

via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic copy by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your email address>." A sample form and directions will be sent in reply.

124. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All paper filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street S.W., Room TW-A325, Washington, DC 20554.

125. Parties who choose to file by paper should also submit their comments on diskette to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street SW, Room 5-A523, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM-compatible format using WordPerfect 5.1 for Windows or a compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read-only" mode. The diskette should be clearly labeled with the commenter's name, proceeding, including the lead docket number in the proceeding (CC Docket No. 96-45), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ("Disk Copy—Not an Original.") Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters should send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th St. NW, Washington DC 20037.

C. Initial Regulatory Flexibility Act Analysis

126. The Regulatory Flexibility Act (RFA) requires a Regulatory Flexibility Act analysis whenever an agency publishes a notice of proposed rulemaking or promulgates a final rule, unless the agency certifies that the proposed or final rule will not have "a significant economic impact on a substantial number of small entities," and includes the factual basis for such certification. Pursuant to section 603 of the RFA, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and actions considered in this Further Notice. The text of the IRFA is set forth. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided. The Commission will send a copy of the Further Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, summaries of the Further Notice and IRFA will be published in the **Federal Register**.

IX. Ordering Clauses

127. Accordingly, it is ordered that, pursuant to the authority contained in sections 1-4, 201-205, 214(e), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151-154, 201-205, 214(e), and 254, this Further Notice of Proposed Rulemaking is hereby adopted and comments are requested as described.

128. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 54

Universal service.

Federal Communications Commission.

Shirley Suggs,

Chief, Publication Branch.

[FR Doc. 99-25479 Filed 9-29-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-221, 87-8; FCC 99-240]

Comment Sought on Processing Order for Applications Filed Pursuant to the Commission's New Local Broadcast Ownership Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document seeks comment on how to resolve conflicts resulting from two or more applications being filed on the same day relating to stations in the same market pursuant to new rules in the local broadcast ownership proceeding. The intended effect is to determine a sufficient and fair method in determining the order in which applications filed on the same day will be processed.

DATES: Comments must be filed on or before October 4, 1999. Reply comments must be filed on or before October 12, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW-A306, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Vicki Phillips, Chief, Legal Branch, Policy and Rules Division, Mass Media Bureau. Alternatively, comments may also be filed by using the Commission's Electronic Comment Filing System (ECFS), via the Internet to <http://www.fcc.gov/e-file/ecfs.html>.

FOR FURTHER INFORMATION CONTACT: Vicki Phillips, (202) 418-2120, Policy and Rules Division, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Public Notice*, FCC 99-240, adopted September 8, 1999 and released September 9, 1999. The full text of the Commission's *Public Notice* is available for inspection and copying during normal business hours in the FCC Docket Branch (Room TW-A306), 445 12 St. S.W., Washington, D.C. The complete text of this *Notice* may also be purchased from the Commission's copy contractor, International Transcription Services (202) 857-3800, 1231 20th St., N.W., Washington, D.C. 20036. It is also available on the Commission's web page at www.fcc.gov/Bureaus/Mass_Media/Public_Notices/fcc99240.txt. This Proposed Rule is being republished because it was inadvertently published under the "Notices" rather than the

"Proposed Rules" section in the **Federal Register**, (64 FR 50668, September 17, 1999). The dates for filing comments and replies have not changed.

Synopsis of the Proposed Notice

1. By this *Public Notice*, the Commission requests supplemental comment in MM Docket Numbers 91-221 and 87-8 on procedures for processing applications filed pursuant to the Local Ownership *Order* adopted in the local broadcast ownership proceeding on August 5, 1999 (64 FR 50651, September 17, 1999). In that *Order*, we stated that "[a]pplications filed pursuant to this *Report and Order* will not be accepted by the Commission until the effective date" of the *Order*, which will be sixty days after publication in the **Federal Register**. We also said: "We realize that the rules adopted in this *Report and Order* could result in two or more applications being filed on the same day relating to stations in the same market and that due to the voice count all applications might not be able to be granted. We will address how to resolve such conflicts in a subsequent action." This *Notice* seeks comment on how to resolve such conflicts.

2. Ordinarily, we would process these applications in the order in which they are filed. Generally, however, we treat broadcast applications filed on the same day as being filed simultaneously, regardless of the time of filing. Under the commission's new local ownership rules, as we noted in the *Local Ownership Order*, we anticipate that applications for transfer or assignment might be filed on the same day relating to stations in the same market that will not all be able to be granted due to the voice counts that apply to the local ownership rules. The order in which the applications are processed would thus be determinative in these situations. Similar issues could arise in the radio-television cross ownership rule context, in situations in which grant of one application will bring the voice count down to ten or twenty, such that certain other applications relying on the minimum voice count for compliance with the rule could not be granted.

3. We believe that the most prudent, easy to administer, and fair method for determining the order in which applications filed on the same day will be processed is by random selection. Under this procedure, each potentially conflicting applicant in a market would be assigned a random number which would be determined by use of one or more forced-air blowers each containing numbered ping-pong balls. The applications would then be processed in

ascending order based upon their randomly assigned numbers.

4. We thus seek comment on the use of random selection to determine processing order, as well as on any alternatives, such as auctions or first-come, first-served, that are both fair and easy to administer. We also seek comment on when the lotteries, if they are implemented, should be held relative to the filing of applications.

5. Because of timing concerns, we also anticipate that the rules adopted will be made effective upon publication in the **Federal Register** (see 5 U.S.C. 553(d)(3) (exception to 30-day effective date period for good cause)).

6. *Filing of Comments and Reply Comments*. Pursuant to §§ 1.415 and 1.419 of the commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before October 4, 1999. Reply comments must be filed on or before October 12, 1999. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (May 1, 1998).

7. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

8. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary TW-A306, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. The Mass Media Bureau contact for this proceeding is Vicki Phillips at (202) 418-2120.

9. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room CY-A257) 445 12th Street, N.W., Washington, D.C. 20554.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99-25450 Filed 9-29-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF59

Endangered and Threatened Wildlife and Plants; Reopening of the Comment Period on the Proposed Endangered Status of the Sierra Nevada Distinct Population Segment of the California Bighorn Sheep

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provide notice of the reopening of the comment period for the proposed endangered status for the Sierra Nevada distinct population segment of California bighorn sheep (*Ovis canadensis californiana*). The comment period has been reopened in response to a request from the Foundation for North American Wild Sheep and to conduct a peer review of the proposed rule.

DATES: Comments from all interested parties must be received by October 15, 1999.

ADDRESSES: Written comments, materials, data, and reports concerning this proposal should be sent to the Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Carl Benz, at the address listed above (telephone 805/644-1766; facsimile 805/644-3958).

SUPPLEMENTARY INFORMATION:

Background

The bighorn sheep (*Ovis canadensis*) is a large mammal (family Bovidae) originally described by Shaw in 1804 (Wilson and Reeder 1993). Several subspecies of bighorn sheep have been recognized on the basis of geography and differences in skull measurements (Cowan 1940; Buechner 1960). These