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[FR Doc. 97-24426 Filed 9-16-97; 8:45 am]
BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket 94-129; FCC 97-248]

Unauthorized Changes of Consumer's Long Distance Carriers; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communication Commission published in the **Federal Register** of August 14, 1997, a document which amends the Commission's rules and policies governing the unauthorized switching of subscribers' primary interexchange carriers (PICs), an activity more commonly known as "slamming." In the Order on Reconsideration, the Commission disposes of six petitions for reconsideration of its *1995 Report and Order*, and amends its rules regarding changes in subscribers' long distance carriers in three respects. The Commission's decision is intended to deter and ultimately eliminate unauthorized changes in subscribers' long distance carriers. Inadvertently § 64.1100(a) had the word "or" omitted. This document adds the word "or".

EFFECTIVE DATE: January 12, 1998.

FOR FURTHER INFORMATION CONTACT: Cathy Seidel, Enforcement Division, Common Carrier Bureau, (202) 418-0960.

SUPPLEMENTARY INFORMATION: The FCC published a document in the **Federal Register** of August 14, 1997, FCC 97-248 (62 FR 43477) FR Doc. No. 97-21527. The amended § 64.1100(a) inadvertently had the word "or" omitted. This correction adds the word "or" to the amended § 64.1100(a).

§ 64.1100 [Corrected]

On page 43481, in the second column, in § 64.1100(a), last line, add the word "or" after the semicolon.

Dated: September 11, 1997.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-24646 Filed 9-16-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 101

[CC Docket No. 92-297; FCC 97-323]

The Local Multipoint Distribution Service ("LMDS")

AGENCY: Federal Communications Commission.

ACTION: Final rule; order on reconsideration

SUMMARY: On September 9, 1997, the Federal Communications Commission adopted a *Second Order on Reconsideration* amending certain rules pertaining to Local Multipoint Distribution Service ("LMDS") operations in the 27.5-28.35 GHz, 29.1-29.25 GHz, and 31.0-31.3 GHz bands. These amendments are being made in response to certain petitions for reconsideration of the *Second Report and Order* in this proceeding which established rules and policies for LMDS. The effect of this action is to make amendments to the rules regarding favorable small business provisions available to qualifying applicants for LMDS licenses.

EFFECTIVE DATE: November 17, 1997.

FOR FURTHER INFORMATION CONTACT: Matthew Moses, Wireless Telecommunications Bureau, (202) 418-0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Order on Reconsideration* in CC Docket No. 92-297, FCC 97-323. The complete *Second Order on Reconsideration* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, N.W., Washington, D.C. 20036. The complete *Second Order on Reconsideration* is also available on the Commission's Internet home page (<http://www.fcc.gov>).

SUMMARY of THE SECOND ORDER on RECONSIDERATION

1. The Commission has before it several petitions for reconsideration of the *Second Report and Order, Order on Reconsideration, and Fifth Notice of Proposed Rulemaking in this proceeding, Rulemaking To Amend Parts 1, 2, 21, and 25 of the Commission's Rules To Redesignate the 27.5-29.5 GHz Frequency Band, To Reallocate the 29.5-30.0 GHz Frequency Band, To Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, Petitions for Reconsideration of the Denial of Applications for Waiver of the Commission's Common Carrier Point-to-Point Microwave Radio Service Rules*, CC Docket No. 92-297, Suite 12 Group Petition for Pioneer Preference, PP-22, *Second Report and Order, Order on Reconsideration*, 62 FR 23148 (April 29, 1997), and *Fifth Notice of Proposed Rulemaking*, 62 FR 16514 (April 7, 1997) ("*LMDS Second Report and Order*") ("*Fifth Notice of Proposed Rulemaking*") ("*Order on Reconsideration*"). adopting subpart L of part 101 of the Commission's rules, 47 CFR 101.1001-1112; *appeal pending sub nom. Melcher v. FCC*, Case Nos. 93-1110, et al. (D.C. Cir., filed February 8, 1993) (eligibility restrictions); *Errata* (released April 7 and May 1, 1997); *Order on Reconsideration*, 62 FR 28373 (May 23, 1997). The Commission defers the comments and all matters raised for comment in the *Fifth Notice of Proposed Rulemaking* to a separate Report and Order to be issued in the near future. CellularVision USA, Inc. ("CellularVision"), WebCel Communications, Inc. ("WebCel"), Cook Inlet Region, Inc. ("Cook Inlet"), LBC Communications, Inc. ("LBC"), the Rural Telecommunications Group ("RTG"), the Independent Alliance, and Sierra Digital Communications, Inc. filed petitions for reconsideration of the *LMDS Second Report and Order*. LDH International, Inc., Celltel Communications Corporation, and CT Communications Corporation jointly filed a petition for reconsideration of the *Order on Reconsideration*, and M3 Illinois Telecommunications Corporation filed a petition for review of the *Order on Reconsideration*. This *Second Order on Reconsideration* addresses those portions of the petitions of CellularVision, WebCel, and Cook Inlet that deal with the participation of small businesses in the upcoming auction of LMDS licenses.

2. In authorizing the Commission to use competitive bidding, Congress mandated that the Commission "ensure that small businesses, rural telephone