

FOR FURTHER INFORMATION CONTACT:

Peggy Reitzel or Francis Gutierrez, Policy Division, International Bureau, (202) 418-1460.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Inquiry* in IB Docket No. 05-254, FCC 05-152, which was adopted on August 5, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The document may also be downloaded from the Commission's Web site at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-152A1.doc. The complete text may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., in person at 445 12th Street, SW., Room CY-B402, Washington, DC 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM.

Summary of the Notice of Inquiry

On August 5, 2005, the Commission adopted a *Notice of Inquiry* on Modifying the Commission's Process to Avert Harm to U.S. Competition and U.S. Customers Caused by Anticompetitive Conduct. By this *Notice of Inquiry*, the Commission seeks to develop a record on ways to improve the process available to the Commission to protect U.S. consumers from the effect of anticompetitive conduct by foreign carriers and on alternative approaches the Commission may take to avert circuit disruptions or blockages.

In particular, this *Notice of Inquiry* seeks comment on the following issues: (1) What constitutes a circuit disruption or blockage that would trigger possible Commission action; (2) what should be the appropriate length of the pleading cycle associated with any action the Commission may take in response to reports of anticompetitive behavior on the part of foreign carriers; (3) whether the Commission should propose procedures for taking interim measures when U.S. carriers notify the Commission that foreign carriers have threatened to disrupt circuits; (4) how should the Commission assess the immediacy of such threats, and how should it coordinate any action with the appropriate U.S. government agencies; (5) what showing is required of U.S. carriers to demonstrate that the public interest will be served by Commission intervention, and what is the appropriate form of relief; (6) whether U.S. carriers are passing through settlement rate reductions to U.S.

consumers; and (7) whether it is appropriate for U.S. ratepayers to subsidize universal service in other countries.

The Commission encourages all interested parties to respond to the questions and requests set forth in the *Notice of Inquiry*.

Ordering Clauses

Pursuant to the authority contained in 47 U.S.C. 151, 4(i), 201-205, 208, 211, 303(r), 403 this *Notice of Inquiry* is adopted.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 05-17795 Filed 9-6-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 64**

[CG Docket No. 02-386; DA 05-2266]

Rules and Regulations Implementing the Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on proposed modifications/clarifications to rules governing the exchange of customer account information between local and long distance carriers.

DATES: Comments are due on or before September 22, 2005, and reply comments are due on or before October 3, 2005.

ADDRESSES: You may submit comments, identified by CG 02-386, DA 05-2266 by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Kelli Farmer, Consumer Policy Division, Consumer & Governmental Affairs Bureau, (202) 418-2512 (voice), Kelli.Farmer@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 05-2266, released August 9, 2005. The full text of this document and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554, (202) 418-0270. This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing (BCPI), Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. at their Web site: <http://www.bcpweb.com> or by calling 1-800-378-3160.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format) send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This document can also be downloaded in Word or Portable Document Format (PDF) at <http://www.fcc.gov/cgb/policy>.

When filing comments, please reference CG Docket No. 02-386, DA 05-2266. 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. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send 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.

Parties who choose to file by paper must send an original and four (4) copies of each filing. Filings can be sent by hand or messenger delivery, by electronic media, by commercial

overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-B204, Washington, DC 20554. This proceeding shall be treated as a "permit but disclose" proceeding in accordance with the Commission's *ex parte* rules, 47 CFR 1.1200. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

Synopsis

On February 25, 2005, the Commission adopted mandatory, minimum standards governing the exchange of customer account information between local exchange carriers (LECs) and interexchange carriers (IXCs). In adopting these mandatory, minimum standards, the Commission relied in large measure on a compromise proposal that was filed with the Commission by a coalition of IXCs and LECs, including representatives of AT&T, MCI, Sprint, BellSouth, Qwest, SBC, and Verizon (Coalition).

On April 15, 2005, and June 15, 2005, the Coalition proposed modifications and clarifications to the *Order* (final rules published at 70 FR 32258, June 2,

2005). In particular, the Coalition identified certain aspects of section 64.4002 of the Commission's rules that, in its view, should be clarified and/or modified by the Commission "in the interest of clarity and completeness." The Coalition's proposed clarifications and modifications to section 64.4002 are described immediately below:

- Among the categories of information that LECs must provide to IXCs in certain identified situations, section 64.4002(a)(6), (b)(6), (d)(5) and (f)(5) currently include the "carrier identification code of the submitting LEC." The Coalition suggests that this phrase should be modified to state "carrier identification code of the IXC." According to the Coalition, this "mirroring" of information back to the IXC by the LEC serves as a kind of "handshake" and is needed to confirm that the LEC has properly identified the intended recipient of a particular notification.

- The Coalition asks the Commission to modify section 64.4002(d). In particular, it proposes that a LEC that has received a notification from an IXC indicating that the IXC's customer no longer wishes to be presubscribed to any IXC (customer has selected "no-PIC" status) be required to respond to the IXC with a confirmation or reject notification. As proposed by the Coalition, section 64.4002(d) would read in pertinent part:

(d) *Customer contacts LEC or new IXC to change PIC, or current IXC to select no-PIC.* When a LEC has removed at its local switch a presubscribed customer from an IXC's network, in response to a customer order, upon receipt of a properly verified PIC order submitted by another IXC, or upon receipt of the current IXC's request to change the PIC to no-PIC, the LEC must notify the customer's former IXC of this event.

