the affirmative consent of such subscriber for such reuse or sale; and,

(3) Prohibit such person from disclosing, except as permitted by paragraphs (a) (1) and (2) of this section, any information derived from the automatic number identification or charge number service for any purpose other than

(i) Performing the services or transactions that are the subject of the originating telephone subscriber's call,

(ii) Ensuring network performance security, and the effectiveness of call delivery,

(iii) Compiling, using, and disclosing aggregate information, and

(iv) Complying with applicable law or legal process.

(b) The requirements imposed under paragraph (a) of the section shall not prevent a person to whom automatic number identification or charge number services are provided from using

(1) The telephone number and billing information provided pursuant to such service, and

(2) Any information derived from the automatic number identification or charge number service, or from the analysis of the characteristics of a telecommunications transmission, to offer a product or service that is directly related to the products or services previously acquired by that customer from such person. Use of such information is subject to the requirements of 47 CFR 64.1200 and 64.1504(c).

5. Section 64.1603 is revised to read as follows:

§ 64.1603 Customer notification.

Any common carrier participating in the offering of services providing calling party number, ANI, or charge number on interstate calls must notify its subscribers, individually or in conjunction with other carriers, that their telephone numbers may be identified to a called party. Such notification must be made not later than December 1, 1995, and at such times thereafter as to ensure notice to subscribers. The notification must be effective in informing subscribers how to maintain privacy by dialing *67 (or 1167 for rotary or pulse-dialing phones) on interstate calls. The notice shall inform subscribers whether dialing *82 (or 1182 for rotary or pulse-dialing phones) on interstate calls is necessary to present calling party number to called parties. For ANI or charge number services for which such privacy is not provided, the notification shall inform subscribers of the restrictions on the reuse or sale of subscriber information.

6. Section 64.1604 is revised to read as follows:

§ 64.1604 Effective date

The provisions of §§ 64.1600 and 64.1602 are effective April 12, 1995. The provisions of §§ 64.1601 and 64.1603 are effective December 1, 1995, except §§ 64.1601 and 64.1603 do not apply to public payphones and partylines until January 1, 1997.

[FR Doc. 95–13760 Filed 6–2–95; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 94–146; RM–8557]

Radio Broadcasting Services; Houston, AK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 242A to Houston, Alaska, as that community's third local FM service, in response to a petition for rule making filed on behalf of Evangelistic Alaska Missionary Fellowship, Inc. *See* 59 FR 66287, December 23, 1994. Coordinates used for Channel 242A at Houston are 61–38–01 and 149–50–28. With this action, the proceeding is terminated.

DATES: Effective July 17, 1995. The window period for filing applications on Channel 242A at Houston, Alaska, will open on July 17, 1995, and close on August 17, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 242A at Houston, Alaska, should be addressed to the Audio Services Division, FM Branch, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 94–146, adopted May 23, 1995, and released May 31, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments underAlaska, is amended by adding Channel 242A at Houston.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–13640 Filed 6–2–95; 8:45 am]
BILLING CODE 6712–01–F

DEPARTMENT OF DEFENSE

48 CFR Parts 202, 203, 206, 207, 209, 215, 217, 219, 225, 226, 228, 231, 232, 235, 237, 242, 244, 245, 247, 249, 251, 252, 253, and Appendix C to Chapter 2

[Defense Acquisition Circular (DAC) 91–7]

Defense Federal Acquisition Regulation Supplement; Miscellaneous Amendments

AGENCY: Department of Defense (DoD).

ACTION: Final rules.

SUMMARY: Defense Acquisition Circular (DAC) 91–7 amends the Defense FAR Supplement (DFARS) to revise, finalize, or add language on competitive prototyping, contractor accounting controls, award to foreign controlled contractors, terrorist countries, debarment and suspension, small purchases in support of contingency operations, greatest value sources, predetermined indirect cost rates, undefinitized contract actions, small disadvantaged business, historically black colleges and universities and minority institutions, Indian tribal or Alaska native corporations, North American Free Trade Agreement, valves and machine tools, restriction on procurement of goods, aircraft fuel cells, lifeboat survival systems, performance outside the United States, offset