- The Coalition proposes modifications to section 64.4002(e) and (g) to make those subsections consistent with other notification obligations of LECs adopted in the *Order*. First, it asks the Commission to modify section 64.4002(e) to include the effective date of a change to a customer's local service account as well as the carrier identification code of the IXC. Second, the Coalition asks the Commission to modify subsection (g) to include the customer's billing telephone number, working telephone, and billing name and address; the effective date of the change of local service provider; a description of the customer type (i.e., business or residential); the jurisdictional scope of the lines or terminals affected (i.e., intraLATA and/or interLATA and/or international); and

the carrier identification code of the IXC.

- The Coalition suggests an additional clarification to section 64.4002(g) whereby the Commission would insert the phrase "in LEC" and remove the word "new" as specified in the bracketed portions of the following sentence: "If the customer also makes a PIC change, the customer's former LEC must notify the customer's former PIC(s) of the change [*in LEC*] and the new LEC must notify the customer's [~~new~~] PIC of the customer's PIC selection."

Initial Regulatory Flexibility Certification

The Regulatory Flexibility Act requires that an initial regulatory flexibility analysis be prepared for notice and comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

On March 25, 2004, the Commission released a *Notice of Proposed Rulemaking (NPRM)* seeking public comment on whether the Commission should establish mandatory, minimum standards governing the exchange of customer account information between local exchange carriers and interexchange carriers. As required by the RFA, the Commission incorporated into the *NPRM* an Initial Regulatory Flexibility Analysis (*IRFA*) and sought public comment on the specific issues raised in the *IRFA*. Two entities filed comments addressing the *IRFA*. On February 25, 2005, the Commission adopted the *Order* which, as discussed above, established extensive and detailed standards governing the exchange of customer account information between local exchange carriers and interexchange carriers. Consistent with the RFA, the Commission incorporated into the *Order* a Final Regulatory Flexibility Analysis (*FRFA*) addressing, among other things, the comments that had been filed in response to the *IRFA*.

In this document, the Commission seeks comment on the Coalition's

proposed clarifications and modifications to § 64.4002 of the Commission's rules. The proposed clarifications and modifications are in the nature of technical corrections to the Commission's customer account record exchange rules that, if adopted, would not have a significant economic impact on entities subject to those rules. For example, the Coalition asserts that its proposed modification to § 64.4002(d) would make this provision consistent with similar notification requirements adopted in the *Order* simply by requiring a LEC to confirm its receipt of a particular IXC-initiated notification with an appropriate response. The Coalition similarly proposes modifications to §§ 64.4002(e) and (g) to include within the information exchanges prescribed by those subsections, the same standard categories of information that carriers routinely must provide in connection with other notification obligations adopted in the *Order*. If the Commission were to adopt the proposed modifications and clarifications, we believe that the compliance burden, and resulting economic impact on entities subject thereto, would be *de minimus*. Therefore, the Commission certifies for purposes of the RFA that the proposals in this document, if adopted, will not have a significant economic impact on a substantial number of small entities.

The Commission will send a copy of this document, including a copy of this Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the SBA. This initial certification will also be published in the **Federal Register**.

Federal Communications Commission.

Jay Keithley,

Deputy Bureau Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. 05-17704 Filed 9-6-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05-2300, MM Docket No. 00-9, RM-9526]

Radio Broadcasting Services; Beaumont and Dayton, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: At the request of Liberman Broadcasting of Houston License Corp., the Audio Division dismisses a rulemaking petition to reallocate and

change the community of license for Station KQQK(FM), Channel 300C, from Beaumont to Dayton, Texas, and terminates this rulemaking proceeding. See 65 FR 4401, January 27, 2000. The withdrawal of the rulemaking petition complies with Section 1.420(j) of the Commission's rules. See also **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT:

Andrew J. Rhodes, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00-9, adopted August 17, 2005, and released August 19, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A) because the proposed rule was dismissed.

A continuing interest is required before a channel will be allotted. Because the rulemaking petition and the expression of interest in the proposed allotment at Dayton have been withdrawn, no allotment at Dayton or change of community of license will be made.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-17521 Filed 9-6-05; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AU22; 1018-AI48

Endangered and Threatened Wildlife and Plants; Proposed Rule To Remove the Arizona Distinct Population Segment of the Cactus Ferruginous Pygmy-owl From the Federal List of Endangered and Threatened Wildlife; Proposal To Withdraw the Proposed Rule To Designate Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce that we will hold a public hearing (see **DATES** and **ADDRESSES** sections) on our proposed rule to remove the Arizona distinct population segment (DPS) of the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) (pygmy-owl) from the Federal List of Endangered and Threatened Wildlife, eliminate its currently designated critical habitat, and to withdraw its proposed new critical habitat. This public hearing will allow all interested parties an opportunity to comment on our proposed actions.

DATES: Comments must be submitted directly to the Service (see **ADDRESSES**) on or before October 3, 2005, or at the public hearing. Any comments received after the closing date may not be considered in the final determination on the proposal.

We will hold a public hearing on September 20, 2005, from 6:30 p.m. to 9 p.m.

ADDRESSES: *Public Hearing.* The public hearing will be held in Tucson, Arizona, at the Tucson Convention Center, Apache—Greenlee meeting rooms, 260 South Church Avenue, Tucson, AZ 85710.

Comments. If you wish to provide comments/and or information, you may submit your comments and materials by any one of several methods:

1. You may submit written comments and information by mail or hand-delivery to the Field Supervisor, Arizona Ecological Services Field Office, 2321 W. Royal Palm Road, Suite 103, Phoenix, Arizona 85021.

2. Written comments may be sent by facsimile to (602) 242-2513.

3. You may send your comments by electronic mail (e-mail) to: cfpo_comments@fws.gov.